

*Los Angeles World Airports*

**DISADVANTAGED BUSINESS  
ENTERPRISE (DBE) PROGRAM**  
Federal Fiscal Years 2020 - 2022

**Updated July 2021**

**City of Los Angeles  
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**Los Angeles World Airports (LAWA)**  
**Disadvantaged Business Enterprise (DBE) Program**

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## POLICY STATEMENT

### **Section 26.1, 26.23 Objectives/Policy Statement**

The Los Angeles World Airports of the City of Los Angeles, herein referred to as LAWA, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), Title 49 C.F.R. Part 26. LAWA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, LAWA has signed an assurance that it will comply with Title 49 C.F.R. Part 26.

It is the policy of LAWA to ensure that Disadvantaged Business Enterprise (DBE) firms, 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 DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet the Title 49 C.F.R. Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Director of Procurement Services Division and the designee have been delegated as the DBE Liaison Officers (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by LAWA in its financial assistance agreements with the Department of Transportation.

This policy statement will be available for public access on LAWA’s website ([www.lawa.org](http://www.lawa.org)). The link to the LAWA website will also be listed on all solicitation documents qualified for DOT assistance during the DOT Fiscal Years 2020-2022.



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Justin Erbacci, Chief Executive Officer

8/11/2021

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Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

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

### **Section 26.3 Applicability**

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

### **Section 26.5 Definitions**

LAWA will use terms in this program that have the meanings defined in Section 26.5.

### **Section 26.7 Non-discrimination Requirements**

LAWA 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 Title 49 C.F.R. Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, LAWA 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 26.9 Guidance and Interpretations**

- (a) Only guidance and interpretations (including interpretations set forth in certification appeal decisions) consistent with this part 26 and issued after March 4, 1999 express the official positions and views of the Department of Transportation or any of its operating administrations.
- (b) The Secretary of Transportation, Office of the Secretary of Transportation, FHWA, FTA, and **FAA** may issue written interpretations of or written guidance concerning this part. Written interpretations and guidance are valid, and express the official positions and views of the Department of Transportation or any of its operating administrations, only if they are issued over the signature of the Secretary of Transportation or if they contain the following statement:

The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of Title 49 C.F.R. Part 26.

### **Section 26.11 Recordkeeping and Reporting Requirements**

LAWA will comply with the DOT/FAA the following recordkeeping and reporting requirements:

- (a) LAWA will transmit the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B Part 26, at the intervals stated on the form.

- (b) LAWA will continue to provide data about its DBE program to the Department as directed by DOT operating administrations.
- (c) LAWA will create and maintain a bidders list.

LAWA maintains an electronic bidders list through the Los Angeles Business Assistance Virtual Network ([www.labavn.org](http://www.labavn.org)). 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 LAWA's DOT-assisted contracts. The bidders list will include the name, address, DBE and non-DBE status, and the NAICS codes of firms.

- (d) LAWA will maintain records documenting a firm's compliance with the requirements of Part 26. At a minimum, LAWA will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records will be retained in accordance with applicable record retention requirements for LAWA's financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the recipient's financial assistance agreement, whichever is longer.

### **Section 26.13 Financial Assistance Agreement with the FAA and Assurances**

LAWA will provide the following assurances on all DOT-assisted contracts and their administration:

- (a) Each financial assistance agreement LAWA signs with a DOT operating administration (or a primary recipient) must include the following assurance:
  - LAWA 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 Title 49 C.F.R. Part 26.
  - LAWA shall take all necessary and reasonable steps under Title 49 C.F.R. Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.
  - LAWA's DBE program, as required by Title 49 C.F.R. Part 26 and as approved by DOT, is incorporated by reference in this agreement.
  - *LAWA understands that the 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 LAWA of its failure to carry out its approved program, the Department may impose sanctions 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).*
- (b) LAWA ensures that each contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:



- 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 Title 49 C.F.R. 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 the contract, which may result in the termination of the contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:
  - (1) Withholding monthly progress payments;
  - (2) Assessing sanctions;
  - (3) Liquidated damages; and/or
  - (4) Disqualifying the contractor from future bidding as non-responsible.

As such, LAWA implemented the following assurances and included in all solicitations (qualified for DOT assistance) and incorporated as part of the contract:

Pursuant to United States Code of Federal Regulations Title 49 Department of Transportation, Subtitle A, Part 26 (Title 49 C.F.R. Part 26), Executive Directive No. 2001-26 of Mayor Richard Riordan and the Provisions of Resolution No. 19765 of the Board of Airport Commissioners, it is the policy of Los Angeles World Airports (LAWA) to provide Disadvantaged Business Enterprises (DBEs) an equal opportunity to participate in the performance on all LAWA contracts. The objective of this policy is to achieve the participation of DBEs at levels comparable to their availability to provide goods and services to Los Angeles World Airports, with the ultimate goal of developing their status and expertise so that they may compete for future contracts on an equal basis.

Additionally, LAWA's DOT-assisted contracts contain the following language:

Contractor hereby commits to achieving or exceeding a minimum of \_\_\_\_ percent Disadvantaged Business Enterprise (DBE) subcontractor level of participation for the required program designated services.

Contractor shall submit, on a monthly basis, along with the invoice, a DBE Utilization Form and/or data entry into a business enterprise monitoring system selected by LAWA listing the DBE and non-DBE subcontractors utilized during the reporting period. Contractor shall cooperate with LAWA personnel in providing such information as shall be requested by LAWA in order to ensure compliance with the provisions of this section.

### **Section 26.15 Exemptions or Waivers**

To apply for exemption from any provision of this part, the LAWA must request for exemption in writing from the Office of the Secretary of Transportation or FAA. To receive a program waiver, LAWA must follow the procedures in this Section.

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

### **Section 26.21 DBE Program's Requirements and Program Updates**

LAWA is required to meet the requirements of the DBE Program (Title 49 C.F.R. Part 26) as LAWA is receiving grants for airport planning or development and is awarding prime contracts with cumulative total value of which exceeds \$250,000 in FAA funds in a Federal fiscal year.

LAWA will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. LAWA will continue to provide DOT any updates representing significant changes in the program for approval.

*LAWA is not eligible to receive DOT financial assistance unless DOT approves LAWA's DBE Program and deems it in compliance.*

### **Section 26.23 Policy Statement**

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

LAWA is required to issue a signed and dated policy statement that expresses your commitment to your DBE program, states its objectives, and outlines responsibilities for its implementation. LAWA is required to circulate the statement throughout its organization and to the DBE and non-DBE business communities that perform work on your DOT-assisted contracts

### **Section 26.25 DBE Liaison Officer (DBELO)**

LAWA has designated the following individuals as our DBE Liaison Officer (DBELO):

Brian Haig, (PSD Director/DBELO) and  
Delia Sorronda Ibanez (DBELO Designee)  
Procurement Services Division  
Los Angeles World Airports  
7301 World Way West, 4th Floor  
Tel: (424) 646-5380  
Tel: (424) 646-7374  
Email: [Bhaig@lawa.org](mailto:Bhaig@lawa.org) and [Dgoodine@lawa.org](mailto:Dgoodine@lawa.org)

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that LAWA complies with all provision of Title 49 C.F.R. Part 26. The DBELO must have direct, independent access to the Executive Director of LAWA concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO or the designee must have adequate staff to administer the program in compliance with Title 49 C.F.R. Part 26. The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:





1. Responds to the FAA's compliance reviews and provides statistical data and other pertinent information as required by DOT.
2. Collaborates with other LAWA divisions to set overall triennial DBE goals.
3. Prepares the annual Uniform Report of DBE Awards or Commitments and Payments.
4. Reviews anticipated federally-funded projects along with grants and purchase requisitions for compliance with this program.
5. Ensures that bid notices and requests for proposals are available to DBE firms in a timely manner.
6. Assists in deciding whether the contractor/consultant has met the project specific DBE goal by complying with Good Faith Effort (GFE) requirements.
7. Determines whether the work to be performed by DBE firms is Commercially Useful Function (CUF) and distinct, clearly define portion of the scope of work on the project.
8. Identifies scope of work on projects and procurements so that DBE goals are included in solicitations to ensure that the DBE goals are applied on the DOT-assisted contracts.
9. Monitors DBE participation and performance.
10. Analyzes LAWA's progress toward attainment and identifies ways to improve DBE participation.
11. Participates in pre-bid meetings and kick-off meetings.
12. Advises the Board of Airport Commissioners on DBE matters and achievement.
13. Provides DBE firms with information and assistance in preparing bids, obtaining bonding and insurance.
14. Participates in DBE training seminars and outreach events
15. Encourages DBE and non-DBE firms to provide a mentor-protégé program and provides business development assistance to DBE firms.
16. May act as liaison to the Uniform Certification Process in the State of California.
17. Provides outreach to DBEs and community organizations to advise them of opportunities.
18. Maintains LAWA's bidders list or directory on certified DBE firms.
19. Responds to other agencies' inquiries regarding LAWA's DBE Program

### **Section 26.27 DBE Financial Institutions**

It is the policy of LAWA 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.

In an effort to identify and use such institutions, using the State of California, Department of General Services online directory, LAWA did not find any DBE financial institutions in the Los Angeles and Orange County area. The following NAICS Codes were used: 522110 (Commercial Banking), 522130 (Credit Unions), 521110 (Monetary Authorities – Central Banks) and 522291 (Consumer Lending).

However, LAWA will continue to investigate financial institutions established within the community which are owned by socially and economically disadvantaged individuals annually. When LAWA finds a financial institution owned and operated by socially and economically disadvantaged individuals during the period of this DBE program plan, the DBELO will

recommend their services to LAWA's Accounting Group and/or City Controller and provide notification to prime contractors with solicitation documents.

### **Section 26.29 Prompt Payment Enforcement Mechanisms**

As part of DBE Program regulatory requirements, LAWA has established contract provisions for requiring prime contractors to pay subcontractors promptly for satisfactory performance of their subcontracts, including release of retainage and dispute resolution.

#### Dispute Resolution:

LAWA's dispute resolution process is included in DOT-assisted contracts and found in Attachment 11. LAWA understands that the obligation to promptly pay subcontractors or to release retainage does not arise if there is a legitimate dispute over the subcontractor's performance.

#### Prompt Payment Complaints:

LAWA has implemented the FAA Reauthorization Act of 2018 (Public Law No. 115-254) in which LAWA is required to report covered prompt payment complaints to the FAA that were received on or after October 1, 2018 as shown in attachment 11. In addition, LAWA acknowledges that the prompt payment complaints and outcomes will be reported in the FAA Civil Rights Connect System starting March 30, 2021 .

### **Section 26.31 DBE Directory**

The LAWA uses the California Unified Certification Program (CUCP) DBE directory, maintained by the State of California-Department of Transportation. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE based on specific NAICS codes.

The State of California-Department of Transportation revises the Directory daily. LAWA makes the Directory available by listing the website address on solicitation packages for interested persons. The Directory can be found at [http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm) and <https://californiaucp.dbesystem.com/>

### **Section 26.33 Over-concentration**

LAWA has not identified that over-concentration exists in the types of work that DBEs perform. However, LAWA will continue to identify on upcoming DOT-assisted projects in the near future.

### **Section 26.35 Business Development Programs**

LAWA's Business, Jobs and Social Responsibility (BJSR) Division provides business development assistance (Build LAX), jobs and educational opportunities to businesses within LAX neighboring communities. BJSR performs business outreach and bond assistance, and employee recruitment services. BJSR's broad base of business resources is further enhanced by its active participation in and collaboration with professional associations, industry organizations, chambers of commerce and the Los Angeles Mayor's Office of Economic Development. In addition, BJSR in collaboration with LAWA's Procurement Services Division (PSD) conducts a monthly outreach event "Doing Business with LAWA" focused on ensuring

access to information for small, women, minority, local, and other socially-economically disadvantaged businesses. Please refer to Attachment 9 for links to various business assistance programs.

### **Section 26.37 Monitoring and Enforcement Mechanisms**

LAWA has implemented the following monitoring and enforcement mechanisms to ensure compliance with Title 49 C.F.R. Part 26:

1. LAWA will bring to the attention of the U.S. Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107. LAWA has implemented similar action to be investigated by the DBELO in collaboration with its own legal authorities, including a determination of contractor's performance and responsibility on DOT-contracts.
2. LAWA has implemented a monitoring and enforcement mechanism to ensure that work committed to DBE firms at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBE firms to which the work was committed.
3. LAWA has implemented a monitoring and enforcement mechanism that includes written certification that LAWA has reviewed contract records and monitored worksites to determine Commercially Useful Function (CUF) for this purpose. A copy of Certification Process for Contract Review and Monitoring is found in Attachment 10.
4. LAWA has implemented a compliance monitoring system, the B2GNow Compliance Management System (B2G) to monitor the actual participation of DBE and Non-DBE subcontractors on DOT-assisted contracts. In addition, the B2G system will provide a running tally of the prime contractors' actual DBE attainments (e.g., actual DBE participation in accordance with the guidelines set forth in Title 49 C.F.R. Part 26), including a means of comparing these attainments to commitments. Both commitments and attainments are shown in LAWA's Uniform Report of DBE Commitments/Awards and Payments as required by the FAA.
5. As part of enforcement mechanism, LAWA has implemented contract provisions for prompt payment, dispute resolutions and other assurances on LAWA's DOT-assisted contracts.
6. LAWA tracks the prime contractor's monthly utilization of the DBE and Non-DBE subcontractor(s) through B2G system. LAWA requires the prime contractor(s) to report the payments into the B2G system and maintain records of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of LAWA or DOT. This recordkeeping requirement also extends to any certified DBE subcontractor.
7. LAWA performs a monthly audit of prime contractor's payments to DBEs. The audit will verify the prime contractor's payments and commitments to DBE subcontractors to ensure that the prime contractors are attaining their

commitments to DBE subcontractors as specified on their DBE Subcontractor Participation Plan.

**Section 26.39 Fostering Small Business Participation**

LAWA has created a Small Business Program to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

Links to LAWA’s Small Business Enterprise Program and various business assistance programs are found in Attachment 9. We are actively implementing these programs to foster small business participation.

**SUBPART C – GOALS, GOOD FAITH EFFORT, AND COUNTING PARTICIPATION**

**Section 26.43 Set-asides or Quotas**

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

**Section 26.45 Overall Goals**

LAWA has established an overall DBE goal covering a three-year federal fiscal year period as we anticipated awarding DOT-funded prime contracts exceeding \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f), LAWA is required to submit its Overall DBE Goal to FAA by August 1, 2019 following the starting date of the three-year federal fiscal year period as shown in the schedule chart below.

<b>Airport Type</b>	<b>Region</b>	<b>Date Due (Goal Period)</b>	<b>Next Goal Due (Goal Period)</b>
<b>Large &amp; Medium Hub Primary</b>	<b>All Regions</b>	<b>August 1, 2019 (2020/2021/2022)</b>	<b>August 1, 2022 (2023/2024/2025)</b>
<b>Small Hub Primary</b>	<b>All Regions</b>	<b>August 1 2017 (2018/2019/2020)</b>	<b>August 1, 2020 (2021/2022/2023)</b>
<b>Non-Hub Primary</b>	<b>All Regions</b>	<b>August 1 2018 (2019/2020/2021)</b>	<b>August 1, 2021 (2022/2023/2024)</b>
<b>Non-Primary (GAs, Relievers and State DOTs)</b>	<b>Alaskan, Eastern, &amp; Great Lakes</b>	<b>August 1 2019 (2020/2021/2022)</b>	<b>August 1, 2022(2023/2024/2025)</b>
<b>Non-Primary (GAs, Relievers and State DOTs)</b>	<b>New England, Northwest Mountain, &amp; Southern</b>	<b>August 1 2017 (2018/2019/2020)</b>	<b>August 1, 2020 (2021/2022/2023)</b>
<b>Non-Primary (GAs, Relievers and State DOTs)</b>	<b>Central, Southwest, and Western-Pacific</b>	<b>August 1 2018 (2019/2020/2021)</b>	<b>August 1, 2021 (2022/2023/2024)</b>

LAWA has submitted its Overall DBE Goal for federal fiscal years 2020 – 2022. LAWA has established DBE goals on some of the anticipated DOT-assisted prime contracts exceeding \$250,000 during the three-year period.

LAWA establishes its overall DBE goals in accordance with the two-step process as specified in Title 49 C.F.R. Part 26.

If LAWA does not anticipate awarding more than \$250,000 in DOT-assisted prime contracts any of the three-year reporting period, LAWA will not develop an overall goal; however, this DBE Program will remain in effect, and LAWA will seek to fulfill the objectives outlined in Title 49 C.F.R. Part 26.1.

**Two-Step Process:**

1. The first step is to determine the relative availability of DBEs in the market area, “base figure”.
2. The second step is to adjust the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

In establishing the overall goal, LAWA consults with its stakeholders, minority, women, general contractor group, business communities, disadvantaged businesses, other governmental agencies and non-profit organizations who provided business assistance and development programs to small, women, minority, and socially-economically disadvantaged businesses. LAWA’s purpose of the consultation is to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and LAWA’s efforts to establish a level playing field for the participation of DBEs.

Following this consultation, LAWA publishes a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at LAWA Procurement Services Division for 30 days following the date of the notice, and informing the public that LAWA and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice will be issued in general circulation media and available minority-focus media and trade publications, and websites. Normally, LAWA will issue this notice by June 1 of the reporting period of the goal. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed.

LAWA’s Overall Three-Year DBE Goals includes a summary of information and comments received, if any, during this public consultation process and LAWA’s responses.

LAWA establishes a specific DBE goal on a project basis for the solicitation of a DOT-assisted contract.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4.

**Section 26.47 Failure to Meet Overall Goals**

LAWA maintains an approved DBE Program Plan and overall DBE Goals, as well as administer its DBE Program in good faith to comply with Title 49 C.F.R. 26.

If LAWA's awards and commitments shown on the Uniform Report of DBE Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, LAWA will provide an explanation to the FAA and perform a short fall analysis in order to be regarded by the DOT/FAA that LAWA has implemented its DBE Program in good faith. As such, LAWA will perform the following:

- (1) Analyze in detail the reasons for the short fall or difference between the overall goal and achievement from the awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems that LAWA has identified in the analysis in order to meet the goal for the next fiscal year which may include adjusting the current fiscal year overall goal; and
- (3) LAWA will submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (c)(1) and (2) of this section to the FAA for approval.

### **Section 26.51 (a-c) Breakdown of Estimated Race-Neutral & Race-Conscious Participation**

The breakdown of estimated race and gender-neutral participation goal can be found in Attachment 4 .

### **Section 26.51(c-g) Contract Goals**

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

LAWA's overall goal is based on race-conscious means. Each time LAWA submits its overall goal for review by the FAA, LAWA will also submit its projection of the portion of the goal that LAWA expects to meet through race-neutral means and its basis for that projection. This projection is subject to approval by the FAA, in conjunction with its review of LAWA's overall goal.

If LAWA's overall goal projection under paragraph (c) of this section estimates that LAWA can meet its entire overall goal for a given fiscal year through race-neutral means, subsequently LAWA may implement its program with or without setting contract goals in the following fiscal year.

LAWA establishes contract goals only on those DOT-assisted contracts that have subcontracting opportunities. However, LAWA will not establish contract goals on contracts if there are no subcontracting opportunities due to circumstances such type and location of work, unavailability of DBEs to perform the particular type of work.

In addition, LAWA will set contract goals on DOT-assisted contracts over the period covered by the overall goal to be able to meet any portion of its overall goal within a federal reporting period.

LAWA will express its contract goals based on the entire contract value of a DOT-assisted contract.

On design/build project, LAWA will establish a separate contract goal for each phase of the project assuming that the DBE participation on construction phase of the design/build project will be determined during post-award or upon the completion of the design phase.

## **Section 26.53 Good Faith Effort Determination Procedures for Contract Goals**

### Demonstration of good faith effort (26.53(a) & (c))

The bidder/offeror is responsible for demonstrating and documenting adequate good faith efforts during the solicitation process. LAWA will award the DOT-assisted contract only to a bidder/proposer who makes adequate good faith efforts to meet the contract goal. However, LAWA may award the DOT-assisted contract to bidder/proposer who did not succeed in obtaining enough DBE participation to meet the contract goal but has adequately demonstrated and documented good faith efforts. Examples of good faith efforts are found in Appendix A.

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

LAWA will ensure that all information is complete and accurate of which the bidder/proposer has adequately demonstrated and documented its good faith efforts before LAWA commits to the performance of the contract by the bidder/proposer.

### Information to be submitted (26.53(b))

LAWA considers bidder/offeror's compliance with good faith effort requirements as a matter of responsiveness in all instances where a contract goal has been established (all bidders will submit the DBE information at the time of bid). Each solicitation for which a contract goal has been established will require all bidders/offerors to submit the following information at the time of bid: (Items 1,2 and 3 below are included in Attachment 5)

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 confirmation from each listed DBE firm (subcontractor) that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; and
6. If the contract goal is not met, sufficient evidence of good faith effort documentation which includes copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

### Administrative reconsideration (26.53(d))

Within three business days of being informed by LAWA that it is not responsive because it has not documented sufficient good faith effort, a bidder/offeree may request administrative reconsideration. Bidder/offerees should make this request in writing to the following reconsideration official:

Brian Haig, Director  
Procurement Services Division  
Los Angeles World Airports  
7301 World Way West, 4th Floor  
Tel: 424-646-5380  
Fax: 424-646-5166  
Email: Bhaig@lawa.org

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

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

LAWA will require a contractor to make adequate 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. LAWA will require the prime contractor to immediately notify the DBE Liaison Officer (DBELO) or designee in writing of the DBE's inability or unwillingness to perform. And, the prime contractor is required to provide reasonable explanation and supporting documentation for substitution as discussed below.

In order to substitute a DBE subcontractor, LAWA will require the prime contractor to obtain a written approval by submitting a concurrence letter from the DBE firm (being substituted) along with the Subcontractor Modification Form, a copy of new subcontract and documentation of good faith efforts outreach to LAWA.

LAWA's DBELO or designee will provide such written consent and approval only if they agree, for reasons stated in the approval letter that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards, provided however, the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond and insurance requirements.





- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) LAWA has determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to us written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (10) Other documented good cause that we have determined compels the termination of the DBE subcontractor, provided that if the prime contractor does not terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work.

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

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

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

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

### **Section 26.55 Counting DBE Participation**

LAWA will count DBE participation toward overall and contract goals as provided in Title 49 C.F.R. 26. LAWA will not count the participation of a DBE subcontract toward a contractor's final participation with its DBE obligations on a contract until the payments were made to DBEs who actually performed the work.

## **SUBPART D – CERTIFICATION STANDARDS**

### **Section 26.61–26.73 Certification Process**

LAWA will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must

meet all certification eligibility standards of this Subpart D. LAWA will make its certification decisions based on the facts as a whole.

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

City of Los Angeles  
Office of Contract Compliance  
Bureau of Contract Administration

Certification, Outreach, Regulations and Enforcement  
1149 S. Broadway, Suite 300  
Los Angeles, CA 90015  
Tel: 213-847-2684  
Email: [bca.certifications@lacity.org](mailto:bca.certifications@lacity.org)  
Website: <http://bca.lacity.org>

LAWA's certification application forms and documentation requirements are available on the City of Los Angeles, Office of Contract Compliance-Bureau of Contract Administration's website: <http://bca.lacity.org>.

## **SUBPART E – CERTIFICATION PROCEDURES**

### **Section 26.81 Unified Certification Programs**

LAWA is a member of a Unified Certification Program (UCP) administered by the State of California. The California Unified Certification Program (CUCP) has met the requirements of this part. In collaboration with CUCP and the City of Los Angeles- Office of Contract Compliance - Bureau of Contract Administration (BCA), LAWA performs certification functions required by this part.

### **Section 26.83 Procedures for Certification Decisions**

In making certification decisions, LAWA adheres the following standards:

1. Only firms certified as eligible DBEs under this section participate as DBEs in LAWA's DBE program.
2. Determine the eligibility of firms as DBEs consistent with the standards of subpart D of this part.
3. Determine whether a DBE firm meets the standards of subpart D of this part.

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

In collaboration with the CUCP, LAWA requires its certified DBE firms to submit every year, on the anniversary date of their certification, an affidavit sworn to by the firm's owner(s) before a person who is authorized by State law to administer oaths or an unsworn declaration executed under penalty of perjury of the laws of the United States.



As such, DBE firms must inform LAWA, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of Title 49 C.F.R. Part 26 or of any material changes in the information provided with the certified firm's application for certification.

In addition, LAWA also requires its certified DBE firms to submit every year, on the anniversary date of their certification, a "no change" affidavit form meeting the requirements of 26.83(j). The text of this affidavit is the following:

**CITY OF LOS ANGELES-DEPARTMENT OF PUBLIC WORKS**  
**BUREAU OF CONTRACT ADMINISTRATION**  
**OFFICE OF CONTRACT COMPLIANCE-CERTIFICATION**  
 1149 S. BROADWAY, SUITE 300  
 LOS ANGELES, CA 90015

**ANNUAL UPDATE DECLARATION**  
**AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE/  
 DISADVANTAGED BUSINESS ENTERPRISE (ACDBE/DBE) CERTIFICATION**

*Fill out all information and do not leave any blanks. Attach supporting documents and return form to City of Los Angeles, Office of Contract Compliance – Centralized Certification Administration. Failure to complete and return this form will result in **suspension** from the DBE program pursuant to Title 49 C.F.R, §26.88. Your firm's certification may also be removed for non-cooperation.*

CCA File # \_\_\_\_\_ CUCP File # \_\_\_\_\_

\_\_\_\_\_ dba \_\_\_\_\_

**Firm Name**

---

**Firm Address** **City, State ZIP**

---

**Mailing Address (if different from above)** **City, State ZIP**

---

**Phone #** **Cell Phone #** **Fax #** **Email Address** **Website (if any)**

1. During the past year, have there been any changes in the firm's:
- Primary business activity (type of work)? ..... YES  NO
- Business structure? ..... YES  NO
- Ownership? ..... YES  NO
- Professional licensing? ..... YES  NO
- Geographical work area selections? ..... YES  NO
- Is the DBE owner's personal net worth above the threshold of \$1.32 M?.. YES  NO

**If yes to any question in #1, please submit a letter on company letterhead describing changes and attach relevant supporting documentation with this form.**

2. Enter firm's **total gross receipts** for the past three years, **including all affiliate firms**:

20\_\_\_\_ \$ \_\_\_\_\_; 20\_\_\_\_ \$ \_\_\_\_\_; 20\_\_\_\_ \$ \_\_\_\_\_

**(text continues on following page)**

**3. Provide all requested documentation in the attached cover letter.** If you do not have the cover letter, contact your certification agency for assistance.

I/We declare under penalty of perjury laws of the United States that there have been no changes in the firm's circumstances affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of Title 49 C.F.R. Parts 23 and/or 26, except for any changes for which I/we have provided written notice. I/We further declare my/our Personal Net Worth does not exceed \$1,320,000 and that I am/we are socially or economically disadvantaged<sup>1</sup>.

**Each individual owner whose ownership and control is relied upon for certification is required to sign below. Attach additional page(s) as needed.**

Signature _____	Signature _____
Printed Name _____	Printed Name _____
Title _____ Date _____	Title _____ Date _____

<sup>1</sup> Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C Section 1001 (False Statement) and could subject you to fines, imprisonment or both. All owners claiming social and economic disadvantaged status must sign this declaration. In addition, signing this form I agree to adhere to Title 49 C.F.R. Part 26 and 13 CFR Part 121, § 26.83(i), §26.5 and §26.65(b).

The CUCP and LAWA require DBE firms to submit with this affidavit documentation of the firm's size and gross receipts.

In collaboration with the CUCP, LAWA will notify all currently certified DBE firms of these obligations. This notification will inform DBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth. 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.

**Section 26.85 Interstate Certification**

When a firm currently certified in its home State ("State A") applies to another State ("State B") for DBE certification, State B may choose not to accept State A's certification as provided in Section 26.85 (b). The CUCP follows the procedures defined in Section 26.85 (c)(1) through (4).

**Section 26.86 Denials of Initial Requests for Certification**

If LAWA denies a firm's application or removes the firm's existing DBE certification, the firm may not reapply until 12 months have passed from the date of LAWA's decision.

When LAWA denies a request by a firm, which is not currently certified with LAWA, to be certified as a DBE, LAWA will provide the firm a written explanation of the reasons for the denial, specifically referencing the evidence in the record that supports each reason for the

denial as required by this part.

### **Section 26.87 Removal of a DBE's Eligibility**

In the event LAWA proposes to remove a DBE's certification, LAWA will follow procedures consistent with Section 26.87. Attachment 8 to this program sets forth these procedures in detail. To ensure separation of functions in a certification removal, the City has determined that the Reconsideration Official - Bureau of Contract Administration, will serve as the decision-maker in certification removal proceedings for City of Los Angeles/LAWA. The CUCP has established an administrative "firewall" to ensure that the Reconsideration Official will not have participated in any way in the certification removal proceeding against the firm (including the decision to initiate such a proceeding).

In addition, a firm whose certification is proposed for removal may file an appeal with the CUCP. If the firm does not agree with the CUCP Reconsideration Panel's decision, it may file an appeal in writing with the DOT

Besides the CUCP Reconsideration Panel process, a firm may also appeal a removal decision to the U.S. Department of Transportation if a firm facing certification removal feels all the facts have not been duly considered. To do so, the firm must respond within 90 days from the date of the proposal to remove letter by emailing an appeal packet to

[S33AppealsManagementrecords@dot.gov](mailto:S33AppealsManagementrecords@dot.gov).

The appeal packet is required to include:

- Letter to the U.S. Department of Transportation which must contain the following:
  - A copy of the proposal to remove letter and other pertinent information
  - Full and specific statement as to why the CUCP (Agency's) decision should be reversed/is erroneous, what significant fact(s) were failed to consider or what provisions of Title 49 C.F.R Part 23 and/or 26 was not properly applied
  - Name and address of any other DOT recipient/agency which currently certifies the firm, which has rejected an application for certification from the firm or removed the firm's eligibility within one year prior to the date of the appeal, or before which an application for certification or a removal of eligibility is pending
  - Short cover letter with firm contact information, certifier name, date of the proposal to remove, and copy of the proposal to remove letter and reconsideration decision letter as part of the appeal packet

DOT does not accept notices of intent, partial, or otherwise noncompliant submissions.

### **Section 26.88 Certification Suspension Procedures**

LAWA follows the DBE suspension of certification procedures defined in this Section.

Text that follows describes a DBE-certified firm's voluntary withdrawal from the program following a Notice of Suspension:

(g) Following receipt of the Notice of Suspension, if the DBE believes it is no longer eligible, it may voluntarily withdraw from the program, in which case no further action is required. If the DBE believes that its eligibility should be reinstated, it must provide to the recipient information demonstrating that the firm is eligible notwithstanding its changed circumstances. Within 30 days of receiving this information, the recipient must either lift the suspension and reinstate the firm's certification or commence a certification removal action under §26.87 of this part. If the recipient commences a certification removal proceeding, the suspension remains in effect during the proceeding.

### **Section 26.89-26.91 DBE Certification Appeals and DOT's Decisions**

Any firm or complainant may appeal a LAWA decision in a certification matter to US DOT.

A firm whose certification is proposed for removal or denied certification or a NAICS Code may file an appeal with the CUCP. If the firm does not agree with the CUCP Reconsideration Panel's decision, it may file an appeal in writing with the DOT

Besides the CUCP Reconsideration Panel process, a firm may also appeal a removal decision to the U.S. Department of Transportation if the firm feels all the facts have not been duly considered. To do so, please respond within 90 days from the date of the denial letter by emailing an appeal packet to [S33AppealsManagementrecords@dot.gov](mailto:S33AppealsManagementrecords@dot.gov).

The appeal packet is required to include:

- Letter to the U.S. Department of Transportation which must contain the following:
  - A copy of the denial letter and other pertinent information
  - Full and specific statement as to why the CUCP (Agency's) decision should be reversed/is erroneous, what significant fact(s) were failed to consider or what provisions of Title 49 C.F.R. Part 23 and/or 26 was not properly applied
  - Name and address of any other DOT recipient/agency which currently certifies the firm, which has rejected an application for certification from the firm or removed the firm's eligibility within one year prior to the date of the appeal, or before which an application for certification or a removal of eligibility is pending
  - Short cover letter with firm contact information, certifier name, date of the denial, and copy of the denial letter and reconsideration decision letter as part of the appeal packet

DOT does not accept notices of intent, partial, or otherwise noncompliant submissions

In collaboration with the CUCP, LAWA will promptly implement any DOT certification appeal decisions affecting the eligibility of a DBE firm based on LAWA's decision (e.g., certify a firm if DOT has determined that LAWA's denial of its application was erroneous).

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Section 26.101 LAWA’s Compliance with Title 49 C.F.R. Part 26**

#### **Compliance:**

LAWA will comply with any requirement of Part 26.101 and be subject to formal enforcement cited under Title 49 C.F.R. Part 26 (26.105, 26.107, and Title 2 C.F.R. parts 180 and 1200 (Government-wide Debarment and Suspension for non-procurement transactions, programs and activities) and/or appropriate program sanctions, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include; in the case of the FAA program, actions consistent with Title 49 U.S.C. 47106(d), 47111(d), and 47122.

### **Section 26.105 FAA’s Enforcement Actions**

#### **Enforcement:**

1. LAWA’s compliance with all requirements of Part 26 Section 26.105 and Section 26.107 is enforced through the procedures of Title 49 of the United States Code, including Title 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

The following enforcement actions apply to firms participating in LAWA’s DBE program:

- (a) If a firm that does not meet the eligibility criteria of subpart D of this part and that attempts to participate as an DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department of Transportation (DOT) or the Federal Aviation Administration (FAA) may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
- (b) If a firm that, in order to meet DBE goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, DOT or FAA may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
- (c) DOT may take enforcement action under Title 49 C.F.R. Part 31, Program Fraud and Civil Remedies, against any participant in the ACDBE program whose conduct is subject to such action under Title 49 C.F.R Part 31.
- (d) DOT may refer to the Department of Justice, for prosecution under 18 U.S.C. §§ 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of an ACDBE in LAWA’s ACDBE program or otherwise violates applicable Federal statutes.



2. The provisions of §26.103(b) and this section apply to enforcement actions in FAA programs. As such, the FAA Office of Civil Rights may initiate a compliance review based on complaints received. LAWA must comply with this part at any time, including but not limited to, reviews of paperwork, on-site reviews, and review of LAWA's monitoring and enforcement mechanism, as appropriate.
3. Any person who knows of a violation of this part may file a complaint under 14 CFR Part 16 with the Federal Aviation Administration Office of Chief Counsel.

### **Section 26.109 Information, Confidentiality, Cooperation**

LAWA will safeguard from disclosure to third parties' information that may reasonably be regarded as confidential business information, consistent with provisions of the Federal Freedom of Information and Privacy Act (5 U.S.C. Section 552). LAWA may make available to the public any information concerning the DBE program, provided release is not prohibited by Federal law.

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

### **ATTACHMENTS**

Attachment 1 Website link for Regulations: Title 49 C.F.R. Part 26





- Attachment 2 Organizational Chart
- Attachment 3 Website link to State of California – Department of Transportation DBE Directory
- Attachment 4 Overall Goal Calculations
- Attachment 5 Subcontractor Participation Plan
- Attachment 6 DBE Monitoring and Enforcement Mechanisms Procedures – B2GNow  
Compliance Monitoring System and Subcontractor Modification Form
- Attachment 7 DBE Certification Application Form
- Attachment 8 State Unified Certification Program Agreement
- Attachment 9 Website links to LAWA’s Small Business Enterprise Program
- Attachment 10 Certification Process for Contract Review and Monitoring
- Attachment 11 FAA Reauthorization Act of 2018 (Public Law No. 115-254) and Description of  
Dispute Resolution



**ATTACHMENT 1**

**Federal Regulations: Title 49 C.F.R. Part 26**

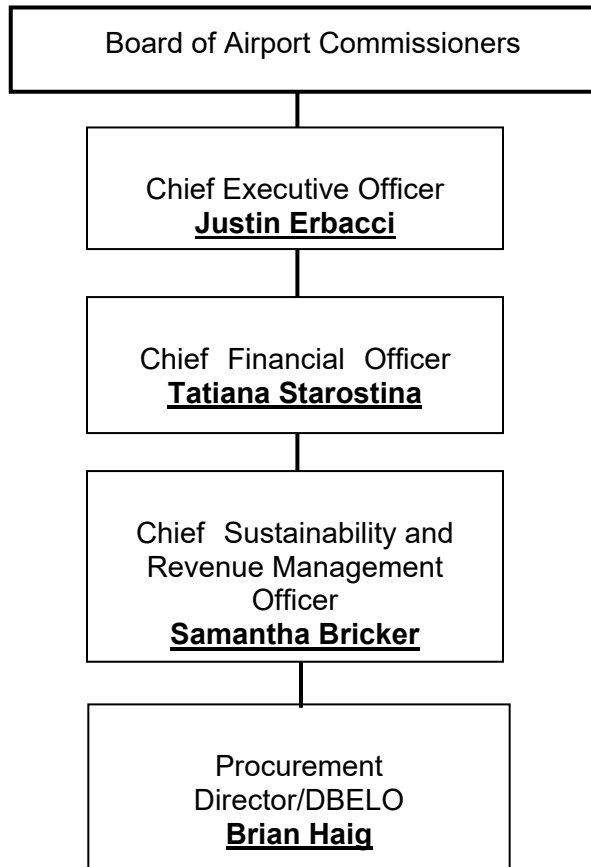
(Please see link below)

<https://www.ecfr.gov/current/title-49/subtitle-A/part-26>



ATTACHMENT 2

**Organizational Chart**





*Los Angeles World Airports*

**ATTACHMENT 3**

**State of California –Department of Transportation DBE Directory**  
(Please see link below)

<https://dot.ca.gov/programs/civil-rights/dbe-search>



**ATTACHMENT 4**

**Section 26.45: Overall DBE Three-Year Goal Methodology**

As required by Title 49 Code of Federal Regulations Part 26, Subpart C, Los Angeles World Airport (LAWA) has established its overall DBE goal of 9.88% for Federal Fiscal Years (FFY) 2020-2022 which will be achieved 7.88% through race-conscious measures and 2% through race-neutral measures.

The methodology for calculating the goal is based on a two-step process set forth in Title 49 C.F.R., Part 26, Section 26.45. LAWA’s DBE Goal is based on race-conscious measures. Our DBE Goal Calculation and Methodology is discussed and documented below.

**AIP Eligible Projects**

In developing our overall goal for DBE participation in FAA-assisted projects, we first identified the work categories of LAWA’s Airport Capital Improvement Projects (ACIP) anticipated for award from October 1, 2019 through September 30, 2022.

We anticipate awarding 10 FAA-assisted contracts at total estimated costs of \$228.1 million in FFY 2020–2022, which would provide potential DBE participation as shown in Chart B below. Additional costs associated with these contracts, such as interdepartmental fees for inspectors, permit fees, proposal or bid preparation costs, and other in-house support costs will be funded by non-AIP funds.

As we identified the work categories of the ACIP projects, we were able to proceed with the appropriate goal-setting methodology for establishing our three-year overall DBE goal as discussed in detail below.

LAX

Van Nuys

**City of Los Angeles**

Eric Garcetti  
Mayor

**Board of Airport  
Commissioners**

Sean O. Burton  
President

Valeria C. Velasco  
Vice President

Gabriel L. Eshaghian  
Beatrice C. Hsu  
Nicholas P. Roxborough  
Dr. Cynthia A. Telles  
Karim Webb

Justin Erbacci  
Interim Chief Executive Officer

## **Overall DBE Goal Methodology** **(Two-Step Process)**

LAWA's objective of setting an overall DBE goal is to provide equal access to opportunities and achieve a level playing field for DBE participation that could be realistically expected in the absence of discrimination.

Our analysis and methodology for calculating the overall DBE goal is relevant to FAA goal-setting guidance and in accordance with Title 49 C.F.R., Subpart C §26.45, which requires a two-step goal-setting process. This process provides flexibility for LAWA while ensuring that the DBE goal is determined based on availability of ready, willing, and able DBE firms in our geographic market area.

The following analysis and procedures used to develop our overall DBE goal is narrowly tailored to our specific geographic market area. The two-step process begins with the calculation of the base figure, and is followed by the adjustment to the base figure as discussed in detail below.

### **Step 1. Develop the Base Figure**

#### **Procedures:**

**a. Calculate availability of ready, willing and able DBEs relative to all businesses participating in LAWA's FAA-assisted contracts**

We utilized the data sources from the DBE directories and 2016 US Census County Business Patterns to determine the Base Figure. We performed a comparative analysis of the data sources to identify number of businesses in various counties within our geographic market area and compare the number of ready, willing and able DBE firms to all relative businesses that perform work in the same NAICS codes. We identified the NAICS codes based on the breakdown of work categories and estimated costs of each project.

As such, we determined that **8.47%** of the construction/specialty trade projects and **7.98%** of design/engineering related projects would represent the relative availability of DBE firms who are ready, willing and able to work on LAWA's FAA-assisted projects as presented in Chart A below.

To determine our geographic market area, we reviewed bidders list from previous fiscal years, including active participants list and determined that a substantial number of bidders and some successful contractors are located in Los Angeles, Orange, San Diego, and Ventura counties. Therefore, our analysis is based on the relative availability of businesses from the 2016 U.S. Census County Business Patterns within the counties of Los Angeles, Orange, San Diego, and Ventura in comparison to the number of relative California-based firms certified as DBE by the City of Los Angeles, Los Angeles County Metropolitan Transportation Authority (METRO), and California Unified Certification Program (CUCP) agencies to arrive at the base figure percentage as presented in Chart C below.

As a summary, Chart A shows the percentages of DBE firms available to work on LAWA's FAA-assisted construction and design/engineering projects.

**Chart A – Ready, Willing, and Able DBEs and All Firms (DBEs and Non-DBEs)**

<b>NAICS Construction Classifications (2016 Census)</b>								
<b>Revised 08/09/2019</b>								
<b>Work Categories (Construction/Specialty Trades, Design, Engineering and Others)</b>	<b>NAICS Code</b>	<b>Los Angeles County</b>	<b>Orange County</b>	<b>San Diego County</b>	<b>Ventura County</b>	<b>Total No. of Firms</b>	<b>Total No. of DBEs</b>	<b>% of DBEs (Available)</b>
Highway and Street Construction	<b>237310</b>	80	66	75	14	<b>235</b>	<b>188</b>	80.00%
Other Heavy Construction	<b>237990</b>	41	42	27	7	<b>117</b>	<b>115</b>	98.29%
<b>Subtotal Heavy Construction</b>		<b>121</b>	<b>108</b>	<b>102</b>	<b>21</b>	<b>352</b>	<b>303</b>	86.08%
Electrical	<b>238210</b>	1886	872	776	234	<b>3768</b>	<b>138</b>	3.66%
Concrete	<b>238110</b>	244	147	165	63	<b>619</b>	<b>93</b>	15.02%
Structural Steel	<b>238120</b>	106	29	49	17	<b>201</b>	<b>59</b>	29.35%
Framing Contractors	<b>238130</b>	136	65	72	34	<b>307</b>	<b>26</b>	8.47%
Masonry Contractors	<b>238140</b>	203	117	133	53	<b>506</b>	<b>28</b>	5.53%
Other Building/Equip.	<b>238290</b>	150	73	57	11	<b>291</b>	<b>9</b>	3.09%
Painting/Wall Covering	<b>238320</b>	716	400	374	112	<b>1602</b>	<b>32</b>	2.00%
Flooring Contractors	<b>238330</b>	340	161	206	40	<b>747</b>	<b>12</b>	1.61%
Finish Carpentry	<b>238350</b>	420	291	248	81	<b>1040</b>	<b>23</b>	2.21%
Other Building Finish	<b>238390</b>	170	125	89	18	<b>402</b>	<b>17</b>	4.23%
Excavation	<b>238910</b>	337	182	208	74	<b>801</b>	<b>117</b>	14.61%
Other Specialty Trade	<b>238990</b>	513	304	339	99	<b>1255</b>	<b>150</b>	11.95%
<b>Subtotal Specialty Trades</b>		<b>5221</b>	<b>2766</b>	<b>2716</b>	<b>836</b>	<b>11539</b>	<b>704</b>	6.10%



<b>Total Construction Categories</b>		<b>5342</b>	<b>2874</b>	<b>2818</b>	<b>857</b>	<b>11891</b>	<b>1007</b>	<b>8.47%</b>
Architectural Services	<b>541310</b>	1030	406	313	62	<b>1811</b>	96	5.30%
Engineering Services	<b>541330</b>	1600	1163	1106	248	<b>4117</b>	344	8.36%
Surveying Services	<b>541370</b>	57	47	54	10	<b>168</b>	56	33.33%
Testing Laboratories/ acoustics	<b>541380</b>	180	132	83	33	<b>428</b>	55	12.85%
Security Services	<b>561612</b>	625	154	141	34	<b>954</b>	46	4.82%
<b>Total Design and Other Categories</b>		<b>3492</b>	<b>1902</b>	<b>1697</b>	<b>387</b>	<b>7478</b>	<b>597</b>	<b>7.98%</b>

**b. Weight by type of project and type of firm that would bid on a project**

The next procedure is to weight the projects by the type of firms that would be expected to compete for FAA-assisted projects. We anticipated that between 79% and 89% of the work on the ACIP projects would be allocated to construction and performed by construction firms, and between 11% and 21% would be allocated to architectural design and engineering consulting services and performed by consulting firms as shown in Chart B below.

As a summary, Chart B shows the breakdown of estimated costs and the weighted base figure by types of ACIP projects based on various work categories of the construction and design/engineering projects. The weighted base figure represents the percentage of work that would be allocated to relative available DBEs.





Chart B – Weighting the Relative Availability of DBE Firms by Type of Projects

Types of ACIP Projects	Airport	Estimated Costs	Work Breakdown	DBE %	Weighted DBE Dollars
<b>FFY 2020 - 2022</b>					
<b>2020</b>					
Construct Runway D Extension Between Taxiway C14 and Taxiway AA	LAX				
Estimated Project Cost		\$ 35,000,000.00	79%	8.47%	\$ 2,964,500
Estimated Soft Costs		\$ 9,450,000.00	21%	7.98%	\$ 754,110
Estimated Total Costs		\$ 44,450,000.00			
Reconstruction of Taxiway A and B, and Improve Lighting (Phase 4)	VNY				
Estimated Project Cost		\$ 11,000,000.00	89%	8.47%	\$ 931,700
Estimated Soft Costs		\$ 1,375,000.00	11%	7.98%	\$ 109,725
Estimated Total Costs		\$ 12,375,000.00			
Taxiway A and B Service Road Improvements (Ph 4)	VNY				
Estimated Project Cost		\$ 2,150,000.00	89%	8.47%	\$ 182,105
Estimated Soft Costs		\$ 269,000.00	11%	7.98%	\$ 21,466
Estimated Total Costs		\$ 2,419,000.00			
<b>2021</b>					
Construct North Airfield Exit Taxiways, Part 1	LAX				
Estimated Project Cost		\$ 51,200,000.00	79%	8.47%	\$ 4,336,640
Estimated Soft Costs		\$ 13,824,000.00	21%	7.98%	\$ 1,103,155
Estimated Total Costs		\$ 65,024,000.00			
Reconstruct Taxiway A and B and Improve Lighting (Phase 2)	VNY				
Estimated Project Cost		\$ 22,060,000.00	79%	8.47%	\$ 1,868,482
Estimated Soft Costs		\$ 5,957,000.00	21%	7.98%	\$ 475,369
Estimated Total Costs		\$ 28,017,000.00			



Rehabilitate Runway 16L-34R	VNY				
Estimated Project Cost		\$ 6,025,000.00	79%	8.47%	\$ 510,318
Estimated Soft Costs		\$ 1,627,000.00	21%	7.98%	\$ 129,835
Estimated Total Costs		\$ 7,652,000.00			
<b>2022</b>					
Construct North Airfield Exit Taxiways, Part 2	LAX				
Estimated Project Cost		\$ 51,200,000.00	79%	8.47%	\$ 4,336,640
Estimated Soft Costs		\$ 13,824,000.00	21%	7.98%	\$ 1,103,155
Estimated Total Costs		\$ 65,024,000.00			
Construct Bull Creek Service Road	VNY				
Estimated Project Cost		\$ 400,000.00	79%	8.47%	\$ 33,880
Estimated Soft Costs		\$ 108,000.00	21%	7.98%	\$ 8,618
Estimated Total Costs		\$ 508,000.00			
Rehabilitate Taxilane B1	VNY				
Estimated Project Cost		\$ 1,561,000.00	79%	8.47%	\$ 132,217
Estimated Soft Costs		\$ 422,000.00	21%	7.98%	\$ 33,676
Estimated Total Costs		\$ 1,983,000.00			
Rehabilitate Runway 16L-34RL	VNY				
Estimated Project Cost		\$ 475,000.00	79%	8.47%	\$ 40,233
Estimated Soft Costs		\$ 129,000.00	21%	7.98%	\$ 10,294
Estimated Total Costs		\$ 604,000.00			
Estimated Hard Cost (Construction)		\$ 181,071,000			
Estimated Soft Costs (Design)		\$ 46,985,000			
<b>Total Estimated Costs</b>		<b>\$ 228,056,000</b>			<b>\$ 19,086,117</b>

As a summary, the DBE base figure of 8.37% was calculated by dividing the total weighted DBE dollars by total estimated contract costs as shown in Chart C below.

**Chart C – Summary of Base Figure Goal Calculation**

<b>Step 1 Summary</b>	
<b>Ready, Willing, and Able Firms by Work Category/NAICS Codes (Based on 2016 US Census Data):</b>	
No. of Establishments for Construction and Specialty Trades	11,891
No. of Establishments for Design and Engineering Services	7,478
Total	<b>19,369</b>
<b>Ready, Willing, and Able DBEs by Work Category/NAICS Codes:</b>	
No. of Available DBEs for Construction and Specialty Trades	1,007
No. of Available DBEs for Engineering Services	597
Total	<b>1,604</b>
<b>Percentage of Available DBE Firms (Ready, Willing, and Able) by Work Category and NAICS Codes:</b>	
Percentage of Relative Availability of DBEs for Construction	8.47%
Percentage of Relative Availability of DBEs for Engineering Services	7.98%
<b>Weighted DBE Dollars and Estimated Contract Costs:</b>	
Total Estimated/Weighted DBE Dollars	\$ 19,086,117
Total Estimated Contract Costs (Hard and Soft)	\$ 228,056,000
<b>Weighted DBE Percentage or Base Percentage of Relative Availability of DBEs (\$19,086,117/\$228,056,000)</b>	<b>8.37%</b>
<b>Base Figure</b>	<b>8.37%</b>

**Step 2. Adjust the Base Figure**
**Procedures:**
**a. Examine the evidence available to determine necessary adjustments**

We analyzed our historical and available data from accomplishment reports, stakeholder consultation, and research to determine adjustments to the base figure. After thorough analysis of all available data relevant to our geographic market area, we determined that the past DBE participations and accomplishments in the last three fiscal years would be the relevant information to adjust the Base Figure. The past participations represent similar opportunities that we projected for the next three fiscal years. The Uniform Report of DBE Commitments/Awards and Payments in the previous fiscal years shows the DBE participations and accomplishments as presented in Chart D below.

**Chart D – Past Participations and Accomplishments 2016-2018**

<b>Fiscal Year</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
Overall Goal	4.15%	5.91%	5.91%
Accomplishment	11.40%	9.42%	11.87%

**b. Determine the median from the past participations and commitments**

The median commitment/award is 11.40% as shown in Chart D above.

**c. Average the median past participation to calculate the Overall DBE Goal**

In giving equal weight to the median achievement and the weighted percentage of certified DBE firms ( $11.40\% + 8.37\% = 19.77\% / 2$ ), we arrived at the adjusted base DBE goal of 9.88%.

**LAWA’s Overall DBE Goal for FFYs 2020-2022**

Based on the volume of anticipated ACIP projects for the next three fiscal years, we predicted an increase of DBE participations for the next three fiscal years. LAWA’s potential DBE participations are allocated by work categories at LAX and VNY airports. Therefore, LAWA’s proposed overall DBE goal for both LAX and VNY airports is 9.88%.

**Notification to Business and Trade Organizations**

We sent written notifications to the following business and trade organizations that play active roles in the contracting process at LAWA:

- Asian Business Association
- Black Business Association
- Engineering Contractors Association
- Latin Business Association

The letters requested any anecdotal information these organizations may wish to provide concerning the availability of disadvantaged and non-disadvantaged businesses, effects of discrimination on opportunities for DBEs with the LAWA, and any other information to assist in the establishment of a level playing field for the participation of DBEs. A copy of the letter is attached. No comments were received from any of the notified organizations.

**Consultation with Stakeholders**

We provided a public notice of the proposed overall goal, informing the public that LAWA’s proposed goal and its rationale were available for inspection during normal business hours at our principal office for 30 days following the date of the notice. We also stated that FAA and LAWA would accept comments on the goals for a period of 30 days following the date of the notice. The publication of this notice is available through LAWA’s website: [www.lawa.org](http://www.lawa.org).

No comments were received. LAWA will continue to engage stakeholder's input throughout the year and reevaluate/revise the goals if necessary.

Additionally, a DBE Goal Setting Consultation Meeting was held on September 10, 2019 to discuss the FAA's guidance for goal-setting methodology as used by LAWA to arrive at the proposed overall DBE goal. LAWA invited 29 prime and DBE contractors to the meeting. LAWA staff responded to the various questions raised by the attendees during the stakeholder's meeting. A copy of the presentation was distributed to all attendees. LAWA has not received any comments and/ or suggestions to change the proposed overall DBE goal.

#### **Breakdown of race-conscious and race-neutral goals**

LAWA's Overall DBE Goal of 9.88% for FFY 2020-2022 for LAX and VNY airports will be achieved through 7.88% race-conscious measures and 2% through race-neutral measures.



*Los Angeles World Airports*

**ATTACHMENT 5**

**Subcontractor Participation Plan Form**

(Please see link below)

[https://www.lawa.org/-/media/lawa-web/business-opportunities/files/subcontractor-participation-plan-20170711\\_dbe.ashx](https://www.lawa.org/-/media/lawa-web/business-opportunities/files/subcontractor-participation-plan-20170711_dbe.ashx)

**ATTACHMENT 6**

**Disadvantaged Business Enterprise Program (DBE)**

**Monitoring and Enforcement Procedures**

To ensure compliance with Title 49 C.F.R. Part 26, LAWA has implemented the following monitoring and enforcement mechanisms.

LAWA will:

- Inform the U.S. Department of Transportation (DOT) any false, fraudulent, or dishonest conduct by prime contractor(s) in connection with the DBE program
- Take necessary steps on any misrepresentation or fraudulent act by DBE firm(s) in connection with the DBE program in which LAWA will investigate along with its legal authorities, including a determination on contractor's performance and responsibility on DOT-assisted contracts
- Ensure that work committed to DBE firms at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBE firms to which the work was committed.
- Conduct written certification that LAWA has reviewed contract records and monitored worksites to determine Commercially Useful Function (CUF)
- Utilize B2GNow Compliance Management System (B2G) to monitor the participation of DBE and Non-DBE subcontractor(s) and performance of prime contractor(s) on DOT-assisted contracts by keeping records of actual DBE utilization or participation of the prime contractors (e.g., payment actually made to DBE firms), including a means of comparing the achievements to commitments
- Enforce its contract provisions for prompt payment, dispute resolutions and other assurances on LAWA's DOT-assisted contracts and report to the FAA any complaints with regard to prompt payment of progress and retainage payments
- Monitor payments to DBE and Non-DBE subcontractors on a monthly basis by requiring the prime contractor(s) to report payments to the B2G system and maintain records of payments to DBEs for which must be available for inspection upon request by any authorized representative of LAWA or DOT, including records maintained by any certified DBE subcontractor on DOT-assisted contract
- Perform a monthly audit of prime contractor's payments to DBE subcontractor(s) which includes verification of the prime contractor's payments and commitments



to DBE subcontractors for ensuring that the prime contractors are attaining their commitments to DBE subcontractors as specified on their DBE Subcontractor Participation Plan.

- Ensure that the subcontractors verify payments reported by the prime contractors to the B2G system by sending a notification email to the subcontractors once payments have been reflected in B2G.
- Determine whether to approve or deny the prime contractor's request for addition and/or substitution of subcontractor on an ongoing DOT-assisted contract
- Ensure that Good Faith Efforts (GFE) outreach has been adequately conducted and documented





**ATTACHMENT 6**  
(Continuation)

**B2GNow – DBE Compliance Monitoring System**

(Please see link below)

<https://lawa.diversitycompliance.com/?TN=lawa>

**Subcontractor Modification Form – Request to add and/or substitute a  
Subcontractor**

(Please see link below)

<https://www.lawa.org/lawa-businesses/lawa-administrative-requirements/disadvantaged-business-enterprise-program>



*Los Angeles World Airports*

**ATTACHMENT 7**

**DBE Certification Application**

(Please see link below)

**<https://bca.lacity.org/certification-printable-forms>**



*Los Angeles World Airports*

**ATTACHMENT 8**

**State Unified Certification Program Agreement**  
(Please see attached document)



**ATTACHMENT 9**

(Please see links below)

**LAWA's Small Business Enterprise Program**

**<https://www.lawa.org/lawa-businesses/lawa-administrative-requirements/small-business-enterprise-program>**

**City of LA Certification Program Description**

**<https://bca.lacity.org/certification-program-description>**

**LA Small Business Academy**

**<https://bca.lacity.org/LA-Small-Business-Academy>**

**Accessing LA**

**<https://bca.lacity.org/accessingla/>**

**Contractor Assistance Seminar**

**<https://bca.lacity.org/Contractor%20Assistance%20Seminar>**

**City of LA Small Local Business Directory**

**<https://bca.lacity.org/CertificationListings/SLBDirectory.php>**

**LAWA Business Inclusivity Programs**

**<https://www.lawa.org/lawa-businesses/lawa-business-inclusivity-programs>**

**Merriwether & Williams Insurance Services - City of Los Angeles – Contractor Development and Bonding Program**

**<https://imwis.com/services/contractor-bonding-development-programs/los-angeles/>**

**City of Los Angeles Contractor Development and Bonding Program (CDABP)**

**<https://www.lacondev.com/>**

**How to Do Business With LAWA**

**<https://www.lawa.org/lawa-businesses/how-to-do-business-with-lawa>**



**ATTACHMENT 10**

**Certification Process for Contract Review and Monitoring**

**Written Certification Process for Contract Review and Monitoring**

Objectives/Procedures:		Yes	No
<b>A</b>	<b>Identify the contract with DBE Goal and Participation:</b>		
•	Review the Board Resolution to identify whether any of the newly awarded contracts are associated with DBE goal and pledge participation	<input type="checkbox"/>	<input type="checkbox"/>
<b>B</b>	<b>Review the supporting documents pertinent to the contract:</b>		
•	Review the contract-specific DBE goal and the pledge participation of the Prime Contractor	<input type="checkbox"/>	<input type="checkbox"/>
•	Review and initial the following contract documents for certifying contract existence:		
➤	<i>SAP Authority Form</i>	<input type="checkbox"/>	<input type="checkbox"/>
➤	<i>Form C</i>	<input type="checkbox"/>	<input type="checkbox"/>
➤	<i>Board Report</i>	<input type="checkbox"/>	<input type="checkbox"/>
➤	<i>Board Resolution</i>	<input type="checkbox"/>	<input type="checkbox"/>
➤	<i>Subcontractor Participation Plan</i>	<input type="checkbox"/>	<input type="checkbox"/>
➤	<i>Project Review Memo</i>	<input type="checkbox"/>	<input type="checkbox"/>
➤	<i>Contract</i>	<input type="checkbox"/>	<input type="checkbox"/>
➤	<i>Subcontract</i>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C</b>	<b>Review the DBE enforcement provision in the contract:</b>		
•	Review the enforcement provision in the contract to ensure that the enforcement mechanism is included	<input type="checkbox"/>	<input type="checkbox"/>
•	Review the enforcement mechanism in the contract to ensure it is consistent with the DBE program's regulatory requirements	<input type="checkbox"/>	<input type="checkbox"/>
<b>D</b>	<b>Create a contract records on PSD's B2GNow (B2G) system for DBE compliance monitoring:</b>		
•	Set up the contract information of the Prime Contractors and Subcontractors on the PSD's B2GNow system to monitor the actual DBE participation	<input type="checkbox"/>	<input type="checkbox"/>
•	Verify whether the DBE and Non-DBE Subcontractors are listed on the Subcontractor Participation Plan (SSP) and have subcontracts	<input type="checkbox"/>	<input type="checkbox"/>
<b>E</b>	<b>Monitor actual DBE participation of the Prime Contractor:</b>		
•	Verify the actual DBE participation and ensure that all payments to the DBE and Non-DBE Subcontractors are entered and certified in the B2G system	<input type="checkbox"/>	<input type="checkbox"/>



•	Verify whether the Prime Contractor has timely reported the actual payment(s) for the reporting period	<input type="checkbox"/>	<input type="checkbox"/>
•	Determine whether new Subcontractor is approved and listed on the revised Subcontractor Participation Plan (SPP) and set up on B2G	<input type="checkbox"/>	<input type="checkbox"/>
•	Track the fluctuation in the Prime Contractor's participation on a monthly basis	<input type="checkbox"/>	<input type="checkbox"/>
•	Review and approve the request for addition and/or substitution of Subcontractor(s)	<input type="checkbox"/>	<input type="checkbox"/>
•	Prepare a monthly DBE Achievement and Participation Report	<input type="checkbox"/>	<input type="checkbox"/>
•	Provide a copy of monthly DBE Achievement and Participation Report to other divisions and LAWA management	<input type="checkbox"/>	<input type="checkbox"/>
•	Follow the FAA's regulatory requirements in DBE Program Plan	<input type="checkbox"/>	<input type="checkbox"/>
<b>F.</b>	<b>Certify final payment/invoiced amount and verify DBE's CUF:</b>		
•	Review and certify the payments reported by the Prime Contractor to B2G system	<input type="checkbox"/>	<input type="checkbox"/>
•	Review the monthly inspection report of the inspector's on-site visit at field locations	<input type="checkbox"/>	<input type="checkbox"/>
•	Conduct a random on-site visit at DBE's field location or worksite	<input type="checkbox"/>	<input type="checkbox"/>
Certified by:			
Print Name/Signature		Date	



**ATTACHMENT 11**

**FAA Reauthorization Act of 2018 - Public Law No. 115-254**  
(Please see attached document)