



# **AIRPORT DEVELOPMENT DIVISION**

**OFFICE OF COMPLIANCE AND INCLUSION  
(OCI)**

**DISADVANTAGED BUSINESS ENTERPRISE  
(DBE)**

**AIRPORT CONCESSIONS DISADVANTAGED  
BUSINESS ENTERPRISE  
(ACDBE)**

# **PROGRAM GUIDELINES**

**ATTACHMENT A**  
**REQUIREMENTS CONCERNING EEO & AFFIRMATIVE ACTION**

Cleveland Airport System's Office of Properties, Inclusion and Contract Compliance (OPICC) 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 OPICC at 216-265-6000.

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.

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The Affirmative Action Plan for equal employment opportunity is the Cleveland Airport System's ("Airport") written commitment to undertake specifically planned action to ensure equality of opportunity in employment practice by firms contracting for goods and services with the 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/Qualifiers and their first tier sub-contractors/sub-consultants proposing a contract hereunder in an amount of \$10,000 or more must complete Enclosure A-3. If the Proposer/Bidder/Qualifier or any of its first tier sub-contractors/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 or employment of minorities and women must be submitted when called for by the Airport.
  
- IV. **Requirements Concerning the Submission of an Affirmative Action Plan**  
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 sub-contractors bidding on a contract must complete Enclosure A-5.

Joint Reporting Committee

ENCLOSURE A-1

- Equal Employment Opportunity Commission

EQUAL EMPLOYMENT OPPORTUNITY

EMPLOYER INFORMATION REPORT EEO - 1

- Office of Federal Contract Compliance Programs (Labor)

FOR

THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT

Section A - TYPE OF REPORT

Refer to instructions for number and types of reports to be filled.

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
- 2.  Multi-establishment Employer 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 filled by this Company (Answer on Consolidated Report only).

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

1. Parent Company

OFFICE USE ONLY

a. Name of parent company (owns or controls establishments 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 your entire company have at least 100 employees in the payroll 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 100 or more?

Yes  No 3. Does your company or any of its establishments (a) have 50 or more employees AND (b) is not exempt as provided by 41 CFR 60-1-5 AND either (1) is a prime government contractor or first tier subcontractor, and has a contract subcontract or purchase order amounting to \$50,000 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 US 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)

Grid for DUN and Bradstreet identification number

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

### 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 this instructions. Enter the appropriate figures on all lines and in all columns. Blank spaces will be considered 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										
<b>TOTAL</b>	<b>10</b>										
Total Employment reported in previous EEO-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 & 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 location of the establishment the same as that Reported last year? <input type="checkbox"/> 1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/> 3. No Report	2. Is the major business activity at this establishment the same as that reported last year? <input type="checkbox"/> 1. Yes <input type="checkbox"/> 2. No <input type="checkbox"/> 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: This section 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 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 709E of Title VII  
 WILLFULLY FALSE STATEMENTS IN THIS REPORT ARE PUNISHABLE BY LAW, US CODE TITLE 18, SECTION 1001



**ENCLOSURE A-2  
NONDISCRIMINATION AFFIDAVIT**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

\_\_\_\_\_, being first duly sworn deposes and says:

1. The 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 that 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 rate 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 provision of this nondiscrimination clause.
  - b. The Contractor will, in all solicitations or advertisements for employees placed by or on 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 contract 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 to 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 cancelled, 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.

- e. 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 sub-contract 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 sub-contractor or vendor. The Contractor will take such action with respect to any sub-contract 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 sub-contractor/sub-consultant or vendor as 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 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 & SUB-CONTRACTORS ONLY)**

**To Be Prepared By:**

**Non-construction Prime Contractors and first tier sub-contractors/sub-consultants 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 one year goal for the utilization of minorities  
(Company Name)

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 sub-contractor has 50 or more employees and is participating in contracts with the Airport which exceed \$50,000, and Affirmative Action Plan must be submitted to the Airport's Office of Compliance and Inclusion (OCI):

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 calculated?
    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" (CONTRACT 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.

**ENCLOSURE A-5  
REQUIREMENTS CONCERNING PRIME AND SUB-CONTRACTORS**

Project Name: \_\_\_\_\_

In accordance with Federal Regulations 49 CFR, Part 26.11, the Office of Compliance and Compliance (OCI) is required to create and maintain a bidders list on all Prime and Sub-Contractors/Sub-Consultants 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       SBE       Non-DBE

Mailing Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Contact: \_\_\_\_\_ Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Date of 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)/sub-consultant(s) proposed to work on this Project)

\*\*\*Please attach additional papers if you need more space\*\*\*

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

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

## ATTACHEMENT B

### DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) AND SMALL BUSINESS ENTERPRISE (SBE) 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.

Pursuant to Title 49 Code of Federal Regulations, Part 26.39 Final Rule issued on January 28, 2011, all airport recipients that has Disadvantaged Business Enterprise (DBE) Program must include a small business element to serve as a race and gender-neutral method to structure contracting requirements to facilitate competition by small business concerns including DBEs. The City of Cleveland, Department of Port Control received approval in 2012 from the Federal Aviation Administration (FAA) for the addition of the Small Business Enterprise (SBE) as an element of its DBE Program.

Participants in the procurements agree to ensure that DBEs/ACDBEs and SBEs, 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, to ensure that DBE/ACDBEs and SBEs 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 CFR, Part 26.5. The Airport annually sets an overall DBE/ACDBE goal and triennially sets a 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 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 participations of certified DBEs/ACDBEs and verified SBEs, 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 contract specific DBE/ACDBE goals and assigned SBE goals for the work to be performed under this contract. Note: A DBE CANNOT function as both DBE and SBE at the same time in a contract.

For SBE eligibility, refer to the attached Office of Compliance and Inclusion Small Business Enterprise (SBE) Certification and Verification Guidelines.

- A. When a DBE/ACDBE and SBE participates in a contract, you count only the value of the work actually performed by the DBE/ACDBE and SBE toward the DBE/ACDBE and SBE goals.
  1. Count the entire amount of the portion of a contract (or other contract not covered by Paragraph (A) (2) of this section) that is performed by DBE/ACDBE and SBEs own forces. Include the cost of supplies and materials obtained by the DBE/ACDBE and SBEs for the work of the contract, including supplies purchased or equipment leased by the DBE/ACDBE and SBEs 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 and SBEs 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 and SBE goals, provided you determine the fee to be reasonable and not excessive as compared with less customarily allowed for similar services.
  3. When a DBE/ACDBE and SBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE/ACDBE and SBE goals only if the DBE/ACDBE and SBE subcontractor is itself a DBE/ACDBE and SBE. Work that a DBE/ACDBE and SBE subcontracts to a non-DBE/ACDBE and SBE firm does not count toward DBE/ACDBE and SBE goals.
    - a) When a DBE/ACDBE and SBE 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 the DBE/ACDBE and SBE performs with its own forces toward DBE/ACDBE and SBE goal.
    - b) Count expenditures to a DBE/ACDBE and SBE contractor towards DBE/ACDBE and SBE goals only if the DBE/ACDBE and SBE is performing a commercially useful function on that contract.
  4. A DBE/ACDBE and SBE 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 and SBE 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 and SBE is performing a commercially useful function, you must evaluate the subcontracted amount of work, the industry practices, whether the amount the firm is paid under the contract is commensurate with the work it is actually performing, and the DBE/ACDBE and SBE credit claimed for its performance of the work, and if the relevant factors DBE/ACDBE and SBE does not perform a commercially useful function 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:



**a. DISADVANTAGED BUSINESS ENTERPRISE (DBE) FIRMS ONLY**

1. 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.
2. A person may be 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.
3. Packagers, brokers, manufacturers' representatives or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph.
4. With respect to materials or supplies purchased from a DBE/SBE 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/SBE 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/SBE goals.

Sixty percent (60%) of the total dollar value will be counted in the case of a DBE/SBE supplier that is not a manufacturer, provided that the DBE/SBE supplier performs a commercially useful function in the supply process to include brokers, etc. in accordance with 49 CFR Part 26.55 Paragraph 2b.

**b. AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PARTICIPATION ONLY**

ACDBE firms can only be counted if they are performing 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.

**c. DBE/ACDBE and SBE MANUFACTURER/REAL DEALER PARTICIPATION**

The entire amount of fees or commissions charged by a DBE/ACDBE and SBE 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 include, but are not limited to, professional, technical, consultant, legal security systems, advertising, building cleaning and maintenance, computer programming, or a managerial.

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



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

If a firm is not certified DBE/ACDBE nor verified SBE in accordance with the standards in this part, do not count the firm's participation toward DBE/ACDBE and SBE 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 and SBE Program requirements must be satisfied proposals must include a representative 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 and SBE participation sought by the Airport for this procurement.

Each Proposer/Bidder/Qualifier must include a statement in **Enclosure B-1** (Declaration of Proposed DBE/ACDBE and SBE Utilization) of the level of DBE/ACDBE and SBE 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 or Request for Proposal or Qualifications.

- B. Each Proposer/Bidder/Qualifier should also prepare a complete DBE/ACDBE and SBE Participation Plan that sets forth the extent of DBE/ACDBE and SBE 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 and SBE participation plans shall include the following minimum information:
1. DBE/ACDBE and SBE Participation Schedule (**Enclosure 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 and subsequent certified DBE/ACDBE firms must complete **Enclosure B-2** (DBE/ACDBE Affidavit) and **Enclosure B-4A** (Letter of Intent – Certified DBE/ACDBE), and copies of sub-agreements must be submitted for each DBE/ACDBE firms whose participation is proposed for the performance of this contract as a subcontractor/sub-consultant or joint venture.

2. If the DBE/ACDBE and SBE goals are not met, the Proposer/Bidder/Qualifier must demonstrate adequate document in Attachment B-5 (Good Faith Effort Guidelines) the good

faith efforts is made to include DBE/ACDBE/SBE participation in the contract. The documentation of the effort is discussed in greater in paragraph F of this section.

**All Proposers/Bidders/Qualifiers must make a good faith effort to meet both the DBE/ACDBE and SBE goal(s).**

3. Non certified DBE/ACDBE and SBE Participation Schedule (Enclosure B-6), which includes:
  - a. Names, addresses and contact persons of the DBE/ACDBE and SBE firms that will participate in this contract.
  - b. A description of the work each named non-certified DBE/ACDBE and SBE will perform.
  - c. The dollar amount (projected revenue) of the participation of each named non-certified DBE/ACDBE.
  - d. Federal Tax Identification Number.

**For SBE qualifications and validations, refer to the Small Business Certification Verification Process attached to this Guidelines.**

4. All proposed and subsequent non-certified DBE/ACDBE and SBE must complete **Enclosure 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 firms whose participation is proposed for the performance of this contract as a subcontractor/sub-consultant or joint venture.

**A DBE CANNOT function as both DBE and SBE at the same time in a project.**

5. All Tier Sub-contractors/consultants Participation Schedule (Enclosure B-8), which includes:
  - a. Names, addresses and contact persons of the Tier subcontractor/consultant.
  - b. First Tier subcontractor/consultant with agreement with Tier sub;
  - c. Identifying whether Tier is certified or non-certified DBE/ACDBE or SBE;
  - d. Federal Tax Identification Number
  - e. Description of the work each named Tier will perform.
  - f. The dollar amount (projected revenue) of the participation of each named Tier.

All proposed and subsequent Tier subcontractor/consultant must complete the corresponding Enclosures; copies of sub-agreements must be submitted for each Tier subcontractor/consultant whose participation is proposed for the performance of this contract as a Tier subcontractor/sub-consultant or joint venture.

6. Request for emergency addition-conditional approval to utilize a subcontractor/consultant can be submitted by completing **Enclosure B-9** (Emergency Addition-Conditional Approval of Subcontractor/consultant). The Contractor shall make assurances that all subcontractors listed in Enclosure B-9 who are utilized towards the fulfillment of a DBE/ACDBE and SBE 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/SBE is not performing or has not performed a commercially useful function, the Prime Contractor will immediately notify OCI of its findings.

**THE APPROVAL OF THIS FORM IS CONDITIONAL. FINAL APPROVAL WILL NOT BE GRANTED UNTIL ALL OCI A AND B FORMS ARE COMPLETED AND CONTRACTUAL AGREEMENTS ARE SIGNED AND PROVIDED TO OCI WITHIN 5 DAYS OF SIGNATURE. THIS ADDITION MUST BE APPROVED BY THE AIRPORT DIRECTOR AND THE CITY OF CLEVELAND BOARD OF CONTROL.**

If this contract is subject to Federal Davis Bacon (Wage and Hour) requirements or State of Ohio Prevailing Wage, the Contractor and sub-contractor are required to follow all contractual obligations related to Wage and Hour on all Department of Control/City of Cleveland contracts. **If the wages and hour information is not submitted, appropriate sanctions are imposed such as payment to the Contractor can be stopped or the project can be stopped entirely.**

All other provisions regarding additions of subcontractor/consultants shall remain enforced and applied herein.

7. The following standards shall be applied in assessing the responsibility of the DBE/ACDBE and SBE plan submitted:
  - a) Whether the participation plan contains capable currently certified DBE/ACDBE and validated SBE firms.
  - b) Whether the firms listed in the plan are performing commercially useful functions
  - 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 from the Airport's Office of Compliance and Inclusion **before** termination, addition and or making substitution for any subcontractors listed in its DBE/ACDBE and SBE and non-certified DBE/ACDBE/SBE plans.

Airport certified DBE/ACDBE entities are eligible for inclusion in plan. Consult the DBE/ACDBE Directory at <https://www.dof.state.oh.us/Divisions/ODI/SDBE/Pages/DBE-Directory.aspx>. Firms with SBE designations can be assessed through the OCI Office.

The Airport's Office of Compliance and Inclusion is available for assistance in ascertaining certification status of DBEs/ACDBEs. However, all applications must be made through the Ohio Unified Certification Program (UCP) Application. Applications for certification may be obtained at <http://www/dof.state.oh.us/Divisions/ODI/SDBE/Pages/UCP.aspx>.

- E. For all bids and proposals, **all proposed firms must be certified prior to the bid and proposal submission dates.** For all statements of qualifications, **all proposed firms must be certified by the time of final contract negotiations** to be counted toward participation at the time of the contract award.
  1. The Airport cannot certify proposed DBE/ACDBE entities prior to bid. The Airport will attempt to grant SBE designation prior to bid. **However, it will not consider certification/designation not completed prior to submittal of bids.**
  2. 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.
  3. 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 DBEs/ACDBEs must be certified and SBEs are verified accordingly by FINAL NEGOTIATIONS.**

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 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 28.69, which is reproduced as part of the Joint Certification Application.
  5. The Proposer's/Bidder's/Qualifier's commitment to a specific goal for DBE/ACDBE/SBE utilization as detailed in its DBE/ACDBE/SBE Plan shall constitute a presumption that good faith efforts to meet the DBE/ACDBE/SBE 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 adequate good faith efforts by utilization.
- F. 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/SBE participation to meet the goals set for this procurement in reaching this decision, the Airport may consider all efforts advance by Proposer/Bidder/Qualifier as well as the following:
1. Did the contractor attend any scheduled pre-solicitation or pre-bid meetings to inform DBE/ACDBE/SBEs 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/SBE that their interest in the contract was being solicited, in sufficient time to allow the DBE/ACDBE/SBEs to participate effectively?
  4. Did the contractor/supplier follow up with the DBE/ACDBE/SBE firms interested in participating?
  5. Did the contractor/supplier select portions of work to be done by DBEs/ACDSBEs/SBEs (including dividing contract into economically feasible unit 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 DBEs/ACDBEs/SBEs not rejecting DBEs/ACDBEs/SBEs 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/SBE firms or the names or organizations to locate such firms?

Where OCI determines that GFE is insufficient, the Proposer/Bidder/Qualifier is provided an **Administrative Reconsideration** within the guidelines of 49 CFR §26.53(d). The Proposer/Bidder/Qualifier must provide written documentation/s or argument/s concerning efforts to meet the DBE Utilization Goal within five (5) working days of receipt of the notice that GFE was unsatisfactory. The Proposer/Bidder/Qualifier will have the opportunity to meet with the DBE Liaison Officer in person to discuss the issue of whether it met the goal requirements or made adequate good faith efforts of this subsection. The DBE Liaison Officer will render a written

decision and provide notification to the Proposer/Bidder/Qualifier that will explain the basis for finding. The finding of the DBE Liaison Officer cannot be appealed to the U.S. DOT.

- G. In the event a contract is awarded as a result of this procurement, the DBE/ACDBE/SBE 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.
- H. 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.
- I. All successful Proposers/Bidders/Qualifiers shall submit ALL the required documents to project managers prior to OCI 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 DBEs/ACDBEs/SBEs, Non-Certified DBEs/ACDBEs/SBEs should be listed), all Subcontract/consultant Agreements, Post Project Summary and Project Contract Summary). Affirmative Action and/or EEO-1 forms are to be submitted to OCI bi-annually.
- J. All successful Proposers/Bidders/Qualifiers have dual reporting requirements. Successful Proposers/Bidders/Qualifiers and their respective tier subcontractors/subconsultants will be required to enter revenue reports and all payments received from the City and payments made to their respective subcontractors/subconsultants into the **B2GNow Certification and Compliance Reporting System**, accessible at <https://cleveland.diversitycompliance.com/Default.asp>. Additionally, supporting documents (i.e. invoices and cancelled checks) uploaded into the system.

Moreover, provisions of the Davis Bacon and Related Acts (DBRA) and the Ohio Revised Code 4115 (ORC 4115) prevailing wages shall follow the guidelines and requirements of 29 CFR Parts 1,3,5,6,7; United States Code: 40 3241-3144, 3146-36148, Copeland "Anti-Kickback" Act and The Contract Work Hours and Safety Standard Act accordingly. DBRA Certified Payroll Registers (CPR) are submitted weekly to OCI and the ORC 4115 are inputted into the LCPtracker system.

- K. 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 and SBE Programs and the successful Proposer's/Bidder's/Qualifier's (hereafter "*Contractor*") DBE/ACDBE/SBE Participation Plan. Such reviews will require compliance of monthly audits on payments or revenue reports and confirmations in B2GNow Certification and Compliance Reporting System. Such reviews also require review of monthly statements, desk audits and on-site reviews.

Where a Contractor is found by the Airport to have failed to comply with the requirements of the DBE/ACDBE Program and the SBE element or the DBE/ACDBE/SBE 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 and all further payment 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/SBE plan for DBE/ACDBE/SBE participation.
- L. Upon completion of the project (or portion of the project for partial releases of retainage) or completion of any subcontractor/sub-consultant/sub-concessionaire 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. Required documentations includes but not limited to Partial or Final Affidavits of Compliance Prevailing Wages and Lien Waivers. The Contractor/Consultant shall release retainage due to each subcontractor or material supplier **within ten (10) days** following Owner's payment to the Contractor/Consultant for work completed or material supplied.
- M. Agreements between a supplier/contractor and DBE/ACDBE/SBE in which the latter promises not to provide subcontracting quotations to other supplier/contractors are **prohibited**.
- N. 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.
- O. 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.
- P. Proposers and Contractors agree to be bound by all the requirements, terms and conditions of this notice.
- Q. Nothing in this 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.*

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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 AND 26. I WILL PROVIDE INFORMATION AND/OR THE CERTIFICATION TO THE DOCUMENT THIS FACT **(attached 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, this undersigned officer personally appeared:

\_\_\_\_\_, known to me to be the person described in the above mentioned Affidavit, and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

I 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	Total BASE Bid/Proposal Amount
Name of Project	
Project/Contract No	

**\*\*\* All firms must provide FEDERAL TAX ID NUMBER \*\*\* and must complete and sign a B-2 and B-4A form \*\*\***

1.	Name of CERTIFIED DBE/ACDBE	Federal Tax ID (must provide)	Address	Contact Person	Scope of Work	Percent Participation	Dollar Value of Work

**Total DBE/ACDBE Dollars (%)**

The undersigned will enter into formal agreement with the certified DBEs/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	Initial	Telephone	Fax	Date
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**ENCLOSURE B-4A**

**LETTER OF INTENT TO PERFORM AS A CERTIFIED DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) SUBCONTRACTOR/CONSULTANT**

*This form is to be completed by Prime Contractors and Consultants and ALL certified DBE/ACDBE Subcontractors and Sub-consultants*

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

**TO BE COMPLETED BY PRIME CONTRACTOR**

Prime Contractor/Consultant \_\_\_\_\_

(FEDERAL TAX ID – MUST BE PROVIDED \_\_\_\_\_)

I am the \_\_\_\_\_ and duly authorized representative of the (firm of) \_\_\_\_\_, which intends to perform work for the above project existing under the law of the State of \_\_\_\_\_, or a Proprietorship, a Partnership, or Joint Venture consisting of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TO BE COMPLETED BY CERTIFIED DBE/ACDBE SUB-CONTRACTORS/CONSULTANTS**

DBE/ACDBE Subcontractor/consultant: \_\_\_\_\_

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 the certification date of \_\_\_\_\_. My firm is certified to perform work in the following areas: *(Please provide a description of ALL work along with the NAICS Code for which your firm is certified)*

NAICS DESCRIPTION	NAICS CODE
_____	_____
_____	_____
_____	_____
_____	_____

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 NAICS Code for this project only. Also, please provide associated pricing with work outlined)*

<u>Type of Work Items</u>	<u>Price Associated</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

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 considered INCOMPLETE and will be returned and potentially delay the procurement process):

<u>Type of Work and Items</u>	<u>Work Hours</u>	<u>Projected</u>	<u>Projected</u>
	<u>Involved</u>	<u>Commencement Date</u>	<u>Completion Date</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

**REPRESENTATION TO UTILIZE 2<sup>ND</sup>/3<sup>RD</sup>, etc. TIER SUBCONTRACTOR/CONSULTANTS**

I further represent that \_\_\_ percent ( \_\_\_ %) of the dollar value of my sub-contract will be performed by \_\_\_ 2<sup>nd</sup> \_\_\_ 3<sup>rd</sup> \_\_\_ etc. tier sub-contractor/sub-consultants and/or suppliers, which are:  
 \_\_\_ Certified \_\_\_ not certified by as Disadvantaged Business Enterprise (DBE)/Airport Concessionaire Disadvantaged Business Enterprise (ACDBE). Please provide 2<sup>nd</sup>/3<sup>rd</sup>, etc. Tier sub-contractor/sub-consultant information on Enclosure B-8.

**NOTE: ALL** certified and non-certified sub-contractor/sub-consultant agreements must be provided to OCI with the inclusion of Federal Assurance 49 CFR §26.13 prior to issuance of the DBE/ACDBE Notice to Proceed (NTP). Delay in receipt of the information can directly impact the project timeline.

**TO BE COMPLETED BY CERTIFIED SUB-CONTRACTOR/SUB-CONSULTANT**

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/ACDBE Firm Name): \_\_\_\_\_

(Address): \_\_\_\_\_

(Signature): \_\_\_\_\_

(Type Name): \_\_\_\_\_

(Title): \_\_\_\_\_

**Required Contact Information**

(Email): \_\_\_\_\_

(Telephone Number): \_\_\_\_\_

(Fax Number): \_\_\_\_\_

(SEAL IF PROPOSER IS A CORPORATION)

**ENCLOSURE B-4B**

**LETTER OF INTENT TO PERFORM AS A NON-CERTIFIED DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (NON-DBE/ACDBE) AND SMALL BUSINESS ENTERPRISE (SBE) SUB-CONTRACTOR/CONSULTANT**

*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**

Prime Contractor/Consultant \_\_\_\_\_

(FEDERAL TAX ID – MUST BE PROVIDED \_\_\_\_\_)

I am the \_\_\_\_\_ and duly authorized representative of the (firm of) \_\_\_\_\_, which intends to perform work for the above project 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 DBE/ACDBE AND SBESUBCONTRACTORS/CONSULTANTS**

NON DBE/ACDBE/SBE Subcontractor/consultant: \_\_\_\_\_

I am the \_\_\_\_\_ and duly authorized representative of the (firm of) \_\_\_\_\_, which intends to perform work for the above project 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):

<u>Type of Work and Items</u>	<u>Work Hours</u>	<u>Projected</u>	<u>Projected</u>
	<u>Involved</u>	<u>Commencement Date</u>	<u>Completion Date</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

**REPRESENTATION TO UTILIZE 2<sup>ND</sup>/3<sup>RD</sup>, etc. TIER SUBCONTRACTOR/CONSULTANTS**

I further represent that \_\_\_\_\_ percent (\_\_\_\_%) of the dollar value of my subcontract will be performed by 2<sup>nd</sup> 3<sup>rd</sup> etc. \_\_\_\_\_ tier contractors and/or suppliers, which are: \_\_\_\_\_ certified/\_\_\_\_\_ not certified by the Disadvantaged Business Enterprise/Airport as a Disadvantaged Business Enterprise/Airport Disadvantaged Business Enterprise. (Please provide 2<sup>nd</sup>/3<sup>rd</sup>, etc. Tier sub information on Form B-8).

NOTE: ALL sub-contractor/sub-consultant agreements with certified and or non-certified sub-contractor/sub-consultant agreements must be provided to OCI with the sub-contract inclusion of Federal Assurance 49 CFR §26.13 prior to issuance of the Non-DBE/ACDBE Notice to Proceed (NTP). Delay in receipt of the information can directly impact the project timeline.

**TO BE COMPLETED BY NON-CERTIFIED SUB-CONTRACTOR/SUB-CONSULTANT**

The undersigned non-certified 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\_\_\_\_

(Non-Certified DBE or ACDBE Firm Name) \_\_\_\_\_  
 (Address) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (Signature): \_\_\_\_\_  
 (Type Name): \_\_\_\_\_  
 (Title): \_\_\_\_\_

**Require Contact Information**

Email: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_

(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 AC/DBE 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 AC/DBE 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 AC/DBEs 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 AC/DBEs that their interest in the contract was being solicited in sufficient time to allow the AC/DBEs to participate effectively;
4. Whether the contractor followed up initial solicitations of interest by contacting AC/DBEs to determine with certainty whether the AC/DBEs were interested;
5. Whether the contractor selected portions of the work to be performed by AC/DBEs in order to increase the likelihood of meeting the AC/DBE goals including where appropriate breaking down contracts into economically feasible units to facilitate AC/DBE participations;
6. Whether the contractor provided interested AC/DBEs with adequate information about the plans, specifications and requirements of the contract;
7. Whether the contractor negotiated in good faith with interested AC/DBEs, not rejecting AC/DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;
8. Whether the contractor made efforts to assist interested AC/DBEs 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 businesses assistance office, and other organizations that provide assistance in the recruitment and placement of AC/DBEs.

**\*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 FAITH EFFORTS DOCUMENTATION.**

**ENCLOSURE B-6**

**NON-CERTIFIED DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (NON CERTIFIED DBE/ACDBE) AND SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION PLAN**

\*\*\*\*Bidders MUST make a Good Faith Effort to meet the established SBE Goal\*\*\*\*

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

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

SBE YES NO	Name of 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.								
<b>Total NON CERTIFIED DBE/ACDBE Dollars (%)</b>								

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 Airport System.

Signature of Prime Contractor Representative	Email	Telephone	Fax	Date
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**ENCLOSURE B-8**

**OTHER TIER SUBCONTRACTORS/CONSULTANTS FORM**

THIS FORM IS TO PROVIDE A LISTING OF OTHER TIER/S (i.e. 2<sup>ND</sup>, 3<sup>RD</sup>, ETC.) SUB-CONTRACTORS AND SUBCONSULTANTS PERFORMING ON THE PROJECT. ALL SUBCONTRACTOR AGREEMENTS MUST BE PROVIDED PRIOR TO RECEIVING A DBE/ACDBENP (NOTICE TO PROCEED). DELAY IN RECEIPT OF THIS INFORMATION CAN DIRECTLY IMPACT PROJECT SCHEDULE.

DEFINITION

OTHER TIER (i.e. 2<sup>ND</sup>, 3<sup>RD</sup>, etc.) SUB-CONTRACTORS/CONSULTANTS ARE CONTRACTORS THAT CONTRACT DIRECTLY WITH THE 1<sup>ST</sup> TIER SUBCONTRACTOR/CONSULTANTS OR ABOVE A DESIGNATED TIER SUBCONTRACTOR/CONSULTANT. Example: 2<sup>ND</sup> Tier to 1<sup>st</sup> Tier, 3<sup>rd</sup> Tier to 1<sup>st</sup> Tier, 3<sup>rd</sup> Tier to 2<sup>ND</sup> Tier...

Name of Prime Contractor							Total BASE Bid/Proposal Amount	
Name of Project								
<p>*** All firms must provide FEDERAL TAX ID NUMBER*** and must complete and sign B-2, B-4A and or B4-B form ***</p>								
2 <sup>nd</sup> /3 <sup>rd</sup> /etc. Tier subcontractor/consultant	Agreement with 1 <sup>st</sup> Tier Subcontractor/consultant	Identify the Tier (i.e. 2 <sup>nd</sup> /3 <sup>rd</sup> /etc.)	Certified DBE/ACDBE (YES/NO)	Federal Tax ID	Address	Contact Person	Scope of Work	Dollar Value of Work
1.								
2.								
3.								
4.								
5.								
6.								
7.								
							<b>Total Tier Dollars</b>	

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 Airport System.

Signature of Prime Contractor Representative	Email	Telephone	Fax	Date



**ENCLOSURE B-9**  
**EMERGENCY ADDITION-CONDITIONAL APPROVAL OF SUBCONTRACTOR/SUBCONSULTANT FORM**

THIS FORM IS USED TO ADD SUBCONTRACTOR/SUBCONSULTANT WITHIN A 24 HOUR BASIS ONLY.  
 ATTACHED ALL REQUIRED SUPPORTING DOCUMENTS WITH THIS REQUEST.

PROJECT NAME: \_\_\_\_\_  
 CONTRACT NO: \_\_\_\_\_ CONTRACT AMOUNT: \_\_\_\_\_  
 PRIME CONTRACTOR: \_\_\_\_\_

**PROPOSED SUBCONTRACTOR/SUBCONSULTANT INFORMATION**

COMPANY TAX ID: \_\_\_\_\_ SUPPLIER ONLY: \_\_\_\_\_ YES/NO \_\_\_\_\_  
 CONTACT PERSON (Please type): \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
 WILL SERVE AS \_\_\_\_\_ TIER (Ex. 1st, 2nd, etc.) TO SUBCONTRACTOR/SUBCONSULTANT: \_\_\_\_\_

**REQUIRED SUPPORTING DOCUMENTS WITH REQUEST**

- \_\_\_\_\_ 1. REVISED ENCLOSURES B FORMS, WHICHEVER IS APPLIED
- \_\_\_\_\_ 2. DBE/ACDBE CERTIFICATION, IF APPLICABLE OR SBE VERIFICATION APPLICATION
- \_\_\_\_\_ 3. COPY OF SUB-AGREEMENT WITH FEDERAL ASSURANCES OF 49 CFR PARTS 26/23 AND 29 CFR PARTS 1, 3, 5, 6, 7

NOTE: IF THIS CONTRACT IS SUBJECT TO FEDERAL DAVIS BACON RELATED ACT OR STATE OF OHIO PREVAILING WAGE REQUIREMENTS, NON-COMPLIANCE OF THE WAGE & HOUR STANDARDS CAN RESULT TO STOP PAYMENTS TO CONTRACTOR OR STOP THE PROJECT ENTIRELY. FOR ADDITIONAL INFORMATION, CONTACT 216-265-6606.

TO THE DIRECTOR OF THE CLEVELAND AIRPORT SYSTEM,

I HEREBY REQUEST YOUR CONSENT TO SUBLET TO \_\_\_\_\_ (SUBCONTRACTOR/SUB-CONSULTANT)

TO PERFORM THE FOLLOWING TASKS:

SCOPE 1: \_\_\_\_\_ NAICS CODE: \_\_\_\_\_

SCOPE 2: \_\_\_\_\_ NAICS CODE: \_\_\_\_\_

SUB-AGREEMENT \$: \_\_\_\_\_ EST. WORK START DATE: \_\_\_\_\_ EST. COMPLETION DATE: \_\_\_\_\_

*By signing this form, the Contractor listed below has made assurances that all subcontractor/sub-consultant listed above who will be utilized towards the fulfillment of a DBE/ACDBE goal will be performing a commercially useful function as outlined in 49CFR Part 23/26. The Prime Contractor will immediately notify the Office of Compliance and Inclusion of its finding if the DBE/ACDBE is not performing or has not performed a commercially useful function.*

SIGNATURES:

PRIME CONTRACTOR: \_\_\_\_\_ DATE: \_\_\_\_\_

REQUESTED SUBCONTRACTOR/SUBCONSULTANT: \_\_\_\_\_ DATE: \_\_\_\_\_

**FOR OCI USE ONLY**

\_\_\_\_\_ APPROVED/DENIED \_\_\_\_\_ REASON: \_\_\_\_\_

OCI SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



# ENCLOSURE B-10

## AFFIDAVIT OF COMPLIANCE PREVAILING WAGE PARTIAL RETAINAGE RELEASE

RETAINAGE RELEASE      8% \_\_\_\_\_ 2% \_\_\_\_\_

0%, Complete a FINAL AFFIDAVIT OF COMPLIANCE PREVAILING WAGE

I, \_\_\_\_\_ do hereby certify that the  
(Name of person signing Affidavit) (Title)

that the wages paid to all employees of \_\_\_\_\_  
(Company Name)

for all hours worked on the project \_\_\_\_\_  
(Project Name)

\_\_\_\_\_ (Project Location)

during the period from \_\_\_\_\_ to \_\_\_\_\_ are in compliance with  
(Project Dates)

Prevailing Wage requirements of Davis Bacon and Related Acts: 29 CFR Parts 1.3,5,6 and 7; United States Code: 40-3141-3148 and Chapter 4115 of the Ohio Revised Code. I further certify that no rebates or deductions have been or will be made, directly or indirectly, from any wages in connection with the project, other than those provided by law.

\_\_\_\_\_  
 Signature of Officer or Agent      \_\_\_\_\_  
 Print Name of Officer or Agent

Sworn to and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

The above Affidavit must be executed and sworn to by the Officer or Agent of the contractor or subcontractor who supervises the payment of employees. The Affidavit must be submitted to the owner (public authority) before the surety of released or partial or final payment due under the terms of the contract made.

**NOTE: This form is applied to Federal and State Prevailing Wages requirements. Prime/General Contractors are responsible in collecting ALL completed and signed Affidavits from ALL tier subcontractors that worked on the project. These documents along with the Prime/General Contractors are submitted to the assigned Cleveland Airport System Prevailing Wage Coordinator as part of requirements to process partial retainage payment.**

**FINAL**  
**AFFIDAVIT OF COMPLIANCE**  
**PREVAILING WAGES**

I, \_\_\_\_\_ do hereby certify  
(Name of Person Signing Affidavit) (Title)

that the wages paid to all employees of: \_\_\_\_\_  
(Company Name)

for all hours worked on project: \_\_\_\_\_  
(Project Name)

\_\_\_\_\_ (Project Location)

During the period from \_\_\_\_\_ to \_\_\_\_\_ are in compliance with  
(Project Dates)

the Prevailing Wage requirements. I further certify that no rebates or deductions have been or will be made, directly or indirectly, from any wages paid in connection with this project, other than those provided by law.

\_\_\_\_\_  
(Signature of Officer or Agent) (Print Name of Officer or Agent)

Sworn to and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

The above affidavit must be executed and sworn to by the officer or agent of the contractor or subcontractor who supervises the payment of employees. This affidavit must be submitted to the owner (public authority) before the surety is released or final payment due under the terms of the contract is made.

LAWS1003

**NOTE: This form is applied to Federal and State Prevailing Wages requirements. Prime/General Contractors are responsible in collecting ALL completed and signed Affidavits from ALL tier subcontractors that worked on the project. These documents along with the Prime/General Contractors are submitted to the assigned Cleveland Airport System Prevailing Wage Coordinator as part of requirements to process final retainage payment.**

# CONDITIONAL PARTIAL WAIVER OF LIENS AND CLAIMS

[To be executed by \_\_\_\_\_, referred to herein as the "Project Contractor"]

For and in consideration of the sum of \$ \_\_\_\_\_ to be paid to the \_\_\_\_\_ ("Sub-contractor") by Project Contractor, which sum represents the total amount due and payable for all work performed and materials and services furnished in furtherance of the capital improvement project known generally as the \_\_\_\_\_ located in the City of Cleveland, Department of Port Control, Cleveland Hopkins International Airport ("Project Owner"), Contract No. \_\_\_\_\_ ("Project") through \_\_\_\_\_ ("Progress Billing Period"), the undersigned waives and releases any and all past, present, or future mechanics' and/or other liens and/or attested account claims, rights of mechanics' and/or other liens and/or attested account claims, bond claims, and any and all other demands, damages, or causes of action against, the Project Owner, the Project, and the Project lessees for work performed and materials and equipment furnished through the Progress Billing Period.

The undersigned acknowledges and represents that the current payment represents full payment for all work, labor, materials, equipment, tools, and services supplied to or in furtherance of the Project (including any extra work claims) through the Progress Billing Period, and that no additional sum is or will hereafter be claimed due by the undersigned, except for earned and unpaid retainage in the amount of \$ \_\_\_\_\_.

Project Contractor further represents and warrants that, upon receipt of payment from the Project Owner, it will pay, within ten (10) days, all of its laborers, tier sub-contractors, vendors, unions, and suppliers in full for services and/or materials furnished through the Project Billing Period.

DATE: \_\_\_\_\_, 202\_\_

\_\_\_\_\_  
(Full Name of Project Contractor)

Signed By: \_\_\_\_\_  
(Sign Immediately Above by Authorized Officer)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

State of \_\_\_\_\_ )

County of \_\_\_\_\_ ) ss:

Before me, a notary public in and for said county and state, personally appeared the signatory hereof who signed the same in my presence, and who acknowledged that he/she is authorized to and did sign the foregoing, on behalf of Project Contractor, and that the same was his/her free act and deed and the free act and deed of the Project Contractor, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public