Small Business Enterprise (SBE) – Minority and Women Business Enterprise (MWBE) Program Policy

Business Diversity & Development Department

Effective: October 1, 2012
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I. PROGRAM PREAMBLE

WHEREAS, on March 27, 2008, Mason Tillman Associates, (MTA) was retained to conduct a Disparity Study for the Dallas/Fort Worth International Airport to determine whether there was a compelling interest for the Airport to establish a narrowly-tailored minority- and women-owned business enterprise (MWBE) program; and

WHEREAS, MTA conducted a Supplemental Study that was completed in August 2010 that examined the extent to which the DFW may have been a passive participant in private discrimination in the construction and architectural and engineering industries;

WHEREAS, MTA’S Disparity Study and Supplemental Study (hereinafter “MTA studies”) established findings from the contracting period between October 1, 2002 and September 30, 2007, that confirm that although the Board’s Disadvantaged Business Enterprise and Minority/Women Business Enterprise programs have significantly improved the participation of small and MWBE firms in Airport contracts beyond the level previously obtained, nevertheless, significant disparities in the Airport’s utilization of MWBE firms continue to persist in a number of industry segments; and

WHEREAS, the MTA studies found, based upon regression analysis and other firm evidence, that private sector discrimination adversely affects MWBE access to small business credit markets, and that such discrimination also contributes to gross patterns of exclusion of MWBE firms from private sector contract opportunities and significantly lowers earnings for MWBE firms as compared to similarly situated non-minority firms; and

WHEREAS, the Board is relying upon a strong basis in evidence in concluding that there are ongoing effects of marketplace discrimination adversely affecting the utilization of MWBE firms in Airport contracts and in the Airport’s relevant marketplace; and

WHEREAS, the MTA studies were reviewed and formally recommended for acceptance by an independent legal expert; and

WHEREAS, on September 1, 2011, the Board voted to formally accept the findings of the MTA studies for purposes of policy formulation; and

WHEREAS, decades of Disadvantaged Business Enterprise and MWBE programs and a variety of race- and gender-neutral remedies have failed to fully eliminate statistically significant underutilization of ready, willing and able MWBE firms; and
WHEREAS, the DFW International Airport has a compelling interest to remedy the ongoing effects of marketplace discrimination against minority- and women-owned businesses and to avoid becoming a passive participant in private sector discrimination; and

WHEREAS, the significant underutilization of available MWBE firms is also a drain on the local economy and undermines the economic vitality and development of the Dallas/Fort Worth region; and

WHEREAS, this Board is fully committed to not only remedying the ongoing effects of marketplace discrimination, but to also using its spending powers in a manner that promotes a robust and inclusive economy that fully utilizes all segments of its business population regardless of race or gender; and

WHEREAS, based upon an extensive factual predicate, the Board has determined that a narrowly-tailored combination of race- and gender-neutral and race- and gender-conscious remedies and programs are necessary to serve these compelling interests and needs of the DFW International Airport; NOW THEREFORE:

The following Small Business Enterprise – Minority Business Enterprise Program Policy is adopted effective October 1, 2012.

__________________________
Jeffrey P. Fegan
Chief Executive Officer
Dallas/Fort Worth International Airport

Date
9/11/12
II. POLICY STATEMENT

Dallas/Fort Worth International Airport (DFW) has a long history of supporting businesses owned by minority, women and disadvantaged individuals, including small businesses. This Small Business Enterprise (SBE) – Minority and Women Business Enterprise (MWBE) Policy seeks to foster participation by small and minority businesses in construction, architectural and engineering, professional services and non-professional services contracting and procurement opportunities at DFW by increasing the capacities of such firms to perform as prime vendors and subcontractors and as suppliers. The Policy shall allow DFW to more effectively target small and minority business participation and create opportunities relating to the Airport’s contracting and procurement.

This Policy seeks to promote full and fair opportunities for SBEs and MWBEs certified by an entity recognized by the Airport, and whose place of business is located in the Airport’s relevant market area.

III. SCOPE OF SBE – MWBE PROGRAM

The intent of the SBE-MWBE Program is to provide full and fair opportunities for equal participation by small, minority-, and women-owned businesses in locally-funded Airport contracting and procurement opportunities. This program shall not be applicable to any contracts or procurement opportunities that are federally funded or subject to the Disadvantaged Business Enterprise (DBE) or the Airport Concessions Disadvantaged Business Enterprise (ACDBE) Programs or to contracts or solicitations that have been issued prior to the effective date of this Policy.

The SBE-MWBE Program requires contractors to make good faith efforts to use small, minority-owned, and/or women-owned businesses in certain contracting and procurement opportunities determined by DFW. Compliance with requirements for bidders to exercise good faith efforts shall be measured utilizing guidance provided in 49 C.F.R. Part 26, Appendix A.

Every locally-funded contract will be evaluated by the Airport’s Business Diversity and Development Department (BDDD) to determine the appropriate method for enhancing SBE and/or MWBE participation to be counted towards the achievement of the annual aspirational SBE or MWBE goal and other program objectives. For contracts determined to be appropriate for the application of SBE program elements (i.e., those contracts without MBE or WBE contract goals), various race- and gender-neutral methods may be employed. On other contracts, DFW may determine that a race- or gender-conscious program element is more appropriately applied based upon stated criteria. The criteria used to set a SBE contract goal shall include business capacity, business availability, nature of the contract, past experiences with small and minority- and women-owned business participation in similar contracts, price competitiveness, and subcontracting opportunities.

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For those locally-funded contracts that BDDD determines race-neutral remedies alone will likely be insufficient to fully overcome the effects of marketplace discrimination, the BDDD may, pursuant to the criteria stated herein, apply race / gender-conscious MWBE program elements in an effort to assist MWBE firms in overcoming the effects of marketplace discrimination that have adversely affected their ability to compete for DFW subcontracts and prime contracts.

Procedures for implementation, including good faith efforts requirements, information submitted with bid and reporting procedures, etc., shall be consistent with procedures utilized in the Airport’s Administrative Procedures Manual.

IV. SBE – MWBE NON-INDUSTRY-SPECIFIC PROGRAM ELEMENT

The following race- and gender-neutral Program Element shall be applied by the Airport to all appropriate bid solicitations regardless of the industry segment affected:

A. Bidder Outreach Program Element

Pursuant to Board Resolution # 2007-11-306, titled as “Delegation of Expenditure Authority,” whereby the Board approved increasing the CEO’s delegated contracting / expenditure authority up to $50,000 for all contracts, and raised the threshold at which biddable contracts must be competitively bid to those valued above $50,000, for all procurement contracts valued at between $3,000 and $50,000, the Airport shall contact and solicit bids or quotes from at least two Historically Under-utilized Businesses as required by State law, and shall also contact and solicit bids from at least two SBE and/or Minority Women Business Enterprises.

V. SBE – MWBE INDUSTRY-SPECIFIC PROGRAM ELEMENTS

The BDDD shall have the responsibility of evaluating categories of Informal Solicitations and each prospective Formal Solicitation document in advance of posting an advertisement to the public to determine which of the following SBE or MWBE program elements should be applied to a given contract within a particular industry:

A. Race – Neutral Construction Program Elements

The BDDD shall consider the application of one or more of the following Race-Neutral program elements for each solicitation for a DFW Construction contract:

1. SBE Subcontracting Program

The BDDD may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific contract be subcontracted to eligible SBEs. Factors to be considered by the BDDD in making this determination shall include the relative availability of SBE firms to perform Commercially Useful
Functions on the specific contract.

2. Technical and Business Development Resources

DFW may offer a wide range of technical assistance and business development resources to small businesses, including capital assistance, bonding assistance and support resources which provide guidance with general administrative, personnel management, invoicing, preparation of business plans, change orders and project budgets. In addition, to services offered or funded directly by DFW, numerous assistance programs are offered to small businesses throughout the North Texas Region.

3. Subcontractor Mobilization Payments (BDE)

To account for the preparatory work and operations necessary for the movement of subcontractor personnel, equipment, supplies, and incidentals to the project site and for all other work or operations that must be performed or costs incurred when beginning work approved for subcontracting in accordance with Article 108.01 of Standard Specifications for construction contracts, the prime contractor shall be required to make a mobilization payment to each subcontractor as determined by the Airport.

4. SBE Annual Aspirational Goal

For each fiscal year, the BDDD may establish an annual aspirational percentage goal for overall SBE prime and subcontract participation on DFW Construction contracts.

This Annual Aspirational Goal is to be established and adjusted by the BDDD on an annual basis based upon the most accurate and reliable measure of relative SBE availability data that is reasonably available to DFW at that time. The Airport shall also continue to improve the reliability of mandatory automated web-based bidder / vendor registrations for prime contractors and subcontractors so as to better facilitate such goal-setting in the future.

Annual Aspirational Goals are not to be routinely applied to individual solicitations, but are intended to serve as a benchmark against which to measure the overall effectiveness of the SBE-MBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and Program Elements being applied pursuant to this Policy.

B. Race - Conscious Construction Program Elements

The BDDD shall consider establishment of an overall MBE Annual Aspirational Goal in accordance with subsection ‘1’ below and, in addition, shall review each prospective DFW Construction Formal Solicitation in advance of its public release and advertisement, and shall make a determination whether to apply either of the other Race-Conscious Program Elements (‘2’ and ‘3’ below) to those Construction
solicitations based upon the following criteria:

i. Whether the most recent data on MBE utilization in the absence of application of Race-Conscious Program Elements indicate that Construction contracts of this type have exhibited significant disparities in the utilization of MBE Subcontractors and/or MBE Prime Contractors;

ii. Whether race- and/or gender-neutral remedies alone are likely to fully eliminate any such disparities in the utilization of MBE Subcontractors and/or MBE Prime Contractors based upon past contract Award and Payment data;

iii. Whether a particular Program Element is the least burdensome available remedy to non-MBE Respondents that is narrowly-tailored and that can effectively eliminate the disparities in the utilization of MBEs in Construction contracts; and

iv. Whether the particular Program Element is appropriate for the specific type of Construction contract being procured. Whenever the BDDD uses its discretion to apply any of the following Race-Conscious Program Elements to Construction solicitations, it shall provide an explanation in the solicitation documents of its reasons for doing so based upon its determinations pursuant to these criteria. In making such determinations, the BDDD may also take into consideration the experiences of other jurisdictions within the Airport’s Relevant Marketplace for Construction services.

1. MBE Annual Aspirational Goal

For each fiscal year, the BDDD may establish an annual aspirational percentage goal for overall MBE prime and subcontract participation on DFW Construction contracts.

This Annual Aspirational Goal is to be established and adjusted by the BDDD on an annual basis based upon the most accurate and reliable measure of relative MBE availability data that is reasonably available to DFW at that time. The Airport shall also continue to improve the reliability of mandatory automated web-based bidder/vendor registrations for prime contractors and subcontractors so as to better facilitate such goal-setting in the future.

Annual Aspirational Goals are not to be routinely applied to individual solicitations, but are intended to serve as a benchmark against which to measure the overall effectiveness of the SBE-MBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and Program Elements being applied pursuant to this Policy.

2. MBE Subcontracting Program

The BDDD may, on a contract-by-contract basis, at its discretion, require that a predetermined percentage of a specific Construction contract, be subcontracted to qualified eligible MBEs. Factors to be considered by the BDDD in making this
determination shall include the relative availability of MBE firms to perform Commercially Useful Functions on the specific contract.

3. MBE Prime Contractor Self-Performance Program Element

For those types of construction prime contracts where there has been statistically significant underutilization of MBE prime contractors, the BDDD may specify in bid solicitation documents that SBE subcontracting requirements (as referenced in Section V.A.1. above) and MBE subcontracting requirements (as referenced in Section V.B.2. above) may be modified to count self-performance for those prime bidders that are certified as MBEs. In such instances, the certified MBE prime contractor bidders may self-perform up to 100% of the contract value and shall be entitled to count the entire amount of that portion of the contract that is performed by the MBE’s own forces (inclusive of the cost of supplies and materials obtained by the MBE for completion of the work for the contract, including supplies purchased or equipment leased by the MBE) towards satisfaction of the SBE and MBE subcontracting goal requirements. The airport will use the guidance provided in 49 C.F.R. Part 26.55 for counting purposes.

C. Race–Neutral Architectural & Engineering Program Elements

The BDDD shall consider the application of the Race-Neutral program elements below for each solicitation for a DFW Architectural & Engineering (A&E) contract prior to consideration of application of race-conscious program elements.

1. SBE Subcontracting Program

The BDDD may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific contract be subcontracted to eligible SBEs. Factors to be considered by the BDDD in making this determination shall include the relative availability of SBE firms to perform Commercially Useful Functions on the specific contract.

2. SBE Annual Aspirational Goals

For each fiscal year, the BDDD may establish an annual aspirational percentage goal for overall SBE prime and subcontract participation on DFW Architectural and Engineering contracts.

This Annual Aspirational Goal is to be established and adjusted by BDDD on an annual basis based upon the most accurate and reliable measure of relative SBE availability data that is reasonably available to DFW at that time. The Airport shall also continue to improve the reliability of mandatory automated web-based bidder/vendor registrations for prime/subcontractors so as to better facilitate such goal-setting in the future.

Annual Aspirational Goals are not to be routinely applied to individual solicitations, but are intended to serve as a benchmark against which to measure
the overall effectiveness of the SBE-MBE Program on an annual basis, and to
gauge the need for future adjustments to the mix and aggressiveness of
remedies and Program Elements being applied pursuant to this Policy.

D. Race / Gender – Conscious Architectural & Engineering Program Elements

1. MWBE Subcontracting Program

For a limited period of two years after the effective date of this policy, the BDDD
may, on a contract-by-contract basis, at its discretion, require that a
predetermined percentage of a specific Architectural & Engineering (A&E)
contract be subcontracted to qualified eligible MWBEs. Factors to be considered
by the BDDD in making this determination shall include the relative availability of
MWBE firms to perform Commercially Useful Functions on the specific contract.
In addition, BDDD shall review each prospective DFW A&E Formal Solicitation in
advance of its public release and advertisement, and shall make a determination
whether to apply this race-conscious program element to that contract based
upon the following criteria:

i. Whether the most recent data on MWBE utilization in the absence of
application of Race-Conscious Program Elements indicate that A&E contracts
of this type have exhibited significant disparities in the utilization of MWBE
Subcontractors and/or MWBE Prime Contractors;

ii. Whether race- and/or gender-neutral remedies alone are likely to fully
eliminate any such disparities in the utilization of MWBE Subcontractors
and/or MWBE Prime Contractors based upon past contract Award and
Payment data;

iii. Whether a particular Program Element is the least burdensome available
remedy to non-MWBE Respondents that is narrowly-tailored and that can
effectively eliminate the disparities in the utilization of MWBEs in A&E
contracts; and

iv. Whether the particular Program Element is appropriate for the specific type of
A&E contract being procured. Whenever the BDDD uses its discretion to
apply this Race-Conscious Program Element to A&E solicitations, it shall
provide an explanation in the solicitation documents of its reasons for doing
so based upon its determinations pursuant to these criteria. In making such
determinations, BDDD may also take into consideration the experiences of
other jurisdictions within the Airport’s Relevant Market Area for A&E services.

During this two-year period, BDDD shall carefully monitor MWBE availability,
utilization, and disparity in A&E contracts. By the expiration of this two-year
period, the BDDD shall report to the Board on its findings about the effectiveness
and ongoing need for use of this Program Element, and make a specific
recommendation to the Board regarding the reauthorization of this Program
Element based upon observed trends in using SBE vs. MWBE Program
Elements.
2. MWBE Annual Aspirational Goals

For each fiscal year, the BDDD may establish an annual aspirational percentage goal for overall MWBE prime and subcontract participation on DFW A&E contracts.

This Annual Aspirational Goal is to be established and adjusted by the BDDD on an annual basis based upon the most accurate and reliable measure of relative MWBE availability data that is reasonably available to DFW at that time. The Airport shall also continue to improve the reliability of mandatory automated web-based bidder / vendor registrations for prime contractors and subcontractors so as to better facilitate such goal-setting in the future.

Annual Aspirational Goals are not to be routinely applied to individual solicitations, but are intended to serve as a benchmark against which to measure the overall effectiveness of the SBE-MBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and Program Elements being applied pursuant to this Policy.

E. Race – Neutral Professional Services Program Elements

The BDDD shall consider the application of the following Race-Neutral program element for each solicitation for a DFW Professional Services contract:

1. SBE Subcontracting Program

The BDDD may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific contract be subcontracted to eligible SBEs. Factors to be considered by the BDDD in making this determination shall include the relative availability of SBE firms to perform Commercially Useful Functions on the specific contract.

2. SBE Annual Aspirational Goals

For each fiscal year, the BDDD may establish an annual aspirational percentage goal for overall SBE prime and subcontract participation on DFW Professional Services contracts.

This Annual Aspirational Goal is to be established and adjusted by the BDDD on an annual basis based upon the most accurate and reliable measure of relative SBE availability data that is reasonably available to DFW at that time. The Airport shall also continue to improve the reliability of mandatory automated web-based bidder / vendor registrations for prime contractors and subcontractors so as to better facilitate such goal-setting in the future.

Annual Aspirational Goals are not to be routinely applied to individual solicitations, but are intended to serve as a benchmark against which to measure
the overall effectiveness of the SBE-MBE Program on an annual basis, and to
gauge the need for future adjustments to the mix and aggressiveness of
remedies and Program Elements.

F. Race – Neutral Non-Professional Services Program Elements

The BDDD shall consider the application of the following Race-Neutral program
element for each solicitation for a DFW Non-Professional Services contract:

1. SBE Subcontracting Program

The BDDD may, at its discretion and on a contract-by-contract basis, require that
a predetermined percentage of a specific contract be subcontracted to eligible
SBEs. Factors to be considered by the BDDD in making this determination shall
include the relative availability of SBE firms to perform Commercially Useful
Functions on the specific contract.

2. SBE Annual Aspirational Goals

For each fiscal year, the BDDD may establish a annual aspirational percentage
goal for overall SBE prime and subcontract participation on DFW Non-
Professional Services contracts.

This Annual Aspirational Goal is to be established and adjusted by the BDDD on
an annual basis based upon the most accurate and reliable measure of relative
SBE availability data that is reasonably available to DFW at that time. The
Airport shall also continue to improve the reliability of mandatory automated web-
based bidder / vendor registrations for prime contractors and subcontractors so
as to better facilitate such goal-setting in the future.

Annual Aspirational Goals are not to be routinely applied to individual
solicitations, but are intended to serve as a benchmark against which to measure
the overall effectiveness of the SBE-MBE Program on an annual basis, and to
gauge the need for future adjustments to the mix and aggressiveness of
remedies and Program Elements being applied pursuant to this Policy.

G. Race-Neutral Goods Program Elements

As appropriate, the BDDD shall apply the following Program Element to
procurements of commodities or goods:

1. SBE Annual Aspirational Goals

For each fiscal year, the BDDD may establish an annual aspirational percentage
goal for overall SBE prime and subcontract participation on DFW commodities or
goods contracts.

This Annual Aspirational Goal is to be established and adjusted by the BDDD on
an annual basis based upon the most accurate and reliable measure of relative SBE availability data that is reasonably available to DFW at that time. The Airport shall also continue to improve the reliability of mandatory automated web-based bidder/vendor registrations for prime contractors and subcontractors so as to better facilitate such goal-setting in the future.

Annual Aspirational Goals are not to be routinely applied to individual solicitations, but are intended to serve as a benchmark against which to measure the overall effectiveness of the SBE-MBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and Program Elements being applied pursuant to this Policy.

VI. ADMINISTRATION OF THE PROGRAM

A. Counting and Tracking SBE and MWBE Participation

Only small businesses that are certified as SBEs and minority-owned or women-owned businesses that are certified as MWBEs shall be counted towards satisfaction of the Airport's SBE and MWBE goals. DFW shall monitor and track participation by SBEs and MWBEs in locally-funded projects.

B. Role of Business Diversity & Development Department in Program Administration

BDDD is responsible for the establishment, implementation, coordination, and monitoring of the SBE-MBE Policy and Procedures. BDDD will coordinate and cooperate with the Airport operational staff as necessary for effective implementation of the SBE-MBE Policy and Procedures.

BDDD will:

- Be responsible for establishing the administrative procedures in support of the SBE-MWBE Policy, including but not limited to:
  - Goal setting
  - Certification Standards and Procedures for SBEs, MBEs, and WBEs
  - Graduation Standards and Procedures for SBEs, MBEs, and WBEs
  - Determining a Commercially Useful Function
  - Determining Good Faith Efforts
  - Counting SBE Participation
  - Counting MBE and WBE Participation
  - Monitoring and Reporting
  - Potential Violations

- Establish, distribute, interpret, and administer the Airport’s SBE-MBE Policy and Procedures Manual’s policies, standards and procedures as well as govern the
implementation, interpretation, and application of this Policy and Procedures Manual.

- Develop and maintain procedures to ensure that SBEs and MWBEs are able to compete on all locally-funded Airport and commercial development contracts.

- Develop listings of SBEs and MWBEs for prime and subcontracting opportunities. These listings reflect suppliers or services for which the Airport and/or its contractors have a business use.

- Review and verify the certification status of SBEs and MWBEs. The Vice President of BDDD makes the final determination on appeals regarding SBE and MWBE certification eligibility.

- Review bids and solicitations to ensure that SBEs and MWBEs have an equal opportunity to participate in locally-funded airport and commercial development contracts, including, but not limited to reviewing the scope of work, bonding requirements, insurance requirements and the conditions in which retainage is held, etc.

- Verify the utilization of SBEs and MWBEs by Airport contractors and consultants.

- Prepare and present periodic reports to the Airport Board of Directors on compliance with the SBE-MBE Policy and Procedures Manual.

- Assess and recommend periodically any process changes that may be necessary to improve the overall effectiveness of the SBE-MBE Policy and Procedures.

- Assess the procurement methods that can be applied on individual contracts to implement the SBE-MBE Policy and Procedures.

- Monitor and report the progress of SBE, MBE, WBE, and non-SBE participation in all procurements by Airport departments.

- Determine whether a SBE and/or MWBE is performing a Commercially Useful Function (CUF) on an Airport procurement.

- Determine whether a bidder/proposer made Good Faith Efforts (GFEs) to achieve a SBE or MWBE subcontract goal.

- Promote and educate Airport personnel and contractors about the Expedited Payment Program and identify Airport solicitations for participation per the program requirement.

- Monitor and ensure SBE-MWBE compliance for Airport procurements in the contract closeout process.

- Promote and conduct outreach functions to the SBE-MWBE community and
other stakeholders.

- Assist all Airport departments and contractors with the implementation and/or application of the SBE-MBE Policy and Procedures Manual.

- Participate in pre-solicitation discussions including any design review meetings to take into consideration such factors as including, but not limited, to SBE and MWBE availability, bonding limits, opportunities for unbundling larger contracts into smaller units for bidding purposes, and type of work capabilities available from SBEs and MWBEs in the development of drawing and specifications.

- Attend pre-bid/proposal and pre-construction/design conferences to explain the SBE-MBE Policy and Procedures and respond to pertinent questions.

- Review requests for bids/proposals and other solicitation documentation, including the evaluation criteria to ensure inclusion of SBE-MBE Policy and Procedures and remove artificial barriers to potential SBE-MWBE participation.

- Promote the SBE-MBE Policy and Procedures and its accomplishments through innovative initiatives such as recognition programs and awards as well as annual reports and newsletters.

C. Other Airport Departments’ Roles and Responsibilities

Each Airport department that has or shares responsibility for the awarding or monitoring of Airport contracts is responsible for promoting, supporting and assisting in carrying out the SBE-MBE Program Policy and administrative procedures. Such departments are to be held accountable for exercising specific functions in support of the Policy and administrative procedures, as well as any other function(s) deemed necessary by management to implement the goals and objectives of the Board’s SBE-MBE Program Policy.

Legal Department

- Provide legal assistance, as necessary, to ensure that the MWBE and the SBE policies and Administrative Procedures and their implementation meet legal standards.

Audit Services Department

- As appropriate, audit and provide other assistance with respect to compliance with the SBE-MBE Program Policy and administrative procedures.

The following Airport departments have specific additional implementation responsibilities outlined in the administrative procedures:

- Risk Management Department
• Airport Development and Engineering Department
• Revenue Management Department
• Procurement and Materials Management Department

D. Periodic Review and Sunset of Policy

Beginning no later than January 1, 2015, and every five years thereafter, the Airport shall issue a Request For Proposals to undertake a comprehensive update of the full disparity study, and upon completion of each disparity study, the BDDD or designee shall present the disparity study findings and recommendations to the Board for review and approval. Following review regarding those study findings and recommendations, the BDDD shall consider any proposed modifications to, or sunset of, this Policy, and shall propose modifications to this Policy and submit any policy amendments to the Board for adoption as appropriate to effectuate the continuation, modification or termination of the SBE and / or MWBE Program Elements of this Policy. Absent an extension of this SBE-MBE Program Policy by the Board, the provisions of this Policy shall be void and may not be enforced after September 1, 2016.

VII. AUTHORIZATION AND PROMULGATION OF PROCEDURES

The SBE-MWBE Program Policy is promulgated by the Chief Executive Officer pursuant to his powers and duties as defined by the Contract and Agreement between the City of Dallas and the City of Fort Worth dated and effective as of April 15, 1968. The Executive Vice President of Administration and Diversity or the Vice President of Business Diversity and Development is authorized to issue exceptions to this Policy, and to promulgate and enforce procedures and practices necessary to effectuate its objectives.

VIII. DEFINITIONS

Relevant Market Area – for purposes of this Policy, the Airport’s relevant market area, currently consists of the North Texas Commission twelve-county area including Dallas, Tarrant, Collin, Delta, Denton, Ellis, Hunt, Johnson, Kaufman, Parker, Rockwall, and Wise counties.

Minority Business Enterprise – a Minority Business Enterprise (“MBE”) shall be defined as a “for-profit” business concern which is at least 51 percent owned and controlled by one or more minority person(s), or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more minorities; and whose management and daily business operations are controlled by one or more of the minority individuals who own it. An MBE is a firm that is certified by an approved Airport certification entity in accordance with the standards and procedures identified in the Certification section of the SBE-MBE Policies and Procedures Manual. BDDD incorporates by reference the NCTRCA Certification Guidelines (http://nctrca.org/docs/MBE-WBE_Manual.pdf) as model certification guidelines and reserves the right to independently certify MBEs.
Minority Persons – individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are:

- “Asian-Pacific Americans,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands, Republic of Palau, the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;

- “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;

- “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese cultures or origins, regardless of race;

- “Native Americans,” which includes persons who are American Indians or members of the any of the native tribes of indigenous people of North America recognized by the United States Department of the Interior’s Bureau of Indian Affairs; and

- “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka.

Small Business Enterprise – a Small Business Enterprise (SBE) shall be defined as follows:

An SBE, with respect to firms seeking to participate as SBEs in DFW’s Small Business Enterprise Program, is a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in 49 C.F.R. §26.65(b). Only firms that are certified at the time of bid/proposal submission under these size standards as an SBE by an agency recognized by the Airport are eligible for participation in the SBE program elements.

The SBA size standards may be found at:  
www.sbaonline.sba.gov/contractingopportunities/officials/size/table/index.html

Eligible certification programs include the U.S. Small Business Administration’s 8(a) Program; the Texas Unified Certification Program for Disadvantaged Business Enterprises; the State of Texas Small Business Enterprise Program; and other programs recognized on a case-by-case basis in the Airport’s discretion. The firm must have its principal place of business in the Airport’s relevant market area, which currently consists of the North Texas Commission twelve-county area including Dallas, Tarrant,
Collin, Delta, Denton, Ellis, Hunt, Johnson, Kaufman, Parker, Rockwall, and Wise counties.

**Women Business Enterprise** – Women Business Enterprise ("WBE") shall be defined as for a “for-profit” business concern which is at least 51 percent owned and controlled by one or more non-minority female person(s), or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more non-minority women; and whose management and daily business operations are controlled by one or more of the female individuals who own it. A WBE is a firm that is certified by an approved Airport certification entity in accordance with the standards and procedures identified in the Certification section of the SBE-MBE Policies and Procedures Manual. BDDD incorporates by reference the NCTRCA Certification Guidelines (http://nctrca.org/docs/MBE-WBE_Manual.pdf) as model certification guidelines and reserves the right to independently certify WBEs.

**IX. SEVERABILITY**

If any section, paragraph, sentence, clause, phrase or word of this SBE-MBE Program Policy, or the application thereof, to any person or circumstance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, invalid or void, such holding shall not affect the remainder of this Policy or the application of any other provisions of this Policy which can be given effect without the invalid provision or application, and to this end, all the provisions of this Policy are hereby declared to be severable.