



"Delivering Excellence Every Day"

**MIAMI-DADE AVIATION DEPARTMENT
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM
PLAN UPDATE**

U.S. Department of Transportation Federal Aviation Administration



August 10, 2012



"Delivering Excellence Every Day"

IDENTIFYING INFORMATION

1. Name of sponsor: **MIAMI-DADE COUNTY AVIATION DEPARTMENT**
2. Address of sponsor: P.O. Box 025504 Miami, FL. 33102-5504
3. Name of airport (s): - Miami International Airport,
- Opa-locka Executive Airport,
- Kendall Tamiami Executive Airport
- Dade-Collier Training and Transition Airport and
- Homestead General Aviation Airport
4. Name of Contact Person: Milton L. Collins
5. Telephone number: (305) 876-7221 Fax: (305) 876-0382
6. Period Covered: From 10/1/2010 through 9/30/2013
7. Goals are expressed as a percentage of the total contract amount of U.S. Department of Transportation ("DOT") financially assisted contracts.

The Miami-Dade Aviation Department, operator of Miami International Airport and four (4) General Aviation Airports, has revised its DBE Program in accordance with the current changes in the regulations of the DOT, 49 CFR Part 26.



"Delivering Excellence Every Day"

**MIAMI-DADE AVIATION DEPARTMENT
DISADVANTAGED BUSINESS ENTERPRIS0E (DBE) PROGRAM**

TABLE OF CONTENTS

| Contents | Page |
|--|-------------|
| Policy Statement | 3 |
| Subpart A General Requirements | 5 |
| Subpart B Administrative Requirements | 6 |
| Subpart C Goals, Good Faith Efforts, and Counting | 9 |
| Subpart D Certification Standards | 12 |
| Subpart E Certification Procedures | 13 |
| Subpart F Compliance and Enforcement | 13 |

Enclosures:

- 1) Organizational Chart
- 2) Bidder and Subcontractor's Information
- 3) Affidavit of DBE Subcontractor Payment
- 4) Section 26.45: Overall Goal Calculation
- 5) Demonstration of Good Faith Efforts
- 6) Monitoring and Enforcement Mechanism
- 7) Florida Unified Certification Program Agreement
- 8) Regulations: Title 49 CFR Part 26



“Delivering Excellence Every Day”

**MIAMI-DADE AVIATION DEPARTMENT
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

POLICY STATEMENT

Section 26.1, 26.23 Objectives and Policy Statement

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

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

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

It is also incumbent upon any entity who receives a contract from the MDAD to comply with all regulations associated with Title VI of the Civil Rights Act of 1964.

The Associate Director for Minority Affairs has been delegated as the DBE Liaison Officer. In that capacity, The Associate Director is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the MDAD in its financial assistance agreements with the DOT.

The MDAD has disseminated this policy statement to the MDAD executive staff by e-mail and all of the components of our organization by a public announcement notice. We shall discuss the Program Plan with DBEs and non-DBE firms at the monthly outreach meeting of September 7, 2012. We have distributed this statement to DBE and non-DBE business communities that perform work for MDAD on DOT-assisted contracts by airport website notice and local newspapers.

José Abreu, P.E.
Aviation Director
Miami-Dade Aviation Department

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

The MDAD operates a major airport and four (4) general aviation airports in Miami-Dade County. MDAD is the recipient of Federal airport funds for airport development after January 1988 that was authorized under Title 49 of the United States Code 47101, et seq. Thus, MDAD is required to implement a DBE program in accordance with the Regulations incorporated herein by this reference. The Program outlined herein applies to all airport constructions, design projects, procurement services and other contracts covered by the Regulations. In the event of any conflicts or inconsistencies between the Regulations and this Program, the Regulations shall prevail.

Section 26.5 Definitions

The MDAD will use terms in this program that have the meaning defined in Section 26.5 of CFR 49 Part 26 found at the end of this document.

Section 26.7 Non-discrimination Requirements

The MDAD will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the MDAD will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

MDAD acknowledges these representations are also in accordance with obligations contained in its Civil Rights, DBE and DBE Airport Grant Assurances.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

MDAD will report DBE participation to DOT as follows:

MDAD will submit annually the Uniform Report of DBE Awards or Commitments and Payment Form, as modified for use by FAA recipients.

Bidders List: 26.11(c)

The MDAD will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on its DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms. The MDAD may obtain gross receipts information by asking each firm to indicate into what bracket it fits (e.g., less than \$500,000; \$500,000 – \$1 million; \$1-2 million, \$2-5 million, etc.) rather than requesting an exact figure from the firm.

We will collect this information in the manner describe in Attachment 2 to this program.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

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

This language will appear in financial assistance agreements with sub-contractor:

Contract Assurance: 26.13b

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

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the MDAD has received a grant of \$250,000 or more for airport planning or development, in a Federal fiscal year, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program. We will submit an updated goal annually on August 1 if we plan to award contracts exceeding \$250,000 in FAA funds in that Federal fiscal year.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

MDAD has designated the following individual as its DBE Liaison Officer:

Mr. Milton L. Collins
Associate Director for Minority Affairs Division
P.O. Box 025504
Miami, Florida 33102-5504
Tel: 305-876-7221
Fax: 305-876-0382
E-mail: mcollins@miami-airport.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that MDAD complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Aviation Director, Miami-Dade Aviation Department concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of eight (8) to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes MDAD's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Aviation Director on DBE matters and achievements.
9. Chairs the DBE Advisory Committee and monthly community outreach meetings.
10. Determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains the MDAD updated directory on certified DBEs.

Responsibilities of other personnel those are responsible for DBE Program implementation are Aviation Special Assistant and Compliance Officer. The former serves as statistician of records of project with Federal funding, sets DBE goals and follows the RFP process up to award. The latter monitors projects from pre-construction conference to completion. The Aviation Special Assistant is responsible for all reports to the FAA, internal and external customers.

Section 26.27 DBE Financial Institutions

It is the policy of the MDAD to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Section 26.29 Prompt Payment Mechanisms

The MDAD will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 15 days from the receipt of each payment the prime contractor receives from MDAD. The prime contractor agrees further to return retainage payments to each subcontractor within 15 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the MDAD. This clause applies to both DBE and non-DBE subcontractors. Sample included in Attachment 3 to this program.

Section 26.31 Directory

The Florida Unified Certification Program (FUCP) maintains directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most

recent certification, and the type of work the firm has been certified to perform as a DBE. The certification data is updated every 24 hours and revised regularly. The Directory is made available as follows:

- 1) The Florida Unified Certification Program (FLUCP), Tel: (850) 414-4747 or their website
Addresses: <http://www.dot.state.fl.us/equalopportunityoffice>; or
<https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet/mainmenu.asp>
- 2) Miami-Dade County, Department of Regulatory & Economic Resources, Small Business Development Division (SBD) Phone: (305) 375-3111) website:
<http://new.miamidade.gov/business-certification-programs-DBE.asp>;
- 3) Copy of the directory can be downloaded and printed from the above-referenced websites. A sample is herewith.

| |
|--|
| Name: ABC Inc. |
| Business Description: ELECTRICAL CONTRACTORS |
| Street: 1281 NW 45TH AVENUE |
| City: Miami State: FL Zip: 33169-0000 |
| County: DADE District: DISTRICT SIX |
| Phone: (305) 216-XXXX Fax: (305) 687-XXXX |
| e-mail: born2fly787 |
| Work Location: |
| County: Miami-Dade |
| District: Six (6) |
| Contact: MR. ABC |
| UCP Cert. DBE State Cert.: OBE UCP Certifying Member: MDC |
| First SC: First NAICS: 23622 |
| 2nd SC: 3rd SC: 4th SC: 5th SC: 6th SC: 7th SC: 8th SC: 9th SC: 10th SC: |
| 2nd NAICS: 23821 3rd NAICS: 4th NAICS: 5th NAICS: 6th NAICS: 7th NAICS: 8th NAICS: 9th NAICS: 10th NAICS: |
| ACDBE: No |

Section 26.33 Over-concentration

MDAD has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

MDAD has not established a formal business development program, except a small business element program that is under review by the FAA Civil Rights Office, Southern Region. MDAD hereby agrees to periodically host DBE training seminars regarding certification, business opportunities and financing. The most recent of these seminars was held on May 23, 2012 under the theme, "Certification Workshop". Additionally, MDAD provides education monthly meetings on the subject matter and Miami-Dade County has well established business development program that MDAD uses as needed.

Section 26.37 Monitoring and Enforcement Mechanisms

The MDAD will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. MDAD will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector

General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

2. MDAD will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
3. MDAD will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. This will be accomplished by MDAD Minority Affairs Division staff verify with the DBE at minimum on a quarterly basis the contract amount and payment to the DBE reported by the contractor. These verification forms, for example, request information to confirm scope of services, contract amount and starting date of the DBE contract. DBE subcontractors must complete and return verification forms to Minority Affairs office. Appropriate follow-up is conducted to ensure that responses are received. Where no response is received, follow-up notices are issued.
4. In our reports of DBE participation to DOT, MDAD will show both commitments and attainments as required by the DOT reporting form.
5. MDAD will not release the contractor's retainage until all DBE subcontractors' participation information is reported and the appropriate forms submitted to Minority Affairs Division.

When contractor is found to be in non-compliance, and informal resolution procedures have failed to demonstrate that the contractor has made every effort to resolve the issue(s) of non-compliance, MDAD will employ all necessary and reasonable actions under its contracting authority to ensure that the DBE requirements are enforced.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The MDAD does not use set-asides or quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

MDAD will annually establish overall goals if we anticipate that we will award prime contracts exceeding \$250,000 in FAA funds in a Federal fiscal year, October 1- September 30 in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the MDAD does not anticipate awarding more than \$250,000 in FAA funds in prime contracts within the Federal fiscal year, we will not develop an overall goal; however the existing DBE program will remain in effect and the MDAD will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

MDAD will annually establish overall goals in accordance with the 2-Step process as specified in 49 CFR Part 26.45. The first step is to determine the relative availability of DBEs in the market area, "base figure". The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation, the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

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

In accordance with Section 26.45(f) the MDAD will submit its overall goal to DOT on December 1 of each year. Before establishing the overall goal each year, MDAD will consult with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the MDAD efforts to establish a level playing field for the participation of DBEs.

Following this consultation, MDAD will publish a notice of the proposed overall goals, informing the public

that the proposed goal and its rationale are available for inspection during normal business hours at its office for 30 days following the date of the notice. It will inform the public that MDAD and DOT will accept comments on the goals for 45 days from the date of the notice. This notice will be issued in general circulation media and available minority- focus media and trade publications, websites. The notice will include MDAD Minority Affairs Office 4200 N.W. 36th Street, Building 5-A, 3rd Floor, Miami, Florida 33122. E-mail: mcollins@miami-airport.com where the comments may be sent and where the proposal may be reviewed.

The MDAD's overall goal submission to DOT will include a summary of information and comments received during this public participation process and MDAD's responses.

MDAD will begin using its overall goal on October 1 of each year, unless it receives instructions otherwise from DOT. If MDAD establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

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

MDAD will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The MDAD uses the following race-neutral means to increase DBE participation: aggressive outreach to potential DBE firms through the use of media advertisements, distribution of opportunity alerts and other outreach events, promotion on the airport web site, and dissemination of information at regional trade fairs, business promotions and other events. MDAD also assists by making contractor listings available and generally encouraging teaming arrangement in airport contracting opportunities.

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

The MDAD will use contract goals to meet any portion of the overall goal that MDAD does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

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

MDAD will express its contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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

It is the obligation of the bidder/offeror to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26 and a summary can be found in Attachment 5 to this program.

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

MDAD Minority Affairs Division is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive. Legal Department staff is responsible for determining whether an offeror has submitted the required DBE documentation to be regarded as responsible.

Information to be submitted (26.53(b))

MDAD treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness- **all bidders submit DBE information at a time of bid submittal.**

Responsiveness each solicitation for which a contract goal has been established will require all bidders/offers to submit the following information at the time of bid submittal:

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

Administrative reconsideration (26.53(d))

Within five (5) business days of being informed by MDAD that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offers should make this request in writing to the following reconsideration official: The Aviation Director or his designee, Miami-Dade Aviation Department P. O. Box 025504, Miami, Florida 33102-5504, telephone number (305) 876-7077.

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with MDAD's reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do.

Following the administrative reconsideration, the Reconsideration Official may find that the offer has met the good faith effort requirements. However, if the Reconsideration Official determines that the good faith effort requirement is not met, MDAD may determine that the bidder/offeror is non-responsive and reject the offer. MDAD will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The bidder/offer shall be notified of the Reconsideration official's decision in writing. The result of the reconsideration process is not administratively appealable to the U.S. Department of Transportation.

Good Faith Efforts When A DBE Is Replaced On A Contract (26.53 (f))

In the event that a DBE contractor must be replaced, the MDAD requires contractors to make good faith efforts to substitute another certified DBE to the extent needed to meet the contract goal. Situations in which a DBE may be replaced include, but not limited to the following:

- Failure to remain qualified as a DBE
- Death or physical disability of the DBE owner.
- Inability to obtain, or loss of, license necessary for the performance of the particular category of work.
- Inability to furnish the requirement performance and payment bond.
Failure or refusal to execute the subcontract in accordance with the terms of an offer negotiated with the Contractor, but only where the MDAD can ascertain with reasonable

certainty the terms of such offer. In the absence of any other factors, such a failure or refusal shall be considered commitment from the subcontractor involved.

- Failure to comply with the terms and conditions of its subcontract or joint venture agreement.

The MDAD requires the prime contractor to notify the Minority Affairs Division when the need for substitution arises and to submit a written request describing the justification for the substitution plus the submission of a Change of DBE Subcontractor Form and a new Schedule of Work and Subcontractor/Supplier Form, Attachment 6.

The MDAD requires the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts to obtain a DBE replacement contractor. The Contractor shall submit a Form requesting administrative approval of the substitution prior to making a change in the contract. The prime contractor's good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the terminated DBE (26.54(2)).

If a contractor fails or refuses to comply with the contract's DBE provision, MDAD shall impose (in accordance with Part 26) appropriate sanctions, including, but not limited to, withholding all or part of payment/work or terminating the contract, if corrective action is not taken within forty-eight (48) hours after notification by MDAD. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

MDAD will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. MDAD will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

SUBPART D – CERTIFICATION STANDARDS

DBE Certification Standards and Procedures Section 26.61, 26.63, 26.65, 26.67, 26.69, 26.71, 26.73, 26.84 and 26.85.

The DBE certification standards and procedures for the State of Florida federal-aid recipients are handled by the Florida Unified Certification Program (FLUCP). The Miami-Dade Aviation Department (MDAD) is signatory to the FLUCP and does not certify DBEs. Rather it will use those firms certified under the FLUCP Agreement. That Program uses the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The Agreement and the FLUCP certification Plan and Process are attached to this document and made a part hereof.

For information concerning DBE certification, please contact the following:

Florida FUCP:

Ms. Vicki Smith
Certification Mgr. EOO
605 Suwannee St. MS 65
Tallahassee, FL 32399
(850) 414-4746
victoria.smith@dot.state.fl.us

Application for certification as a DBE may be obtained by contacting the Florida DOT Equal Opportunity Office located 605 Suwannee Street, MS 65 Tallahassee, Florida 32399-0450. Telephone: (850) 414-4747 Fax: (850) 414-4879, or their website: www.dot.state.fl.us/equalopportunityoffice.

Local Certifying Entity:

Miami-Dade County
Department of Regulatory & Economic Resources,
Small Business Development Division (SBD)
111 NW 1st Street, #19 Floor
Miami, Florida 33128
(305) 375-3121 Laurie Johnson email address: laurie@miamidade.gov

SBD is a certifying member of Florida UCP and may be contacted for DBE certification at 111 N.W. 1st Street, Stephen P. Clark Center, 19th Floor, Miami Florida 33128-1974 or by telephone at (305) 375-3111 or facsimile at (305) 375-3160, or visit their website at <http://new.miamidade.gov/business/business-certification-programs-DBE.asp>.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

MDAD is a founding member of the Florida Unified Certification Program (FLUCP) currently administered by the Florida DOT Equal Opportunity Office. MDAD's DBE certification function is centralized at the County level under Small Business Development (SBD) Division, which is a certifying member of the FUCP. The FLUCP will meet all of the requirements of this section. Attachment 7 shows signed agreement page of the membership of the FUCP between SBD and the FLUCP.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109, Information, Confidentiality, Cooperation

MDAD will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, MDAD will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

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

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