

**RESOLUTION OF THE DEVELOPMENT AUTHORITY OF FULTON COUNTY'S  
INTENTION TO ENHANCE ITS GUIDELINES AND RECOMMENDATIONS FOR  
MINORITY BUSINESS ENTERPRISE AND FEMALE BUSINESS ENTERPRISE PROJECT  
PARTICIPATION**

**WHEREAS**, the Development Authority of Fulton County, a public body corporate and politic created and existing under the laws of the State of Georgia (O.C.G.A § 36-62-1 et. seq.) ("DAFC"), has operated within Fulton County since May 16, 1973; and

**WHEREAS**, the Authority has been created to develop and promote for the public good and general welfare, trade, commerce, industry and employment opportunities within Fulton County (the "County") and the Act provides for the Authority to develop and promote trade, commerce, industry and employment opportunities for the public good and general welfare within the County and to further the economic well-being of the County and its residents; and

**WHEREAS**, it is the current policy of DAFC that discrimination against businesses by reason of the race, color, gender or national origin of the ownership of any such business is prohibited; and

**WHEREAS**, DAFC currently encourages companies to make a good faith effort to utilize to the extent feasible and reasonable under the circumstances, minority and/or female owned enterprises in connection with the development of projects facilitated by the DAFC ("DAFC Projects") and submit quarterly reports containing information regarding minority and female owned business enterprise utilization for those projects; and

**WHEREAS**, DAFC has decided to enhance its current minority and female business enterprise policy by recommending new guidelines (the "Guidelines") that developers make a good faith effort to achieve the recommended level of minority business enterprise ("MBE") participation of 26.7% and female business enterprise ("FBE") participation of 11.1% (the "Recommended Percentages"), which Guidelines are more fully set forth in "Exhibit A" attached hereto; and

**WHEREAS**, any aspect of the DAFC Project from design to completion and operation including but not limited to consulting, architecture, engineering, accounting, legal, construction, landscaping, marketing, interior design, janitorial services, and security can count toward MBE and FBE participation for the DAFC Projects; and

**WHEREAS**, the Recommended Percentage should only be applied to the total value of the new or rehabilitated development, acquisition and construction cost of the portion of the project that is being performed or supplied by subcontractors; and

**NOW, THEREFORE, BE IT RESOLVED BY THE DAFC**, that the current minority and female business enterprise policy will be enhanced to recommend that developers and companies make a good faith effort to achieve the Recommended Percentages for the subcontracted portion of their DAFC Projects, that any aspect of development from design to completion and operation can count toward MBE and FBE participation for the DAFC Project, and that developers and companies working on DAFC Projects make a good faith effort to comply with the Guidelines set forth on Exhibit "A" hereto; and

***BE IT FURTHER RESOLVED***, that all actions heretofore taken by the Board of the Authority in connection with this Resolution, are hereby authorized, ratified and approved and that this Resolution shall be effective for projects induced after July 1, 2019.

**SO PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**DEVELOPMENT AUTHORITY  
OF FULTON COUNTY**

By: \_\_\_\_\_  
Robert J. Shaw, Chairman

**ATTEST:**

\_\_\_\_\_  
Dr. Samuel D. Jolley, Jr. Secretary

**Exhibit A**  
**Development Authority of Fulton County MBE/FBE Recommended Guidelines**

- The DAFC is requesting that developers and companies make a good faith effort to achieve a recommended level of MBE participation of 26.7% and FBE participation of 11.1% (the “Recommended Percentages”).
- Any aspect of the DAFC Project from design to completion and operation including but not limited to consulting, architecture, engineering, accounting, legal, construction, landscaping, marketing, interior design, janitorial services, and security can count toward MBE and FBE participation for the DAFC Project.
- The Recommended Percentage should only be applied to the total value of the new or rehabilitated development, acquisition and construction cost of the portion of the project that is being performed or supplied by subcontractors. Any work that is being performed directly by the general contractor is excluded from the recommendation, unless the general contractor is an MBE or FBE, which participation can be included in the Recommended Percentage. Please refer to the below project example for further information.
- The definition of subcontractor can include, but is not limited to, work provided by consulting firms, architecture, engineering, accounting, legal, construction, landscaping, marketing, interior design, janitorial services, and security service providers.
- The DAFC will accept MBE and FBE enterprises certified by Fulton County and the City of Atlanta and other entities that will be further reviewed.
- Joint venture enterprises that provide equity to a DAFC Project will also count toward the Recommended Percentage.
- Prior to closing a DAFC Project bond transaction, the company or developer will provide to the DAFC a written plan of how it will make a good faith effort to achieve the Recommended Percentages.

**PROJECT EXAMPLE:** A company is considering developing a \$100 million hotel project and is seeking incentives from the DAFC. If approved, this project would qualify as a DAFC Project. In this example, the general contractor hired by the hotel developer will be performing \$55 million of the work in-house. In this scenario, the DAFC will encourage the Recommended Percentage of 26.7% MBE participation and 11.1% FBE participation for the \$45 million of work to be completed by subcontractors, which can include work such as consulting services, architecture, engineering, accounting, legal, construction, landscaping, marketing, interior design, janitorial services, and security service providers. If the general contractor is an MBE or FBE then that participation can be included in the Recommended Percentage.