

**ONTARIO INTERNATIONAL AIRPORT
AUTHORITY
COMMISSION AGENDA
REGULAR MEETING**

MARCH 28, 2017 AT 3:00 P.M.

**Ontario International Airport Administration Offices
1923 E. Avion Street, Ontario, Room 100, CA 91761**

Alan D. Wapner
President

Ronald O. Loveridge
Vice President

Lucy Dunn
Secretary

Jim W. Bowman
Commissioner

Curt Hagman
Commissioner



Kelly J. Fredericks
Chief Executive Officer

Stephen G. Larson
General Counsel

Jeff P. Reynolds
Treasurer

Welcome to the Regular Meeting of the Ontario International Airport Authority.

- All documents for public review are on file at the Ontario International Airport Administration Offices located at 1923 E. Avion Street, Ontario, CA 91761.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Secretary/Assistant Secretary will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1-minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within the Authority's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak, including Commissioners and Staff, need to be recognized by the Authority President before speaking.

ORDER OF BUSINESS The Authority meeting begins with a call to order at 3:00 P.M., immediately followed by the remainder of the Regular Meeting.

(EQUIPMENT FOR THE HEARING IMPAIRED IS AVAILABLE UPON REQUEST AT THE REGULAR MEETING.)

CALL TO ORDER (OPEN SESSION)

3:00 p.m.

ROLL CALL

Loveridge, Dunn, Bowman, Hagman, President Wapner

PLEDGE OF ALLEGIANCE

CLOSED SESSION PUBLIC COMMENT: The Closed Session Public Comment portion of the Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1150 S. Vineyard Avenue, Ontario, CA 91761; Negotiator: Kelly Fredericks; Negotiating Parties: Guardian Air Services, LLC; Under Negotiation: Price and terms of payment.
- GC 54957, PUBLIC EMPLOYEE APPOINTMENT
Title: Interim General Counsel
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1923 E. Avion Street, Ontario, CA 91761, Terminal #2 and Terminal #4; Negotiator: Kelly Fredericks; Negotiating Parties: Delaware North Companies Travel Hospitality Services, Inc.; Under Negotiation: Price and terms of payment.
- GC 54956.9(d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
Three (3) cases.

In attendance: Loveridge, Dunn, Bowman, Hagman, President Wapner

REPORT ON CLOSED SESSION

Interim General Counsel

PUBLIC COMMENTS

The Public Comment portion of the Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment will be given at the end of the meeting. Under provisions of the Brown Act, the Commission is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Commission, fill out one of the blue slips at the rear of the chambers and give it to the Secretary/Assistant Secretary.

AGENDA REVIEW/ANNOUNCEMENTS The Chief Executive Officer will go over all updated materials and correspondence received after the Agenda was distributed to ensure Commissioners have received them.

CONSENT CALENDAR

Each member of the public wishing to address the Authority on items listed on the Consent Calendar will be given a total of 3 minutes.

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the Ontario International Airport Authority on January 24, 2017 and the cancelled meeting on February 28, 2017, approving same as on file with the Secretary/Assistant Secretary.

2. APPROVAL OF MEETING STIPENDS

That the OIAA Commission approve meeting stipends for President Wapner.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

3. APPROVE AND AUTHORIZE THE CEO TO EXECUTE AN AGREEMENT WITH C&S ENGINEERS, INC. TO PREPARE AN AIRPORT MASTER PLAN AND ASSOCIATED ENVIRONMENTAL ANALYSIS FOR ONTARIO INTERNATIONAL AIRPORT

That the OIAA Commission authorize the CEO to execute a three-year agreement with C&S Engineers, Inc. to prepare an airport master plan and associated environmental analysis for Ontario International Airport. Staff will be requesting a continuance of this item to allow the Commissioners additional time for review of associated information. It is critical for the Commission to approve this Master Plan in the very near future so the consultant can perform environmental analysis critical for cargo development at ONT.

4. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN OIAA AND T.Y. LIN INTERNATIONAL, INC. FOR CIVIL DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES

That the OIAA Commission authorize the CEO to execute a three-year agreement with T.Y. LIN INTERNATIONAL INC., in the amount of \$130,524.25, to revise plans and documents and provide bidding support and to provide construction administration services related to the ONT Taxiway S&W Intersection Repair and new Taxiway S5 airfield construction project. Staff will be requesting a continuance of this item to allow the Commissioners additional time for review of associated information. Commission must approve design contract in the very near future in order to secure six (6) million dollars of FAA entitlement funds.

5. A RESOLUTION TO AUTHORIZE A DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM IN ACCORDANCE WITH REGULATIONS OF THE U.S. DEPARTMENT OF TRANSPORTATION (DOT), 49 CFR PART 26

That the OIAA Commission authorize, empower, and direct the Chief Executive Officer and DBE Liaison Officer (DBELO), on behalf of the Authority, to implement 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 OIAA in its financial assistance agreements with the Department of Transportation. Staff will be requesting a continuance of this item to allow the Commissioners additional time for review of associated information. Due to FAA requirements, it is critical that the Commission approve this program so that the OIAA Master Plan project and Taxiway S&W Intersection Repair and New Taxi way S5 projects can receive grant funds. Without grant funding, projects will be at risk.

RESOLUTION NO. ____

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY TO AUTHORIZE A DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM IN ACCORDANCE WITH REGULATIONS OF THE U.S. DEPARTMENT OF TRANSPORTATION (DOT), 49 CFR PART 26

6. DISCUSSION REGARDING PROPERTY GENERALLY BOUNDED BY AIRPORT DRIVE TO THE NORTH, JURUPA STREET TO THE SOUTH, HAVEN AVENUE TO THE WEST, AND DOUBLEDAY AVENUE TO THE EAST

That the OIAA Commission provide direction of the process to be used for the disposal or sale of the property generally bounded by Airport Drive to the north, Jurupa Street to the south, Haven Avenue to the west, and Doubleday Avenue to the east.

STAFF MATTERS

7. ONTARIO INTERNATIONAL AIRPORT AUTHORITY TEAM UPDATE

- Chief Executive Officer report, Kelly Fredericks

COMMISSION MATTERS

President Wapner
Vice President Loveridge
Secretary Dunn
Commissioner Bowman
Commissioner Hagman

ADJOURNMENT

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
CLOSED SESSION REPORT
OIAA// (GC 54957.1)
March 28, 2017**

ROLL CALL: Bowman __, Dunn __, Hagman __, Loveridge __, President Wapner __.

STAFF: CEO __, General Counsel __, Outside Counsel __.

In attendance: Loveridge __, Dunn __, Bowman __, Hagman __, President Wapner __.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1150 S. Vineyard Avenue, Ontario, CA 91761; Negotiator: Kelly Fredericks;
Negotiating Parties: Guardian Air Services, LLC; Under Negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
//	//	//

Disposition: _____

STAFF: CEO __, General Counsel __, Outside Counsel __.

In attendance: Loveridge __, Dunn __, Bowman __, Hagman __, President Wapner __.

- GC 54957, PUBLIC EMPLOYEE APPOINTMENT
Title: Interim General Counsel

No Reportable Action	Continue	Approved
//	//	//

Disposition: _____

STAFF: CEO ___, General Counsel ___, Outside Counsel ___.

In attendance: Loveridge ___, Dunn ___, Bowman ___, Hagman ___, President Wapner ___.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1923 E. Avion Street, Ontario, CA 91761, Terminal #2 and Terminal #4;
Negotiator: Kelly Fredericks; Negotiating Parties: Delaware North Companies Travel
Hospitality Services, Inc.; Under Negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
----------------------	----------	----------

//	//	//
----	----	----

Disposition: _____

STAFF: CEO ___, General Counsel ___, Outside Counsel ___.

In attendance: Loveridge ___, Dunn ___, Bowman ___, Hagman ___, President Wapner ___.

- GC 54956.9(d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED
LITIGATION: *Three (3) cases.*

No Reportable Action	Continue	Approved
----------------------	----------	----------

//	//	//
----	----	----

Disposition: _____

STAFF: CEO __, General Counsel __, Outside Counsel __.

In attendance: Loveridge __, Dunn __, Bowman __, Hagman __, President Wapner __.

- GC 54956.9(d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *Three (3) potential cases.*

No Reportable Action	Continue	Approved
//	//	//

Disposition: _____

Reported by:

Interim Legal Counsel /

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
REGULAR COMMISSION MEETING
MINUTES
TUESDAY, JANUARY 24, 2017**

A regular meeting of the Ontario International Airport Authority was held on Tuesday, January 24, 2017, at 1923 E. Avion Avenue, Room 100, Ontario, California.

Notice of said meeting was duly given in the time and manner prescribed by law.

CALL TO ORDER

Commission President Wapner called the Ontario International Airport Authority Commission meeting to order at 3:09 p.m.

ROLL CALL

PRESENT: Commissioners: Jim W. Bowman, Lucy Dunn,
Ronald O. Loveridge and
Alan D. Wapner

ABSENT: Commissioners: Curt Hagman (Commissioner Hagman
arrived at 3:32 p.m.)

Also present were: CEO Kelly J. Fredericks, Legal Counsel Stephen G. Larson and Assistant Secretary Vicki Kasad.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Dunn.

Hearing no requests to speak, President Wapner recessed the regular meeting of the Ontario International Airport Authority to Closed Session at 3:10 p.m. with Commissioners Bowman, Dunn, Loveridge and President Wapner in attendance. Commissioner Hagman joined the closed session at 3:32 p.m.

CLOSED SESSION

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1150 S. Vineyard Avenue, Ontario, CA 91761
Authority Negotiator: Kelly Fredericks
Negotiating Parties: Guardian Air Services, LLC
Under Negotiation: Price and terms of payment

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1923 E. Avion Avenue, Ontario, CA 91761, Terminal #2 and
Terminal #4
Authority Negotiator: Kelly Fredericks
Negotiating Parties: Delaware North Companies Travel Hospitality Services Inc.
Under Negotiation: Price and terms of payment

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1923 E. Avion Avenue, Ontario, CA 91761, Terminal #2 and Terminal #4
Authority Negotiator: Kelly Fredericks
Negotiating Parties: World Duty Free Group North America, LLC
Under Negotiation: Price and terms of payment
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1923 E. Avion Avenue, Ontario, CA 91761, Terminal #2 and Terminal #4
Authority Negotiator: Kelly Fredericks
Negotiating Parties: SSP America, Inc.
Under Negotiation: Price and terms of payment
- GC 54956.9 (d) (2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION
One (1) potential case

The Ontario International Airport Authority Commission meeting was reconvened in public session at 4:05 p.m.

CLOSED SESSION REPORT

President Wapner advised that there was no reportable action following the Closed Session discussion. He noted that he had recused himself from discussion on the first closed session item due to a potential conflict.

PUBLIC COMMENTS

There were no public comments.

CONSENT CALENDAR

President Wapner noted a request from staff to add the cancellation Minutes of December 5, 2016 to the Consent Calendar for consideration.

MOTION: Moved by Vice President Loveridge, seconded by Commissioner Hagman and carried by unanimous vote to add the Minutes of December 5, 2016 to the Consent Calendar.

Commissioner Hagman requested that Item 2 be pulled from the Consent Calendar for further discussion.

MOTION: Moved by Vice President Loveridge, seconded by Commissioner Bowman and carried by unanimous vote to approve the Minutes as presented.

1. APPROVAL OF MINUTES

Approved the Minutes for the regular meeting of the Ontario International Airport Authority on December 5, 2016 and the special meeting on December 8, 2016, as on file with the Secretary/Assistant Secretary.

2. A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY TO APPROVE AND ADOPT A MEDIA POLICY AND GUIDELINES

CEO Fredericks indicated that the document presented was based on policies from other airports and discussion with the Marketing Ad Hoc Committee.

Secretary Dunn indicated that the Marketing Committee had gone through this policy thoroughly to assure that the Board had a unified voice as a startup. She stressed the need for a consistent message with strategic direction. She clarified that there was no indication that the Commissioner should not speak with the press, but suggested that they should first contact staff.

Commissioner Bowman concurred with the need for a consistent and reliable message.

Commissioner Hagman suggested that the language in the policy was not practical, as there was no way to pause a meeting to get permission to speak. He noted that he was going on a delegation trip to Asia soon and the media would be present. He expressed hopes that there was faith among the Commissioners that they would know what to say. He suggested it would be more practical to contact staff after events.

President Wapner indicated that there was not punitive action associated with the proposed policy, but expressed understanding of the concern that an inconsistent message might be going to the press. He concurred that if a Board Member speaks to the press, they should let staff know so the message is consistent.

Commissioner Hagman supported staff taking the lead on press events, but noted that he gets questions on the fly. President Wapner concurred noting that it is everyone's option to handle those situations as they see fit, but he would like a unified and consistent message to the press.

Secretary Dunn commented that she prefers that the press is vetted first to find out what they are asking and make sure that she has the most current information. She clarified that policies are intended to be general rules, but concurred that there might be reason to take another look at this policy to ensure that it is flexible enough to give the Commissioners the opportunity to speak.

MOTION: Moved by Secretary Dunn, seconded by Commissioner Bowman and carried by unanimous vote to continue this item for further work, based on the comments from today.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

None.

STAFF MATTERS

3. ONTARIO INTERNATIONAL AIRPORT AUTHORITY TEAM UPDATES

CEO Fredericks indicated that staff was busy working on Human Resources issues including preparation of an employee handbook, an augmentation agreement and the transition to a new organization. He noted that redundant positions would start to be eliminated. He advised that key meetings with FAA, TSA and Customs and Border Protection were coming up, as well as meetings with the cargo and passenger air carriers. He also advised that staff would be requesting funding to support some of the capital improvements. He assured the Commission that this was the most aggressive air services program he had been a part of. He expressed hopes of bringing back new police and fire agreements in February. He noted the discovery of the flight path museum on the property and offered to show it to the Commissioners.

Chief Operating Officer Atlas provided an update on the day-to-day operations at the airport. He commented that the after purchase inspection revealed that the Authority received a fixer upper. He noted that they were doing a comprehensive audit of the major systems including the high voltage system that went down last year. He detailed the reviews and work currently underway.

Commissioner Hagman expressed appreciation for the upgrades, but expressed concern with a lot of the contracts. He questioned the financial update and requested a priority list, noting that there is a lot to do everywhere.

COO Atlas noted that they are still in the investigation phase, but then the bids will go out. Commissioner Hagman questioned the procedure and limits for the bids. CEO Fredericks indicated that he has authorization for up to \$100,000, anything over \$100,000 will come back to the Board for approval. He indicated that staff is formalizing a capital improvement program and adhering to all government

requirements. President Wapner clarified that the \$100,000 spending authority is only applicable if an item is in the approved budget. Capital projects need to go out to bid per State law, and professional services may require formal proposals.

Secretary Dunn thanked COO Atlas for the report. She questioned the impact of the recent extreme weather. COO Atlas indicated that the airport fared very well with the amount of rainfall, and there were no major concerns.

Chief Financial Officer Reynolds indicated that there were currently four accountants who were LAWA employees under contract, who would all transition to the Authority. He further indicated that they would post a position for Director of Finance this week, with that person serving as the internal auditor. He noted that since no accounting system transferred, they had to start from scratch with QuickBooks to get up and running, but they were looking at enterprise solutions.

Commissioner Hagman requested that the Board start receiving quarterly budget updates. CFO Reynolds indicated that they have the first 60 days, but they are not sure what they don't now, so it is not ready for public presentation.

President Wapner expressed concern that the audit function would be under the director of finance and suggested that it be done by an independent internal auditor. He indicated he would like an organizational chart of LAWA employees, OIAA employees and vacant positions.

Chief Marketing Officer Adamus indicated that they are continuing to focus on strategic planning and branding efforts. He noted that they are addressing traditional issues and digital marketing as part of that process, and intend to have intricate systems to communicate multiple messages. He commented on the customer experience and services being considered to improve the experience. Secretary Dunn noted the importance of looking at marketing both internally and externally, and suggested a schedule for implementation. Commissioner Hagman questioned if there had been a decision on the logo. CMO Adamus indicated that they are looking at things that stay with Southern California and currently preparing and advertising the RFP. Commissioner Hagman questioned the timeline. Secretary Dunn questioned the possibility of doing an interim branding. Commissioner Hagman noted his upcoming Asia trip and the need for marketing materials. CMO Adamus indicated that he would like one more discussion with the Marketing Ad Hoc Committee. CEO Fredericks questioned the term "interim" noting that he would hope to come up with something that has a shelf life and allows for evolution. Secretary Dunn indicated that the business community would like input into the concepts and suggested reaching out to them.

President Wapner indicated that he has concerns based on what he is hearing from the residents. He indicated that they want lower fares and more direct flights. He questioned how we are marketing and what message is being used to achieve those two things. CEO Fredericks clarified the distinction between air service development and marketing. CMO Adamus further clarified that the current effort is to build the foundation.

Chief Development Officer Thorpe provided the air services performance update, noting that passenger traffic is flat, but for the third straight year it is in the black. He explained that both domestic and international air traffic has refocused on LAX, but in working with the airlines and redefining the story he believes we can keep pace. He indicated that business development and expansion of parking products will be coming forward for review in the first quarter. He indicated that staff is also preparing

an airport terminal and external advertising campaign, as well as ground transportation and other revenue generating opportunities.

COMMISSIONER MATTERS

Commissioner Loveridge commented on marketing opportunities and the customer experience. He suggested establishment of an Economic Development Advisory Committee for the airport to meet with groups like the Orange County Business Council. He also presented a historical poster from Ontario Airport depicting a broad marketing area to the CEO as a challenge.

Commissioner Hagman commended staff on the meeting room. He also thanked CDO Thorpe for his assistance with meetings.

ADJOURNMENT

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 5:23 p.m.

Respectfully submitted:

VICKI KASAD, ASSISTANT SECRETARY

APPROVED:

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

ONTARIO INTERNATIONAL AIRPORT AUTHORITY

MINUTES

TUESDAY, FEBRUARY 28, 2017

(Not Official Until Adopted)

The Regular Meeting scheduled for Tuesday, February 28, 2017, was cancelled due to lack of an available quorum. The next regular meeting will be held on March 28, 2017.

Respectfully submitted:

VICKI KASAD, MMC, ASSISTANT SECRETARY

APPROVED:

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

**ONTARIO INTERNATIONAL
AIRPORT AUTHORITY**
Agenda Report
| March 28, 2017 |

**SECTION:
[CONSENT CALENDAR]**

**[SUBJECT: OIAA COMMISSION APPROVAL OF STIPENDS AS REQUIRED BY
AUTHORITY BYLAWS**

RECOMMENDATION: Approve additional stipends per Article IV, Section 6 of the Authority's Bylaws.

FISCAL IMPACT: None.

BACKGROUND: Article IV, Section 6 of the Authority's Bylaws states as follows:

"No salary; Reimbursement for Expenses; Stipends. The members of the Commission shall receive no salary but shall be reimbursed for necessary expenses (including mileage in accordance with standard IRS mileage reimbursement rates) incurred in the performance of their duties. Additionally, commissioners will receive a stipend in the amount of one hundred fifty dollars (\$150.00) for attendance at each Commission meeting, standing committee meeting, ad hoc committee meeting, and any Authority-related business function. A maximum of six (6) stipends are permitted per month. An additional two (2) stipends are permitted with prior approval of the President. More than eight (8) stipends per month will require approval by the full Commission."

During the month of January 2017, OIAA President Alan Wapner attended two additional Authority-related business functions on January 30, 2017 and January 31, 2017. Full Commission approval is needed to approve payment of stipends.

This Resolution has been reviewed by OIAA Legal Counsel. |

[STAFF MEMBER PRESENTING: Kelly Fredericks

Prepared by: Jeff Reynolds
Department: Finance

Chief Executive
Officer Approval: 

Submitted to OIAA: _____

Approved: _____

Continued to: _____

Denied: _____

ITEM NO. 02

**ONTARIO INTERNATIONAL
AIRPORT AUTHORITY**
Agenda Report
March 28, 2017

**SECTION:
ADMINISTRATIVE
REPORTS/DISCUSSION/ACTION**

SUBJECT: APPROVE AND AUTHORIZE THE CEO TO EXECUTE AN AGREEMENT WITH C&S COMPANIES, INC. TO PREPARE AN AIRPORT MASTER PLAN AND ASSOCIATED ENVIRONMENTAL ANALYSIS FOR ONTARIO INTERNATIONAL AIRPORT

RECOMMENDATION: That the OIAA Commission authorize the CEO to execute a three-year agreement with C&S Engineers, Inc. to prepare an airport master plan and associated environmental analysis for Ontario International Airport. Staff will be requesting a continuance of this item to allow the Commissioners additional time for review of associated information. It is critical for the Commission to approve this Master Plan in the very near future so the consultant can perform environmental analysis critical for cargo development at ONT.

FISCAL IMPACT: Airport master planning services and environmental analysis under the National Environmental Policy Act (NEPA) are eligible for grant funding through the FAA Airport Improvement Program. Approximately 80% of these costs may be paid for with AIP entitlements or discretionary grants. Environmental analysis under the State of California's California Environmental Quality Act (CEQA) is not eligible for grant funding under AIP.

Overall, approximately 67% of the project's costs are eligible for AIP funding and the Airport has available entitlements to fund these costs.

The airport master plan and environmental analysis project includes consultant fees for preparation of the airport master plan analysis and documentation, environmental analysis and documentation under both NEPA and CEQA, program management fees, legal fees, and contingency to undertake additional unforeseen analysis based on project findings. Total project costs are estimated at \$8,237,000. Master plan and environmental consulting services total \$6,399,982, program management support services are estimated to total \$640,000, legal support services are estimated to total \$448,000, and project contingency is estimated at \$749,000. Approximately 67% of the total amount (\$5,482,050) may be eligible for AIP funding. Approximately 33% of the total amount (\$2,718,137) would be paid for with OIAA appropriations.

STAFF MEMBER PRESENTING: Kelly Fredericks

Prepared by: Jeff Reynolds
Department: Finance

Chief Executive
Officer Approval: 

Submitted to OIAA: _____
Approved: _____
Continued to: _____
Denied: _____

ITEM NO. 03

BACKGROUND: The FAA states that the master plan is the “Sponsor’s strategy for the development of the Airport.” As ONT’s new Sponsor, the OIAA, has the responsibility and the opportunity to define a new strategy for the development of the Inland Empire’s greatest air transportation asset. The master plan will define and document the region’s air transportation needs and opportunities and ensure that ONT is prepared to meet those needs for the next two decades.

An airport master plan is essential for ONT to take advantage of development opportunities. The importance of a master plan was recognized when the OIAA adopted its Strategic Business Plan in January 2013. By embarking on this master plan, the OIAA will fulfill one of the objectives outlined in the Strategic Business Plan and will meet FAA’s requirement that the Sponsor, OIAA, have a well defined and well justified capital improvement program and development program.

OIAA released a Request for Qualifications for Professional Airport Planning Services for an Airport Master Plan and Environmental Analysis for Ontario International Airport on October 11, 2016. OIAA held a pre-submittal meeting at the OIAA administration building on November 9, 2016. Two statements of qualifications were received by the established due date and time of December 14, 2016 at 4:00 PM Pacific Standard Time. An initial review determined that both statements of qualification met the requirements and were eligible for evaluation by OIAA staff.

A panel consisting of four OIAA staff members evaluated both proposals based on the following criteria for a total of 100 possible points to be awarded by each member of the evaluation panel:

- Firm Experience (worth 25 points)
- Individual Experience (worth 25 points)
- Project Approach (worth 25 points)
- Specialized Experience (worth 15 points)
- Followed SOQ Directions (worth 10 points)

After completion of the evaluation, the two firms were ranked as follows:

1. C&S Companies (350 points)
2. Coffman Associates (317 points)

A Notice of Intent to Negotiate with the highest-ranking respondent was sent to both firms on January 23, 2017. Subsequently, OIAA staff negotiated a complete scope of work, project schedule, and fee estimate to complete the ONT master plan and environmental analysis under both NEPA and CEQA.

C&S Engineers and their subcontractors are prepared to initiate work on the ONT Master Plan and environmental analysis immediately.

Time is critical. ONT has no current master plan, no current airport capital improvement program, and no current environmental entitlements. However, there remains massive development potential for new cargo facilities, apron areas, terminal improvements and enhancements and there is a need to upgrade and enhance airfield infrastructure to ensure that ONT continues to provide safe and efficient air transportation services to all airport users and the people of the Inland Empire. This master plan and the associated environmental analysis must be completed to address the Airport’s needs and meet the FAA’s requirements for their approval and participation in funding airport improvements.

Ontario International Airport Master Plan – **Consultant Selection Process****Background**

- The OIAA Commission adopted its Strategic Business Plan on January 7, 2013.
- The second goal of the SBP is to develop airport-related business with the following objectives:
 - a. Develop an airport land use plan focused on airport-related revenue producing uses
 - b. Coordinate airport land use plan with compatible land use, transportation and goods movement planning efforts.
- The Airport Master Plan will allow the OIAA to fulfill this goal and these objectives

Consultant Selection Process

- OIAA received two proposals in December 2016
- The selection panel consisted of Mark Thorpe, Jeff Reynolds, Amy Goethals, and Bruce Atlas who evaluated the two proposers as follows:

<i>Evaluation Criteria</i>	C&S Companies						Coffman Associates					
	<i>Amy</i>	<i>Bruce</i>	<i>Mark</i>	<i>Jeff</i>	<i>Sum</i>	<i>Max</i>	<i>Amy</i>	<i>Bruce</i>	<i>Mark</i>	<i>Jeff</i>	<i>Sum</i>	<i>Max</i>
Firm Experience	21	24	20	22	87	100	20	24	17	19	80	100
Individual Experience	24	23	22	22	91	100	22	21	15	19	77	100
Project Approach	23	23	20	22	88	100	22	22	17	19	80	100
Specialized Experience	14	13	12	10	49	60	14	14	10	7	45	60
Followed SOQ Directions	10	10	10	5	35	40	10	10	10	5	35	40
Subtotal	92	93	84	81	350	400	88	91	69	69	317	400

- The project approach is essential to meeting critical early planning and development objectives (e.g. site clearing, cargo development, environmental entitlement of near-term projects)
- Technical work should be completed in 18 months with final environmental approvals under NEPA/CEQA likely to take until 2019.
- An FAA grant will cover roughly 80% of the project cost for the Mater Plan and NEPA analysis (CEQA analysis is not eligible for federal funding)
- OIAA Commission will be an essential project partner and stakeholder.

**ONTARIO INTERNATIONAL
AIRPORT AUTHORITY**
Agenda Report
March 28, 2017

**SECTION:
ADMINISTRATIVE REPORTS/
DISCUSSION/ACTION**

SUBJECT: APPROVE AND AUTHORIZE THE CEO TO EXECUTE AN AGREEMENT WITH T.Y. LIN INTERNATIONAL INC., FOR CIVIL DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES.

RECOMMENDATION: That the OIAA Commission authorize the CEO to execute a three-year agreement with T.Y. LIN INTERNATIONAL INC., in the amount of \$130,524.25, to revise plans and documents and provide bidding support and to provide construction administration services related to the ONT Taxiway S&W Intersection Repair and new Taxiway S5 airfield construction project. Staff will be requesting a continuance of this item to allow the Commissioners additional time for review of associated information. Commission must approve design contract in the very near future in order to secure six (6) million dollars of FAA entitlement funds.

FISCAL IMPACT: The agreement has a maximum price of \$130,524.25.

BACKGROUND: Ontario International Airport's most valuable physical asset is its airfield pavements including runways, taxiways, and apron areas. These pavements require ongoing observation, maintenance, repair, and replacement by qualified civil engineering and airfield pavement experts. An Airfield Pavement Management System (APMS) analysis completed in 2010 under the prior Airport Sponsor identified that the pavement at the intersection of Taxiway S and Taxiway W in the Southeast corner of the airfield was in fair to poor condition with a Pavement Condition Index (PCI) of 55 (out of a possible 100). A visual condition survey was completed in February 2014 by a qualified civil engineer and by Airport engineering staff. The 2014 survey identified distresses and a recommendation was made to repair the pavement at the intersection of Taxiway S and Taxiway W.

The prior Airport Sponsor contracted with a qualified civil engineering design firm, T.Y. LIN INTERNATIONAL INC., to design a pavement repair for this area. The design of the repair included design of a bypass taxiway to enable the continued operation of Taxiway W during repair of the Taxiway S intersection with Taxiway W. The civil engineering design services were completed in October of 2016 under the prior Airport Sponsor's direction along with a completed bid package ready for bid invitations to complete construction of the repairs to the taxiway intersection and construction of the new bypass Taxiway S5. The 100% design and bid package, however, included references to the prior Airport

STAFF MEMBER PRESENTING: Mark Thorpe, Chief Development Officer

Prepared by: Mark Thorpe
Department: OIAA

Chief Executive
Officer Approval: 

Submitted to OIAA: _____

Approved: _____

Continued to: _____

Denied: _____

ITEM NO. 04

Sponsor's name, conditions, and requirements many of which do not apply to the Ontario International Airport Authority (OIAA), the current airport sponsor.

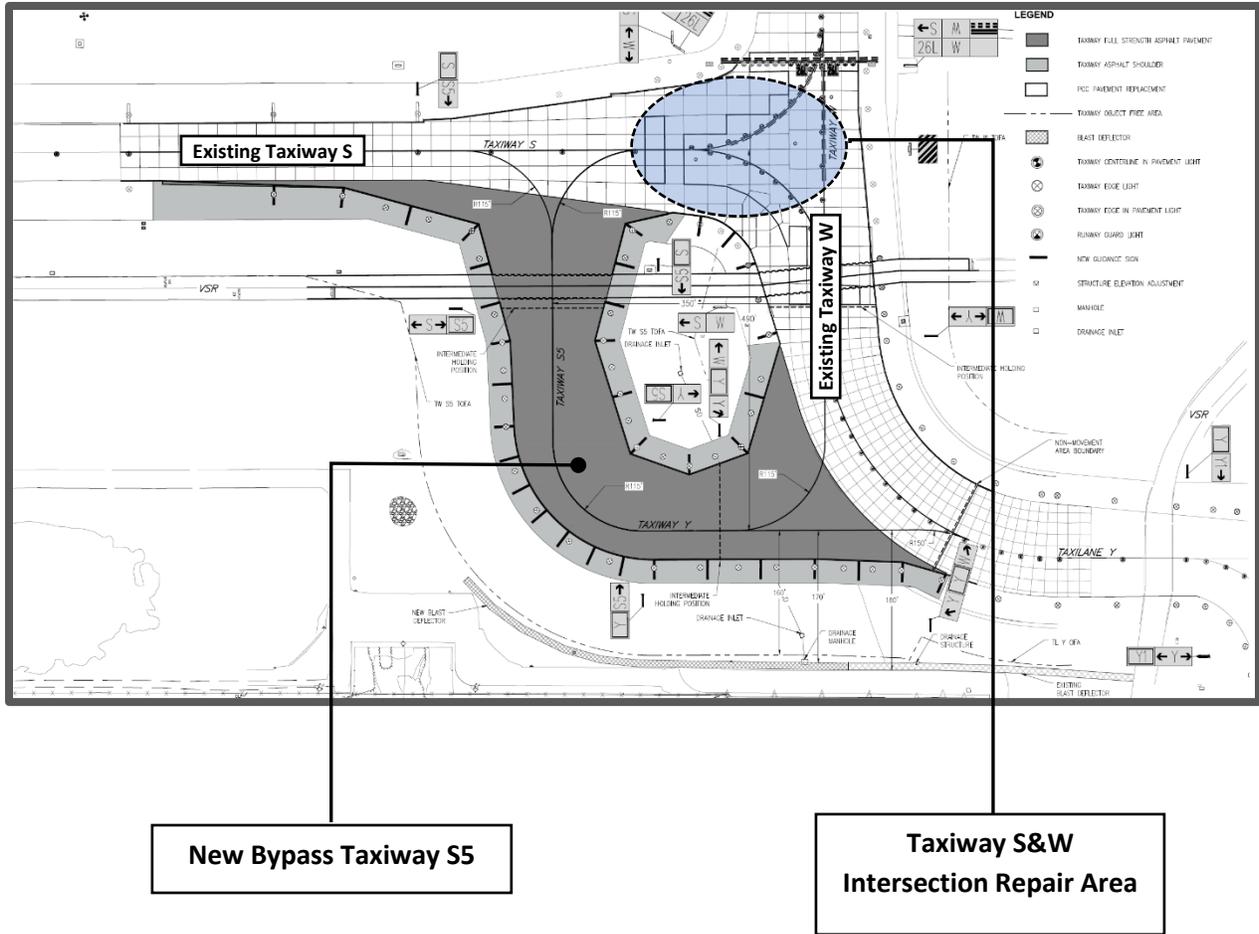
OIAA staff determined that the need for the ONT Taxiway S&W Intersection Repair and Taxiway S5 construction project is well-justified and should be completed as soon as possible. Consultation with FAA's Los Angeles Airport District Office (ADO) staff has been ongoing regarding this project and eighty percent of the project's construction cost is eligible for grant funding under FAA's Airport Improvement Program (AIP). OIAA staff is coordinating with the FAA and will submit an AIP grant application to fund approximately 80 percent of the project construction costs.

Construction of the project is anticipated to begin in late 2017 if the revised bid package can be prepared for release by May 2017. OIAA staff recommends that T.Y. LIN INTERNATIONAL, INC. be retained to revise the 100% design documents and bid package documents that they prepared to maintain consistency and ready the required documentation for bids. If the OIAA were to procure a different design team to undertake preparation of the documents, the project would be delayed by at least one year due to the construction schedule that accounts for FAA grant funding cycles and construction phasing that accounts for Ontario International Airport's airline schedules. The planned construction schedule accounts for the Airport's high proportion of cargo traffic that occurs in the fall during the leadup to the holiday season. The Taxiway S and Taxiway W intersection at ONT is used most frequently by cargo airlines that use the facilities located on the south side of the Airport. T.Y. LIN INTERNATIONAL INC. previously prepared a construction phasing plan in coordination with ONT Airport Operations personnel, ONT Air Traffic Control personnel, and key airline users/tenants.

OIAA staff will return to the Commission during the summer to seek approval and authorization of an award for construction of the ONT Taxiway S&W Intersection Repair and New Taxiway S5 Construction project. It is estimated that contractor mobilization and initiation of construction of this important project would begin in fourth quarter 2017.

Figure 1, attached, illustrates the Taxiway S&W Intersection Repair Area and New Taxiway S5. |

Figure 1: ONT Taxiway S&W Intersection Repair and Taxiway S5 Construction Project Illustration



New Bypass Taxiway S5

**Taxiway S&W
Intersection Repair Area**

**ONTARIO INTERNATIONAL
AIRPORT AUTHORITY**
Agenda Report
March 28, 2017

**SECTION:
ADMINISTRATIVE REPORTS/
DISCUSSION/ACTION**

SUBJECT: A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY TO AUTHORIZE A DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM IN ACCORDANCE WITH REGULATIONS OF THE U.S. DEPARTMENT OF TRANSPORTATION (DOT), 49 CFR PART 26.

RECOMMENDATION: That the OIAA Commission authorize, empower, and direct the Chief Executive Officer and DBE Liaison Officer (DBELO), on behalf of the Authority, to implement 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 OIAA in its financial assistance agreements with the Department of Transportation. Staff will be requesting a continuance of this item to allow the Commissioners additional time for review of associated information. Due to FAA requirements, it is critical that the Commission approve this program so that the OIAA Master Plan project and Taxiway S&W Intersection Repair and New Taxi way S5 projects can receive grant funds. Without grant funding, projects will be at risk.

FISCAL IMPACT: N/A.

BACKGROUND: The Ontario International Authority (OIAA) owner and operator of Ontario International Airport (ONT) 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 OIAA will receive Federal financial assistance from the Department of Transportation (the cumulative total value of which exceeds \$250,000), during any one or more of the reporting fiscal years (FY 2017 – 2019), and as a condition of receiving this assistance, the OIAA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the OIAA to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT–assisted contracts.

The OIAA 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.

STAFF MEMBER PRESENTING: Mark Thorpe, Chief Development Officer

Prepared by: Mark Thorpe
Department: OIAA

Chief Executive
Officer Approval: 

Submitted to OIAA: _____

Approved: _____

Continued to: _____

Denied: _____

ITEM NO. 05

The OIAA has established an overall DBE base goal of 13% covering the three-year federal fiscal year period between FY 2017 – 2019. In accordance with Section 26.45(f) the OIAA will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the established schedule below.

The OIAA, as the new owner of ONT, does not have a history of DBE participation or over-achievement of goals to reference and expects to obtain its DBE participation through the use of DBE contract goals or a conscious effort to obtain DBE participation. Therefore, the OIAA is applying the entire goal of 13% to race-conscious (RC) participation.

The OIAA will adjust the estimated breakout of race-neutral (RN) and race-conscious (RC) DBE participation as needed, in the future, to reflect actual DBE participation and track and report RN and RC participation separately.

There are 13 projects that are expected to occur in FY 2017 - 2019 that will be eligible for AIP funding. **The individual projects are listed in the chart on page 3.** The total AIP value of the contracts is projected to be \$96,644,020, and \$12,854,006 represents the portion that may be applicable to DBE goals.

The market area surrounding the Airport includes San Bernardino County, Riverside County, Orange County, and Los Angeles County. The market area is considered the area in which it is expected that the substantial majority of the Airport's contractors and subcontractors that seek to do business with the Airport are located and the area in which it is expected that the Airport will spend the substantial majority of its contracting dollars.

The 2014 U.S. Census County Business Patterns by NAICS classifications for San Bernardino County, Los Angeles County, Orange County and Riverside County were compared to the number of firms certified as DBEs by the California UCP to arrive at **an overall DBE base goal of 13% covering the three-year federal fiscal year period between FY 2017 – 2019.**

The OIAA will transmit to FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form. The OIAA will also report the DBE contractor firm information either on the FAA DBE Contractor's Form or other similar format.

The OIAA will create and maintain a bidders list via the website: www.flyontario.com.

The DBELO is responsible for implementing all aspects of the DBE program and ensuring that the OIAA complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer of the OIAA, concerning DBE program matters.

The OIAA will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.

The OIAA 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 OIAA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The OIAA uses the State of California DBE directory, maintained by the State. 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. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

Project Name	Estimated Project Cost	Weighting	Contractor Type	DBE Availability	Weighted DBE Dollars for Subtotal 2017-2019
Twy S & W Intersection Repair	\$8,030,000	50%	Heavy Construction	33%	\$1,324,950
		30%	Other Construction	3%	\$72,270
		20%	Design	6%	\$96,360
Twy S from Twy F to Cucamonga Channel (Phase I)	\$6,100,000	50%	Heavy Construction	33%	\$1,006,500
		30%	Other Construction	3%	\$54,900
		20%	Design	6%	\$73,200
Twy S from Twy F to Cucamonga Channel (Phase II)	\$18,860,000	50%	Heavy Construction	33%	\$3,111,900
		30%	Other Construction	3%	\$169,740
		20%	Design	6%	\$226,320
Reconstruct Rwy 8R-26L Shoulders	\$18,592,000	50%	Heavy Construction	33%	\$3,067,680
		30%	Other Construction	3%	\$167,328
		20%	Design	6%	\$223,104
Install Rwy 26R TDZ Lighting	\$4,000,020	20%	Heavy Construction	33%	\$264,001
		60%	Other Construction	3%	\$72,000
		20%	Design	6%	\$48,000
Taxiway N1 Centerline Lighting	\$2,412,000	20%	Heavy Construction	33%	\$159,192
		60%	Other Construction	3%	\$43,416
		20%	Design	6%	\$28,944
Airport Master Plan	\$5,000,000	0%	Heavy Construction	33%	\$0
		0%	Other Construction	3%	\$0
		100%	Design	6%	\$300,000
Airport Pavement Management Plan	\$1,500,000	0%	Heavy Construction	33%	\$0
		0%	Other Construction	3%	\$0
		100%	Design	6%	\$90,000
Airport Marking Lighting and Signage Plan	\$200,000	0%	Heavy Construction	33%	\$0
		0%	Other Construction	3%	\$0
		100%	Design	6%	\$12,000
ARFF Vehicles and Equipment	\$5,000,000	0%	Heavy Construction	33%	\$0
		0%	Other Construction	3%	\$0
		100%	Design	6%	\$300,000
Security Screening Improvements	\$750,000	0%	Heavy Construction	33%	\$0
		80%	Other Construction	3%	\$18,000
		20%	Design	6%	\$9,000
Northwest Cargo Area Remediation, Demolition, Clean Up, Site Prep	\$16,200,000	20%	Heavy Construction	33%	\$1,069,200
		60%	Other Construction	3%	\$291,600
		20%	Design	6%	\$194,400
ACAMS Security System Rehabilitation	\$10,000,000	0%	Heavy Construction	33%	\$0
		80%	Other Construction	3%	\$240,000
		20%	Design	6%	\$120,000
TOTAL	\$96,644,020				\$12,854,006

The OIAA has not established a business development program. Planet Bids however, links businesses in the airport's neighboring communities with job and contract opportunities at the airport: <https://www.planetbids.com/portal/portal.cfm?CompanyID=31225>

The OIAA has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The OIAA will publish a notice announcing its proposed overall goal informing the public that the proposed goal and its rationale are available for inspection on its official internet web site (www.flyontario.com) and during normal business hours at the OIAA's principal office (1923 East Avion St., Ontario, CA 91761). The OIAA and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will be issued in general circulation media and available minority-focused media and trade publications. The notice will include addresses to which comments may be sent. The public comment period will not extend the August 1st deadline.

The OIAA's Overall Three-Year DBE Goal submission to the DOT/FAA will include a summary of information and comments received, if any, during this public participation process and responses.

The OIAA will begin using the overall goal on October 1st of the reporting period, unless it has received other instructions from the DOT.

If the OIAA awards and commitments shown on its Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the OIAA will do the following to be regarded by the Department as implementing the DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and its awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified during analysis so that it can meet fully its goal for the new fiscal year;
- (3) Submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (c) (1) and (2) of this section to the FAA for approval]

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY TO AUTHORIZE A DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM IN ACCORDANCE WITH REGULATIONS OF THE U.S. DEPARTMENT OF TRANSPORTATION (DOT), 49 CFR PART 26.

WHEREAS, the Ontario International Airport Authority (the "Authority") was established under a Joint Exercise of Powers Agreement between the City of Ontario and the County of San Bernardino (the "Joint Powers Agreement") pursuant to the Joint Exercise of Powers Act of the State of California (the "Joint Powers Act"), for the purpose of operating, maintaining, managing, developing, and marketing the Ontario International Airport (the "Airport"); and

WHEREAS, The Ontario International Authority (OIAA) owner of Ontario International Airport (ONT) will receive Federal financial assistance from the Department of Transportation (the cumulative total value of which exceeds \$250,000), during any one or more of the reporting fiscal years (FY 2017 – 2019), and as a condition of receiving this assistance, the OIAA has signed an assurance that it will comply with 49 CFR Part 26; and

WHEREAS, it is the policy of the OIAA to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT–assisted contracts; and

WHEREAS, The OIAA 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.

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby approves and authorizes The Ontario International Authority (OIAA) owner of Ontario International Airport (ONT) to establish a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

BE IT FURTHER RESOLVED that the Commission hereby approves an overall DBE base goal of 13% covering the three-year federal fiscal year period between FY 2017 – 2019.

BE IT FURTHER RESOLVED that the Commission authorize, empower, and direct the Chief Executive Officer and DBE Liaison Officer (DBELO), on behalf of the Authority, to implement all aspects of the DBE program.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting this 28th day of March, 2017.

ALAN D. WAPNER, OIAA PRESIDENT

ATTEST:

SECRETARY/ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

LORI BALLANCE
OUTSIDE COUNSEL



**Ontario International Airport Authority (OIAA)
DBE PROGRAM – 49 CFR PART 26**

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Ontario International Authority (OIAA) owner of Ontario International Airport (ONT) 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 OIAA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the OIAA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the OIAA 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 promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Amy Goethals, Director of Commercial Real Estate has been delegated as the DBE Liaison Officer. In that capacity, Amy Goethals, Director of Commercial Real Estate, 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 OIAA in its financial assistance agreements with the Department of Transportation.

This policy statement is available for public access on the OIAA’s website (www.flyontario.com). This link to the OIAA website is listed on all solicitation documents qualified for DOT assistance.

Kelly Fredericks, Chief Executive Officer

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 OIAA is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The OIAA will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

The OIAA 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 OIAA 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.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11

The OIAA will report DBE participation to DOT/FAA as follows:

The OIAA will transmit to FAA annually on December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form. The OIAA will also report the DBE contractor firm information either on the FAA DBE Contractor’s Form or other similar format.

Bidders List: 26.11(c)

The OIAA will create and maintain a bidders list via the website: www.flyontario.com. 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 the airport’s DOT-assisted contracts for use in helping to set the airport’s overall goals. The bidders list will include the name, address, DBE and non-DBE status, and the NAICS codes of firms.



Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a) - Each financial assistance agreement that the OIAA signs with a DOT operating administration (or a primary recipient) will include the following assurance:

The OIAA shall 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. The OIAA shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The OIAA 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 OIAA of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR 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.*).

Contract Assurance: 26.13b – The OIAA will ensure that the following clause is included in each contract signed with a contractor and each subcontract the prime contractor signs with a subcontractor:

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 OIAA deems appropriate.



SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The OIAA is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. The OIAA is not eligible to receive DOT financial assistance unless DOT has approved the OIAA's DBE program and The OIAA is in compliance with it and this part. The OIAA will continue to carry out this program until all funds from DOT financial assistance have been expended. The OIAA does not have to submit regular updates of this program, as long as the OIAA remains in compliance. However, the OIAA will submit significant changes in the program for approval.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

The OIAA has designated the following individual as our DBE Liaison Officer:

Amy Goethals
Director of Commercial Real Estate
ONTARIO INTERNATIONAL AIRPORT AUTHORITY
1923 E. Avion Street | Ontario, CA 91761
Phone (909) 544-5427 | Cell (909) 452-5586
Email: Agoethals@flyontario.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the OIAA complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer of the OIAA, concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO or a designee is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. 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 OIAA 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 and monitors results.

6. Analyzes the OIAA's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO and Board of Airport Commissioners on DBE matters and achievement.
9. Determines contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Acts as liaison to the Uniform Certification Process.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the OIAA 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.

In an effort to identify and use such institutions, using the State of California, Department of General Services online directory (http://www.dot.ca.gov/hq/bep/find_certified.htm), the OIAA did not find any DBE financial institutions in the San Bernardino County area. The following NAICS Codes were used: 522110 (Commercial Banking), 522130 (Credit Unions), 521110 (Monetary Authorities - Central Banks) and 522291 (Consumer Lending).

The DBELO for the OIAA will investigate financial institutions established within the community which are owned by socially and economically disadvantaged individuals annually. When a financial institution owned and operated by socially and economically disadvantaged individuals is opened, the DBELO will recommend their services to the OIAA and provide notification to prime contractors with solicitation documents.

Section 26.29 Prompt Payment Mechanisms

The OIAA has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts.

The OIAA will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. The OIAA will use the following methods to comply with this requirement:

Decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.



The OIAA will consider a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the OIAA. When The OIAA has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

The OIAA will provide appropriate means to enforce the requirements of this section. These means will be included as specific terms and conditions in each contract. Any delay or postponement of payment among the parties may take place only for good cause, with the prior written approval of the OIAA.

The OIAA 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 30 days from the receipt of each payment the prime contractor receives from *The OIAA*. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the OIAA. This clause applies to both DBE and non-DBE subcontractors.

Monitoring Payments to DBEs

The OIAA 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 *OIAA* or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The OIAA 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.

Section 26.31 Directory

The OIAA uses the State of California DBE directory, maintained by the State. 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. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The State of California revises the Directory daily. The OIAA makes the Directory available by listing the website address on solicitation packages for interested persons. The Directory is found at <http://californiaucp.org/>

Section 26.33 Over-concentration

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



Section 26.35 Business Development Programs

The OIAA has not established a business development program. Planet Bids however, links businesses in the airport's neighboring communities with job and contract opportunities at the airport: <https://www.planetbids.com/portal/portal.cfm?CompanyID=31225>

The OIAA actively participates and collaborates with professional associations, industry organizations, and chambers of commerce.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. Bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that the 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 26.107.
2. Implement similar action under the OIAA's own legal authorities, including responsibility determinations in future contracts.
3. Implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.
4. Implement a monitoring and enforcement mechanism that will include written certification that the OIAA has reviewed contracting records and monitored work sites for this purpose. A copy of the Certification Process for Contract Review and Monitoring is found Attachment 7.
5. Implement a mechanism that 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. In reports of DBE participation to the DOT, the OIAA will show both commitments and attainments, as required by the DOT uniform reporting form.

Section 26.39 Fostering small business participation.

The OIAA has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The OIAA's small business element is incorporated as Attachment 10 to this DBE Program. The OIAA will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of the OIAA DBE program.



SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The OIAA does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The OIAA will establish an overall DBE goal covering a three-year federal fiscal year period if the OIAA anticipates awarding DOT/FAA funded prime contracts, the cumulative total value of which exceeds \$250,000, during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the OIAA will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the established schedule below.

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Large & Medium Hub Primary	All Regions	August 1, 2016 (2017/2018/2019)	August 1, 2019 (2020/2021/2022)

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the OIAA does not anticipate awarding DOT/FAA funded prime contracts, the cumulative total value of which exceeds \$250,000 during any of the years within the three-year reporting period, the OIAA will not develop an overall goal; however, this DBE Program will remain in effect and the OIAA will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

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 Contracts.

In establishing the overall goal, the OIAA will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the OIAA’s efforts to establish a level playing field for the participation of DBEs.

The OIAA will publish a notice announcing its proposed overall goal informing the public that the proposed goal and its rationale are available for inspection on its official internet web site (www.flyontario.com) and during normal business hours at the OIAA’s principal office (1923 East Avion St., Ontario, CA 91761). The OIAA and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will be issued in general circulation media and available minority-focused media and trade publications. The notice will include addresses to which comments may be sent. The public comment period will not extend the August 1st deadline.



The OIAA's Overall Three-Year DBE Goal submission to the DOT/FAA will include a summary of information and comments received, if any, during this public participation process and responses.

The OIAA will begin using the overall goal on October 1st of the reporting period, unless it has received other instructions from the DOT.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

Section 26.47 Failure to meet overall goals.

The OIAA will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer its DBE Program in good faith to be considered to be in compliance with this part.

If the OIAA awards and commitments shown on its Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the OIAA will do the following to be regarded by the Department as implementing the DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and its awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified during analysis so that it can meet fully its goal for the new fiscal year;
- (3) The OIAA will submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (c) (1) and (2) of this section to the FAA for approval.

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

The OIAA will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include the following:

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39 of this part.
- (2) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small

businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);

(3) Ensuring distribution of the State of California DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

Section 26.51(d-g) Contract Goals

The OIAA will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39.

During the course of any year in which the OIAA determines that it will exceed the overall goal, the OIAA will reduce or eliminate the use of contract goals to the extent necessary to ensure that the use of contract goals does not result in exceeding the overall goal. If the OIAA determines that it will fall short of the overall goal, it will make appropriate modifications in the use of race-conscious measures to meet the overall goal.

The OIAA 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).

The OIAA 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)

The obligation of the bidder/offeror is 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.

The OIAA 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.

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



Information to be submitted - 26.53(b)

The OIAA treats bidder/offers' compliance with good faith effort's requirements as a matter of responsiveness in all instances where a contract goal has been established (all bidders will submit the DBE information at the time of bid). 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:

- (i) The names and addresses of DBE firms that will participate in the contract;
- (ii) A description of the work that each DBE will perform.
- (iii) The dollar amount of the participation of each DBE firm participating;
- (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
- (v) If the contract goal is not met, evidence of good faith efforts must be documented.

Administrative reconsideration - 26.53(d)

Within 5 business days of being informed by the OIAA 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:

Amy Goethals
Director of Commercial Real Estate
ONTARIO INTERNATIONAL AIRPORT AUTHORITY
1923 E. Avion Street | Ontario, CA 91761
Phone (909) 544-5427 | Cell (909) 452-5586
Email: Agoethals@flyontario.com

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 the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The OIAA 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 result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedures in situations when there are contract goals - 26.53(f)(g)

The OIAA will include in each prime contract a provision stating that the contractor is utilizing DBEs to perform a certain percentage of the work to comply with OIAA stated and approved goals. The OIAA will require the contractor that is awarded the contract to make available, upon request, a copy of all DBE subcontracts.

The OIAA will require the prime contractor to substitute a DBE firm with another DBE firm when necessary to maintain stated goals, and to provide copies of new or amended subcontracts, or documentation of good faith efforts. The good faith efforts shall be documented by the contractor.

In instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, it may only do so with prior approval and written consent from the OIAA.

The OIAA will provide such written consent only if it is agreed, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) The OIAA has determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to the OIAA written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (10) Other documented good cause that the OIAA has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to the OIAA its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the OIAA, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise the OIAA and the contractor of the reasons, if any, why it objects to the proposed



termination of its subcontract and why the OIAA should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the OIAA may provide a response period shorter than five days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements. If the contractor fails or refuses to comply in the time specified, the OIAA will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the OIAA may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the OIAA to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. The bidder/offeror shall make good faith efforts, as defined in 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; and (5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

The OIAA will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The OIAA 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.

If the firm is not currently certified as a DBE in accordance with the standards of this part at the time of the execution of the contract, The OIAA will not count the firm's participation toward any DBE goals, except as provided for in 26.87.



SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The OIAA will use 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 OIAA will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

Amy Goethals
Director of Commercial Real Estate
ONTARIO INTERNATIONAL AIRPORT AUTHORITY
1923 E. Avion Street | Ontario, CA 91761
Phone (909) 544-5427 | Cell (909) 452-5586
Email: Agoethals@flyontario.com

The OIAA's certification application forms and documentation requirements are found on the OIAA website: www.flyontario.com and in Attachment 9 to this program.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

The OIAA will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with provisions of the Federal Freedom of Information and Privacy Act (5 U.S.C. Section 552) and other federal, state, and local law.

Notwithstanding any provision of federal or state law, the OIAA will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, the OIAA will transmit this information to DOT in any certification appeal proceeding under § 26.89 or to any other state to which the individual's firm has applied for certification under § 26.85.

All participants in the Department's DBE program (including recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility or suspension and debarment; with respect to a complainant



or appellant, dismissal of the complaint or appeal; with respect to a contractor that uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The OIAA, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. If the OIAA violates this prohibition, it is in noncompliance with this part.

The OIAA 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 OIAA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The OIAA 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.

ATTACHMENTS

- Attachment 1 Link to 49 CFR Part 26: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 Link to State of California DBE Directory:
http://www.dot.ca.gov/hq/bep/find_certified.htm
- Attachment 5 Overall Goal Calculations
- Attachment 6 Demonstration of Good Faith Efforts - Forms 1 & 2
- Attachment 7 DBE Monitoring and Enforcement Mechanisms
- Attachment 8 Link to DBE Certification Application Forms:

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/obtaining-certification>

http://www.dot.ca.gov/hq/bep/business_forms.htm
- Attachment 9 Link to the State of California UCP Agreement:
<http://www.dot.ca.gov/hq/bep/ucp.htm>
- Attachment 10 Small Business Program



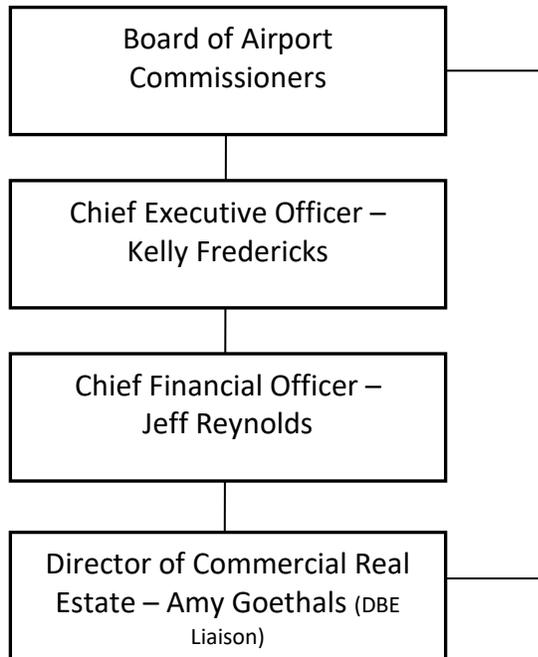
ATTACHMENT 1

Download a copy of 49 CFR Part 26 at:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

ATTACHMENT 2

Organizational Chart



ATTACHMENT 3

BIDDER'S LIST COLLECTION FORM

Firm Name	Firm Address/ Phone #	DBE or Non-DBE Status (verify via State's UCP Directory)	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<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
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<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
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<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
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<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
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<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
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<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



ATTACHMENT 4

Link to State of California DBE Directory: http://www.dot.ca.gov/hq/bep/find_certified.htm

ATTACHMENT 5

Section 26.45: Overall DBE Three-Year Goal Methodology

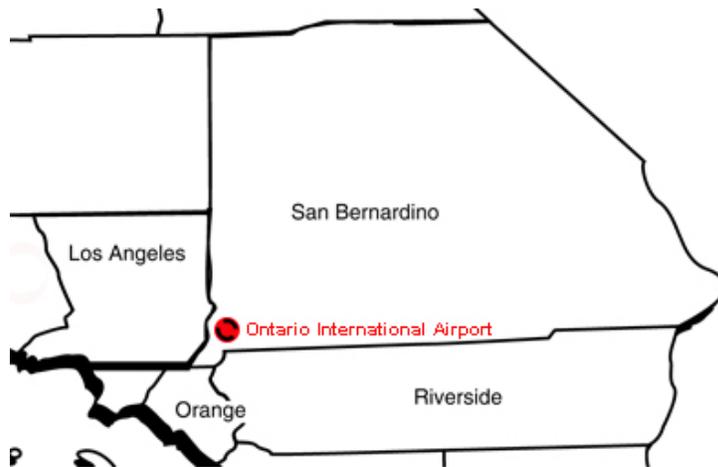
Name of Recipient: Ontario International Airport Authority (OIAA), owner of Ontario International Airport (ONT)

Goal Period: FY-2017-2018-2019 (October 1, 2016 through September 30, 2019)

There are 13 projects that are expected to occur in FY 2017 - 2019 that would be eligible for AIP funding. The individual projects are listed in the chart below. The total AIP value of the contracts is projected to be \$96,644,020, and represents the portion that may be applicable to DBE goals.

Project Name	Estimated Project Cost	AIP eligible?	Eligible Percent?	PFC eligible?	PFC eligible percent?	Total Cost by Calendar Year			
						2017	2018	2019	Subtotal 2017-2019
Twy S & W Intersection Repair	\$8,030,000	Yes	80%	Yes	<20%	\$8,030,000			\$8,030,000
Twy S from Twy F to Cucamonga Channel (Phase I)	\$6,100,000	Yes	80%	Yes	<20%		\$6,100,000		\$6,100,000
Twy S from Twy F to Cucamonga Channel (Phase II)	\$18,860,000	Yes	80%	Yes	<20%			\$18,860,000	\$18,860,000
Reconstruct Rwy 8R-26L Shoulders	\$18,592,000	Yes	80%	Yes	<20%			\$18,592,000	\$18,592,000
Install Rwy 26R TDZ Lighting	\$4,000,020	Yes	80%	Yes	<20%			\$4,000,020	\$4,000,020
Taxiway N1 Centerline Lighting	\$2,412,000	Yes	80%	Yes	<20%			\$2,412,000	\$2,412,000
Airport Master Plan	\$5,000,000	Yes	80%	Yes	<20%	\$5,000,000			\$5,000,000
Airport Pavement Management Plan	\$1,500,000	Yes	80%	Yes	<20%		\$1,500,000		\$1,500,000
Airport Marking Lighting and Signage Plan	\$200,000	Yes	80%	Yes	<20%			\$200,000	\$200,000
ARFF Vehicles and Equipment	\$5,000,000	Yes	80%	Yes	<20%			\$5,000,000	\$5,000,000
Security Screening Improvements	\$750,000	Yes	80%	Yes	<20%			\$750,000	\$750,000
Northwest Cargo Area Remediation, Demolition, Clean Up, Site Prep	\$16,200,000	Yes	80%	Yes	<20%		\$16,200,000		\$16,200,000
ACAMS Security System Rehabilitation	\$10,000,000	Yes	80%	Yes	<20%			\$10,000,000	\$10,000,000
TOTAL	\$96,644,020					\$13,030,000	\$23,800,000	\$59,814,020	\$96,644,020

Market Area: The following map shows the market area in which it is expected that the substantial majority of the Airport's contractors and subcontractors that seek to do business with the Airport are located **and** the area in which it is expected that the Airport will spend the substantial majority of its contracting dollars. The market area surrounding the Airport includes San Bernardino County, Riverside County, Orange County, and Los Angeles County.





DBE Goal:

Step 1. 26.45(c) Actual relative availability of DBE's

The base figure for the relative availability was calculated through an analysis of the State of California DBE directory and Census Bureau County Business Patterns in the market area counties.

The 2014 U.S. Census County Business Patterns by NAICS classifications for San Bernardino County, Los Angeles County, Orange County and Riverside County were compared to the number of firms certified as DBEs by the California UCP to arrive at the base percentage.

NAICS Total Firms Compared to DBE Firms

2012 NAICS code	Definition of 2012 NAICS code	San Bernardino County DBE Firms	Total San Bernardino Firms	Riverside County DBE Firms	Total Riverside Firms	Orange County DBE Firms	Total Orange Firms	Los Angeles County DBE Firms	Total Los Angeles Firms	TOTAL DBE FIRMS	TOTAL FIRMS	PERCENT (%) DBE
237310	Highway, street, and bridge construction	9	54	16	46	26	67	27	84	78	251	31%
237990	Other heavy and civil engineering construction	4	23	4	22	20	37	16	42	44	124	35%
Total Heavy Construction		13	77	20	68	46	104	43	126	122	375	33%
238110	Poured concrete foundation and structure contractors	6	107	6	140	6	150	12	220	30	617	5%
238120	Structural steel and precast concrete contractors	9	30	6	24	3	28	5	88	23	170	14%
238210	Electrical contractors and other wiring installation contractors	12	360	9	467	10	795	10	1,726	41	3348	1%
238910	Site preparation contractors	9	145	13	196	18	186	9	348	49	875	6%
238990	All other specialty trade contractors	9	161	17	247	14	302	20	506	60	1216	5%
Total Other Construction Categories		45	803	51	1074	51	1461	56	2888	203	6226	3%
541310	Architectural services	1	42	1	56	6	378	46	943	54	1419	4%
541330	Engineering services	12	206	16	260	25	1,099	96	1,511	149	3076	5%
541370	Surveying and mapping (except geophysical) services	4	31	3	35	1	45	6	53	14	164	9%
541620	Environmental consulting services	3	39	11	46	16	169	76	231	106	485	22%
Total Design Categories		20	318	31	397	48	1477	224	2738	323	5144	6%

Weighting by Type of Project and the Type of Firm that Would Bid

The availability calculations in the above chart were then weighted by the anticipated expenditures for Heavy Construction categories, Other Construction categories, and Design categories for each project. **The result of these calculations yields a base goal of 13%.**

Project Name	Estimated Project Cost	Weighting	Contractor Type	DBE Availability	Weighted DBE Dollars for Subtotal 2017-2019
Twy S & W Intersection Repair	\$8,030,000	50%	Heavy Construction	33%	\$1,324,950
		30%	Other Construction	3%	\$72,270
		20%	Design	6%	\$96,360
Twy S from Twy F to Cucamonga Channel (Phase I)	\$6,100,000	50%	Heavy Construction	33%	\$1,006,500
		30%	Other Construction	3%	\$54,900
		20%	Design	6%	\$73,200
Twy S from Twy F to Cucamonga Channel (Phase II)	\$18,860,000	50%	Heavy Construction	33%	\$3,111,900
		30%	Other Construction	3%	\$169,740
		20%	Design	6%	\$226,320
Reconstruct Rwy 8R-26L Shoulders	\$18,592,000	50%	Heavy Construction	33%	\$3,067,680
		30%	Other Construction	3%	\$167,328
		20%	Design	6%	\$223,104
Install Rwy 26R TDZ Lighting	\$4,000,020	20%	Heavy Construction	33%	\$264,001
		60%	Other Construction	3%	\$72,000
		20%	Design	6%	\$48,000
Taxiway N1 Centerline Lighting	\$2,412,000	20%	Heavy Construction	33%	\$159,192
		60%	Other Construction	3%	\$43,416
		20%	Design	6%	\$28,944
Airport Master Plan	\$5,000,000	0%	Heavy Construction	33%	\$0
		0%	Other Construction	3%	\$0
		100%	Design	6%	\$300,000
Airport Pavement Management Plan	\$1,500,000	0%	Heavy Construction	33%	\$0
		0%	Other Construction	3%	\$0
		100%	Design	6%	\$90,000
Airport Marking Lighting and Signage Plan	\$200,000	0%	Heavy Construction	33%	\$0
		0%	Other Construction	3%	\$0
		100%	Design	6%	\$12,000
ARFF Vehicles and Equipment	\$5,000,000	0%	Heavy Construction	33%	\$0
		0%	Other Construction	3%	\$0
		100%	Design	6%	\$300,000
Security Screening Improvements	\$750,000	0%	Heavy Construction	33%	\$0
		80%	Other Construction	3%	\$18,000
		20%	Design	6%	\$9,000
Northwest Cargo Area Remediation, Demolition, Clean Up, Site Prep	\$16,200,000	20%	Heavy Construction	33%	\$1,069,200
		60%	Other Construction	3%	\$291,600
		20%	Design	6%	\$194,400
ACAMS Security System Rehabilitation	\$10,000,000	0%	Heavy Construction	33%	\$0
		80%	Other Construction	3%	\$240,000
		20%	Design	6%	\$120,000
TOTAL	\$96,644,020				\$12,854,006



Step 2. 26.45(d): Adjustments to Step 1 base figure.

On November 1, 2016, ownership of the Ontario International Airport transferred from Los Angeles World Airports (LAWA) to the Ontario International Airport Authority (OIAA). There was not sufficient historical DBE data to reference to make an adjustment to the Step 1 base figure; therefore, the OIAA is adopting its Step 1 base figure as its overall goal for this three-year goal period.

“Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation.
26.51(b) (1-9)

The OIAA estimates that in meeting its overall goal of 13%, it will obtain 100% participation through RC measures (setting a DBE goal for each project).

The OIAA, as the new owner of ONT, does not have a history of DBE participation or over-achievement of goals to reference and expects to obtain its DBE participation through the use of DBE contract goals or a conscious effort to obtain DBE participation. Therefore, the OIAA is applying the entire goal of 13% to race-conscious participation.

The OIAA will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation and track and report RN and RC participation separately.

PUBLIC PARTICIPATION

In accordance with Public Participation Regulatory Requirements of 49 CFR Part 26, minority, women, local businesses, chambers, and community organizations within the OIAA’s market area will be provided an opportunity to review this goal analysis. The OIAA will issue a Public Notice to community groups, publish the notice in minority-focused media and the OIAA’s website (www.flyontario.com).



ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

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

_____ The bidder/offeror (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract and should submit documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ Title _____
(Signature)



FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above and that the firm is DBE certified to perform the specific trades.

By _____
(Signature)

Date: _____

(Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The OIAA has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to California Civil Code, Article 1. Damages for Breach of Contract 3300.-3322.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.



ATTACHMENT 8

Link to DBE Certification Application Forms:

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/obtaining-certification>

http://www.dot.ca.gov/hq/bep/business_forms.htm



ATTACHMENT 9

Link to the State of California UCP Agreement: <http://www.dot.ca.gov/hq/bep/ucp.htm>

Signed OIAA CUCP Agreement on following page.

CUCP AGREEMENT/DECLARATION OF STATUS LETTER

TO: CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)

FROM: Ontario International Airport Authority (OIAA), (Recipient)
Address: 1923 East Avion Street Ontario, CA 91761

Recipient hereby acknowledges and agrees that:

- (1) As a recipient of Federal Financial Assistance from the U.S. Department of Transportation (DOT), Recipient has an established Disadvantaged Business Enterprise (DBE) program in accordance with 49 CFR Part 26.
- (2) By this Letter, Recipient officially becomes a signatory to the Memorandum of Agreement (MOA) for the establishment of a Unified Certification Program among all U.S. DOT recipients in California, as approved by the Secretary of Transportation on March 13, 2002, and amended on March 21, 2006.
- (3) In accordance with said MOA, Recipient hereby makes a declaration to become either a Certifying CUCP Member or a Non-Certifying CUCP Member.
 - (a) A Certifying CUCP Member maintains DBE certification processes including reviewing DBE applications, conducting site visits and making decisions on DBE status; processing annual updates; maintaining DBE certification files; and conducting appeal and third party challenge hearings. A Certifying CUCP Member is responsible for providing certification information and updates for inclusion in the DBE Database.
 - (b) A Non-Certifying CUCP Member does not process DBE certifications for inclusion in the DBE Database.
- (4) CUCP Members may be requested to contribute funds to support the CUCP.
- (5) All CUCP Members will accept the DBE status of firms included in the DBE Database for use in their contracting activities.

Based on the foregoing, Recipient hereby declares its status as:

A CERTIFYING CUCP MEMBER
 A NON-CERTIFYING CUCP MEMBER

Recipient may change its status upon submission of a new Declaration Letter to the Chair of the CUCP.

DATE: 03/14/2017


(Signature of Recipient Agency Official)

Amy Goethals, Director of Commercial Real Estate
(Name and Title)

Participation in CUCP acknowledged:

Date
(Secretary, California Unified Certification Program)

Date
(Chair, California Unified Certification Program)



Attachment 10

Small Business Program

The Ontario International Airport Authority (OIAA) is committed to creating an environment that provides all individuals and businesses open access to the business opportunities available at the Ontario International Airport (ONT).

The OIAA will implement this Program within 9 months of FAA approval.

APPLICABILITY:

OIAA Procurement will establish the mandatory SBE participation levels for construction, non-professional and personal services including professional services projects valued over \$150,000. Failure to meet those mandatory SBE participation levels may disqualify bidding/proposing firms from being considered for award of the contract. The OIAA SBE Program requires Prime Contractors who receive contracts from the OIAA to utilize certified small businesses at the levels promised.

The OIAA defines an SBE as an independently-owned and operated business that meets the criteria set forth by the Small Business Administration 8(a) Business Development Program. The State of California SBE program defines an SBE as a business with 100 or fewer employees with average annual gross receipts of \$14 million or less over the last three years. The Federal Small Business Administration (SBA) program uses a much broader range of size thresholds (see [www.sba.gov/sites/default/files/Size Standards Table.pdf](http://www.sba.gov/sites/default/files/Size%20Standards%20Table.pdf)).

Prime contractors will be responsible for determining the SBE status of its subcontractors for purposes of meeting the SBE requirement. The SBE participation level will be determined by the percentage of the total amount of compensation under the project paid to SBEs.

The OIAA encourages Prime Contractors to utilize Emerging Business Enterprises (EBEs). The OIAA defines an Emerging Business Enterprise (EBE) based on the State of California's Micro-business definition, which is (1) a small business that has average annual gross receipts of \$3,500,000 or less within the previous three years, or (2) a small business manufacturer with 25 or fewer employees. A firm that is certified with the State of California as a Micro-business will be recognized by the OIAA as an EBE. Additionally, the OIAA encourages Prime Contractors to utilize Disabled Veterans Business Enterprises (DVBEs). A firm that is certified with the State of California as a DVBE will be recognized by the OIAA as a DVBE.

SBE PARTICIPATION LEVELS:

The OIAA will review each Request for Bid/Request for Proposal (project) estimated to be in excess of \$150,000 to determine whether a mandatory SBE participation level should be set on the project. Setting the mandatory SBE participation level consists of the following steps:



The OIAA and the requesting division will discuss the project to determine whether there are reasonable subcontracting opportunities. The OIAA will review various databases to determine the availability of SBE subcontractors in the identified subcontracting work areas. The OIAA will review the historical achievement of subcontractor utilization on the same/similar projects

If the OIAA determines that there are sufficient SBEs available in the identified work areas, it will set a mandatory SBE participation level for the project. The OIAA reserves the right to review cooperative agreements with other governmental agencies ("Piggy Back") to determine if subcontracting opportunities exist and to set mandatory SBE participation levels, if appropriate.

Since the SBE Program is a mandatory program, Bidders/Proposers are strongly encouraged to attend pre-bid and pre-proposal meetings for projects with mandatory SSE participation levels so that they understand the requirements of the SBE Program. The OIAA will verify the SBE status of the proposed subcontractors, regardless of the dollar amount of work to be performed. It is important to note that if a Prime Contractor is itself an SBE, their participation in the contract will count as 100% SBE.

SUBCONTRACTORS:

Contractors are required to comply with California's "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Sections 4100 et seq.) (www.leginfo.ca.gov/cgi-bin/calawquery?codesection=pcc&codebody=&hits=20).

Any reduction, increase, or other change to any SSE Subcontract amount without prior written approval of the OIAA is considered an Unauthorized Subcontractor Substitution. A subcontract dollar value increased or reduced as the result of a Change Order issued by the OIAA to add or delete from the original scope of work shall not be subject to a penalty for an Unauthorized Subcontractor Substitution.

Only the OIAA is authorized to grant either initial approval of SSE Subcontractor(s) or SBE Subcontractor substitution(s).

Contractors must list all Subcontractors and include all requested information.

PENALTIES:

A Contractor violating any provision(s) of this section shall, subject to prior notice of the alleged violations and an opportunity to be heard and to present evidence in its own defense, be deemed in violation of the Contract, and the OIAA may:

Cancel the contract or assess the Contractor a penalty of not more than ten percent (10%) of the amount of the unpaid/underpaid amount of the Subcontract(s) involved.

At the end of each project, before calculation of any actual final subcontracting penalties, the OIAA may withhold as disputed funds 15% of all subcontract(s) that appear to be in violation of any subcontracting provision of the project.

SUB-AGREEMENT FALSIFICATION:

Falsification or misrepresentation of a sub-agreement as to company name, contract amount and/or actual work to be done by the sub-bidder/subcontractor may result in sanctions set forth under Penalties.

MONTHLY REPORT SUBMITTAL:

The Contractor shall submit to the OIAA, on a monthly basis, together with its invoice the Subcontractor Utilization Report listing the SBE subcontractors utilized during the reporting period. The Contractor shall cooperate with the OIAA in providing such information as requested by the OIAA to ensure compliance. The OIAA will not process or pay Contractor's subsequent invoices if the Subcontractor Utilization Reports are not timely submitted or if the Contractor fails to cooperate with the OIAA by promptly providing any and all information related to SSE participation requested by the OIAA.

FINAL SUBCONTRACTING REPORT SUBMITTAL:

The Contractor must submit the Final Subcontracting Report to the OIAA within fifteen (15) calendar days after a request for the report by the OIAA. Failure to comply may result in the assessment of liquidated damages in the amount of \$100.00 per day by the OIAA.

ASSURANCES:

- 1. This program is authorized under state law;*
- 2. Certified DBEs that meet the size criteria established under this program are presumptively eligible to participate in the program;*
- 3. There are no geographic preferences or limitations imposed on any federally assisted procurement included in the program;*
- 4. There are no limits on the number of contracts awarded to firms participating in the program and every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and*
- 5. Aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified; and*
- 6. The program is open to small businesses regardless of their location (i.e., that there is no local or other geographic preference).*

FUTURE REVISIONS TO RULES AND REGULATIONS:

The Chief Executive Officer is authorized make modifications to these Rules and Regulations as necessary from time to time.