

**ST. LOUIS LAMBERT INTERNATIONAL AIRPORT
OFFICE OF BUSINESS OPPORTUNITIES
DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION FORMS PACKET**

Instructions for Completing the DBE Utilization Forms Packet

St. Louis Lambert International Airport (SLA) is a recipient of federal financial assistance from the United States Department of Transportation (USDOT) through the Federal Aviation Administration (FAA).

Please visit the Missouri Regional Certification Committee (MRCC) DBE On-Line Directory at [MRCC Directory \(mo.gov\)](http://MRCC.Directory.mo.gov) to check all DBEs certification and North American Industry Classification System Codes (NAICS) that are scheduled to perform work on this project.

If you have questions regarding a firm's DBE certification or NAICS please contact BDD at

Page #s	Form	Instructions	Due Date
3-4	Subcontractor and Supplier List	Fill this form out in its entirety. List all subcontractors, suppliers and any work self-performed by the prime bidder/consultant.	Due with bid/proposal
5	DBE Utilization Statement	Prime bidder/proposer must submit confirming the percentage of DBE participation it is committed to and affirming that the information listed in the Subcontractor List is accurate.	Due with bid/proposal
6-7	Notice of Intent (NOI) to Perform	This form is to be executed between the prime and all subcontractors, including DBEs, scheduled to perform work on this project. All parties must execute the form.	Due with bid/proposal
8	Bidder's List Data Collection Form	Prime bidders/consultants forward this form to all subcontractors and suppliers scheduled to perform work on this project. The prime bidder/consultant will submit all forms with their bid/proposal to SLA. ALL subcontractors/suppliers fill out this form in its entirety and submit to the prime contractor/consultant.	Due with bid/proposal
9-11	Appendix A to Part 26-Good Faith Efforts Guidance	In accordance with 49 CFR Part 26, Appendix A-Good Faith Effort Guidance is provided as a reference document for you to review. If you have not met the goal on this project please note steps that can be taken.	Keep for your records
12	USDOT DBE Regular/Distributor Affirmation Form	Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its	Due with bid/proposal

		demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue.	
13	Good Faith Efforts Part I	List all DBEs contacted, bid items, amounts, the date & method solicited and the outcome if the established DBE goal has not been met.	Due with bid/proposal
14	Good Faith Efforts Part II	Indicate the efforts made to maximize the participation of DBEs on this contract if the established DBE goal has not been met.	Due with bid/proposal
15	Certification of Actual DBE Utilization Form	This form should be completed for each DBE subcontractor/supplier that participated on this project. Submit to the Contracting Department. Final disbursement will not be made by SLA until the form is completed and submitted.	Upon completion of the project.

**ST. LOUIS LAMBERT INTERNATIONAL AIRPORT®
OFFICE OF BUSINESS OPPORTUNITIES**

SUBCONTRACTOR AND SUPPLIER LIST

Letting/EA/PSA No: _____

Project Title: _____

Prior to the final approval of any contract resulting from this letting, all bidders will be evaluated as to the proposed utilization of currently certified Disadvantaged Business Enterprises (DBE). On the spaces provided below, list **ALL** subcontractors, suppliers, including DBEs, proposed for utilization on this project. **Work to be self-performed by the bidder is to be included.**

Firm Name and Address	DBE	Work to Be Performed	Subcontract or Supply Contract Amount	Amount Counted Towards DBE Goal
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

Firm Name and Address	DBE	Work to Be Performed	Subcontract or Supply Contract Amount	Amount Counted Towards DBE Goal
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

Total Bid/Contract Amount:

Total Amount Counted Towards DBE Goal Attainment:

DBE Participation % (total DBE amount/total bid amount):

Prime Bidder/Offeror Representative Title and Signature

Date

**ST. LOUIS LAMBERT INTERNATIONAL AIRPORT®
OFFICE OF BUSINESS OPPORTUNITIES**

DBE UTILIZATION STATEMENT

Policy

It is the policy of the City of St. Louis that Disadvantaged Business Enterprises (DBEs) as defined in the Code of Federal Regulations 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Department of Transportation (DOT) funds. Consequently, the requirements of 49 CFR Part 26 apply to this contract.

Obligation

The contractor agrees to ensure that Disadvantaged Business Enterprises (DBEs) as defined in the Code of Federal Regulations 49 CFR Part 26 shall have maximum opportunity to participate in the performance of contracts or subcontracts financed in whole or in part with DOT funds. The contractor shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have the maximum opportunity to compete for and perform under this contract. The contractor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts.

3 Assurance

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner:

☐ **Bidder/offeror has met the DBE contract goal**

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

☐ **Bidder/offeror has not met the DBE contract goal**

The bidder/offeror is committed to a minimum of ____% DBE utilization on this contract and has submitted documentation demonstrating good faith efforts.

Legal name of bidder/offeror firm: _____

Bidder/Offeror Representative
Name & Title: _____

Representative Signature

Date

**ST. LOUIS LAMBERT INTERNATIONAL AIRPORT®
OFFICE OF BUSINESS OPPORTUNITIES**

**NOTICE OF INTENT TO PERFORM AS A SUBCONTRACTOR
AND/OR MATERIAL SUPPLIER**

Letting/EA/PSA Contract Number: _____

Project Title: _____

Pursuant to the Disadvantaged Business Enterprise (DBE) Program, DBE firms must be currently certified. Credit may be given for the use of DBEs that are currently certified by the Missouri Regional Certification Committee which includes Missouri Department of Transportation (MoDOT), City of Kansas City, Missouri, Metro, Kansas City Area Transportation Authority (KCATA), Bi-State Development Agency formerly known as Metro and St. Louis Lambert International Airport.

Name of Prime Bidder/Consultant: _____

PART I – 1ST TIER SUBCONTRACTOR PARTICIPATION:

1. Name of Subcontractor or Supplier: _____
2. The undersigned intends to perform work in connection with the above project as (check one):

<input type="checkbox"/> an individual/sole proprietorship	<input type="checkbox"/> a partnership
<input type="checkbox"/> a corporation	<input type="checkbox"/> a joint venture
3. The undersigned (check applicable statements):

<input type="checkbox"/> Has been certified as a DBE by the Missouri Regional Certification Committee
<input type="checkbox"/> is a NON-DBE
4. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify “supply” or “install” or both).

Name of Firm Receiving Subcontract	Complete Address	DBE	Work to be Performed	Amt. of Subcontract
1.				

PART II - 2nd TIER SUBCONTRACTOR PARTICIPATION

With respect to the proposed subcontract described above, ____% of the dollar value of such subcontract will be sublet and/or awarded to the following subcontractor/supplier:

Name of Firm Receiving Subcontract	Complete Address	DBE	Work to be Performed	Amt. of Subcontract
1.				
2.				
3.				

PART III - SIGNATURES

The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed without following the procedures of 49 CFR Part 26, §26.53.

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for DBE participation therefore.

____ BY: _____ PHONE: _____ DATE: ____/____/____
(Name of General Contractor) (Signature of Authorized Representative)

____ BY: _____ PHONE: _____ DATE: ____/____/____
(Name of 1ST TIER Subcontractor/
Supplier) (Signature of Authorized Representative)

____ BY: _____ PHONE: _____ DATE: ____/____/____
(Name of 2nd TIER Subcontractor/
Supplier) (Signature of Authorized Representative)

BIDDER'S LIST DATA COLLECTION FORM

The prime bidder/consultants must fill out this form with their information and ALL subcontractors/suppliers, regardless of tier, must fill out this form in its entirety and submit to the prime contractor/consultant. The prime bidder/consultant will submit all forms with their bid/proposal to SLA.

Company Name:					
Company Address:					
		City:	State:	Zip Code:	
How long has your firm been in business:					
Please check which status applies to your firm.		<input type="checkbox"/> Disadvantaged Business Enterprise (DBE) <input type="checkbox"/> Non-Disadvantaged Business Enterprise (non-DBE)			
Please check the race and gender for the firm's <u>majority</u> owner		<input type="checkbox"/> Black American <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Caucasian American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Native American <input type="checkbox"/> Subcontinent Asian American			
Please list all NAIC codes applicable to each scope of work the firm sought to perform in on this bid		_____ _____ _____			
What are your approximate annual gross receipts? (Please check one box)		<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K-\$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-\$5 million <input type="checkbox"/> Greater than \$5 million			

Appendix A to Part 26—Guidance Concerning Good Faith Efforts

- I. When, as a recipient, you establish a contract goal on a DOT-assisted contract for procuring construction, equipment, services, or any other purpose, a bidder must, in order to be responsible and/or responsive, make sufficient good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.
- II. In any situation in which you have established a contract goal, Part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, you have the responsibility to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made, based on the regulations and the guidance in this Appendix.

The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call. Determinations should not be made using quantitative formulas.

- III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (*i.e.*, obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.
- IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.
 - A. (1) Conducting market research to identify small business contractors and suppliers and soliciting through all reasonable and available means the interest of all certified DBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events, advertising and/or written notices, posting of Notices of Sources Sought and/or Requests for Proposals, written notices or emails to all DBEs listed in the State's directory of transportation firms that specialize in

the areas of work desired (as noted in the DBE directory) and which are located in the area or surrounding areas of the project.

(2) The bidder should solicit this interest as early in the acquisition process as practicable to allow the DBEs to respond to the solicitation and submit a timely offer for the subcontract. The bidder should determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

- B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation.
- C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their offer for the subcontract.
- D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
- E. (1) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the

rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.

(2) A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.

- F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
 - G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
 - H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.
- V. In determining whether a bidder has made good faith efforts, it is essential to scrutinize its documented efforts. At a minimum, you must review the performance of other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts. As provided in [§ 26.53\(b\)\(2\)\(vi\)](#), you must also require the contractor to submit copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract to review whether DBE prices were substantially higher; and contact the DBEs listed on a contractor's solicitation to inquire as to whether they were contacted by the prime. Pro forma mailings to DBEs requesting bids are not alone sufficient to satisfy good faith efforts under the rule.
- VI. A promise to use DBEs after contract award is not considered to be responsive to the contract solicitation or to constitute good faith efforts except in design-build procurement

DBE Regular Dealer/Distributor Affirmation Form

Bidder Name:



U.S. Department of
Transportation

Contract Name/Number:

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The U.S. Department of Transportation is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan.

DBE Name:

Total Subcontract/Purchase Order Amount:

Authorized DBE Representative (Name and Title):

NAICS Code(s) Related to the Items to be Sold/Leased:

1. Will all items sold or leased be provided from the on-hand inventory at your establishment? **YES** **NO**

(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.** If "NO" Continue.)

- a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)?

YES **NO** (If "YES," Go to Question 2. If "NO" Continue.)

- b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory?

YES **NO*** (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.**

*If 1., 1.a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. to determine if the items delivered from and by other sources are eligible for Distributor credit.)

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate?

YES¹

(If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)

¹ If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacture's facility)? **YES²** **NO³**

- a) Will you be using sources other than the manufacturer (or other seller) to deliver or arrange delivery of the items

sold or leased ?

YES² **NO³**

² If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

³ If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of DBE Owner/Authorized Representative:

The bidder acknowledges its responsibility for verifying the information provided by the DBE named above and ensuring that the counting of the DBE's participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative:

GOOD FAITH EFFORTS | PART I

In addition to the Disadvantaged Business Enterprises (DBEs) listed and proposed for utilization on this contract, the following DBEs were also contacted regarding this contract. However, the Prime Contractor/Consultant is unable to utilize these firms for the reasons listed below (*please attach additional sheets if necessary*).

FIRM NAME CONTACT PERSON PHONE #	BID ITEMS(S) OF WORK AND/OR MATERIALS SUPPLIED	BID AMOUNTS	DATE AND METHOD OF SOLICITATION	COMMENTS: REASONS REJECTED
1.				
2.				
3.				
4.				
5.				
6.				
7.				

Authorized Representative-Prime Contractor/Consultant

Date

GOOD FAITH EFFORTS | PART II

Please indicate those efforts you made to maximize the participation of socially and economically Disadvantaged Business Enterprises on this contract. In the column to the right please provide any additional description of your activities.	
Attend the pre-bid conference held on this contract.	
Selected portions of work proposed to be performed by Disadvantaged Business Enterprises (DBEs) in order to increase the likelihood of meeting the established goal.	
Solicited individual DBEs by written notification at least (15) calendar days prior to bid opening to participate in the contract as a subcontractor, supplier, manufacturer, consultant, or service agency for specific items or types of work.	
Notified, in writing, organizations which provide assistance in recruitment and placement of DBEs of the type of work, supplies, or services being considered on this contract.	
Made efforts to negotiate with DBEs for specific items of work.	
Made efforts to assist DBEs that requested assistance in obtaining bonding, insurance, or line of credit required to participate in the contract.	
Advertised in general circulation media, trade association publications and focused media for Disadvantaged Business Enterprises to participate on this contract. Publication: _____ Date: _____ Publication: _____ Date: _____ Publication: _____ Date: _____	
List the minority and women community organizations; contractor's groups; local, state, and federal minority and women business assistance offices; and other organizations that provide assistance in recruitment of DBEs contacted related to achieving maximum DBE participation. Please note the name of the person contacted and the date of contact. Organization: _____ Contact Person: _____ Date: _____ Organization: _____ Contact Person: _____ Date: _____	

Authorized Representative-Prime Contractor/Consultant

Date