NORTHERN IRELAND FAIR EMPLOYMENT PRACTICES DISCLOSURE

INSTRUCTIONS: Pursuant to Codified Ordinance Sec. 181.36, the information requested on this page must be supplied by all contractors and any subcontractors having more than a fifty percent (50%) interest in the proposed contract prior to any contract being awarded by the City of Cleveland. Any contractor or subcontractor who is deemed to have made a false statement shall be declared to have acted in default of its contract and shall be subject to the remedies for default contained in its contract. For failure to cure such a default, the contractor or subcontractor shall be automatically excluded from bidding for the supply of any goods or services for use by the City for a period of two years.

CHECK, WHICHEVER IS APPLICABLE:

A. ( ) The undersigned or any controlling shareholder,* subsidiary, or parent corporation of the undersigned is NOT ENGAGED IN ANY BUSINESS OR TRADING FOR PROFIT IN NORTHERN IRELAND. (If paragraph A. is checked, proceed to the signature line.)

B. ( ) The undersigned or any controlling shareholder,* subsidiary, or parent corporation IS ENGAGED IN ANY BUSINESS OR TRADING FOR PROFIT IN NORTHERN IRELAND. (If paragraph B is checked, please either check the stipulation contained in paragraph C or attach documentation that shows that the undersigned has complied with the stipulation contained in paragraph C.)

C. ( ) The undersigned and all enterprises identified in paragraph B. are TAKING LAWFUL AND GOOD FAITH STEPS TO ENGAGE IN FAIR EMPLOYMENT PRACTICES WHICH ARE RELEVANT TO THE STANDARDS EMBODIED IN THE "MacBRIDE PRINCIPLES FOR FAIR EMPLOYMENT IN NORTHERN IRELAND." A copy of the MacBride Principles can be obtained from the office of the Commissioner of Purchases and Supplies. in lieu of checking this paragraph, the undersigned must attach documentation which the undersigned believes shows compliance with the stipulation contained in this paragraph C.

_____
Name of Contractor or Subcontractor

By: _____

Title: _____

* Controlling shareholder" means any shareholder owning more than fifty percent (50%) of the stock in the corporation or more than twenty-five percent (25%) of the stock in the corporation if no other shareholder owns a larger share of stock in the corporation.

Form **W-9**
(Rev. November 2005)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box: ☐ Individual/ Sole proprietor ☐ Corporation ☐ Partnership ☐ Other ► ---------- ☐ Exempt from backup withholding

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
| | | | – | | – | | | | |

or

Employer identification number
| | | – | | | | | | | |

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here Signature of U.S. person ► Date ►

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.

2. The treaty article addressing the income.

3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.

4. The type and amount of income that qualifies for the exemption from tax.

5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments (after December 31, 2002). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,

2. You do not certify your TIN when required (see the Part II instructions on page 4 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules regarding partnerships* on page 1.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line. Check the appropriate box for your filing status (sole proprietor, corporation, etc.), then check the box for "Other" and enter "LLC" in the space provided.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt From Backup Withholding

If you are exempt, enter your name as described above and check the appropriate box for your status, then check the "Exempt from backup withholding" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

Exempt payees. Backup withholding is not required on any payments made to the following payees:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),

2. The United States or any of its agencies or instrumentalities,

3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,

4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or

5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,

7. A foreign central bank of issue,

8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,

9. A futures commission merchant registered with the Commodity Futures Trading Commission,

10. A real estate investment trust,

11. An entity registered at all times during the tax year under the Investment Company Act of 1940,

12. A common trust fund operated by a bank under section 584(a),

13. A financial institution,

14. A middleman known in the investment community as a nominee or custodian, or

15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt recipients listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt recipients except for 9
Broker transactions	Exempt recipients 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt recipients 1 through 5
Payments over $600 required to be reported and direct sales over $5,000 [1]	Generally, exempt recipients 1 through 7 [2]

[1] See Form 1099-MISC, Miscellaneous Income, and its instructions.

[2] However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees; and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-owner LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter your SSN (or EIN, if you have one). If the LLC is a corporation, partnership, etc., enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at *www.socialsecurity.gov*. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at *www.irs.gov/businesses* and clicking on Employer ID Numbers under Related Topics. You can get Forms W-7 and SS-4 from the IRS by visiting *www.irs.gov* or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: *A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.*

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see *Exempt From Backup Withholding* on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account [1]
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor [2]
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee [1]
b. So-called trust account that is not a legal or valid trust under state law	The actual owner [1]
5. Sole proprietorship or single-owner LLC	The owner [3]
For this type of account:	**Give name and EIN of:**
6. Sole proprietorship or single-owner LLC	The owner [3]
7. A valid trust, estate, or pension trust	Legal entity [4]
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

[1] List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

[2] Circle the minor's name and furnish the minor's SSN.

[3] You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one). If you are a sole proprietor, IRS encourages you to use your SSN.

[4] List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules regarding partnerships* on page 1.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

NOTE: Sections 181.23 and 185.04 of The Codified Ordinance of Cleveland, Ohio 1976 require that this affidavit, properly executed and containing all required information, accompany your bid. IF YOU FAIL TO COMPLY. YOUR BID WILL NOT BE CONSIDERED.

STATE OF _____

} SS

COUNTY OF _____

AFFIDAVIT

_____ being first duly sworn deposes and says:

Individual only: That he/she is an individual doing business under the name of _____

at _____ in the City of _____, State of _____

Partnership only: That he/she is the duly authorized representative of a partnership doing business under the name of _____ in the City Of _____, State of _____

Corporation only: That he/she Is the duly authorized, qualified and acting _____ of _____, a corporation organized and existing under the laws of the State of _____ and that said Individual, said partnership or said corporation, is filing herewith a bid to the City of Cleveland in conformity with the foregoing specifications;

Individual only: Affiant further says that the following is a complete and accurate list of the names and addresses of all persons interested in said proposed contract:

_____

_____

Affiant further says that-he/she is represented by the following attorneys:

_____

and is also represented by the following resident agents in the City of Cleveland:

_____

Partnership only: Affiant further says that the following is a complete and accurate list of the names and addresses of the members of said partnership:

_____

_____

Affiant further says that said partnership is represented by the following attorneys:

_____

and is also represented by the following resident agents in the City of Cleveland:

_____

Corporation only: Affiant further says that the following is a complete and accurate list of the officers, directors and attorneys of said corporation:

President — Directors:

Vice President

Secretary

Treasurer

Cleveland Manager or Agent

Attorneys

And that the following officers are duly authorized to execute contracts on behalf of said corporation:

_____

_____

Affiant further says that the bid filed herewith is not made in the interest of or on behalf of any undisclosed person, partnership. Company, association, organization or corporation; that such bid is genuine and not collusive or sham; that said bidder has not, directly or indirectly, induced or solicited any other sham bid, and has not, directly or indirectly, colluded, conspired, connived or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that said bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of said bidder or of any other bidder, or to fix any overhead, profit, or cost element of such bid price or that of any other bidder, or to secure any advantage against the City of Cleveland or anyone interested in the proposed contract,. that all statements contained in such bid are true; that said bidder has not, directly or indirectly, submitted his bid price or any break-down thereof or the contents thereof, or divulged information or data relative thereto, or paid or agreed to pay, directly or indirectly, any money, or other valuable consideration for assistance or aid rendered or to be rendered in procuring or attempting to procure the contract above referred to, to any corporation. partnership, company, association, organization, or to any member or agent thereof, or to any other individual, except to such person or persons as hereinabove disclosed to have a partnership or other financial interest with said bidder in his general business; and further that said bidder will not pay or agree to pay, directly or indirectly, any money or other valuable consideration to any corporation, partnership, company, association, organization or to any member or agent thereof, or to any other individual, for aid or assistance in securing contract above referred to in the event the same is awarded to

_____

(name of Individual, partnership or corporation)

Further affiant said not.

(Sign Here) _____

Sworn to before me and subscribed in my presence this _____ day of _____

_____

Notary Public

ATTACHMENT A

REQUIREMENTS CONCERNING EEO & AFFIRMATIVE ACTION

Cleveland Hopkins International Airport's Emerging Business Enterprise Development Office is eager to assist you in fully completing the requirements of this Notice and the Airport's Equal Employment Opportunity Program. If you have any questions, please call the Emerging Business Enterprise Development Office at 216-265-6000.
Please read carefully all of the information attached.

Proposers/Bidders are cautioned, however, that oral representations may not be relied upon. Such representations must be confirmed by specific writing issued by the Director of Port Control as an addendum or as a clarification of this solicitation document.

The Affirmative Action Plan for equal employment opportunity is the Cleveland Hopkins International Airport's (Airport) written commitment to undertake specifically planned action to ensure equality of opportunity in employment practices by firms contracting for goods and services with Airport.

As required by the Instruction, the following information must be submitted with your bid/proposal:

I. Form EEO-1 - Enclosure A-1

Equal Employment Data Forms showing the current utilization of minorities and women by job category within your organization.

II. Non-discrimination - Enclosure A-2

Affidavit assuring non-discrimination in employment practices.

III. Employment Practices - Enclosure A-3

All Proposers/Bidders and their first tier subcontractors or sub consultants proposing a contract hereunder in an amount of $l0,000 or more must complete Enclosure A-3. If the Proposer/Bidder/Qualifier or any of its first tier subcontractors or sub consultants employ more than 50 persons and will be entering into a contract hereunder in an amount of $50,000 or more, then an Affirmative Action Plan for employment of minorities and women must be submitted when called for by Airport.

IV. Requirements Concerning the Submission of an Affirmative Action Plan Enclosure A-4

If requested, provide an Affirmative Action Plan(s) in accordance with the guidelines set forth on Enclosure A-4.

V. Requirements on Prime and Sub-Contractors – Enclosure A-5

All Contractors and their subcontractors bidding on a contract must complete Enclosure A-5.

RFP No.

Standard Form100

Joint Reporting Committee

- Equal Employment Opportunity Commission
- Office of Federal Contract Compliance Programs (Labor)

ENCLOSURE A-1
EQUAL EMPLOYMENT OPPORTUNITY
EMPLOYER INFORMATION REPORT EEO - 1
FOR
THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT

Section A--TYPE OF REPORT
Refer to instructions for number and types of reports to be filed.

1. Indicate by marking in the appropriate box the type of reporting unit for which this copy of the form is submitted (MARK ONLY ONE BOX)

1. ☐ Single Establishment Employer Report

Multi-establishment Employer

2. ☐ Consolidated Report (Required)
3. ☐ Headquarters Unit Report (Required)
4. ☐ Individual Establishment Report (submit one for each establishment with 50 or more employees).
5. ☐ Special Report

2. Total number of reports being filed by this Company (Answer on Consolidated Report only).

Section B--COMPANY IDENTIFICATION (To be answered by *all* employers)

OFFICE USE ONLY

1. Parent Company

a. Name of parent company (owns or controls establishment in item 2) omit if same as label — a.

Name of Receiving Office	Address (Number and Street) — b.

City or Town	County	State	Zip Code	b. Employee Identification No.

2. Establishment for which this report is filed (Omit if same as label)

OFFICE USE ONLY

a. Name of establishment — c..

Address (Number and street)	City or Town	County	State	Zip Code — d.

b. Employer Identification No. | Omit if same as label — e.

Section C--EMPLOYERS WHO ARE REQUIRED TO FILE (*To be answered by all employers)*

☐ Yes ☐ No 1. Does the entire company have at least 100 employees in the payroll period for which you are reporting?

☐ Yes ☐ No 2. Is your company affiliated through common ownership and/or centralized management with other entities in an enterprise with a total employment of l00 or more?

☐ Yes ☐ No 3. Does the company or any of its establishments (a) have 50 or more, employees AND (b) is not exempt as provided by 41 CFR 60-l.5 AND either (1) is a prime government contractor or first tier subcontractor, and has a contract subcontract, or purchase order amounting to S50, 000 or more or (2) serves as a depository of Government funds in any amount or is a financial institution which is an issuing and paying agent for U S Savings Bonds and Savings Notes?

If the response to question C - 3 is yes, please enter your Dun and Bradstreet identification number (if you have one)

☐ Yes ☐ No 4 Does the company receive financial assistance from the Small Business Administration (SBA)?

RFP No.

Section D - EMPLOYMENT DATA

Employment at this establishment - Report all permanent full time or part-time employees including apprentices and on-the job trainees unless specifically excluded as set forth in the instructions. Enter the appropriate figures on all lines and in all columns. Blank spaces will be considered as zeros.

JOB CATEGORIES		NUMBER OF EMPLOYEES											
		Overall Totals Sum Of Col B Thru K	Male					Female					
			White (Not of Hispanic Origin)	Black (Not of Hispanic Origin)	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	White (Not of Hispanic Origin)	Black (Not of Hispanic Origin)	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native
Officials and Managers	1												
Professionals	2												
Technicians	3												
Sales Workers	4												
Office and Clerical	5												
Craft Workers (Skilled)	6												
Operatives (Semi Skilled)	7												
Laborers (Unskilled)	8												
Service Workers	9												
TOTAL	10												
Total employment reported in previous EE0-1 report	11												
(The trainees below should also be included in the figures for the appropriate occupational categories above)													
Formal on-the-job trainees	White collar 12												
	Production 13												

NOTE: Omit questions 1 and 2 on the Consolidated Report

1. Date(s) of payroll period used:

2. Does this establishment employ apprentices?
   1. ☐ Yes 2. ☐ No

Section E--ESTABLISHMENT INFORMATION (*Omit on the Consolidated Report*)

1. Is this the location of the establishment the same as that reported last year?
   1 ☐ Yes 2 ☐ No 3 ☐ No Report

2. Is the major business activity at this establishment the same as that reported last year?
   1 ☐ Yes 2 ☐ No 3 ☐ No Report

Office Use Only

3. What is the major activity of this establishment? (Be specific, i e, manufacturing steel castings, retail grocer, wholesale plumbing supplies, title insurance, etc. Include the specific type of product or type of service provided, as well as the principal business or industrial activity.)

Section F--REMARKS

Use this item to give any identification data appearing on last report which differs from that given above explain major changes in composition or reporting units and other pertinent information

NOTE: The section below must be completed and signed by your company

Section G--CERTIFICATION (See Instructions G)

Check one
1 ☐ All reports are accurate and were prepared in accordance with the instructions (check on consolidated only)
2 ☐ This report is accurate and was prepared in accordance with the instructions

Name of Certifying Official	Title	Signature	Date

Name of person to contact regarding this report (Type or print)	Address (Number and Street)

Title	City and State	Zip Code	Telephone Area Code	Number	Extension

All reports and information obtained from individual reports will be kept confidential as required by Section 709(e) of Title VII

WILLFULLY FALSE STATEMENTS IN THIS REPORT ARE PUNISHABLE BY LAW, U S CODE TITLE 18, SECTION 1001

ENCLOSURE A-2
NONDISCRIMINATION AFFIDAVIT

STATE OF _____)
) SS
COUNTY OF _____)

_____, being first duly sworn deposes and says:

1. That he/she is the _____(President or other authorized official of Company, or Partnership, a Corporation or Partnership organized and existing under and by virtue of the laws of the State of _____ on whose behalf he/she makes this affidavit (hereinafter "Contractor").

2. That Contractor does not and will not discriminate in its employment practices because of race, religion, color, sex, national origin, handicapped persons or Vietnam-Era Veterans.

3. That Contractor further understands this contract, purchase order or agreement is subject to Executive Order 11246, as amended, and the Affirmative Action Policy of the Airport, and shall be subject to all rules and/or regulations issued pursuant thereto regarding nondiscrimination in federally-assisted programs of the United States Department of Transportation.

4. That Contractor agrees to be bound to the obligations imposed by said act, executive ordinance and policy.

5. That Contractor agrees that during the performance of any contract resulting from this bid/proposal:

   a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or rates of pay or other forms of compensation; and selection for training, including apprenticeships. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Airport setting forth the provisions of this nondiscrimination clause.

   b. The Contractor will, in all solicitations or advertisements for employees placed by or behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

   c. The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contact or understanding, a notice to be provided by the Airport advising the said labor union or worker's' representative of the Contractor's commitments under this Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

   d. The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375, and with the rules, regulations, and relevant orders of the Secretary of Labor.

   e. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Airport

and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

f. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this agreement or with such rules, regulations or orders, this agreement may be canceled, terminated, or suspended in whole or in part, and the Contractor may be declared ineligible for further government contracts of Federally assisted contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 25, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

g. The Contractor will include a citation to 41 CFR 60-1(b) and (c) and the provisions of Paragraphs (a) through (g) herein, in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375, so that such provisions shall be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Secretary of Labor may direct as a means of enforcing such provisions, including sanctions for noncompliance, provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by Federal Aviation Administration, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

_____

Company or Partnership

_____

(President or other official title)

Subscribed and sworn to before me, this _____ day of _____, 20 ___.

_____ Notary Public in and for the County of _____

State of _____.

My commission expires on the _____ day of _____, 20 ____.

(Seal)

(TO BE SUBMITTED WITH BID)

ENCLOSURE A-3

EMPLOYMENT PRACTICES
(FOR NON-CONSTRUCTION CONTRACTORS & SUBCONTRACTORS ONLY)

To Be Prepared By:

Non-construction Prime Contractors and first tier subcontractors or suppliers with a contract greater than $10,000.

Name of Project: _____

Location of Workforce: _____

Prime Contractor: _____

Subcontractor: _____

In keeping with Airport policy of nondiscrimination in employment practices, the

_____ has set as a one year goal for the utilization of
(Company Name)

minorities and females having requisite skills equal to be number and percentage

that is in relation to their presence in the labor market area used, which is _____ % for minorities and

_____ % for females. The _____, by its _____
(Company Name) (Company Representative)

assures the Airport that good faith efforts will be used to achieve said goals. The good faith efforts proposed are described in the attached narrative. (If more than 50 employees and a contract of $50,000 or more is contemplated, an Affirmative Action Plan per Enclosure A-4 is supplied in lieu of this narrative and is submitted when called for by the Airport.)

_____ _____
Signature and Title of Company Official (Contractor) Date

_____ _____
Signature and Title of Company Official (Subcontractor) Date

ENCLOSURE A-4

REQUIREMENTS CONCERNING THE SUBMISSION OF AN AFFIRMATIVE ACTION PLAN (FOR NON-CONSTRUCTION CONTRACTORS)

Where the non-construction prime contractor or subcontractor has 50 or more employees and is participating in contracts with the Airport which exceed $50,000, an Affirmative Action Plan must be submitted to the Airport's Office of Emerging Business Enterprise Development.

At a minimum, in accordance with the RFQ/RFP/IFB the following information must be provided in your Affirmative Action Plan:

I. Equal employment policy statement for the employment of minorities and women.

- A. How and to whom was policy statement circulated?
  - 1. Internally (within your company)
  - 2. Externally (all sources used for recruitment).
- B. Who is or will be responsible for the implementation of these policies?

II. Goals and Timetables for hiring minorities and women for the next year, or duration of this contract, whichever is greater, including:

- A. Total employees expected to be employed in each job category (use job categories shown on EEO-1 form).
- B. Group employees (Blacks, Hispanics, women, etc.) in each job category.
- C. Labor market availability group information - availability of minorities and women. With the exception of Construction Contractors, use this information to establish the goals required in Item "e" (contact State employment office to get this information).
- D. Number of expected job opportunities. If not expected, goals as required in Item "e" must still be established to allow for unexpected hiring.
- E. Goals number and percent of minorities and women to be reached.
- F. If goals are not reached within the period specified, when called for you must justify the reasons for not meeting the goals by demonstrating the good faith efforts used to meet the goals.

III. Development and Execution of Program

- A. Method to be used for recruiting job applicants.
  - 1. Recruiting efforts should be directed towards schools, colleges, universities, newspapers, radio, state employment offices, churches, social and employment agencies and other sources appropriate for your needs, i.e., labor unions.
  - 2. These efforts when called for must be substantiated by written documentation.
- B. Method used for evaluating program.

REQUIREMENTS CONCERNING PRIME AND SUB-CONTRACTORS

Project Name: _____

In accordance with Federal Regulations 49 CFR, Part 26.11, the Office of Emerging Business Enterprise Development is required to create and maintain a bidders list on all Prime and Sub-Contractors that seek to participate on Airport Federally assisted contracts. Please complete this information in its entirety.

PRIME CONTRACTOR

(This information must be provided on the Prime bidder on this Project)

Name of Firm: _____

Federal Tax ID No: _____ **(***must provide***)**

❑ Certified ACDBE ☐ Certified DBE ☐ Non-DBE

Mailing Address: _____

City/State/Zip Code: _____

Contact: _____ Phone No._____ Fax No. _____

Date Business Established (Month, Day and Year): _____

Gross Sales in Dollars Last FY:
☐ Less than $500,000 ☐ $500,000 - $1 million
☐ $1 million - $2 million ☐ $2 million - $5 million
☐ Over $5 million

SUB-CONTRACTOR(S)

(This information must be provided for all sub-contractor(s) proposed to work on this Project)
*****Please attach additional papers if you need more space*****

Name of Firm	Certified DBE/ACDBE Yes	No	Year Firm Established	Approximate Annual Gross Sales

I certify the above information contained in this document is true and accurate as of the stated date. I understand FALSE or misleading statements may disqualify the firm from participation on Airport Federally assisted contracts.

_____ _____ _____
Title of Person Authorized to Sign Signature Date

ATTACHMENT B

DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) UTILIZATION

DEPARTMENT OF TRANSPORTATION POLICY

It is the policy of the Department of Transportation that socially and economically Disadvantaged Business Enterprise/Airport Concessions Disadvantaged Business Enterprise (DBE/ACDBEs), as defined at Title 49 Code of Federal Regulations, Part 23 and 26, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds. Consequently, the DBE/ACDBE requirements of 49 CFR, Part 23 and 26, shall apply to any agreement resulting from this procurement.

Participants in this procurement agree to ensure that DBE/ACDBEs, as defined at 49 CFR, Part 23 and 26, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. In this regard, the Proposers/Bidders/Qualifiers shall take all necessary and reasonable steps in accordance with 49 CFR, Part 23 and 26, and the Airport's DBE/ACDBE Program to ensure that DBE/ACDBEs have the maximum opportunity to compete for the performance of contracts. Neither the Proposers/Bidders/Qualifiers nor the selected contractor shall discriminate on the basis of race, color, national origin or sex in the performance of a resulting DOT-assisted contract.

I. OVERALL GOALS

The term ***"disadvantaged business"*** means a small business concern, which is at least 51 percent owned by one or more socially and economically disadvantaged persons or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals and whose management and daily business operation are controlled by one or more of the socially and economically disadvantaged individuals who own it.

"Socially and economically disadvantaged individuals" means a citizen of the United States (or lawfully admitted permanent resident) who meets the criteria set forth in 49 C.F.R. Section 26.5. The Airport annually sets an overall DBE/ACDBE goal and triennially sets an DBE/ACDBE goal for work to be performed under Airport contracts, including construction activity procurement of common goods and services, personal service contracts, concessions and rental car contracts. While the expected percentage of certified DBE/ACDBE utilization may vary from contract to contract due to the availability of DBE/ACDBEs in any given line of work, the Airport believes that overall goals to be realistically obtainable over time with the assistance of the federal government, the business community, and DBE/ACDBE organizations.

In order to meet Federal requirements and to provide for maximum participation of certified DBE/ACDBEs, the Airport specifies a percentage of participation goals in contracts with subcontracting opportunities (the percentage may be zero).

II. CONTRACT GOALS

The Airport has specified a contract specific DBE/ACDBE goal for the work to be performed under this contract.

A. When a DBE/ACDBE participates in a contract, you count only the value of the work actually performed by the DBE/ACDBE toward the DBE/ACDBE goals.

1. Count the entire amount of that portion of a contract (or other contract not covered by Paragraph (A) (2) of this section) that is performed by DBE/ACDBEs own forces. Include the cost of supplies and materials obtained by the DBE/ACDBEs for the work of the contract, including supplies purchased or equipment leased by the DBE/ACDBEs (except supplies and equipment the DBE/ACDBEs subcontractor purchases or leases from the prime contractor or its affiliate).

2. Count the entire amount of fees or commissions charged by an DBE/ACDBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a DOT-assisted contract, toward DBE/ACDBE goals, provided you determine the fee to be reasonable and not excessive as compared with fees customarily allowed for similar services.

3. When a DBE/ACDBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE/ACDBE goals only if the DBE/ACDBE subcontractor is itself a DBE/ACDBE. Work that a DBE/ACDBE subcontracts to a non-DBE/ACDBE firm does not count toward DBE/ACDBE goals.

   a) When a DBE/ACDBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE/ACDBE performs with its own forces toward DBE/ACDBE goals.

   b) Count expenditures to a DBE/ACDBE contractor toward DBE/ACDBE goals only if the DBE/ACDBE is performing a commercially useful function on that contract.

4. A DBE/ACDBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE/ACDBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (when applicable) and paying for the material itself. To determine whether a DBE/ACDBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE/ACDBE credit claimed for its performance of the work, and of the relevant factors DBE/ACDBE does not perform a commercially if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to:

DISADVANTAGED BUSINESS ENTERPRISE (DBE) FIRMS ONLY

a) To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

b) A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business; if the person both owns and operates distribution equipment for long-term lease agreement and not on an ad hoc or contract by contract basis.

c) Packagers, brokers, manufacturers', representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph.

d) With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for the delivery of materials or supplies required on a job site, toward DBE goals, provided you determine the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves toward DBE goals.

   Sixty percent of the total dollar value will be counted in the case of a DBE/ACDBE supplier that is not a manufacturer, provided that the DBE/ACDBE supplier performs a commercially useful function in the supply process to include brokers etc in accordance with 49 CFR 26.55 Paragraph 2b.

AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PARTICIPATION ONLY

ACDBE firms can only be counted if they are performing a commercially useful function as outlined above. Count revenues generated to an ACDBE concessionaire only if the ACDBE is performing a commercially useful function on that contract.

DBE/ACDBE MANUFACTURER/REAL DEALER PARTICIPATION

The entire amount of fees or commissions charged by an ACDBE firm for a bona fide service will be counted provided that the fees are determined to be reasonable and not excessive as compared with fees customarily allowed for similar services. Such services may include, but are not limited to, professional, technical, consultant, legal, security systems, advertising, building cleaning and maintenance, computer programming, or managerial.

One hundred percent (100%) of the cost of goods obtained from a DBE/ACDBE manufacturer will be counted. The term manufacturer has the same meaning as in Part 26, Section 26.55(e) (1) (ii). One hundred percent (100%) of the cost of goods purchased or leased from a DBE/ACDBE regular dealer will be counted. The term ``regular dealer'' has the same meaning as in Part 26, Section 26.55(e) (2) (ii). Credit will be counted toward DBE/ACDBE goals for goods purchased from a DBE/ACDBE which is neither a manufacturer nor a regular dealer as follows:

Count the entire amount of fees or commissions charged for assistance in the procurement of the goods, provided that this amount is reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the goods themselves.

Count the entire amount of fees or transportation charges for the delivery of goods required for a concession, provided that this amount is reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of goods themselves.

If a firm has not been certified as a DBE/ACDBE in accordance with the standards in this part, do not count the firm's participation toward DBE/ACDBE goals.

III. BIDDING REQUIREMENTS, TERMS AND CONDITIONS

A. In addition to any other requirements contained in this Invitation to Bid or Request for Proposal or Qualifications, the following DBE/ACDBE Program requirements must be satisfied, bid/proposals must include a representation that:

1. The Proposer/Bidder/Qualifier has met the goal established by the Airport for this procurement, or

2. The Proposer/Bidder/Qualifier has made a good faith effort to attain the level of DBE/ACDBE participation sought by the Airport for this procurement

Each Proposer/Bidder/Qualifier must include a statement in **Attachment B-1** (Declaration of Proposed DBE/ACDBE Utilization) of the level of DBE/ACDBE participation attained through such effort. This submittal is regarded as a matter of bid responsiveness. Failure to make these submittals will serve to disqualify the bid as non-responsive to this Invitation to Bid.

B. Each Proposer/Bidder/Qualifier should also prepare a complete DBE/ACDBE Participation Plan that sets forth the extent of DBE/ACDBE involvement in this procurement, these materials are to be provided upon request, and will be considered in determining Proposer/Bidder/Qualifier responsibility.

C. DBE/ACDBE participation plans shall include the following minimum information:

1. DBE/ACDBE Participation Schedule, (**Attachment B-3**) which includes:

a) Names, addresses and contact persons of the DBE/ACDBE entities that will participate in the contract;
b) A description of the work each named DBE/ACDBE will perform;
c) The dollar amount (projected revenue) of the participation of each named DBE/ACDBE
d) Federal Tax Identification Number

All proposed certified DBE/ACDBE firms must complete **Attachment B-2** (DBE/ACDBE AFFIDAVIT) and **Attachment B-4A** (Letter of Intent-Certified DBE/ACDBE), and copies of sub agreements must be submitted for **each DBE/ACDBE firm whose participation is proposed for the performance of this contract as a subcontractor/consultant or joint venture.**

2. If the DBE/ACDBE goal is not met, the Proposer/Bidder/Qualifier must document in **Attachment B-5** (Good Faith Efforts Guidelines) the good faith efforts it made to include DBE/ACDBE participation in the contract. The documentation of the effort is discussed in greater in paragraph (E) of this Section.

3. Non-Certified DBE/ACDBE and SBE Participation Schedule (**Attachment B-6**), which includes:
e) Names, addresses and contact persons of the non DBE/ACDBE and SBE entities that will participate in the contract;
f) A description of the work each named non DBE/ACDBE and SBE will perform;
g) The dollar amount (projected revenue) of the participation of each named non DBE/ACDBE and SBE
h) Federal Tax Identification Number

(For **SBE qualifications**, refer to the *Small Business Certification Verification Process* attached to this Guidelines)

All proposed **non-certified** DBE/ACDBE and SBE must complete **Attachment B-4B** (Letter of Intent-Non-Certified DBE/ACDBE and SBE) and copies of sub agreements must be submitted for **each non-certified DBE/ACDBE and SBE firm whose participation is proposed for the performance of this contract as a sub-contractor/consultant or joint venture.**

4. Second/Third Tier Sub-contractor/consultant Participation Schedule **(Attachment B-8),** which includes:
i) Name of 2nd/3rd tier sub-contractor/consultant
j) First tier sub-contractor/consultant with agreement with the 2nd/3rd tier sub;
k) Identification whether 2nd/3rd tier is certified or non-certified DBE/ACDBE
l) Federal Tax Identification Number
m) Address and contact person
n) Description of the work each named for each 2nd/3rd tier sub-contractor/consultant will perform;
o) The dollar amount (projected revenue) of the participation of each named DBE/ACDBE

All sub agreements must be submitted for each of the 2nd/3rd tier subcontractor/consultant **whose participation is proposed for the performance of this contract as a 2nd/3rd sub-contractor/consultant.**

5. Request for **emergency** addition-conditional approval to utilize a subcontractor/consultant can be submitted by completing **Attachment B-9** (Emergency Addition-Conditional Approval of Subcontractor/consultant). The Contractor shall make assurances that all subcontractors listed in Attachment B-9 who are utilized towards the fulfillment of a DBE/ACDBE goal will be performing a commercially useful function as outlined in 49 CFR PART 26 and 23. If it is discovered that the DBE/ACDBE is not performing or has not performed a commercially useful function, the Prime Contractor will immediately notify the EBED Office of its findings. **THE APPROVAL OF THIS FORM IS CONDITIONAL.** FINAL APPROVAL WILL NOT BE GRANTED until all EBED A & B FORMS are completed & contractual agreements are signed and provided to the EBED OFFICE WITH

IN 5 DAYS OF SIGNATURE. This addition MUST BE APPROVED BY THE AIRPORT DIRECTOR AND CITY OF CLEVELAND BOARD OF CONTROL. If this contract is subject to STATE OF OHIO PREVAILING WAGE OR FEDERAL DAVIS BACON (WAGE & HOUR) requirements the Contractor and sub-contractor are required to follow all contractual obligations related to Wage & Hour on all Department of Port Control/City of Cleveland contracts. If the wage & hour information is not submitted, payment to the Contractor can be stopped or the project can be stopped entirely. All other provisions regarding additions of sub-contractors/consultants must be followed and applied herein.

6. The following standards shall be applied in assessing the responsibility of the DBE/ACDBE plan submitted:

   a) Whether the participation plan contains capable currently certified DBE/ACDBE firms.
   b) Whether the firms listed in the plan are performing a commercially useful function
   c) Whether the listed firms are sharing monetary benefit in proportion to their share of the work of the project.
   d) Whether the plan exhibits a likelihood of goal attainment.
   e) Whether the prime/sub relationships are firm, i.e., whether conditional subcontractors have been entered.

D. The contractor must receive the approval of the Airport's Emerging Business Enterprise Development Office **before** termination, addition and or making substitution for any subcontractors listed in its DBE/ACDBE and Non-DBE/ACDBE and SBE plans.

Airport certified DBE/ACDBE entities are eligible for inclusion in a plan. Consult the DBE/ACDBE Directory at www.ohioucp.org. Also, the Airport Office of Emerging Business Enterprise Development is available for assistance in ascertaining certification status of DBE/ACDBEs. Applications for certification may be obtained at www.ohioucp.org. All applications must be made through the Ohio Unified Certification Program (UCP) Application. **For all bids, firms seeking to be counted toward participation at the time of contract award must be certified prior to the bid/proposal submission date. For all proposals and statements of qualifications, all firms to be counted toward participation at the time of the contract award must be certified by the time of final contract negotiations.**

1) The Airport will attempt to certify proposed DBE/ACDBE entities prior to bid; however it will not consider certification not completed prior to submittal of bids.

2) DBE/ACDBEs seeking to perform on RFP/Q's must complete the B forms at the time of proposal/qualification submission. **All B forms for RFP/Q's must be finalized and ALL DBE/ACDBES MUST BE CERTIFIED BY FINAL NEGOTIATIONS.**

3) Proposer/Bidder/Qualifier should not rely upon the approval of the certification applications submitted for this bid/proposal by its proposed DBE/ACDBEs due to the time it takes to review and approve an application.

4) However, substitution of DBE/ACDBE entities appearing in a plan may be permitted where the Disadvantaged Business Enterprise Liaison Officer (DBELO) determines that such substitution will not result in an abuse of the DBE/ACDBE Program. The burden of demonstrating the propriety of such substitution lies with the Proposer/Bidder/Qualifier seeking such substitution. Denial of certification is final for the pending contract. Any person denied certification may appeal such decision in accordance with the provisions of 49 CFR, Part 26 Section 28.89, which is reproduced as part of the Joint Certification Application.

E. The Proposer's/Bidder's/Qualifier's commitment to a specific goal for DBE/ACDBE utilization as detailed in its DBE/ACDBE Plan shall constitute a presumption that good faith efforts to meet the DBE/ACDBE goal by subcontracting to or undertaking to joint venture with DBE/ACDBE firms have been made. If the Proposer/Bidder/Qualifier fails to meet the goal, it will carry the burden of furnishing sufficient documentation, demonstrating its good faith efforts, by utilization.

The standard by which the Airport will determine whether the efforts made by a Proposer/Bidder/Qualifier were good faith efforts is whether such efforts could be reasonably be expected to produce sufficient DBE/ACDBE participation to meet the goals set for this procurement in reaching this decision, the Airport may consider all efforts advanced by the Proposer/Bidder/Qualifier as well as the following:

1. Did the contractor attend any scheduled pre-solicitation or pre-bid meetings to inform DBE/ACDBEs of contracting and subcontracting opportunities?
2. Did the contractor advertise in general circulation, trade association and minority-focus media concerning the subcontracting opportunities?
3. Did the contractor provide written notice to a reasonable number of specific DBE/ACDBE that their interest in the contract was being solicited, in sufficient time to allow the DBE/ACDBEs to participate effectively?
4. Did the contractor/supplier follow up with the DBE/ACDBE firms interested in participating?
5. Did the contractor/supplier select portions of work to be done by DBE/ACDBEs (including dividing contracts into economically feasible units to facilitate participation)?
6. Did the contractor provide adequate information about plans, specifications, and/or contracting requirements?
7. Did the contractor negotiate in good faith with interested DBE/ACDBEs, not rejecting DBE/ACDBEs as unqualified without sound reasons?
8. Did the contractor make efforts to provide assistance to obtain bonding, lines of credit, or insurance?
9. Did the contractor effectively use the services of available minority and female organizations, contractors' groups, state and local offices, etc., that have knowledge of available DBE/ACDBE firms or the names or organizations to locate such firms?

F. In the event a contract is awarded as a result of this procurement, the DBE/ACDBE Participation Plan submitted by the successful Proposer/Bidder/Qualifier and the terms, conditions and requirements contained in this notice shall become an integral part of the contract, binding said Proposer/Bidder/Qualifier to full and faithful performance in accordance with said plan.

G. Any award resulting from the procurement shall be and is conditioned upon the attainment of the aforesaid goals or the satisfactory showing of good faith efforts to attain said goals.

H. All successful Proposers/Bidders/Qualifiers must submit all the required documents to project managers prior to EBED final written approval to proceed (i.e. fully executed contract, that includes Purchase Order, Certification Request, Signature page of the contract between successful Proposers/Bidders/Qualifiers with the City of Cleveland, City Ordinance, Board Control Resolution *(all proposed DBE/ACDBEs, Non DBE/ACDBEs and SBEs should be listed),* all Sub-contractual/consultant Agreements, Post Project Summary and Project Contract Summary). Affirmative Action and/or EEO-1 forms are to be submitted to the EBED Office bi-annually.

I. During the performance of any resulting contract and for a period of up to three (3) years following completion of the contract work, the Airport may initiate reviews for compliance with the requirements of the Airport's DBE/ACDBE/SBE Program and the successful Proposer's/Bidder's/Qualifier's (hereinafter *"Contractor"*) DBE/ACDBE Participation Plan; such reviews will require the submissions of a payment or revenue reports (**Enclosure B-7A** Monthly Payment Compliance Report) and weekly Prevailing Wage reports to the EBED Office or project manager and/or review of monthly statements, invoices, canceled checks, desk audits and/or onsite reviews. Where a Contractor is found by the Airport to have failed to comply with the requirements of the DBE/ACDBE Program or the Contractor's DBE/ACDBE Participation Plan, the Contractor will be required to take corrective action. If corrective action is not promptly taken by the offending Contractor, the following sanctions may be imposed (singly, in any combination and in addition to any other remedies provided by law or equity):

1. The Airport may withhold all further payments under the contract.
2. The Contractor may be ordered to stop work
3. The contract may be terminated for breach.
4. Suspension or debarment proceedings may be commenced in accordance with 49 CFR, Part 29.
5. The Director of Purchasing and Supplies may find the defaulting contractor non-responsible in respect to other solicitations for a stated period of time.
6. The relevant performance bond(s) may be enforced.
7. The contract payments may be reduced by an amount equal to that designated in the DBE/ACDBE plan for DBE/ACDBE participation.

Reviews for non-federally funded projects (i.e. construction project, professional services projects, requirement projects) will require the submissions of a payment or revenue reports (**Enclosure B-7B** Monthly Payment Compliance Report) and weekly Prevailing Wage reports to the EBED Office or project manager.

J. Upon completion of the project (or portion of the project for partial releases of retainage) or completion of any subcontractor/subconsultant/subconcessionaire portion of the project, and upon receipt of all required documentation and deliverables, the Airport will approve release of retainage or portions thereof directly to the Contractor/Consultant. The Contractor/Consultant shall release retainage due to each subcontractor/sub consultant or material supplier within ten (10) days following Owner's payment to the Contractor/Consultant for work completed or material supplied.

K. Agreements between a supplier/contractor and DBE/ACDBE in which the latter promises not to provide subcontracting quotations to other suppliers/contractors are prohibited.

L. The Contractor will keep records and documents for three (3) years following performance of this contract to indicate compliance with this notice. Such records and, or copies thereof, will be made available at reasonable times and places for inspection by any authorized representative of the Airport and will be submitted to Airport upon request with any other compliance information which such representative may require.

M. If at any time, the Department of Transportation or the Airport has reason to believe that any person or firm has willfully or knowingly provided incorrect information or made a false statement, it may refer the matter to the General Counsel of the Department of Transportation. They may initiate debarment proceedings in accordance with 41 CFR 1-1.604 and 12-1.602 and/or refer the matter to the Department of Justice under 18 U.S.C. 1001, as they deem appropriate.

N. Proposers and Contractors agree to be bound by all the requirements, terms and conditions of this notice.

O. Nothing in this notice shall be interpreted to diminish the present contract compliance review.

ENCLOSURE B-1

DECLARATION OF PROPOSED DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) UTILIZATION

THIS PAGE MUST BE COMPLETED BY PRIME PROPOSER /BIDDER/QUALIFIER TO INDICATE THE AMOUNT (PERCENTAGE) OF DBE/ACDBE PARTICIPATION.

The undersigned, as a representative of the entity, _____, is submitting a bid/proposal for the _____ project, hereby acknowledges that the DBE/ACDBE goal established for this project is _____ %.

Note: Proposer/Bidder/Qualifier shall make one of the two certifications noted below:

1. ☐ The Proposer/Bidder/Qualifier further represents that the proposed level of DBE/ACDBE participation as set forth in the enclosed Schedule of DBE/ACDBE participation for this project is _____ % and represents attainment of the DBE/ACDBE participation goal Letters of Intent confirming the proposed participation of the DBE/ACDBEs set forth on the Schedule of DBE/ACDBE Participation are attached.

2. ☐ The Proposer/Bidder/Qualifier further represents that the proposed level of DBE/ACDBE participation as set forth in the enclosed Schedule of DBE/ACDBE participation for this project is _____ %. However, this level of DBE/ACDBE participation is less than the goal established for this project. The Proposer/Bidder/Qualifier has attached:

   a. the Schedule of DBE/ACDBE participation showing the level of DBE/ACDBE participation the Proposer/Bidder/Qualifier has been able to obtain, supplemented with Letters of Intent confirming the proposed participation of the DBE/ACDBEs set forth on the Schedule of DBE/ACDBE Participation; and,

   b. documentation of the Proposer's/Bidder's/Qualifier's good faith efforts to achieve the goal established for this project. This documentation shall include Certificates of DBE/ACDBE Unavailability for each contacted by the prime Proposer/Bidder/Qualifier which will not be participating in performance of the contract). The documentation of the efforts is discussed in greater detail in the Good Faith Efforts section.

Date	Representative of Proposer/Bidder/Qualifier	Title

(TO BE SUBMITTED WITH BID/PROPOSAL)

ENCLOSURE B-2

DBE/ACDBE AFFIDAVIT

THIS PAGE IS TO BE COMPLETED BY ALL DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) PROPOSED TO PARTICIPATE ON THIS PROJECT.

I hereby declare and affirm that I am (company representative) _____and duly authorized representative of the _____ _____ (name of corporation or joint venture) whose address is _____ _____.

I HEREBY DECLARE AND AFFIRM THAT I AM A DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) AS DEFINED BY 49 CFR Part(s) 23 or 26. I WILL PROVIDE INFORMATION AND/OR THE CERTIFICATION TO DOCUMENT THIS FACT **(attach copy of certification).**

I DO SOLEMNLY SWEAR OR DECLARE AND AFFIRM THAT THE CONTENTS OF THE FOREGOING STATEMENT ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE ABOVE FIRM, TO MAKE THIS AFFIDAVIT.

_____ _____
(Affiant) *(Date)*

State of _____)
)
City and County of _____)

On this _____ day of _____, _____, before me, the undersigned officer personally appeared.
_____, known to me to be the person described in the abovementioned Affidavit, and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

In witness thereof, I hereunto set my hand and official seal.

My Commission Expires: _____

_____
(Notary Public)

(SEAL)

ENCLOSURE B-3

CERTIFIED DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) PARTICIPATION PLAN

Name of Prime Contractor			
Name of Project			
Project/Contract No		**Total Bid/Proposal Amount**	

*****All firms must provide FEDERAL TAX ID NUMBER*** and must complete and sign a B-4A form*******

Name of CERTIFIED DBE/ACDBE	Federal Tax ID (must provide)	Address	Contact Person	Scope of Work	Percent Participation	Dollar Value of Work
1.						
2.						
3.						
4.						
5.						
6.						
7.						
				Total DBE/ACDBE Dollars (%)		

The undersigned will enter into formal agreement with the certified DBE/ACDBEs listed above for work in this schedule conditioned upon the award of a contract by the Cleveland Airport System.

Signature of Prime Contractor Representative	Phone Number	Date

ENCLOSURE B-4A

LETTER OF INTENT TO PERFORM AS A CERTIFIED DBE/ACDBE SUB-CONTRACTOR/CONSULTANT

This form is to be completed by Prime Contractors and Consultants and ALL certified DBE and ACDBE Sub-contractors and Sub-consultants.

Project Name: _____

Location: _____

TO BE COMPLETED BY PRIME CONTRACTOR/CONSULTANT

Prime Contractor/Consultant: _____
(FEDERAL TAX ID – MUST PROVIDE _____)

I am the _____ and duly authorized representative of the (firm of)

_____, which intends to perform work for the above project

operating as (*strike out conditions that do not apply*) an individual, a Company, a Corporation, organized

and existing under the law of the State of _____, or a Proprietorship, a Partnership, or Joint

Venture consisting of:

_____

_____

TO BE COMPLETED BY CERTIFIED SUB-CONTRACTORS/CONSULTANTS

DBE/ACDBE Subcontractors/consultants: _____

The firm I represent is a Disadvantaged Business Enterprise/Airport Concession Disadvantaged Business Enterprise which is currently certified by the Ohio Unified Certification Program as DBE/ACDBE with a certification date of _____. My firm is certified to perform work in the following areas: (P*lease provide a description of ALL work along with the NAICS Code for which your firm is certified):*

_____

_____

_____

_____

_____.

The undersigned is prepared to perform the following described work in connection with the above project: *(Specify in appropriate detail particular work items or parts to be performed along with NACIS Code for this project only. Also, please provide associated pricing with work outlined)*

	Type of Work and Items	Price Associated
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows (Do not leave the chart below blank. Information is to be provided for ALL procurements with the **exception of RFQ's (task order) and concessions (ACDBE) projects.**

If the chart below has not been completed the form will be considered **INCOMPLETE** and will be returned and potentially delay the procurement process):

Type of Work and Items	Work Hours Involved	Projected Commencement Date	Projected Completion Date
1.			
2.			
3.			
4.			
5.			

REPRESENTATION TO UTILIZE 2ND/3RD TIER SUB-CONTRACTOR/CONSULTANTS

I further represent that _____ percent (___ %) of the dollar value of my subcontract will be performed by 2nd___/3rd___ tier contractors and/or suppliers, which are: _____certified/_____not certified by the Disadvantaged Business Enterprise/Airport as an Airport Concession Disadvantaged Business Enterprise. *(Please provide 2nd/3rd tier sub information on form B-7).*

NOTE: **All** sub-contractor/consultant agreements with certified and or non-certified sub-contractors and sub-consultants must be provided to the Airport prior to issuance of the DBE/ACDBE Notice to Proceed (NTP). Delay in receipt of this information can directly impact the project timeline.

TO BE COMPLETED BY CERTIFIED SUB-CONTRACTOR/CONSULTANTS

The undersigned DBE/ACDBE will enter into a formal agreement for the above work with _____ (Prime contractor/consultant) conditioned upon your execution of a contract with the Airport.

Respectfully submitted, this

_____ Day _____, 20____

(Certified DBE or ACDBE Firm Name) _____

(Address) _____

_____

_____

(Signature) _____

(Name Typed) _____

(Title) _____

(SEAL IF PROPOSER IS A CORPORATION)

ENCLOSURE B-4B

LETTER OF INTENT TO PERFORM AS A *NON-CERTIFIED* DBE/ACDBE and SBE SUBCONTRACTOR/SUBCONSULTANT

*This form is to be completed by Prime Contractors and Consultants and ALL **NON-CERTIFIED** DBE, ACDBE and SBE Subcontractors and Sub-consultants.*

Project Name: _____

Location: _____

TO BE COMPLETED BY PRIME CONTRACTOR/CONSULTANT

Prime Contractor/Consultant:

_____

(Federal Tax ID Number – MUST PROVIDE_____)

I am the _____ and duly authorized representative of the (firm of)

_____, which intends to perform work for the above project operating as (*strike out conditions that do not apply*) an individual, a Company, a Corporation, organized and existing under the law of the State of _____, or a Proprietorship, a Partnership, or Joint Venture consisting of:

_____

_____

TO BE COMPLETED BY NON-CERTIFIED SUB-CONTRACTORS/CONSULTANTS

Sub-Contractor/Consultant: _____

I am the _____ and duly authorized representative of the (firm of)

_____, which intends to perform work for the above project operating as (*strike out conditions that do not apply*) an individual, a Company, a Corporation, organized and existing under the law of the State of _____, or a Proprietorship, a Partnership, or Joint Venture consisting of:

_____

_____

_____

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows (Do not leave the chart below blank. Information is to be provided for ALL procurements with the **exception of RFQ's (task order) and concessions (revenue generating)**

projects. If the chart below has not been completed the form will be considered **INCOMPLETE** and will be returned and potentially delay the procurement process):

Type of Work and Items	Work Hours Involved	Projected Commencement Date	Projected Completion Date
1.			
2.			
3.			
4.			
5.			
6.			

REPRESENTATION TO UTILIZE 2ND/3RD TIER SUB-CONTRACTOR/CONSULTANTS

I further represent that _____ percent (___ %) of the dollar value of my subcontract will be performed by 2nd___/3rd___ tier subcontractors and/or suppliers, which are: ___ certified / ___ not certified by the Airport as an Airport Concession/Disadvantaged Business Enterprise. *(Please provide 2nd/3rd tier sub information on form B-7).*

NOTE: All sub-contractor/consultant agreements with certified and non-certified sub-contractors/consultants must be provided to the Airport prior to issuance of the DBE/ACDBE Notice to Proceed (NTP). Delay in receipt of this information can directly impact the project timeline.

TO BE COMPLETED BY NON-CERTIFIED SUB-CONTRACTOR/CONSULTANTS

The undersigned sub-contractor/consultant will enter into a formal agreement for the above work with _____ (prime contractor/consultant) conditioned upon the execution of a contract with the Airport.

Respectfully submitted, this

_____ Day _____, 20____

(**NON-CERTIFIED** DBE/ACDBE Firm Name) _____

(Address) _____

_____

_____

(Signature) _____

(Name Typed) _____

(Title) _____

(SEAL IF PROPOSER IS A CORPORATION)

ENCLOSURE B-5

GOOD FAITH EFFORTS GUIDELINES

Instructions: In the event a competitor is unable to commit to full attainment of an established DBE/ACDBE contract specific goal, a good faith efforts evaluation must be conducted by the Airport. All competitors must provide documentation demonstrating all of the steps outlined below were taken in attempting to obtain DBE/ACDBE participation. **ALL GOOD FAITH EFFORT DOCUMENTATION MUST BE SUBMITTED AT THE TIME OF BID/PROPOSAL/QUALIFICATION**. With the exception of the RFQ process, the Airport is not allowed to contact potential contractors/consultants prior to selection of the successful bidder/proposer regarding information submitted. If good faith efforts are not submitted at the time of bid/proposal the bidder/proposer will be deemed **NON-COMPLIANT**.

1. Whether the contractor attended any pre-solicitation or pre-bid meetings that were scheduled by the recipient to inform DBE/ACDBEs of contracting and subcontracting opportunities;

2. Whether the contractor advertised in general circulation, trade association, and minority-focus media concerning the subcontracting opportunities;

3. Whether the contractor provided written notice to a reasonable number of specific DBE/ACDBEs, that their interest in the contract was being solicited in sufficient time to allow the DBE/ACDBEs to participate effectively;

4. Whether the contractor followed up initial solicitations of interest by contacting DBE/ACDBEs to determine with certainty whether the DBE/ACDBEs were interested;

5. Whether the contractor selected portions of the work to be performed by DBE/ACDBEs in order to increase the likelihood of meeting the DBE/ACDBE goals (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE/ACDBE participation);

6. Whether the contractor provided interested DBE/ACDBEs with adequate information about the plans, specifications and requirements of the contract;

7. Whether the contractor negotiated in good faith with interested DBE/ACDBEs, not rejecting DBE/ACDBEs as unqualified without sound reasons based on a thorough investigation of their capabilities.

8. Whether the contractor made efforts to assist interested DBE/ACDBEs in obtaining bonding, lines of credit, or insurance required by the recipient or contractor; and

9. Whether the contractor effectively used the services of available minority community organizations; disadvantaged contractors' groups; local, state and Federal disadvantaged business assistance offices; and other organizations that provide assistance in the recruitment and placement of DBE/ACDBEs.

***PLEASE ATTACH ALL SUPPORTING DOCUMENTATION OF THE GOOD FAITH EFFORTS TO THE BID/PROPOSAL/QUALIFICATIONS. COMPETITORS WILL BE DETERMINED NON-COMPLIANT WITHOUT THE APPROPRIATE SUPPORTING GOOD FATIH EFFORTS DOCUMENTATION.**

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ENCLOSURE B-6

NON-CERTIFIED DISADVANTAGED BUSINESS ENTERPRISPRISE / AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE SUB-CONTRACTOR/CONSULTANT (NON-CERTIFIED DBE/ACDBE) AND SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION PLAN

Name of Prime Contractor			
Name of Project			
Project/Contract No		**Total Bid Amount**	

All firms must provide FEDERAL TAX ID NUMBER AND COMPLETE FORM B-4B

SBE YES	SBE NO	Name of NON-CERTIFIED DBE/ACDBE	Federal Tax ID (must provide)	Address	Contact Person	Scope of Work	Percent Participation	Dollar Value of Work (Non-Certified DBE/ACDBE)	Dollar Value of Work (SBE)
		1.							
		2.							
		3.							
		4.							
		5.							
		6.							
						Total NON-CERTIFIED DBE/ACDBE Dollars (%)			

The undersigned will enter into formal agreement with the subcontractors listed above for work in this schedule conditioned upon the award of a contract by the Cleveland International Airport.

Signature of Prime Contractor Representative | **Phone Number** | **Date**

ENCLOSURE B-8

2ND/3RD TIER SUBCONTRACTOR/SUBCONSULTANT FORM

THIS FORM IS TO PROVIDE A LISTING OF **ALL** 2ND/3RD TIER SUB-CONTRACTORS AND SUBCONSULTANTS PERFORMING ON THE PROJECT. ALL SUBCONTRACTOR AGREEMENTS MUST BE PROVIDED PRIOR TO RECEIVING A DBE/ACDBE NTP (NOTICE TO PROCEED). DELAY IN RECEIPT OF THIS INFORMATION CAN DIRECTLY IMPACT PROJECT SCHEDULE.

DEFINITIONS

2ND TIER SUB-CONTRACTORS/CONSULTANTS – CONTRACTORS THAT CONTRACT DIRECTLY WITH THE 1ST TIER CONTRACTORS/CONSULTANTS.

3RD TIER SUB-CONTRACTOR/CONSULTANTS – CONTRACTORS THAT CONTRACT DIRECTLY WITH THE 2ND TIER CONTRACTORS/CONSULTANTS.

Name of Prime Contractor			
Name of Project		**Total Bid Amount**	

*****All firms must provide FEDERAL TAX ID NUMBER AND COPIES OF AGREEMENTS*****

2nd/3rd Tier Sub-Contractor/Consultant Name	1ST TIER Sub-Contractor/Consultant w/Agreement w/ 2nd/3rd Tier	Identify 2nd Tier 3rd Tier	CERTIFIED DBE/ ACDBE (YES / NO)	Federal Tax ID (must provide)	Address	Contact Person	Scope of Work	Total Dollar Amount
1.								
2.								
3.								
4.								
5.								
6.								
7.								
							TOTAL DOLLARS	

ENCLOSURE B-9

EMERGENCY ADDITION-CONDICTIONAL APPROVAL OF SUB-CONTRACTORS/CONSULTANT FORM
THIS FORM IS TO BE USED ONLY WHEN SUBCONTRACTOR/CONSULTANTS ARE TO BE ADDED ON AN EMERGENCY BASIS

APPROVAL WILL BE GRANTED WITHIN 24 HOURS OF THE FORMAL REQUEST

PROJECT: _____

CONTRACT AMOUNT: _____

EST. WORK START DATE: _____

EST. COMPLETION DATE: _____

SUPPLIER ONLY: _____YES/NO_____

TO THE DIRECTOR OF THE CLEVELAND AIRPORT SYSTEM,

I RESPECTFULLY REQUEST YOUR CONSENT TO SUBLET THE FOLLOWING WORK TO:

SUBCONTRACTOR/CONSULTANT TO PERFORM:

_____

FEDERAL TAX ID: _____

WORK TO BE PERFROMED (ADD NAICS CODES):

_____

_____

CONTACT PERSON: _____

ADDRESS AND PHONE NUMBER:

_____

SUB-SUB (ONLY FOR SUBS OF SUBS – PLEASE LIST ORIGINAL SUBS NAME):

_____

TIER: 1, 2 OR 3	DBE CERTIFIED & CERTIFICATION DATE (YES/NO)	EST. START & COMPLETION DATE	PERCENTAGE (%)	TOTAL CONTRACT AMOUNT ($)

BY SIGNING THIS FORM, THE CONTRACTOR LISTED BELOW HAS MADE ASSURANCES THAT ALL SUBCONTRACTORS LISTED ABOVE WHO ARE UTILIZED TOWARDS THE FULFILLMENT OF A DBE GOAL WILL BE PERFORMING A COMMERCIALLY USEFUL FUNCTION AS OUTLINED IN 49 CFR PART 26. IF IT IS DISCOVERED THAT THE DBE IS NOT PERFORMING OR HAS NOT PERFORMED A COMMERCIALLY USEFUL FUNCTION, THE PRIME CONTRACTOR WILL IMMEDIATELY NOTIFY THE EBED OFFICE OF ITS FINDINGS. **THE APPROVAL OF THIS FORM IS CONDITIONAL.** FINAL APPROVAL WILL NOT BE GRANTED UNTIL ALL EBED A & B FORMS ARE COMPLETED & CONTRACTUAL AGREEMENTS ARE SIGNED AND PROVIDED TO THE EBED OFFICE WITHIN 5 DAYS OF SIGNATURE. THIS ADDITION MUST BE APPROVED BY THE AIRPORT DIRECTOR AND CITY OF CLEVELAND BOARD OF CONTROL. THIS CONTRACT IS SUBJECT TO STATE OF OHIO PREVAILING WAGE OR FEDERAL DAVIS BACON (WAGE & HOUR) REQUIREMENTS. PLEASE CONTACT 216-265-3353 FOR ADDITIONAL INFORMATION. IF THE WAGE & HOUR STANDARDS ARE NOT COMPLIED, PAYMENT TO THE CONTRACTOR CAN BE STOPPED OR THE PROJECT CAN BE STOPPED ENTIRELY.

CONTRACTOR SIGNATURE: _____

REQUESTED SUB-CONTRACTOR SIGNATURE: _____

EBED SIGNATURE: _____

APPROVED: _____ DENIED: _____

REASON FOR DENIAL: _____

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ADDENDUM#1

Effective January 1, 2014

ATTACHMENT B

(DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) UTILIZATION

III(J): *Upon completion of the project (or portion of the project for partial releases of retainage) or completion of any subcontractor/subconsultant/subconcessionaire portion of the project, and upon receipt of all required documentation and deliverables, the Airport will approve release of retainage or portions thereof directly to the Contractor/Consultant. The Contractor/Consultant shall release retainage due to each subcontractor/sub consultant or material supplier within ten (10) days following Owner's payment to the Contractor/Consultant for work completed or material supplied.*

Addendum:

1. *Lien Waivers* for each subcontractor/sub-consultant/sub-concessionaire for work completed or material supplied shall be a part of and included upon each submission of Contractor/Consultant's payment or revenue report (**Enclosure B-7A** and **B-7B** Monthly Payment Compliance Report).
2. *Final Affidavit of Compliance Prevailing Wage* shall be submitted upon each Contractor/Consultant's and each subcontractor/sub-consultant/sub-concessionaire's completion of the project (or portion of the project for partial releases of retainage).
3. After ten (10) days following Owner's final release of retainage, Contractor/Consultant shall submit a **FINAL** payment or revenue report (**Enclosure B-7A** and **B-7B** Monthly Payment Compliance Report) **and** Lien Waivers for each sub-contractor/sub-consultant. **A file audit shall be performed at once for non-compliance of this part.**
4. For project non-performance, a notification in the Contractor/Consultant's letterhead shall be a part of and included in the submission of payment or revenue report (**Enclosure B-7A** and **B-7B** Monthly Payment Compliance Report).

III(C)(5): *Request for **emergency** addition-conditional approval to utilize a subcontractor/consultant can be submitted by completing **Attachment B-9** (Emergency Addition-Conditional Approval of Subcontractor/consultant)...*

Addendum:

1. Usage of the Emergency Form (B9) shall be limited to three (3).

All other provisions of Attachment A and Attachment B shall remain the same.

AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)

JOINT VENTURE (JV) GUIDANCE

What is a Joint Venture Partner?

For the purposes of the ACDBE program, a joint venture is defined as an "association of an ACDBE firms and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combined their property, capital, efforts, skills and knowledge, and in which the ACDBE is responsible for a distinct, clearly defined portion of the work the contract and whose shares in the capital contribution, control, management, risks and profits of the joint venture are commensurate with its ownership interest." Much of the remainder of this document will be directed toward further explaining many of the components of this "joint venture" definition.

What does an "association" of an ACDBE firm and one or more other firms mean?

In accordance with the objectives of the ACDBE regulations, joint ventures are intended to **have a business structure set forth in a signed written agreement that clearly and specifically defines the participation of each party in the contribution of property, capital, efforts, skills and knowledge**.

Any legal structure that meets federal and state legal requirements may be used to form a joint venture provided that for the purposes of counting ACDBE participation the requirements of 49 CFR Part 23 are me. The joint venture should operate in accordance with a written agreement. Please not that any business structure that meets the Part 23 definition of "joint venture" will be considered a joint venture for purposes of counting ACDBE participation, regardless of the name attributed to the business structure in the written agreement.

Some of the important components that should be included in the written agreement are noted below:

- **Identification of the participation in the Joint Venture.** The JV participants must be firms, including sole proprietorships, not individuals. In addition, the ACDBE participant must be certified as an ACDBE in the type of business operated by the joint venture, and in the State where the airport is located, in order for the participation to count towards ACDBE goals.
- **Identification of the single, for-profit business enterprise to be undertaken by the joint.** See Section 2.3 for further explanation.
- **Term of the joint venture agreement and factors effecting the term** (concession contract extensions or termination, sale of interest, etc.).
- **Capital to be contributed by each party** (initial contributions and future needs should be addressed).
- **Accounting methods and distribution of profit/losses.**
- **Management of the joint venture's business**, including overall management (participation on a management committee or management board) and day-to-day management responsibilities.
- **Administrative matters,** including joint venture office locations, recordkeeping requirements, identification of an auditor, fiscal year, addresses for notices, transfer of interests, etc.

- **Dissolution,** including events/conditions upon which the joint venture may be dissolved and terminated and assets distributed.

May a "single, for-profit business enterprise" have more than one contract or business location at an airport?

While a joint venture must be a single business entity, it may have more than one contract with a given airport or more than one business location at the airport. It is the joint venture as an entity, and not the individual participants in the joint venture, that should have the contractual relationship(s) with the airport. The specifics of the participation in each contract should be clearly stated in the joint venture agreement to enable the airport to separately monitor all of the elements of the joint venture entity's participation in each. The participants in the joint venture which are requesting ACDBE credit should be required to disclose any other business relationships currently in existence between or among the parties (joint ventures at other airports). In the event that other relationships exist, the airport and/or Unified Certification Program (UCP) should review the ACDBE participants' eligibility for certification, to ensure continuing independence and control of the ACDBE firm in the operation of its business.

What does "parties combine their property, capital, efforts, skills and knowledge" mean?

Each party in a joint venture should bring real and substantial value to the joint venture enterprise. The parties should each contribute both tangible and intangible assets. If property is contributed the joint venture agreement should clearly state at the outset its value; which is usually assessed based on liquidation value, replacement cost, or "value in use" methods. The parties should contribute capital commensurate with their ownership interest, knowledge and skills relative to the portion of the joint venture's business for which they are responsible, and efforts of the success of the venture. The skill set (a combination of experience, core competencies, unique talent, etc.) provided by each party should add value to the joint venture relationship that is objectively apparent. This skill set should be specifically addressed in the joint venture agreement and verified by the airport during its initial review and periodically thereafter.

What does "the ACDBE is responsible for a distinct, clearly defined portion of the work of the contact" mean?

In this context, "distinct" means separate and distinguishable from the work of the non-ACDBE. "Clearly defined" means that there is no guesswork involved in determining the nature of the work assigned to the ACDBE. In order to be considered a distinct, clearly defined portion of the work, it is necessary to fully understand exactly what the work will entail, including an estimate of the time and resource requirements for each major task. For example, if the ACDBE's portion of the work is only described as "advise about" or "participate in" a portion of the work, the work would likely not be considered distinct or clearly defined because it is not clear what work the ACDBE will accomplish. Much detail would be necessary in order to determine the portion of the work to be attributed to the ACDBE. Of course, the work of the contract also

includes the role of the ACDBE in the overall management of the business (as a participant on a management committee or some other governing board) as well as participation in the day-to-day management of the business.

What does "whose shares in the capital contribution, control, management, risks and profits of the joint venture are commensurate with its ownership interest" mean?

The ACDBE's participation is each of these five areas should be proportionate to the claimed ownership.

Can a joint venture be certified as an ACDBE?

No. Joint venture entities themselves are not certified as ACDBEs. In order to count towards ACDBE participation, one or more of the joint venture participants must be a certified ACBDE. Even if the joint venture is more than 51% owned by an ACDBE firm, it is not certified as an ACDBE because, by definition, a joint venture is an association of firms not individuals. The regulation states as follows:

> 26.73(e) *An eligible DBE firm must be owned by individuals who are socially and economically disadvantaged. Except as provided in this paragraph, a firm that is not owned by such individuals, but instead is owned by another firm—even a DBE firm—cannot be an eligible DBE.*

Therefore, a joint venture cannot be certified as an ACDBE.

With regard to certification, the regulation provides for an exception to the above as follows:

> *26.73(e) (1) If socially and economically disadvantaged individuals own and control a firm through a parent or holding company, established for tax, capitalization or other purposes consistent with industry practice, and the parent or holding company in turn owns and controls an operating subsidiary, you may certify the subsidiary if it otherwise meets all requirements of this subpart. In this situation, the individual owners and controllers of the parent or holding company are deemed to control the subsidiary through the parent or holding company.*

However, this would not apply to joint ventures since the ACDBE participant in a joint venture must be certified in order to count towards ACDBE participation in a joint venture and holding companies are not certified; only the subsidiary can be certified. Therefore, a holding company cannot be an ACDBE participant in a joint venture.

Does the ACDBE participant in a joint venture have to be certified in a specific type of work?

Yes. ACDBE firms must be certified in the type of work to be undertaken by the joint venture (ex. an ACDBE participant in a retail joint venture must be certified as an ACDBE retail operator). An ACDBE firm is required to share in the management and control of the operation.

In order to do so, the ACDBE should be capable of participating at this level. In addition, the ACDBE should have involvement in the broader areas of the operation which would enable them to gain operating experience for the purpose of competing independently for operations in the future. The implementation of joint ventures which promote participation in the provision of services not related to the overall management of the operation does not support the objectives of the program. Certified firms may request that a trade be added to their certification.

49 CFR Part 23 states as follows:

> *(a) Recipients must use, except as provided in this subpart, the procedures and standards of part 26, §§26.61-91 for certification of ACDBEs to participate in their concessions program. Recipients ACDBE program must incorporate the use of these standards and procedures and must provide that certification decisions for ACDBEs will be made by the Unified Certification Program (UCP) in the recipients state (see part 26, §26.81).*

49 CFR Part 26 state as follows:

> *(n) Recipients must grant certification to a firm only for specific types of work in which the socially and economically disadvantaged owners have the ability to control the firm. To become certified in an additional type of work, the firm need demonstrate to the recipient only that it's socially and economically disadvantaged owners are able to control the firm with respect to that type of work. The recipient must not require that the firm be recertified or submit a new application for certification, but must verify the disadvantaged owner's control of the firm in the additional type of work.*

Non-ACDBE joint venture participants and potential ACDBE joint venture participants should be cautious about investing capital in a project before the appropriate certification is issued by the certifying agency and the joint venture agreement is approved for counting by the airport. In the event that the potential ACDBE participant is not certified or the joint venture is not approved for counting.

Requested By:_____
(Department/Office)

NON-COMPETITIVE BID CONTRACT STATEMENT FOR CALENDAR YEAR 2017 (ALL DEPARTMENTS/OFFICES)

This statement, properly executed and containing all required information must be completed. **IF YOU FAIL TO COMPLY, YOUR PROPOSAL WILL NOT BE CONSIDERED.**

Entity Name: _____

Entity's Mailing Address: _____

_____

COMPLETE SECTION I, II, OR III BELOW, WHICHEVER IS APPROPRIATE, AND SECTION IV.

NOTE: For purposes of this Statement, the "Mayor" and "Mayor's Committee" means Frank G. Jackson and the Frank G. Jackson For A Better Cleveland Committee, respectively.

SECTION I. TO BE COMPLETED BY NON-PROFIT CORPORATIONS AND GOVERNMENTAL ENTITIES.

If you are recognized by the IRS as a non-profit corporation or are a governmental entity, mark the appropriate designation below and proceed to the indicated section(s).

☐ NON-PROFIT CORPORATION **GO TO SECTIONS III and IV.**

☐ GOVERNMENTAL ENTITY **GO TO SECTION IV.**

SECTION II. TO BE COMPLETED BY INDIVIDUALS, SOLE PROPRIETORSHIPS, PARTNERSHIPS, INCORPORATED PROFESSIONAL ASSOCIATIONS, UNINCORPORATED ASSOCIATIONS, ESTATES AND TRUSTS.

The above-named entity is a (Please mark appropriate designation):

☐ SOLE PROPRIETORSHIP

☐ INCORPORATED PROFESSIONAL ASSOCIATION

☐ UNINCORPORATED ASSOCIATION

☐ LIMITED LIABILITY COMPANY

☐ TRUST

☐ ESTATE

☐ PARTNERSHIP

☐ JOINT VENTURE

For purposes of Section II, a "principal" means an individual, an owner, a partner, a shareholder, a member, an administrator, an executor or trustee connected with the above-named entity, or the spouse of any of them.

PLEASE READ PARAGRAPHS (A) and (B) and mark the appropriate paragraph. If paragraph (B) is checked, the City of Cleveland is prohibited by Section 3517.13 of the Revised Code from awarding a non-competitively bid contract over $500.00 to the entity during calendar year 2017 unless Council makes a direct award.

☐ (A) NO ONE PRINCIPAL of the above named entity made one or more contributions to the Mayor or the Mayor's Committee between January 1, 2015 and December 31, 2016 that totaled in excess of $1,000.00 per individual. (This paragraph also applies if no principal of the above-named entity made any contributions to the Mayor or the Mayor's Committee).

☐ (B) ONE OR MORE PRINCIPALS of the above named entity made, as individual(s), one or more contributions to the Mayor or the Mayor's Committee between January 1, 2015 and December 31, 2016 that totaled in excess of $1,000.00.

SECTION III. TO BE COMPLETED BY NON- PROFIT AND FOR-PROFIT CORPORATIONS AND BUSINESS TRUSTS.

☐ NON-PROFIT CORPORATION ☐ FOR-PROFIT CORPORATION

☐ BUSINESS TRUST (OTHER THAN INCORPORATED PROFESSIONAL ASSOCIATIONS)

For purposes of Section III, a "principal" means an individual or an entity owning more than 20% of the corporation or business trust or the spouse of any such individual.

PLEASE READ PARAGRAPHS (A) (B) (C) and (D) and mark the appropriate paragraph. If paragraph (C) is checked, the City of Cleveland is prohibited by Section 3517.13 of the Revised Code from awarding a non-competitively bid contract over $500.00 to the entity during calendar year 2017 unless Council makes a direct award. If paragraph (D) is checked, the City of Cleveland is prohibited by Section 3599.03 from awarding a contract to the non-profit corporation.

☐ (A) NO INDIVIDUAL or entity owned more than 20% of the corporation or business trust between January 1, 2015 and December 31, 2016.

☐ (B) NO PRINCIPAL of the above named entity made, as an individual, one or more contributions to the Mayor or the Mayor's Committee between January 1, 2015 and December 31, 2016 that totaled in excess of $1,000.00. (This paragraph also applies if no principal of the above-named entity made any contributions to the Mayor or the Mayor's Committee).

☐ (C) ONE OR MORE PRINCIPALS of the above named entity made one or more contributions to the Mayor or the Mayor's Committee between January 1, 2015 and December 31, 2016 that totaled in excess of $1,000.00 individual.

☐ (D) FUNDS OF THE NON-PROFIT CORPORATION were contributed to the Mayor or the Mayor's Committee at any time.

GO TO SECTION IV.

SECTION IV. TO BE COMPLETED BY ALL ENTITIES.

I do hereby state that I have legal authority to complete this statement on behalf of the above-named entity and to the best of my knowledge and belief the answers herein are true and complete.

Print Name _____ Print Title _____

Signature _____ Date _____

Telephone No. _____
(Area Code)

STATE OF _____)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared the above-named _____, who acknowledged that (he/she) did sign the foregoing statement and that the same is (his/her) free act deed, personally and as duly authorized representative of _____, and the free act and deed of the entity on whose behalf (he/she) signed.

Notary Public _____

Date _____

FOR MAYOR'S OFFICE USE ONLY

_____ ELIGIBLE _____

_____ INELIGIBLE _____

DATE _____