

Santa Fe Municipal Airport DBE Goal Update

FY 2016/2017/2018



Submitted by:
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CITY OF SANTA FE
POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Santa Fe Municipal Airport is owned by the City of Santa Fe (Hereinafter called the City) 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 City has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Airport has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the City 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 Department's DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
7. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The Administrative Manager, Bobbi Huseman, has been delegated as the DBE Liaison Officer. In that capacity, the Administrative Manager 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 City in its financial assistance agreements with the Department of Transportation.

Santa Fe Municipal Airport has disseminated this policy statement to all commissioners for the City of Santa Fe and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT assisted contracts by posting on bulletin boards in the Airport Terminal Building, by including the City's DBE requirements in advertisements for bids, and by including the DBE requirements in project's specifications and contract documents.

Brian Snyder, City Manager

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 Santa Fe Municipal Airport is the recipient of Federal airport funds authorized by 49 U.S. C. 47101, *et seq.*

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

The City 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 City 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 (b)

We will report DBE participation to DOT as follows:

The City – We will submit annually the Uniform report of DBE Awards or Commitments and Payment Form, as modified for use by FAA recipients.

Bidders List: 26.11(c)

The City will create and maintain a bidders list. 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 our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information in the following ways: The City will create and maintain a bidder's list of previous subcontractors of DBE's on projects previously awarded as well as future projects.

Section 26.13 Federal Financial Assistance Agreement

The City has signed the following assurances, applicable to all DOT assigned contracts and their administration:

Assurance: 26.13(a)

The City 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 City 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 City's DBE Program, as required by 49 CFR 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 City of its failure to carry out its approved program, the Department may impose sanctions as provided for under 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*).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every DOT assisted contract and subcontract:

The contractor, sub-recipient, 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 recipient deems appropriate.

Section 26.21 DBE Program Updates

Since the City has received a grant of \$250,000 or more for airport planning or development, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program. We will submit an updated goal annually on August 1 if we plan to award contracts exceeding \$250,000 in FAA funds in that Federal fiscal year.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Bobbi Huseman, Administrative Manager
500 Market Station, Suite 200
Santa Fe, NM 87501
Phone: 505-955-6621
bjhuseman@ci.santa-fe.nm.us

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Mayor of Santa Fe concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has no staff to assist in the administration of the program. 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 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 (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the City's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Acts as liaison to the Uniform Certification Process in New Mexico
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. The New Mexico DOT maintains an updated directory on certified DBEs.

Section 26.29 Prompt Payment Mechanisms

The City 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 City. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the City. This clause applies to both DBE and non-DBE subcontractors.

Section 26.31 Directory

The New Mexico Department of Transportation maintains a directory identifying all firms eligible to participate as DBEs. 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. New Mexico Department of Transportation revises the Directory monthly. We make the Directory available as follows: <https://nmdot.dbesystem.com/FrontEnd/VendorSearchPublic.asp?XID=4654&TN=nmdot>. The Directory may be found in Attachment 2 to this program document.

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

The City has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that 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. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism 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. This will be accomplished by requiring prime contractors to provide a list of DBE payments for work completed and requiring lien releases from prime and sub-contractors.
4. In our reports of DBE participation to FAA, we will show both commitments and attainments, as required by the DOT reporting form.

Section 26.39 Fostering Small Business Participation

In support of small business participation, the city has implemented a process to be used by all contractors who wish to bid on a project. In the bid documents, Contractors will be required to complete the "Small Business participation" form (See Attachment 11) which identifies small businesses that have been afforded the opportunity to participate in the contract. Completion of this form does not constitute a contractual obligation. This form will list the businesses considered, type of work and approximate dollar value.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The City will annually establish overall goals if we anticipate that we will award prime contracts exceeding \$250,000 in FAA funds in a Federal fiscal year in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City does not anticipate awarding more than \$250,000 in FAA funds in prime contracts within the Federal fiscal year, we will not develop an overall goal; however the

existing DBE program will remain in effect and the City will seek to fulfill the objectives outlined in 49 CFR Part 26.1

The City will annually establish overall goals in accordance with the 2-step process as specified in 40 CFR Part 26.45. 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 City 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 projects.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program.

In accordance with Section 26.45(f) the City will submit its overall goal to DOT on August 1 of each year. In establishing the overall goal each year, the City will consult with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's and the City efforts to establish a level playing field for the participation of DBE's.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Santa Fe Municipal Airport for 30 days following the date of the notice, and informing the public that the City and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

The City will use contract goals to meet any portion of the overall goal the City does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We 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.)

We will express our 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. Examples of good faith efforts are found in Appendix A to Part 26.

Bobbi Huseman, Administrative Manager/DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded responsive.

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

Information to be submitted (26.53(b))

The City treats bidders/offers' compliance with good faith efforts' requirements as a matter of responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information within 5 business days of being notified that they are the successful bidders, but before the contract is executed:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal'
5. Written and signed confirmation from the DBE that it is participation in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 3 business days of being informed by the City that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidders/offerors should make this request in writing to the following reconsideration official:

Cameron Humphres
Airport Manager
PO Box 909
Santa Fe, NM 87504
505-955-2901

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 our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror or 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 when a DBE is replaced on a contract (26.53(f))

The City will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office 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 contracting officer may issue a termination for default proceeding.

When a contract goal is established pursuant to the City's DBE Program, the following language will be included in the notice to bidders. The goal percentage will be inserted for each year's goal.

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 City 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. A DBE contract goal of 7.25% percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 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; (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; (5) written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 40 CFR 26.55. We 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.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City will utilize the State of New Mexico's UCP for certification and ensure the standards of Subpart D of Part 26 are used 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. We will make our certification decisions based on the facts as a whole.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The City is a member of a Unified Certification Program (UCP) administered by The State of New Mexico and the New Mexico Disadvantaged Business Enterprise Program. The UCP will meet all of the requirements of this section.

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

We will ensure the UCP reviews the eligibility of DBEs that we certified under former Part 23, to make sure that they will meet the standards of Subpart E of Part 26. We will complete this review no later than three years from the most recent certification date of each firm. Our schedule for this review process will be: one third of the firms will be reviewed each year.

For firms that we ensure UCP have certified or reviewed and found eligible under Part 26, we will again review their eligibility on an as needed basis. These reviews will include the following components: determinations will be made on a case by case basis.

"No Change" Affidavits and Notices of Change (26.83(j))

The UCP requires all DBE owners to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the City's application for certification.

The UCP also requires all DBE owners we have certified to submit every year, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). The text of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [*name of DBE firm*] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26. There have been no material changes in the information provided with [*name of DBE*]'s application for certification, except for any changes about which you have provided written notice to the City under 26.83(j). [*name of firm*] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$20.41 million.

The UCP requires DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

The UCP will notify all currently certified DBE firms of these obligations annually in writing. This notification will inform DBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a Part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

Personal Net Worth. (26.67(b))

All disadvantaged owners of applicant firms and currently certified DBE firms whose eligibility under Part 26 is reviewed are required to submit a statement of personal net worth.

Section 26.86 Denials of Initial Requests for Certification

If we deny a firm's application or decertify it, it may not reapply until 12 months have passed from our action.

Section 26.87 Removal of a DBE's Eligibility

In the event we propose to remove a DBE's certification, we will follow procedures consistent with 26.87. Attachment 3 to this program sets forth these procedures in detail. To ensure separation of functions in a de-certification, the UCP have determined that the Assistant Division Manager of Regulatory Services, New Mexico DOT will serve as the decision-maker in de-certification proceedings. The UCP have established an administrative "firewall" to ensure that the Assistant Division Manager of Regulatory Services, New Mexico DOT will not have participated in any way in the de-certification proceeding against the firm (including the decision to initiate such a proceeding).

Section 26.89 Certification Appeals

Any firm or complaint may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 7th Street, SW
Room 5414
Washington, D.C. 20590

The UCP will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state and local law.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

We 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 City or DOT. This reporting requirement also extends to any certified DBE subcontractor.

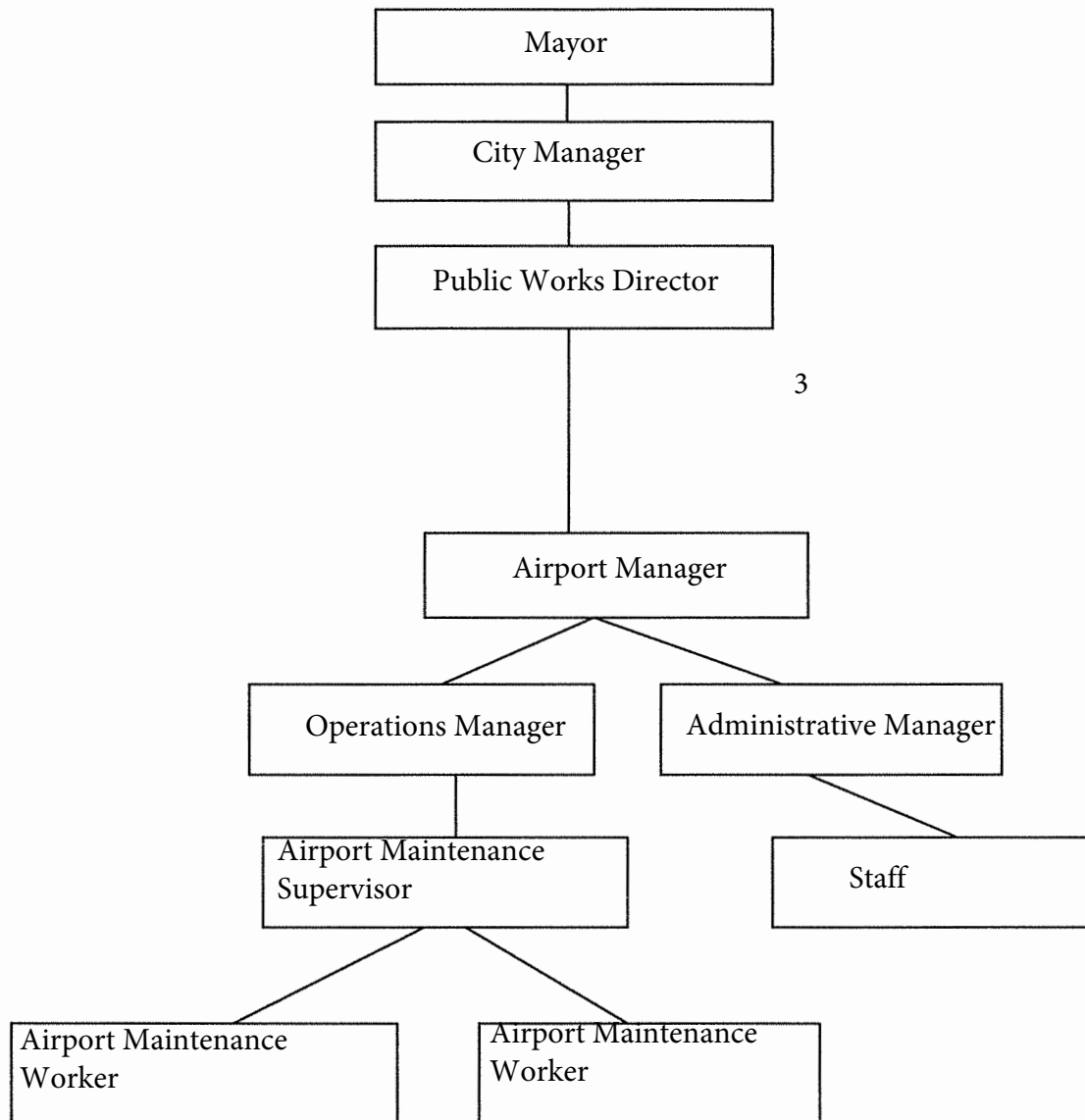
We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE Directory Link
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculation (Include Breakout of Estimated Race-Neutral & Race-Conscious Participation, Public Participation, and Contract Goal and Methodology)
Attachment 5	Regulations: 49 CFR Part 26 Link
Attachment 6	New Mexico Unified Certification Program Link
Attachment 7	UCP Agreement Link
Attachment 8	Reporting Form
Attachment 9	Guidance Concerning Good Faith Efforts
Attachment 10	Bidder's Questionnaire Form
Attachment 11	Small Business Participation Form

ATTACHMENT

1



ATTACHMENT

2

(Link to NMDOT DBE Directory)

<https://nmdot.dbesystem.com/FrontEnd/VendorSearchPublic.asp?XID=4654&TN=nmdot>

ATTACHMENT

3

Monitoring & Enforcement: Verification to Ensure Work Committed to DBEs at Contract Award is Performed by DBEs

Recipient's Name	
Airport Name	
City, State	
AIP Number	
Federal Fiscal Year	

In accordance with Section 26.37 Monitoring and Enforcement Mechanisms, the following detailed list shall be completed by the Prime Contractor. Note to Prime Contractor: Copies of paid invoices to DBE contractors shall be submitted to the Recipient for monitoring purposes.

DBE Firms to be Utilized (Name; Address; Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, St, Zip			
Telephone			
Name			
Address			
City, St, Zip			
Telephone			
Name			
Address			
City, St, Zip			
Telephone			
Name			
Address			
City, St, Zip			
Telephone			
Name			
Address			
City, St, Zip			
Telephone			

(Duplicate form as necessary)

ATTACHMENT

4

TABLE 1
PROJECT ONE: Runway 2-20 Design

NAICS Code	Work Item	DBE's in Market Area	All Available Firms	Total Amount	Weight Factor
541330	Engineering	5	301	\$289,213.31	100%
	Total	5	301	\$289,213.31	100%

The design estimate for this project is \$289,213.31. Of that amount, \$289,213.31 or 100% is anticipated for design.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

ENG=Engineering

$$\text{Project One Base Figure} = \text{ENG (\%)} \times \frac{\# \text{ DBE in Local Market (ENG)}}{\# \text{ All Firms (ENG)}} +$$

$$\text{Project One Base Figure} = .100 (5/301) =$$

$$\text{Project One Base Figure} = 1.66\%$$

Project Two: Taxiway D Design
Project Amount: \$180,140.38

TABLE 2
PROJECT TWO: Taxiway D Design

NAICS Code	Work Item	DBE's in Market Area	All Available Firms	Total Amount	Weight Factor
541330	Engineering	5	301	\$180,140.38	100%
	Total	5	301	\$180,140.38	100%

The design estimate for this project is \$180,140.38. Of that amount, \$180,140.38 or 100% is anticipated for design.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

ENG=Engineering

$$\text{Project Two Base Figure} = \text{ENG (\%)} \times \frac{\# \text{ DBE in Local Market (ENG)}}{\# \text{ All Firms (ENG)}} +$$

$$\text{Project Two Base Figure} = .100 (5/301) =$$

$$\text{Project Two Base Figure} = 1.66\%$$

Project Three: Drainage Master Plan
Project Amount: \$196,962.39

TABLE 3
PROJECT THREE: Drainage Master Plan

NAICS Code	Work Item	DBE's in Market Area	All Available Firms	Total Amount	Weight Factor
541330	Engineering	5	301	\$196,962.39	100%
	Total	5	301	\$196,962.39	100%

The design estimate for this project is \$196,962.39. Of that amount, \$196,962.39 or 100% is anticipated for design.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

ENG=Engineering

$$\text{Project Three Base Figure} = \text{ENG (\%)} \times \frac{\# \text{ DBE in Local Market (ENG)}}{\# \text{ All Firms (ENG)}} +$$

$$\text{Project Three Base Figure} = .100 (5/301) =$$

$$\text{Project Three Base Figure} = 1.66\%$$

Project Four: New Snowplow
Project Amount: \$650,000

Project Four is the Snow Plow purchase necessary for the safety of the airport. Included in this project are services, such as engineering assistance, which is required to complete this acquisition. The grant is anticipated to be for \$650,000. Of that amount, \$650,000 will be used for the actual purchase of a snow plow, which has no subcontracting opportunities. Therefore the goal will be 0%.

$$\text{Project Four Base Figure} = 0\%$$

Project Five: Friction Test Equipment
Project Amount: \$20,000

Project Five is the Friction Test Equipment purchase necessary for the safety of the airport. Included in this project are services, such as engineering assistance, which is required to complete this acquisition. The grant is anticipated to be for \$20,000. Of that amount, \$20,000 will be used for the actual purchase of the Friction Test Equipment, which has no subcontracting opportunities. Therefore the goal will be 0%.

$$\text{Project Five Base Figure} = 0\%$$

Number and Types of Projects for FY 2017:

1. Runway 2-20 Reconstruction Construction
2. Taxiway D Construction
3. Terminal Expansion Design
4. Rental Car QTA Facility

Analysis

Project One: Runway 2-20 Construction

Project Amount: \$4,045,060.65

TABLE 1
PROJECT ONE: RUNWAY 2-20 CONSTRUCTION

NAICS Code	Work Item	DBEs in Market Area	All Available Firms	Total Amount	Weight Factor
238990	Markings, Specialty Contractors	4	79	\$400,000.00	9.89%
48411	Trucking	1	39	\$1,920,000.00	47.47%
238910	Site Prep	2	70	\$500,000.00	12.36%
237310	Heavy Construction	14	45	\$1,080,060.65	26.70%
541620	Geotechnical/Environmental	2	74	\$40,000.00	0.99%
23821	Electrical	1	313	\$55,000.00	1.36%
237310	Inspection/Testing	2	92	\$50,000.00	1.24%
	Total			\$4,045,060.65	100.00%

Source: County Business Patterns and NMDOT DBE Directory

The engineering estimate for this project is \$4,045,060.65. Of that amount, \$400,000.00 or 9.89% is anticipated for Markings and Specialty Contractors, \$1,920,000.00 or 47.47% is anticipated for Trucking, \$500,000 or 12.36% is anticipated for Site Prep; \$1,080,060.65 or 26.70% is anticipated for Heavy Construction; \$40,000 or .99% is anticipated for Geotechnical and Environmental; \$55,000 or 1.36% is anticipated for Electrical; \$50,000 or 1.24% is anticipated for Inspection and Testing.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

E = Engineering M = Markings/Specialty Contractors T = Trucking SP=Site Prep
H=Heavy Construction G= Geotechnical/Environmental ES=Electrical I=Inspection/Testing

Project One Base Figure =

$$M(\%) \times \frac{\# \text{ DBE in Local Market (M)}}{\# \text{ All Firms (M)}} +$$

$$T(\%) \times \frac{\# \text{ DBE in Local Market (T)}}{\# \text{ All Firms (T)}} + SP(\%) \times \frac{\# \text{ DBE in Local Market (SP)}}{\# \text{ All Firms (SP)}} +$$

$$H(\%) \times \frac{\# \text{ DBE in Local Market (H)}}{\# \text{ All Firms (H)}} + G(\%) \times \frac{\# \text{ DBE in Local Market (G)}}{\# \text{ All Firms (G)}} +$$

$$ES(\%) \times \frac{\# \text{ DBE in Local Market (ES)}}{\# \text{ All Firms (ES)}} + I(\%) \times \frac{\# \text{ DBE in Local Market (I)}}{\# \text{ All Firms (I)}} +$$

$$\text{Project One Base Figure} = .99(4/79) + 4.75(1/39) + 1.23(2/70) + 2.67(14/45) + .099(2/74) + .136(1/313) + .124(2/92)$$

$$\text{Project One Base Figure} = 10.44\%$$

Project Two: Taxiway D Construction

Project Amount: \$3,348,593.06

**TABLE 2
PROJECT TWO: TAXIWAY D CONSTRUCTION**

NAICS Code	Work Item	DBE's in Market Area	All Available Firms	Total Amount	Weight Factor
238990	Markings, Specialty Contractors	4	79	\$117,782.58	3.52%
48411	Trucking	1	39	\$1,258,027.90	37.57%
238910	Site Prep	2	70	\$108,000.00	3.23%
23821	Electrical	1	313	\$800,000.00	23.89%
237310	Heavy Construction	14	45	\$1,027,782.58	30.69%
541620	Geotechnical/Environmental	2	74	\$37,000.00	1.10%
	Total	24	620	\$3,348,593.06	100.00%

Source: County Business Patterns and NMDOT DBE Directory

The construction estimate for this project is \$3,348,593.06. Of that amount, \$117,782.58 or 3.52% is anticipated for markings/specialty contractors; \$1,258,027.90 or 37.57% is anticipated for trucking contractors; \$108,000 or 3.23% is anticipated for site prep; \$800,000 or 23.89% is anticipated for electrical work; \$1,027,782.58 or 30.69% is anticipated for heavy construction; and \$37,000 or 1.10% is anticipated for geotechnical /environmental.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

M = Markings/Specialty Contractors
E = Engineering

T = Trucking
H- Heavy Construction

SP = Site Prep
G = Geotechnical/Environmental

Project Two Base Figure =

$$M (\%) \times \frac{\# \text{ DBE in Local Market (M)}}{\# \text{ All Firms (M)}} +$$

$$T (\%) \times \frac{\# \text{ DBE in Local Market (T)}}{\# \text{ All Firms (T)}} + SP (\%) \times \frac{\# \text{ DBE in Local Market (SP)}}{\# \text{ All Firms (SP)}} +$$

$$E (\%) \times \frac{\# \text{ DBE in Local Market (E)}}{\# \text{ All Firms (E)}} + H (\%) \times \frac{\# \text{ DBE in Local Market (H)}}{\# \text{ All Firms (H)}} +$$

$$G (\%) \times \frac{\# \text{ DBE in Local Market (G)}}{\# \text{ All Firms (G)}} +$$

$$\text{Project Two Base Figure} = .352(4/79) + 3.76(1/39) + .323(2/70) + 2.39(1/313) + 3.07(14/45) + .110(2/74)$$

$$\text{Project Two Base Figure} = 10.89\%$$

Project Three: Terminal Expansion Design
Project Amount: \$400,000

TABLE 3
PROJECT THREE: Terminal Expansion Design

NAICS Code	Work Item	DBE's in Market Area	All Available Firms	Total Amount	Weight Factor
236220	Engineering	5	301	\$400,000.00	100%
	Total	5	301	\$400,000.00	100%

The design estimate for this project is \$400,000. Of that amount, \$400,000 or 100% is anticipated for design.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

ENG=Engineering

$$\text{Project Three Base Figure} = \text{ENG} (\%) \times \frac{\# \text{ DBE in Local Market (ENG)}}{\# \text{ All Firms (ENG)}} +$$

$$\text{Project Three Base Figure} = 1.66\%$$

Project Four: Rental Car QTA Facility Construction
Project Amount: \$500,000

TABLE 4
PROJECT FOUR: Rental Car QTA Facility Construction

NAICS Code	Work Item	DBE's in Market Area	All Available Firms	Total Amount	Weight Factor
236220	Commercial and Institutional Building Construction	3	221	\$238,838.00	47.77%
238910	Site Prep	2	70	\$41,343.25	8.27%
238210	Electrical	1	313	\$53,750.00	10.75%
237310	Concrete/Masonry	4	81	\$2,766.25	0.55%
238130	Framing	0	40	\$17,950.00	3.59%
238150	Glass & Glazing	0	18	\$20,848.25	4.17%
238160	Roofing	2	87	\$21,225.00	4.25%
238340	Tile	0	39	\$10,198.50	2.04%
238220	Plumbing/HVAC	1	367	\$93,080.75	18.62%
	Total	12	1236	\$500,000.00	100.00%

The construction estimate for this project is \$500,000.00. Of that amount, \$238,838.00 or 47.77% is anticipated for Commercial and Institutional Building Contractors; \$41,343.25 or 8.27% is anticipated for site prep; \$53,750.00 or 10.75% is anticipated for electrical; \$2,766.25 or 0.55% is anticipated for concrete/masonry; \$17,950.00 or 3.59% is anticipated for framing; \$20,948.25 or 4.17% is anticipated for glass/glazing; \$21,225.00 or 4.25% is anticipated for roofing; \$10,198.50 or 2.04% is anticipated for tile; and \$93,080.75 or 18.62% is anticipated for plumbing/HVAC.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

CB = Commercial Building
C = Concrete/Masonry
R = Roofing

SP = Site Prep
F- Framing
T- Tile

E = Electrical
G = Glass/Glazing
P = Plumbing/HVAC

Project Four Base Figure =

$$\text{CB (\%)} \times \frac{\text{\# DBE in Local Market (CB)}}{\text{\# All Firms (CB)}} + \text{SP (\%)} \times \frac{\text{\# DBE in Local Market (SP)}}{\text{\# All Firms (SP)}}$$

$$\text{E (\%)} \times \frac{\text{\# DBE in Local Market (E)}}{\text{\# All Firms (E)}} + \text{C (\%)} \times \frac{\text{\# DBE in Local Market (C)}}{\text{\# All Firms (C)}} +$$

$$\text{F (\%)} \times \frac{\text{\# DBE in Local Market (F)}}{\text{\# All Firms (F)}} + \text{G (\%)} \times \frac{\text{\# DBE in Local Market (G)}}{\text{\# All Firms (G)}} +$$

$$\text{R (\%)} \times \frac{\text{\# DBE in Local Market (R)}}{\text{\# All Firms (R)}} + \text{T (\%)} \times \frac{\text{\# DBE in Local Market (T)}}{\text{\# All Firms (T)}}$$

All Firms (R)

#All Firms (T)

$$P (\%) \times \frac{\# \text{ DBE in Local Market (P)}}{\# \text{ All Firms (P)}}$$

$$\text{Project Four Base Figure} = 4.78(3/221) + .827(2/70) + 1.75(1/313) + .055(4/81) + .224(0/40) + .417(0/18) + .425(2/87) + .204(0/39) + 1.86(1/367)$$

$$\text{Project Four Base Figure} = 1.09\%$$

Number and Types of Projects for FY2018

1. Terminal Building Expansion Construction

Analysis

Project One: Terminal Building Expansion Construction

Project Amount: \$10,000,000.00

TABLE 1
PROJECT ONE: TERMINAL BUILDING EXPANSION CONSTRUCTION

NAICS Code	Work Item	DBE's in Market Area	All Available Firms	Total Amount	Weight Factor
236220	Commercial and Institutional Building Construction	3	221	\$4,910,760.00	49.11%
238910	Site Prep	2	70	\$826,865.00	8.27%
238210	Electrical	1	313	\$1,075,000.00	10.75%
237310	Concrete/Masonry	4	81	\$55,325.00	0.55%
238130	Framing	0	40	\$224,000.00	2.24%
238150	Glass & Glazing	0	18	\$416,965.00	4.17%
238160	Roofing	2	87	\$424,500.00	4.25%
238340	Tile	0	39	\$203,970.00	2.04%
238220	Plumbing/HVAC	1	367	\$1,862,615.00	18.63%
	Total	12	1236	\$10,000,000.00	100%

Source: County Business Patterns and NMDOT DBE Directory

The construction estimate for this project is \$10,000,000.00. Of that amount, \$4,910,760.00 or 49.11% is anticipated for Commercial and Institutional Building Contractors; \$826,865.00 or 8.27% is anticipated for site prep; \$1,075,000.00 or 10.75% is anticipated for electrical; \$55,325.00 or 0.55% is anticipated for concrete/masonry; \$224,000.00 or 2.24% is anticipated for framing; \$416,965.00 or 4.17% is anticipated for glass/glazing; \$424,500.00 or 4.25% is anticipated for roofing; \$203,970.00 or 2.04% is anticipated for tile; and \$1,862,615.00 or 18.63% is anticipated for plumbing/HVAC.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

CB = Commercial Building
C = Concrete/Masonry
R = Roofing

SP = Site Prep
F- Framing
T- Tile

E = Electrical
G = Glass/Glazing
P = Plumbing/HVAC

Project One Base Figure =

$$\text{CB (\%)} \times \frac{\# \text{ DBE in Local Market (CB)}}{\# \text{ All Firms (CB)}} + \text{SP (\%)} \times \frac{\# \text{ DBE in Local Market (SP)}}{\# \text{ All Firms (SP)}}$$

$$\text{E (\%)} \times \frac{\# \text{ DBE in Local Market (E)}}{\# \text{ All Firms (E)}} + \text{C (\%)} \times \frac{\# \text{ DBE in Local Market (C)}}{\# \text{ All Firms (C)}} +$$

$$\text{F (\%)} \times \frac{\# \text{ DBE in Local Market (F)}}{\# \text{ All Firms (F)}} + \text{G (\%)} \times \frac{\# \text{ DBE in Local Market (G)}}{\# \text{ All Firms (G)}} +$$

$$\text{R (\%)} \times \frac{\# \text{ DBE in Local Market (R)}}{\# \text{ All Firms (R)}} + \text{T (\%)} \times \frac{\# \text{ DBE in Local Market (T)}}{\# \text{ All Firms (T)}}$$

$$\text{P (\%)} \times \frac{\# \text{ DBE in Local Market (P)}}{\# \text{ All Firms (P)}}$$

$$\text{Project One Base Figure} = 4.91(3/221) + .827(2/70) + 1.07(1/313) + .055(4/81) + .359(0/40) + .417(0/18) + .425(2/87) + .204(0/39) + 1.86(1/367)$$

$$\text{Project One Base Figure} = 1.11\%$$

Step Two: This step is intended to adjust the base figure percentage calculated in Step One to reflect as accurately as possible the DBE participation that the Santa Fe Municipal Airport would expect in the absence of discrimination.

We have considered all of the other factors, which include the current capacity of DBEs to perform work in the DOT-assisted program. We also considered the available evidence from related fields that affect the opportunities for DBE firms to form, grow, and compete. In our research, none of the previously mentioned factors require an adjustment to the base figure.

Our base figure is not the goal of another recipient and therefore was not considered as an adjustment factor.

There have been similar projects at the Santa Fe Municipal Airport. Table One reflects the overall and achieved goals for the projects.

**TABLE 1
SANTA FE MUNICIPAL AIRPORT PAST PARTICIPATION**

AIP Number	Description	Overall Goal	Achieved Race Conscious Goal	Achieved Race Neutral Goal	Achieved Goal
<ul style="list-style-type: none"> • 3-35-0037-031-2009 • 3-35-0037-032-2009 	Taxiway F and East Apron Reconstruction Projects	9.45%	9.45%	1.95%	11.4%
<ul style="list-style-type: none"> • 3-35-0037-32-2010 • 3-35-0037-33-2010 • 3-35-0037-36-2011 	Rehab Apron East Apron Rehab East Apron Ph II Rehab T/W A, T/W C, MIRL	10.57%	10.57%	7.03%	17.6%
<ul style="list-style-type: none"> • 3-35-0037-37-2012 	Taxiway A Phase II	10.51%	10.51%	.06%	10.57%
<ul style="list-style-type: none"> • 3-35-0037-40-2013 	Reconstruct Taxiway F	9.74%	9.74%	8.02%	17.76%
<ul style="list-style-type: none"> • 3-35-0037-41-2014 	Masterplan	2.14	0%	0%	0%

Due to the similarity of the subcontracting possibilities between the past projects, past participation is going to be considered as an adjustment factor.

Past participation will be accounted for by taking the historical average (11.47%) of the achieved goals, adding it to the average base figure for FY 2016-2018 (3.02%), and dividing by two.

$$\text{Overall Adjusted Goal} = \frac{3.02 \% (\text{Base Figure}) + 11.47 \% (\text{Achieved Goal})}{2}$$

Overall Adjusted Goal = 7.25%

The proposed overall goal for the Santa Fe Municipal Airport can be seen below.

Santa Fe Municipal Airport Proposed Overall Goal = 7.25%

Breakout of Estimated Race-Neutral and Race-Conscious Participation (\$26.51 (b) (1-9))

The Santa Fe Municipal Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Santa Fe Municipal Airport uses the following race-neutral means to increase DBE participation: By arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in a way to facilitate DBE and other small businesses' participation (e.g., requiring and/or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces).

The following is a summary of the basis of our estimated breakout of race-conscious and race-neutral DBE participation. As can be seen from Table 1, the majority of the DBE goal was achieved for past projects and subcontracting opportunities through race-conscious means. Therefore, the Santa Fe

Municipal Airport estimates that, in meeting its overall goal of 7.25%, we will obtain 7.25% from race-conscious participation and 0% from race-neutral participation.

The Santa Fe Municipal Airport will adjust the estimated breakout of race-neutral and race-conscious DBE participation as needed to reflect actual DBE participation and track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal, and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Public Participation

Consultation

A consultation was scheduled on November 3, 2016 to try and gather any additional information to make sure the overall goal is as accurate as possible. We reached out to the Santa Fe Small Business Development Center and the Hispanic Chamber of Commerce but unfortunately did not have anyone attend the meeting.

Public Notice

Posted on November 21, 2016

The City of Santa Fe, Santa Fe Municipal Airport hereby announces its fiscal year 2016-2018 goal of **7.25%** for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goal and rationale is available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at 121 Aviation Dr, Santa Fe, NM 87507, beginning November 21, 2016 through December 23, 2016.

Comments on the DBE goal will be accepted beginning November 21, 2016 and ending December 23, 2016. Comments may be sent to:

Amanda Bright
Administrative Assistant
KSA Engineers
58 Buick Street
San Angelo, TX 76901
325-947-1555
Email: abright@ksaeng.com

Contract Goals

The Santa Fe Municipal Airport will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the recipient's overall goal that is not projected to be met through the use of race-neutral means.

The Santa Fe Municipal Airport will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of DBEs to perform the particular type of work).

The Santa Fe Municipal Airport will express its contract goals as a percentage of the total amount of DBE-assisted contract.

ATTACHMENT

5

(Link to Regulations: 49 CFR Part 29)

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

ATTACHMENT

6

(Link for New Mexico Unified Certification DBE Program)

<http://www.dot.state.nm.us/en/OEOPFormsManuals.html#DBECform>

ATTACHMENT

7

(Link for New Mexico UCP Agreement)

<http://www.dot.state.nm.us/content/dam/form-repository/A-1009CompleteDBECertificationApplicationPackage.PDF>

ATTACHMENT

8

INSTRUCTIONS FOR COMPLETING THE UNIFORM REPORT OF DBE AWARDS/COMMITMENTS AND PAYMENTS

(Disadvantaged Business Enterprise: Program Implementation Modifications Final Rule Pages 149-160)

Recipients of Department of Transportation (DOT) funds are expected to keep accurate data regarding the contracting opportunities available to firms paid for with DOT dollars. Failure to submit contracting data relative to the DBE program will result in noncompliance with Part 26. All dollar values listed on this form should represent the DOT share attributable to the Operating Administration (OA): Federal Highway Administration (FHWA), Federal Aviation Administration (FAA) or Federal Transit Administration (FTA) to which this report will be submitted.

1. Indicate the DOT (OA) that provides your Federal financial assistance. If assistance comes from more than one OA, use separate reporting forms for each OA. If you are an FTA recipient, indicate your Vendor Number in the space provided.
2. If you are an FAA recipient, indicate the relevant AIP Numbers covered by this report. If you are an FTA recipient, indicate the Grant/Project numbers covered by this report. If more than ten attach a separate sheet.
3. Specify the Federal fiscal year (i.e., October 1-September 30) in which the covered reporting period falls.
4. State the date of submission of this report.
5. Check the appropriate box that indicates the reporting period that the data provided in this report covers. For FHWA and FTA recipients, if this report is due June 1, data should cover October 1 - March 31. If this report is due December 1, data should cover April 1 - September
30. If the report is due to the FAA, data should cover the entire year.
6. Provide the name and address of the recipient.
7. State your overall DBE goal(s) established for the Federal fiscal year of the report being submitted to and approved by the relevant OA. Your overall goal is to be reported as well as the breakdown for specific Race Conscious and Race Neutral projections (both of which include gender-conscious/neutral projections). The Race Conscious projection should be based on measures that focus on and provide benefits only for DBEs. The use of contract goals is a primary example of a race conscious measure. The Race Neutral projection should include measures that, while benefiting DBEs, are not solely focused on DBE firms. For example, a small business outreach program, technical assistance, and prompt payment clauses can assist a wide variety of businesses in addition to helping DBE firms.

Section A: Awards and Commitments Made During this Period

The amounts in items 8(A)-10(I) should include all types of prime contracts awarded

and all types of subcontracts awarded or committed, including: professional or consultant services, construction, purchase of materials or supplies, lease or purchase of equipment and any other types of services. All dollar amounts are to reflect only the Federal share of such contracts and should be rounded to the nearest dollar.

Line 8: Prime contracts awarded this period: The items on this line should correspond to the contracts directly between the recipient and a supply or service contractor, with no intermediaries between the two.

8(A). Provide the total dollar amount for all prime contracts assisted with DOT funds and awarded during this reporting period. This value should include the entire Federal share of the contracts without removing any amounts associated with resulting subcontracts.

8(B). Provide the total number of all prime contracts assisted with DOT funds and awarded during this reporting period.

8(C). From the total dollar amount awarded in item 8(A), provide the dollar amount awarded in prime contracts to certified DBE firms during this reporting period. This amount should not include the amounts sub contracted to other firms.

8(D). From the total number of prime contracts awarded in item 8(B), specify the number of prime contracts awarded to certified DBE firms during this reporting period.

8(E&F). This field is closed for data entry. Except for the very rare case of DBE-set asides permitted under 49 CFR part 26, all prime contracts awarded to DBEs are regarded as race- neutral.

8(G). From the total dollar amount awarded in item 8(C), provide the dollar amount awarded to certified DBEs through the use of Race Neutral methods. See the definition of Race Neutral in item 7 and the explanation in item 8 of project types to include.

8(H). From the total number of prime contracts awarded in 8(D), specify the number awarded to DBEs through Race Neutral methods.

8(I). Of all prime contracts awarded this reporting period, calculate the percentage going to DBEs. Divide the dollar amount in item 8(C) by the dollar amount in item 8(A) to derive this percentage. Round percentage to the nearest tenth.

Line 9: Subcontracts awarded/committed this period: Items 9(A)-9(I) are derived in the same way as items 8(A)-8(I), except that these calculations should be based on subcontracts rather than prime contracts. Unlike prime contracts, which may only be awarded, subcontracts may be either awarded or committed.

9(A). If filling out the form for general reporting, provide the total dollar amount of subcontracts assisted with DOT funds awarded or committed during this period. This value should be a subset of the total dollars awarded in prime contracts in 8(A), and therefore should never be greater than the amount awarded in prime contracts. If filling out the form

for project reporting, provide the total dollar amount of subcontracts assisted with DOT funds awarded or committed during this period. This value should be a subset of the total dollars awarded or previously in prime contracts in 8(A). The sum of all subcontract amounts in consecutive periods should never exceed the sum of all prime contract amounts awarded in those periods.

9(B). Provide the total number of all sub contracts assisted with DOT funds that were awarded or committed during this reporting period.

9(C). From the total dollar amount of sub contracts awarded/committed this period in item 9(A), provide the total dollar amount awarded in sub contracts to DBEs

9(D). From the total number of sub contracts awarded or committed in item 9(B), specify the number of sub contracts awarded or committed to DBEs

9(E). From the total dollar amount of sub contracts awarded or committed to DBEs this period, provide the amount in dollars to DBEs using Race Conscious measures.

9(F). From the total number of sub contracts awarded or committed to DBEs this period, provide the number of sub contracts awarded or committed to DBEs using Race Conscious measures.

9(G). From the total dollar amount of sub contracts awarded/committed to DBEs this period, provide the amount in dollars to DBEs using Race Neutral measures.

9(H). From the total number of sub contracts awarded/committed to DBEs this period, provide the number of sub contracts awarded to DBEs using Race Neutral measures.

9(I). Of all subcontracts awarded this reporting period, calculate the percentage going to DBEs. Divide the dollar amount in item 9(C) by the dollar amount in item 9(A) to derive this percentage. Round percentage to the nearest tenth.

Line 10: Total contracts awarded or committed this period. These fields should be used to show the total dollar value and number of contracts awarded to DBEs and to calculate the overall percentage of dollars awarded to DBEs.

10(A)-10(B). These fields are unavailable for data entry.

10(C – H). Combine the total values listed on the prime contracts line (Line 8) with the corresponding values on the subcontracts line (Line 9).

10(I). Of all contracts awarded this reporting period, calculate the percentage going to DBEs. Divide the total dollars awarded to DBEs in item 10(C) by the dollar amount in item 8(A) to derive this percentage. Round percentage to the nearest tenth.

Section B: Breakdown by Ethnicity & Gender of Contracts Awarded to DBEs this period.

11 – 17. Further breakdown the contracting activity with DBE involvement. The Total Dollar Amount to DBEs in 17(C) should equal the Total Dollar Amount to DBEs in 10(C).

Likewise the total number of contracts to DBEs in 17(F) should equal the Total Number of Contracts to DBEs in 10(D).

Line 16: The “Non-Minority” category is reserved for any firms whose owners are not members of the presumptively disadvantaged groups already listed, but who are either “women” OR eligible for the DBE program on an individual basis. All DBE firms must be certified by the Unified Certification Program to be counted in this report.

Section C: Payments on Ongoing Contracts

Line 18(A – E). Submit information on contracts that are currently in progress. All dollar amounts are to reflect only the Federal share of such contracts, and should be rounded to the nearest dollar.

18(A). Provide the total dollar amount paid to all firms performing work on contracts.

18(B). Provide the total number of contracts where work was performed during the reporting period.

18(C). From the total number of contracts provided in 18(A) provide the total number of contracts that are currently being performed by DBE firms for which payments have been made.

18(D). From the total dollar amount paid to all firms in 18(A), provide the total dollar value paid to DBE firms currently performing work during this period.

18(E). Provide the total number of DBE firms that received payment during this reporting period. For example, while 3 contracts may be active during this period, one DBE firm may be providing supplies or services on all three contracts. This field should only list the number of DBE firms performing work.

18(F) Of all payments made during this period, calculate the percentage going to DBEs. Divide the total dollar value to DBEs in item 18(D) by the total dollars of all payments in

18(B). Round percentage to the nearest tenth.

Section D: Actual Payments on Contracts Completed this Reporting Period

This section should provide information only on contracts that are closed during this period. All dollar amounts are to reflect the entire Federal share of such contracts, and should be rounded to the nearest dollar.

19(A). Provide the total number of contracts completed during this reporting period that used Race Conscious measures. Race Conscious contracts are those with contract goals or another race conscious measure.

19(B). Provide the total dollar value of prime contracts completed this reporting period that had race conscious measures.

19(C). From the total dollar value of prime contracts completed this period in 19(B), provide the total dollar amount of dollars awarded or committed to DBE firms in order to meet the contract goals. This applies only to Race Conscious contracts.

19(D). Provide the actual total DBE participation in dollars on the race conscious contracts completed this reporting period.

19(E). Of all the contracts completed this reporting period using Race Conscious measures, calculate the percentage of DBE participation. Divide the total dollar amount to DBEs in item 19(D) by the total dollar value provided in 19(B) to derive this percentage. Round to the nearest tenth.

20(A)-20(E). Items 21(A)-21(E) are derived in the same manner as items 19(A)-19(E), except these figures should be based on contracts completed using Race Neutral measures.

20(C). This field is closed.

21(A)- 21(D). Calculate the totals for each column by adding the race conscious and neutral figures provided in each row above.

21(C). This field is closed.

21(E). Calculate the overall percentage of dollars to DBEs on completed contracts. Divide the Total DBE participation dollar value in 21(D) by the Total Dollar Value of Contracts Completed in 21(B) to derive this percentage. Round to the nearest tenth.

23. Name of the Authorized Representative preparing this form.

24. Signature of the Authorized Representative.

25. Phone number of the Authorized Representative.

****Submit your completed report to your Regional or Division Office.**

General Reporting

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS									
Please refer to the Instructions sheet for directions on filling out this form									
1 Submitted to (check only one):		<input type="checkbox"/> FHWA		<input type="checkbox"/> FAA		<input type="checkbox"/> FTA-Recipient ID Number			
2 AIP Numbers (FAA Recipients); Grant Number (FTA Recipients):									
3 Federal fiscal year in which reporting period falls:									
5 Reporting Period		<input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31)		<input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30)		<input type="checkbox"/> FAA annual report due Dec. 1			
6 Name and address of Recipient:									
7 Annual DBE Goal(s):		Race Conscious Projection		Race Neutral Projection		OVERALL Goal			

Awards/Commitments this Reporting Period

	A	B	C	D	E	F	G	H	I
AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts committed during this reporting period)	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs /Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
A									
8 Prime contracts awarded this period									
9 Subcontracts awarded/committed this period									
10 TOTAL									

Contracts Awarded to DBEs this Period

	A	B	C	D	E	F
BREAKDOWN BY ETHNICITY & GENDER	Total to DBE (dollar amount)	Total to DBE (number)				
	Women	Men	Total	Women	Men	Total
11 Black American						
12 Hispanic American						
13 Native American						
14 Asian-Pacific American						
15 Subcontinent Asian Americans						
16 Non-Minority						
17 TOTAL						

Payments Made this Period

	A	B	C	D	E	F
PAYMENTS ON ONGOING CONTRACTS (report activity of ongoing contracts)	Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE firms	Total Number of DBE firms Paid	Percent to DBEs
18 Prime and sub contracts currently in progress						
TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A	B	C	D	D	D
D	Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)		Percent to DBEs
19 Race Conscious						
20 Race Neutral						
21 Totals						
22 Submitted By:		24. Signature:		25. Phone Number:		

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Appendix A to Part 26 - Guidance Concerning Good Faith Efforts

I. When, as a recipient, you establish a contract goal on a DOT- assisted contract, a bidder must, in order to be responsible and/or responsive, make good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

II. In any situation in which you have established a contract goal, part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, it is up to you to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.

III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.

IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

V. In determining whether a bidder has made good faith efforts, you may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

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Bidders Questionnaire Form

LISTING OF QUOTERS					ANNUAL GROSS RECEIPTS			
NAME	ADDRESS	PHONE	DBE/NON-DBE	AGE OF FIRM	LESS THAN \$500,000	\$500,000 TO \$1 Million	\$1 Million to \$2 Million	\$2 Million to \$3 Million

Reproduce additional copies as needed

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Small Business Participation

The Contractor is required to fill out this form in accordance with Section 26.39 "Small Business Participation" within the Disadvantaged Business Enterprises (DBE) Program as part of the contract documents and Federal General Construction Contract Provisions (49 CFR Part 26)*.

Name of Small Business Subcontractor/Supplier Contacted	Type of Work/Material	Approximate Amount (\$)

Contractor Business Name _____

Date

By: _____
Name and Title of Authorized Representative

Signature of Authorized Representative

** Completion of this form does not constitute a contractual obligation, but identifies small businesses that have been afforded the opportunity to participate in the contract.*