



TALLAHASSEE
INTERNATIONAL AIRPORT

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

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UNITED STATES DEPARTMENT OF TRANSPORTATION
DBE PROGRAM – 49 CFR PART 26
City of Tallahassee
for the Tallahassee International Airport, Tallahassee FL

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The City of Tallahassee (hereinafter the "City") has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT) 49 CFR Part 26. The City has received federal financial assistance from USDOT and, as a condition of receiving this assistance, the City has signed an assurance that they will comply with 49 CFR Part 26.

It is the policy of the City to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also the policy:

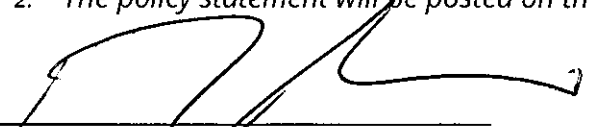
1. To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in USDOT-assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients;
7. To assist the development of firms that can compete successfully in the market place outside the DBE program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

LaTanya Raffington, Senior Coordinator, Tallahassee-Leon County Office of Economic Vitality, has been designated as the DBE Liaison Officer (DBELO). In that capacity, the Senior Coordinator 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 U.S. Department of Transportation.

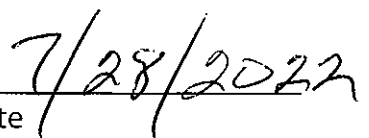
The City has disseminated this policy statement to the City Commission members, and will distribute this statement to DBE and non-DBE business communities that perform work for the Airport on USDOT-assisted contracts in the following manner:

1. *This policy statement will be prepared as a handout and made available at pre-bid conferences and/or outreach meetings conducted by the City.*

2. *The policy statement will be posted on the City's website.*



David J. Pollard, C.M., Director of Aviation



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 City of Tallahassee is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The City will adopt the definitions contained in Title 49 Subtitle A Part 26 Subpart A §26.5.

Section 26.7 Nondiscrimination 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 USDOT: 26.11(b)

The City will report DBE participation to FAA as follows:

The Airport will submit annually the *Uniform Reports of DBE Awards or Commitments and Payments*, as modified for use by FAA recipients, via FAA Civil Rights Connect (<https://faa.civilrightsconnect.com/>).

Bidders List: 26.11(c)

The City will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on USDOT-assisted contracts. The purpose of this list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors seeking to work on Federally-assisted contracts for use in establishing overall goals. The bidder list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

The City will collect this information in the following ways:

- a. Include a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts.*
- b. Include a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report the approved information directly to the City's DBELO for inclusion in the bidder's list.*
- c. Request the above information from all potential bidders who contact the Airport seeking bid information, and/or who attend pre-bid meetings, conferences, etc., at the Airport.*
- d. The City may also consider the use of the Bidders List Data Collection form, as shown in Attachment 10.*

Records retention and reporting

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

The City is a member of the Florida UCP established pursuant to § 26.81 of this part. The Florida Department of Transportation (FDOT) will report to the Department of Transportation's Office of Civil Rights, by January 1 each year, the percentage and location in the State of certified DBE firms in the UCP Directory controlled by the following:

- (1) Women;
- (2) Socially and economically disadvantaged individuals (other than women); and
- (3) Individuals who are women and are otherwise socially and economically disadvantaged individuals.

Section 26.13 Federal Financial Assistance Agreement

The City has signed the following assurances, applicable to all USDOT-assisted contracts and their administration:

Assurance: 26.13(a)

The City of Tallahassee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-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 USDOT assisted contracts. The City's DBE Program, as required by 49 CFR Part 26 and as approved by USDOT, 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 sanction 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.).

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

Contract Assurance: 26.13b

The City will ensure that the following clause is placed in every USDOT-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 USDOT-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 City 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

Section 26.21 DBE Program Updates

The City is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, the cumulative total value of which exceeds \$250,000 in FAA funds in a Federal fiscal year. The City is not eligible to receive USDOT financial assistance unless USDOT has approved this DBE program and the City is in compliance with it and Part 26. The City will continue to carry out this program until all funds from USDOT financial assistance have been expended. 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 USDOT approval.

Section 26.23 Policy Statement

The policy statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

The City has designated the following individual as its DBE Liaison Officer (DBELO):

LaTanya Raffington, Senior Coordinator
Tallahassee-Leon County Office of Economic Vitality
Minority, Women, & Small Business Enterprise (MWSBE) Division
315 S. Calhoun Street, Suite 450
Tallahassee, Florida 32301
LRaffington@OEVforBusiness.org

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 City Manager 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, along with colleagues, will administer the program. The duties and responsibilities include the following:

1. *Gathers and reports statistical data and other information as required by USDOT.*
2. *Reviews third party contracts and purchase requisitions for compliance with this program.*
3. *Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.*
4. *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.*
5. *Analyzes the City's progress toward attainment and identifies ways to improve progress.*
6. *Participates in pre-bid meetings.*
7. *Advises the City on DBE matters and achievement.*
8. *Provides DBEs with information and assistance in preparing bids, and obtaining bonding and insurance.*
9. *Determines compliance of bidders/offerors with good faith efforts in bid submittals.*
10. *Plans and participates in DBE training seminars.*
11. *Provides outreach to DBEs and community organizations to advise them of opportunities.*

Section 26.27 DBE Financial Institutions

It is the policy of the City to thoroughly 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 USDOT-assisted contracts to make use of these institutions. To date, the following institution has been identified:

FAMU Federal Credit Union
1610 South Monroe Street
Tallahassee, FL 32301
(850) 222-4541
<https://famufcu.com/>

The City will consider the services offered by this institution and refer contractors to them as noted above.

Section 26.29 Prompt Payment Mechanisms

The City requires that all subcontractors performing work on USDOT-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 has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than twenty (20) business days¹ from receipt of each payment made from the City to the prime contractor.

The City will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within twenty (20) business days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, the City has selected the following method to comply with this requirement:

The City will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within twenty (20) business days after payment to the prime contractor.

To implement this measure, the City includes the following clause from FAA Advisory Circular 150/5370-10H in each USDOT-assisted prime construction contract:

¹ <https://www.talgov.com/doingbusiness/paypolicy.aspx>

The City may hold retainage from prime Contractors and provide for prompt and regular incremental acceptances of portions of the prime contracts, pay retainage to prime Contractors based on these acceptances, and require a contract clause obligating the prime Contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within twenty (20) days after the City's payment to the prime Contractor. If Option 3 is selected, the percent withheld may range from zero percent (0%) to ten percent (10%) but in no case may it exceed ten percent (10%). When establishing a suitable retainage value that protects the City's interests, give consideration that the performance and payment bonds also provide similar protection of the City's interests. The City may elect to incrementally release retainage if the City is satisfied its interest with completion of the project are protected in an adequate manner. If Option 3 is selected, insert the following clause and specify a suitable value where indicated:

- a. From the total of the amount determined to be payable on a partial payment, ten percent (10%) of such total amount will be deducted and retained by the City for protection of the City's interests. Unless otherwise instructed by the City, the amount retained by the City will be in effect until the final payment is made except as follows:
 - (1) Contractor may request release of retainage on work that has been partially accepted by the City in accordance with Section 50-14. Contractor must provide a certified invoice to the Resident Project Representative (RPR) that supports the value of retainage held by the City for partially accepted work.
 - (2) In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account per paragraph 90-08.
- b. The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than twenty (20) days after the Contractor has received a partial payment. Contractor must provide the City evidence of prompt and full payment of retainage held by the prime Contractor to the subcontractor within twenty (20) days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the City. When the City has made an incremental acceptance of a portion of a prime contract, the work of the subcontractor covered by that acceptance is deemed to be satisfactorily completed.
- c. When at least ninety-five percent (95%) of the work has been completed to the satisfaction of the RPR, the RPR shall, at the City's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done. The City may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

The City will share information regarding required documentation for payment with subcontractors. The City will take steps to promote the timely submission by contractors of invoices for payment and will also maintain adequate internal controls to facilitate timely payment to contractors.

The City will include a clause equivalent to the following in each USDOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than twenty (20) business 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 twenty (20) business days after the subcontractor's 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 subcontracts.

Dispute Resolution: 26.29(e) (1-3)

The City requires that prime contractors insert a contract provision in their subcontracts that allows for a dispute resolution process. Pursuant to 49 CFR Part 26.29(e)(1-3), the following contract provisions will be reviewed and approved by the City:

1. A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes; and disputes between the prime contractor and DBE subcontractor may also be subject to Florida's Alternative Dispute Resolution process².
2. 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.
3. Other mechanisms, consistent with 49 CFR Part 26.29 and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

Section 26.31 Directory

The primary Disadvantaged Business Enterprise Directory for the City comes from the Florida Department of Transportation (FDOT) and contains listings of certified minority- and women-owned construction firms and material suppliers from throughout the State of Florida.

² <http://www.flcourts.org/resources-and-services/alternative-dispute-resolution/>

FDOT maintains active lists of certified disadvantaged businesses located throughout the state. Therefore, all of the firms listed in the directory have been certified by this state and in accordance with USDOT criteria. Also, the Tallahassee-Leon County Office of Economic Vitality, which maintains a list of small businesses³, may be consulted to identify potential DBE firms.

These directories should enable prime contractors for projects at the Airport to proceed more easily in their attempts to comply with overall goals regarding Disadvantaged Business Enterprises.

FDOT revises the UCP DBE Directory in real time, and the weblink may be found in Attachment 2.

Section 26.33 Overconcentration

The City has not identified that overconcentration exists in the types of work that DBEs perform. However, the DBELO will continue to monitor the various categories every three years to ensure that DBE firms are not so overconcentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate.

Section 26.35 Business Development Programs

The City has not established a business development program to assist firms in gaining the ability to compete successfully in the marketplace outside the DBE program. The DBELO will re-evaluate the need for such a program every three years.

Section 26.37 Monitoring and Enforcement Mechanisms

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 its DBE program plan.

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 will provide ongoing monitoring of prime contractor payments to subcontractors over the course of any covered contract. The City will require prime contractors to report documentation of payments to subcontractors monthly. The DBELO will review and verify

³ <https://www.talgov.com/doingbusiness/mbe.aspx>

that payments have been made and retainage has been returned to subcontractors in accordance to section 26.29.

The City will require 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 any authorized representative of the City or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

The City uses a number of DBE forms, which can be found in Attachment 3, to collect DBE information for initial project setup and for ongoing monitoring of DBE participation:

- DBE Project Compliance Review Checklist
- Listing of DBE Subcontractors
- DBE Monthly Report
- DBE Commercially Useful Function Report

The DBELO or the City's representative will conduct onsite compliance reviews of FAA-funded projects. The DBELO will review all DBE subcontracts and payments and will evaluate any DBE firms working on the project during the date of the visit. The DBELO will conduct a Commercially Useful Function (CUF) review at least once during the project for all DBEs. The DBELO will also review monthly progress reports submitted by prime contractors to determine if they are on track to meet the DBE goal. Written certification will be documented by the DBELO on the DBE Project Compliance Review Checklist form.

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.

A meeting will be scheduled with the prime contractor, subcontractor, DBELO and other appropriate Airport representative(s). Any meeting for the purpose of dispute resolution will include City representative(s) authorized to bind each interested party, including representative(s) with authorization to take enforcement action.

The City has established, as part of its DBE program, the following mechanism(s) 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.

If the prime contractor has not paid subcontractors in accordance with 26.29, the City will not reimburse the prime contractor for work performed by subcontractors until the prime contractor is in compliance with 26.29.

Prompt Payment Complaints

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

1. If affected subcontractor is not comfortable contacting the prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint.
2. If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by the City to resolve prompt payment disputes, the affected subcontractor may contact the FAA Office of Civil Rights.
3. 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. These means may include:

- *Assessing liquidated damages, in accordance with the contract, against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor;*
- *Advising subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract;*
- *Paying subcontractors directly and deducting this amount from the retainage owed to the prime contractor; and*
- *Issuing a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays, for the purposes of calculating liquidated damages, if milestones are not met.*

The City will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

The City will review contracting records and will engage in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring will be performed by the DBELO with assistance from the

Resident Project Representative. The contracting records will be reviewed by the DBELO. The City will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering Small Business Participation

The City has created an 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.

This element is included as Attachment 4. The City will actively implement the program elements to foster small business participation. Doing so is a requirement of good faith implementation of the DBE program.

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.

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

Section 26.45 Overall Goal

The City will establish an overall DBE goal covering a three-year Federal fiscal year (FY) period if it anticipates awarding USDOT/FAA-funded prime contracts, the cumulative total value of which exceeds \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f), the City will submit its overall three-year DBE goal to FAA by August 1st as required by the established schedule below:

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Non-Hub Primary	All Regions	August 1, 2021 (FY2022/2023/2024)	August 1, 2024 (FY2025/2026/2027)

The DBE goals will be established in accordance with the two-step process as specified in 49 CFR Part 26.45. If the City does not anticipate awarding DOT/FAA-funded prime contracts, the cumulative total value of which exceeds \$250,000 during any of the years within the three-year reporting period, the City will not develop an overall goal; however, this DBE

Program will remain in effect and the City will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

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

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 that 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 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 City's goal setting process, and it will occur before submitting the goal methodology to the FAA for review pursuant to paragraph (f) of this section. The City will document in the goal submission the consultation process that was utilized. Notwithstanding paragraph (f)(4) of this section, the City will not implement the proposed goal until this requirement is fulfilled.

In addition, the City will post a notice announcing the proposed overall goal before submission to the operating administration on August 1st. The notice will be posted on the City's official internet website and may be posted in any 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 website. The City will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at the DBELO's office, and that the City will accept comments on the goals for thirty (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 1st deadline.

The City's overall goal submission to USDOT will include a summary of information and comments received during this public participation process and responses, if any comments are received.

The City will begin using the overall goal on October 1 of the required year of submission, unless it has received other instructions from USDOT. If the City establishes a goal on a project basis, it will begin using the goal by the time of the first solicitation for a USDOT-assisted contract for the project.

Section 26.45 (e) - Project Goals

If permitted or required by the FAA Administrator, the City will express its overall goals 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 it 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 should 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 your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If the City establishes a goal on a project basis, the City will begin using its goal by the time of the first solicitation for a FAA-assisted contract for the project.

Section 26.45(f)(4) - Prior Operating Administration Concurrence

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

Section 26.47 Goal Setting and Accountability

The City cannot be penalized, or treated by USDOT as being in noncompliance with this rule, because DBE participation falls short of the overall goal, unless the City has failed to administer the program in good faith.

If the awards and commitments shown on the City's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, the Airport will do the following in order to be regarded by USDOT as implementing the DBE program in good faith:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;

2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Prepare, within ninety (90) days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. The City will retain a copy of the analysis and corrective actions in its records for a minimum of three (3) years and will make it available to FAA upon request.

Section 26.49 Transit Vehicle Manufacturers' Goals

N/A

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 6 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 it 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 overall goal that is not projected to be met through the use of race-neutral means.

The City will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The City needs 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).

The City will express its contract goals as a percentage of the total share of a USDOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

In cases where a contract goal has been established, the award of the contract in question will only be to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting

the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to 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 committing to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

In its solicitations for USDOT/FAA-assisted contracts for which a contract goal has been established, the City will require the following:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the City, at the time provided in paragraph (b)(3) of this section:
 - (i) The names and addresses of DBE firms that will participate in the contract;
 - (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a North American Industry Classification System (NAICS) code applicable to the kind of work the firm would perform on the contract;
 - (iii) The dollar amount of the participation of each DBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
 - (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; and
 - (vi) If the contract goal is not met, evidence of good faith efforts as described in Appendix A of 49 CFR Part 26). 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; and
- (3) The City will require that the bidder/offeror present the information required by paragraph (b)(2) of this section under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.

This information will be collected using the forms found in Attachment 7.

Administrative reconsideration (26.53(d))

Within seven (7) days of being informed by the City that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative

reconsideration. Bidders should make this request in writing to the following reconsideration official:

Darryl Jones, Deputy Director
Tallahassee-Leon County Office of Economic Vitality
Minority, Women, & Small Business Enterprise (MWSBE) Division
315 S. Calhoun Street, Suite 450
Tallahassee, FL 32301
djones@oevforbusiness.org

The reconsideration official will not have played any role in the original determination that the bidder 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 the City's administrative 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 USDOT.

Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g)(j))

The City will include a clause equivalent to the following in each prime contract a provision stating:

The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the City's written consent as provided in this paragraph 26.53(f); and

That, unless the City's consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The City will require the contractor that is awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this part's provisions.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

The City requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without the City's prior written consent. Prior written

consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

In those instances where "good cause" exists to terminate a DBE's contract, the City will require the prime 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 prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. The City will provide such written consent only if the City agrees, for reasons stated in a concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements.
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) The City has determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to the City written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (10) Other documented good cause that the City has determined compels the termination of the DBE subcontractor; provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the

prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting its request to the City to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the City, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five (5) days to respond to the prime contractor's notice and advise the City and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the City should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the City may provide a response period shorter than five (5) days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

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. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that the City established for the procurement. The good faith efforts shall be documented by the contractor. If the City requests documentation from the contractor under this provision, the contractor shall submit the documentation within seven (7) days, which may be extended for an additional seven (7) days if necessary at the request of the contractor, and the City shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

The City will include in each prime contract the contract clause required by § 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract; and may result in the termination of the contract or such other remedies set forth in that section that the City deem appropriate if the prime contractor fails to comply with the requirements of this section.

If the contractor fails or refuses to comply in the time specified, the City's 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 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 Tallahassee 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, 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

DBE participation will be counted toward overall and contract goals as provided in §26.55. The participation of a DBE subcontractor will not be counted 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.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in §26.87(j).

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE certification and credit on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City will use the certification standards of Subpart D of Part 26 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. The City will make its certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

LaTanya Raffington, Senior Coordinator
Tallahassee-Leon County Office of Economic Vitality
Minority, Women, & Small Business Enterprise (MWSBE) Division
315 S. Calhoun Street, Suite 450
Tallahassee, Florida 32301
LRaffington@OEVforBusiness.org

A link to the certification application forms and documentation requirements is found in Attachment 8 of this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The City is a certifying member of the Florida Unified Certification Program (UCP) administered by the Florida Department of Transportation. The City's certification staff, as part of the UCP, will meet all of the requirements of this section. The UCP uses the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in USDOT/FAA-assisted contracts. Under the UCP Program, there are ten (10) certifying members as follows:

1. Broward County Office of Economic and Small Business Development
2. City of Tallahassee
3. Florida Department of Transportation (FDOT)
4. Greater Orlando City Office of Small Business Development
5. Hillsborough County City
6. Jacksonville Transportation Authority
7. Key West International & Florida Keys Marathon Airports
8. Lee County Port Authority
9. Miami-Dade County Business Support Services
10. Volusia Transit Authority

To be certified as a DBE, a firm must meet all certification eligibility standards.

Section 26.83 Procedures for Certification Decisions

The City will ensure that only firms certified as eligible DBEs under this section participate as DBEs in its DBE program. The City will take the required steps outlined in 26.83(c) in determining whether a DBE firm meets the standards of subpart D of this part.

Once a DBE has been certified by the City, it shall remain certified until and unless the City removes its certification, in whole or in part, through the procedures of §26.87 of this part, except as provided in §26.67(b)(1) of this part.

The City will not require DBEs to reapply for certification or undergo a recertification process. However, the City may conduct a certification review of a certified DBE firm, including a new onsite review, if appropriate in light of changed circumstances (e.g., of the kind requiring notice under paragraph (i) of this section or relating to suspension of certification under §26.88), a complaint, or other information concerning the firm's eligibility. If information comes to the attention of the City that leads it to question the firm's eligibility, the City may conduct an onsite review on an unannounced basis, at the firm's offices and job sites.

Annual Affidavits and Notices of Change (26.83(j))

The City and the Florida UCP require all DBEs, every year on the anniversary of the date of the DBE's certification, to inform them 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 firm's application for certification.

All certified DBEs are required to submit, on the anniversary date of their certification, an annual affidavit meeting the requirements of 26.83(j). The text of this affidavit is below:

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 Florida UCP 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 the current SBA limit.

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

The City and Florida UCP will notify all currently certified DBE firms of these obligations prior to their renewal by mail. This notification will inform DBEs that to submit the annual affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. In like manner, 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.

Section 26.85 Interstate Certification

As of January 1, 2012, the City and the Florida UCP accept DBE certifications obtained by DBEs in their home states, unless they find good cause not to accept them. If the City and Florida UCP find good cause not to accept the certification of a DBE in its home state, the Florida UCP will follow the procedures as outlined in Section 26.85.

Section 26.86 Denials of Initial Requests for Certification

If the City or Florida UCP denies a firm's application or decertifies it, the denying entity will provide the firm a written explanation for the reasons for the denial, and that firm may not reapply for certification until six (6) months have passed from that action. The time period for reapplication begins to run on the date the explanation required by paragraph (a) of §26.86 is received by the firm. If an applicant appeals this decision to USDOT pursuant to §26.89, such an appeal does not extend the waiting period.

Section 26.87 Removal of a DBE's Eligibility

In the event the City proposes to remove a DBE's certification, the City will follow procedures consistent with 26.87. To ensure separation of functions in a de-certification, the City has determined that a Hearing Officer appointed by the Florida UCP will serve as the decision-maker in de-certification proceedings. The City has established an administrative "firewall" to ensure that the Hearing Officer will not have participated in any way in the de-certification proceeding against the firm (including in the decision to initiate such a proceeding).

Section 26.88 Summary Suspension of Certification

The City shall follow the procedures consistent with 26.88 of this Part regarding suspending a DBEs certification.

The City shall immediately suspend a DBE's certification without adhering to the requirements in §26.87(d) of this part when an individual owner whose ownership and control of the firm are necessary to the firm's certification dies or is incarcerated.

The City will immediately suspend a DBE's certification without adhering to the requirements in §26.87(d) when there is adequate evidence to believe that there has been a material

change in circumstances that may affect the eligibility of the DBE firm to remain certified, or when the DBE fails to notify the recipient or UCP in writing of any material change in circumstances as required by §26.83(i) of this part or fails to timely file an affidavit of no change under §26.83(j).

When a firm is suspended pursuant to §26.88 (a) or (b), the City will immediately notify the DBE of the suspension by certified mail, return receipt requested, to the last known address of the owner(s) of the DBE. Suspension is a temporary status of ineligibility pending an expedited show cause hearing/proceeding under §26.87 of this part to determine whether the DBE is eligible to participate in the program and consequently should be removed. The suspension takes effect when the DBE receives, or is deemed to have received, the Notice of Suspension.

While suspended, the DBE may not be considered to meet a contract goal on a new contract, and any work it does on a contract received during the suspension shall not be counted toward a recipient's overall goal. The DBE may continue to perform under an existing contract executed before the DBE received a Notice of Suspension and may be counted toward the contract goal during the period of suspension as long as the DBE is performing a Commercially Useful Function under the existing contract.

Following receipt of the Notice of Suspension, if the DBE believes it is no longer eligible, it may voluntarily withdraw from the program, in which case no further action is required. If the DBE believes that its eligibility should be reinstated, it must provide to the City information demonstrating that the firm is eligible notwithstanding its changed circumstances. Within thirty (30) days of receiving this information, the City will either lift the suspension and reinstate the firm's certification or commence a decertification action under §26.87 of this part. If the City commences a decertification proceeding, the suspension remains in effect during the proceeding. The decision to immediately suspend a DBE under paragraph §26.88 (a) or (b) is not appealable to the USDOT.

The failure of the City to either lift the suspension and reinstate the firm or commence a decertification proceeding, as required by paragraph (g) of this section, is appealable to the USDOT under §26.89 of this part, as a constructive decertification.

Section 26.89 Certification Appeals

Any firm or complainant that is denied certification or whose eligibility is removed by the City may appeal the decision in a certification matter to USDOT. Such appeals may be sent to:

US Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Ave. SE
Washington DC 20590-0001

The City and Florida UCP will promptly implement any USDOT certification appeal decisions affecting the eligibility of DBEs for USDOT-assisted contracting.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to the City

The City understands that if it fails to comply with any requirement of this part, it 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

Information that may reasonably be regarded as confidential business information, consistent with federal, state, and local laws concerning freedom of information and privacy, 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 USDOT 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 USDOT'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 USDOT 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, a 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.

Monitoring Payments to DBEs

The City will require prime contractors to maintain records and documents of payments to DBEs for three (3) 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 USDOT. 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 states in the schedule of DBE participation.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Fostering Small Business Participation
Attachment 5	Overall Goal Calculation
Attachment 6	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 7	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 8	Certification Application Forms
Attachment 9	Regulations: 49 CFR Part 26
Attachment 10	Bidders List Data Form

Attachment 1

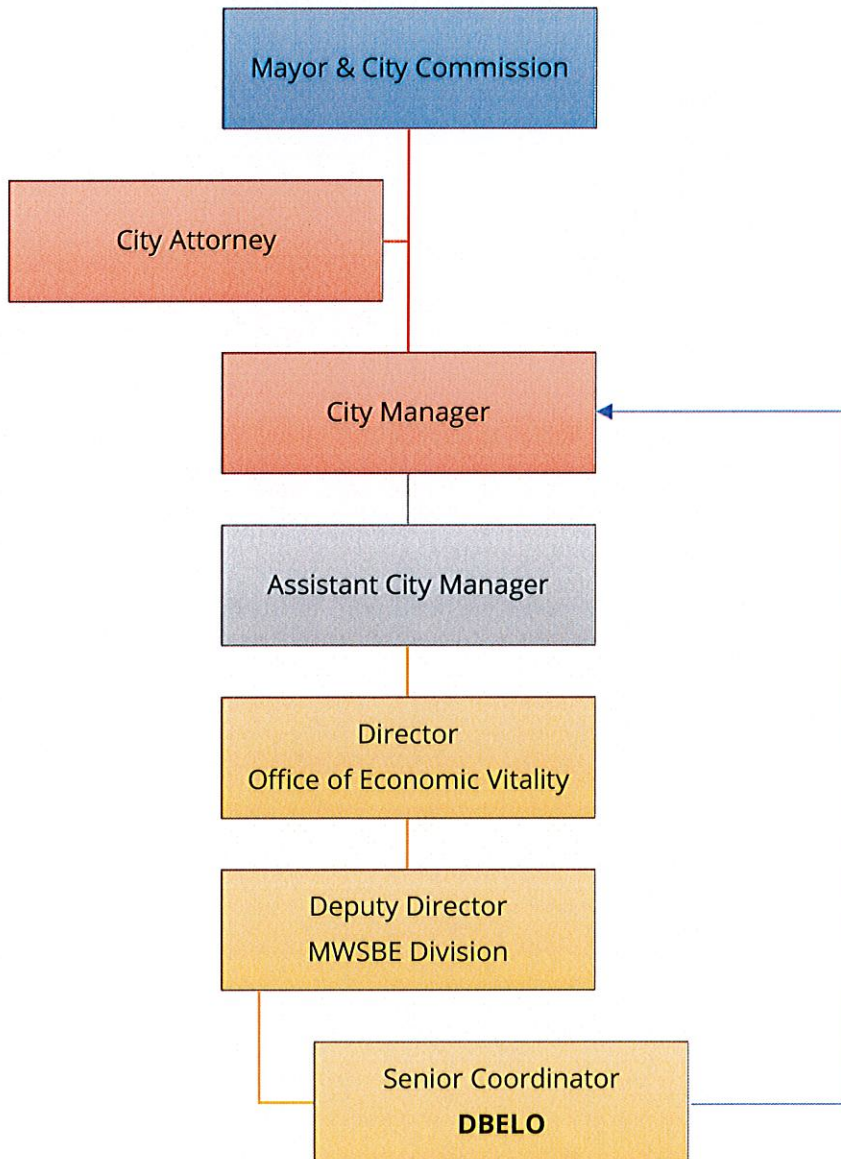
Organizational Chart

City of Tallahassee

Tallahassee International Airport

Tallahassee, Florida

Organizational Chart



Attachment 2

DBE Directory

The DBE Directory for the State of Florida may be found at <https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>.

Attachment 3

Monitoring and
Enforcement Mechanisms

City of Tallahassee – Tallahassee International Airport

1. All participants are hereby notified that, pursuant to Title 49 Code of Federal Regulations, United States Department of Transportation, Part 26 and the Disadvantaged Business Enterprise Participation (DBE) Program for the City of Tallahassee, they must affirmatively ensure that, in any contract entered into with the City, DBEs will be afforded *equal* opportunity to participate in subcontracting activities. 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 USDOT-assisted contracts. It is further the policy of the City to ensure nondiscrimination in the award and administration of USDOT-assisted contracts.
2. All contracts between the City and a Contractor shall contain an appropriate provision to the effect that failure by the Contractor to comply with the City's DBE Program shall constitute a breach of contract, exposing the Contractor to a potential termination of the contract or other appropriate remedy, including withholding of funds, until such time as the contractor complies with all the DBE requirements of this program. Under authority granted by Florida law, the City may impose liquidated damages, contract suspension, or even contract termination.
3. All documentation submitted at time of bid, as well as additional data provided by the successful bidder, is considered part of the contract documents. Any alterations, substitutions, deletions, etc., to data provided at time of submission of bid must have prior approval of the City's DBE Liaison Officer.
4. Should a DBE firm not certified by the Florida Department of Transportation be proposed by a potential contractor as a part of his/her DBE plan efforts, the inclusion of said firm will not be considered a demonstration of making good faith efforts towards meeting the DBE goal.
5. In contracts with DBE contract goals, bids submitted that do not meet the DBE contract goals, and which do not show that a meaningful good faith effort was made to achieve the stated goals, will be considered non-responsive bids, and bidders will be notified of the deficiency and given opportunity to appeal to the Administrative Reconsideration Official (49 CFR 26.53). The bidder will not be eligible for award of the contract until the appeal procedures are complete. The Administrative Reconsideration Official will make the determination on the sufficiency of the good faith efforts.
6. The City reserves the right to reject any or all bids, or to re-advertise for bids. Award, if made, will be to the lowest responsive and qualified bidder. A bid will not be considered responsive unless the bidder complies with Title 49 Code of the Federal Regulations, Part 26, and the DBE program of the City.

7. The City shall require contractors to make good faith efforts to replace a DBE subcontractor that is terminated or fails to complete its work on the contract for any reason, with another DBE subcontractor. If a DBE subcontractor is terminated or fails to complete its work on the contract for any reason, the Contractor must notify the City immediately. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the established contract goal. The City shall approve all substitutions prior to contract award and during contract performance in order to ensure that the substitute firms are eligible DBEs.

Additional information on the City's DBE program can be obtained from the DBE Liaison Officer as follows:

LaTanya Raffington, Senior Coordinator
Tallahassee-Leon County Office of Economic Vitality
Minority, Women, & Small Business Enterprise (MWSBE) Division
315 S. Calhoun Street, Suite 450
Tallahassee, Florida 32301
LRaffington@OEVforBusiness.org

8. The City will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. These mechanisms will include, but not be limited to, the following:
 - a. *Reviewing bid package documentation thoroughly, obtaining clarification, if necessary.*
 - b. *Reviewing monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.*
 - c. *Monitoring progress of payments to DBEs through monthly reports from prime contractors.*
 - d. *Monitoring progress of DBEs work through onsite visits and communication with DBEs. The City will implement a monitoring and enforcement mechanism that will include written certification that the City has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the City's engineering consultant on a monthly basis. The DBELO will sign-off on the written certifications.*
9. The City will bring to the attention of the USDOT any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector

General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

10. The City also will consider similar action under its own legal authorities, including responsibility determinations in future contracts. In addition, the City will apply legal and contract remedies under state and local law. This includes, for example, applying liquidated damages, withholding payments, etc.
11. In its reports of DBE participation to the USDOT, the City will show both commitments and attainments, as required by the USDOT reporting form.

Attachment 9 contains a link to 49 CFR Part 26, which describes federal regulations, provisions, and contract remedies available to the City in the event of non-compliance by a participant.

Attachment 4

Fostering Small Business
Participation

Section 26.39 – Fostering Small Business Participation

A. Objective (49 CFR Part 26.39)

Recognizing that the DBE Program goals should be met through a mixture of race-conscious and race-neutral methods, and, by definition, DBE firms are small businesses, the City seeks to implement a small business element into its current DBE policy in accordance with applicable law. The City is including this element to facilitate competition by and expand opportunities for small businesses. The City is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. The City will meet its objectives using a combination of the following methods and strategies:

1. **Unbundling:** The City, where feasible, may unbundle projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The City will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be unbundled or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work. Similarly, the City will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The City will assist prime contractors or prime consultants in identifying portions of work which may be unbundled and performed by small businesses. The City will document the factors used to determine whether or not an FAA-assisted contract will be unbundled or bid separately.
2. **Outreach and technical assistance:** The City sponsors and participates in outreach and training opportunities for small businesses through various partnerships. The City staff participates in business outreach sessions conducted by local municipalities and non-profit agencies that are designed to introduce small and minority-owned businesses to the City's procurement processes and practices. The City advertises contracting opportunities through various outlets, including local newspapers, minority-based publications, and trade publications as well as on its website.
3. **Small-business set-aside:** The City may establish a race-neutral small business set-aside for prime contracts under a stated amount.

As described above, the City will utilize a variety of methods to facilitate small business participation. In each FAA-assisted contract, the DBELO will document the method in which the small business element will be implemented (i.e. set-aside, unbundling and/or outreach), and the process by which those methods were considered.

B. Definitions

1. Small Business:

Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration (SBA) regulations implementing it, (13 CFR Part 121). A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period.

2. Disadvantaged Business Enterprise:

A for-profit small business (as defined by the Small Business Administration)

- That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged; or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) of \$1.32 million as described in 49 CFR 26. The current PNW cap is \$1.32 million;
- Whose average annual gross receipts, as defined by SBA regulations, over the firm's previous three (3) fiscal years is less than \$23.98 million;
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Who has been certified as a DBE by a Florida Unified Certification Program (UCP) Certifying Agency in accordance with 49 CFR 26;

For purposes of the small business element of the City's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE-certified firms will be counted towards DBE race-neutral participation on USDOT-assisted contracts.

C. Certification and Verification Procedures

The City will accept the following certifications for participation in the small business element of the City's DBE Program with applicable stipulations:

1. Florida UCP DBE Certification - DBE Certification by the Florida UCP which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by being listed in the Florida UCP DBE Directory.

2. City of Tallahassee Minority, Women and Small Business Enterprise (MWSBE) Program – MWSBE certification that stipulates that a firm has been determined to meet all of the requirements in accordance with the City's MWSBE program. All certification determinations are evidenced by being listed in the City's MWBE Directory.

D. Assurances

The City makes the following assurances:

1. The DBE program, including its small business element is not prohibited by state law;
2. Certified DBEs that meet the size criteria established under the DBE program are presumptively eligible to participate in the small business element of the DBE program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts, and the DBE program is open to small businesses regardless of their location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE program;
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Aggressive steps will be taken to encourage those minority- and women-owned firms participating in the small business element of the DBE program that are eligible for DBE certification to become certified.

E. Principal Responsible Person

The principal responsible person for overseeing and implementing the City's Small Business Participation Plan (SBPP) will be the currently designated Disadvantaged Business Enterprise Liaison Officer (DBELO). The DBELO for the City is **LaTanya Raffington, Senior Coordinator, Tallahassee-Leon County Office of Economic Vitality.**

Attachment 5

Overall Goal Calculation

Attachment 6

Breakout of Estimated Race-Neutral
& Race-Conscious Participation
(Refer to Attachment 5)

Attachment 7

Form 1 & 2 for Demonstration of
Good Faith Efforts

CITY OF TALLAHASSEE

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 submitted documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

CITY OF TALLAHASSEE

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 8

Certification Application Forms

The UCP DBE certification application for the State of Florida may be found at <http://www.fdot.gov/equalopportunity/dbecertification.shtm>.

Attachment 9

Regulations: 49 CFR Part 26

The federal regulations, Title 49 of the Code of Federal Regulations, Part 26, may be found at <http://www.ecfr.gov>.

Attachment 10

Bidders List Data Form

**CITY OF TALLAHASSEE
 BIDDER'S LIST DATA COLLECTION FORM**

Firm Name	Firm Address and Phone No.	DBE or Non-DBE Status <i>(verify via FDOT UCP Directory)</i>	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M

FY 2022-2024

**DISADVANTAGED BUSINESS ENTERPRISE (DBE)
GOAL METHODOLOGY
for**



TALLAHASSEE
INTERNATIONAL AIRPORT

With Assistance From



APRIL 2022

METHODOLOGY for Establishing the FY 2022 – FY 2024 Overall Disadvantaged Business Enterprise (DBE) Goal for:

Airport Sponsor: **City of Tallahassee**

Airport: **Tallahassee International Airport**

DBELO: Ms. LaTanya Raffington, Senior Coordinator
Tallahassee-Leon County Office of Economic Vitality
Minority, Women, & Small Business Enterprise (MWSBE) Division
315 S. Calhoun Street, Suite 450
Tallahassee, Florida 32301
(850) 891 – 6500
LRaffington@OEVforBusiness.org

I. Detailed Methodology: Specific Steps

A. Amount of Goal

The Airport’s overall DBE goal for FY 2022-2024, for the federal financial assistance it will expend in USDOT-assisted contracts, is the following:

Overall Goal:	<u>12.77%</u>
Race-Neutral:	<u>0.00%</u>
Race-Conscious:	<u>12.77%</u>

Given the amount of USDOT-assisted contracts that the Airport expects to let from FY 2022-2024, which is approximately **\$39,059,730**, this means that the Airport has set a goal of expending approximately **\$4,988,308** with DBEs during this period.

B. Determination of the Market Area of the study

The normal market area was based on discussions with Airport staff and an assessment of bidders from similar recent projects. Specifically, the market area is based on where the substantial majority of bidders, both successful and unsuccessful are located and where the substantial majority of funding was spent as illustrated in **Table 1** below:

Table 1: Tallahassee International Airport Market Area

County	Bidders	Percent of Bidders	Dollars	Percent of dollars
Escambia	2	25.0%	\$23,846,205	83.4%
Gadsden	3	37.5%	\$4,181,000	14.6%
Leon	3	37.5%	\$555,540	1.9%
Market Area	8	100.0%	\$28,582,745	100.0%
Other	0	0.0%	-	-
Total	8	100.0%	\$28,582,745	100.0%

C. Determination of relevant NAICS codes

For the next three-year period of FY 2022, 2023, and 2024, three (3) projects are anticipated to be developed with federal funding. They are:

- 1. Terminal Expansion - International Passenger Processing Facility**
- 2. Taxiway Bravo Rehabilitation**
- 3. Taxiway Charlie, Zulu, and T-Hangar Rehabilitation and Lighting and Helicopter Parking**

Based on detailed information provided by the Airport concerning these proposed federal projects for the period, a list of NAICS codes corresponding to each project and major subcomponents within each project was developed. This is shown below in Table 2.

**Table 2: Tallahassee International Airport
FY 2022-FY 2024 Projects & Activities by NAICS Codes**

FY	PROJECT	ACTIVITY	NAICS	\$
FY 2022	Terminal Expansion - International Passenger Processing Facility	Building Construction	236220	\$1,668,969
		Concrete	238110	\$553,476
		Metals	238120	\$1,893,982
		Wood & Plastic	238130	\$385,222
		Masonry	238140	\$180,732
		Building Exterior Contractors	238190	\$575,925
		Electrical	238210	\$1,218,670
		Plumbing, Heating & Air Conditioning Contractors	238220	\$896,009
		Drywall and Insulation Contractors	238310	\$1,288,636
		Carpentry	238350	\$433,206
		Other Building Finishing Contractors	238390	\$2,122,737
		Site Prep	238910	\$1,615,865
		All Other Specialty Trade Contractors	238990	\$232,835
		Wood Window and Door Manufacturing	321911	\$699,789
		Conveyor and Conveying Equipment Manufacturing	333922	\$1,044,642
		Home Furnishings Stores	442299	\$357,007
		Telecommunications	517919	\$124,347
		Commercial Equipment	532490	\$797,637
		Security Systems Services (except Locksmiths)	561621	\$596,590
		Fire Protection	922160	\$292,979
Utilities	926130	\$120,475		
FY 2023	Taxiway Bravo Rehabilitation	Highway & Street	237310	\$12,191,667
		Site Prep	238910	\$3,573,900
		Engineering	541330	\$1,881,000
		Geotechnical Testing	541380	\$975,333
		Landscaping	561730	\$188,100
FY 2024	Taxiway Charlie, Zulu, and T-Hangar Rehabilitation and Lighting and Helicopter Parking	Engineering	541330	\$2,450,000
		Survey	541370	\$466,667
		Geotechnical	541380	\$233,333

SOURCE: Tallahassee International Airport

A. Determination of Relative Availability of DBEs in Market Area, Compared to all Firms

The next step is to conduct an analysis of relative availability of DBEs in the Tallahassee International Airport (TLH) market area for each of these projects to obtain the Step 1 DBE Goal. This is shown in Tables 3a, 3b and 3c.

**Table 3a: DBEs—Tallahassee International Airport
by Relevant NAICS Codes—FY 2022
Terminal Expansion - International Passenger Processing Facility**

Activity	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Building Construction	236220	8	89	9.0%	\$1,668,969	\$150,020
Concrete	238110	1	40	2.5%	\$553,476	\$13,837
Metals	238120	4	8	50.0%	\$1,893,982	\$946,991
Wood & Plastic	238130	0	26	0.0%	\$385,222	\$0
Masonry	238140	0	45	0.0%	\$180,732	\$0
Building Exterior Contractors	238190	0	15	0.0%	\$575,925	\$0
Electrical	238210	3	134	2.2%	\$1,218,670	\$27,284
Plumbing, Heating & Air Conditioning Contractors	238220	0	199	0.0%	\$896,009	\$0
Drywall and Insulation Contractors	238310	2	59	3.4%	\$1,288,636	\$43,683
Carpentry	238350	0	59	0.0%	\$433,206	\$0
Other Building Finishing Contractors	238390	0	10	0.0%	\$2,122,737	\$0
Site Prep	238910	5	38	13.2%	\$1,615,865	\$212,614
All Other Specialty Trade Contractors	238990	18	76	23.7%	\$232,835	\$55,145
Wood Window and Door Manufacturing	321911	0	0	0.0%	\$699,789	\$0
Conveyor and Conveying Equipment Manufacturing	333922	0	0	0.0%	\$1,044,642	\$0
Home Furnishings Stores	442299	0	30	0.0%	\$357,007	\$0
Telecommunications	517919	0	3	0.0%	\$124,347	\$0
Commercial Equipment	532490	0	23	0.0%	\$797,637	\$0
Security Systems Services (except Locksmiths)	561621	0	20	0.0%	\$596,590	\$0
Fire Protection	922160	0	0	0.0%	\$292,979	\$0
Utilities	926130	0	0	0.0%	\$120,475	\$0
Total					\$17,099,730	\$1,449,573
Weighted Step 1 Goal =						8.48%

SOURCES:

1. 2019 County Business Patterns, U.S. Census Bureau.
2. Florida UCP DBE Directory, November 2021.

**Table 3b: DBEs—Tallahassee International Airport
by Relevant NAICS Codes—FY 2023
Taxiway Bravo Rehabilitation**

Activity	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Highway & Street	237310	2	15	13.3%	\$12,191,667	\$1,625,556
Site Prep	238910	5	38	13.2%	\$3,573,900	\$470,250
Engineering	541330	10	209	4.8%	\$1,881,000	\$90,000
Geotechnical Testing	541380	1	7	0.0%	\$975,333	\$139,333
Landscaping	561730	9	247	3.6%	\$188,100	\$6,854
Total					\$18,810,000	\$2,331,993
Weighted Step 1 Goal =						12.40%

SOURCES:

- 2019 County Business Patterns, U.S. Census Bureau.
- Florida UCP DBE Directory, November 2021.

**Table 3c: DBEs—Tallahassee International Airport
by Relevant NAICS Codes—FY 2024
Taxiway Charlie, Zulu, and T-Hangar Rehabilitation and Lighting and Helicopter Parking**

Activity	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Engineering	541330	10	209	4.8%	\$2,450,000	\$117,225
Survey	541370	2	20	10.0%	\$466,667	\$46,667
Geotechnical Testing	541380	1	7	14.3%	\$233,333	\$33,333
Total					\$3,150,000	\$197,225
Weighted Step 1 Goal =						6.30%

SOURCES:

- 2019 County Business Patterns, U.S. Census Bureau.
- Florida UCP DBE Directory, November 2021.

NOTE: The County Business Patterns data were used as the source to determine the denominator, or the number of all firms in the market area. The DBE directories listed above were used to determine the numerator, or the number of DBE firms in the market area.

B. Determination of the “Weighted” DBE Base Figure

The Step 1 DBE Base Figure for each project/ fiscal year was derived by multiplying the dollars for each activity by the percentage of relevant DBE firms to all relevant firms. The total DBE goal in dollars was divided by the total project costs to derive the step 1 goals.

The Step 1 DBE Base Figures for the Airport are as follows:

- FY 2022 Terminal Expansion - International Passenger Process Facility – **8.48%**
- FY 2023 Taxiway Bravo Rehabilitation – **12.40%**

- FY 2024 Taxiway Charlie, Zulu, and T-Hangar Rehabilitation and Lighting and Helicopter Parking – **6.30%**

II. Adjustments to the DBE Base Figure

After the DBE Base Figure(s) have been developed, the regulations (49 CFR Part 26) require that:

“...additional evidence in the sponsor’s jurisdiction be considered to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal” (26:45(d)).

A. Adjustment Factors to Consider

The regulations further state that there are several types of evidence that must be considered when adjusting the base figure. These include:

“(i) The current capacity of DBEs to perform work in your USDOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years.

The historical overall DBE goals accomplished at the Airport in recent years were examined relative to the above consideration, i.e., indication of “capacity”. Notice the annual DBE percent accomplishment indicated in Table 4 below:

**Table 4: Tallahassee International Airport
DBE Accomplishment**

Report Period	Approved DBE Goal	Total DBE Percent Achieved	Achieved Over/Under
FY 2018	25.45%	18.23%	-7.22%
FY 2019	15.39%	15.35%	-0.04%
FY 2020	15.39%	0.00%	-15.39%
Median	15.39%	15.35%	-7.22%

The median DBE accomplishment (historic indicator of capacity) for the periods as shown above for the Airport, is **15.35%**.

B. Consultations

The Airport held a public meeting on January 25, 2022. The purpose of the meeting was to solicit information from interested stakeholders about the draft goal, as well as the availability of potential DBEs, the effects of discrimination on opportunities for DBEs, and the Airport’s effort to increase DBE participation. **(Please see Appendix A-1, and A-2, for a summary of the meeting, the attendee list, copies of notices and notifications, and any consultation comments.)**

C. Adjustment to Step 1 DBE Base Figures: Tallahassee International Airport, FY 2022-FY 2024

The Airport will adjust the calculated Step 1 base figures of each project. The Step 1 is adjusted by adding the median accomplishment factor derived in Table 4 (**15.35%**) to the base figure, then averaging the total, for the adjusted overall DBE goal. The adjustment calculation for each project is summarized in Table 5, following:

**Table 5: Tallahassee International Airport
FY 2022 – FY 2024 Overall Goal**

Fiscal Year	Project	Step 1	Step 2 Adjustment	Overall Goal	Total Project Costs	DBE Goal (dollars)
2022	Terminal Expansion - International Passenger Processing Facility	8.48%	15.35%	11.92%	\$17,099,730	\$2,037,433
FY 2022 Total				11.92%	\$17,099,730	\$2,037,433
2023	Taxiway Bravo Rehabilitation	12.40%	15.35%	13.88%	\$18,810,000	\$2,609,888
FY 2023 Total				13.88%	\$18,810,000	\$2,609,888
2024	Taxiway Charlie, Zulu, and T-Hanger Rehabilitation and Lighting and Helicopter Parking	6.30%	15.35%	10.83%	\$3,150,000	\$340,988
FY 2024 Total				10.8%	\$3,150,000	\$340,988
FY 2022 - FY 2024 Overall Goal				12.77%	\$39,059,730	\$4,988,308

The total DBE goal, in dollars, was divided by the total project costs to derive the final overall proposed DBE goal of **12.77%** for FY 2022-FY 2024.

III. Process

The Airport will normally submit its overall goal to the (Federal Aviation Administration) FAA on August 1st of each year that a DBE goal is due.

Before establishing the overall goal this year, the Airport consulted 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 DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the Airport published a notice on its website of the proposed overall goal informing the public that the proposed goal and its rationale were available for review and comment during normal business hours for 30 days following the date of the notice. The notice included the location to which comments could be sent and where the proposal could be reviewed. This process was used to establish the goals for FY 2022 to FY 2024.

The Airport's overall goal submission to the FAA will include a summary of information and comments received during this public participation process and our responses.

The Airport will begin using the overall goal on October 1 of each year, unless the Airport has received other instructions from DOT/FAA (or, if the goal is established on a project basis) by the time of the first solicitation for a DOT/FAA-assisted contract for the projects.

IV. Breakout of Estimated Race-Conscious/Race-Neutral Participation

The Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Airport will use a combination of the following race-neutral means to increase DBE participation:

- 1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses participation (e.g., unbundling large contracts to make them more accessible to small businesses, encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);*
- 2. Disseminating information 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).*

The Airport proposes to meet its goal of 12.77% using race-conscious means. The reason for this breakout is that the projects from the previous year(s) show that the median amount by which the past DBE goal(s) were under-achieved is **7.22%** (see **Table 4**).

The Airport will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (26.51(f)) and it will 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 a DBE obtains 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.

V. Contract Goals

The Airport will use contract goals to meet any portion of the overall goal that the Airport 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.

The Airport will establish contract goals only on those DOT/FAA-assisted contracts that have subcontracting possibilities. The Airport 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).

The Airport will express its contract goals as a percentage of the federal share of a DOT/FAA-assisted contract.

Resources:

1. Florida UCP DBE Directory, November 2021.
2. 2019 County Business Patterns, U.S. Census Bureau.
3. Uniform Report of DBE Commitments/Awards and Payment

**APPENDIX A-1: Tallahassee International Airport: OVERALL THREE-YEAR
FEDERAL DBE GOAL - FY 2022-2024-Public Participation and Stakeholder
Input Process**

TLH Meeting Minutes January 25, 2022 A:

DBE Outreach Event 20220125 1414-1

Summary:

David Pollard from the Tallahassee International Airport: Introduction to the Tallahassee Airport working towards full “International” airport status

- Key projects:
 - International Passenger Processing Facility, a 40k square/ft addition to the terminal building.
 - Taxiway Bravo: A parallel taxiway to the main runway, with subprojects including: pavement rehabilitation, lighting, geometry, and increased turn radius for aircraft
 - Taxiway Charlie and Taxiway Zulu: Rehabilitation also planned for these taxiways.
 - Helicopter Parking/Helipads and Expand the airport’s ability to handle helicopter traffic
 - T-Hanger and General Aviation: Rehabilitation of the hanger, pavement, and other areas.
- Working with Office of Economic Vitality (represented at this meeting by Darryl Jones and LaTanya Raffington)
- Introduction of Airport Staff:
 - Jim Durwin, Deputy Director of Aviation
 - Heather Nelson, on Capital Programs Project Manager
 - Vanessa Spalding, Assistant Manager Airport Properties of Airport Development, ACBD program
 - Victoria Maleszewski , Manager of Airport Properties and Business Development at the Airport and oversees the ACBD programs

Darryl Jones from the Office of Economic Vitality on OEV Participation

- OEV is working to expand the number of locally certified firms and local community
- Goals include increased outreach and better communication

Ken Weeden from Ken Weeden and Associates on the DBE Goal Methodology Process:

- What is DBE (Disadvantaged Business Enterprise)
- Florida Unified DBE Certification Program members
- The Importance of Being Certified
- Who is Required to Participate?
 - TIA has a DBE program and liaison officer
- About DBE Goals
 - Goals are due every 3 years
 - DBE program is a good-faith efforts program

- Bidder is required to either meet the DBE goal **or** demonstrate good faith efforts to the meet the DBE goal
- Intense documentation is required if they do not meet their goal
- How DBE Participation is Counted
- The Responsibilities of the Airport in Monitoring Compliance
- Responsibilities of Prime Contractors
- Calculation of New DBE-Goals Methodology

Wilfred Nixon with Ken Weeden and Associates on the Calculation of New DBE-Goals Methodology

- Proposed Projects for FFY 2022 through 2021
 - 2022: Terminal Expansion – International Passenger Processing Facility
 - 2023: Taxiway Bravo Rehabilitation
 - 2024: Taxiway Charlie, Taxiway Zulu, T-Hangar Rehabilitation, Lighting, Helicopter Parking
- Breakdown of Project Work Activities and Assignment of NAICS Codes
- Use of NAICS Codes
- Breakdown of DBE Goals:
 - FFY 2022-2021 DBE goal = 12.77% or \$4,988,308
- TLH Market Area
 - Sources of Available Firms in the Area
- Public Consultation Process
- Resources for Certification and Lending and Bonding Programs

Questions from Participants and Answers Given:

Antonio Jefferson from City of Gretna:

Who is monitoring the good-faith effort in ensuring compliance? And who on the airport staff are ensuring that these “businesses” are businesses, and that things are happening, if the contractor has picked a sub; that these are not just on paper?

Answer by LaTanya Raffington from OEV: Our office monitors the contacts. We review the plans that are submitted with each proposal or bid and we have a desk monitoring system to follow through with the project in it’s entirety. And we also confer with the project managers during the duration.

Antonio Jefferson:

As an example, most recently city commission awarded a project to, let’s say that it was the Cooke Brothers. I’m not sure what the project title was, there was an indication on the staff recommendation form that the Cooke Brothers had said was done in good faith, but the other 2 proposals on this project indicate that it wasn’t. Relative to that good-faith effort, I’m just kind of curious as it relates to the Cooke Brothers, what verification of good-faith effort was made on that.

Answer by LaTanya Raffington: Before that was advanced, they would have to have completed a good-faith effort form and provide supporting documentation to substantiate the information they put forth. We would review the supporting documentation and submit it back to the Cooke Brothers.

Errick Young from PSA Management

Mr. Darren, I noticed that when you put the next 6 codes on the board, they were all construction and supplier type codes. What about architects? Engineers? Designers? What about project managers? Construction managers? And those firms that operate under the Florida Competitive Negotiations Act? I know I didn't see any of the codes for those firms like us. I mean, we don't fall under any of the construction or trades. We are project managers, construction managers, architects, engineers. We have professional engineers. What about firms like us? Are those considered in your numbers at all? Do you do the blueprint projects?

Answer by David Pollard: Through our office of economic vitality yes, we work with them. Those are 2 different things, though, the airport projects, and the blueprint projects and also, they're separate.

Answer by Wilfred Nixon: The Taxiway Charlie, Taxiway Zulu, and T-Hangar Rehabilitation and Lighting, and Helicopter Parking project does include professional services. We take the major activities, so we'll get with the airport and discuss; maybe there are more there that maybe should be added. But we take the major ones, and it doesn't exclude anyone who doesn't directly fall under those codes from participating in the project. This process is strictly for goal-setting purposes. Because we're, basically looking in the market area for these codes.

Adriene Wright from Abelita LLC:

Wilfred, can you elaborate a little bit more and explain if a company wants to bid as a prime contractor and they are a DBE firm how would that affect the goals that you've talked about here?

Answer by Wilfred Nixon: Well, this is the overall goal. So, on your product specific basis, they go can be higher or lower if they do participate as a prime. Then that participation will be all race-neutral and 100% participation, unless they sub out some of that work to a non-DBE, and then that participation would be subtracted.

Errick Young from PSA Management

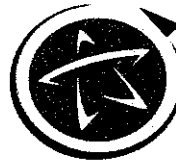
As clarification [*to the question and answer posed by Adriene Wright from Abelita LLC*], If a firm, let's say, our firm, is successful as a project manager or construction manager, our participation will count toward the goal, but we would also need to utilize other DBEs in order to satisfy that goal?

Answer by Wilfred Nixon: What I'm saying is that your participation is 100% now; if you sub out to non-DBE subcontractors, then that subtracts from your

participation. So, if you sub about 40% of your work, then it will only be 60% toward the goal. But most likely you're going to meet the goal, because you have to have at least 30% to be forming the curve commercials for the function. So usually if you're a DBE prime, you're going to meet the goal by that fact.

Attendees:

Meeting Name	Meeting Start Time	Name	Attendee Email
DBE Outreach Event	2022-01-25 10:00:00	Aaron	amilner@johnsonmilner.com
DBE Outreach Event	2022-01-25 10:00:00	Abelita Consulting Adriene Wright	adriene@abelita.co
DBE Outreach Event	2022-01-25 10:00:00	Antonio Jefferson	ajefferson@mygretna.com
DBE Outreach Event	2022-01-25 10:00:00	Benjamin Odom	benjamin.odom@talgov.com
DBE Outreach Event	2022-01-25 10:00:00	Betty Proctor	betty11proctor@gmail.com
DBE Outreach Event	2022-01-25 10:00:00	Clarence Pearson	clarencelepe@yahoo.com
DBE Outreach Event	2022-01-25 10:00:00	Dana Dudley	dana@espmedia.net
DBE Outreach Event	2022-01-25 10:00:00	Darryl Jones	djones@oevforbusiness.org
DBE Outreach Event	2022-01-25 10:00:00	David Pollard	david.pollard@talgov.com
DBE Outreach Event	2022-01-25 10:00:00	Errick Young	eyoung@psaonline.com
DBE Outreach Event	2022-01-25 10:00:00	George Johnson - J+M	gjohnson@johnsonmilner.com
DBE Outreach Event	2022-01-25 10:00:00	Jim Durwin	jim.durwin@talgov.com
DBE Outreach Event	2022-01-25 10:00:00	Ken Webster	kwebster@psaonline.com
DBE Outreach Event	2022-01-25 10:00:00	LaTanya Raffington	lraffington@oevforbusiness.org
DBE Outreach Event	2022-01-25 10:00:00	Laura Brown	laura.brown@talgov.com
DBE Outreach Event	2022-01-25 10:00:00	Nicolas Mendez	nicolas.mendez@talgov.com
DBE Outreach Event	2022-01-25 10:00:00	nikki jefferies	nikki-jefferies@kwaplanning.com
DBE Outreach Event	2022-01-25 10:00:00	Paul Dunaway	paul.dunaway@talgov.com



TALLAHASSEE
INTERNATIONAL AIRPORT

Disadvantaged Business Enterprise

3-Year Goal Consultation Meeting

January 25, 2022

Boeing Conference Room, 10:00 a.m. – 11:30 a.m.

	NAME	COMPANY NAME	ADDRESS	PHONE NUMBER	EMAIL ADDRESS
1	Connor Chambliss	Kimley-Horn	2619 Centennial Blvd 32308	850-553 3523	Connor.Chambliss@ kimley-horn.com
2	Victoria Maleszewski	TLH			
3	Vanessa Spaulding	TLH			
4	Eric Houge	TLH			
5	David Pollard	TLH			
6	Jim Durwin	TLH			
7	Ken Weeden & Wilfred Nixon		KWA		

**APPENDIX A-2: Tallahassee International Airport: OVERALL THREE-YEAR
FEDERAL DBE GOAL- FY 2019-2021-Public Participation and Stakeholder**

Copies of Notices and Notifications:



The Tallahassee International Airport (TLH) acts as a catalyst for economic development within our region. In accordance with its Capital Improvement Program, over the next three years, TLH expects multiple projects to be developed with federal funding assistance.

TLH has published a proposed overall goal for its Federal Aviation Administration (FAA) Disadvantaged Business Enterprise (DBE) Program. The proposed overall goal for FAA Airport Improvement Program (AIP)-funded projects in FY 2022 through FY 2024 is 12.59%. The methodology document used in developing this goal is available at [Talgov.com/DBEGoal](https://talgov.com/DBEGoal). TLH will receive and consider public comments on the proposed goal until Feb. 18, 2022. Comments should be emailed to AviationBusinessServices@Talgov.com. All comments must be received by 4:30 p.m. on Feb. 18, 2022.

Interested stakeholders are also encouraged to register for upcoming seminars to learn more about DBE and Airport Concessions Disadvantaged Business Enterprise (ACDBE) opportunities available through TLH, the benefits of participating in DBE/ACDBE programs, and TLH strategies to increase future DBE/ACDBE participation.

- DBE Stakeholder Seminar – Jan. 25, 10-11:30 a.m.
- ACDBE Stakeholder Seminar – Jan. 25, 1-2:30 p.m.

Seminars will be conducted virtually with limited in-person attendance available at TLH. To learn more about DBE and ACDBE goals at TLH, visit TLHAirport.com or contact AviationBusinessServices@Talgov.com.

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DeSantis confronts Trump in first real Republican challenge...

National



Maya Angelou first
Black woman on U.S. coin
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Justices order new trials for
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NOTICE TO THE PUBLIC

FY 2022-2024 DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL

The City of Tallahassee (City) and Tallahassee International Airport (TLH) hereby publish a proposed overall goal for its Federal Aviation Administration (FAA) Disadvantaged Business Enterprise (DBE) Program for the Airport. The proposed overall goal for FAA Airport Improvement Program (AIP)-funded projects in FY 2022 through FY 2024 is 12.59%.

The methodology document used in developing this goal is available for inspection at the following web location:

TLHAirport.com/DBEGoal

The City and the Airport will receive and consider public comments on the proposed goal until **February 18, 2022**. Comments should be emailed to AviationBusinessServices@Talgov.com. All comments must be received by 4:30 p.m. on