

RESOLUTION NO 2025 - 037

CITY OF LAKE CITY, FLORIDA

A RESOLUTION OF THE CITY OF LAKE CITY, FLORIDA CONCERNING THE FEDERAL AVIATION ADMINISTRATION DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM; RATIFYING THE ACTIONS OF THE THEN-CITY MANAGER TAKEN ON BEHALF OF THE CITY COMMITTING THE CITY TO THE TERMS OF THAT CERTAIN SEPTEMBER 2020 DBE PROGRAM POLICY STATEMENT EXECUTED BY THE THEN-CITY MANAGER ON OCTOBER 14, 2020; RATIFYING ACTIONS OF CITY PERSONNEL TAKEN IN FURTHERANCE OF AND COMPLIANCE WITH SAID PROGRAM POLICY; APPROVING THAT CERTAIN UPDATED DBE PROGRAM POLICY STATEMENT DATED NOVEMBER 2024; COMMITTING THE CITY TO THE TERMS OF SAID DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM POLICY STATEMENT; MAKING CERTAIN FINDINGS OF FACT IN SUPPORT OF THE CITY APPROVING SAID NOVEMBER 2024 DBE PROGRAM POLICY STATEMENT; RECOGNIZING THE AUTHORITY OF THE MAYOR TO EXECUTE AND BIND THE CITY TO SAID NOVEMBER 2024 DBE PROGRAM POLICY STATEMENT; DIRECTING THE MAYOR TO EXECUTE AND BIND THE CITY TO SAID NOVEMBER 2024 DBE PROGRAM POLICY STATEMENT; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake City ("City") owns and operates the Lake City Gateway Airport (the "Airport"); and

WHEREAS, the City applies for and accepts grant funds ("Grants") from the United States Federal Aviation Administration (the "Agency"); and

WHEREAS, as a condition of being awarded Grants by the Agency, the City is required to maintain a Disadvantaged Business Enterprise Program (the "Program") in accordance with regulations of the United States Department of Transportation ("DOT") set forth in 49 CFR Part 26; and

WHEREAS; specifically the Program is applicable to DOT-assisted contracts such as contracts funded by Grants with the aim to ensure that Disadvantaged Business Enterprises ("DBEs") are provided an equal opportunity to receive and participate in DOT-assisted contracts; and

WHEREAS, by virtue of execution by the then-city manager, a Program was established by the

City in October 2020 for federal fiscal years 2021 through 2023; and

WHEREAS, the City desires to ratify the actions of the then-city manager related to and arising from the establishment of a Program in the City in October 2020 for federal fiscal years 2021 through 2023, said Program policy statement (the “2020 Policy Statement”) for such period being attached hereto as Exhibit “A”; and

WHEREAS, the City desires to amend and extend the Program for federal fiscal years 2024 through 2026, said Program policy statement (the “2024 Policy Statement”) for such period being attached hereto as Exhibit “B”; and

WHEREAS, ratifying the 2020 Policy Statement and amending and extending the Program by adopting the 2024 Policy Statement is in the public interest and in the interests of the City; now therefore

BE IT RESOLVED by the City Council of the City of Lake City, Florida:

1. Ratifying the 2020 Policy Statement and amending and extending the Program by adopting the 2024 Policy Statement is in the public or community interest and for public welfare; and
2. In furtherance thereof, the actions of the then-city manager related to and arising from the execution and implementation of the 2020 Policy Statement in the form of Exhibit “A” attached hereto should be and is approved by the City Council of the City of Lake City; and
3. In furtherance thereof, the 2024 Policy Statement, amending and extending the 2020 Policy Statement, is approved and adopted hereby; and
4. The Mayor of the City of Lake City is the officer of the City duly designated by the City’s Code of Ordinances to enforce such rules and regulations as are adopted by the City Council of the City of Lake City; and
5. The Mayor of the City of Lake City is authorized and directed to execute on behalf of and bind the City to the terms of the 2024 Policy Statement; and
6. All prior resolutions of the City Council of the City of Lake City in conflict with this resolution are hereby repealed to the extent of such conflict; and

7. This resolution shall become effective and enforceable upon final passage by the City Council of the City of Lake City.

APPROVED AND ADOPTED, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lake City, Florida, at a regular meeting, this ____ day of April, 2025.

BY THE MAYOR OF THE CITY OF LAKE CITY,
FLORIDA

Noah E. Walker, Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL
OF THE CITY OF LAKE CITY, FLORIDA:

Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Clay Martin, City Attorney

DISADVANTAGED BUSINESS ENTERPRISE PLAN PART 26

FY 2021-FY 2023

September, 2020

for the

**LAKE CITY GATEWAY AIRPORT
LAKE CITY, FLORIDA**

Submitted to:

**Federal Aviation Administration
Office of Civil Rights
El Segundo, California**

Prepared By:

**Taffy Pippin Consulting, LLC
Montgomery, Alabama**

**EXHIBIT "A"
Not for Execution**

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ATTACHMENTTitle

Attachment 1	Regulations: 49 CFR Part 26 website link
Attachment 2	Organizational Chart
Attachment 3	Bidder's List Collection Form
Attachment 4	DBE Directory or link to DBE Directory
Attachment 5	Overall Goal Calculations
Attachment 6	Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2
Attachment 7	DBE Monitoring and Enforcement Mechanisms
Attachment 8	DBE Certification Application Form
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**DBE PROGRAM
LAKE CITY GATEWAY AIRPORT
CITY OF LAKE CITY
LAKE CITY, FLORIDA**

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The City of Lake City, Florida (Sponsor) 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 Sponsor has received Federal financial assistance from the U.S. Department of Transportation (DOT), and as a condition of receiving this assistance, Sponsor has signed an assurance that it will comply with 49 CFR Part 26 (hereinafter referred to as "Part 26").

It is the policy of the Sponsor to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy to engage in the following actions on a continuing basis:

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

Karen Nelmes, Procurement Director, Lake City, Florida has been delegated as the DBE Liaison Officer. In that capacity, Ms. Nelmes 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 Sponsor in its financial assistance agreements with the Department of Transportation.

The Sponsor has disseminated this policy statement to all branches of the City's offices, and posted it for public viewing in the Sponsor's Office. It will be distributed to DBE and non-DBE communities that perform work for the Sponsor on DOT-assisted contracts by website postings of the public notice.


Joe Helfenberger, City Manager
City of Lake City, Florida

Date: 10/14/20

GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are elaborated in the policy statement on the first page of this program.

Section 26.3 Applicability

Sponsor is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

Sponsor will use terms in this program that have their meanings defined in Part 26, §26.5.

Section 26.7 Non-discrimination Requirements

Sponsor 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, Sponsor will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT 26.11

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

DBE participation will be reported to the FAA as follows:

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

Bidders List 26.11(c)

Sponsor will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on Sponsor DOT-assisted contracts, for use in helping to set overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

This information will be collected in the following way:

The Sponsor will collect this information as an attachment to the bid documents. All bidders must provide this information for themselves and all businesses who attempted to do business with them (i.e., all potential subcontractors who submitted bids/quote), see Attachment 3 to this Program.

Records Retention and Reporting:

All certification or compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial agreement, whichever is longer.

Section 26.13 Federal Financial Assistance Agreement

Sponsor has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: - Each financial assistance agreement Sponsor signs with a DOT operating administration (or a primary recipient) will include the following assurance:

"The Sponsor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Sponsor shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The Sponsor's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*)"

Contract Assurance: Sponsor will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

"The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Sponsor is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. Sponsor is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and Sponsor is in compliance with it and Part 26. Sponsor will continue to carry out this program until all funds from DOT financial assistance have been expended. Sponsor does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer for Sponsor:

Karen Nelmes, Procurement Director
City of Lake City
205 N Marion Avenue
Lake City, Florida 32055
nelmesk@lcfla.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Sponsor complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the City Manager concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of two to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes Sponsor's progress toward attainment and identifies ways to improve progress.

7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the Sponsor to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Based on our search and the listings in the FDIC Minority Depository Program, <http://www.fdic.gov/regulations/resources/minority/mdi.html>. Florida has ten minority owned banks with multiple branches. These banks may be accessed by following the above referenced website.

The Sponsor will investigate annually any new banks established in the area in the future that are owned by minorities and women and use their services, when feasible.

The Sponsor will provide the following notification to each prime contractor who will perform on a DOT-assisted project:

"The City of Lake City, Lake City, Florida encourages you to make the greatest feasible use of the services offered by banks owned and controlled by DBEs. Information on these services may be obtained from the DBELO of the City of Lake City, Lake City, Florida or by contacting the Florida Bankers Association in Tallahassee, Florida, (850) 224-2265."

Section 26.29 Prompt Payment Mechanisms

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

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

Sponsor ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, Sponsor has selected the following method to comply with this requirement:

- (1) Hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory

completion of the accepted work within 30 days after our payment to the prime contractor.

To implement this measure, the Sponsor includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime contract.

"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 Sponsor 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 Sponsor. When the Sponsor 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. From the total of the amount determined to be payable on a partial payment, not to exceed 10% of such total amount will be deducted and retained by the Sponsor until the final payment is made except as may be provided (at the Contractor's option) in the subsection 90-08 title Payment of Withhold Funds of this section. The balance [Insert balance] of the amount payable, less all previous payments, shall be certified for payment. Should the Contractor exercise his or her option, as provided in subsection of 90-08 Payment of Withheld Funds of this section, no such percent retainage shall be deducted. When at least 95% of the work has been completed the Engineer shall, at the Sponsor's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done. The Sponsor may retain an amount not less than twice the contract value of estimated cost, whoever is greater of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor."

Section 26.31 Directory

Sponsor is a non-certifying member of the State of Florida Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31.

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

Sponsor has not established a Business Development Program.

Section 26.37 Monitoring Responsibilities

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

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 7 lists the regulation, provisions, and contract remedies available to us in the event 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, monitored work sites and the Commercially Useful Function (CUF) process. This will be performed by the DBELO or the Sponsor's engineer and will be accomplished by:

- a. Review bid package documentation thoroughly, obtaining clarification if necessary.
- b. Review monthly reports regarding employment as well as DBE participation to ensure adherence to the plan as represented in bid documents and as stipulated in this program.
- c. Monitor progress of payments to DBE through monthly reports from prime contractors.
- d. Monitor progress of DBEs work through on-site visits and communication with DBEs.

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.

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

Monitoring Payments to DBEs and Non-DBEs

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

The Sponsor proactively reviews contract payments to subcontractors including DBEs no less than once a month. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to Sponsor by the prime contractor.

The Sponsor will actively implement the enforcement actions detailed above.

Prompt Payment Dispute Resolution

Sponsor will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29. These steps will include but are not limited to 1) Written certification that Sponsor has reviewed contracting records and monitored work sites for this purpose, 2) Upon either party's written request to the DBELO for dispute resolution, a meeting will be voluntarily set within ten days of the request. The meeting will include representatives with authority to take enforcement action, including but not limited to, prime contractor, sub- contractor, and Sponsor representative(s).

Sponsor has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage:

The Sponsor will include the following clause in each DOT-assisted prime contract:

"The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contractor receives from the Sponsor. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Sponsor. This clause applies to both DBE and non-DBE subcontractors.

Failure to comply with the prompt payment provision of the contract may result in sanctions under the contract, as listed below.

- A. Refusal to issue proposals
- B. Damages
- C. Suspension of work on the project
- D. No additional progressive payments may be processed
- E. Suspension of prequalification"

Prompt Payment Complaints

Subcontractors with complaints regarding the prompt payment requirements should adhere to the following procedure.

If affected subcontractor's relationship with contracting prime responsible for direct payment does not exist in order to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint. If filing a prompt payment complaint with the DBELO does not produce a timely resolution, the subcontractor may contact the City Manager, and then the FAA.

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

Enforcement Actions for Noncompliance of Participants

Sponsor will provide appropriate means to enforce the requirements of §26.29. These means include:

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 7 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. This mechanism will include a written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished by requiring DBE utilization updates at each pay request and at final contract closeout. The Airport Engineer along with the DBELO will review all pay requests and DBE utilization forms, ensuring that DBE utilization is in accordance with all contract requirements.
4. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

The Sponsor will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

Sponsor reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by DBELO/ and or Engineering Consultant, Contracting records are reviewed by the DBELO/ENGINEER. Sponsor will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering small business participation

The Sponsor has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of

contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. The small business element is incorporated as Attachment 10 to this DBE Program. The program elements will be actively implemented to foster small business participation. Implementation of the small business element is required in order for Sponsor to be considered by DOT as implementing this DBE program in good faith.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

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

https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/

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

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

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

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

26.45 (g)(1) In establishing the overall goal, Sponsor will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by Sponsor to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before Sponsor is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which Sponsor engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

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

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

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

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

Section 26.45 (e) Project Goals

If permitted or required by the FAA Administrator, an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire

length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

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

Section 26.45 (f) Prior Operating Administration Concurrence

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

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

Section 26.47 Failure to meet overall goals

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

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

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

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

Section 26.49 (e) How are overall goals established for transit vehicle manufacturers?

Sponsor will require transit vehicle manufacturers (TVM), as a condition of being authorized to bid or propose on any FTA-assisted transit vehicle procurements, to certify that they have complied with the requirements of §26.49.

- (1) Sponsor affirms that only those transit vehicle manufacturers listed on FTA's certified list of Transit Vehicle Manufacturers, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved, at the time of solicitation are eligible to bid.
- (2) A TVM's failure to implement the DBE Program in the manner as prescribed in this section and throughout Part 26 will be deemed as non-compliance, which will result in removal from FTA's certified TVMs list, resulting in that manufacturer becoming ineligible to bid.
- (3) Sponsor is aware that failure to comply with the requirements set forth in Part 26, §26.49(a) may result in formal enforcement action or appropriate sanction as determined by FTA (e.g., FTA declining to participate in the vehicle procurement).
- (4) Sponsor will submit, within 30 days of making an award, the name of the successful bidder and the total dollar value of the contract in the manner prescribed in the grant agreement.

Section 26.51 (a-c) Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

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

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
- (2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
- (3) Providing technical assistance and other services;
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- (5) Implementing a supportive services program to develop and improve immediate and

long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;

(6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

(7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;

(8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and

(9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

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

The Sponsor 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.

Section 26.51(d-g) Contract Goals

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

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

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

Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract Goals

Demonstration of good faith efforts (pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO is responsible for determining whether a bidder/offeror who has not met the

contract goal has documented sufficient good faith efforts to be regarded as Responsive

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

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeror:

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

Administrative reconsideration (26.53(d))

Within 5 days of being informed by Sponsor that it is not responsive because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

City of Lake City
Joe Helfenberger
City Manager
205 N Marion Avenue
Lake City, FL 32055
citymanager@lcfla.com

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 the reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do so. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedural requirements (post-solicitation)

The awarded contractor will be required to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of Sponsor. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or another DBE firm.

Such written consent will be provided only if Sponsor agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

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

termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

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

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

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.

Each prime contract will include a provision stating:

The contractor shall utilize the specific DBEs listed in the contractor's bid response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of Sponsor as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

Sponsor will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If Sponsor requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor. Sponsor shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the contracting office/representative of Sponsor 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.

Section 26.55 Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in §26.55.

The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

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

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

Sponsor is a non-certifying member of the Florida DOT Unified Certification Program (UCP). Florida UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Certifying Florida UCP members make all certification decisions based on the facts as a whole.

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

Florida Department of Transportation
Kevin J. Thibault, P.E.
Secretary
605 Suwannee Street
Tallahassee, Florida 32399-0450
Telephone: 850-414-4100
Toll-Free: 866-374-FDOT (3368)

The Uniform Certification Application form and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Sponsor is the member of a Unified Certification Program (UCP) administered by Florida DOT. The UCP will meet all of the requirements of this section.

SUBPART F – COMPLIANCE AND ENFORCEMENT**Section 26.101 Compliance Procedures Applicable to Sponsor**

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

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

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

Notwithstanding any provision of Federal or state law, we 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. This includes applications for DBE certification and supporting information. However, we will transmit this information to DOT in any certification appeal proceeding under § 26.89 of this part or to any other state to which the individual's firm has applied for certification under § 26.85 of this part.

All participants in the Department's DBE program (including, but not limited to, the Sponsor, 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 the DOT and the Sponsor 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 the Sponsor 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 Sponsor, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. If we violate this prohibition, we are in noncompliance with this part.

ATTACHMENTS

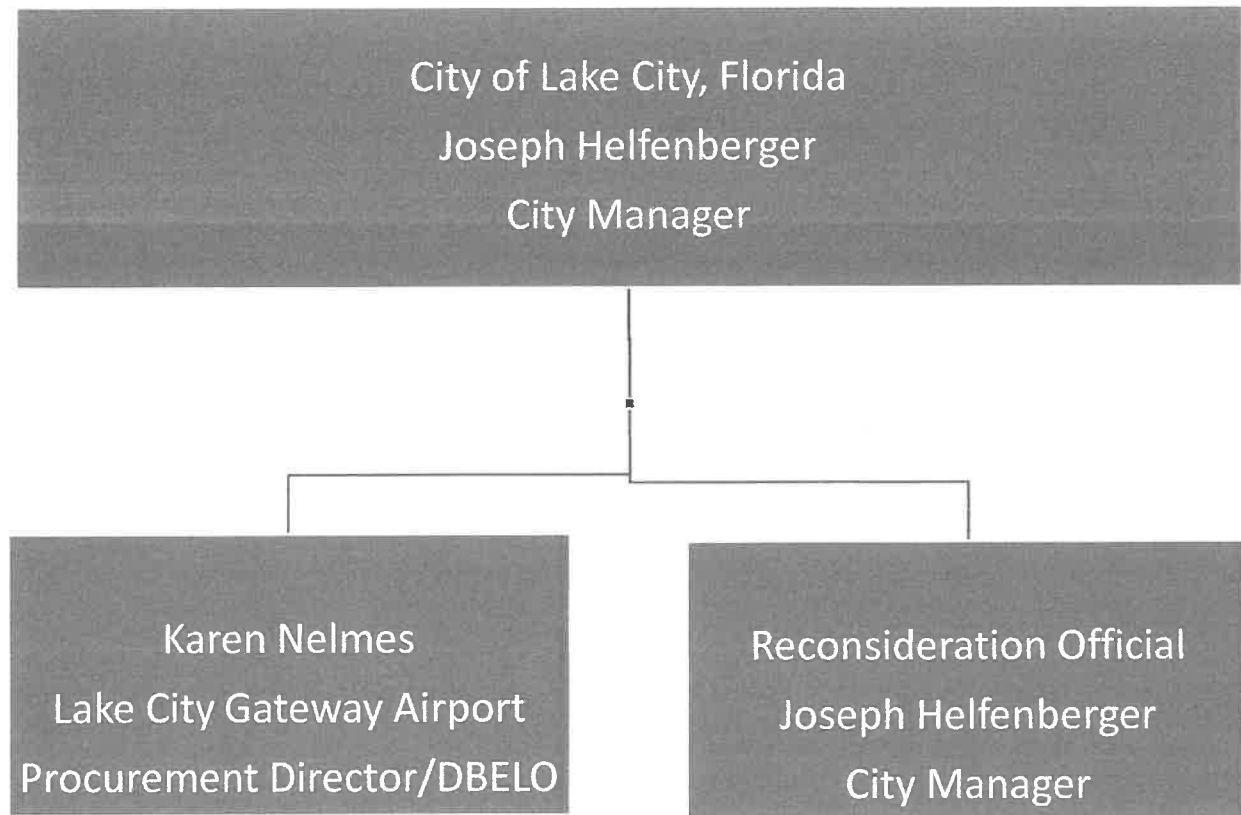
- Attachment 1 Regulations: 49 CFR Part 26 or website link
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 DBE Directory or link to DBE Directory
- Attachment 5 Overall Goal Calculations
- Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2
- Attachment 7 DBE Monitoring and Enforcement Mechanisms
- Attachment 8 DBE Certification Application Form
- Attachment 9 State's UCP Agreement
- Attachment 10 Small Business Element Program

ATTACHMENT 1

Regulations: 49 CFR Part 26 link to website:

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

ATTACHMENT 2
ORGANIZATIONAL CHART



ATTACHMENT 3
Bidder's List Collection Form

(SAMPLE BIDDERS LIST COLLECTION FORM)

[Reminder: the information below must be collected from every bidder who submits a quote/bid to the recipient and every potential subcontractor who submitted a quote/bid to each bidder. §26.11(c) requires recipients to collect information from all bidders and subcontractors, including unsuccessful ones.]

Firm Name	Firm Address/ Phone #	DBE or Non-DBE Status (verify via State's UCP Directory)	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<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"/> 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"/> 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"/> 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"/> 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

ATTACHMENT 4

The Florida DBE web link to DBE directory is:

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

ATTACHMENT 5**Overall DBE Three-Year Goal Methodology****FY 2021-2022**

The projects slated for FY 2021 and FY 2022 did not meet the monetary threshold requiring development of a DBE goal.

FY 2023

A. UPDATE OF GOALS - To make the program as useful as possible to the public, the city of Lake City, Lake City, Florida (Sponsor) will update the "amount," "method," and "breakout" portions of this section of the program annually, or as required. The following sections will be submitted to the FAA every year, or as required for approval: Amount of Overall Goal Section, Method Used for Establishing Overall Goals, Process, the Race-Neutral/Race Conscious Breakout, and Contract Goals. The material on overall goals in the DBE program will be a shorter summary of the material submitted annually, or as required, in the overall goal submission.

B. AMOUNT OF GOAL – The Sponsor's overall goal for FY 2023 is 6.57%, of the Federal financial assistance we will expend in FAA-assisted contracts. We expect to let projects during this FY in the amount of \$2,433,538.00; this means that our DBE goal is set at \$159,883.00.00 for this Fiscal Year. This overall goal is intended for information of public users of the program, and does not imply that the FAA, as such, has approved the goal.

C. METHOD STEP 1: In the development of the DBE goal for the Lake City Gateway Airport the first step was to establish the availability of ready, willing and able DBE businesses that were capable of participating in the type of contracts that were programmed during FY 2023. The project that is anticipated at the Lake City Gateway Airport includes an Aircraft Apron Rehabilitation, Taxiway C Realignment, and DBE Plan along with the professional effort associated with such a project. The monetary size of the project is expected to be \$2,433,538.00. An analysis of the project indicates that funds will be expended in the following areas:

LAKE CITY GATEWAY AIRPORT PROJECT ANALYSIS FY 2023			
TASK	NAICS	AMOUNT	PERCENTAGE
General Contractors	236220	\$319,590	13.13%
Street & Highway	237310	\$1,326,190	54.50%
Electrical	238210	\$63,100	2.59%
Site Prep	238910	\$65,139	2.68%
Hauling	484220	\$158,400	6.51%
Engineering	541330	\$312,638	12.85%
Survey	541370	\$22,478	0.92%
Testing	541380	\$19,663	0.81%
Aerial Photography	541922	\$4,500	0.18%

Landscaping	561730	\$18,540	0.76%
Traffic Control	561990	\$123,300	5.07%
TOTAL		\$2,433,538	100.00%

The weighting factor is the value of each work item based on cost as a fraction of the whole project.

The formula to be used to calculate the Base Figure for the DBE goal is as follows:

$$\frac{\text{Total DBE Firms in the Market Area by NAICS Code of Work to be Performed}}{\text{Total Firms in the Market Area by NAICS Code of Work to be Performed}} \times 100 = \text{Base Figure}$$

The recent bidders list indicated that the majority of the bidders that seek to do business with, with the airport, came from Alachua, Baker and Columbia counties in Florida. The city of Lake City and the Lake City Gateway Airport are located in Columbia County, which is in the FDOT's District 2. It was considered reasonable to also include all the counties that the Florida DOT indicates are located in District 2 in Florida. Those counties to be included are as follows: Taylor, Madison, Dixie, Lafayette, Suwannee, Hamilton, Columbia, Gilchrist, Levy, Alachua, Union, Baker, Bradford, Nassau, Duval, Clay, Putnam, and Saint Johns counties in Florida. It was generally agreed that the most comprehensive directory for DBE firms in Florida is the UCP DBE Directory that has been established by the Florida Department of Transportation. The list was refined by identifying those firms that could participate in the project by matching the specific trade and description of construction/professional effort with their appropriate NAICS and County. The resulting number will be used as the numerator in determining the Base Figure.

The next step in establishing the Base Figure was to determine our denominator. This was accomplished through the use of the Census Bureau's County Business Pattern (CBCBP) and the identification of the NAICSs that were the same as those identified from the Directory. With these figures in hand we compute our Base Figure using the following mathematics:

$$\begin{aligned} \frac{\text{Base}}{\text{Figure}} = & .1313 \left(\frac{FLNAICS236220}{NAICS236220} \right) + .5450 \left(\frac{FLNAICS237310}{NAICS237310} \right) + .0259 \left(\frac{FLNAICS238210}{NAICS238210} \right) + \\ & .0268 \left(\frac{FLNAICS238910}{NAICS238910} \right) + .0651 \left(\frac{FLNAICS484220}{NAICS484220} \right) + .1285 \left(\frac{FLNAICS541330}{NAICS541330} \right) + \\ & .0092 \left(\frac{FLNAICS541370}{NAICS541370} \right) + .0081 \left(\frac{FLNAICS541380}{NAICS541380} \right) + .0018 \left(\frac{FLNAICS541922}{NAICS541922} \right) + \\ & .0076 \left(\frac{FLNAICS561730}{NAICS561730} \right) + .0507 \left(\frac{FLNAICS561990}{NAICS561990} \right) \end{aligned}$$

FLNAICS- Florida DBE Directory NAICS

NAICS – Census Bureau's County Business Pattern (CBCBP) Data Base

$$\frac{\text{Base}}{\text{Figure}} = \frac{.1313\left(\frac{17}{239}\right) + .5450\left(\frac{6}{60}\right) + .0259\left(\frac{10}{444}\right) + .0268\left(\frac{52}{172}\right) + .0651\left(\frac{22}{154}\right) + .1285\left(\frac{36}{439}\right) + .0092\left(\frac{5}{75}\right) + .0081\left(\frac{4}{41}\right) + .0018\left(\frac{2}{24}\right) + .0076\left(\frac{43}{939}\right) + .0507\left(\frac{2}{68}\right)}{.0093 + .0545 + .0006 + .0081 + .0093 + .0105 + .0006 + .0008 + .0002 + .0003 + .0015}$$

$$\frac{\text{Base}}{\text{Figure}} = \frac{.0093 + .0545 + .0006 + .0081 + .0093 + .0105 + .0006 + .0008 + .0002 + .0003 + .0015}{.0002 + .0003 + .0015}$$

$$\frac{\text{Base}}{\text{Figure}} = 9.57\%$$

STEP 2: With the Base Figure established our next step was to more finely tailor this figure to reflect conditions that have occurred at the Lake City Gateway Airport. The City has considered the suggested options outlined in 49 CFR Part 26 and determined that past performance is the information that will be used to determine if an adjustment to our Base Figure is warranted. It was felt that a sampling of like type projects that have taken place in Florida would be appropriate for use in determining if an adjustment was required to the Base Figure. Listed below are the projects that were included for analysis. As you will note, each of these projects is of a similar nature as the project that is being anticipated in the 2023 time frame at the Lake City Gateway Airport:

PREVIOUS FAA PROJECTS			
YEAR	LOCATION	PROJECT TYPE	% OF DBE PARTICIPATION
2019	Panama City	Rehabilitate Taxiway	9.45%
2018	Panama City	Rehabilitate Apron	2.21%
2016	Destin	Rehabilitate Taxiway	3.57%*
		*Median	

The next step was to determine if any adjustment might be needed to the Base Figure. It was determined that the Median of the three projects was 3.57% and it was felt that the Base Figure should be adjusted to cater for this variance.

A summary of this analysis yields the following:

MEDIAN PERCENTAGE	3.57%
BASE FIGURE	+ 9.57%
Total	13.14% ÷ 2 = 6.57%

Satisfied that the Median Percentage was valid, the final step in the comparison was the development of a simple average of the Base Figure and the Median Percentage to establish a final percentage. The result of this was 6.57%. It was felt that the Base Figure of 9.57% should be adjusted for this variance. The Average Percentage of 6.57% is established as the goal for DBE participation at the Lake City Gateway Airport for FY 2023.

THREE YEAR GOAL

The FY 2021 and FY 2022 projects are not expected to reach the \$250,000 monetary threshold requiring development of a DBE goal. Therefore, 0.00% shall simply serve as a place holder for FY 2021 and FY 2022. Based on the methodologies and calculations and current information for the Lake City Gateway Airport the following is submitted as a three year goal.

FY 2021	0.00%
FY 2022	0.00%
FY 2023	<u>6.57%</u>
	6.57%

References:

Florida UCP List of Certified DBE Firms, August 2020
2018 – U.S. Census Bureau August 2020

Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation.

Sponsor will meet the maximum feasible portion of the overall goal by using RN means of facilitating DBE participation.

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
3. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
4. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
5. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;

RACE CONSCIOUS AND RACE NEUTRAL GOALS: Each time The Sponsor submits an overall goal for review by the FAA, The Sponsor will also submit a projection of the portion of the goal that is expected to be met through race-neutral means and the basis for that projection. This projection is subject to approval by the FAA, in conjunction with its review of the Sponsor's overall goal. The Sponsor will establish contract goals to meet any portion of an overall goal when the Sponsor does not project being able to meet goals using race-neutral means.

We estimate that, in meeting our overall goal of 6.57%, we will obtain 6.57% of the goal from race-conscious participation and 0.00% via race-neutral participation measures. This is an attainable goal based on the history of DBE participation in prior projects and the availability of current DBE contractors.

This breakout was established by computing the median of the variance of the level of DBE participation vs. DBE goal on the three projects considered in Step 2 of the Previous FAA Projects. The Median is a negative number, therefore 0.00% is established as the race-neutral goal for FY 2023. The following is the data base upon which the level of variance was computed using the “Like Type FAA Projects” information:

PROJECT DBE GOAL VARIANCE LAKE CITY GATEWAY AIRPORT LIKE TYPE FAA PROJECTS				
YEAR	LOCATION	DBE GOAL	% OF DBE PARTICIPATION	VARIANCE
2019	Panama City	6.61%	9.45%	2.84%
2018	Panama City	8.01%	2.21%	-7.80%
2016	Destin	11.72%	3.57%	-8.15%
MEDIAN *				

Public Participation

Consultation: Section 26.45(g)(1).

In establishing the overall goal, the Sponsor provided for consultation and publication. This included consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Sponsor's efforts to establish a level playing field for the participation of DBEs. The consultation included a scheduled, direct, interactive exchange with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it occurred before we were required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. Notwithstanding paragraph (f)(4) of this section, we will not implement our proposed goal until we have complied with this requirement. The Sponsor submits its overall DBE three-year goal to the FAA by August 1 as required by the set schedule. Consultation discussions were held with the following agencies on September 11, 2020 at approximately 9:00 am CST with comments regarding uniform reporting, and prompt payment requirements for DBE & non DBE subcontractors.

LAKE CITY GATEWAY AIRPORT AGENCIES CONSULTED WITH	
Agency/Organization	Discussion/Information
Bradley Byrd, Operation Coordinator Lake City Gateway Airport	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Chris Johnson, PE Passero	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Angela Witt, Grants & Contracts Administrator Passero	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Stan Price, PE Passero	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Taffy Pippin, Consultant Taffy Pippin Consulting	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Clayton Pippin, Planner Taffy Pippin Consulting	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting

PUBLIC NOTICE

PUBLIC NOTICE

The Lake City Gateway Airport, operated by the City of Lake City, Florida, hereby publishes a proposed overall goal for its Disadvantaged Business Enterprise (DBE) Program for FY 2023. The proposed overall goal is 6.57% for all FAA-AIP funded projects for FY 2023. The methodology used in developing this goal is available for inspection at the office of the Procurement Director, Karen Nelmes, 205 N Marion Avenue, Lake City, FL, 32055, Monday through Friday 8:00 am – 4:30 pm. The City will receive and consider public comments on the proposed goal for 30 days from the date of this advertisement. These goals are established in accordance with 49 CFR Part 26. Written comments may be forwarded to the addresses cited below.

Karen Nelmes, Procurement Director
City of Lake City
205 N Marion Avenue
Lake City, Florida 32055
nelmesk@lcfla.com

And

Mr. Alexander Horton
FAA South Florida Flight Standards
District Office
2895 SW 145th Avenue, Suite 291
Miramar, FL 33027
alexander.horton@faa.gov

ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2

[The following "Form 1" and "Form 2" are provided for illustrative purposes ONLY, and are not promulgated or endorsed by the USDOT.]

[Any forms recipients develop and use for purposes of assessing bidders'/offerors' good faith efforts should be provided as part of the solicitation documents.]

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner:

- ☐ Bidder/offeror has met the DBE contract goal
The bidder/offeror is committed to a minimum of ____ % DBE utilization on this contract.
- ☐ Bidder/offeror has not met the DBE contract goal
The bidder/offeror is committed to a minimum of ____% DBE utilization on this contract and has submitted [*or "will submit," if recipient made compliance a matter of responsibility*] documentation demonstrating good faith efforts.

Legal name of bidder/offeror's firm: _____

Bidder/Offeror Representative:

Name & Title

Signature

Date

FORM 2: LETTER OF INTENT

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

Name of bidder/offeror's firm: _____

Name & title of firm's AR: _____

Phone: _____ Email: _____

Name of DBE firm: _____

Name & title of DBE firm's AR: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Work to be performed by DBE firm:

<i>Description of Work</i>	<i>NAICS</i>	<i>Dollar Amount / %*</i>	<i>Dealer/Manufacturer**</i>

**Percentage is to be used only in negotiated procurements, including design-build contracts*

***For material suppliers only, indicate whether the DBE is a manufacturer or a regular dealer as defined by §26.55.*

The undersigned bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The total expected dollar value of this work is

\$ _____. The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified above that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed above without following the procedures of 49 CFR Part 26, §26.53.

Signature of Bidder/Offeror's Authorized Representative

Date: _____

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for DBE participation therefore.

Signature of DBE's Authorized Representative

Date: _____

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

Submit this page for each DBE subcontractor.

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

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

The Sponsor will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that the 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 §26.109. The Sponsor may also use Florida Code in prosecution for fraud in a government contract, and refer such matters to the proper audit authority, the District Attorney, or the Attorney General of the State of Florida for enforcement of any and all applicable laws, both civil and criminal, of the State of Florida.

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

- (1) The use of liquidated damages for failing to utilize the DBE or replacing the DBE with another.
- (2) The inclusion as part of a current package a contractor's statement indicating commitment to the DBE program and steps they have taken to utilize them in prior contracts as well as the current contract.
- (3) The use of federal debarment (48CFR Section 9.402(b)).
- (4) Actions outlined in "Florida State Code".
- (5) Other legal mechanisms as necessary.

ATTACHMENT 8
DBE Certification Application Form

Web link:

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/new-dbe-uniform-certification-application>

ATTACHMENT 9
State's UCP Agreement

https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/dbecertification/ucp-agreement.pdf?sfvrsn=e6ca3bd4_0

ATTACHMENT 10 SMALL BUSINESS PARTICIPATION

A. OBJECTIVE (49 CFR PART 26.39)

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses, the City of Lake City seeks to implement a small business element into its current DBE policy in accordance with applicable law. The Sponsor is including this element to facilitate competition by and expand opportunities for small businesses. The Sponsor 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 Sponsor will meet its objectives using a combination of the following methods and strategies:

1. Set asides:

Where feasible, the Sponsor will establish a percentage of the total value of all prime contract and subcontract awards to be set aside for participation by small businesses on FAA-assisted contracts. A "set-aside" is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that the Sponsor and its prime contractors/ consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner's gender, race or geographic location. The project manager and DBELO will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set aside percentage. This determination will be made based on the estimated availability of small businesses able to provide the requisite scopes of work regardless of DBE status. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA-assisted contract, the project manager and DBELO will document why a small business set-aside is inappropriate and the factors which were considered in making that determination, including project scope and estimated availability of firms.

2. Unbundling:

The Sponsor, where feasible, may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Sponsor 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 Sponsor will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The

Sponsor will assist prime contractors or prime consultants in identifying portions of work which may be unbundled and performed by small businesses. The Sponsor will document the factors used to determine whether or not an FAA-assisted contract will be unbundled or bid separately.

As described above, the Sponsor will utilize several methods to facilitate small business participation. In each FAA-assisted contract, the DBELO will document the method in which the small business element will be implemented (i.e. set-aside, unbundling) and 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; and
- Has been certified as a DBE by the Florida Department of Transportation (FDOT) in accordance with 49 CFR 26.
- For the purposes of the small business element of the Sponsor's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification.

C. CERTIFICATION AND VERIFICATION PROCEDURES

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

1. FDOT DBE Certification – DBE Certification by the FDOT 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 FDOT.
2. FDOT Small Business Enterprise (SBE) – Will require submittal of three years of business tax returns and page 2 of the FDOT DBE Certification application after contract award.
3. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of three years of business tax returns.

Special Note: Minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation.

D. IMPLEMENTATION SCHEDULE

The Sponsor will approve the small business element of the Small Business Participation element of the DBE Program and will implement it within two months of the FAA's approval of this element.

E. ASSURANCES

The Sponsor 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.

**DBE GOAL METHODOLOGY
49 CFR PART 26
LAKE CITY GATEWAY AIRPORT
LAKE CITY, FLORIDA
FY2024-FY2026**

FY 2024

A. UPDATE OF GOALS - To make the program as useful as possible to the public, the city of Lake City, Lake City, Florida (Sponsor) will update the "amount," "method," and "breakout" portions of this section of the program annually, or as required. The following sections will be submitted to the FAA every year, or as required for approval: Amount of Overall Goal Section, Method Used for Establishing Overall Goals, Process, the Race-Neutral/Race Conscious Breakout, and Contract Goals. The material on overall goals in the DBE program will be a shorter summary of the material submitted annually, or as required, in the overall goal submission.

B. AMOUNT OF GOAL – The Sponsor’s overall goal for FY 2024 is 6.21%, of the Federal financial assistance we will expend in FAA-assisted contracts. We expect to let projects during this FY in the amount of \$803,932.00; this means that our DBE goal is set at \$49,924.00 for this Fiscal Year. This overall goal is intended for information of public users of the program, and does not imply that the FAA, as such, has approved the goal.

C. METHOD STEP 1: In the development of the DBE goal for the Lake City Gateway Airport the first step was to establish the availability of ready, willing and able DBE businesses that were capable of participating in the type of contracts that were programmed during FY 2024. The project that is anticipated at the Lake City Gateway Airport includes Rehabilitation of Industrial Loop Road, along with the professional effort associated with such a project. The monetary size of the project is expected to be \$803,932.00. An analysis of the project indicates that funds will be expended in the following areas:

LAKE CITY GATEWAY AIRPORT PROJECT ANALYSIS FY 2024			
TASK	NAICS	AMOUNT	PERCENTAGE
General Contractors	236220	\$9,000	1.12%
Water/Sewer	237110	\$159,390	19.83%
Street & Highway	237310	\$228,231	28.39%
Site Prep	238910	\$215,460	0.34%
Fencing	238990	\$41,040	26.80%
Hauling	484220	\$48,391	5.10%
Engineering	541330	\$66,420	6.02%
Survey	541370	\$18,000	8.26%
Testing	541380	\$4,500	2.24%
Aerial Photography	541922	\$2,700	0.56%
Landscaping	561730	\$1,800	0.22%
Traffic Control	561990	\$9,000	1.12%
TOTAL		\$803,932	100.00%

The weighting factor is the value of each work item based on cost as a fraction of the whole project.

The formula to be used to calculate the Base Figure for the DBE goal is as follows:

$$\frac{\text{Total DBE Firms in the Market Area by NAICS Code of Work to be Performed}}{\text{Total Firms in the Market Area by NAICS Code of Work to be Performed}} \times 100 = \text{Base Figure}$$

The recent bidders list indicated that the majority of the bidders that seek to do business with the airport, came from Orange, Seminole, Duval, Hardee, Brevard, and Sarasota counties in Florida. The city of Lake City and the Lake City Gateway Airport are located in Columbia County, which is in the FDOT's District 2. It was considered reasonable to also include all the counties that the Florida DOT indicates are located in District 2 in Florida. Those counties to be included are as follows: Columbia, Baker, Alachua, Gilchrist, Suwanee, Hamilton, and Union counties in Florida. It was generally agreed that the most comprehensive directory for DBE firms in Florida is the UCP DBE Directory that has been established by the Florida Department of Transportation. The list was refined by identifying those firms that could participate in the project by matching the specific trade and description of construction/professional effort with their appropriate NAICS and County. The resulting number will be used as the numerator in determining the Base Figure.

The next step in establishing the Base Figure was to determine our denominator. This was accomplished through the use of the Census Bureau's County Business Pattern (CBCBP) and the identification of the NAICSs that were the same as those identified from the Directory. With these figures in hand, we compute our Base Figure using the following mathematics:

$$\frac{Base}{Figure} = \begin{aligned} &.0112\left(\frac{FLNAICS236220}{NAICS236220}\right) + .1983\left(\frac{FLNAICS237110}{NAICS237110}\right) + .2839\left(\frac{FLNAICS237310}{NAICS237310}\right) + \\ &.2680\left(\frac{FLNAICS238910}{NAICS238910}\right) + .0510\left(\frac{FLNAICS238990}{NAICS238990}\right) + .0602\left(\frac{FLNAICS484220}{NAICS484220}\right) + \\ &.0826\left(\frac{FLNAICS541330}{NAICS541330}\right) + .0224\left(\frac{FLNAICS541370}{NAICS541370}\right) + .0056\left(\frac{FLNAICS541380}{NAICS541380}\right) + \\ &.0034\left(\frac{FLNAICS541922}{NAICS541922}\right) + .0022\left(\frac{FLNAICS561730}{NAICS561730}\right) + .0112\left(\frac{FLNAICS561990}{NAICS561990}\right) \end{aligned}$$

FLNAICS- Florida DBE Directory NAICS

NAICS – Census Bureau’s County Business Pattern (CBCBP) Data Base

$$\frac{Base}{Figure} = \begin{aligned} &.0112\left(\frac{8}{668}\right) + .1983\left(\frac{1}{136}\right) + .2839\left(\frac{12}{120}\right) + \\ &.2680\left(\frac{10}{310}\right) + .0510\left(\frac{19}{883}\right) + .0602\left(\frac{12}{253}\right) + \\ &.0826\left(\frac{9}{1258}\right) + .0224\left(\frac{3}{152}\right) + .0056\left(\frac{0}{90}\right) + \\ &.0034\left(\frac{4}{88}\right) + .0022\left(\frac{11}{2171}\right) + .0112\left(\frac{2}{146}\right) \end{aligned}$$

$$\frac{Base}{Figure} = \begin{aligned} &.0001 + .0015 + .0284 + \\ &.0086 + .0011 + .0029 + \\ &.0006 + .0004 + .0000 + \\ &.0002 + .0001 + .0002 \end{aligned}$$

$$\frac{Base}{Figure} = 4.41\%$$

STEP 2: With the Base Figure established our next step was to more finely tailor this figure to reflect conditions which have occurred at Lake City Gateway Airport. The Sponsor has considered the suggested options outlined in 49 CFR Part 26 and determined that past performance is the information that will be used to determine if an adjustment to our Base Figure is warranted. There are no applicable disparity studies, recent legal case information from the relevant jurisdictions, or evidence from related fields, that indicates evidence of barriers to entry or competitiveness of DBEs in the market area that is sufficient to warrant making any further adjustment. To this end, we investigated the airport’s recent history and other airports with like type projects. Listed below are the projects that were included for analysis. As you will note, each of these projects are of a similar nature and elements to the project that is being anticipated in the FY 2024-time frame at Lake City Gateway Airport:

PREVIOUS FAA PROJECTS			
YEAR	LOCATION	PROJECT TYPE	% OF DBE PARTICIPATION
2020	Palatka	Rehabilitate Taxiway	8.00%*
2019	Panama City	Construct Apron/Taxiway Expansion	9.50%
2018	Lake City	Rehabilitate Runway	3.90%
		*Median	

The next step was to determine if any adjustment might be needed to the Base Figure. It was determined that the Median of the three projects was 8.00% and it was felt that the Base Figure should be adjusted to cater for this variance.

A summary of this analysis yields the following:

MEDIAN PERCENTAGE	8.00%
BASE FIGURE	+ 4.41%
Total	12.41% ÷ 2 = 6.21%

Satisfied that the Median Percentage was valid, the final step in the comparison was the development of a simple average of the Base Figure and the Median Percentage to establish a final percentage. The result of this was 6.21%. It was felt that the Base Figure of 4.41% should be adjusted for this variance. The Average Percentage of 6.21% is established as the goal for DBE participation at the Lake City Gateway Airport for FY 2024.

D. PROCESS - The Sponsor submits its overall goal for FY 2024 to the FAA in September, 2023, for their consideration and approval. Before establishing the overall goal each year, the Sponsor's representative has consulted with airport stakeholders to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, and the effects of discrimination on opportunities for DBEs. The Sponsor's efforts are to establish a level playing field for the participation of DBEs. Following this consultation, the Sponsor has published a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Sponsor's principal office for 30 days following the date of the notice, and informing the public that the Sponsor and FAA will accept comments on the goals for 30 days from the date of the notice. This information was posted on the FAA's website and made available to the Office of Minority Business Development in the State of Florida. The notice will include the Sponsor's and FAA's addresses to which comments may be sent. The overall goal submission to the FAA will include a summary of information and comments received during this public participation process and the Sponsor's responses. We will begin using our overall goal on October 1 of each year unless we have received other instructions from the DOT. Consultation discussions were held with the following agencies on September 18, 2023, at approximately 2:30 pm EDT with comments no comments received.

LAKE CITY GATEWAY AIRPORT AGENCIES CONSULTED WITH	
Agency/Organization	Discussion/Information
Leona Lewis, PE, Aviation Project Manager Passero Associates	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Angela Witt, Grants & Contracts Administrator Passero	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Ed Bunnell, Airport Manager Lake City Gateway Airport	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Taffy Pippin, Consultant Taffy Pippin Consulting	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Clayton Pippin, Planner Taffy Pippin Consulting	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting

Public comments have been requested for the FY 2024 goal and the 30-day comment period is underway. Any comments received from the public advertisement or the other coordination will be evaluated and necessary changes will be made to the goal and included in the contract documents for the project.

E. RACE CONSCIOUS AND RACE NEUTRAL GOALS: Each time the City submits an overall goal for review by the FAA, the Sponsor will also submit a projection of the portion of the goal that is expected to be met through race-neutral means and the basis for that projection. This projection is subject to approval by the FAA, in conjunction with its review of the Sponsor's overall goal. The Sponsor will establish contract goals to meet any portion of an overall goal when the Sponsor does not project being able to meet goals using race-neutral means.

We estimate that, in meeting our overall goal of 6.21%, we will obtain 4.01% of the goal from race-conscious participation and 2.20% via race-neutral participation measures.

This breakout was established by computing the median of the variance of the level of DBE participation vs. DBE goal on the three projects considered in Step 2 (page 3) of the Previous FAA Projects. The Median is 2.20% and is established as the race-neutral goal for FY 2024. The following is the data base upon which the level of variance was computed using the "Like Type FAA Projects" information:

PROJECT DBE GOAL VARIANCE LAKE CITY GATEWAY AIRPORT LIKE TYPE FAA PROJECTS				
YEAR	LOCATION	DBE GOAL	% OF DBE PARTICIPATION	VARIANCE
2020	Palatka	5.80%	8.00%	2.20%*
2019	Panama City	6.60%	9.50%	2.90%
2018	Lake City	4.40%	3.90%	-0.50%
MEDIAN *				

F. CONTRACT GOALS

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

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

G. THREE YEAR GOAL

The FY 2026 projects are not expected to reach the monetary threshold requiring development of a DBE goal. Therefore, 0.00% shall simply serve as a place holder for FY 2026. Based on the methodologies and calculations and current information for the Lake City Gateway Airport the following is submitted as a three-year goal.

FY 2024	6.21%
FY 2025	6.67%
FY 2026	+ <u>0.00%</u>
	12.88% ÷ 2 = 6.44%

FY 2025

A. UPDATE OF GOALS - To make the program as useful as possible to the public, the city of Lake City, Lake City, Florida (Sponsor) will update the "amount," "method," and "breakout" portions of this section of the program annually, or as required. The following sections will be submitted to the FAA every year, or as required for approval: Amount of Overall Goal Section, Method Used for Establishing Overall Goals, Process, the Race-Neutral/Race Conscious Breakout, and Contract Goals. The material on overall goals in the DBE program will be a shorter summary of the material submitted annually, or as required, in the overall goal submission.

B. AMOUNT OF GOAL – The Sponsor’s overall goal for FY 2025 is 6.67%, of the Federal financial assistance we will expend in FAA-assisted contracts. We expect to let projects during this FY in the amount of \$3,862,296.00; this means that our DBE goal is set at \$257,615.00 for this Fiscal Year. This overall goal is intended for information of public users of the program, and does not imply that the FAA, as such, has approved the goal.

C. METHOD STEP 1: In the development of the DBE goal for the Lake City Gateway Airport the first step was to establish the availability of ready, willing and able DBE businesses that were capable of participating in the type of contracts that were programmed during FY 2025. The project that is anticipated at the Lake City Gateway Airport includes the Relocation of Taxiway D, along with the professional effort associated with such a project. The monetary size of the

project is expected to be \$3,862,296.00. An analysis of the project indicates that funds will be expended in the following areas:

LAKE CITY GATEWAY AIRPORT PROJECT ANALYSIS FY 2025			
TASK	NAICS	AMOUNT	PERCENTAGE
General Contractors	236220	\$41,400	1.07%
Water/Sewer	237110	\$472,500	12.23%
Street & Highway	237310	\$1,680,975	43.52%
Electrical	238210	\$585,630	15.16%
Site Prep	238910	\$363,780	9.42%
Hauling	484220	\$324,936	8.42%
Engineering	541330	\$288,000	7.46%
Survey	541370	\$22,500	0.58%
Testing	541380	\$9,000	0.23%
Aerial Photography	541922	\$3,600	0.09%
Landscaping	561730	\$24,975	0.65%
Traffic Control	561990	\$45,000	1.17%
TOTAL		\$3,862,296.00	100.00%

The weighting factor is the value of each work item based on cost as a fraction of the whole project.

The formula to be used to calculate the Base Figure for the DBE goal is as follows:

Total DBE Firms in the Market Area by NAICS Code of Work to be Performed X 100 = Base Figure
Total Firms in the Market Area by NAICS Code of Work to be Performed

The recent bidders list indicated that the majority of the bidders that seek to do business with the airport, came from Orange, Seminole, Duval, Hardee, Brevard, and Sarasota counties in Florida. The city of Lake City and the Lake City Gateway Airport are located in Columbia County, which is in the FDOT's District 2. It was considered reasonable to also include all the counties that the Florida DOT indicates are located in District 2 in Florida. Those counties to be included are as follows: Columbia, Baker, Alachua, Gilchrist, Suwanee, Hamilton, and Union counties in Florida. It was generally agreed that the most comprehensive directory for DBE firms in Florida is the UCP DBE Directory that has been established by the Florida Department of Transportation. The list was refined by identifying those firms that could participate in the project by matching the specific trade and description of construction/professional effort with their appropriate NAICS and County. The resulting number will be used as the numerator in determining the Base Figure.

The next step in establishing the Base Figure was to determine our denominator. This was accomplished through the use of the Census Bureau's County Business Pattern (CBCBP) and the identification of the NAICSs that were the same as those identified from the Directory. With these figures in hand we compute our Base Figure using the following mathematics:

$$\frac{\text{Base}}{\text{Figure}} = \begin{aligned} &.0107\left(\frac{FLNAICS236220}{NAICS236220}\right) + .1223\left(\frac{FLNAICS237110}{NAICS237110}\right) + .4352\left(\frac{FLNAICS237310}{NAICS237310}\right) + \\ &.1516\left(\frac{FLNAICS238210}{NAICS238210}\right) + .0942\left(\frac{FLNAICS238910}{NAICS238910}\right) + .0842\left(\frac{FLNAICS484220}{NAICS484220}\right) + \\ &.0746\left(\frac{FLNAICS541330}{NAICS541330}\right) + .0058\left(\frac{FLNAICS541370}{NAICS541370}\right) + .0023\left(\frac{FLNAICS541380}{NAICS541380}\right) + \\ &.0009\left(\frac{FLNAICS541922}{NAICS541922}\right) + .0065\left(\frac{FLNAICS561730}{NAICS561730}\right) + .0117\left(\frac{FLNAICS561990}{NAICS561990}\right) \end{aligned}$$

FLNAICS- Florida DBE Directory NAICS

NAICS – Census Bureau’s County Business Pattern (CBCBP) Data Base

$$\frac{\text{Base}}{\text{Figure}} = \begin{aligned} &.0107\left(\frac{8}{668}\right) + .1223\left(\frac{1}{136}\right) + .4352\left(\frac{12}{120}\right) + \\ &.1516\left(\frac{6}{1115}\right) + .0942\left(\frac{10}{310}\right) + .0842\left(\frac{12}{253}\right) + \\ &.0746\left(\frac{9}{1258}\right) + .0058\left(\frac{3}{152}\right) + .0023\left(\frac{0}{90}\right) + \\ &.0009\left(\frac{4}{88}\right) + .0065\left(\frac{11}{2171}\right) + .0117\left(\frac{2}{146}\right) \end{aligned}$$

$$\frac{\text{Base}}{\text{Figure}} = \begin{aligned} &.0001 + .0009 + .0435 + \\ &.0008 + .0030 + .0040 + \\ &.0005 + .0001 + .0000 + \\ &.0001 + .0001 + .0002 \end{aligned}$$

$$\frac{\text{Base}}{\text{Figure}} = 5.33\%$$

STEP 2: With the Base Figure established our next step was to more finely tailor this figure to reflect conditions which have occurred at Lake City Gateway Airport. The Sponsor has considered the suggested options outlined in 49 CFR Part 26 and determined that past performance is the information that will be used to determine if an adjustment to our Base Figure is warranted. There are no applicable disparity studies, recent legal case information from the relevant jurisdictions, or evidence from related fields, that indicates evidence of barriers to entry or competitiveness of DBEs in the market area that is sufficient to warrant making any further adjustment. To this end, we investigated the airport’s recent history and other airports with like type projects. Listed below are the projects that were included for analysis. As you will note, each of these projects are of a similar nature and elements to the project that is being anticipated in the 2025-time frame at Lake City Gateway Airport:

PREVIOUS FAA PROJECTS			
YEAR	LOCATION	PROJECT TYPE	% OF DBE PARTICIPATION
2020	Palatka	Rehabilitate Taxiway	8.00%*
2019	Panama City	Construct Apron/Taxiway Expansion	9.50%
2018	Lake City	Rehabilitate Runway	3.90%
		*Median	

The next step was to determine if any adjustment might be needed to the Base Figure. It was determined that the Median of the three projects was 8.00% and it was felt that the Base Figure should be adjusted to cater for this variance.

A summary of this analysis yields the following:

MEDIAN PERCENTAGE	8.00%
BASE FIGURE	+ <u>5.33%</u>
Total	13.33% ÷ 2 = 6.67%

Satisfied that the Median Percentage was valid, the final step in the comparison was the development of a simple average of the Base Figure and the Median Percentage to establish a final percentage. The result of this was 6.67%. It was felt that the Base Figure of 5.33% should be adjusted for this variance. The Average Percentage of 6.67% is established as the goal for DBE participation at the Lake City Gateway Airport for FY 2025.

D. PROCESS - The Sponsor submits its overall goal for FY 2025 to the FAA in September 2023, for their consideration and approval. Before establishing the overall goal each year, the Sponsor's representative has consulted with airport stakeholders to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, and the effects of discrimination on opportunities for DBEs. The Sponsor's efforts are to establish a level playing field for the participation of DBEs. Following this consultation, the Sponsor has published a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Sponsor's principal office for 30 days following the date of the notice, and informing the public that the Sponsor and FAA will accept comments on the goals for 30 days from the date of the notice. This information was posted on the FAA's website and made available to the Office of Minority Business Development in the State of Florida. The notice will include the Sponsor's and FAA's addresses to which comments may be sent. The overall goal submission to the FAA will include a summary of information and comments received during this public participation process and the Sponsor's responses. We will begin using our overall goal on October 1 of each year unless we have received other instructions from the DOT. Consultation discussions were held with the following agencies on September 18, 2023, at approximately 2:30 pm EDT with comments no comments received.

LAKE CITY GATEWAY AIRPORT AGENCIES CONSULTED WITH	
Agency/Organization	Discussion/Information
Leona Lewis, PE, Aviation Project Manager Passero Associates	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Angela Witt, Grants & Contracts Administrator Passero	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Ed Bunnell, Airport Manager Lake City Gateway Airport	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Taffy Pippin, Consultant Taffy Pippin Consulting	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting
Clayton Pippin, Planner Taffy Pippin Consulting	Availabilities of DBEs, Directories, small and DBE contracting opportunities, Goal setting

Public comments have been requested for the FY 2025 goal and the 30-day comment period is underway. Any comments received from the public advertisement, or the other coordination will be evaluated and necessary changes will be made to the goal and included in the contract documents for the project.

E. RACE CONSCIOUS AND RACE NEUTRAL GOALS: Each time the City submits an overall goal for review by the FAA, the Sponsor will also submit a projection of the portion of the goal that is expected to be met through race-neutral means and the basis for that projection. This projection is subject to approval by the FAA, in conjunction with its review of the Sponsor's overall goal. The Sponsor will establish contract goals to meet any portion of an overall goal when the Sponsor does not project being able to meet goals using race-neutral means.

We estimate that, in meeting our overall goal of 6.67%, we will obtain 4.47% of the goal from race-conscious participation and 2.20% via race-neutral participation measures.

This breakout was established by computing the median of the variance of the level of DBE participation vs. DBE goal on the three projects considered in Step 2 (page 9) of the Previous FAA Projects. The Median is 2.20% and is established as the race-neutral goal for FY 2025. The following is the data base upon which the level of variance was computed using the "Like Type FAA Projects" information:

PROJECT DBE GOAL VARIANCE LAKE CITY GATEWAY AIRPORT LIKE TYPE FAA PROJECTS				
YEAR	LOCATION	DBE GOAL	% OF DBE PARTICIPATION	VARIANCE
2020	Palatka	5.80%	8.00%	2.20%*
2019	Panama City	6.60%	9.50%	2.90%
2018	Lake City	4.40%	3.90%	-0.50%
MEDIAN *				

F. CONTRACT GOALS

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

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

G. THREE YEAR GOAL

The FY 2026 projects are not expected to reach the monetary threshold requiring development of a DBE goal. Therefore, 0.00% shall simply serve as a place holder for FY 2026. Based on the methodologies and calculations and current information for the Lake City Gateway Airport the following is submitted as a three-year goal.

FY 2024	6.21%
FY 2025	6.67%
FY 2026	+ <u>0.00%</u>
	12.88% ÷ 2 = 6.44%

FY2026

The FY 2026 projects did not meet the monetary threshold requiring development of a DBE goal.

References:
Florida UCP List of Certified DBE Firms, August 2023
2022 – U.S. Census Bureau August 2023

**DBE PROGRAM
LAKE CITY GATEWAY AIRPORT
LAKE CITY, FLORIDA
POLICY STATEMENT**

Section 26.1, 26.23 Objectives/Policy Statement

The City of Lake City, owner of Lake City Gateway Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The City of Lake City has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City of Lake City has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

It is the policy of the City of Lake City to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also the City of Lake City policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of DOT- assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DO-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. Make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Brenda Karr, Procurement Analyst, for the Lake City Gateway Airport, Florida has been delegated as the DBE Liaison Officer. In that capacity, Brenda Karr is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Lake City in its financial assistance agreements with the Department of Transportation.

The City of Lake City has disseminated this policy statement to the governing board or officials of Recipient and all of the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on the City of Lake City DOT-assisted contracts. It will be distributed to DBE and non-DBE communities that perform work for the City of Lake City on DOT-assisted contracts by website postings of the public notice.

Noah Walker
Mayor
City of Lake City

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

The City of Lake City is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The City of Lake City will use terms in this program that have their meanings defined in Part 26, § 26.5.

Section 26.7 Non-discrimination Requirements

The City of Lake City will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the City of Lake City will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Data Collection and Reporting Requirements

Reporting to DOT

The City of Lake City will provide data about its DBE Program to the Department as directed by DOT and its operating administrations.

DBE participation will be reported to the Federal Aviation Administration (FAA) as follows:

The City of Lake City will transmit to FAA annually, by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Part 26. The City of Lake City will similarly report the required information about participating DBE firms. All reporting for this purpose will be done through the FAA’s designated reporting system.

Bidders List

The City of Lake City will collect bidders list information as described in § 26.11(c)(2) and enter it into the system designated by DOT. The purpose of the bidders list is to compile as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our federally assisted contracts for use in helping you set your overall goals, and to provide the Department with data for evaluating the extent to which the objectives of § 26.1 are being achieved.

The City of Lake City will obtain the following bidders list information about all DBE and non-DBEs who bid as prime contractors and subcontractors on each of our federally assisted contracts:

- Firm name
- Firm Address including Zip code
- Firm's status as a DBE or non-DBE
- Race and gender information for the firm's majority owner
- NAICS code applicable to each scope of work the firm sought to perform in its bid
- Age of the firm
- Annual gross receipts of the firm. The gross receipts can be obtained by asking each firm to indicate into what gross receipts bracket they fit (e.g. less than \$1 million; \$1-3 million; \$3-6 million; \$6-10 million, etc.) rather than requesting an exact figure from the firm.

The City of Lake City will collect the data from all bidders for our federally assisted contracts by requiring the information in paragraph (c)(2) of this section to be submitted with their bids or initial responses to negotiated procurements.

The City of Lake City will enter this data into the Department's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded.

In the case of a "design-build" contracting situation where subcontracts will be solicited throughout the contract period as defined in a DBE Performance Plan pursuant to § 26.53(e), the City of Lake City will enter the data no later than December 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).

City of Lake City will maintain records documenting a firm's compliance with the requirements of this part. These records will be retained in accordance with all applicable record retention requirements of City of Lake City's financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Assurances Recipients and Contractors Must Make

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

Assurance: - Each financial assistance agreement the City of Lake City signs with a DOT operating administration (or a primary recipient) will include the following assurance:

"The City of Lake City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The City of Lake City shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The City of Lake City DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out

its terms shall be treated as a violation of this agreement. Upon notification to the City of Lake City of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*)."

Contract Assurance: The City of Lake City will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

"The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The City of Lake City is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year.

The City of Lake City is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and the City of Lake City is in compliance with it and Part 26. The City of Lake City will continue to carry out this program until all funds from DOT financial assistance have been expended. The City of Lake City does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted to the relevant operating administration for approval.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer for the City of Lake City:

Brenda Karr
Procurement Director
City of Lake City
205 N. Marion Avenue
Lake City, FL 32055
368-758-5407
karrb@lcfla.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Lake City complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Mayor concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of **two** to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the City of Lake City's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the City of Lake City to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Based on our search and the listings in the Federal Reserve Register of Minority Owned Banks. <https://www.fdic.gov/regulations/resources/minority/mdi.html>. Florida has eight minority owned banks. These banks may be accessed by following the above referenced website. The City of Lake City will investigate annually any new banks established in the area in the future that are owned by minorities and women and use their services, when feasible.

U S CENTURY BANK	DORAL	FL	10/28/2002	57369
BANESCO USA	MIAMI	FL	01/10/2006	57815
INTERAMERICAN BANK A FSB	MIAMI	FL	08/23/1976	31823
INTERNATIONAL FINANCE BANK	MIAMI	FL	11/30/1983	24823
OCEAN BANK	MIAMI	FL	12/09/1982	24156
SUNSTATE BANK	MIAMI	FL	03/15/1999	34643
ANCHOR BANK	PALM BEACH GARDENS	FL	03/22/2005	57931
CENTRAL BANK	TAMPA	FL	02/26/2007	58377

Section 26.29 Prompt Payment Mechanisms

The City of Lake City requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law. Prompt payment and return of retainage requirements also apply to lower-tier subcontractors.

In accordance with 49 CFR § 26.29, the City of Lake City established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 10 days from the prime contractor's receipt of each payment from the City of Lake City.

The City of Lake City ensures prompt and full payment of retainage from the prime contractor to the subcontractor within thirty days (30) after the subcontractor's work is satisfactorily completed. Pursuant to § 26.29, the City of Lake City has selected the following method to comply with this requirement:

- The City of Lake City will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after the City of Lake City payment to the prime contractor.

For every airport construction project funded under Federal grant assistance programs, the City of Lake City includes the applicable clause from FAA Advisory Circular 150/5370-10 (Section 90-06) pertaining to the selected retainage method. If state or local prompt payment laws provide for payment in less than 30 days, any reference to "30 days" will be revised accordingly. To implement this measure, the City of Lake City includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime contract.

- a. From the total of the amount determined to be payable on a partial payment, 10% percent of such total amount will be deducted and retained by the Owner for protection of the Owner's interests. Unless otherwise instructed by the Owner, the amount retained by the Owner will be in effect until the final payment is made except as follows:
 - (1) Contractor may request release of retainage on work that has been partially accepted by the Owner in accordance with Section 50-14. Contractor must provide a certified invoice to the RPR that supports the value of retainage held by the Owner for partially accepted work.
 - (2) In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account per paragraph 90-08.

b. The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 10 days after the Contractor has received a partial payment. Contractor must provide the Owner evidence of prompt and full payment of retainage held by 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.

c. When at least 95% of the work has been completed to the satisfaction of the RPR, the RPR shall, at the Owner's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done. The Owner may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

Prompt Payment Monitoring for DBEs and Non-DBEs

The City of Lake City clearly understands and acknowledges that reliance on complaints or notifications from subcontractors about a contractor's failure to comply with prompt payment and retainage requirements is not a sufficient monitoring and oversight mechanism. Therefore, the City of Lake City undertakes proactive monitoring and oversight of prime contractors' compliance with subcontractor prompt payment and return of retainage requirements of 49 CFR Part 26. Such monitoring activities will be accomplished through EXCEL and the following method(s):

- Monitoring of pay requests and payment to subcontractors.

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

- The City of Lake City proactively reviews contract payments to subcontractors including DBEs every draw/pay request. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to the City of Lake City by the prime contractor.

Prompt Payment Dispute Resolution

The City of Lake City will take the following steps to resolve disputes as to whether timely prompt payment and retainage releases are being made as required by § 26.29.

1) Written certification that City of Lake City has reviewed contracting records and monitored work sites for this purpose. 2) Upon either party's written request to the DBELO for dispute resolution, a meeting will be voluntarily set within ten days of the request. The meeting shall include representatives with City to take enforcement action, to include but not limited to prime contractor, sub-contractor and the City representative(s).

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

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

The City of Lake City will include the following clause in each DOT-assisted prime contract:

“The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten (10) days from the receipt of each payment the prime contractor receives from the City of Lake City. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Lake City. This clause applies to both DBE and non-DBE subcontractors.

Failure to comply with the prompt payment provision of the contract may result in sanctions under the contract, as listed below.

- A. Refusal to issue proposals
- B. Damages
- C. Suspension of work on the project
- D. No additional progressive payments may be processed
- E. Suspension of prequalification.”

Prompt Payment Complaints

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

If affected subcontractor's relationship with contracting prime responsible for direct payment does not exist in order to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint. If filing a prompt payment complaint with the DBELO does not produce a timely resolution, the subcontractor may contact the Mayor, then the FAA. Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

The City of Lake City provides appropriate means to enforce the requirements of § 26.29. These means include:

The Sponsor will include the following clause in each DOT-assisted prime contract:
 “The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten (10) days from the receipt of each payment the prime contractor receives from the Sponsor. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the

subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Sponsor. This clause applies to both DBEs and non-DBE subcontractors.” The Sponsor will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will consider action under our own legal authorities, including responsibility determinations in future contracts. Attachment 7 lists the regulation, provision, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. The mechanism will include a written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished by requiring DBE utilization updates at each pay request and at final contract closeout. The Airport Engineer along with the DBELO will review all pay requests and DBE utilization forms, ensuring that DBE utilization is in accordance with all contract requirements.
4. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form. The City of Lake City will actively implement the enforcement actions detailed above.

Section 26.31 Directory of Certified Firms

The City of Lake City is a non-certifying member of the Florida Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs and/or ACDBEs, and it contains all the elements required by §26.31. The directory lists all firms eligible to participate as a DBE and/or ACDBE in the program. In the listing for each firm, the UCP directory includes the following details about the firm:

- Business address
- Business phone number
- Firm website(s)
- The types of work the firm has been certified to perform as a DBE and/or ACDBE.
- The type of work a DBE and/or ACDBE is eligible to perform is listed by using the most specific NAICS code available to describe each type of work the firm performs. Pursuant to § 26.81(n)(1) and (3), the UCP directory allows for NAICS codes to be supplemented with specific descriptions of the type(s) of work the firm performs.

- The UCP directory may include additional data fields of other items readily verifiable in State or locally maintained databases, such as State licenses held, Pre-qualifications, and Bonding capacity.
- The UCP directory is an online system that permits the public to search and/or filter for DBEs by:
 1. Physical location
 2. NAICS code(s)
 3. Work descriptions
 4. All additional data fields of readily verifiable optional information described above.

The directory includes a prominently displayed disclaimer that states the information within the directory is not a guarantee of the DBE's capacity and ability to perform work.

Section 26.33 Over-concentration

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

Section 26.35 Business Development and Mentor-Protégé Programs

The City of Lake City has not established a Business Development Program, or a Mentor-Protégé Program as described by 49 CFR Part 26. The DBELO will reevaluate the need for such a program every three years.

Section 26.37 Monitoring Responsibilities

The City of Lake City implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants and describes and sets forth these mechanisms in this DBE program.

The City of Lake City actively monitors attainment toward overall goals by maintaining running tally that provides for a frequent comparison of cumulative DBE awards/commitments to DOT-assisted prime contract awards to determine whether our implementation of contract goals is projected to be sufficient to meet the annual goal. The running tally for overall goal monitoring will be maintained in EXCEL by the City of Lake City reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by DBELO/the City of Lake City's engineer. This mechanism to maintain a running tally of overall goal attainment will be used to inform the City of Lake City decisions to implement goals on contracts to be advertised, according to our established contract goal-setting process.

The City of Lake City actively monitors participation with respect to each DBE commitment by using a running tally that provides for a frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor. The running tally for contract goal monitoring will be maintained in MS EXCEL by: Contracting records are reviewed by the DBELO/ the City of Lake City's engineer. The

City of Lake City will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose. These contract-specific running tallies will be used to determine whether the contractor is on track with meeting its DBE commitment and whether any projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to § 26.53(g).

Monitoring Contracts and Work Sites

The City of Lake City reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed, and such work is counted according to the requirements of § 26.55. Work site monitoring for counting and commercially useful function review is performed by the DBELO and engineering firm. Contracting records are reviewed by the DBELO and engineering firm. The monitoring of work sites to assess commercially useful functions will include interviews with staff members and supervisors at the job site, photographic documentation of people and equipment performing the work, reviews of invoices and supply payments, vehicle and equipment ownership or lease verification (such as registration or lease agreements), and any other supporting documents necessary to determine the business is performing a commercially useful function. The City of Lake City will maintain written certification that contracting records have been reviewed and work sites have been monitored to ensure the counting of each DBE's participation is consistent with its function on the contract.

Section 26.39 Fostering Small Business Participation

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

The small business element is incorporated as Attachment 10 to this DBE Program. The program elements will be actively implemented to foster small business participation. The City of Lake City implementation of the small business element is required for us to be considered by DOT as implementing our DBE program in good faith.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The City of Lake City does not use quotas or race-conscious set-asides in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The City of Lake City will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal

years within the three-year goal period. In accordance with §26.45(f), the City of Lake City will submit its Overall Three-year DBE Goal to the FAA by August 1st of the year in which the goal is due, as required by the schedule established by the FAA.

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

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. The City of Lake City will use

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

and <https://data.census.gov/table> as a method to determine the base figure. The City of Lake City understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

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

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

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

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

goal changes following review by the FAA the revised goal will be posted on the City of Lake City's official internet web site.

The Overall Three-Year DBE Goal submission to the FAA will include any information and comments received, who provided the comment, and how the City of Lake City considered and responded to any comments and information received before finalizing the goal.

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

Project Goals

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

Prior Operating Administration Concurrence

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

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

Section 26.47 Failure to meet overall goals

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

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

The City of Lake City understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are

less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

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

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

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

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
- (2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
- (3) Providing technical assistance and other services;
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- (5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
- (6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

(7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;

(8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and

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

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

Contract Goals

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

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

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

Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract Goals

Demonstration of good faith efforts (pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as *Responsive*.

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

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeror:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:
 - a. The names and addresses of DBE firms that will participate in the contract;
 - b. 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;
 - c. The dollar amount of the participation of each DBE firm participating;
 - d. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - e. 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. Each DBE listed to perform work as a regular dealer or distributor must confirm its participation according to the requirements of § 26.53 (c)(1).
 - f. If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract;
- (3) The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section:
- (4) Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures;

Provided that, in a negotiated procurement, such as a procurement for professional services, 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 City of Lake City. This paragraph (b)(3)(ii) does not apply to a design-build procurement, which must follow the provisions in paragraph (e) of 49 CFR § 26.53.

For each DBE listed as a regular dealer or distributor the City of Lake City will make a preliminary counting determination to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in §§ 26.55(e)(2)(iv)(A), (B), (C), and (3) under the contract at issue. The preliminary determination will be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. Where the DBE supplier does not affirm that its participation will meet the specific requirements of either a regular dealer or distributor, the City of Lake City will make appropriate adjustments in counting such participation toward the bidder's good faith efforts to meet the contract goal. The bidder is responsible for verifying that the information provided by the DBE supplier is consistent with the counting of such participation toward the contract goal.

In a design-build contracting situation, in which the City of Lake City solicits proposals to design and build a project with minimal project details at time of letting, the City of Lake City

may set a DBE goal that proposers must meet by submitting a DBE Open-Ended DBE Performance plan (OEPP) with the proposal. The OEPP replaces the requirement to provide the information required in paragraph (b) of § 26.53(b). To be considered responsive, the OEPP must include a commitment to meet the goal and provide details of the types of subcontracting work or services (with projected dollar amounts) that the proposer will solicit DBEs to perform. The OEPP must include an estimated time frame in which actual DBE subcontracts would be executed. Once the design-build contract is awarded, the City of Lake City will provide ongoing monitoring and oversight to evaluate whether the design-builder is using good faith efforts to comply with the OEPP and schedule. The City of Lake City and the design-builder may agree to make written revisions of the OEPP throughout the life of the project, e.g., replacing the type of work items the design-builder will solicit DBEs to perform and/or adjusting the proposed schedule, as long as the design-builder continues to use good faith efforts to meet the goal.

The City of Lake City will apply the requirements of this section to DBE bidders/offers for prime contracts. In determining whether a DBE bidder/offeror for a prime contract has met a contract goal, the City of Lake City will count the work the DBE has committed to performing with its own forces as well as the work that it has committed to be performed by DBE subcontractors and DBE suppliers.

Administrative Reconsideration of Good Faith Efforts determinations

Within 5 business days of being informed by the City of Lake City that it is not *responsive* because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Don Rosenthal
City Manager
City of Lake City
205 N. Marion Avenue
Lake City, FL 32055
386-719-5815
rosenthald@lcfla.com

Demetrius Johnson
Assistant City Manager
City of Lake City
205 N. Marion Avenue
Lake City, FL 32055
386-719-5816
johnsond@lcfla.com

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 the reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedural requirements (post-solicitation/award)

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

The City of Lake City will require the awarded contractor to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

The City of Lake City will require that a prime contractor not terminate a DBE or any portion of its work listed in response to § 26.53(b)(2) (or an approved substitute DBE firm per § 26.53(g)) without our prior written consent, unless the City of Lake City causes the termination or reduction. A termination includes any reduction or underrun in work listed for a DBE not caused by a material change to the prime contract by the recipient. This requirement applies to instances that include but are not limited to: when a prime contractor seeks to perform work originally designed for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

The City of Lake City will include in each prime contract a provision stating that:

- (1) The contractor must utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the City of Lake City's written consent as provided in § 26.53(f); and
- (2) Unless the City of Lake City's consent is provided under § 26.53(f), the prime contractor must not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The City of Lake City may provide such written consent only if it agrees, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the listed DBE or any portion of its work.

Good cause does not exist if the prime contractor seeks to terminate a DBE or any portion of its work that is relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged, or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award. For purposes of § 26.53(f)(3), good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements;
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit worthiness;

- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR parts 180, 215, and 1200 or applicable state law;
- (6) The City of Lake City has determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to the City of Lake City written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract; and
- (10) Other documented good cause that the City of Lake City determines compels the termination of the DBE subcontractor;

Before transmitting to the City of Lake City the request to terminate a DBE subcontractor or any portion of its work, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the City of Lake City sent concurrently, of its intent to request to terminate and the reason for the proposed request.

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

In addition to post-award terminations, the provisions of this section apply to pre-award deletions or changes to DBEs or their listed work put forward by offerors in negotiated procurements.

When a DBE subcontractor or a portion of its work is terminated by the prime contractor as provided in § 26.53(f), or if work committed to a DBE is reduced due to overestimations made prior to award, the prime contractor must use good faith efforts to include additional DBE participation to the extent needed to meet the contract goal. The good faith efforts shall be documented by the contractor. If the City of Lake City requests documentation under this provision, the contractor shall submit the documentation within seven (7) days, which may be extended for an additional seven (7) days, if necessary, at the request of the contractor. The City of Lake City shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

Section 26.55 Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in § 26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

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

For FAA-funded projects only, firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE certification and may be counted for DBE credit toward overall and contract goals on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City of Lake City is a non-certifying member of the Florida Unified Certification Program (UCP) and relies upon the UCP's determinations of certification eligibility. Florida UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Certifying Florida UCP members make all certification decisions based on the facts as a whole.

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

Florida Department of Transportation
Jared W. Perdue, P.E.
Secretary
605 Suwannee Street, MS 57
Tallahassee, Florida 32399-0450
Telephone: 850-414-4100
Toll-Free: 866-374-FDOT (3368)
jperdue@dot.state.fl.us
Website: [Home \(fdot.gov\)](http://fdot.gov)

The Uniform Certification Application form, Personal Net Worth statement, and documentation requirements can be reviewed at <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>.

SUBPART E – CERTIFICATION PROCEDURES

Any procedures included here are highlights only. Detailed certification procedures are enumerated in the full Florida 's UCP agreement. The full UCP agreement can be found at: Attachment 9.

Section 26.81 Unified Certification Programs

The City is a member of the Florida Unified Certification Program (FLUCP), which is managed by the state, and the City is a non-certifying participant. The City will use and count for DBE credit only those DBE firms certified by FLUCP. The UCP will meet all certification standards and procedures requirements of Subparts D and E of Part 26.

Section 26.91 Actions Following DOT Certification Appeal Decisions

If the City of Lake City is a certifier to which a DOT determination under § 26.89 is applicable, we will take any and all required action(s) pursuant to § 26.91.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to City of Lake City

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

The City of Lake City understands that, as provided in statute, it will not be subject to compliance actions or sanctions for failing to carry out any requirement of this part because it has been prevented from complying because a Federal court has issued a final order in which the court found that the requirement is unconstitutional.

Section 26.103 Enforcement Actions Applicable to FAA Programs

- (1) Compliance reviews. The concerned operating administration may review the recipient's compliance with this part at any time, including reviews of paperwork and on-site reviews, as appropriate. The Office of Civil Rights may direct the operating administration to initiate a compliance review based on complaints received.

Section 26.105 Enforcement Actions Applicable to FAA Programs

Compliance with all requirements of this part by airport sponsors and other recipients of FAA financial assistance is enforced through the procedures of Title 49 of the United States Code, including 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

The provisions of § 26.103(b) and this section apply to enforcement actions in FAA programs.

Any person who knows of a violation of this part by a recipient of FAA funds may file a complaint under 14 CFR part 16 with the Federal Aviation Administration Office of Chief Counsel.

Section 26.107 Enforcement Actions Applicable to Participating Firms

If a firm that does not meet the eligibility criteria of subpart D of this part attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or

deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.

If a firm, in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, the Department may initiate suspension or debarment proceedings against you under 2 CFR parts 180 and 1200.

In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the concerned operating administration may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude the Department from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.

The Department may take enforcement action under [49 CFR Part 31](#), Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under [49 CFR part 31](#).

The Department may refer to the Department of Justice, for prosecution under [18 U.S.C. 1001](#) or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

Section 26.109 Confidentiality, Cooperation, and Intimidation or Retaliation

In responding to requests for information concerning any aspect of the DBE program, the Department complies with provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Department may make available to the public any information concerning the DBE program release of which is not prohibited by Federal law.

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

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

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

ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26 website link
Attachment 2	Organizational Chart
Attachment 3	Bidder's List Collection Form
Attachment 4	DBE Directory or link to DBE Directory
Attachment 5	Overall Goal Calculations
Attachment 6	Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1-3
Attachment 7	DBE Monitoring and Enforcement Mechanisms
Attachment 8	DBE Certification Application Form
Attachment 9	State's UCP Agreement
Attachment 10	Small Business Element Program

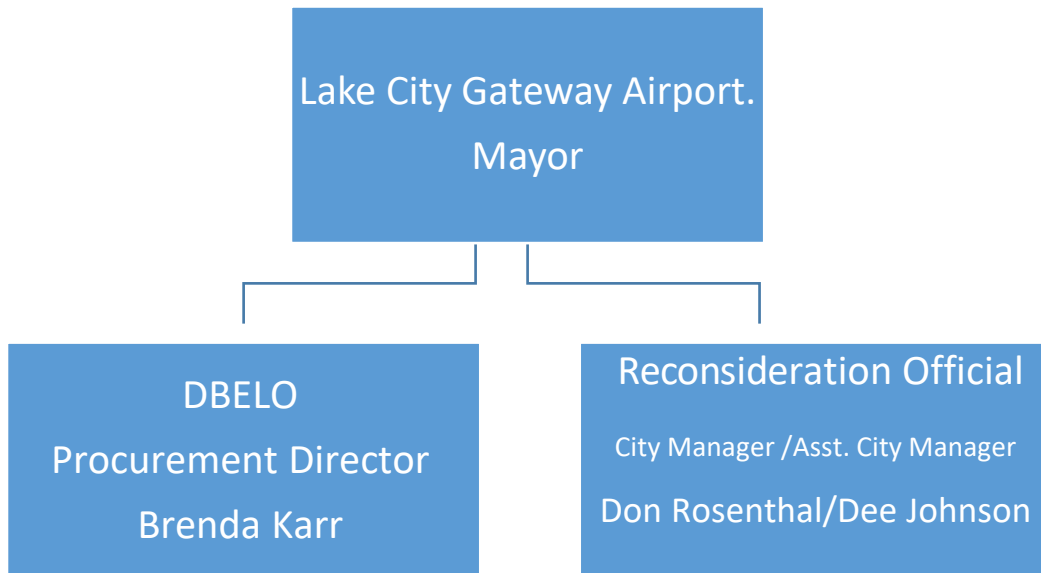
ATTACHMENT 1

Regulations: 49 CFR Part 26 link to website:

[CFR :: 49 CFR Part 26 -- Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs](#)

ATTACHMENT 2

Organizational Chart



ATTACHMENT 3

Bidders List Collection Form

[Note: § 26.11(c) requires Recipients to collect bidders list information from all bidders at the time of bid submittal, and to enter it into USDOT's designated system. The data must be collected for all firms who bid as prime contractors or subcontractors (successfully or not).

If you use an electronic system to collect this information, you may include a screenshot or other example showing how the system collects all the required data.

If you need to see an example of a bidders list data collection form, you can find one in the AC/DBE Doc Vault at <https://faa.civilrightsconnect.com>. For quick reference, the following are the required items to collect for bidders list reporting:

- **Firm name**
- **Firm Address including ZIP code**
- **Firm's status as a DBE or non-DBE**
- **Race and gender information for the firm's majority owner**
 - **Use only the race/ethnicity classifications from 49 CFR part 26:**
 - **Black American**
 - **Hispanic American**
 - **Native American**
 - **Asian Pacific American**
 - **Subcontinent Asian American**
 - **Other**
- **NAICS code applicable to each scope of work the firm sought to perform in its bid**
- **Age of the firm**
- **Annual gross receipts of the firm. The gross receipts can be obtained by asking each firm to indicate into what gross receipts bracket they fit (e.g. less than \$1 million; \$1-3 million; \$3-6 million; \$6-10 million, etc.) rather than requesting an exact figure from the firm.]**

Firm Name	Street Address	Street Address (Line 2)	City	State	ZIP Code	DBE or Non-DBE Status	NAICS Code(s) of Scope(s) Bid	Race of Majority Owner	Gender of Majority Owner	Age of Firm	Annual Gross Receipts

ATTACHMENT 4

The Florida DBE web link to DBE directory is

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

ATTACHMENT 5

Section 26.45: Overall DBE Three-Year Goal Methodology

Previously Submitted

ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2

Forms 1 and 2 should be provided as part of the solicitation documents.

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

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

Name of bidder/offeror's firm: _____

Name & title of firm's AR: _____

Phone: _____ Email: _____

Name of DBE firm: _____

Name & title of DBE firm's AR: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Work to be performed by DBE firm:

Description of Work	NAICS	Dollar Amount / %*	Manufacturer/Regular Dealer/Distributor/Broker**

*Percentage is to be used only in negotiated procurements

**For DBE suppliers only, state how the DBE will perform. For dealer/distributor/broker, Form 3 must be included.

The undersigned bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The total expected dollar value of this work is \$ _____. The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified above that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed above without following the procedures of 49 CFR Part 26, §26.53.

Signature of Bidder/Offeror's Authorized Representative

Date: _____

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for DBE participation therefore.

Signature of DBE's Authorized Representative

Date: _____

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

Submit this page for each DBE subcontractor.

EXHIBIT "B"
Not for Execution

OMB Approval Pending 04/17/2024

U.S. Department of
Transportation

DBE Regular Dealer/Distributor Affirmation Form

Bidder Name:

Contract Name/Number:

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The U.S. Department of Transportation is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan.

DISCLAIMER: This form has not yet received OMB/PRA approval and is subject to change. We are making it available for your voluntary use.

DBE Name:

Total Subcontract/Purchase Order Amount:

Authorized DBE Representative (Name and Title):

NAICS Code(s) Related to the Items to be Sold/Leased:

1. Will all items sold or leased be provided from the on-hand inventory at your establishment? ☐ YES ☐ NO

(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.** If "NO" Continue.)

- a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)?

☐ YES ☐ NO (If "YES," Go to Question 2. If "NO" Continue.)

- b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory?

☐ YES ☐ NO* (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.**

*If I, I.a), and I. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. to determine if the items delivered from and by other sources are eligible for Distributor credit.)

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate?

☐ YES ☐ NO¹

(If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)

¹ If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacture's facility)?

☐ YES² ☐ NO³

- a) Will you be using sources other than the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased?

☐ YES² ☐ NO³

² If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

³ If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of DBE Owner/Authorized Representative:

The bidder acknowledges its responsibility for verifying the information provided by the DBE named above and ensuring that the counting of the DBE's participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative:

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

City of Lake City – Lake City Gateway Airport

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

Brenda Karr
Procurement Director
City of Lake City
205 N. Marion Avenue
Lake City, FL 32055
368-758-5407
karrb@lcfla.com

9. The City has implemented a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBE's. These will be tracked in an MS EXCEL document, tracking DBE and small businesses separately. This mechanism will provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. These mechanisms will include, but not be limited to, the following:

- a. Reviewing bid package documentation thoroughly, obtaining clarification, if necessary.
- b. Reviewing monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.
- c. Monitoring progress of payments to DBEs through monthly reports from prime contractors.
- d. Monitoring progress of DBEs work through on-site visits and communication with DBEs. The City has implemented a monitoring and enforcement mechanism that will include written certification that the City has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits on a monthly basis. The DBELO will sign off on the written certifications.

10. The City will bring to the attention of the US Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

11. The City also will consider similar action under its own legal authorities, including responsibility determinations in future contracts. In addition, the City will apply legal and contract remedies under state and local law. This includes, for example, applying liquidated damages, withholding payments, etc.

12. In its reports of DBE participation to the USDOT, the City will show both commitments and attainments, as required by the USDOT reporting form.

Attachment 1 contains a link to 49 CFR Part 26, which describes federal regulations, provisions, and contract remedies available to the City in the event of non-compliance by a participant.

DBE Commercially Useful Function Report



20200925 FINAL
-Sample CUF Form- C

ATTACHMENT 8

DBE Certification Application Form

Web link:

<https://www.transportation.gov/sites/dot.gov/files/2021-02/uniform-certification-application%202.8.2021.pdf>

ATTACHMENT 9

State's UCP Agreement

STATE OF FLORIDA
UNIFIED CERTIFICATION PROGRAM (UCP) AGREEMENT
SIGNATURE AND DECLARATION OF STATUS

*In witness whereof, the UCP Members execute this Agreement, prepared on _____ by
authorized signatures and attached resolutions if appropriate.*

ED BUNNELL

Signatory Entity (Printed)

AIRPORT DIRECTOR

Name and Title (Printed)

[Signature]

Signature

Attest:

Billie Jo Bible, Director of HR

Name and Title

[Signature]

Signature

This 8 day of February, 2024



Approved as to form:

Attorney for Signatory

Certifying Member Status ☐

Non-Certifying Member Status ☐

EXHIBIT "B"
Not for Execution

ATTACHMENT 10

Small Business Element

The City of Lake City will implement a race-neutral small business element as part of their DBE programs, in compliance with §26.39. The City of Lake City is including this element to facilitate competition by and expand opportunities for small businesses. The City of Lake City is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. The following strategies may be used, but are not limited to the following:

1. Objective/Strategies

- (1) In multi-year design-build contracts or other large contracts (e.g., for “megaprojects”) requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
- (2) On prime contracts not having DBE contract goals, requiring 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.
- (3) To meet the portion of the overall goal projected to be met through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

2. 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 five-year period. All businesses meeting the criteria in this element will be considered to be small businesses, without regard to race or gender.

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 \$2.047 million.
- Whose average annual gross receipts, as defined by SBA regulations over the firm's previous five fiscal years, is less than \$23.98 million.
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE by the Florida Department of Transportation (FDOT) in accordance with 49 CFR 26.

For the purposes of the small business element of the Sponsor'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.

3.Verification Procedures – For purposes of this small business element, The City of Lake City and the City will require the following verification and/or certification:

1. Florida Unified Certification Program (FLUCP) DBE Certification – DBE Certification by a certifying member of the FLUCP 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 certification listing within the Florida UCP DBE Directory. It should be noted that the City of Lake City is not a certifying member of the FLUCP and does not have its own certification staff.

2. A non-DBE certified potential small business concern may have to complete a simplified application and/or provide the following information at time of response to a solicitation or a bid submittal, as evidence of the small business status:

- a. Evidence of SBA 8(a) or SBD Certification (as described in 13 CFR Parts 121 and 124)
- b. A copy of the business tax returns for the most recent five-year period indicating the gross receipts; and/or
- c. A notarized statement from a Certified Public Accountant indicating the firms average gross receipts for the past five years.

3. Use of Personal Net Worth: The City of Lake City, in addition to the standards for small business concerns described above, plans to utilize the current Personal Net Worth standards of the DBE program (26.67), presently at \$2.047 million dollars.

4.Monitoring/Record Keeping

As part of the reporting process, prime contractors will maintain records and documents of payments to small businesses 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 Sponsor or DOT. This reporting requirement also extends to any small business subcontractor. The Small business monitoring will include tracking by engineer/airport through EXCEL of at least 10% of payments to subcontractors from prime contractors in order to track payments as they relate to work committed to small businesses. Records will be reviewed by the project to track outreach efforts and actual small business participation. DBEs and Small Business participation will be tracked separately.

5.Assurance

- This program is authorized under state law;
- Certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;
- No limits are placed on the number of contracts awarded to firms participating in the program, but every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
- Aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.
- The program is open to small businesses regardless of their location (i.e., there is no local or other geographic preference).