

# **St. Augustine - St. Johns County Airport Authority**



## **Disadvantaged Business Enterprise Program for FAA-Funded Projects at Northeast Florida Regional Airport**

**Goal and Methodology Update  
2018 - 2021**

**Policy Statement:**

The St. Augustine – St. Johns County Airport Authority (Authority), owner of the Northeast Florida Regional Airport (NFRA/SGJ), has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Authority has received Federal financial assistance from the U.S. Department of Transportation Federal Aviation Administration (FAA), and as a condition of receiving this assistance, the Authority has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Authority to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in FAA–assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of FAA- assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for FAA-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 FAA-assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
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.

The Authority’s Office Manager, Cindy K. Hollingsworth, has been delegated to be the Authority’s DBE Liaison Officer. In that capacity, Ms. Hollingsworth 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 Authority in its financial assistance agreements with the Department of Transportation.

The Authority has disseminated this policy statement to the Airport administrative personnel and to all components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on FAA-assisted contracts. The distribution was accomplished by public notice, the Authority’s website, and by including the DBE requirements in our Bid/Contract Documents.

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Edward Wuellner, AAE, Executive Director  
St. Augustine – St. Johns County Airport Authority

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Date

**DBE Program Update for Airport FAA-Funded Projects at the  
Northeast Florida Regional Airport (NFRA/SGJ)  
2018 – 2021**

**Subpart A – General Requirements**

**A.1 – Objectives (Section 26.1)**

The objectives of this DBE Program are found in the signed Policy Statement that precedes this page.

**A.2 - Applicability (Section 26.3)**

The Regulations contained in 49 CFR Part 26 apply to the Authority because it is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

**A.3 – Definitions (Section 26.5)**

The Authority will use terms in this program that have the meaning defined in 49 CFR §26.5 (See Attachment 1).

**A.4 - Non-discrimination Requirements (Section 26.7)**

The Authority 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 Authority 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.

**A.5 - Record Keeping Requirements (Section 26.11)**

**Uniform Report of DEB Award or Commitments and Payments:**

The Authority will report DBE participation to DOT/FAA (49 CFR 26.11(b)) as follows:

Transmit to FAA annually on December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form, as found in Appendix B to 49 CFR §26, or as modified for use by FAA recipients. We will also report the DBE contractor firm information either on the FAA DBE Contractor’s Form or other similar format. We will begin using the revised Uniform Report of DBE Award or Commitments and Payments for reporting FY2018 reports due December 1, 2018.

**Bidders List:**

The Authority will create and maintain a Bidders List (49 CFR §26.11(c)). The purpose of the List is to provide as accurate data as possible about the DBE and non-DBE contractors and subcontractors who seek to work on our DOT/FAA-assisted contracts for use in helping to set our overall goals.

The Bidders List will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms (see Attachment 3). This information will be collected through contract documents and record at bid. Sample forms are found in Attachment 3 to this program.

## **A.6 - Federal Financial Assistance Agreement (Section 26.13)**

The Authority has signed the following assurances, applicable to all DOT/FAA-assisted contracts and their administration:

### Sponsor Assurances:

Each financial assistance agreement the Authority signs with a DOT operating administration (or a primary recipient) includes assurances determined and required by the FAA Airport Improvement Program. Currently, the DBE assurances are as follows:

Sponsor Certification for Equipment/Construction Contracts for Airport Improvement Program Grants between the Authority and DOT/FAA:

“All contracts and subcontracts contain (will contain) clauses required from Title VI of the Civil Rights Act and 49 CFR 23 and 49 CFR 26 for Disadvantaged Business Enterprises.”

Sponsor Certification for Selection of Consultants for Airport Improvement Program Grants between the Authority and DOT/FAA:

“Consultants were (or will be) selected using competitive procedures based on qualifications, experience, and disadvantaged enterprise requirement with the fees determined through negotiations.”

### Contract Assurance:

The Authority will ensure that the following clause is included in each contract we sign with a contractor and require it in each subcontract the prime contractor signs with a subcontractor:

The Contractor 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 Department of Transportation-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 Owner 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**

### **B.1 - DBE Program Updates (Section 26.21)**

The Authority is required to have a DBE program meeting the requirements of 49 CFR Part 26, as it has received grants and anticipates it will receive grants for airport planning or development, and anticipates it will award prime contracts, the cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. We will continue to carry out our program until all funds from DOT financial assistance have been expended. We do not have to submit regular updates of our program, as long as we remain in compliance. However, we will submit significant changes in the program for approval.

## **B.2 - Policy Statement (Section 26.23)**

The Authority's signed Policy Statement is elaborated on the first page of this DBE Program.

## **B.3 - DBE Liaison Officer (Section 26.25)**

The Authority has designated the following individual as our DBE Liaison Officer:

Cindy K. Hollingsworth, Office Manager  
St. Augustine – St. Johns County Airport Authority  
4796 U.S. 1 North  
St. Augustine, FL 32095  
904-209-0090 (Office)  
904-209-0528 (Fax)  
c/o: ckh@sgj-airport.com.

The DBE Liaison Officer is responsible for implementing all aspects of the DBE program and ensuring that the Authority complies with all provision of 49 CFR Part 26. The DBE Liaison Officer has direct, independent access to the Executive Director of the Authority, concerning DBE program matters. An organization chart displaying the DBE Liaison's position in the organization is found in Attachment 2 to this program.

The DBE Liaison Officer is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBE Liaison Officer has a Consulting Firm (Passero Associates, LLC) to assist in the administration of the program. The duties and responsibilities of the DBE Liaison Officer include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Works with all departments to set overall annual goals.
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) and monitors results.
5. Analyzes Authority's progress toward attainment and identifies ways to improve progress.
6. Advises the governing body on DBE matters and achievement.
7. Determine contractor compliance with good faith efforts.
8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.

## **B.4 - DBE Financial Institutions (Section 26.27)**

It is the policy of the Authority to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community. At this time, there are no minority-owned banks in the northeastern region of Florida. (source: US Treasury Department Minority Bank Deposit Program). We will investigate this each time we update this program.)

## **B.5 - Prompt Payment Mechanisms (Section 26.29)**

The Authority will include the following clause in each FAA-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the St. Augustine – St. Johns County Airport Authority. The prime contractor agrees further to return retainage payments to each subcontractor within 30 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 St. Augustine – St. Johns County Airport Authority. This clause applies to both DBE and non-DBE subcontractors.

In addition, the Authority includes the following clause from FAA AC 150-5370-10 (General Provision 90-06 in all construction contracts):

The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the Contractor has received a partial payment. The Owner must ensure prompt and full payment of retainage from the prime Contractor to the subcontractor within 30 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 Owner. When the Owner has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

#### Monitoring Payments to DBEs:

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

When the prime contractor submits their invoicing, and prior to processing the prime contractor pay requests, the prime contractor shall provide acceptable proof for all payments made to subcontractors (DBEs and Non-DBEs) on outstanding invoices post 30 days old. The Authority will adhere to State prompt payment laws and address appropriate penalties for failure to comply.

The Authority's monitoring and enforcement mechanism includes written certification that the contracting records have been reviewed and work sites monitored for this purpose. This is accomplished by onsite inspection/monitoring/observation and reporting by the resident project representative, and by review of contractor submitted documentation of payments made to DBE (and Non-DBE) subcontractors.

In addition, payments made to DBE subcontractors will be reviewed to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation, provided to the Authority on the forms made a part of each contract at the time of award.

The Authority will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the St. Augustine-St Johns County Airport Authority or DOT. This reporting requirement also extends to any certified DBE subcontractor. This requirement is included in the prime contracts for each AIP-Funded project with the requirement that the Access to Records and Reports contract provision shall be passed to all sub-tier contracts.

The Authority will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firm), including a means of comparing these

attainments to commitments. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

#### **B.6 – Directory (Section 26.31)**

The Authority uses the State of Florida DBE directory, maintained by the State. The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists, by NAICS code, the type of work each firm is qualified to do.

The Florida Unified Certification Program DBE Directory is revised daily. The Directory may be found at the Florida Department of Transportation's Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory's website: Please copy and paste the link into your internet browser if the link fails to open from this document: <https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>. or search State of Florida DBE Directory if the State if the link was changed by the State.

#### **B.7 - Over-concentration (Section 26.33)**

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

#### **B.8 - Business Development Programs (Section 26.35)**

The Authority has not established a business development program.

#### **B.9 - Monitoring and Enforcement Mechanisms (Section 26.37)**

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will implement similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 8 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our DBE Program.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.
4. We will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished by onsite inspection and reporting by the resident project representative and review of contractor submitted documentation of payments made to DBE subcontractors.
5. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

### **B.10 - Fostering Small Business Participation (Section 26.39)**

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

The St. Augustine-St. Johns County Airport Authority small business element is incorporated as Attachment 9 to this DBE Program. The Authority will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of our DBE program.

## **Subpart C – Goals, Good Faith Efforts, And Counting**

### **C.1 - Set-asides or Quotas (Section 26.43)**

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

### **C.2 - Overall Goals (Section 26.45)**

The Authority will continue to establish overall DBE goals. The DBE goals will cover a three-year federal fiscal year period if we anticipate awarding DOT/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 Authority will submit its next Overall DBE Goal to the FAA, as required, by the established schedule below.

<b>Airport Type</b>	<b>Region</b>	<b>Next Goal Due (Goal Period)</b>
<b>Non-Hub Primary</b>	<b>Southern</b>	<b>August 1, 2021 (2022/2023/2024)</b>

#### **C.2.1 Methodology**

The DBE goals will be established in accordance with the two-step process as specified in 49 CFR Part 26.25, summarized below. If the Authority 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, we will not develop an overall goal; however, this DBE Program will remain in effect and the Authority will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Any methodology we choose will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in our market. We understand that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of paragraph (c)(2) of this section (above), is not an acceptable alternative means of determining the availability of DBEs.

A detailed description of the methodology and calculations used to determine the overall goal are presented in Attachment 5 to this program. A general summary of the two-step process is presented here:



The first step, as outlined in 49 CFR 26.45(c)(1), is to determine the “Base Figure”, which is the relative availability of DBEs in the relevant Geographic Market Area. This involves:

- a. Determining all FAA-Assisted possible contracting opportunities, and the appropriate North American Industry Classification System (NAICS) Codes for those possible opportunities.
- b. Determining the Airport’s relevant Geographic Market Area (GMA).
- c. Using the State of Florida Unified Certification Program DBE Directory to determine the number of DBE firms in the Airport’s GMA certified in the NAICS codes needed.
- d. Using the U.S. Census Bureau’s County Business Patterns Data to determine the number of all firms (DBE and Non-DBE) available in our GMA that perform work in the same NAICS codes.

The second step is to adjust the “Base Figure” percentage calculated in Step 1 so that it reflects as accurately as possible the DBE participation expected in the absence of discrimination. In accordance with Step 2 outlined in 49 CFR §26.45(d), examine the evidence available in our jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at our overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

The overall goal will be expressed as a percentage FAA funds expended.

#### C.2.2 Consultation and Public Notice

In establishing the updated overall goal, the Authority will provide, in accordance with 49 CFR §26.45(g), for consultation and publication. In establishing the previous period’s overall goal, the Authority provided for consultation and publication. No comments were received.

Consultation: For each plan update, the Authority will consult with the Airport Minority Advisory Council, the Florida Hispanic Construction Association, the National Association of Minority Contractors – NE Florida Chapter, and the North Florida Small Business Development Office, without limiting consultation to these persons or groups, by forwarding the public notice to them and inviting their comments and input concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs and the Authority’s efforts to establish a level playing field for the participation of DBEs. (See Attachment 6.)

Public Notice: The Authority will publish a Public Notice announcing the proposed update to its overall DBE goal before submission to the FAA operating administration. The Notice will be published in The St. Augustine Record and on the Authority’s website (see Attachment 6). The Notice will inform the public that the proposed updated overall DBE goal and rationale is available for inspection during normal business hours at the Authority’s principal office and that the Authority will accept written comments on the goals for 30 days from the date of the Notice. Notice of the comment period includes the address to which comments may be sent and where the proposal may be reviewed.

The Authority’s updated Overall DBE Goal and Methodology submission to the FAA will include a summary of information and comments received, if any, during this public participation process and our responses. The submission to the FAA will be published on the Authority’s official website, <http://www.flynf.com/>.

We will begin using our updated overall goal for the current reporting period, unless we receive other instructions from the FAA. If the proposed goal changes following review by the FAA operating administration, the revised goal will be published on the Authority’s official website, <http://www.flynf.com/>.

### **C.3 – Project Goals (Section 26.45 (e))**

If permitted or required by the FAA Administrator, the Authority 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 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 we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

### **C.4 - Prior Operating Administration Concurrent (Section 26.45(f))**

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

### **C.5 - Failure to meet overall goals (Section 26.47)**

The St. Augustine-St. Johns County Airport Authority will maintain an approved DBE Program and overall DBE goal, if applicable, as well as administer our DBE Program in good faith to be considered to be in compliance with this Part.

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

- (1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems we have identified in our analysis and to enable us to meet fully your goal for the new fiscal year.

### **C-6 - Breakout of Estimated Race-Neutral (RN) & Race-Conscious (RC) Participation (Section 26.51(a-c))**

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

### **C.7 - Contract Goals (Section 26.51(d-g))**

The St. Augustine-St. Johns County Airport Authority will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate

participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under§ 26.39.

If our approved projection under paragraph (c) of this section estimates that we can meet our entire overall goal for a given year through race-neutral means, we will implement our program without setting contract goals during that year, unless it becomes necessary in order meet our overall goal.

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

We will express our contract goals as a percentage of the total amount of a DOT- assisted contract.

## **C.8 - Good Faith Efforts Procedures (Section 26.53)**

### C.8.1 Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

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

### C.8.2 Information to be submitted (26.53(b))

Each solicitation for which a contract goal has been established, we will require all bidders/offerors to meet the requirements of this section and to submit the following information at the time of bid, under sealed bid procedures, as a matter of responsiveness:

- (1) The names and addresses of DBE firms that will participate in the contract;
- (2) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
- (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 a contract goal; and
- (5) 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
- (6) If the contract goal is not met, evidence of good faith efforts. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
- (7) We will require that the bidder/offeror present the information required by paragraph (b)(2) of this section no later than 5 days after bid opening as a matter of responsiveness.

Provided that, in a negotiated procurement, including a design-build procurement, the

bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (b)(2) of this section before the final selection for the contract is made by the St. Augustine-St. Johns County Airport Authority.

C.8.3 Administrative reconsideration (26.53(d))

Within 5 business days of being informed by the Authority that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration.

Bidder/offerors should make this request in writing to the following reconsideration official: Mr. Edward Wuellner, AAE, Executive Director, St. Augustine-St. Johns County Airport Authority, 4796 US 1 North, St. Augustine, FL 32095. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official and Authority staff to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

C.8.4 Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g))

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

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

If the contractor fails or refuses to comply in the time specified, we may 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.

Note 1. If a contract goal has been established, a bidder may not meet the requirements of the bid specification by stating that he/she will accomplish all work of the contract using his/her own employees. First, he/she must demonstrate, to the Authority's satisfaction, that he/she made good faith efforts to meet the goal, and despite those efforts, was unable to subcontract any of the work to DBEs.

Note 2. The good faith effort requirements of 26.53 shall be required in every instance where a contract goal has been established.

The Authority will include in each bid solicitation and subsequent prime contract a provision stating:

- The St. Augustine – St. Johns County Airport Authority, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.
- “The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.”
- “By submitting this Bid the Bidder acknowledges that the Owner’s award of this contract is conditioned upon Bidder or Offeror satisfying the good faith effort requirements of 49 CFR §26.53. As a condition of bid responsiveness, the Bidder or Offeror must submit the following information with their proposal on the forms provided herein:
  - (1) The names and addresses of Disadvantaged Business Enterprise (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 listed under (1)
  - (4) Written statement from Bidder or Offeror that attests their commitment to use the DBE firm(s) listed under (1) to meet the Owner’s project goal;
  - (5) If Bidder or Offeror cannot meet the advertised project DBE goal; evidence of good faith efforts undertaken by the Bidder or Offeror as described in appendix A to 49 CFR Part 26.
  - (6) The successful Bidder or Offeror must provide written confirmation of participation from each of the DBE firms the Bidder or Offeror lists in their commitment. This Bidder or Offeror must submit the DBE’s written confirmation of participation within 5 days of receiving the Owners notice of award.”

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.

#### **C.9 - Counting DBE Participation (Section 26.55)**

The Authority will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor’s final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

If a firm is not currently certified as a DBE at the time of the execution of the contract, we will not count the firm's participation toward any DBE goals, except as provided for in 26.87(j).

### **Subpart D – Certification Standards**

#### **D.1 – (Sections 26.61, 63, 65, 67, 71, 73 do not apply)**

The Authority does not determine the eligibility of firms to participate as DBEs in DOT assisted contracts. DBE Certification is obtained and maintained through the State of Florida.

### **Subpart E – Certification Procedures**

#### **E.1 - Unified Certification Programs (Section 26.81 does not apply)**

The Authority is not a member or Certifying Agency of the Unified Certification Program (UCP) administered by the State of Florida.

### **Subpart F – Compliance and Enforcement**

#### **F.1 - Information, Confidentiality, Cooperation and intimidation or retaliation (§ 26.109)**

The Authority will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. The Authority will comply with the provisions of the Federal Freedom of Information (5 U.S.C. 552), Privacy Acts (5 U.S.C. 552a) and the Florida State Public Records Law, Chapter 119.

Notwithstanding any provision of Federal or state law, the Authority will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. The Authority, in accordance with 49 CFR §26.109, will cooperate fully and promptly with DOT and recipient compliance reviews, investigations, and other requests for information.

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

The Authority, contractor, or any other participant in the program, in accordance with 49 CFR §26.109(d), 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.

**Attachments to the DBE Program document follows this page.**

## **ATTACHMENTS**

Attachment 1	49 CFR Part 26 Table of Contents and link to e-CFR
Attachment 2	Organizational Chart
Attachment 3	Bidder's List Collection Forms
Attachment 4	Link to State of Florida's DBE Directory
Attachment 5	Overall Goal Calculations
Attachment 6	Public Participation
Attachment 7	Demonstration of Good Faith Efforts - Forms
Attachment 8	DBE Enforcement Mechanisms
Attachment 9	Small Business Element Program
Attachment 10	DBE Reporting Form

## ATTACHMENT 1 - REGULATIONS

### 49 CFR Part 26

Link to complete regulations:

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl)

Title 49 → Subtitle A → Part 26

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TITLE 49—Transportation

Subtitle A—OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

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Subpart A—GENERAL

§26.1	What are the objectives of this part?
§26.3	To whom does this part apply?
§26.5	What do the terms used in this part mean?
§26.7	What discriminatory actions are forbidden?
§26.9	How does the Department issue guidance and interpretations under this part?
§26.11	What records do recipients keep and report?
§26.13	What assurances must recipients and contractors make?
§26.15	How can recipients apply for exemptions or waivers?

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Subpart B—ADMINISTRATIVE REQUIREMENTS FOR DBE PROGRAMS FOR FEDERALLY-ASSISTED CONTRACTING

§26.21	Who must have a DBE program?
§26.23	What is the requirement for a policy statement?
§26.25	What is the requirement for a liaison officer?



§26.27	What efforts must recipients make concerning DBE financial institutions?
§26.29	What prompt payment mechanisms must recipients have?
§26.31	What information must you include in your DBE directory?
§26.33	What steps must a recipient take to address overconcentration of DBEs in certain types of work?
§26.35	What role do business development and mentor-protégé programs have in the DBE program?
§26.37	What are a recipient's responsibilities for monitoring the performance of other program participants?
§26.39	Fostering small business participation.

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#### Subpart C—GOALS, GOOD FAITH EFFORTS, AND COUNTING

§26.41	What is the role of the statutory 10 percent goal in this program?
§26.43	Can recipients use set-asides or quotas as part of this program?
§26.45	How do recipients set overall goals?
§26.47	Can recipients be penalized for failing to meet overall goals?
§26.49	How are overall goals established for transit vehicle manufacturers?
§26.51	What means do recipients use to meet overall goals?
§26.53	What are the good faith efforts procedures recipients follow in situations where there are contract goals?
§26.55	How is DBE participation counted toward goals?

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#### Subpart D—CERTIFICATION STANDARDS

§26.61	How are burdens of proof allocated in the certification process?
§26.63	What rules govern group membership determinations?
§26.65	What rules govern business size determinations?

§26.67	What rules determine social and economic disadvantage?
§26.69	What rules govern determinations of ownership?
§26.71	What rules govern determinations concerning control?
§26.73	What are other rules affecting certification?

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#### Subpart E—CERTIFICATION PROCEDURES

§26.81	What are the requirements for Unified Certification Programs?
§26.83	What procedures do recipients follow in making certification decisions?
§26.85	Interstate certification.
§26.86	What rules govern recipients' denials of initial requests for certification?
§26.87	What procedures does a recipient use to remove a DBE's eligibility?
§26.88	Summary suspension of certification.
§26.89	What is the process for certification appeals to the Department of Transportation?
§26.91	What actions do recipients take following DOT certification appeal decisions?

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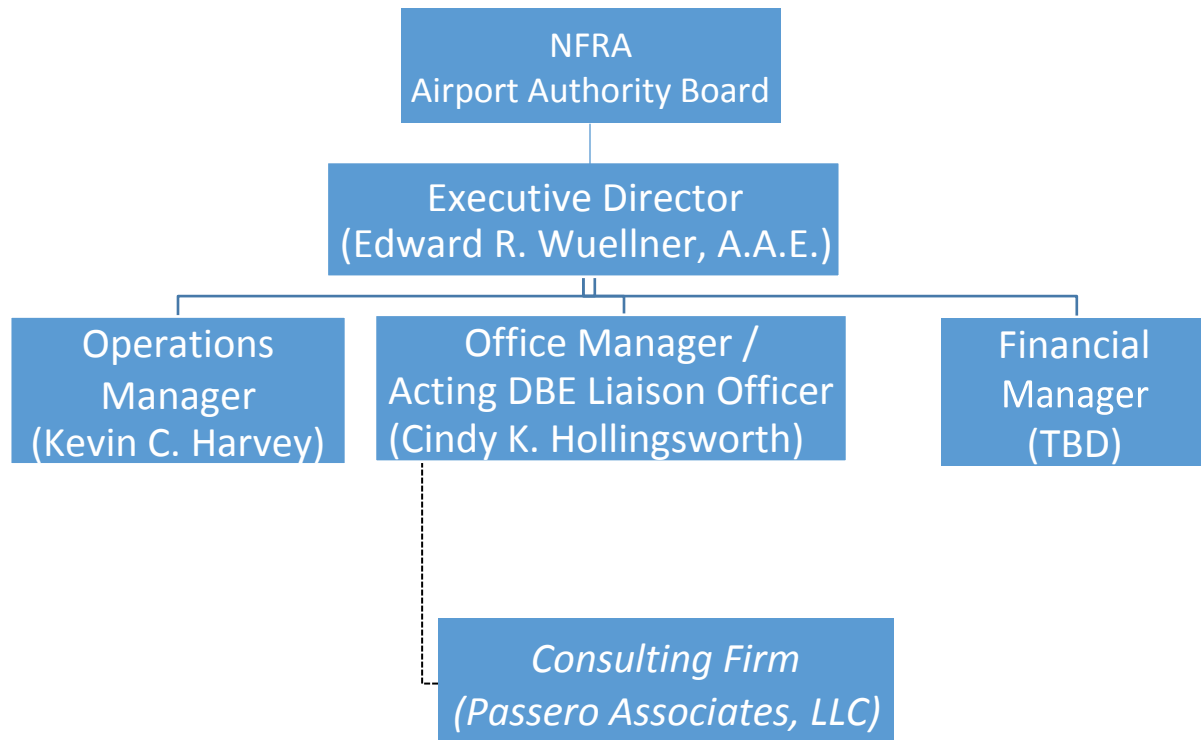
#### Subpart F—COMPLIANCE AND ENFORCEMENT

§26.101	What compliance procedures apply to recipients?
§26.103	What enforcement actions apply in FHWA and FTA programs?
§26.105	What enforcement actions apply in FAA programs?
§26.107	What enforcement actions apply to firms participating in the DBE program?
§26.109	What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?
Appendix	Appendix A to Part 26—Guidance Concerning Good Faith Efforts

Appendix	Appendix B to Part 26—Uniform Report of DBE Awards or Commitments and Payments Form
Appendix	Appendix C to Part 26—DBE Business Development Program Guidelines
Appendix	Appendix D to Part 26—Mentor-Protégé Program Guidelines
Appendix	Appendix E to Part 26—Individual Determinations of Social and Economic Disadvantage
Appendix	Appendix F to Part 26—Uniform Certification Application Form
Appendix	Appendix G to Part 26—Personal Net Worth Statement

## ATTACHMENT 2 – ORGANIZATIONAL CHART

### St. Augustine – St. Johns County Airport Authority



### **ATTACHMENT 3 – Bid Document and Contract Forms**

#### **Bidder's List Collection Forms FAA and FDOT Assisted Airport Projects (49 CFR Part 29 Section 26.11(c))**

Name of Bidder's Firm	Firm Address/ Phone #	DBE or Non-DBE Status (will be verified)	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE  <input type="checkbox"/> Non-DBE	<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

#### **Bidder's List Collection Form – Subcontractor Information**

Name of Subcontractor's Firm	Firm Address/ Phone #	DBE or Non-DBE Status (will be verified)	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE  <input type="checkbox"/> Non-DBE	<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
		<input type="checkbox"/> DBE  <input type="checkbox"/> Non-DBE	<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
		<input type="checkbox"/> DBE  <input type="checkbox"/> Non-DBE	<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
		<input type="checkbox"/> DBE  <input type="checkbox"/> Non-DBE	<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

(Bidders shall duplicate this Form, as necessary, to include all Subcontractors listed for this Bid.)

#### **ATTACHMENT 4 – LINK TO DBE DIRECTORY**

Link to: Florida Department of Transportation Disadvantaged Business Enterprise (DBE)  
Directory

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>

## **ATTACHMENT 5 – OVERALL DBE THREE-YEAR GOAL & METHODOLOGY**

### 49 CFR Part 26 Section 26.45

**Name of Recipient:** St. Augustine – St. Johns County Airport Authority,  
Owner of the Northeast Florida Regional Airport  
(NFRA/SGJ)

**Goal Period:** FY 2018-2021 (October 1, 2017 through September 30, 2021)

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**Subpart C: C.2.1: Methodology:** Step Number 1: Determine the “Base Figure”.

**C.2.1.a. – Possible FAA-Assisted Contracting Opportunities** (Source: Airport Capital Improvement Plan Summary for the Northeast Florida Regional Airport (NFRA/SGJ)) :

Anticipated Contracts: Fiscal Year 2018

1. Transient Aircraft Parking Apron Rehabilitation - \$4,000,000.00

Anticipated Contracts: Fiscal Year 2019

1. Taxiway D Pavement Rehabilitation - \$1,800,000.00
2. Design & Rehabilitate Taxiway B Pavement, Lights & Drainage, Phase 1 - \$360,000.00

Anticipated Contracts: Fiscal Year 2020

1. Design & Rehabilitate Taxiway B Pavement, Lights & Drainage, Phase 1 - \$3,600,000.00
2. East Terminal Access Road - \$360,000.00

Anticipated Contracts: Fiscal Year 2021

1. East Terminal Access Road - \$1,000,000.00

**C.2.1.b. – North American Industry Classification System (NAICS) Codes assigned to the anticipated FAA-Assisted Contracting Opportunities:**

The possible contracting opportunities for this period are complete-bid airport development projects that involve civil engineering design and bid services, site investigations (geotechnical), survey (topographic), drainage, electrical, paving (Taxiways, Aprons, Access Road) and all the related site preparation and clean-up involved in airport construction. The NAICS Codes for the consultant, contractor and subcontractor firms needed are summarized in the following Table:

NAICS	Type of Work
237310	Airport & Runway Construction, includes runway line painting (e.g., striping)
238210	Electrical Contractors
238910	Site preparation contractors, includes equipment (except crane) rental, construction, with operator
541330	Engineering services, includes consulting services
541380	Geotechnical investigation & material / environmental testing
541370	Topographic / Land survey & mapping services
541360	Geophysical surveying & mapping services
541320	Landscape architectural services
541620	Environmental Consultants – Wildlife/Plants, Site/Wetlands

The next step is to determine the Airport's GMA.

#### **C.2.1.c. – Relevant Geographic Market Area (GMA):**

The Northeast Florida Regional Airport is located in the City of St. Augustine, which is part of St. Johns County. St. Johns County is in the Southeastern area of the Florida Department of Transportation's (FDOT) District 2. District 2 encompasses 18 counties. In addition, the three northern counties in FDOT District 5 are just to the south of St. Johns County. Because of this, the Authority includes them and all eighteen District 2 counties as its relevant Geographic Market Area.

The counties are listed here as follows: 18 Counties in FDOT District 2 – Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, LaFayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union; and the three (3) northern Counties in FDOT District 5 – Flagler, Marion, and Volusia.

A map of the FDOT Districts is included at the end of this Attachment. The Authority then determined how many DBE and Non-DBE firms in its relevant geographic market area (GMA) are currently ready, willing and able to perform the work.

#### **C.2.1.d. – Data source used to derive the number of ready, willing and able DBE's in the Airport's GMA that perform work in the listed NAICS codes ("Data Column 1" in Table C.2.a.e., below):**

Data Source: The State of Florida Unified Certification Program DBE Directory: <https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/> This Directory is said to be updated daily. Note: If the State of Florida should update/move its DBE Directory (i.e., change the link), a search on the internet for it will allow anyone to find the current link.

For each NAICS Code listed in C.2.1.b. above, a search of the State of Florida's DBE Directory was made to determine how many DBE certified firms in each of the 21 counties were willing and able to work in St. Johns County, at an airport.

The results of that search are summarized in Table C.2. below, in the column labeled "Data Column 1 (Numerator)". The number of DBEs in each county are shown in the *DBE Availability Table* that follows this Attachment.

**Table C.2.**

	Planning / Design / Construction Projects	Data Column 1 (Numerator)	Data Column 2 (Denominator)
<b>NAICS</b>	<b>Type of Work pertaining to Airports</b>	<b>GMA's DBE's</b>	<b>All Firms in GMA</b>
237310	Airport & Runway Construction, includes runway line painting (e.g., striping)	17	76
238210	Electrical Contractors	4	647
238910	Site preparation contractors, including equipment (except crane) rental, construction, with operator	13	254
541330	Engineering services, includes consulting svcs.	20	551
541380	Geotechnical investigation & material / environmental testing	3	52
541370	Topographic / Land survey & mapping services	3	114
541360	Geophysical surveying & mapping services	0	3
541320	Landscape architectural services	2	70
541620	Environmental Consultants – Wildlife/Plants, Site/Wetlands	8	94
<b>Total</b>		<b>70</b>	<b>1861</b>



**C.2.1.e. – Data source used to derive the number of all ready, willing and able businesses (DBE and Non-DBE) available in our GMA that perform work in the listed NAICS codes (“Data Column 2” in Table C.2.a.e, below):**

Data Source: The U.S. Census Bureau’s County Business Patterns Data:  
<http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t> The Census Bureau’s information is updated 3-5 years. 2015 was the most recent update.

For each NAICS Code listed in C.2.1.b. above, a search of the U.S. Census Bureau’s County Business Patterns (American FactFinder Search) was made to determine how many firms (DBE and non-DBE) were listed in each of the 21 counties.

The results of that search are summarized above in Table C.2., in the column labeled “Data Column 2 (Denominator). The number of firms in each county may be seen in the *DBE Availability Data Table* that follows this Attachment, under the columns labeled “All”.

**C.2.1.f. – Calculation of our Base Figure: the relative availability of DBE’s in our GMA**

- 70 DBE Firms in the relevant Geographic Market Area (GMA) [Data Column 1 in Table C.2].
- 1,861 DBE and non-DBE in the relevant Geographic Market Area (GMA). [Data Column 2].

These two numbers are used to calculate the “Base Figure”, which is relative availability of all ready, willing and able DBEs in the relevant Geographic Market Area. The calculation of the Base Figure is as follows:

**Base Figure** = ‘Total of Data Column 1’ divided by ‘Total of Data Column 2’.

**Base Figure** =  $70 \div 1861$

**Base Figure** = 0.03761 or **3.80%**

**Subpart C: C.2.1: Methodology:** Step Number 2: Adjustment to the Base Figure so that it reflects, as accurately as possible, the DBE participation expected in the absence of discrimination.

After calculating a Base Figure, 3.80%, in Step 1, an evaluation of the previous period’s overall goal was made. The type and number of NAICS codes used in the prior period included development and planning project codes. During 2018-2021, only development projects are anticipated under the FAA-AIP Grant program. Also, the overall number of firms currently available in each NAICS Code have decreased significantly in the past year.

In addition, for each anticipated FAA contract award for each fiscal year in this reporting period, a weighted average was calculated to more accurately reflect the relative availability of the GMA’s DBE’s and to determine what adjustment (if any) to the base figure is needed. This calculation can be viewed in Table C.2.1 at the end of this Attachment. The results of that calculation was an overall (weighted) average of 4.11% DBE participation for all anticipated projects. The Median value was 3.09%.

If an adjustment is made to the Base Figure using the weighted average, it would result in an adjusted goal of 3.95%:  $(4.11\% + 3.80\%) \div 2 = 3.95\%$  (see Table C.2.1 on the last page of this Attachment). However, because the Median (middle) Value is 3.09% and there is no relevant historical DBE data to support an adjustment, the Airport Authority is adopting its Step 1 Base Figure of 3.80% as its overall goal for 2018-2021. This goal will be evaluated annually.

**Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation. (Section 26.51(b) (1-9))**

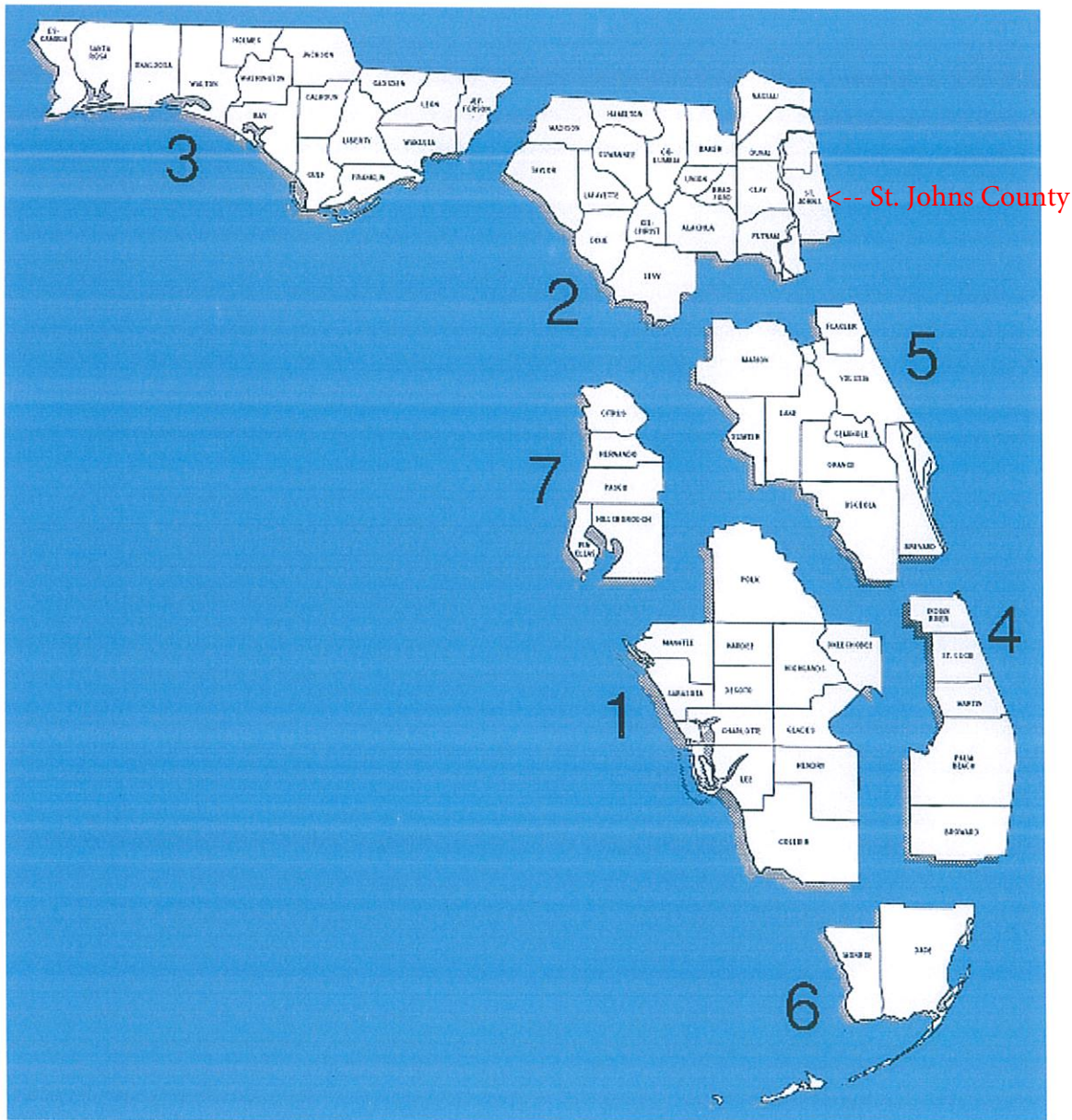
The Authority will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation by:

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39 of this part;
- (2) Carrying out information and communications programs on contracting procedures and specific contract opportunities, technical assistance, where appropriate;
- (3) Promoting DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
- (4) DBE participation on a prime contract exceeding a contract goal;
- (5) DBE participation through a subcontract from a prime contractor that did not consider a firm’s DBE status in making the award.

The Authority expects to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. A breakout of estimated RN and RC participation for the current period cannot be adequately supported by past participation and experience due to the prior periods’ economic climate fostered a larger pool of DBE firms willing and able to work on the authority’s projects. At this time, we estimate that, in meeting our overall goal of 3.80%, we will obtain 3.80% from race-neutral participation.

However, the Authority will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation (see Section 26.51(f)) and track and report RN and RC participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract obtained through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal,
- DBE participation on a prime contract exceeding a contract goal, and
- DBE participation through a subcontract from a prime contractor that did not consider a firm’s DBE status in making the award.



NAICS Codes: County\Type of Firm		Number of Firms in each County/NAICS Colde (Sources: FL DBE Directory and US Census Bureau: Am. FactFinder)																County Totals:	
		237310	238910		541330		541380		541370		541360		541320		541620		238210	DBE	All
	DBE	DBE	All	DBE	All	DBE	All	DBE	All	DBE	All	DBE	All	DBE	All	DBE	All	DBE	All
Alachua (26)	0	3	0	14	5	69	1	11	0	10	0	2	1	4	3	19	0	46	178
Baker (27)	0	0	0	4	0	1	0	1	0	0	0	0	0	0	0	2	0	11	10
Bradford (28)	0	1	0	3	0	2	0	0	0	2	0	0	0	0	0	0	0	10	106
Clay (71)	1	2	1	14	0	28	0	2	0	5	0	0	0	3	0	2	1	44	4
Columbia (29)	0	1	0	13	0	13	1	1	1	4	0	0	0	1	0	1	0	649	14
Dixie (30)	0	0	0	2	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0
Duval (72)	12	33	10	38	14	250	1	24	2	27	0	1	1	24	4	42	3	210	5
Gilchrist (31)	0	0	0	4	0	2	0	1	0	1	0	0	0	0	0	1	0	0	0
Hamilton (32)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lafayette (33)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Levy (34)	0	4	0	3	0	2	0	0	0	2	0	0	0	0	0	0	0	13	14
Madison (35)	0	0	0	9	0	1	0	1	0	2	0	0	0	0	0	0	0	0	0
Nassau (74)	1	2	0	7	0	13	0	1	0	3	0	0	0	3	0	1	0	48	33
Putnam (76)	0	1	0	7	0	2	0	1	0	1	0	0	0	1	0	5	0	140	23
St. Johns (78)	1	6	0	15	0	50	0	1	0	5	0	0	0	10	1	15	0	9	1
Suwannee (37)	0	0	0	9	0	3	0	0	0	1	0	0	0	0	0	1	0	0	0
Taylor (38)	0	0	0	4	0	1	0	0	0	2	0	0	0	1	0	0	0	0	0
Union (39)	0	2	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	10	10
Total District 2 Firms	15	55	11	153	19	438	3	44	3	66	0	3	2	47	8	89	4	412	1307
Flagler (73)	0	1	0	15	0	9	0	0	0	3	0	0	0	4	0	1	0	51	170
Marion (36)	1	10	0	24	0	39	0	0	0	19	0	0	0	7	0	3	0	333	4
Volusia (79)	1	10	2	62	1	65	0	8	0	26	0	0	0	12	0	1	0	0	0
Total District 5 Firms	2	21	2	101	1	113	0	8	0	48	0	0	0	23	0	5	0	235	554
Gr. Totals																		70	1861
Totals																			
Total DBE Firms	17	13		20		551		3		3		0		2		8		4	647
Total All Firms	76	254						114		70		94							



## **ATTACHMENT 6 – PUBLIC PARTICIPATION**

**Consultation:** Section 26.45(g)(1)( i ).

An email was sent to each of the following:

- Airport Minority Advisory Council: [Anthony.barnes@amac-org.com](mailto:Anthony.barnes@amac-org.com).
- Florida Hispanic Construction Association: [floridahca@gmail.com](mailto:floridahca@gmail.com).
- National Association of Minority Contractors – NE FL  
Chapter: [deborah@dkiconsultants.com](mailto:deborah@dkiconsultants.com).
- North Florida Small Business Development Office: [Wilfredo.gonzalez@sba.gov](mailto:Wilfredo.gonzalez@sba.gov).

The body of the email follows:

*“The St. Augustine – St. Johns County Airport Authority is updating its Disadvantaged Business Enterprise Program’s Goal and Methodology for Airport FAA-Funded Projects at the Northeast Florida Regional Airport in St. Augustine, Florida (see attached Draft).*

*“The Authority invites you to provide comments concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Authority’s efforts to establish a level playing field for the participation of DBEs.*

*“Please feel free to forward this email to those who you believe will be interest in commenting.*

*“The Authority will be publishing a notice in the St. Augustine Record on July 7, 2018 that the draft update of the DBE Program goals and methodology will be available for public inspection on our website, [www.flynf.com](http://www.flynf.com) and at the Airport Administration Office during normal business hours for a period thirty days – through August 6, 2018. Written comments from the public will be accepted during that time.*

*“If you would like to meet or speak to me directly, please do so. If possible, please submit any comments you have prior to publication or by August 6, 2018. All written comments received by August 6, 2018 will be discussed in the final draft submission to the FAA.*

*“Thank you.*

*“Sincerely,*

**Cindy K. Hollingsworth**

Office Manager, DBE Liason Officer  
St. Augustine St. Johns County Airport  
Authority 4796 US 1 North  
St. Augustine, FL  
32095 Office: 904-  
209-0090  
Fax: 904-209-0528

One comment was received from Mr. Kenneth R. Hamilton, Supervisory Business Development Specialist, Small Business Administration, Business Development Division of North Florida District Office. The Authority's email to consultants, Mr. Hamilton's email and the Authority's response follows this page.



**From:** Cindy K. Hollingsworth  
**To:** [Anthony.barnes@amac-org.com](mailto:Anthony.barnes@amac-org.com); [floridahca@gmail.com](mailto:floridahca@gmail.com); [deborah@dkiconsultants.com](mailto:deborah@dkiconsultants.com); [Wilfredo.gonzalez@sba.gov](mailto:Wilfredo.gonzalez@sba.gov)  
**Cc:** [Mary Gniech](#)  
**Subject:** Draft 2018-2021 DBE Program Update for Public Comment  
**Date:** Wednesday, June 27, 2018 9:41:26 AM  
**Attachments:** [SGJ.0082 DBE \(Draft for Public Comment\) 06.25.2018.pdf](#)  
**Importance:** High

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Good Morning,

The St. Augustine – St. Johns County Airport Authority is updating its Disadvantaged Business Enterprise Program’s Goal and Methodology for Airport FAA-Funded Projects at the Northeast Florida Regional Airport in St. Augustine, Florida (see attached Draft).

The Authority invites you to provide comments concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Authority’s efforts to establish a level playing field for the participation of DBEs.

Please feel free to forward this email to those who you believe will be interest in commenting.

The Authority will be publishing a notice in the St. Augustine Record on July 7, 2018 that the draft update of the DBE Program goals and methodology will be available for public inspection on our website, [www.flynf.com](http://www.flynf.com) and at the Airport Administration Office during normal business hours for a period thirty days – through August 6, 2018. Written comments from the public will be accepted during that time.

If you would like to meet or speak to me directly, please do so. If possible, please submit any comments you have prior to publication or by August 6, 2018. All written comments received by August 6, 2018 will be discussed in the final draft submission to the FAA.

Thank you and have a great day,

Cindy Hollingsworth  
Office Manager, DBE Liason Officer  
St. Augustine – St. Johns County Airport Authority  
4796 US 1 N  
St. Augustine, FL 32095

904-209-0090 office  
904-209-0528 fax

URL: [www.flynf.com](http://www.flynf.com)

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**From:** Hamilton, Kenneth R. [<mailto:Kenneth.Hamilton@sba.gov>]  
**Sent:** Thursday, July 5, 2018 5:42 PM  
**To:** Cindy K. Hollingsworth <[ckh@sgj-airport.com](mailto:ckh@sgj-airport.com)>  
**Cc:** Colon, Gilbert <[gilbert.colon@sba.gov](mailto:gilbert.colon@sba.gov)>; Gonzalez, Wilfredo J. <[Wilfredo.Gonzalez@sba.gov](mailto:Wilfredo.Gonzalez@sba.gov)>  
**Subject:** Draft 2018-2021 DBE Program Update for Public Comment

Ms. Hollingsworth,

In response to your request for comment regarding availability of DBE and Non-DBE's the 8(a) Program at our North Florida District Office (NDFO) works with a large number of DBE businesses within the 8(a) program as well as other businesses that may participate in our other small business certification programs such as Women owned, HUBZone, Service Disabled Veteran and Small Business in general. Within the 8(a) program we support the 130 Participants in our programs as well as those firms who have graduated from the program, many still considered DBE's. Our South Florida District Office (SFDO) has a portfolio of over 100 8(a) participants where many of those businesses may be capable of performing requirement for the St. Johns Airport Authority.

Discrimination does impact many firms as many DBE's owners have historically been impacted through the practice of housing, community and banking redlining. Where some owners have been forced into communities where property values are depressed and they are burden with higher interest rates than others causing their net worth to be lower, thereby making it more difficult to accumulate wealth and acquire competitive and lower interest rate loans, if at all. The results are that DBE often are limited in access to capital to fund contracts or they are incapable to perform where requirements require larger investments in assets such as large equipment or working capital.

Then there may be bias formed by procurement offices where one DBE may have failed to performed and the stigma is places on other DBE's. Discrimination is indeed a problem but to resolve the issue , systemic and historical issues must be addressed. While one organization cannot resolve all issues with discrimination it can make a difference within that organization. The commitment to end discrimination must be a top down directive where people and divisions within organizations are held accountable for change if it is truly desired.

Organizations such as the SBA and its many resources partners such as SCORE, The Small Business Development Centers, and the Women Business can assist to ready DBE's to gain the capital, build infrastructure and overall capacity. However, organizations must seek opportunities to open their doors to DBE's . There must be a realization that many DBE's should burdens that other firm do not carry.

A closer working relationship with this office to identifying types of opportunities and requirements would allow the SBA and its partners to target, perform outreach and assist in preparing DBE's to pursue opportunities with St. Johns County Airport Authority .

We welcome the possibility of working with your organization .

*Kenneth R. Hamilton*  
Supervisory Business Development Specialist  
Business Development Division North Florida District Office  
7825 Baymeadows Way, Suite 100-B  
Jacksonville FL, 32256  
[Kenneth.hamilton@sba.gov](mailto:Kenneth.hamilton@sba.gov)  
O. 904-443-1910 - F. 202-481-6426  
Web: [www.sba.gov/fl/north/index.htm](http://www.sba.gov/fl/north/index.htm)



**From:** Cindy K. Hollingsworth <ckh@sgj-airport.com>  
**Sent:** Tuesday, August 07, 2018 3:52 PM  
**To:** Kenneth.hamilton@sba.gov  
**Cc:** Mary Gniech <mgniech@passero.com>  
**Subject:** Draft 2018-2021 DBE Program Update for Public Comment

Dear Mr. Hamilton:

Thank you for your comments regarding the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs and the Authority's efforts to establish a level playing field for the participation of certified Disadvantaged Business Enterprises (DBE) and small businesses.

We plan to have Passero Associates, LLC, our Airport Consultant, email the full Advertisement & Notice to Bidders for our two Airport projects that will be bid August 29, 2018, and future airport projects, to you. The Bid documents, plans and specifications for our current projects will be available to download tomorrow, August 8, 2018 on Passero's website – [www.passero.com](http://www.passero.com). Please contact Mary Gniech at Passero if you have any questions. She can be reached at 904-224-7085; [mgniech@passero.com](mailto:mgniech@passero.com).

Please confirm that the Airport Project Advertisement/Notice to Bidders should be sent to your email address.

Thank you, again, for your input.

Cindy Hollingsworth  
Office Manager  
St. Augustine – St. Johns County Airport Authority  
4796 US 1 N  
St. Augustine, FL 32095

904-209-0090 office  
904-209-0528 fax  
904-814-6608 cell

URL: [www.flynf.com](http://www.flynf.com)

**From:** Mary Gniech

**Sent:** Wednesday, August 08, 2018 6:41 PM

**To:** 'Kenneth.hamilton@sba.gov' <Kenneth.hamilton@sba.gov>

**Cc:** 'Cindy K. Hollingsworth' <ckh@sgj-airport.com>; 'Kevin C. Harvey' <kch@sgj-airport.com>; Andrew Holesko <AHolesko@passero.com>

**Subject:** Advertisements / Notice to Bidders for two Projects at the Northeast Florida Regional Airport (SGJ/NFRA), St. Augustine, FL

**Importance:** High

Projects: Security Fence and Gate Replacement; Airfield Security Radar System

Project: Terminal Apron Reconstruction

Dear Mr. Hamilton:

The Bid Documents, Plans and Specifications for the above referenced Projects have been published on our website – [www.passero.com](http://www.passero.com) (Bid Tab). Please see the attached advertisements and notices to bidders. All the documents are available to download from our site at no cost.

Please let me know who should receive this information on future projects.

Please contact me if you have any questions.

Thank you.

Sincerely,

**Mary Gniech, MBA**

**PASSERO ASSOCIATES, LLC**

13453 N. Main Street, Suite 106

Jacksonville, FL 32218

Direct: 904-224-7085

Office: 904-757-6106, ext. 417

[mgniech@passero.com](mailto:mgniech@passero.com)

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**Public Notice:** Section 26.45(g)(2).

The Authority published the following notice in the St. Augustine Record: (Confirmation of its publication follows this page.)

The St. Augustine – St. Johns County Airport Authority (Authority) has proposed an overall DBE goal of 3.80% for Airport Improvement Projects awarded over \$250,000.00 during FY 2018-2021. The proposed goal and methodology are available for public inspection at <https://www.flynf.com/p54-Policy-Documents.aspx> and at the Airport Administration Office during normal business hours for a period of thirty (30) days, beginning July 7, 2018. Written comments will be accepted for a period of thirty (30) days beginning July 7, 2018 and ending August 6, 2018. Please send all written comments to:

St. Augustine St. Johns County Airport Authority  
Attn: Ms. Cindy K. Hollingsworth, DBELO  
4796 U.S. 1 N  
St. Augustine, FL  
32095 or  
[ckh@SGJ-airport.com](mailto:ckh@SGJ-airport.com)

No comments were received from the Public.

Proof of Publication of this Advertisement follows this page.

THE ST. AUGUSTINE RECORD  
Affidavit of Publication

ST.AUG. AIRPORT AUTHORITY  
4796 US HIGHWAY 1 N

SAINT AUGUSTINE, FL 32095

ACCT: 15453  
AD# 0003061805-01

PO#

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a **NOTICE OF ACTION** in the matter of **DBE IMPROVEMENT PRJ** was published in said newspaper on 07/07/2018.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to and subscribed before me this \_\_\_\_ day JUL 9 2018

by Melissa Rhinehart who is personally known to me  
or who has produced as identification

Jennifer L. Burns  
(Signature of Notary Public)



The St. Augustine - St. Johns County Airport Authority (Authority) has proposed an overall DBE goal of 3.80% for Airport Improvement Projects awarded over \$250,000.00 during FY 2018-2021. The proposed goal and methodology are available for public inspection at <https://www.flynf.com/p54-Policy-Documents.aspx> and at the Airport Administration Office during normal business hours for a period of thirty (30) days, beginning July 7, 2018. Written comments will be accepted for a period of thirty (30) days beginning July 7, 2018 and ending August 6, 2018. Please send all written comments to:

St. Augustine St. Johns County  
Airport Authority  
Attn: Ms. Cindy K. Hollingsworth,  
DBELO  
4796 U.S. 1 N  
St. Augustine, FL 32095 or  
[ckh@SGJ-airport.com](mailto:ckh@SGJ-airport.com)  
0003061805 July 7, 2018

## **ATTACHMENT 7 – DEMONSTRATION OF GOOD FAITH EFFORTS**

These forms are to be included in and a part of the Contract/Bid Documents for each project.

### **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 should submit documentation demonstrating good faith efforts.

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

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

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

### **FORM 2: LETTER OF INTENT (Submit this form for each DBE subcontractor)**

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 and that the firm is DBE certified to perform the specific trades.

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

Date: \_\_\_\_\_

\_\_\_\_\_  
(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.**

### FORM 3 - Bidder's List Collection Forms for FAA and FDOT Assisted Airport Projects (49 CFR Part 29 Section 26.11(c))

(Successful Bidder shall duplicate this Form, as necessary, to include all Subcontractors listed for this Bid.)

Name of Bidder's Firm	Firm Address/ Phone #	DBE or Non-DBE Status (will be verified)	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE	<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

### **Bidder's List Collection Form – Subcontractor Information**

Name of Subcontractor's Firm	Firm Address/ Phone #	DBE or Non-DBE Status (will be verified)	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE	<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE	<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

## FORM 4 - DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. A Disadvantaged Business Enterprise (DBE) contract goal of \_\_\_\_\_ % percent has been established for this contract.

All bidders must submit an assurance stating the percentage of Disadvantaged Business Enterprises they intend to employ on this project.

The successful bidder must submit the following information within 15 business days of being notified that they are the successful bidder, but before the contract is executed:

1. The names and addresses of DBE **AND** non-DBE firms that will participate in the contract, including:
  - Firm's status as a DBE or non-DBE
  - Age of the firm
  - Annual gross receipts of the firm (use categories below)  
[ ] < \$500,000 [ ] \$500,000-\$1 million [ ] \$1-2 million [ ] \$2-5 million [ ] > 5 million
  - Description of the work the firm will perform
  - Dollar amount of the work the firm will perform
2. Written documentation of the commitment to use a DBE firm whose participation is submitted to meet the contract goal.
3. Written confirmation from the DBE firm that it is participating in the contract.
4. If the contract goal is not met, evidence of good faith efforts as defined in 49 CFR Part 26

### CERTIFICATION:

This firm assures that it will utilize not less than \_\_\_\_\_% of DBE participation.

Bidder's Name: \_\_\_\_\_

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

Bidder's Status: \_\_\_\_\_ DBE \_\_\_\_\_ Non-DBE

Age of Firm: \_\_\_\_\_

Annual gross receipts of the firm (check category):

[ ] < \$500,000 [ ] \$500,000-\$1 million [ ] \$1-2 million [ ] \$2-5 million [ ] > 5 million

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Date



## FORM 5 - DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

The successful bidder must submit the following information for **each subcontractor/supplier** they intend to employ on this project within 15 business days of being notified that they are the successful bidder, but before the contract is executed.

Prime Contractor's Name: \_\_\_\_\_

Subcontractor/Supplier's Name and Address:

---

---

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Subcontractor/Supplier's Status: ☐ DBE ☐ non-DBE Age of the Company: \_\_\_\_\_

Annual Gross Receipts of the Subcontractor/Supplier (use categories

below): ☐ < \$500,000 ☐ \$500,000-\$1 million ☐ \$1-2 million ☐ \$2-5 million

☐ > 5 million

Description and estimated dollar amount of the work to be performed by subcontractor/supplier:

Work Item	Estimated \$ Amount
Total:	

### =====DBE AFFIRMATION BELOW=====

#### DBE Affirmation

The above-named DBE affirms that it will perform the work for the estimated dollar value described above.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

---

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

---

#### Prime Contractor Affirmation

We are committed to utilizing the above-named DBE for the work and estimated dollar value described above.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM 6 - FAA REPORT OF CERTIFIED DBE CONTRACTORS USED ON AWARDED  
AND COMMITTED FAA-ASSISTED CONTRACTS (as required)**

Name of  
Airport:

**Name of  
Recipient:**

**City/State/Zip:**

**Goal Period  
Dates:**

**Preparer's  
Name:**

**Email address  
and Telephone  
No:**

**Date Prepared:**

DBE Firm:

Address:

City/State/Zip:

Telephone No.:

Type of Work and NAICS:

Dollar Amount of Work:

AIP Grant #s:

**Disadvantaged Group (check one):**

<b>Black American</b>  <input type="checkbox"/> <b>Male</b> <input type="checkbox"/> <b>Female</b> <input type="checkbox"/>	<b>Hispanic American</b>  <input type="checkbox"/> <b>Male</b> <input type="checkbox"/> <b>Female</b> <input type="checkbox"/>	<b>Native American</b>  <input type="checkbox"/> <b>Male</b> <input type="checkbox"/> <b>Female</b> <input type="checkbox"/>	<b>Subcontinent Asian American</b>  <input type="checkbox"/> <b>Male</b> <input type="checkbox"/> <b>Female</b> <input type="checkbox"/>
<b>Asian Pacific American</b>  <input type="checkbox"/> <b>Male</b> <input type="checkbox"/> <b>Female</b> <input type="checkbox"/>	<b>Non-Minority</b>  <input type="checkbox"/> <b>Male</b> <input type="checkbox"/> <b>Female</b> <input type="checkbox"/>	<b>Other (not of any group listed here)</b>  <input type="checkbox"/> <b>Male</b> <input type="checkbox"/> <b>Female</b> <input type="checkbox"/>	

*(Add additional pages as necessary)*

## **ATTACHMENT 8 – DBE ENFORCEMENT MECHANISMS**

The St. Augustine – St. Johns County Airport Authority (Authority) has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. The Authority will exercise, when appropriate, its right to terminate agreements when contractors violate contractual provisions relating to insurance, statutory compliance and non-discrimination.
  - a. Breach of contract action, pursuant to the terms of the contract.
2. Further, The Authority will employ its statutory remedies when appropriate to ensure DBE compliance, including but not limited to the rights afforded under the laws, regulations/Rules of the State of Florida and St. Johns County, including injunctions and restraining orders, all as deemed applicable by the Authority's legal advisors.

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

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

## Attachment 9

### **Fostering Small Business Participation**

#### **A. Objective**

Recognizing that the DBE program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses; the St. Augustine - St. Johns County Airport Authority (Authority) seeks to implement a small business element into its current DBE policy in accordance with applicable law. The Authority is including this element to facilitate competition by and expand opportunities for small businesses. The Authority 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 Authority will meet its objectives using a combination of the following methods and strategies:

1. The St. Augustine - St. Johns County Airport Authority (Authority), where feasible, may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Authority 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 and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, the Authority will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The Authority will assist prime contractors or prime consultants in identifying portions of work which may be unbundled and performed by small businesses. The Authority will document the factors used to determine whether or not an FAA-assisted contract will be unbundled or bid separately.
2. FAA recipients who reasonably anticipate awarding \$250,000 or less in FAA funds in prime contracts in a federal fiscal year are not required to develop an overall DBE goal for that fiscal year. The St. Augustine - St. Johns County Airport Authority (Authority), where feasible, on prime contracts not having a DBE contract goal, will request the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved. The Authority will conduct contract reviews on each FAA-assisted contract that does not have a DBE contract goal to determine whether portions of the project could be performed by small businesses, including DBEs. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with subcontracting. The Authority will assist prime contractors or prime consultants in identifying portions of work which may be performed by small businesses.
3. The St. Augustine - St. Johns County Airport Authority will advertise contracting opportunities to the small business community through various outlets, including local newspapers, chambers of commerce and county administration offices, where feasible.

As described above, the St. Augustine - St. Johns County Airport Authority 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 was implemented 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 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) described in 49 CFR Part 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 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.
- Has been certified as a DBE in accordance with 49 CFR 26.

For the purposes of the small business element of the St. Augustine - St. Johns County Airport Authority'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 FAA-assisted contracts.

## **C. Certification and Verification Procedures**

The St. Augustine - St. Johns County Airport Authority (Authority) will accept the following certification and/or verification documents for participation in the small business element of the Authority's DBE program:

- Three years of business tax returns and Section 1 and Parts A and B of Section 2 of the federal DBE Uniform Certification Application.
- DBE certification 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 a letter of DBE certification issued by a state through its Unified Certification Program.

## **D. Implementation Schedule**

The St. Augustine - St. Johns County Airport Authority will implement the small business element of its DBE program beginning federal fiscal year 2013.

## **E. Assurances**

The St. Augustine - St. Johns County Airport Authority 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.

General Reporting

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS										
**Please refer to the instructions sheet for directions on filling out this form**										
1	Submitted to (check only one):		<input type="checkbox"/> FHWA <input type="checkbox"/> FTA-Recipient ID Number							
2	AF Numbers (FAA Recipients): Grant Number (FTA Recipients):									
3	Federal fiscal year in which reporting period falls:				4. Date This Report Submitted:					
5	Reporting Period		<input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31)		<input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30)					
6	Name and address of Recipient:				5. FAA annual report due Dec. 1					
7	Annual DBE Goal(s):		Race Conscious Projection		Race Neutral Projection		OVERALL Goal			
Awards/Commitments this Reporting Period										
A	AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts committed during this reporting period)		Total Dollars		Total Number		Total to DBEs (dollars)		Total to DBEs/Race Conscious (number)	
B	Prime contracts awarded this period									
9	Subcontracts awarded/committed this period									
10	TOTAL									
BREAKDOWN BY ETHNICITY A										
B	GENDER		Total to DBE (dollar amount)		Total to DBE (number)		Total to DBEs/Race Conscious (number)		Total to DBEs/Race Neutral (number)	
11	Black American				Women		Men		Total	
12	Hispanic American									
13	Native American									
14	Asian-Pacific American									
15	Subcontinent Asian Americans									
16	Non-Minority									
17	TOTAL									
Payments Made this Period										
C	PAYMENTS ON ONGOING CONTRACTS (report activity of ongoing contracts)		Total Number of Contracts		Total Dollars Paid		Total Number of Contracts with DBEs		Total Payments to DBE firms	
18	Prime and sub contracts currently in progress									
D	TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD		Number of Contracts Completed		Total Dollar Value of Contracts Completed		DBE Participation Needed to Meet Goal (Dollars)		Total DBE Participation (Dollars)	
19	Race Conscious									
20	Race Neutral									
21	Totals									
22	Submitted By:				24. Signature:				25. Phone Number:	

49 CFR Part 26 Appendix B: Version 6(a)