



## **CEDAR RAPIDS AIRPORT COMMISSION DBE PROGRAM**

### **Objectives/Policy Statement**

The Cedar Rapids Airport Commission (Commission) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 (Attachment A has the link). The Commission has received Federal financial assistance from the Federal Aviation Administration (FAA), and as a condition of receiving this assistance, the Commission has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Commission to ensure that DBE's, as defined in Part 26, have an equal opportunity to receive and participate in FAA-assisted contracts. It is also our policy to:

1. Ensure nondiscrimination in the award and administration of FAA-assisted contracts;
2. Create a level playing field on which DBE's can compete fairly for FAA-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 DBE's;
5. Help remove barriers to the participation of DBE's in FAA-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. Provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The Director of Finance & Administration, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO 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 Commission in its financial assistance agreements with the DOT.

The Commission has disseminated this policy statement to all the components of our organization. We have distributed this statement to DBE and non-DBE business entities that perform work for us on FAA-assisted contracts. The statement is also to be published in the Cedar Rapids Gazette and posted on the Commission's website.

A handwritten signature in blue ink, appearing to read "Marty Lenss", is written over a horizontal line.

Marty Lenss, C.M., Airport Director

July 24, 2023

Date

## **GENERAL REQUIREMENTS**

### **Objectives (§26.1)**

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

### **Applicability (§26.3)**

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

### **Definitions (§26.5)**

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

### **Nondiscrimination (§26.7)**

The Commission 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 Commission 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.

### **Record Keeping Requirements (§26.11)**

#### **Reporting to DOT**

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

The Commission will transmit to FAA annually, by or before December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form, found in Appendix B to this part. We will also report the DBE Contractor firms information either on the FAA DBE Contractor’s Form or other similar format.

#### **Bidders List**

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

We will collect this information in the following ways: data will be collected from all bidders who will submit it with their bid. See Attachment C - Sample Bidders List Collection Form. All bidders will submit their subcontractor data with their bid.

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

### **Contract Assurance (§26.13a)**

The Commission has signed the following assurance, applicable to all DOT-assisted contracts and their administration. This following language will appear in financial assistance agreements with sub-recipients.

**The Cedar Rapids Airport Commission 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 recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The Commission's DBE Program, as required by 49 CFR Part 26 and as approved by the 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 Cedar Rapids Airport Commission of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).**

### **Contract Assurance (§26.13b)**

The Commission will ensure that the following clause is placed in every FAA-assisted 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 Commission 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.**

## **ADMINISTRATIVE REQUIREMENTS**

### **DBE Program Updates (§26.21)**

The Commission 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. We are not eligible to receive FAA financial assistance unless FAA has approved our DBE program and we are in compliance with it and this part. We will continue to carry out our program until all funds from FAA financial assistance have been expended. We do not have to submit regular updates of our program, as long as we remain in compliance. However, we will submit significant changes in the program for approval.

### **Policy Statement (§26.23)**

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

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

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

Director of Finance & Administration  
The Eastern Iowa Airport  
2515 Arthur Collins Parkway SW  
Cedar Rapids, Iowa 52404-8952  
Phone: (319) 362-3131 Fax: (319) 362-1670  
E-mail: [DBELO@crairport.org](mailto:DBELO@crairport.org)

In that capacity, DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Commission complies with all provisions of 49 CFR Part 26. DBELO has direct, independent access to the Airport Director concerning DBE program matters. DBELO has a staff of two professional administration employees on a full-time basis that will devote a portion of their time to the program. DBELO will confer with the Commission's consulting engineer from time to time to administer the DBE program. An organization chart displaying the DBELO position in the organization is found in Attachment B to this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program. Duties and responsibilities include the following:

1. Gather and report statistical data and other information as required by FAA.
2. Review third-party contracts and purchase requisitions for compliance with this program.
3. Set overall three-year goals.
4. Ensure that bid notices and requests for proposals are available to DBE's in a timely manner.
5. Identify contracts and procurements so that DBE goals are included in solicitations (both race neutral methods and contract specific goals) and monitor results.

6. Analyze Commission's progress toward goal attainment and identify ways to improve progress.
7. Participate in pre-bid meetings.
8. Advise the Airport Director and Commission on DBE matters and achievement.
9. Participates with legal counsel and project engineer to determine contractor compliance with good faith efforts.
10. Provide DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Provide outreach to DBE's and community organizations to advise them of opportunities.

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

It is the policy of the Commission 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 FAA-assisted contracts to make use of these institutions. We have found no such institutions, but will make efforts to identify institutions that will work with the DBE community. Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

### **Prompt Payment (§26.29)**

The Commission has established, as part of its DBE Program, a contract clause to require prime contractors performing work on FAA-assisted contracts to promptly pay subcontractors for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local laws.

In accordance with 49 CFR 26.29, the Commission 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 Commission.

The Commission 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 49 CFR 26.29, the Commission has selected the following method to comply with this requirement and the Commission will include the following clause from FAA Advisory Circular 150/5370-10H in each FAA-assisted prime contract:

The Commission will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract as allowed by the State of Iowa Code, 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 Commission's payment to the prime contractor.

From the total of the amount determined to be payable on a partial payment, five (5%) percent of such total amount will be deducted and retained by the Commission for protection of the Commission's interests. Unless otherwise instructed by the Commission, the amount retained by the Commission will be in effect until the final payment is made except as follows:

1. Prime contractor may request release of retainage on work that has been partially accepted by the Commission. Prime contractor must provide a certified invoice to the Resident

- Project Representative (RPR) and other documentation as required by the Code of Iowa that supports the value of retainage held by the Commission for partially accepted work.
2. In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account.

The prime 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. Prime contractor must provide the Commission 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 Commission. When the Commission has made an incremental acceptance of a portion of a prime contract as allowed in the Code of Iowa, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

When at least 95% of the work has been completed to the satisfaction of the Resident Project Representative (RPR) of the Commission, the RPR shall, at the Commission'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 Commission may retain an amount not less than twice the contract value or estimated cost, whichever is greater and as allowed in the Code of Iowa, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the prime contractor.

The Commission will include the following clauses in each FAA-assisted prime contract:

**The Cedar Rapids Airport Commission requires all prime contractors to submit a copy of all subcontractor contracts to the Commission within 7 days of execution by the prime contractor and each subcontractor.**

**The Cedar Rapids Airport Commission requires all prime contractors to pay all subcontractors for satisfactory performance of their contracts no later than 7 days from the date the prime contractor received payment or should have received payment when the reason for non-payment is not subcontractor's fault.**

**The Cedar Rapids Airport Commission also requires the prompt return of all retainage held on all bonded subcontractors within 30 days after the subcontractor's work is satisfactorily completed. Non-bonded subcontractors may be required to submit proof of payment for all material bills and wages to the prime contractor before the prime contractor is required to pay the retainage. Prime contractors found to be in noncompliance with the prompt payment clause will be subject to sanctions enforced by the Commission. The sanctions include issuing two-party checks for the payment of the Prime Contractor's Application for Payment. The two-party check will be made payable to the prime contractor and its subcontractor. The Commission may notify and request corrective action from the prime contractor's surety company, issuer of the prime contractor's payment bond. Also, the Commission may withhold funds due the contractor pursuant to provisions of Chapter 573, Code of Iowa.**

## **Directory (§26.31)**

The Commission is a non-certifying member of the Iowa 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. The Commission will use the Iowa DOT Directory as its primary Directory. An updated copy of the Directory will be located in the office of the Airport Director at The Eastern Iowa Airport Administration Building, 2515 Arthur Collins Parkway SW, Cedar Rapids, Iowa 52404-8952. The Iowa DOT maintains a directory identifying all firms eligible to participate as DBE's. The directory lists the firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. The Iowa DOT revises the Directory prior to advertising for a letting, approximately 10 times per year. Copies are available in Iowa DOT headquarters at the Office of Contracts 800 Lincoln Way, Ames, IA and on the Internet through Bid Express and at: [www.iowadot.gov](http://www.iowadot.gov).

## **Over Concentration (§26.33)**

The Commission has not identified any over concentration. If the Commission determines that DBE firms are so "over concentrated" in a particular type of work as to "unduly" burden the opportunity of non-DBE firms who participate in this type of work, the Commission will devise appropriate measures to address the over concentration. The measures may include not counting contract goals for a particular DBE or DBE firms in general. It may also include the use of incentives, technical assistance, and other appropriate measures designed to assist DBE's in performing work outside of the specific field. The Commission will obtain the approval of the FAA for its determination of over concentration and the measures it intends to devise to address it.

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

Commission has not established a business development program.

## **Monitoring and Enforcement Mechanisms (§26.37)**

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

### Monitoring Payments to DBEs and Non-DBEs

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

- ◆ Posting prime contractor payments to a website, database, or other place accessible or via email to subcontractors to alert them to the start of the 30-day clock for payment.



Commission 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 Commission's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the Commission or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

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

#### Prompt Payment Dispute Resolution

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

- ◆ The Commission's RPR will meet with the prime contractor and subcontractor to pursue dispute resolution.

Commission 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.

Commission's contract clause states:

- ◆ The Cedar Rapids Airport Commission requires all prime contractors to pay all subcontractors for satisfactory performance of their contracts no later than 7 days from the date the prime contractor received payment or should have received payment when the reason for non-payment is not subcontractor's fault.

#### Prompt Payment Complaints

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

- ◆ The affected subcontractor shall first contact the prime contractor directly regarding payment discrepancies.
- ◆ If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact the Commission's RPR for assistance regarding payment discrepancies.
- ◆ If filing a prompt payment complaint with the RPR does not result in timely and meaningful action to resolve prompt payment disputes, affected subcontractor may contact the DBELO.

#### Enforcement Actions for Noncompliance of Participants



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

- ◆ Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract
- ◆ Issue two-party checks for the payment of the prime contractor's application for payment. The two-party check will be made payable to the prime contractor and its subcontractor.
- ◆ Withhold funds due the prime contractor pursuant to provisions of Chapter 573, Code of Iowa.

Commission will bring to the attention of the DOT 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 §26.109. We also will consider similar action under our own legal authorities. Such action may include, but not be limited to, the following: (a) Responsibility determinations in future contracts; (b) Breach of contract action, pursuant to the terms of the contract; and (c) Action authorized under Chapter 73A, Code of Iowa.

#### Monitoring Contracts and Work Sites

Commission 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. We will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished through contractual obligations with the Commission's consulting engineer on each project. 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.

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

The Commission 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 Commission's small business program element is incorporated as Attachment H to this DBE Program. We will actively implement the program elements to foster small business participation doing so is a requirement of good faith implementation of our DBE program.

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

### **Quotas (§26.43)**

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

### **Overall Goals (§26.45)**

The Commission will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding FAA funded prime contracts exceeding \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the Commission will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the schedule established by the FAA found at the following link: [https://www.faa.gov/sites/faa.gov/files/2021-12/FAAGoalsDueChart%20New\\_Final.pdf](https://www.faa.gov/sites/faa.gov/files/2021-12/FAAGoalsDueChart%20New_Final.pdf)

DBE goals will be established for those fiscal years the Commission anticipates awarding DOT-assisted prime contracts exceeding \$250,000 during the three-year period. The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Commission does not anticipate awarding more than \$250,000 in DOT-assisted prime contracts during any of the years within the three-year reporting period, we will not develop an overall goal; however this DBE Program will remain in effect and the Commission will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

### **Amount of Goal**

The Commission's **overall goal for FFY2024 – FFY2026** is the following: **4.94%** of the Federal financial assistance we will expend in FAA-assisted contracts.

### **Methodology**

To comply with 49 CFR Part 26.45, the Commission establishes its DBE goal based on evidence of availability of ready, willing, and able DBE's relative to all business ready, willing, and able to participate in the Commission's FAA-assisted contracts. The first step to begin the goal-setting process is determining a base figure for the relative availability of DBE's. The second step is to examine the evidence available locally to determine what adjustment, if any, is necessary to the base figure to arrive at an overall goal.

### **Step 1 (Ready, Willing, and Able to Work Step)**

The Commission has at least five options that may be used in the goal-setting process. Adjustments can be made under Step 2 to ensure that the final goal is narrowly tailored to the Commission's market and contracting program. The options are as follows:

1. Use DBE Directories and Census Bureau Data to determine the number of ready, willing and able DBEs in the market by using the Iowa Department of Transportation (IDOT) DBE Directory and the Census Bureau's County Business Pattern database to determine the number of all ready, willing and able businesses available in the market that perform work in the same

NAICS codes. The number of DBEs is divided by the number of all businesses to arrive at a base figure for the relative availability of the DBEs in the market.

2. Use a bidder's list to determine the number of DBEs that have bid or quoted on FAA assisted prime contracts or subcontracts in the previous year and determine the number of all businesses that have bid or quoted on prime or subcontracts in the same time period. The number of DBE bidders and quoters should be divided by the number of all businesses to derive a base figure for the relative availability of DBEs in the market.
3. Use data from a disparity study. Use a percentage derived from data in a valid, applicable disparity study.
4. Use the goal of another Department of Transportation (DOT) recipient in the same or substantially similar market that has set an overall goal in compliance with 49 CRF Part 26.45.
5. Alternative methods. Other methods may be used to determine a base figure for an overall goal. The methodology used must 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 market.

The Commission will use the Iowa DOT FFY2024 – FFY2026 Goal of 6.03% under Step 1 of the goal-setting process. Adjustments will be made under Step 2 to ensure that the final goal is narrowly tailored to the Commission's market and contracting program.

## Step 2 (Adjustment Step Based on Evidence Available)

The second step is to examine the evidence available from Commission records to determine if any adjustment is needed. Two factors were examined to determine the capacity of the existing DBE firms working for the Commission:

1. The percentage of contracts that DBE firms were able to receive race neutral (e.g. low bid or used as subcontractors on projects without DBE goals) was reviewed.
  - ◆ The percentage of prime contracts awarded to DBE's represents their ability to compete and obtain prime contracts in a race neutral market.
  - ◆ During the past 3 years, DBE firms obtained 0.0% of all prime contracts through the low-bid process, which represents 0.0% of the total contract dollars.
$$\frac{0 \text{ DBE prime contract awards}}{17 \text{ all prime contract awards}} = 0.00\%$$
$$\frac{\$0 \text{ of DBE prime contract awards}}{\$38,709,210 \text{ of all prime contract awards}} = 0.00\%$$
  - ◆ The percentage of subcontracts awarded to DBE's on projects without DBE goals represents their ability to compete and obtain subcontracts in a race neutral market.
  - ◆ During the past 3 years, DBE firms obtained 3.2% of subcontracts without DBE goals, which represents 0.59% of the total subcontract dollars.

<u>3 DBE subcontracts without DBE goals</u>	=	33.33%
9 total subcontracts without DBE goals		

<u>\$43,500 of DBE subcontracts without DBE goals</u>	=	3.27%
\$1,330,548 of all subcontracts without DBE goals		

2. The percentage of contracts that DBE firms were able to receive race conscious (e.g. low bid or used as subcontractors on Federal assisted projects with DBE goals) was reviewed.

- ◆ During the past 3 years, DBE firms obtained 0.0% of Federal assisted prime contracts.

<u>0 DBE Prime Contracts on Federal assisted contracts</u>	=	0.00%
17 Prime Contracts on Federal assisted contracts		

- ◆ During the past 3 years, DBE firms received 17.31% of Federal assisted subcontracts with DBE goals, which represents 13.61% of the total contract dollars.

<u>9 DBE Subcontracts on Federal assisted contracts</u>	=	17.31%
52 Subcontracts on Federal assisted contracts		

<u>\$5,349,382 DBE Subcontracts on Federal assisted contracts</u>	=	13.26%
\$40,328,350 of Federal assisted contracts		

- ◆ During the past 3 years, DBE firms have received 13.26% of the entire Federal assisted contract dollars.

3. Criteria for setting DBE goals on federal assisted contracts is to assure at least 3 ways exist to make a DBE goal. This may be 3 or more items that can be subcontracted to DBE contractors to meet the goal or 3 or more DBE contractors ready, willing, and able to quote on the available subcontract work. In reviewing the past 3 years in which DBE firms received 13.28% of the total Federal assisted contract dollars, one DBE grading subcontractor received \$3,792,998 of the \$5,349,382 or 70.91% of the contract dollars awarded to DBE firms. During the past 3 years no other DBE firm was utilized or submitted a bid as a subcontractor for grading work on federal assisted contracts. During the 3 year period 2 other DBE firms were utilized in curb and gutter work and traffic control work of which there are multiple DBE firms available to perform this type of work. Consequently, the 3 year participation total for DBE firms was adjusted by subtracting the participation dollars of the DBE grading subcontractor. This adjustment resulted in DBE firms receiving 3.86% of the total Federal assisted contract dollars.

<u>\$1,556,385 DBE Subcontracts on Federal assisted contracts</u>	=	3.86%
\$40,328,350 of Federal assisted contracts		

- ◆ During the past 3 years, DBE firms have received 3.86% of the entire Federal assisted contract dollars when adjusted to account for 1 DBE firm receiving a disproportionate amount of Federal assisted contract dollars.

## Summary

These factors indicate that DBE firms have not been able to obtain prime contracts through race-neutral methods or race-conscious methods. With the current DBE goals set on Federal assisted projects, DBE firms have been able to obtain 13.26% of total Federal assisted contract

dollars. The DBE goals for this period averaged 4.39%. These factors indicate that DBE firms have been able to obtain 8.87% of Federal assisted contract dollars through race-neutral methods. However, when adjusted to account for 1 DBE firm receiving a disproportionate amount of Federal assisted contract dollars as previously stated, DBE firms obtained an adjusted 3.86% of total Federal assisted contract dollars, which when compared to the DBE goal of 4.39% during this time period it indicates that DBE firms obtained 0.00% of Federal assisted contract dollars through race-neutral methods.

The Commission has compared the DBE percentages under Step 1 of 6.03% (Iowa DOT proposed FFY2024 – FFY2026 Goal) and under Step 2 of 3.86% (adjusted actual participation), and has concluded to establish the DBE goal based upon the average of the Step 1 and Step 2 percentages. Using this methodology, the Commission establishes a **FFY2024 – FFY2026 Goal of 4.94%** for participation by DBE firms on all Federal assisted contracts let through the Commission.

$(\text{Step 1} + \text{Step 2}) \times .50 = \text{goal}$

$(6.03\% + 3.86\%) = 9.89\% \times .50 = \underline{\mathbf{4.94\%}}$  **FFY2024-FFY2026 DBE Goal**

The Commission will monitor and administer existing FAA-assisted contracts under the current DBE Program. We will implement the use of the new DBE Program and goals beginning with the first FAA-assisted contract of Federal FFY2024 – FFY2026.

## Process

The Commission's first overall three-year DBE goal was submitted to the FAA on August 1, 2011, and a new DBE overall goal will be submitted every three years after said date. Before establishing the overall DBE goal, the Commission conducts a consultation meeting with DBE firms who have participated on past Federal Assisted contracts to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and the Commission's efforts to establish a level playing field for the participation of DBE's.

Each year the overall goal is submitted to the FAA, the Commission will publish a notice on its website at [www.flycid.com](http://www.flycid.com) and in the Cedar Rapids Gazette. The publication will notify the public that the proposed overall goal and its rationale are available for inspection during normal business hours at the Office of the Airport Director for 30 days following the date of the notice. The public will be informed that the Commission and FAA will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by July 31<sup>st</sup> of each year. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed.

The Commission's address for viewing and comments is:

Office of the Airport Director  
The Eastern Iowa Airport  
2515 Arthur Collins Parkway SW  
Cedar Rapids, IA 52404-8952

Website: [WWW.FLYCID.COM](http://WWW.FLYCID.COM)  
Email: [DBELO@FLYCID.COM](mailto:DBELO@FLYCID.COM)

The FAA's address for comments:

Federal Aviation Administration  
Office of Civil Rights  
Western-Pacific Regional Office, AWP-9  
P.O. Box 92007  
Los Angeles, CA 90009-2007

Our overall goal submission including supplemental information to the FAA will include a summary of information and comments received during this public participation process and our responses. We will normally begin using our overall goal on October 1st of each year, unless we have received other instructions from FAA.

### **Failure to meet overall goals (§26.47)**

The Commission will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer our DBE Program in good faith to be considered to be in compliance with this part. If the Commission awards and commitments shown on our Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, we will do the following in order to be regarded by the Department as implementing your DBE Program in good faith:

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

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

The Commission will use race-neutral measures to meet the maximum feasible portion of the overall goal. 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 measures will include: 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; outreach and technical assistance for DBE contractors including technical assistance and training in areas such as preparing and using a business plan, working with the Commission, and contract administration; and ensuring distribution of the DBE directory through electronic means on the Commission website.

### **Breakout of Race-Neutral and Race-Conscious Participation**

The Commission established during its “FFY2024 – FFY2026 DBE Goal Analysis” that 0.00% of the DBE participation as adjusted on Federal assisted projects was obtained through race neutral

measures. Since race neutral measures did not secure past DBE participation, we project that the all of the FFY2024 – FFY2026 goal of 4.94% will be achieved through race-conscious measures; and 0.00% of the goal will be achieved through race-neutral measures.

The Commission will adjust the estimated breakout of race-neutral and race-conscious participation if needed to reflect actual DBE participation and track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE prime contracts, DBE subcontracts on a prime contract that does not carry a DBE goal, DBE subcontracting exceeding a contract goal, and DBE subcontracting where the prime contractor did not consider a firm's DBE status in making the award.

Contract goals when used, will be established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means. The Commission will establish contract goals only on those FAA 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 circumstance of each such contract. (e.g., type and location of work, availability of DBE's to perform the particular type of work).

The Commission will express its contract goals as a percentage of the total amount of FAA assisted contracts.

## **Contract Goals (§26.51)**

The Commission will use contract goals to meet the overall goal. The Commission will establish contract goals only on those FAA-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 circumstance (e.g., type and location of work, availability of DBE's to perform the particular type of work).

The Commission will express our contract goals as a percentage of the Federal share amount of a FAA-assisted contract.



## Good Faith Efforts (§26.53)

### Demonstration of good faith efforts (pre-award)

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts.

The Airport Director or designee 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 **responsible**.

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

### Information to be Submitted

The Commission treats bidders' compliance with good faith effort requirements as a matter of responsiveness. Each proposal for which a contract goal has been established will require all bidders to submit the following information with their bid on the Iowa DOT Disadvantaged Business Enterprise Information Statement of DBE Commitment Form (102115 form) and/or FAA Disadvantage Business Enterprises "Utilization Statement" and "Letter of Intent" forms, provided and approved by the Commission.

- ◆ The names of DBE firms that will participate in the contract;
- ◆ The dollar amount of the participation of each DBE firm;
- ◆ A description of the work that each DBE will perform;
- ◆ Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- ◆ Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment; and
- ◆ If the contract goal is not met, evidence of good faith efforts. The documentation of good faith efforts will 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 the Commission will require that the bidder/offeror present the required information as listed below no later than 5 days after bid opening as a matter of **responsibility**.

### Demonstration of Good Faith Efforts

The successful bidder shall be selected on the basis of having submitted the lowest responsive bid. The obligation of the bidder is to make good faith effort. The bidder can demonstrate that it has done so by the following:

- ◆ Meeting the contract goal;
- ◆ Meeting the calculated percentage for good faith effort based on bidder commitments received for the proposal (Attachment E); or

- ◆ Documenting good faith efforts for administrative reconsideration.

The following personnel are responsible for determining whether a contractor who has not met the contract goal meets the calculated percentage for good faith effort: DBE Liaison Officer.

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

### Administrative Reconsideration

Within 5 business days of being informed by the Commission that it is not responsible because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. The bidder should make this request in writing to the following reconsideration team:

- ◆ Airport Director
- ◆ Director of Operations  
Office of the Airport Director  
The Eastern Iowa Airport  
2515 Arthur Collins Parkway SW  
Cedar Rapids, IA 52404-8952
- ◆ Project Engineer

Since the first determination of good faith effort is a comparison of the bidder's DBE commitment to the established goal and second determination for good faith effort is a calculated value, the reconsideration officials play no role in the original determinations.

A bidder will **NOT** be allowed to adjust the amount of their commitment after final time specified in the advertisement for receiving bids.

As part of this reconsideration, the bidder will have the opportunity to provide written documentation or arguments concerning the issue of whether they made adequate good faith efforts to meet the goal. The bidder will have the opportunity to meet in person with our reconsideration officials to discuss the issue of whether they made adequate good faith efforts to do so. We will send the bidder 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.

Documentation required will include the following:

- ◆ Offering assistance in areas of interpreting plans and preparing proposals;
- ◆ Response to requests from any small businesses submitting quotes, concerning quantities, overtime, project scheduling, etc.;
- ◆ The bidder's past good faith efforts on other projects bid with the Commission;
- ◆ Making portions of the work available for DBE subcontracting;
- ◆ Evidence of negotiations with DBE firms;
- ◆ DBE quotes obtained and non-DBE quotes used;
- ◆ Reason agreements were not reached;

- ◆ Follow-up after initial solicitations;
- ◆ Efforts to assist in obtaining bonding, lines of credit, or insurance; and
- ◆ Efforts to assist in obtaining equipment, supplies, and materials.

The result of the reconsideration process is not administratively appealable to the FAA.

### Good Faith Efforts procedures in situations when there are contract goals

We will include in each prime contract a provision stating:

**The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains written consent from the Commission as provided in this paragraph; and**

**That, unless consent is provided under this paragraph, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.**

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

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

### Good Faith Efforts When a DBE is Replaced on a Contract

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

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

We will provide such written consent only if we agree, for reasons stated in our 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. We have determined that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides to us 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 we have 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 the Commission its 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 us, of its intent to request to terminate and/or substitute, and the reason for the request.

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

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

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

## **Counting DBE Participation (§26.55)**

DBE credit will be counted only for work performed by the DBE firm. We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE at the time of the execution of the contract, we will not count the firm's participation toward any DBE goals.

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.

### DBE Manufacturer

Count 100% of the value paid for materials furnished which become permanent parts of the project. A manufacturer is a firm that owns and operates the facilities to produce a product required by the contract and purchased by the contractor.

### DBE Supplier

Count 60% of the value paid for materials furnished which become permanent parts of the project. A supplier sells goods to the general public and maintains an inventory at an owned or leased warehouse or store. A DBE supplier must earn 20% of its annual gross from non-DBE goal sales to demonstrate it sells goods to the general public.

### DBE Broker

Count 100% of the fee or commission received by the DBE for the materials purchased and resold to the contractor which becomes a permanent part of the project. A broker does not manufacture or supply on a regular basis.

### DBE Trucker

To count 100% of the amount paid to the DBE trucker they must have at least one fully licensed, insured, and operational truck used on the contract. Trucking must be performed by the DBE, with employees of the DBE, using equipment owned or long-term leased by the DBE. The DBE may also lease trucks from another DBE firm, including an owner operator who is a certified DBE.

The DBE may also lease trucks from a non-DBE firm, including an owner operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease agreement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.

The DBE must be responsible for management and supervision of the entire trucking operation. The subcontract must not be a contrived arrangement to meet the DBE goal. The DBE will be considered a broker, and only commissions received will count toward the goal, if the DBE is not in full control or does not have any DBE employees or trucks on the job.

In order for a DBE trucker to be credited with the delivered price of materials/supplies, the DBE trucker must also be certified as a supplier or manufacturer of the material, be responsible for the quality standards of the material, and negotiate the material price and select the source.

### DBE Contractor

Count 100% of the amount paid to a DBE contractor for labor and materials provided to perform a defined and clearly measurable portion of the contract. The work must be performed by the DBE's own employees and the DBE must order and pay for all supplies and materials.

## **Construction Monitoring**

The Commission will monitor and document activities and work done by DBE's on all projects to ensure they perform all work as contracted at the time of award. Information documented on Iowa DOT Forms 102115 "Disadvantaged Business Enterprise Information Statement of DBE Commitments" and 102117 "Disadvantaged Business Enterprise Information DBE Project Statement" and/or FAA Disadvantaged Business Enterprises "Utilization Statement" and "Letter of Intent" forms, provided and approved by the Commission, shall apply. Any concerns will be reported to the Project Engineer and prime contractor immediately.

The Project Engineer will be responsible for comparing dollar amounts actually paid to DBE subcontractors at the successful completion of their work and the amount committed at time of award. Discrepancies under that amount will require justification by the Project Engineer (item under runs, item deletions, etc.). Otherwise prime contractors can be penalized dollar for dollar the difference. Repeated violations can result in suspension of their bidding privileges.

## **Request to Subcontract**

Subcontract Request Forms for all subcontractors will be submitted to the Commission, Office of the Airport Director along with the signed contract. A contractor may request up to a 30 day extension. If unforeseen field conditions require additional or a termination of subcontractors an amended or new Subcontract Request Form will be required.

If a DBE subcontractor is terminated for reasons due to an inability or unwillingness to perform, the prime contractor must replace that subcontractor with another DBE or show sufficient documentation of good faith efforts to do so. On contracts with contract goals, the contractor must obtain permission from the Commission prior to substitution of any DBE designated on the DBE Commitment Form.

Usage of DBE contractors on all Commission projects is encouraged. Prime contractors subletting work to DBE's on projects with no goal or subletting work that goes above and beyond the established goal can only be viewed as a step in the right direction and toward the possible reduction or elimination of goals in the future.

## **Prime Contractor Assisting DBE Firms**

Construction assistance by prime contractors to a DBE subcontractor can be allowed if the situation is the result of an unforeseen emergency or natural disaster. The assistance would have to be short term (1 day or less) and only involve equipment, not workers, and only with the notification of the Project Engineer and the approval of the Commission.

Other forms of assistance, such as technical advice and occasional guidance, are encouraged with the notification of the Project Engineer and the approval of the Commission.

## Final DBE Documentation

Upon completion of the project, the prime contractor shall obtain a certification from each utilized DBE contractor attesting to their actual involvement. The final DBE participation shall be summarized on Iowa DOT Form 102116, “Certification of DBE Accomplishment”, or on a similar form provided and approved by the Commission.

## **SUBPART D – CERTIFICATION STANDARDS**

### **Certification (§26.61 - §26.91)**

The Commission is a non-certifying member of the Iowa Department of Transportation (Iowa DOT) Unified Certification Program (UCP). The 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 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:

Civil Rights Administrator  
Iowa DOT  
Office of Contracts  
800 Lincoln Way  
Ames, Iowa 50010  
Phone Number: (515) 239-1414  
Fax Number: (515) 239-1325

## **SUBPART E – CERTIFICATION PROCEDURES**

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

The Commission participated with the Iowa DOT and other agencies within the State in developing a Unified Certification Program. The Commission has executed the recipient signature page of the Iowa DOT UCP written plan. A copy of the Iowa DOT UCP Agreement is on file at the Office of the Airport Director and listed as Attachment G.

### **Reporting to FAA**

The Commission will report DBE participation to FAA on an annual basis, using DOT Form 4630, Uniform Report of DBE Awards/Commitments and Payments.



## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Section 26.101 Compliance Procedures Applicable to Commission**

Commission understands that if it fails to comply with any requirement of this part, Commission 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 FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122.

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

Information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law will be safeguarded from disclosure to third parties. The Commission ensures compliance with the Iowa Administrative Code Chapter 22-Including Chapter 22.8(4) that states complainants name shall not be released without written approval from the complainant. Absent unusual circumstances access will be provided within ten (10) working days. The Public Information Official (PIO) shall reply to each request. The reply will set forth the conditions by which access to examine and copy the Commission's public records may be had, specifying a reasonable period of time during which the record will be available for examination and copying, and in some circumstances stating the estimated costs of providing access. If the PIO denies access to inspect documents, the reason(s) therefore will be set forth in the PIO's reply to the request.

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.

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).

Commission, 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. Commission understands that it is in noncompliance with Part 26 if it violates this prohibition.

## ATTACHMENTS

- Attachment A Regulations: 49 CFR Part 26 website link
- Attachment B Organizational Chart
- Attachment C Sample Bidder's List Collection Forms
- Attachment D Setting Contract Goals
- Attachment E Good Faith Effort Determination
- Attachment F State's DBE Directory website link
- Attachment G State's UCP Agreement
- Attachment H Small Business Element Program

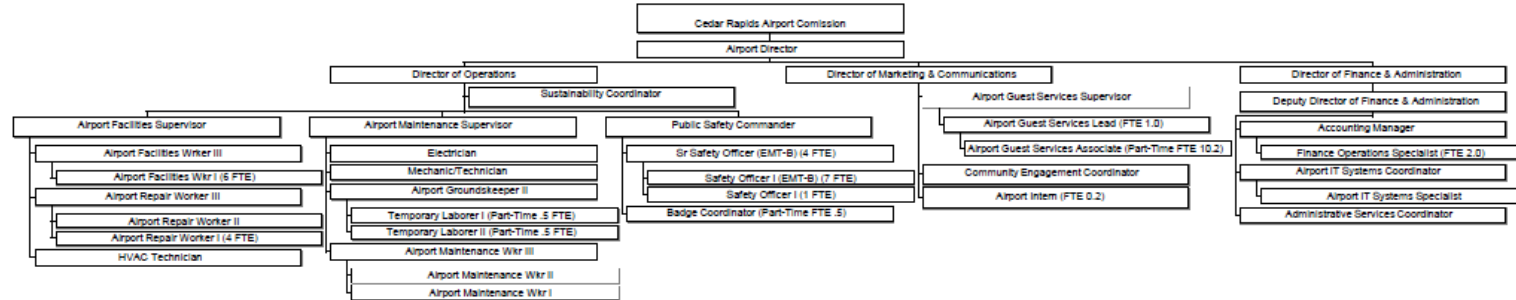
## ATTACHMENT A

**Regulations 49 CFR Part 26, can be found at:**

**<http://www.ecfr.gov>**

## ATTACHMENT B

The Eastern Iowa Airport  
Organization Chart  
Res. 55-06-23



Title Revisions  
Salary Plan and/or Grade Revisions  
Total FTE 61.9

Title revisions and salary plan/pay grade designations  
to be determined by the Cedar Rapids Airport  
Commission Labor and Personnel Committee.

**ATTACHMENT C**  
Bidder's List Collection Form

*(SAMPLE BIDDERS LIST COLLECTION FORM)*

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

## BIDDER'S LIST FORM

The Cedar Rapids Airport Commission , (Commission) 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 Commission has received Federal financial assistance from the Federal Aviation Administration (FAA), and as a condition of receiving this assistance, the Commission has signed an assurance that it will comply with 49 CFR Part 26.

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

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Contact Individual

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

### Annual Gross Receipts

- ☐ Less than \$500K
- ☐ \$500K - \$1 million
- ☐ \$1-2 million
- ☐ \$2-5 million
- ☐ Greater than \$5 million

### Age of Firm

- ☐ Less than 1 year
- ☐ 1- 3 years
- ☐ 4-7 years
- ☐ 8-10 years
- ☐ More than 10 years

\_\_\_\_\_  
Signature of appropriate official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

## ATTACHMENT D

### Setting Contract Goals

#### DBE Goal Setting

Several weeks prior to a bid letting a goal setting meeting may be held. Those persons attending the goal setting may include the DBE Liaison Officer, the Project Engineers, DBE contractors and Prime contractors. Representatives from FAA and Materials Suppliers may also attend. This is an open meeting and anyone with an interest in the process or in a specific project is welcome to attend.

#### Criteria for Setting Project Goals

The following criteria are used as a guide in setting DBE goals:

Set DBE goals for individual projects from 0.00% to 15.00%, in .01% increments

- ◆ Set only on FAA assisted projects.
- ◆ Try to attain the dollar amount of DBE usage represented by the overall goal on all contracts let by the Commission. The percentage of DBE accomplishments, tracked year-to-date from prime contracts awarded to DBE contractors and subcontract request forms will be used to adjust the total amount of DBE goal set per letting. Contract goals will be set to make up the difference in the amount of DBE usage that can be obtained through race neutral means and the overall goal.
- ◆ Set the total dollar amount of the DBE goal on an individual project greater than \$70,000.
- ◆ Balance DBE goals work between industries such as structures, paving, asphalt, and grading.
- ◆ Identify individual items that are normally subcontracted. Commission, Staff, or Project Engineer will share the approximate percentage of the overall contract estimate for review.
- ◆ Consider availability of DBE contractors who are ready, willing, and able to quote the work available to subcontract.
- ◆ Assure at least 3 ways to make a DBE goal. This may be 3 or more items that can be subcontracted to DBE contractors to meet the goal or 3 or more DBE contractors ready, willing, and able to quote on the available subcontract work. Every attempt will be made not to set a DBE goal on a proposal so that there is only 1 way available for bidders to meet that goal.



## ATTACHMENT E

### **Good Faith Effort Determination Based on Calculated Percentage of Bidder Commitments**

Commission has established the following objective measurement of Good Faith Effort (GFE). This will be applied to apparent low bids received on proposals with a contract goal where the DBE Commitment is less than the contract goal.

The Calculated GFE shall be determined by taking 80% of the average of DBE commitments submitted by each bidder. The contract goal percentage will be included in the calculation as if it is an additional bidder. Only that amount of a bidder's DBE goal attainment that does not exceed the established goal shall be used in the calculation. Responsiveness of the low apparent bidder will be determined by comparing the percent of DBE commitment of each bidder to the 80% of the average value. If the bidder's commitment is less than the 80% of the average value, they are non-responsive. If the bidder's commitment is greater than or equal to the 80% of the average value, they are responsive for DBE commitment.

The Calculated GFE shall be determined by the following formula:

G = Calculated GFE based on the percentage of bidder commitments to the nearest tenth of a percent.

C = DBE Commitment of each bidder expressed as a percentage of their Bid Total, to the nearest tenth of a percent. The contract goal percentage will be used if the bidder's commitment is greater than the contract goal.

D = DBE Contract Goal

N = Number of bidders (not currently in the Annual GFE program)

$$G = \frac{0.80 \left( \frac{\sum C}{N} + D \right)}{n+1}$$

If  $C < G$ , the bid is considered non-responsive due to the DBE commitment.

## ATTACHMENT F

State of Iowa DBE Directory can be found at:

<https://iowadot.gov/civilrights/disadvantaged-business-enterprise-program-dbe/dbe-program>

## **ATTACHMENT G**

### **IOWA DEPARTMENT OF TRANSPORTATION (Iowa DOT) UNIFIED CERTIFICATION PROGRAM (UCP) AGREEMENT (Revised 10/18/02)**

#### **Development & Proposal**

The new Disadvantaged Business Enterprise (DBE) requirements contained in 49 CFR Part 26 included a provision for a "one-stop" certification process. The process must be defined and submitted to the Secretary of Transportation for approval within 3 years of publication of the regulations, February 2002. (Attachment J) Failure to develop and execute a UCP agreement will result in a loss of USDOT funding.

#### **Impact on Recipient Programs**

Federal regulations, 49 CFR Part 26, require all USDOT fund recipients implement a UCP within three years. The statewide UCP must establish a single uniform process or "one stop- shopping" for DBE applications, certifications, and development of a single point DBE Directory. All USDOT recipients will be required to ratify the UCP agreement and all DBE certifications by the Iowa DOT will be binding.

The UCP will not establish, recommend or alter any agencies' overall DBE Program, other than to supplement an approved program submittal, DBE goal, or goal methodology.' DBE goal development, administration, monitoring, and reporting remains the sole responsibility of the agency with a USDOT approved DBE Program in accordance with 49 CFR Part 26, subject to any oversight requirements of the lead agency. Any agency that elects not to establish a DBE Program as set forth in 49 CFR Part 26 will be required to adopt and implement the lead agency's program. The lead agency in Iowa is the Iowa DOT for the majority of the recipient's USDOT federal funds.

Firms currently certified through local agencies, will not be decertified from working on local projects with local funds, if they wish to be in the UCP Directory and be available for working on projects with federal funds as certified DBEs they will have to apply and be approved by this office.

#### **Reciprocity**

The Iowa DOT may elect to enter into a written reciprocity agreement; with UCPs in other states or regions.

## **Process Review**

The Iowa DOT has developed an application letter, approval letter, and certificate of approval. (Attachments B, C, & D) The current DBE application will be used due to the impending application under development by the USDOT.

## **Ratification Process**

All recipients of federal funds administered by the USDOT, either directly or indirectly, must ratify and comply with the UCP agreement. Failure to ratify the agreement may result in the loss of federal funds from the Iowa DOT and/or the USDOT.

All recipients and sub-recipients are bound by the requirements of the UCP and will need to sign the agreement once it is finalized. The Iowa UCP will be implemented immediately upon its approval.

## **Initial Consolidation and Application**

The Iowa DOT will review all firms that make a written request to determine eligibility under 49 CFR Part 26. The Iowa DOT will review any investigative information, the certification file, and any other documentation provided. The Iowa DOT will then make a determination as to whether or not the firm meets the eligibility requirements.

The Iowa DOT is prepared to accept applications for certification from concessionaires at this time. Except for the differences in PNW and AGR information all other certification procedures for the State of Iowa will remain the same.

All requirements of Subparts D and E of 49 CFR Part 26, which outlines certification standards and DBE certification procedures, shall be enforced by the Iowa DOT to determine eligibility for participation as a DBE in U.S. DOT assisted contracts. Certification decisions are based on the facts as a whole, and all certification standards must be met before a firm will be eligible for participation as a DBE. To apply for certification or obtain information about the process, firms should contact:

Iowa D.O.T. Office of Contracts  
EEO Section 800 Lincoln Way  
Ames, Iowa 50010  
Phone: 515-239-1422  
Fax: 515-239-1325

Applications will be processed as received, if the application is complete the process and a decision will be made in 90 days or less, if more information is required of the applicant extensions maybe needed.

Applications from outside the State of Iowa will be reviewed and processed provided the applicant is certified in their "home" state and information regarding that certification is available upon request.

Any applicant that is denied certification can appeal that decision to the Iowa DOT Appeals Committee. This committee is comprised of five Iowa DOT employees from outside the Office of Contracts who are appointed by the Director of the Iowa DOT's Highway Division. Members of this committee serve until they request to be removed or transfer from the area, retire etc. The committee is chaired by the Office of Contracts Assistant Engineer who will not have a vote and will not be considered a part of the committee. The chair and all committee members understand the certification requirements. They shall review all evidence provided by the Iowa DOT's Affirmative Action Officer who made the initial determination, and render a decision. A simple majority of votes constitutes their decision. If the applicant is still denied certification, they will be informed of their right to appeal to U.S. DOT. Such appeals may be sent to:

U.S. Department of Transportation Office of Civil Rights  
Certification Appeals Branch  
400 7th St., SW, Room 2104  
Washington, D.C. 20590

After the effective date of this Agreement, only firms certified based on guidelines prescribed in 49 CFR Part 26 and provisions of this agreement, shall be recognized as certified by the Iowa DOT.

No applicant will be eligible to bid on a project as a DBE until the certification process is complete, the applicant approved, and the applicant being listed in our directory.

### **DBE Directory**

All recipients in the State of Iowa have been informed and will be updated periodically that the only source of DBE Contractors that can be used on Federally assisted contracts in the State of Iowa are listed in our Directory under the Iowa UCP.

Our directory of Certified DBEs is available in print and on the internet at this time. The directory is maintained by staff of the Iowa DOT Office of Contracts, updates and or changes to both versions are made as amendments and are changed or distributed with each monthly letting.

### **Appeals Process**

The Appeals Committee will consist of 5 members. The Appeals Committee will give the firm the opportunity for administrative re-consideration of the eligibility determination. As required in the DBE regulations, a firm may appeal directly to the USDOT, however, if they choose to appeal to the Iowa DOT Appeals Committee, they do **not** forfeit the right to appeal to the USDOT, within the time frame provided in 49 CFR Part 26.

**Initial Certification Applicant Denials** - When a firm is denied certification, a certified letter is sent in which they are given the opportunity to appeal that decision, if they choose to appeal, a hearing will be scheduled before the Appeals Committee as listed above. To do this, they must request an appeal, in writing, within 15 days of their receipt of the letter. If an appeal is requested the firm is contacted within 3 days to schedule the appeal. If the denial is upheld by the Committee, the DBE firm has the right to appeal to the USDOT within 90 days of the notice.

**Denial of Re-Certification and De-Certifications** - When a certified firm is decertified or denied recertification, they are sent a certified letter in which they are given the opportunity to appeal that decision, to an internal DBE Appeals Committee. To do this, they must request an appeal, in writing, within 15 days of their receipt of the letter.

**Administrative Removal of Eligibility** - In circumstances where a certified firm, or a new applicant firm, has failed to submit required documentation or exceeded Personal Net Worth thresholds, there will be no administrative re-consideration. Those circumstances include:

- Any certified firm that does not submit the annual update required in 49 CFR Part 26 will have certification removed for failure to comply after 45 days from the date the update was due. The update is due March 1<sup>st</sup> of every year. Failure to submit the update is not appealable.
- Any firm previously certified and denied certification due to exceeding the Personal Net Worth cap by the disadvantaged owner is not appealable.
- If any certified firm's disadvantaged owner's Personal Net Worth exceeds the cap within the 3 year period of certification, the eligibility of the firm will be removed. Removal of certification for exceeding Personal Net Worth is not appealable.

## **SIC/NAIC Codes**

The Iowa DOT agrees to certify all firms in compliance with 49 CFR Part 26, including designating specific work types. The Iowa DOT agrees to use the SIC/NAIC codes for those designations.

Any firm may request modification and/or additions to their approved codes by making a written request to the Iowa DOT. The request must include the equipment and experience indicating the firm's ability to perform the particular work type. In addition, the firm must submit documentation of past contracts on which the firm has performed the specific type of work. A sample request application is set out in Attachment E.

During the certification process the department shall compile a list of equipment owned or leased by the applicant, licenses held by key employees if applicable and obtain a statement from the firm explaining what type of work they plan of performing as a certified DBE. This information will be verified during the "on site" visit.

### **3rd Party Challenges**

The Iowa DOT will accept 3rd party challenges to a DBEs certification if it is in writing and signed by the complainant. If after a complete investigation it appears that the complaint has merit the department will notify the DBE and the complainant in writing.

**Iowa DOT Initiated:** When Iowa DOT has reason to believe a certified DBE firm is ineligible, the DBE will be notified of the finding in writing. The letter will state the reason and cite the evidence.

**USDOT Initiated:** The USDOT may notify Iowa DOT of reasonable cause to find a certified DBE firm to be ineligible. The Iowa DOT will immediately initiate removal procedures.

In any case, the DBE firm will receive written notice of intent to remove eligibility, the firm will have 10 days to request an informal hearing to refute the allegations. The Iowa DOT must prove by a preponderance of evidence that the firm should be considered ineligible. This hearing will take place before the Iowa DOT Appeal Committee. To ensure a separation of functions in all decisions, the members of the DBE appeal committee will not have participated in any way in the proceedings or the decision to initiate proceedings, leading to the proposal to decertify. This separation of functions will be maintained at all times whether the hearing is to decertify an existing DBE or the non approval of a new applicant.

### **Supportive Services**

Assistance is provided to all DBE certified firms in the following areas.

- preparation of the certification application
- information about how to obtain bidding documents and plans
- plan reading
- dealing with contractors
- information about dealing with the Iowa DOT
- assistance in developing loan packages and financial statements

## ATTACHMENTS

### Attachment A

#### 49 CFR Part 26

#### §26.81 What are the requirements for Unified Certification Programs?

(a) You and all other DOT recipients in your state must participate in a Unified Certification Program(UCP).

(1) Within three years of [insert date 30 days after date of publication in Federal Register], you and the other recipients in your state must sign an agreement establishing the UCP for that state and submit the agreement to the Secretary for approval. The Secretary may, on the basis of extenuating circumstances shown by the recipients in the state, extend this deadline for no more than one additional year.

(2) The agreement must provide for the establishment of a UCP meeting all the requirements of this section. The agreement must specify that the UCP will follow all certification procedures and standards of this part, on the same basis as recipients; that the UCP shall cooperate fully with oversight, review, and monitoring activities of DOT and its operating administrations; and that the UCP shall implement DOT directives and guidance concerning certification matters. The agreement shall also commit recipients to ensuring that the UCP has sufficient resources and expertise to carry out the requirements of this part. The agreement shall include an implementation schedule ensuring that the UCP is fully operational no later than 18 months following the approval of the agreement by the Secretary.

(3) Subject to approval by the Secretary, the UCP in each state may take any form acceptable to the recipients in that state.

(4) The Secretary shall review the UCP and approve it, disapprove it, or remand it to the recipients in the state for revisions. A complete agreement which is not disapproved or remanded within 180 days of its receipt is deemed to be accepted.

(5) If you and the other recipients in your state fail to meet the deadlines set forth in this paragraph (a), you shall have the opportunity to make an explanation to the Secretary why a deadline could not be met and why meeting the deadline was beyond your control.

If you fail to make such an explanation, or the explanation does not justify the failure to meet the deadline, the Secretary shall direct you to complete the required action by a date certain. If you and the other recipients fail to carry out this direction in a timely manner, you are collectively in noncompliance with this part.

(b) The UCP shall make all certification decisions on behalf of all DOT recipients in the state with respect to participation in the DOT DBE Program.

(1) Certification decisions by the UCP shall be binding on all DOT recipients within the state.



- (2) The UCP shall provide "one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state.
- (3) All obligations of recipients with respect to certification and nondiscrimination must be carried out by UCPs, and recipients may use only UCPs that comply with the certification and nondiscrimination requirements of this part.
- (c) All certifications by UCPs shall be pre-certifications; i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE.
- (d) A UCP is not required to process an application for certification from a firm having its principal place of business outside the state if the firm is not certified by the UCP in the state in which it maintains its principal place of business. The "home state" UCP shall share its information and documents concerning the firm with other UCPs that are considering the firm's application.
- (e) Subject to DOT approval as provided in this section, the recipients in two or more states may form a regional UCP. UCPs may also enter into written reciprocity agreements with other UCPs. Such an agreement shall outline the specific responsibilities of each participant. A UCP may accept the certification of any other UCP or DOT recipient.
- (f) Pending the establishment of UCPs meeting the requirements of this section, you may enter into agreements with other recipients, on a regional or inter-jurisdictional basis, to perform certification functions required by this part. You may also grant reciprocity to other recipient's certification decisions.
- (g) Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this section), the information required by §26.31. The UCP shall make the directory available to the public electronically, on the internet, as well as in print. The UCP shall update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made.
- (h) Except as otherwise specified in this section, all provisions of this subpart and subpart D of this part pertaining to recipients also apply to UCPs.

## Attachment B

Thank you for your interest in the Iowa Department of Transportation's Disadvantaged Business Enterprise Program.

The certification process is perhaps the most critical single element of DBE program administration, since it is to determine eligibility for participation in the program. As such, it is a state's first line of protection against program abuse.

In order to be certified, a firm must be:

- attach A small business as defined by Section 8(d) of the Small Business Act and as amended by TEA-21 of 1998. (*13 CFR, paragraph 121.3-8, lists definitions for small businesses by industry type.*). TEA-21 of 1998 restricts the size of small businesses to \$17.42 million three-year average gross income.
- Owned (*at least 51 percent*) by a socially and economically disadvantaged person or persons; and
- Controlled by a socially and economically disadvantaged person or persons.

To qualify as a Disadvantaged Business Enterprise (DBE) your firm must meet the eligibility standards established in Part 26, Title 49 of the Code of Federal Regulations, published February 2, 1999. Additional requirements were also passed in the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). The Congress directed the U.S. Secretary of Transportation to establish minimum uniform criteria for state governments to use in certifying that a firm qualifies for participation in the DBE program. As a minimum, according to the Act, the criteria include on-site visits, field interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resumes of principal owners, financial capacity, type of work performed, and notarized statement of personal net worth and that each DBE owner is, in fact, socially and economically disadvantaged. A copy of the rules are available upon request from the Iowa Department of Transportation's Office of Contracts.

Upon receipt of the completed Certification Application, the Department will evaluate the information submitted to determine compliance with the above criteria. It is, therefore, imperative that your application and any attached documentation provide evidence of the ownership and control of your firm. You shall also show that your firm has the resources necessary to perform the work you indicated. Only those firms which have been certified under this process can be considered for participation in the Department's DBE Program.

To ensure a timely review of your application, you must answer all questions and submit all requested documentation. If yours is a recently established firm, and portions of the application do not seem applicable, please place (NA) on the questions that do not apply. Failure to complete portions of the application and to submit the requested documentation will delay the certification process.

Sincerely,

EEO Administrator

Certificate No.

# **Disadvantage Business Enterprise Certification**

**This Certifies That**

Has met the requirements under the rules promulgated by the U.S. Department of Transportation pursuant to 49 Code of Federal Regulations, Part 26, and is eligible to participate as a Disadvantaged Business Enterprise in the Iowa Department of Transportation DBE Program

Issue Date:

Expiration Date:

Craig J. Russell, EEO Administrator  
Roger E. Bierbaum, P.E., Contracts Engineer

This certification may be revoked by the department upon finding of ineligibility and said company is subject to examination at any time and maybe required to supply additional information for review notwithstanding the issuance of this certificate.

## Attachment D

Date

Co. Name Address City, ST Zip

Dear :

The Iowa Department of Transportation (Iowa DOT) has approved the eligibility of **COMPANY NAME** for credit on Iowa DOT contracts performing a commercially useful function in the area(s) of: **WORK TYPES CERTIFIED FOR**. For record-keeping purposes Iowa DOT is counting **COMPANY NAME** as a Woman/Disadvantaged Business Enterprise (W/DBE). If the firm should develop the resources, including equipment and personnel, to become involved in other areas, you should notify our office before quoting contracts in those other areas.

The certification of eligibility is valid for three years from **Month Day, 201? to March 1, 201?**. Enclosed with this approval letter is your DBE Certification Certificate. Your firm's name will be retained on our list of certified DBE's.

This determination is based on information provided to the Iowa DOT on the Schedule A Form Application for Determining Disadvantaged Business Enterprise, and the Social and Economic Disadvantaged Forms. Should this information change, you must complete a new application within 10 days of the change. In addition, Iowa DOT reserves the right to rescind this certification, should the information upon which it is based is proven false, inaccurate, or misleading.

You will be required to submit a Recertification Form to renew certification every three years, with Personal Financial Statements each year. These forms will be supplied by the Office of Contracts, EEO Section.

Iowa DOT has the responsibility for providing technical assistance to DBE firms for our highway projects. These services are currently being provided by the Office of Contracts at 515-239-1422. Certified firms are encouraged to utilize this office for assistance.

If you have any questions, please feel free to contact this office.

Sincerely,

Compliance Officer

## Attachment E

### DISADVANTAGED BUSINESS ENTERPRISE Request for Standard Industry Classification (SIC) Code Review

Name of Firm:			
Street Address:			
City:		State:	Zip:
Description of SIC Code Addition Requested			

List and attach documentation of the 5 largest contracts or supply invoices completed for the SIC code requested.

List all equipment you own or lease used to perform the work for the SIC code requested. Copies of current lease agreements or proof of payment must be attached.

Type of Equipment	Make	Model	Year	Date Acquired	Present Value

Please attach any other documentation or information relevant to the review of the SIC code your firm requested. This can include documentation of technical licenses, leases of property or facilities, training or expertise.

Signature	
Printed name	
Title	
Date	

## **AIRPORTS**

Albia	Council Bluffs	Independence	Oskaloosa
Algona	Creston	Iowa City	Ottumwa
Ames	Davenport	Iowa Falls	Pella
Ankeny	Decorah	Jefferson	Perry
Atlantic	Denison	Keokuk	Pocahontas
Audubon	Des Moines	Knoxville	Red Oak
Belle Plaine	Dubuque	Lamoni	Rockwell City
Bloomfield	Emmetsburg	LeMars	Sac City
Boone	Estherville	Mapleton	Sheldon
Burlington	Fairfield	Maquoketa	Shenandoah
Carroll	Forest City	Marshalltown	Sioux City
Cedar Rapids	Fort Dodge	Mason City	Spencer
Centerville	Fort Madison	Monticello	Storm Lake
Chariton	Greenfield	Mount Pleasant	Vinton
Charles City	Grinnell	Muscatine	Washington
Cherokee	Guthrie County	Newton	Waterloo
Clarinda	Hampton	Oelwein	Waverly
Clarion	Harlan	Orange City	Webster City
Clinton	Humboldt	Osceola	West Union
			Winterset

## **TRANSITS**

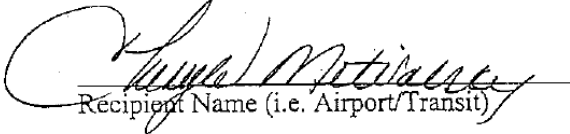
Ames Transit Agency Bettendorf  
Transit System  
Cedar Rapids Five Seasons Transportation & Parking  
Coralville Transit System  
City of Council Bluffs Davenport  
CitiBus  
Des Moines Metropolitan Transit Authority (MTA) Keyline  
Transit - Dubuque  
Iowa City Transit  
University of Iowa - CAMBUS  
Sioux City Transit  
Dodger Area Rapid Transit (DART) - Fort Dodge

## Recipient Signature(s)

Federal Regulations 49 CFR Part 26 requires all recipients in the state to sign this agreement establishing this document as the UCP for the State of Iowa.

By your signatures, you are completing that agreement. Please obtain all necessary signatures and return this page only to the Iowa Department of Transportation, Office of Contracts, 800 Lincoln Way, Ames, Iowa 50010.

CEDAR RAPIDS AIRPORT COMMISSION

  
\_\_\_\_\_  
Recipient Name (i.e. Airport/Transit)

Cheryle Mitvalsky, Chair  
\_\_\_\_\_  
(Name & Title)

## **ATTACHEMENT H**

### **Small Business Participation Element**

#### Objective

To comply with 49 CRF Part 26.39, the Commission seeks to implement a small business element into its current DBE policy. The Commission is including this element to facilitate competition by and expand opportunities for small businesses. The Commission is committed to taking reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements on FAA-assisted contracts. The Commission will meet its objectives using a combination of the methods and strategies:

- ◆ **Set asides:** To comply with Section 26.9 of the State Code of Iowa, the Commission will not use set asides for participation by small businesses on FAA-assisted contracts.
- ◆ **Unbundling:** The Commission, where feasible, may “unbundle” or separate large contracts into smaller contracts which may be more suitable for small business participation. The Commission 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.
- ◆ **Outreach and technical assistance:** The Commission will provide outreach and technical assistance to small businesses through advertising FAA-assisted contracting opportunities through various outlets, including the local newspaper and trade publications as well as on its website; and conducting pre-bid meetings on FAA-assisted contracts to assist small businesses understand the project and interpret the bid documents and procedures.

As described above, the Commission will utilize several methods to facilitate small business participation. In each FAA-assisted contract, the DBE Liaison Officer will document the method in which the small business element will be implemented (i.e. unbundling and/or outreach and technical assistance) and the process by which those methods were considered.

#### 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 dominate 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): (i) that is at least fifty-one percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which fifty-one percent of the stock is owned by one or more such individuals; (ii) 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; (iii) 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; (iv) and has been certified as a DBE by the Iowa Department of Transportation (IDOT) in accordance with 49 CFR 26.

#### Certification and Verification Procedures

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

1. IDOT DBE Certification: DBE certification by the IDOT that stipulates a firm has met all the requirements in accordance with 49 CFR Part 26.
2. IDOT Small Business: Defines an eligible small business as any enterprise under a single management with either fewer than twenty employees or an annual gross income of less than \$4 million based on a three-year average. There is no ethnic or gender limitations.
3. SBA 8(a) Business Development Certification: As described in 13 CFR Parts 121 and 124 with submittal of three years of business tax returns.

#### Implementation Schedule

The Commission approved the Small Business Participation element of the DBE Program at its meeting on February 27, 2012, and implemented it within nine months of the FAA's approval of this element.