

ACDBE Program

Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program

Policy Statement

Pursuant to United States Department of Transportation 49 Code of Federal Regulations (CFR) Subtitle A, Part 23, it is the policy of Los Angeles World Airports (LAWA) to provide Airport Concessions Disadvantaged Business Enterprises (ACDBEs) the opportunity to compete for and participate in the performance of all LAWA contracts. Current and prospective contractors, subcontractors, lessees, permittees, and concessionaires shall assist LAWA in implementing this policy by taking the necessary measures to ensure meaningful and equitable participation by ACDBEs and to encourage and facilitate the development of new and existing ACDBEs.

The Department shall review and, where appropriate, establish levels of participation for all federally-funded contracts and contract amendments. The Department also will establish annual goals in accordance with City of Los Angeles and applicable United States Department of Transportation requirements for ACDBE participants. The Department will develop an aggressive outreach program, consistent with and complementary to Citywide outreach efforts. Additionally, the Department's contract awarding procedures and regular compliance monitoring will be used to insure proper and full utilization of ACDBEs and achievement of contract goals.

The objective of this policy is to achieve the participation of ACDBEs at levels comparable to their availability to provide goods and services to the Department with the ultimate goal of developing their status and expertise so that they may compete for future contracts on an equal basis with other successful non-ACDBE firms. No person, however, shall be excluded from participation in, denied the benefits of, or otherwise discriminated against, in connection with the award and performance of any contract on the basis of race, color, sex, or national origin.

Outreach Requirements

The Department of Airports is committed to increasing the number of disadvantaged firms participating in Airport contracts. Bidders/proposers should strive to achieve the level of participation set for each project. Firms may participate in Department of Airports' contracts as prime contractors, member firms of a joint venture, subcontractors, or suppliers. If the established level is not met, the bidder/proposer must demonstrate that a "good faith effort" was made to secure ACDBE subcontractors sufficient to reach the set level. Prime bidders/proposers who are ACDBEs are presumed to have achieved the established level of participation.

Evaluating Good Faith Efforts

It is incumbent on the bidder/proposer to submit appropriate documentation to demonstrate that a "good faith effort" was made to reach out to ACDBEs. The attached Instructions Regarding Demonstration of Good Faith Effort provide guidelines on such documentation, which must be submitted within three days of notification by the Department.

Pursuant to 49 CFR, bidders/proposers who achieve the established level of ACDBE participation may disregard the Instructions Regarding Demonstration Of Good Faith Effort. However, in order for firms to be counted toward a bidder's/proposer's ACDBE participation, they must be certified as ACDBEs at the time of the bid/proposal due date.

Bidders/proposers who do not achieve the established level of ACDBE participation and who are determined to have not made a good faith effort will be considered non-responsive for purposes of this bid/proposal.

Subcontractor Listing

Your bid/proposal must also include a completed MBE/WBE/ACDBE Participation Form outlining that portion of the work which will be performed by each listed ACDBE subcontractor. The form must include the name and address of the subcontractor, the percentage of the total contract the subcontractor will perform, and the dollar amount the percentage represents. A copy of the required form is included in this section. Please note that the Participation Form is signed under penalty of perjury. Any change of subcontractor is subject to the substitution provisions outlined below.

Utilization Reporting Form

An ACDBE Utilization Form for reporting the actual utilization of ACDBE firms in every contract is required to be submitted monthly by each prime contractor. A copy of this form will be provided by the Department prior to the commencement of work. Failure to submit this Utilization Form as required by the Department shall constitute a breach of contract.

Substitutions of ACDBE Subcontractor

Prime contractors shall notify the Department's Procurement Services Division of the need for a substitution as soon as such need is determined, and shall not make a substitution until the Division has been notified, and the substitution has been authorized. Should the substitution result in a lower level of ACDBE participation, the prime contractor will be required to document good faith effort.

Certification

A firm that wants to be considered an Airport Concessions Disadvantaged Business Enterprise for this project must be certified under the Unified Certification Program no later than the due date of the bid/proposal. If not currently certified, the company must submit all necessary documents including the Application for Certification (available at <https://www.lawa.org/en/lawa-businesses/lawa-administrative-requirements/airport-concessions-disadvantaged-business-enterprises-program>) to the City of Los Angeles Centralized Certification Administration.

For additional clarification of the Airport Concessions Disadvantaged Business Enterprise Program, please contact the Centralized Certification Administration at (213) 847-1922.

ATTENTION BIDDERS/PROPOSERS:

*The project you are bidding/proposing on has an anticipated ACDBE level of participation. If you intend to use ACDBE subcontractor(s) on the project, you will receive ACDBE participation credit from LAWA for using subcontractors certified as an ACDBE **only** if they have been certified by one of the following California Unified Certification Program (CUCP) agencies:*

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)
www.dot.ca.gov

CITY OF LOS ANGELES
<http://bca.lacity.org>

SAN DIEGO REGIONAL AIRPORT AUTHORITY
www.san.org

SAN FRANCISCO INTERNATIONAL AIRPORT
www.flysfo.com

***IMPORTANT:** It is your responsibility to ensure that the ACDBE subcontractors you propose to use are indeed certified with one of the above-listed CUCP agencies at the time of bid/proposal submission. Companies certified by CUCP agencies should have a letter of certification as proof of their ACDBE status. You may want to request a copy of the certification letter from the subcontractors to verify their ACDBE status. Further, you must ensure that the specific categories of work that the ACDBEs will perform on the project match the NAICS (North American Industry Classification System) codes for which they were certified in order for you to receive ACDBE participation credit from LAWA.*

DEPARTMENT OF AIRPORTS

INSTRUCTIONS REGARDING DEMONSTRATION OF GOOD FAITH EFFORT

It is the policy of the City of Los Angeles to provide all ACDBEs an equal opportunity to participate in the performance of all City contracts. Bidders must assist the City in implementing this policy by taking all reasonable steps to ensure that all qualified business enterprises including ACDBEs have an equal opportunity to compete for and participate in City contracts. A bidder's good faith efforts to reach out to ACDBEs will be determined from written documentation of the level of effort put into achieving the indicators. Failure to meet expected ACDBE goals will not by itself be the basis for disqualification or determination of noncompliance with this policy. **However, failure to submit supporting documentation of a good faith effort within three days of notification by the Department and/or failure to achieve a minimum of 75 out of 100 Good Faith Effort evaluation points will render the bid non-responsive and will result in its rejection.** Adequacy of a bidder's good faith effort will be determined by the Department after consideration of the indicators of good faith as set forth below.

Indicator Points

1	0
2	10
3	10
4	9
5	15
6	10
7	5
8	10
9	26
10	5
Total	100

Each indicator (2-10) is evaluated on a pass/fail basis, i.e., either full or zero points can be achieved for compliance with each item.

1. LEVEL OF ANTICIPATED ACDBE PARTICIPATION

NO POINTS

The bidder has made a good faith effort to obtain sub-bid participation by ACDBEs which could be expected to produce a reasonable level of participation by interested business enterprises, including the ACDBE percentages set forth for this project.

Required documentation: Completed Subcontractor Participation Plan.

2. ATTENDED PRE-BID MEETING

10 POINTS

The bidder has attended the pre-bid meeting scheduled by the Department to inform all bidders of the requirements for the project for which the contract will be awarded. The Department may waive this requirement only if the bidder certifies in writing prior to the pre-bid meeting that it was already informed as to those project requirements.

Required documentation: a) Attend pre-bid meeting and be listed on the attendance sheet; or b) Submit a letter prior to the pre-bid meeting either by fax to 424 646-9262, or by mail to Procurement Services, 7301 World Way West, 4th floor, Los Angeles, CA 90045.

3. SUFFICIENT WORK IDENTIFIED FOR SUBCONTRACTORS 10 POINTS

The bidder has identified and selected specific work items in the project to be performed by sub-bidders/subcontractors in order to provide an opportunity for participation by ACDBEs. Upon making this determination, the bidder subdivided the total contract work requirements into smaller portions or quantities to permit maximum active participation of ACDBEs.

Required documentation: Proof of this must be demonstrated in either Indicator 4 or 5.

4. ADVERTISEMENT 9 POINTS

Not less than ten calendar days prior to the submittal of bids, the bidder advertised for sub-bids from interested business enterprises in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media specified by the Department

Required documentation: A copy of the advertisement and a proof of publication statement or other verification which confirms the date the advertisement was published.

Note: The advertisement must be specific to the project, not generic, and may not be a placeholder advertisement provided by the publication. It should include the City of Los Angeles project name, name of bidder, areas of work available for subcontracting, and a contact person's name and telephone number, information on the availability of plans and specifications and the bidder's policy concerning assistance to subcontractors in obtaining bonds, lines of credit and/or insurance. Consideration will be given to the wording of the advertisement to ensure that it did not exclude or seriously limit the number of potential respondents.

5. WRITTEN NOTICES TO SUBCONTRACTORS 15 POINTS

The bidder has provided written notice of its interest in receiving sub-bids on the contract to those business enterprises, including ACDBEs having an interest in participation in the selected work items. All notices of interest shall be provided not less than ten calendar days prior to the date the bids are required to be submitted.

Required documentation: A copy of each letter sent to available ACDBEs for each item of work to be performed. If there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.

* This written notice can be used to satisfy Indicators 3, 7, and 10.

CERTIFICATION AGENCY

(Bidders should contact the following agencies to obtain current copies of MBE/WBE/ACDBE directories.)

City of Los Angeles

Bureau of Contract Administration
Office of Contract Compliance
1149 S. Broadway St., 300
Los Angeles, CA 90015

(213) 847-1922
(213) 847-2777 FAX
<http://bca.lacity.org>

6. FOLLOW-UP ON INITIAL SOLICITATION

10 POINTS

The bidder has documented efforts to follow-up initial solicitation of sub-bid interest by contacting the affected business enterprises to determine with certainty whether said enterprises were interested in performing specific portions of the project work.

Required documentation: A copy of telephone logs. These logs must include the name of the company called, telephone number, contact person, who did the calling, time, date, and the result of the conversation. Bidders must follow-up with all subcontractors to whom they sent letters.

7. PLANS, SPECIFICATIONS AND REQUIREMENTS

5 POINTS

The bidder has provided interested sub-bid enterprises with information about the plans, specifications and requirements for the selected sub-bid/subcontracting work.

Required documentation: Include in Indicator 4 or 5, information detailing how, where and when the bidder will make the required information available to interested subcontractors.

8. CONTACTED RECRUITMENT/PLACEMENT ORGANIZATIONS

10 POINTS

The bidder has requested assistance from organizations that provide assistance in the recruitment and placement of ACDBEs not less than fifteen calendar days prior to the submission of bids. Any other organizations promoting ACDBE activities not included in the following list which have been contacted, must also be listed in the required documentation.

Required documentation: A copy of each letter sent to outreach agencies requesting assistance in recruiting ACDBEs. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.

RECRUITMENT/PLACEMENT ORGANIZATIONS

Business and Job Resources Center
Los Angeles World Airports
6053 W Century Blvd. Ste 300
Los Angeles, California 90045
Amber Meshack, Division Director

424 646-7300
424 646-9257 FAX

Email: ameshack@lawa.org

National Center for American Indian Enterprise Development
11138 Valley Mall, Suite 200
El Monte, CA 91731

626 442-3701
626 442-7115 FAX
<http://www.ncaied.org>

The Associated General Contractors of California
Los Angeles District Office
1906 W. Garvey Avenue South, Suite 100
West Covina, CA 91790

626 608-5800
626 608-5810 FAX
<http://www.agc-ca.org>

Latin Business Association (LBA)
120 S. San Pedro Street, Suite 530
Los Angeles, CA 90012

213 628-8510
213 628-8519 FAX
<http://www.lbausa.com>

Black Business Association
Mailing Address: P.O. Box 43159
Los Angeles, CA 90043
President: Earl 'Skip' Cooper, II

323 857-4600
323 857-4610 FAX
<http://www.bbala.org>
E-mail: bbala@earthlink.net

The Asian Business Association
120 S. San Pedro Street, Suite 523
Los Angeles, CA 90012

213 628-1ABA
213 628-3222 FAX
<http://www.aba-la.org/index.asp>
Email: info@aba-la.org

Engineering Contractors' Association
8310 Florence Avenue
Downey, CA 90240562

800 293-2240
923-6179 FAX

National Association of Minority Contractors
Southern California Chapter
PO Box 43307
Los Angeles, CA 90043
Attn: Kevin Ramsey

310 635 3277
310 635-0562 FAX
<http://www.namcsc.net>
Email: kramsey@pacbell.net

National Association of Women Business Owners – Los Angeles
900 Wilshire Boulevard, Suite 404
Los Angeles, CA 90017

213 622-3200
213 622-6659 FAX
<http://www.nawbola.org>
Email: info@nawbola.org

Los Angeles Urban League
3450 Mount Vernon Drive
Los Angeles, CA 90008

323 299-9660
323 299-0618 FAX
<http://www.laul.org>
Email: info@laul.org

Society of Hispanic Professional Engineers
SHPE National Office
5400 E. Olympic Blvd., Suite 210
Los Angeles, CA 90022

323 725-3970
323 725-0316 FAX
<http://www.shpe.org>
Email: shpenational@shpe.org

The Asian American Architects/Engineers Association
(of Southern California)
P.O. Box 861807
Los Angeles, CA 90086

213 896-9270
866 276-1712 FAX
<http://www.aaesc.com>

9. NEGOTIATE IN GOOD FAITH

26 POINTS

The bidder has negotiated in good faith with interested ACDBEs and did not unjustifiably reject as unsatisfactory bids or proposals prepared by any enterprise, as determined by the Department.

Required documentation: a) Copies of all ACDBE/OBE bids or quotes received; and b) Summary sheet organized by work area, listing bids received and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own work forces, they must include a bid that shows their own costs for the work.

10. BOND, LINES OF CREDIT, AND INSURANCE ASSISTANCE

5 POINTS

The bidder has documented efforts to advise and assist interested ACDBEs in obtaining bonds, lines of credit and insurance required by the Department or contractor.

Required documentation: Include in Indicator 4 or 5, information about the bidder's efforts to assist with bonds, lines of credit and insurance.

The bidders shall submit completed good faith effort documentation within three days of notification by the Department. The Department in its review of the good faith effort documentation may request additional information to validate and/or clarify that the good faith effort submission was adequate. Such information shall be submitted promptly upon request by the Department.