



**Fiscal Years 2020-2022**  
**Disadvantaged Business  
Enterprise (DBE) Program**  
**Coolidge Municipal Airport**

Prepared for:

**City of Coolidge, Arizona**

July 2019

Prepared by:

**Kimley»»Horn**

7740N. 16<sup>th</sup> St

Suite 300

Phoenix, AZ 85020

**Table of Contents**

POLICY STATEMENT ..... 1

SUBPART A - GENERAL REQUIREMENTS ..... 2

SUBPART B - ADMINISTRATIVE REQUIREMENTS ..... 5

SUBPART C - GOALS, GOOD FIATH EFFORTS, AND COUNTING..... 9

SUBPART D - CERTIFICATION STANDARDS ..... 15

SUBPART E - CERTIFICATION PROCEDURES ..... 16

SUBPART F - COMPLIANCE AND EFORCEMENT ..... 17



# POLICY STATEMENT

Disadvantaged Business Enterprise (DBE) Program  
Fiscal Years 2020-2022  
COOLIDGE MUNICIPAL AIRPORT  
Coolidge, Arizona

## Objectives/Policy Statement (§26.1, 26.23)

The City of Coolidge (City) has established a Disadvantaged Business Enterprise (DBE) program for the Coolidge Municipal Airport (Airport) in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Coolidge Municipal Airport has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, the City of Coolidge 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 the City's policy:

- a) To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the department's highway, transit, and airport financial assistance programs.
- b) To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts
- c) To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law
- d) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs
- e) To help remove barriers to the participation of DBEs in DOT-assisted contracts
- f) To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients
- g) To assist in the development of firms that can compete successfully in the marketplace outside the DBE program
- h) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs

James Myers, Airport Manager, has been delegated as the DBE Liaison Officer. In that capacity, Mr. Myers 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.

The City has disseminated this policy statement to the Coolidge City Council. The City has also made this statement available to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by advertisement of its availability in the local legal publication.

---

James Myers, Airport Manager, Coolidge Municipal Airport

---

Date



## SUBPART A – GENERAL REQUIREMENTS

### (§26.1) Objectives

- a) To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the department's highway, transit, and airport financial assistance programs.
- b) To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts
- c) To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law
- d) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs
- e) To help remove barriers to the participation of DBEs in DOT-assisted contracts
- f) To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients
- g) To assist in the development of firms that can compete successfully in the marketplace outside the DBE program
- h) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs

### (§26.3) Applicability

The Coolidge Municipal Airport, through the City, is recipient of federal airport funds authorized by 49 U.S.C.47101, et seq.

### (§26.5) Definitions

On behalf of the Airport, the City will adopt the definitions contained in 40 CFR Part 26, Section 26.5 for this program.

### (§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 this part 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 program with respect to individuals of a particular race, color, sex, or national origin.

### (§26.11) Record Keeping Requirements

#### Reporting to DOT

The Airport will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to the ADOT Civil Rights Office as follows:

The Airport will transmit annually, by or before December 1, the information required for the "Uniform Report of DBE Awards or Commitments and Payments", as described in Appendix B to Part 26. The Airport will similarly report the required information about participating DBE firms. All reporting will be done through the civil rights administrator official reporting system, or another format acceptable to the ADOT Civil Rights office as instructed thereby.



### Bidders List

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

The following information about DBE and non-DBE contractors and subcontractors will be obtained:

- Firm name
- Firm address
- Firm's status as a DBE or non-DBE
- Age of firm
- Annual gross receipts of the firm. (gross receipts brackets can be used in lieu of requesting exact figures)

This information will be collected through a contract clause within the bid documents requiring prime bidders on all DOT-funded projects to report the names and addresses, DBE/SBE status, and contact information, or all firms who quote to them as potential subcontractors.

### Records Retention and Reporting

The Airport will maintain records documenting a firm's compliance with the requirements of this part. At a minimum, the Airport will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records will be retained in accordance with all applicable record retention requirements of the Airport's financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

### **(§26.13) Federal Financial Assistance Agreement**

On behalf of the Airport, the City has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

#### Federal Financial Assistance Agreement Assurance

The following language will appear in all Airport financial assistance agreements with sub-recipients:

*“The City of Coolidge 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 49 CFR part 26. The recipient 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 recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).”*

#### Contract Assurance

The following clause shall be placed in every DOT-assisted contract the City signs with the contractor and subcontractor:

*“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, which may include, but is not limited to:*

- 1) Withholding monthly progress payments;*
- 2) Assessing sanctions;*
- 3) Liquidated damages; and/or*
- 4) Disqualifying the contractor from future bidding as non-responsible.”*



## SUBPART B – ADMINISTRATIVE REQUIREMENTS

### (§26.21) DBE Program Updates

Since the City is an FAA recipient receiving grants for airport planning or development at the Coolidge Municipal Airport exceeding \$250,000 in FAA funds in a Federal Fiscal year, the City will continue to carry out this program until all funds from DOT financial assistance have been expended. The City will provide the DOT updates representing significant changes in the program. The City is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and the City is in compliance with it and Part 26. The City does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

### (§26.23) Policy Statements

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

### (§26.25) DBE Liaison Officer (DBELO)

The following individual has been delegated as our DBE Liaison Officer:

Name: James Myers  
Coolidge Municipal Airport Manager  
Address: 131 W Pinkely Ave Coolidge, AZ 85128  
Phone: (520) 723-6075  
Fax: (520) 723-6079  
Email: jamesm@coolidgeaz.com

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 chief executive officer concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in Attachment B 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 a staff of two other persons to assist in the administration of the program. The duties and responsibilities of the DBELO 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 attainment and identifies ways to improve progress.
6. Analyzes the City's progress toward attainment of goals at the Airport and identifies ways to improve progress.
7. Participate in pre-bid meetings.
8. Advise the City Council on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Plans and participates in DBE training seminars.
11. Coordinates certification of DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Arizona.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains the City's updated directory on certified DBEs.



### **(§26.27) DBE Financial Institutions**

It is the policy of the City to identify and investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. The City has made the following efforts to identify and use such institutions:

- Contacted the State of Arizona Banking Department
- Contacted the Arizona Department of Transportation Civil Rights Office for the DBE financial Institutions they have identified

The City's Finance Director has informed the DBELO that the City does not require business licensees to disclose DBE ownership of local financial institutions. The Finance Director is not aware of any DBE financial institutions doing business within the City.

### **(§26.29) Prompt Payment Mechanisms**

The City requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR §26.29, the City established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the City.

The City ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, The City will include the following clause in each DOT-assisted prime contract:

#### Prompt Payment – A.R.S.

*“Prompt payment of subconsultants by prime contractors is governed by the Arizona Prompt Payment Act (A.R.S. §31-1129.02). The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contract receives from the City. The prime contractor agrees further to return retainage payments to each subcontractor within seven (7) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City. This clause applies to both DBE and non-DBE subcontracts. An unpaid subcontractor or supplier is entitled to interest on unpaid amounts at 18% per annum. For licensed contractors, failure to pay is also ground for disciplinary action by the Arizona Registrar of Contractors.”*

#### Retainage 26.29(b)

*“Contractor agrees to pay each Subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime Contractor receives from the City. The prime Contractor further agrees to return retainage payments to each Subcontractor within seven (7) days after the Subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval from the City. This clause applies to both DBE and non-DBE Subcontractors.”*

### **(§26.31) Directory**

The City has adopted the Arizona Disadvantaged Business Enterprise Program database 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. This directory is kept current by the State and is available at the following URL address:

<https://utracs.azdot.gov/Search>



### **(§26.33) Over-concentration**

The City has not identified that overconcentration exists in the types of work that DBEs perform.

### **(§26.35) DBE Business Development Programs**

While the City as a whole has not established a DBE business development program, this Disadvantaged Business Enterprise program applicable to the Airport and federally assisted projects has been established.

### **(§26.37) Monitoring Responsibilities**

The City implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in The City's DBE program.

The City actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

#### Monitoring Payments to DBEs and Non-DBEs

The City undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

- The City will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.
- The City will have a full-time on-site Resident Project Representative (RPR) that will monitor the contractor invoicing and payments, along with on-site observation of construction activities.

The City requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the City's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by an authorized representative of the City or DOT. This reporting requirements extends to all subcontractors, both DBE and non-DBE.

The City proactively reviews contract payments to subcontractors including DBEs quarterly. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reports to the City by the prime contractor.

#### Prompt Payment Dispute Resolution

The City will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

- In-person meetings between prime and sub, with resident project representative and project manager.
- Require written memos from both parties for justification of claims.
- Conduct an on-site investigation of work that is under question.

The City has established, as part of its DBE program, the following mechanism to ensure prompt payment and return of retainage

- A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

#### Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.

- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.



### Enforcement Actions for Noncompliance of Participants

The City will provide appropriate means to enforce the requirements of §26.29. This means include:

- Advise subcontractors of the availability of the payment and performance bond to assure payments for labor and materials in the execution of the work provided for the contract.
- Issue a stop-work order until payments are released to subcontractors.
- Other penalties for failure to comply, up to and including contract termination.

The City will actively implement the enforcement actions detailed above.

### **(§26.39) Fostering small business participation**

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

The small business element is incorporated as Attachment 8 to this DBE Program. The program elements will be actively implemented to foster small business participation. **Implementation of the small business element is required in order for the City to be considered by DOT as implementing this DBE program in good faith.**



## SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

### (§26.43) Set-asides or Quotas

The City will not use quotas for DBEs on DOT-assisted contracts subject to this part. The City will also not set-aside contracts for DBEs on DOT-assisted contracts subject to this part, except that, in limited and extreme circumstances, the City may use set-asides when no other method could be reasonably expected to redress egregious instances of discrimination.

### (§26.45) Overall Goals

The City will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), the City will submit its Overall Three-year DBE goal by August 1<sup>st</sup> of the year in which the goal is due, as required by the schedule established by and posted to the website of the FAA:

[https://www.faa.gov/about/office\\_org/headquarters\\_offices/acr/bus\\_ent\\_program/media/DBE%20and%20ACDBE%20Reporting%20Requirements%20for%20Airport%20Grant%20Recipients.pdf](https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/media/DBE%20and%20ACDBE%20Reporting%20Requirements%20for%20Airport%20Grant%20Recipients.pdf)

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

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. The City will use DBE Directory information and Census Bureau Data as a method to determine the base figure. The City understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past competitiveness of DBEs on contracts. The City will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the City’s market.

In establishing the overall goal, the City will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by the City to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before the City is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which the City engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.



In addition to the consultation described above, the City will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on the City's official internet web site and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the FAA, the revised goal will be posted on the official internet web site.

The public will also be informed that the proposed overall goal and its rationale are available for inspection during normal business hours at the principal office of the City. This notice will provide that the City and FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. **The public comment period will not extend the August 1<sup>st</sup> deadline.**

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

The City will begin using the overall goal on October 1 of the relevant period, unless other instructions from the FAA have been received.

#### Project Goals

If permitted or required by the FAA Administrator, an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

#### Prior Operating Administration Concurrence

The City understands that prior FAA concurrence with the overall goal is not required. However, if the City's review suggests that the overall goal has not been correctly calculated or that the method employed by the City for calculating goals is inadequate, the FAA may, after consulting with the City, adjust the overall goal or require that the goal be adjusted by the City. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.9.

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

#### **(§26.47) Failure to Meet Overall Goals**

The City cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless the City fails to administer its DBE program in good faith.

The City understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

The City understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:



- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;
- (3) The City will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to the FAA upon request.

**(§26.51) Means Recipients Use to Meet Overall Goals**

**Breakout of Estimated Race-Neutral & Race-Conscious Participation**

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

Race-neutral means include, but are not limited to the following:

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
- (2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
- (3) Providing technical assistance and other services;
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- (5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
- (6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- (7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
- (8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

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



### Contract Goals

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order to meet the overall goal.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established 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).

Contract goals will be expressed as a percentage of the Federal share of a DOT-assisted contract.

### **(§26.53) Good Faith Efforts Procedures in Situations where there are Contract Goals**

#### Award of Contracts with a DBE Contract Goal (a)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, the City will not award the contract to a bidder who does not either:

- 1) Meet the contract goal with verified, countable DBE participation; or
- 2) Document it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

#### Evaluation of good faith efforts (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 40 CFR Part 26.

The 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 as responsive.

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

Examples of good faith efforts are found in this document in Attachment 6 – Guidance Concerning Good Faith Efforts.

#### Information to be submitted (b)

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

Each solicitation for which a contract goal has been established will require the bidders/offerors 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 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 participating in the contract as provided in the prime contractor's commitment
- 6) If the contract goal is not met, evidence of good faith efforts. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract
- 7) The bidder/offeror will be required to present the information stipulated in this section:
- 8) Responsiveness

Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures;



Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by this section before the final selection for the contract is made by the recipient.

Administrative reconsideration (d)

Within ten (10) business days of being informed by the City that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Name: Rick Miller  
City Manager  
Address: 130 W. Central Ave Coolidge, AZ 85128  
Phone: (520) 723-5361  
Email: rmiller@coolidgeaz.com

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issues 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. The City will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract (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. The City will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the City 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, or 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.

Sample Bid Specification

The City will include the following clause in each Request for Bids or Request for Qualifications (RFQ) for any DOT-assisted prime contract that includes a contract goal:

*“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 of Coolidge 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 \_\_\_ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), 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 (5) if the contract goal is not met, evidence of good faith efforts."*

**(§26.55) Counting DBE Participation**

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



## SUBPART D – CERTIFICATION STANDARDS

### (§26.61-26.73) Certification Process

The City relies upon the Arizona Department of Transportation's Arizona Unified Certification Program (UCP) certification process and accept only firms certified under their jurisdiction as eligible for consideration on Coolidge Municipal Airport projects.

#### General Criteria for DBE Certification

In order for a business to be considered for Arizona Department of Transportation DBE certification, the business must meet the following general guidelines:

*Social and Economic Disadvantage:* A disadvantaged owner must be a U.S. Citizen (or resident alien) and meet the federal definition of socially and economically disadvantaged as defined in 49 CFR Part 26.67. Presumptive groups include women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian-Americans, or other minorities found to be disadvantaged by the regulations or any individual found to be socially and economically disadvantaged on a case-by-case basis.

*Personal Net Worth:* Only disadvantaged persons having a personal net worth (PNW) of less than \$1,320,000 can be considered as a potential qualified DBE. Items excluded from a person's net worth calculation include an individual's ownership interest in the applicant firm and his or her equity in their primary residence.

*Business Size Standard:* A firm (including affiliates) must be a small business as defined by the Small Business Administration (SBA). It must not have annual gross receipts over \$23,980,000 in the previous three fiscal years (\$52,470,000 for airport concessions in general with some exceptions). Depending on the type of work the business performs, other size standards may apply.

*Ownership:* Must be a for-profit small business concern where socially and economically disadvantaged individuals own at least 51% interest, control management AND daily business operations.

*Independence:* The business must not be affiliated to another firm in such a way as to compromise its independence and control. These include, but are not limited to, such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.

*Management and Control:* The socially and economically DBE owner(s) must possess the power to direct or cause the direction to the management and policies of the firm and to make day-to-day decisions, as well as long-term decisions on matter of management, policy and operations

To apply for DBE certification through the Arizona Department of Transportation web site, firms may use the following link:

<https://adot.dbesystem.com/?TN=adot>

For information about the ADOT DBE certification process or to apply for certification, firms may contact:

Jamie Geist  
(602) 712-7761  
[Jgeist2@azdot.gov](mailto:Jgeist2@azdot.gov)



## SUBPART E – CERTIFICATION PROCEDURES

### **(§26.81) Unified Certification Programs**

#### Arizona Unified Certification Program (UCP)

The Arizona UCP has been established to facilitate statewide DBE certification. The UCP eliminates the need for DBE applicant businesses to obtain certification from multiple agencies, and provides reciprocity within Arizona. The Arizona Department of Transportation, City of Phoenix, and the City of Tucson are members of the Arizona UCP. The official UCP DBE database includes DBE firms certified by these three agencies. Bidders who are meeting goals on FAA contracts being let by other in-state entities can only use the DBEs certified by the Arizona UCP.

The City utilizes the Arizona UCP, which will meet all of the requirements of this section.



## SUBPART F – COMPLIANCE AND ENFORCEMENT

### **(§26.109) Information, Confidentiality, Cooperation**

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

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

#### Monitoring Payments to DBEs

The City 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, the Airport, or DOT. This reporting requirement also extends to any certified DBE subcontractor.

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

### **Section 26.101 Compliance Procedures Applicable to [Recipient]**

The City understands that if it fails to comply with any requirement of this part, The City may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

### **Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation**

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

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

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The City, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. [Recipient] understands that it is in noncompliance with Part 26 if it violates this prohibition.



## ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26 website link
Attachment 2	Organizational Chart
Attachment 3	Bidder's List Collection Form
Attachment 4	DBE Directory or link to DBE Directory
Attachment 5	Overall Goal Calculations
Attachment 6	Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2
Attachment 7	DBE Monitoring and Enforcement Mechanisms
Attachment 8	Small Business Element Program



# ATTACHMENT 1

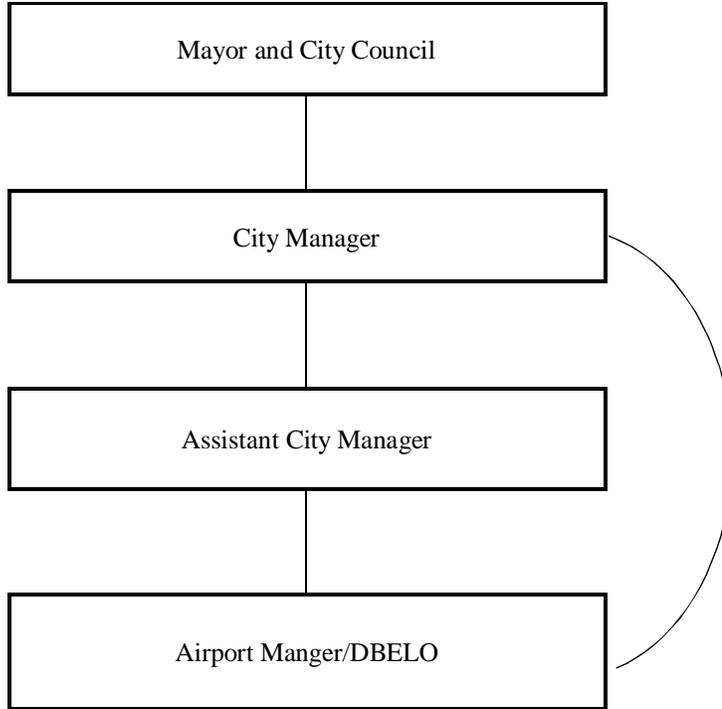
## Regulations: 49 CFR Part 26

<https://www.ecfr.gov/cgi-bin/text-idx?SID=53cd5c89e0e9bdcfc93bae3ae3efb10c&mc=true&node=pt49.1.26&rgn=div5>



# ATTACHMENT 2

## Organizational Chart



# ATTACHMENT 3

## Bidder's List Collection Form

### BIDDER'S DBE IDENTIFICATION FORM

Owner is required to obtain the following information from each Bidder at time of bid submittal, creating an obligation for the Bidder to provide such information.

**TO BE COMPLETED BY AND FOR BIDDER ONLY (NOT SUBCONTRACTORS)**

Name of Bidder's Firm: \_\_\_\_\_

Bidder Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

At time of IFB submittal, Bidder  is OR  is not a certified DBE

*DBE is defined as a small business concern that has successfully completed a DBE certification process and been granted DBE status by the Arizona Unified Certification Program or by a U.S. Department of Transportation (USDOT) recognized agency who certifies DBE applicants pursuant to the criteria contained in 49 CFR Part 26.*

Age of Bidder's Firm:  Less than 1 year  
 1 – 3 years  
 4 – 7 years  
 8 – 10 years  
 More than 10 years

Annual Gross Receipts of Bidder's Firm:  Less than \$500,000.00  
 \$500,000.00 - \$1,000,000.00  
 \$1,000,001.00 - \$2,000,000.00  
 \$2,000,001.00 - \$5,000,000.00  
 Greater than \$5,000,000.00

**I DECLARE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, AND ANY OTHER APPLICABLE STATE OF FEDERAL LAWS, THE STATEMENTS MADE ON THIS DOCUMENT ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.**

SIGNED AND DATED this \_\_\_\_\_ day of \_\_\_\_\_, 201\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_



# ATTACHMENT 4

Arizona DBE Directory

<https://utracs.azdot.gov/Search>



# ATTACHMENT 5

**Overall DBE/SBE Three-Year Goal Methodology**  
Fiscal Years 2020-2022  
COOLIDGE MUNICIPAL AIRPORT  
Coolidge, Arizona

<b>DOT-assisted contract amount:</b>	FY-2020	\$ <u>400,000.00</u>
	FY-2021	\$ <u>1,450,000.00</u>
	FY-2022	\$ <u>6,470,000.00</u>
	<b>Total</b>	<b>\$ <u>8,320,000.00</u></b>

**Overall Three-Year Goal: 7.34 %**

**Total dollar amount to be expended on DBE/SBEs: \$ 610,688.00**

**Describe the Number and Type of Contracts that the airport anticipates awarding:**

Contracts Fiscal Year #1

1. Reconstruct Runway 5-23 (Civil) - *This project will be fully funded by the FAA supplemental funding grant*
2. Reconstruct Runway 5-23 (Elect) - *This project will be fully funded by the FAA supplemental funding grant*
3. Airport Master Plan Study - *\$400,000.00*

Contracts Fiscal Year #2

1. Design Taxiway A3 - *\$150,000.00*
2. Reconstruct Taxiway A3 - *\$1,300,000.00*

Contracts Fiscal Year #3

1. Design Security Fencing and Apron - *\$300,000*
2. Construct Security Fencing - *\$670,000*
3. Reconstruct Apron - *\$5,500,000*

**Market Area:** Maricopa County, Pinal County, Pima County



## STEP 1

### Determining a base figure for the relative availability of DBE/SBEs

$$\left[ PW_a \frac{DBE_a}{nDBE_a} + PW_b \frac{DBE_b}{nDBE_b} + PW_c \frac{DBE_c}{nDBE_c} + PW_d \frac{DBE_d}{nDBE_d} \right] \times 100 = \text{Base Value}$$

Where:

$PW_x$  are relative percentages of distribution of DOT-assisted contracts for each of the Work Classification groups

$DBE_x$  are the number of DBE/SBE firms in each Work Classification

$nDBE_x$  are the number of non-DBE/SBE firms in each Work Classification

#### Step 1a. Determining $PW_x$

To determine the relative percentages of distribution of DOT-assisted contracts for each of the Work Classification groups first we must identify the different work classifications. The Arizona Department of Transportation’s 2020-2024 Tentative Five-Year Transportation Facilities Construction Plan – Airport Capital Improvement Program (ACIP) indicates the types of projects during the time frame of this Program at the Coolidge Municipal Airport (see end of this section). The projects will be broken out as follows:

- a) Professional Services
- b) Airfield Lighting and Electrical Construction
- c) Paving and Grading Construction
- d) Security Fencing Construction

The result of these calculations are summarized in **Table 1**:

Table 1 Percentages of Anticipated Work Classifications					
Fiscal Year	Work Classifications	Programmed Amount	Percentage of Work ( $PW_x$ )		Weighted Percentage
2020	a) Professional Services	\$ 400,000	$PW_a$	100 %	5%
2021	a) Professional Services	\$ 150,000	$PW_a$	10.34 %	17%
	b) Airfield Lighting and Electrical Construction	\$ 200,000	$PW_b$	13.79 %	
	c) Paving and Grading Construction	\$ 1,100,000	$PW_c$	75.86 %	
2022	a) Professional Services	\$ 300,000	$PW_a$	4.64 %	88%
	c) Paving and Grading Construction	\$ 5,500,000	$PW_c$	85.01 %	
	d) Security Fencing Construction	\$ 670,000	$PW_d$	10.36 %	
	<b>Total</b>	<b>\$ 8,320,000</b>			<b>100%</b>

#### Step 1b. Determining $DBE_x$ and $nDBE_x$

To determine the number of DBE and non-DBE firms in each work classification first we must identify the number of properly licensed contractors. The Arizona Registrar of Contractors maintains a list of all state-licensed contractors, including the type(s) of licenses they hold. DBE contractors are included on that list. In order to qualify as a “ready and willing” DBE contractor, the firm must be both certified as a DBE and be appropriately licensed.



The various work classifications were broken down by NAICS codes, as a convenient method to arrive at a realistic weighted goal. **Table 2** shown below illustrates the general breakdown by license required of the work in each of the Work Classifications identified in **Table 1**.

<b>Table 2 Required Contractor Licensing (Prime and Subcontractors) and NAICS Coding</b>		
Work Classifications	Required License Classes	NAICS Codes
a) Professional Services	Arizona P.E.; Arizona R.L.S.; Appropriate Business LLC.	541320 – Landscape Architectural Services 541330 – Engineering Services 541370 – Surveying and Mapping 541380 – Testing Laboratories
b) Airfield Lighting and Electrical Construction	A-17	237130 – Power and Communication Line 238210 – Electrical Contractors
c) Paving and Grading Construction	A-17, C-11, A, KA, A-5, A-14, A-15, C-14	212319 – Other Crushed and Broken Stone Mining 212321 – Construction Sand and Gravel Mining 237110 – Water and Sewer Line 237310 – Highway, Street, and Bridge 237990 – Other Heavy and Civil Engineering Const. 238110 – Poured Concrete Foundation and Structure
d) Security Fencing Construction	K-14, L-14	238990 – Specialty trade work

The Arizona Registrar of Contractors – List of Licensed Contractors, June 28, 2019 database of currently licensed contractors was used to determine the total number of qualified contractors who are appropriately licensed within the State in each of the work categories that may be included in future. There are currently 39,847 active contractor licenses listed in the database (many contractors hold multiple license classes). Of this total number, it was estimated that there are 8,331 commercial contractors, and of that number 3,136 active licenses that fall into the selected commercial construction Work Classifications used in this analysis.

Construction projects in the Coolidge area typically attract qualified bidders from around the State of Arizona. The State of Arizona has been identified as the geographic region from which prospective bidders will come, and the certified DBE Directory from the Arizona Department of Transportation was used as a resource to determine the numbers and types of DBE contractors who are available in the area. There are a total of 774 certified DBEs included on the list. It is estimated that that 201 of these companies fall into the construction Work Classifications used in this analysis.

Each of the construction projects will also require the services of qualified engineers, architects, and planners, and may require the services of other professionals. The membership directory of the American Council of Engineering Companies (ACEC) of Arizona was used as a sample to approximate the ratio of total engineering firms to DBE firms who are active in the state. A search of the ACEC database indicates that there are a total of 167 member firms. Of those firms, 25 are listed as DBE, WBE, or MBE businesses. **Table 3** shown below is a summary of the ratio of DBE engineering consultants to total engineering consultants in Arizona.

<b>Table 3 Ratio of DBE/SBE to Total Number of Consulting Firms</b>		
Type of Firm	Number	Percentage
Non-DBE/MBE/WBE Firms	167	86.98 %
Arizona Certified DBE/MBE/WBE Firms	25	13.02 %
Total	192	100.0 %

Source: Arizona Contractors Registrar – April 18, 2019



**Table 4** is a summary of the Arizona DBE/SBE and non-DBE/SBE contractors and consultants, grouped by the two general work Classifications used in this analysis.

<b>Table 4 Arizona Licenses by Class</b>			
Work Classifications	Total	Non-DBE Firms <i>nDBE<sub>x</sub></i>	DBE Firms <i>DBE<sub>x</sub></i>
a) Professional Services <sup>2</sup>	192	167	25
b) Airfield Lighting and Electrical Construction <sup>1</sup>	2,376	2,342	34
c) Paving and Grading Construction <sup>1</sup>	2,672	2,584	88
d) Security Fencing Construction <sup>1</sup>	127	98	29
<b>Total</b>	<b>5,367</b>	<b>5,191</b>	<b>176</b>

<sup>1</sup>Arizona Registrar of Contractors – List of Licensed Contractors, April 18, 2019

<sup>2</sup>American Council of Engineering Companies (ACEC) of Arizona, April 18, 2019

**Step 1c. Calculate Base Value**

$$\left[ PW_a \frac{DBE_a}{nDBE_a} + PW_b \frac{DBE_b}{nDBE_b} + PW_c \frac{DBE_c}{nDBE_c} + PW_d \frac{DBE_d}{nDBE_d} \right] \times 100 = \text{Base Value}$$

Where:

*PW<sub>x</sub>* are relative percentages of distribution of DOT-assisted contracts for each of the Work Classification groups

*DBE<sub>x</sub>* are the number of DBE firms in each Work Classification

*nDBE<sub>a</sub>* are the number of non-DBE firms in each Work Classification

<b>Table 5 Yearly DBE/SBE Goal Utilization</b>		
Year	Formula	DBE/SBE Goal Utilization
2020	$\left[ 100\% \frac{25}{167} + 0\% \frac{34}{2,342} + 0\% \frac{88}{2,584} + 0\% \frac{29}{98} \right] \times 100$	14.97%
2021	$\left[ 10.34\% \frac{25}{167} + 13.79\% \frac{34}{2,342} + 75.86\% \frac{88}{2,584} + 0\% \frac{29}{98} \right] \times 100$	4.33%
2022	$\left[ 4.64\% \frac{25}{167} + 84.01\% \frac{88}{2,584} + 0\% \frac{88}{2,584} + 10.36\% \frac{29}{98} \right] \times 100$	6.66%

**Step 1d. Calculate Three-Year Weighted Base Value**

$$2020(\text{Weighted}) + 2021(\text{Weighted}) + 2022(\text{Weighted}) = \text{Three Year Weighted Base Value}$$

$$14.97\%(5\%) + 4.33\%(17\%) + 6.66\%(88\%) = \boxed{7.34\%}$$



**STEP 2**  
**Determining if an Adjustment to the Base Value is Necessary**

According to 49 CFR Part 26, the base figure identified in Step 1 may be adjusted to more accurately reflect the local economic climate of a given market or to take historical DBE participation into consideration. Some areas may have more DBE firms readily available and willing to participate than others.

No evidence was found that indicated that an adjustment of the calculated base value is required.

**STEP 3**  
**Public Participation**

In establishing the overall goal, the City provided for consultation and publication. This process included consultation with minority, women's, and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City's efforts to establish a level playing field for the participation of DBEs. The consultation included a scheduled, direct, interactive exchange with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and was conducted before the goal methodology was submitted to the operating administration for review. Details of the consultation are as follows.

The consultation engaged in was a teleconference, which was held on July 19, 2019.

The following comments were received during the course of the consultation:

No comments were received

A notice of the proposed goal was published on the City's official before the methodology was submitted to the FAA Office of Civil Rights.

Prior to the consultation, a notice was published on the City of Coolidge website regarding the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City's offices for 30 days following the date of the notice, and informing the public that the City will accept comments on the goals for 30 days from the date of the notice.

If the proposed goal changes following review by FAA Office of Civil Rights, the revised goal will be posted on The City of Coolidge's official website.

Notwithstanding paragraph (f)(4) of §26.45, the City's proposed goals will not be implemented until this requirement has been met.

See following page for Public Notice that was posted and sent out prior to the public consultation.



## PUBLIC NOTICE

The Coolidge Municipal Airport by way of the City of Coolidge hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 7.34%% for ADOT-funded contracts/agreements. The proposed goal pertains to federal fiscal years 2020 through 2022. A teleconference will be held on July 19, 2019 for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process.

Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

**James Myers**

Coolidge Municipal Airport Manager  
131 W Pinkely Ave  
Coolidge, AZ 85128  
Phone: (520) 723-6075  
Fax: (520) 723-6079  
Email: [jamesm@coolidgeaz.com](mailto:jamesm@coolidgeaz.com)

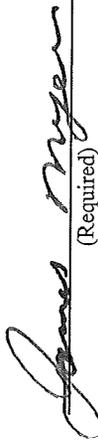
AND

**Alexander Horton**

DBE/ACDBE Compliance Specialist, Eastern Region & Arizona  
Office of Civil Rights – ACR-4  
Federal Aviation Administration  
Phone: 954-641-6637  
Email: [alexander.horton@faa.gov](mailto:alexander.horton@faa.gov)



**Federal Aviation Administration and Arizona Department of Transportation  
2020 Five-Year Capital Improvement Program  
Project Request Data Sheet**

Airport Name: Coolidge Municipal Airport      Sponsor Signature:  (Required)      Date: 12/5/2018      8:23:42AM

<u>Fiscal Year</u>	<u>Project Identifier</u>	<u>Project Category</u>	<u>Project Total Amount</u>	<u>Project Component</u>	Project shown on approved ALP? Phase Project? FSL Pavement Maintenance Prj.? Environmental Review Status?
2020	20-1	Federal, State, and Local	\$1,165,000 Construct. Rwy 5-23 vertical/visual guidance system, PAPI/REIL, electrical vault upgrade and MIRLS  Conform to FAA design & safety standards for type of aircraft that could potentially use airport	Runways:Rehabilitate Runway <Lighting/Electrical Vault>  Runways:Rehabilitate Runway - Reconstruct Recon. Rwy 5-23 (Approx. 150 ft x 5,560 ft) (Constr. only)	Y N N CatEx
2020	20-2	Federal, State, and Local	\$8,300,000 Conform to FAA safety standards to develop & maintain facilities that safely & efficiently serve GA users to encourage increased airport use.	Runways:Rehabilitate Runway - Reconstruct Recon. Rwy 5-23 (Approx. 150 ft x 5,560 ft) (Constr. only)	Y Y Y CatEx
2021	21-1	Federal, State, and Local	\$150,000 Design Twy A3 approx. 35 ft x 450 ft, Twy A approx. 50 ft x 1500 ft  Create better access from B twys to A twys that serve Rwy 5-23, also create an alternate route for aircraft to taxi instead of on the apron which will open up more tie down areas for rent.	Taxiways:Construct Taxiway [Includes Relocation]  Twy A approx. 35 ft x 450 ft, Twy A approx. 50 ft x 1500 ft	Y Y Y CatEx
2022	22-1	Federal, State, and Local	\$1,300,000 Construct Twy A3 approx. 35 ft x 450 ft, Twy A approx. 50 ft x 1500 ft  Create better access from B twys to A twys that serve Rwy 5, also create an alternate route for aircraft to taxi instead of on apron which will open up more tie down areas for rent.	Taxiways:Construct Taxiway [Includes Relocation]  Twy A approx. 35 ft x 450 ft, Twy A approx. 50 ft x 1500 ft	Y Y Y CatEx

**Federal Aviation Administration and Arizona Department of Transportation  
2020 Five-Year Capital Improvement Program  
Project Request Data Sheet**

Airport Name: Coolidge Municipal Airport      Sponsor Signature:       Date: 12/5/2018      8:23:42AM  
(Required)

<u>Fiscal Year</u>	<u>Project Map Identifier</u>	<u>Project Category</u>	<u>Project Total Amount</u>	<u>Project Component</u>
2023	23-1	Federal, State, and Local	\$400,000  <b>Description:</b> Master Plan Update including ALLP Update.  <b>Justification:</b> Last Master Plan Update was in 2010..	Project shown on approved ALP? N Phase Project? N FSL Pavement Maintenance Prj.?: N Environmental Review Status? N/A
2024	24-2	State and Local	\$670,000  <b>Description:</b> Design/Construct security and wildlife deterrent fence on airport property perimeter  <b>Justification:</b> Keep ranchers livestock off Airport property as well as unauthorized individuals, coyotes, chupacabra, javalina & other vermin. Airport is surrounded by open range.	Project shown on approved ALP? Y Phase Project? N FSL Pavement Maintenance Prj.?: N Environmental Review Status? CatEx
2024	24-1	Federal, State, and Local	\$5,500,000  <b>Description:</b> Recon. apron.  <b>Justification:</b> 2013 PCI score was 46.	Project shown on approved ALP? Y Phase Project? N FSL Pavement Maintenance Prj.?: Y Environmental Review Status? N/A

# ATTACHMENT 6

## Forms 1 & 2 For Demonstration of Good Faith Efforts

### FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

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

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

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

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By \_\_\_\_\_  
(Signature) (Title)



**FORM 2: LETTER OF INTENT**

Name of bidder/offeror's firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm:

-----  
-----  
-----  
-----

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

**Affirmation**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By \_\_\_\_\_ (Signature) \_\_\_\_\_ (Title)

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

(Submit this page for each DBE subcontractor)



## **ATTACHMENT 7**

### **DBE Monitoring and Enforcement Mechanisms**

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

1. Breach of contract action, pursuant to the terms of the contract

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

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



# ATTACHMENT 8

## Small Business Element

### Race-Neutral vs. Race-Conscious Methods

49 CFR Part 26 requires that recipients meet the maximum feasible portion of their overall DBE goals utilizing race-neutral means. Race neutral participation includes any time that a DBE wins a contract through customary competitive procedures or is awarded a subcontract on a prime contract that does not carry a DBE goal. Race-conscious methods are those that are focused specifically on assisting only DBEs, such as establishing a contract goal of DBE participation. The airport expects to solely utilize race neutral methods to achieve its DBE participation goal of 7.96%, and does not expect to establish contract goals to achieve this goal. Some race-neutral methods that the airport will utilize are listed below:

- Encouraging large prime contractors to subcontract portions of the work that they might otherwise perform themselves and take advantage of the lower overhead of small businesses, especially in service and professional contracts.
- Encourage primes to have their uncertified, qualified and experienced subs and other small businesses to apply for DBE certification.
- Maintaining and refining the DBE database and Bidder's List for various NAICS codes qualified, experienced and willing to do airport work, and provide prime contractors with this database.
- Arrange solicitations, bid presentations, quantities, specifications, and delivery schedules that facilitate DBE and other small business participation.
- Send solicitation notices directly to various small, minority, and woman-owned trade associations and DBE distribution lists.

### (§26.39) Small Business Participation

DBEs are small businesses. Therefore, it is logical the program provisions that help small business can help DBEs. By facilitating participation for small businesses, recipients can make possible more DBE participation, and subsequent participation by additional DBE firms. The DOT believes that “a program element that pulls together the various ways that a recipient reaches out to small businesses and makes it easier for them to compete for DOT-assisted contracts will foster the objectives of the DBE program.”

The DBE Rule states that the “...DBE program must include an element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation...”. DBE Program elements must be actively implemented to foster small business participation.

In order to facilitate opportunities for race-neutral DBE participation, the City will include certified small business enterprise firms along with its DBE requirements for all Mesa-Falcon Field Airport federally assisted contracts. All references to requirements for prospective contractors and service providers to meet DBE goals will also include reference to certified small business enterprises (SBE/SBA) as qualifying classifications for meeting those goals, regardless of those firms' DBE status.

Small businesses that are recognized under federal, state, or local certification programs (i.e. Federal Small Business Administration; City of Phoenix Small Business Enterprise program, etc.) will be considered as eligible for inclusion.

