

DBE and ACDBE Programs:

- *Common Misunderstandings*
and
- *Mandatory DBE Certification
Training Program*

AMAC 2012

Airport Business Diversity Conference

St. Louis, Missouri



Federal Aviation
Administration

Office Of Civil Rights

ACHIEVING SAFETY
THROUGH DIVERSITY

Common Misunderstandings

There is reciprocity between SBA and DOT

True

False

- SBA–DOT MOU on certification matters **lapsed** over six years ago
- SBA has self-certification approach for small disadvantaged businesses
- SBA 8(a) program differs from DBE program
- **USDOT has deleted former sections 26.84 and 26.85, relating to provisions of that MOU.**
- *See: <http://osdbu.dot.gov/documents/pdf/dbe/2011-1531.pdf> - page 5090*

Airport's Overall Goal number is applied to each project

True

False

- **No requirement to set each contract goal at the same percentage level as the overall goal**
- **Goal for a specific contract may be higher or lower than the overall goal, or no goal at all depending on such factors as:**
 - the type of work involved
 - the location of the work, and
 - the availability of DBEs for the work of the particular contract

The FAA Office of Civil Rights approves contract goals

True

False

- **Operating administration approval of each contract goal is not necessarily required.**
However, operating administrations may review and approve or disapprove any contract goal you establish.
- *See: § 26.51(e)(3) What means do recipients use to meet overall goals?*

The DBE goal numerator should only include certified DBEs

True

False

- **Look to relevant data sources to supplement your DBE directory**
- **Consider supplementing number of firms in your DBE Directory (for the purposes of goal-setting only)**
 - carefully examine lists of MBE/WBEs from other sources
 - examine your own databases such as vendors, bidders' lists, pre-bid or pre-proposal conference attendance lists and outreach session attendance lists
- *See: Tips for Goal-Setting in the Disadvantaged Business Enterprise (DBE) Program, II. Step One, C*

Accomplishment reports are now due every 3 years

True

False

- **DBE and ACDBE Uniform Reports are due annually:**
DBE – December 1, and ACDBE – March 1
- *See: Appendix B to Part 26 - Uniform Report of DBE Awards or Commitments and Payments Form – Instructions Page*
and
- *Appendix A to Part 23 - Uniform Report of ACDBE Participation Instructions for Uniform Report of ACDBE Participation*

Airport can delegate all DBE Program responsibilities to DBE consultant

True

False

- Recipient may contract with an external consultant to assist with its DBE and/or ACDBE Program responsibilities
- Recipient is ultimately responsible for the implementation and monitoring of the program
- Recipient who signed grant assurances is fully responsible for the proper implementation and monitoring of the program

GFE documentation required on every Federally-funded project, even when DBE goal is R/N

True

False

- **Contractors only have to provide Good Faith Efforts documentation when there is a race-conscious DBE goal on a project.**
- *See: § 26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?*

Count participation of DBE subs who become certified during duration of project

True

False

- If a firm is not currently certified as a DBE at the time of the execution of the contract, do not count the firm's participation toward any DBE goals; the firm may be counted toward race-neutral participation
- To receive DBE credit toward meeting a contract goal, a DBE firm must be certified before the due date for bids or offers on the prime contract
- *See: § 26.55(f); 26.81(c), and Official Questions and Answers (Q&A's) DBE Program Regulation (49 CFR 26)*

In the goal-setting process, a public notice can count as a consultation

True

False

- **Public participation component of establishing an overall Part 26 goal includes both a consultation and a published notice**
- **In establishing a Part 26 overall goal, you must provide for public participation. This public participation must include:**
 - Published Notice
 - Consultation
- **For Part 23 goals, a published notice is not required**
- *See: § 26.45 How do recipients set overall goals?*

UCPs can certify ACDBE joint ventures

True

False

- **Joint venture entities are not certifiable as ACDBEs**
- **However, ACDBE joint venture partners must be certified**
- *See: USDOT Joint Venture Guidance*

Local small business program participation can count toward race-neutral DBE participation

- **It depends:**
 - Only DBE-certified firms can be counted toward DBE participation; race-neutral or race-conscious
 - If the local small business is a certified DBE, it can count toward DBE participation

**2012 FAA
REAUTHORIZATION:
Mandatory DBE Certification
Training Program**

MANDATORY TRAINING PROGRAM

- **By Feb. 15, 2013**, establish a mandatory training program to provide streamlined training on certifying DBEs
- Participants – those who provide assurances to meet DBE goals or who are responsible for certifying DBEs
 - Note: FAA/FHWA/FTA recipients in each state are members of a Unified Certification Program that conducts DBE certifications that are effective state-wide
- The training program may be implemented by one or more private entities approved by the Secretary

TRAINING - ACR ACTION PLAN

Program Development *(target date 11/15/12)*

- Internal Meetings
- OA Coordination
- Identify and Secure Resources
- Stakeholder Input
- Finalize
- Market

TRAINING - ACR ACTION PLAN cont'd.

Training Development *(target date 12/15/12)*

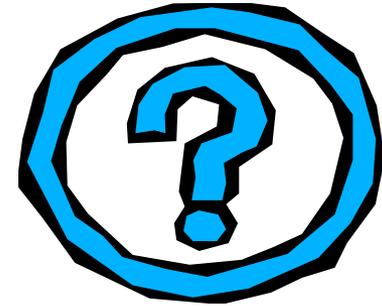
- Internal Meetings
- Operating Administration Coordination
- Identify and Secure Resources
- Stakeholder Input
- Finalize
- Market

TRAINING - ACR ACTION PLAN cont'd.

Training Delivery *(begin rollout 1/15/13)*

- Electronic
- In person
- Webinars
- Refresher
- Updates
- Tracking

Questions?



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