

**SARASOTA MANATEE AIRPORT AUTHORITY**  
**SARASOTA BRADENTON INTERNATIONAL AIRPORT**



**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

**FISCAL YEARS 2021 – 2023**

**Sarasota Manatee Airport Authority**  
**6000 Airport Circle**  
**Sarasota, FL 34243-2105**  
**941-359-2770 Ext.4233**

## **POLICY STATEMENT AND PROGRAM OBJECTIVES**

The Sarasota Manatee Airport Authority (SMAA) is the owner and operator of the Sarasota Bradenton International Airport (SRQ) and, as such, has an obligation to meet the safety, capacity, security, and environmental requirements of SRQ. In fulfilling these obligations, SMAA has received federal financial assistance from the Department of Transportation pursuant to the grant of entitlement and discretionary funds awarded through the Airport Improvement Program (AIP) administered by the Federal Aviation Administration (FAA). As a condition of receiving this assistance, SMAA has provided its written assurance that it will comply with, among others, those regulations of the U.S. Department of Transportation (DOT) found in Title 49 Part 26 of the Code of Federal Regulations. These regulations address the participation by disadvantaged business enterprises in DOT financial assistance programs. Accordingly, SMAA has established this Disadvantaged Business Enterprise (DBE) Program in accordance with 49 CFR Part 26 (hereinafter "Part 26").

It is the policy of SMAA to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracting opportunities at SRQ. It is furthermore our policy and the objective of this DBE Program:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that our DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet the eligibility standards of Part 26 are permitted to participate as DBEs at SRQ;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts.

Mr. Donald Farr has been designated as the DBE Liaison Officer for SMAA. In that capacity, Mr. Farr is primarily responsible for SMAA's compliance with the DBE program and Part 26. Implementation of the DBE program is assigned the same priority as compliance with all other legal obligations incurred by SMAA in its financial assistance agreements with the DOT.

SMAA has disseminated this policy statement to our Board of Commissioners and to all other components of our organization. We have distributed this statement to the DBE and non-DBE communities via publication in the local newspapers of greatest circulation and by posting on the SMAA website.

Fredrick J. Piccolo, President/CEO  
Sarasota Manatee Airport Authority

## **GENERAL**

### **Objectives**

The objectives of this DBE Program are found in the “Policy Statement and Program Objectives” section serving as an introduction to this document.

### **Applicability of Part 26**

SMAA is the recipient of federal funds for airport improvement as authorized by 49 U.S.C. Chapter 471. Accordingly, by definition, SMAA is subject to compliance with Part 26.

### **Definitions**

SMAA will use terms in this Program that have the meaning defined in 49 CFR Part 26.5.

### **Non-discrimination**

SMAA 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, SMAA 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 and Reporting**

SMAA will electronically transmit to FAA annually on or before December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form via ‘FAA dbE-Connect’; DOT’s electronic web-based DBE program information system at <https://faa.dbconnect.com>.

SMAA will also report directly to the FAA certain information relative to those DBE contractor firms used on DOT-assisted contracts utilizing forms provided by the FAA or other similar format.

SMAA will create and maintain a bidders list. The purpose of the list is to provide the most accurate data available concerning the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts at SRQ. We will use this data to assist in the establishment of our overall DBE goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of all bidding firms. We will collect this information from all prime contractors bidding on contracts at SRQ and by requiring that prime contractors that are awarded contracts by SMAA provide this information for all subcontractors from which they received bids, whether awarded or not.

SMAA will continue to provide additional data concerning its DBE Program to the FAA as directed.

## **Federal Financial Assistance Agreement**

As an airport sponsor, SMAA has provided the following assurance in connection with federal financial assistance it has received from the FAA:

*The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 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 1936 (31 U.S.C. 3801).*

## **ADMINISTRATIVE PROVISIONS**

### **DBE Program Updates**

It is anticipated that SMAA will award prime contracts for planning and development projects at SRQ which will exceed \$250,000 in FAA assistance in any given federal fiscal year. Accordingly, we will continue to carry out this DBE Program until all contracts utilizing such assistance have been completed. While our Program has previously received FAA approval, we will provide any significant updates in our program to the FAA so that they may also be reviewed and approved.

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

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

Mr. Donald M. Farr  
Director Internal Audit, Risk Management, and Civil Rights Compliance  
6000 Airport Circle  
Sarasota, FL 34243-2105  
941-359-2770 ext. 4233  
941-359-5055 (fax)  
donald.farr@srq-airport.com

In that capacity, the DBELO is responsible for compliance with all aspects of the DBE program and the provisions of 49 CFR Part 26. The DBELO has direct, independent access to the President/Chief Executive Officer concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is found in Attachment 1 to this Program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by FAA or DOT.
2. Reviews third party contracts for compliance with this program.
3. Works with SMAA's Department of Engineering and Environmental Affairs to set overall goals and contract goals.
4. Ensures that, when applicable, bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that, when applicable, DBE goals are included in solicitations.
6. Analyzes SMAA's progress toward attainment of DBE goals and identifies ways to improve DBE participation.
7. Participates in pre-bid meetings.
8. Advises the CEO on DBE matters and goal achievement.
9. Consults with SMAA's Engineering and Environmental Affairs Department to foster small business participation on DOT-funded airport projects.
10. Determines contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Acts as liaison to the Uniform Certification Program (UCP) in Florida.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.

### **DBE Financial Institutions**

It is the policy of SMAA to periodically review the Sarasota-Manatee market for the existence of financial institutions owned and controlled by socially and economically disadvantaged individuals, to investigate the full extent of services offered by such institutions, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Presently, there are no such institutions in the Sarasota-Manatee market.

### **Prompt Payment Mechanisms**

As part of its DBE Program, SMAA has established a contract clause to require prime contractors to pay subcontractors promptly for the satisfactory performance of their contracts.

Furthermore, we will ensure prompt and full payment of retainage from the prime contractor to the subcontractor. We will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 10 days after our payment to the prime contractor.

SMAA will consider a subcontractor's work to be satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by SMAA. When SMAA has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

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

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

### **DBE Directory**

SMAA, through the Florida Unified Certification Program (UCP), maintains a directory identifying all firms certified as DBEs and ACDBEs. The Directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform.

The UCP ensures that the Directory lists each type of work for which a firm is eligible by using the most specific NAICS code available to describe each type of work. The UCP makes any changes to the current directory entries that are necessary to meet the requirements of this paragraph.

The UCP Directory is maintained daily. The Directory is available on the Florida Department of Transportation website (see Attachment 4) or upon request from SMAA.

### **Consideration of DBE Over-concentration**

SMAA is sufficiently familiar with the market to conclude that an over-concentration of DBE firms does not exist in the types of work that are to be performed at SRQ under DOT-assisted contracts.

### **Business Development Programs**

SMAA has not established its own business development program, however, the Manasota Chapter of SCORE offers fully developed business education and mentoring programs to local businesses to enable them to compete outside the DBE program. SMAA maintains a referral relationship with SCORE.

### **Monitoring and Enforcement Mechanisms**

SMAA will utilize the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the

steps provided in 26.107 (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)

2. We also will consider action under our own legal authorities. Such action may include, but not be limited to: (a) disqualification from participation in future contracts; and (b) breach of contract action, pursuant to the terms of the contract.

3. We will ensure through site visits and interviews that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.

4. We will implement a monitoring and enforcement mechanism that will include written certifications that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished as follows:

- a. DBE prime contractors and DBE subcontractors designated by prime contractors will be confirmed by reference to the Florida UCP DBE Directory at the time of bid submittal.
- b. Contracts between prime contractors and their DBE subcontractors will be reviewed to confirm the existence of a contractual relationship.
- c. SMAA employees in the Engineering & Environmental Affairs Department who oversee construction work for SMAA will become familiar with each bid-designated DBE firm performing work on DOT-assisted contracts at SRQ. During routine site visits, SMAA employees will determine that bid-designated DBE firms appear to be performing tasks appropriate for their respective contracts. Certified payrolls for each DBE subcontractor will be required in connection with each draw request and these payrolls will be reviewed for reasonableness relative to the DBE work observed during site inspections.

5. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to FAA, we will show both commitments and attainments, as required by the DOT uniform reporting form.

### **Fostering Participation by Small Businesses**

SMAA encourages participation by small businesses in its construction activities at SRQ, regardless of whether those businesses are certified DBE firms. As a practical matter, due to the nature of the facilities overseen by SMAA, the construction contracts typically undertaken at SRQ are relatively modest in size and scale. Consequently, these contracts normally offer ample opportunities for participation by small businesses. However, in accordance with 49 CFR Part 26.39, in an effort to expand opportunities for small businesses at SRQ and to facilitate the attainment of the maximum feasible portion of its overall DBE goal through race-neutral means,

SMAA has incorporated a small business element into its DBE Program which is further described at Attachment 8.

## **GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Quotas and Set-Asides**

SMAA does not use quotas in any way in the administration of this DBE program. While set-asides are not used in connection with the attainment of its DBE goals, SMAA has provided for the use of set-asides in furthering the participation of all small businesses in its construction activities as further described in this program's small business element included as Attachment 8.

### **Establishment of Overall DBE Goals**

SMAA will establish an overall DBE goal covering a period of three federal fiscal years. In accordance with 49 CFR Part 26.45(f), SMAA, as a small hub primary airport, will submit its Overall Three-year DBE Goal to FAA by August 1, 2014 and every three years thereafter.

It is the objective of the goal setting process to determine the percentage of federal funds expended on construction contracts at SRQ that would likely be received by DBE firms in the absence of discrimination and its effects in the contracting process. In theory, this percentage should be largely dependent simply on the relative availability of DBE firms in the marketplace. Accordingly, SMAA will use the following method to establish our overall DBE goal:

1. Construction projects with which SMAA is expected to be involved during the three-year period covered by the overall goal and which are expected to involve federal funding will be identified.
2. The various construction trades expected to be involved with each of the projects identified in Step 1 will be determined.
3. The expected total cost of each of the projects identified in Step 1 will be allocated amongst the construction trades identified in Step 2.
4. The NAICS code most appropriate for each of the trades identified in Step 2 will be determined.
5. The market area from which SMAA expects to attract prime and subcontractors for each of the projects identified in Step 1 will be identified.
6. Using data available from the US Census Bureau, the total number of firms available within each of the NAICS codes determined in Step 4 will be identified for the market area identified in Step 5.
7. Using the Florida Unified Certification Program DBE Directory, the number of DBE firms available within the NAICS codes and the market area utilized in Step 6 will be identified.
8. DBE firms as a % of total firms will then be determined for each NAICS code identified in Step 4 by dividing the number determined in Step 7 by the number determined in Step 6.
9. The percentages determined in Step 8 will then be applied to the expected cost allocations referenced in Step 3 to compute the theoretical amount that should be earned by DBE firms for each NAICS code based on availability.



10. The sum of the amounts computed in Step 9 will then be divided by the expected total cost of projects identified in Step 1 to determine an overall goal based strictly on availability of firms.
11. The % determined in Step 10 will then be adjusted to reflect as accurately as possible the DBE participation that we would expect in the absence of discrimination. These adjustments will be based on past participation, a disparity study and/or any other available information concerning the relative opportunities for DBEs to form, grow and compete in our market area. This adjusted % will be established as the proposed overall DBE Goal for SMAA.

In establishing our overall goal, SMAA will solicit public participation in the process. We will consult with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on opportunities for DBEs.

We will publish notice of the proposed overall goal, informing the public that the proposed goal, the rationale used in its determination, and the entire DBE program are available for inspection during normal business hours at the SMAA offices located at SRQ. The inspection period will continue for 30 days following initial publication and comments on the program and goals will be accepted for 45 days following publication. Our notice will be published on the SRQ website and in minority focused media.

The submission of our DBE program and overall goal to FAA for review will include a summary of information and comments received, if any, during the public participation process as well as SMAA's responses thereto. We will begin using our overall goal on October 1 of the triennial reporting period, unless we have received other instructions from FAA.

#### **Failure to meet overall goals**

SMAA will maintain an approved DBE Program/Overall DBE Goal and administer our DBE Program in good faith. If 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:

- (1) Analyze in detail the reasons for the difference between our overall goal and our awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct any problems revealed by our analysis to improve participation for the ensuing fiscal year;

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

The overall goal will be divided into two components that comprise the total:

1. Race Neutral Component – The portion of the overall goal that SMAA expects to meet exclusive of contractually required DBE subcontracting goals established by the written terms of prime construction contracts. Among other means, this component may be met by:

- a. Prime contracts awarded to DBE firms
    - i. SMAA will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses where feasible.
    - ii. SMAA will attempt to ensure that DBE firms in its market are aware of the contracting opportunities at SRQ.
  - b. Prime contractors subcontracting to DBE firms on contracts that do not contain contract DBE goals
  - c. Prime contractors subcontracting to DBE firms in amounts that exceed established contract goals.
2. Race Conscious Component – The portion of the overall goal that SMAA expects to meet through DBE subcontracting required by the written terms of prime construction contracts (“contract goals”).

SMAA shall establish the Race Neutral Component at the highest level it believes is realistically attainable and seek to meet the remainder of the overall goal using contract goals. The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 6 to this program.

### **Contract Goals**

SMAA will establish contract goals only on those contracts that have subcontracting possibilities and only to the extent necessary to meet the portion of its overall goal not otherwise met by race-neutral means. Contract goals will not necessarily be established on every contract with subcontracting opportunities and the contract goal percentage will be adapted to the circumstances of each individual contract for which contract goals are established by considering, among other factors, the type and location of work and the resulting availability of DBEs to perform that particular type of work.

In FAA-assisted contracts for which contract goals are established, we will express our contract goal as a percentage of the total amount of the prime contract.

### **Good Faith Efforts Procedures**

#### Demonstration of good faith efforts

The bidder on an FAA-assisted contract is required to make good faith efforts to meet the established DBE contract goal. The bidder can demonstrate that it has done so either by (1) meeting the established contract goal or (2) documenting that good faith efforts were made in a sincere attempt to meet the established contract goal. Examples of good faith efforts are found in Appendix A to Part 26.

The DBE Liaison is responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive to the solicitation.

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

#### Information to be submitted

SMAA treats bidders' compliance with good faith efforts requirements as a matter of responsiveness. Each solicitation for which a contract goal has been established will require all bidders to submit the following information at the time of bid:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment and
6. If the contract goal is not met, fully documented evidence of Good Faith Efforts consistent with the guidance found in Appendix A to Part 26.

SMAA has developed the DBE Form Set attached as Exhibit 7 for purposes of collecting the above information.

#### Administrative reconsideration

Within seven business days of being informed by SMAA that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidder should make this request in writing to the following reconsideration official: Anita Eldridge, SVP Finance & Administration, 6000 Airport Circle, Sarasota, FL 34243, 941-359-2770 ext. 4235, [anita.eldridge@srq-airport.com](mailto:anita.eldridge@srq-airport.com). The reconsideration official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts.

As part of this reconsideration, the bidder will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. 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. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

#### Good Faith Efforts when a DBE is replaced on a contract

SMAA will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately and provide reasonable documentation of the DBE's inability or unwillingness to perform. 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 written consent to proceed 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 us 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 with the provisions of this program section 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**

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 been paid to the DBE.

## **DBE CERTIFICATION PROCEDURES**

SMAA is a non-certifying member of the Unified Certification Program (UCP) administered by the State of Florida Department of Transportation. The UCP and its certifying members will meet the requirements of Part 26 Subparts D and E in the process of certifying businesses as DBEs.

The UCP's directory of eligible DBEs specifies whether a firm is certified as a DBE for purposes of 49 CFR Part 26, an ACDBE for purposes of 49 CFR Part 23, or both. The directory also provides other information regarding a certified firm including, most significantly, the NAICS codes under which the firm is qualified to perform work and the geographic areas in which the firm is willing and able to work.

The Hillsborough County Aviation Authority (HCAA), located approximately 54 miles north of SRQ, is the certifying member of the UCP in closest geographic proximity. The SMAA will work with HCAA to coordinate the certification review process for prospective DBEs. While the majority of certification referrals at SRQ will be handled by HCAA, prospective DBEs may from time to time be reviewed by other certifying members of the UCP including the Lee County Port Authority (95 miles south) and the Greater Orlando Aviation Authority (129 miles northeast).

## **COMPLIANCE AND ENFORCEMENT**

### **Monitoring Payments to DBEs**

We will require prime contractors to maintain records and documents of payments to DBEs for a minimum of three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of SMAA or FAA. This reporting requirement also extends to any certified DBE subcontractor.

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

### **Enforcement**

The SMAA has several remedies available to enforce the DBE requirements contained in its contracts, including, but not limited to, breach of contract action pursuant to the terms of the contract. In addition, the Federal government has several enforcement mechanisms available that it may apply to firms attempting to improperly participate in the US DOT's DBE program including, but not limited to, the following:

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

### **Information, Confidentiality, Cooperation**

To the maximum extent possible, we will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. However, as an Independent Special District created under the laws of the State of Florida, SMAA is subject to Florida's "Sunshine Law" found in Chapter 286 of the Florida Statutes. The Sunshine Law provides for unrestricted public access to many of the documents received or created by SMAA pursuant to this DBE program.

## **ATTACHMENTS**

- Attachment 1 Regulations: 49 CFR Part 26
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 DBE Directory
- Attachment 5 Designated Market Area
- Attachment 6 Overall Goal Calculations
- Attachment 7 DBE Contract Form Set

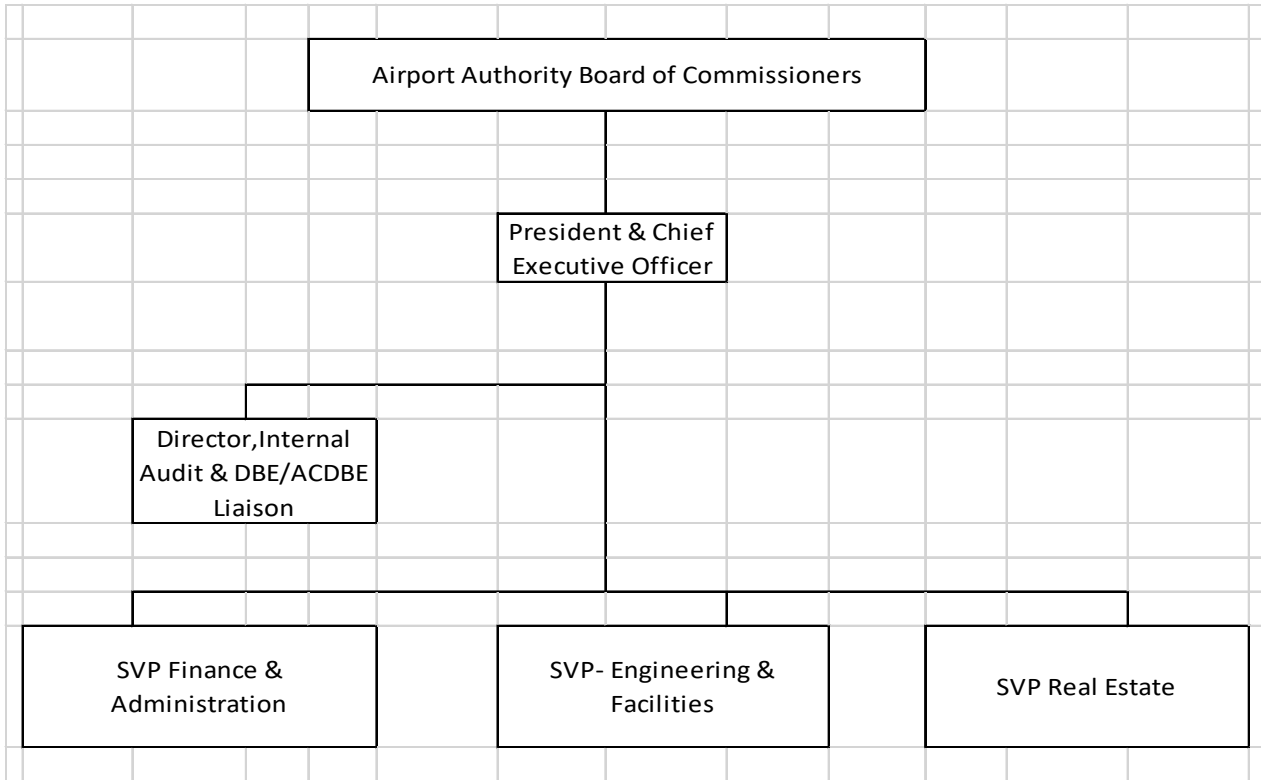
**ATTACHMENT 1**  
**Applicable Regulations**

The United States Department of Transportation regulations that are applicable to this DBE Program are included in Title 49 Code of Federal Regulations Part 26. The following is a link to the electronic version of those regulations: [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl)



## ATTACHMENT 2

### Partial Organizational Chart





## ATTACHMENT 4

### Florida DBE Directory

The DBE Directory for the state of Florida and maintained by the Florida Department of Transportation may be accessed on-line at the following address:

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

## ATTACHMENT 5

### Market Area

Based on historical experience with construction contracts, SMAA has found that the vast majority of contractors for work at SRQ are drawn from the counties surrounding the airport location. While the largest concentration of participating contractors is typically in Sarasota/Manatee, for certain more specialized trades, the reach extends north across Tampa Bay to Pinellas, Pasco and Hillsborough counties, south through the counties of Charlotte, Lee and Collier, and east through the counties of Polk, Hardee and Desoto. SMAA's designated market area is visually depicted on the map below.



**ATTACHMENT 6**  
**Overall DBE Three-Year Goal Methodology**

**Goal Period:** FY 2021-23 (10/1/2020 through 9/30/2023)

**Projected DOT-assisted contract amounts:**

|        |             |
|--------|-------------|
| Year 1 | \$375,000   |
| Year 2 | \$3,845,000 |
| Year 3 | \$3,730,000 |
| Totals | \$7,950,000 |

**Overall Three-Year Goal:** 8.0%, to be accomplished through 6.5% Race Conscious and 1.5% Race Neutral

**Total dollar amount to be expended on DBEs:** \$581,218

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

Contracts in Fiscal Year #1

1. Taxiway Charlie Rehabilitation - Design - \$250,000
2. Taxiways Alpha 4 & 7 Rehabilitation - Design - \$125,000

Contracts in Fiscal Year #2

1. Gate B-11 Improvements - Design - \$115,000
2. Taxiway Charlie Rehabilitation - Construction - \$2,500,000
3. Taxiway Foxtrot Rehabilitation - Design - \$250,000
4. Taxiway Romeo 1, 2, & 3 Rehabilitation - Design - \$180,000
5. Taxiways Alpha 4 & 7 Rehabilitation - Construction - \$800,000

Contracts in Fiscal Year #3

1. FIS Phase 2 - Design - \$250,000
2. Gate B-11 Improvements - Construction - \$450,000
3. Taxiway Foxtrot Rehabilitation - Construction - \$1,350,000
4. Taxiway Romeo 1, 2, & 3 Rehabilitation - Construction - \$1,500,000
5. Taxiways A2, C1, AP, & T1 Rehabilitation - Design - \$180,000

**Market Area:** Counties of Charlotte, Collier, DeSoto, Hardee, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, & Sarasota. See also Attachment 5 above.

**Step 1. Base Figure -Relative Availability of DBEs per Statistical Data**

The base figure for the relative availability was calculated as follows:

Method: DBE Directories

(<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>) and Census Bureau Data (<https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml>).

Weighted Availability of DBE firms:

| Project Name   | Trade Description            | NAICS         | Trade (\$)         | Total Firms Per Census | DBE Firms Per Directory | DBE Availability (%) | DBE (\$)         |
|--|------------------------------|---------------|--------------------|------------------------|-------------------------|----------------------|------------------|
| <b>Project 2021 Design Taxiway Charlie Rehabilitation</b>                    | Engineering Services         | <b>541330</b> | \$220,000          | 1138                   | 46                      | 4.04%                | \$8,893          |
|  | Surveying                    | <b>541370</b> | \$30,000           | 184                    | 13                      | 7.07%                | \$2,120          |
| <b>Total Project</b>   |                              |               | <b>\$250,000</b>   |                        |                         | <b>4.40%</b>         | <b>\$11,012</b>  |
| <b>Project 2021 Design Taxiway Alpha 4 &amp; Alpha7 Rehabilitation</b>       | Engineering Services         | <b>541330</b> | \$105,000          | 1138                   | 46                      | 4.04%                | \$4,244          |
|  | Surveying                    | <b>541370</b> | \$20,000           | 184                    | 13                      | 7.07%                | \$1,413          |
| <b>Total Project</b>   |                              |               | <b>\$125,000</b>   |                        |                         | <b>4.53%</b>         | <b>\$5,657</b>   |
|  | Painted Traffic Markings     | <b>237310</b> | \$125,000          | 122                    | 14                      | 11.48%               | \$14,344         |
| <b>Project 2022 Construction Taxiway Charlie Rehabilitation</b>              | Asphalt Roadway              | <b>237310</b> | \$1,375,000        | 122                    | 14                      | 11.48%               | \$157,787        |
|  | Site Preparation Contractors | <b>238910</b> | \$500,000          | 432                    | 18                      | 4.17%                | \$20,833         |
|  | Electrical Contractors       | <b>238210</b> | \$275,000          | 1499                   | 13                      | 0.87%                | \$2,385          |
|  | Civil Engineer               | <b>541330</b> | \$225,000          | 1138                   | 46                      | 4.04%                | \$9,095          |
| <b>Total Project</b>   |                              |               | <b>\$2,500,000</b> |                        |                         | <b>8.18%</b>         | <b>\$204,444</b> |
|  | Painted Traffic Markings     | <b>237310</b> | \$40,000           | 122                    | 14                      | 11.48%               | \$4,590          |
| <b>Project 2022 Construction Taxiway Alpha 4 &amp; Alpha7 Rehabilitation</b> | Asphalt Roadway              | <b>237310</b> | \$440,000          | 122                    | 14                      | 11.48%               | \$50,492         |
|  | Site Preparation Contractors | <b>238910</b> | \$160,000          | 432                    | 22                      | 5.09%                | \$8,148          |
|  | Electrical Contractors       | <b>238210</b> | \$88,000           | 1499                   | 13                      | 0.87%                | \$763            |
|  | Civil Engineer               | <b>541330</b> | \$72,000           | 1138                   | 46                      | 4.04%                | \$2,910          |
| <b>Total Project</b>   |                              |               | <b>\$800,000</b>   |                        |                         | <b>8.36%</b>         | <b>\$66,904</b>  |
| <b>Project 2022 Gate B-11 Improvements</b>                                   | Architectual Services        | <b>541310</b> | \$100,000          | 392                    | 7                       | 1.79%                | \$1,786          |
|  | Surveying                    | <b>541370</b> | \$15,000           | 184                    | 13                      | 7.07%                | \$1,060          |
| <b>Total Project</b>   |                              |               | <b>\$115,000</b>   |                        |                         | <b>2.47%</b>         | <b>\$2,845</b>   |
| <b>Project 2022 Design Taxiway Romeo 1, 2, and 3 Rehabilitation</b>          | Engineering Services         | <b>541330</b> | \$155,000          | 1138                   | 46                      | 4.04%                | \$6,265          |
|  | Surveying                    | <b>541370</b> | \$25,000           | 184                    | 13                      | 7.07%                | \$1,766          |
| <b>Total Project</b>   |                              |               | <b>\$180,000</b>   |                        |                         | <b>4.46%</b>         | <b>\$8,032</b>   |
| <b>Project 2022 Design Taxiway Foxtrot Rehabilitation</b>                    | Engineering Services         | <b>541330</b> | \$225,000          | 1138                   | 46                      | 4.04%                | \$9,095          |
|  | Surveying                    | <b>541370</b> | \$25,000           | 184                    | 13                      | 7.07%                | \$1,766          |
| <b>Total Project</b>   |                              |               | <b>\$250,000</b>   |                        |                         | <b>4.34%</b>         | <b>\$10,861</b>  |

|   |   |               |                    |      |    |              |                  |
|---|---|---------------|--------------------|------|----|--------------|------------------|
| <b>Project 2023<br/>Constuction Gate<br/>B-11<br/>Imrpvements</b>                         | Commercial and Institutional<br>Building Construction | <b>236220</b> | \$395,000          | 684  | 39 | 5.70%        | \$22,522         |
|   | Architects  | <b>541310</b> | \$25,000           | 392  | 7  | 1.79%        | \$446            |
|   | Civil Engineer  | <b>541330</b> | \$25,000           | 1138 | 46 | 4.04%        | \$1,011          |
|   | Surveying   | <b>541370</b> | \$5,000            | 184  | 13 | 7.07%        | \$353            |
| <b>Total Project</b>  |   |               | <b>\$450,000</b>   |      |    | <b>5.41%</b> | <b>\$24,332</b>  |
| <b>Project 2023<br/>Construction<br/>Taxiway Romeo 1,<br/>2, and 3<br/>Rehabilitation</b> | Painted Traffic Markings                              | <b>237310</b> | \$75,000           | 122  | 14 | 11.48%       | \$8,607          |
|   | Asphalt Roadway                                       | <b>237310</b> | \$825,000          | 122  | 14 | 11.48%       | \$94,672         |
|   | Site Preparation Contractors                          | <b>238910</b> | \$300,000          | 432  | 18 | 4.17%        | \$12,500         |
|   | Electrical Contractors                                | <b>238210</b> | \$165,000          | 1499 | 13 | 0.87%        | \$1,431          |
|   | Civil Engineer  | <b>541330</b> | \$135,000          | 1138 | 46 | 4.04%        | \$5,457          |
| <b>Total Project</b>  |   |               | <b>\$1,500,000</b> |      |    | <b>8.18%</b> | <b>\$122,667</b> |
| <b>Project 2023<br/>Construction<br/>Taxiway Foxtrot<br/>Rehabilitation</b>               | Painted Traffic Markings                              | <b>237310</b> | \$67,500           | 122  | 14 | 11.48%       | \$7,746          |
|   | Asphalt Roadway                                       | <b>237310</b> | \$742,500          | 122  | 14 | 11.48%       | \$85,205         |
|   | Site Preparation Contractors                          | <b>238910</b> | \$270,000          | 432  | 18 | 4.17%        | \$11,250         |
|   | Electrical Contractors                                | <b>238210</b> | \$148,500          | 1499 | 13 | 0.87%        | \$1,288          |
|   | Civil Engineer  | <b>541330</b> | \$121,500          | 1138 | 46 | 4.04%        | \$4,911          |
| <b>Total Project</b>  |   |               | <b>\$1,350,000</b> |      |    | <b>8.18%</b> | <b>\$110,400</b> |
| <b>Project 2023<br/>Design FIS Phase 2</b>  | Architectual Services                                 | <b>541310</b> | \$135,000          | 392  | 7  | 1.8%         | \$2,411          |
|   | Surveying   | <b>541370</b> | \$15,000           | 184  | 13 | 7.1%         | \$1,060          |
|   | Engineering Services                                  | <b>541330</b> | \$100,000          | 1138 | 46 | 4.04%        | \$4,042          |
| <b>Total Project</b>  |   |               | <b>\$250,000</b>   |      |    | <b>3.01%</b> | <b>\$7,513</b>   |
| <b>Project 2023<br/>Design Taxiway A2,<br/>C1, AP, &amp; T!<br/>Rehabilitation</b>        | Engineering Services                                  | <b>541330</b> | \$155,000          | 1138 | 46 | 4.04%        | \$6,265          |
|   | Surveying   | <b>541370</b> | \$25,000           | 184  | 13 | 7.07%        | \$1,766          |
| <b>Total Project</b>  |   |               | <b>\$180,000</b>   |      |    | <b>4.46%</b> | <b>\$8,032</b>   |
| <b>Grand Total -<br/>All Projects</b>   |   |               | <b>\$7,950,000</b> |      |    | <b>7.33%</b> | <b>\$582,699</b> |

## Step 2. Adjustment of Statistical Availability

The airport is located in Sarasota, an affluent retirement and vacation community on Florida's west coast. DBE availability in the immediate area is limited due to the generally limited commercial opportunities for many of the trades required for airport construction projects. Consequently, the airport has historically included in its base figure market area an eleven-county area extending over 100 miles north, south, and east of the airport and encompassing the larger and more commercial communities of the Tampa Bay area, as well as the Ft. Myers/Naples area. The airport has been generally successful in achieving DBE participation at the base figure computed using this broad market area, however, participation levels have varied widely by year and project type.

During our recent community meeting held to solicit input concerning our upcoming overall triennial goal, participants commented that development and construction is currently booming in many parts of our market area with no end in sight and, therefore, it may be

relatively more difficult to gain participation requiring a contractor and crew to travel a considerable distance for work if ample opportunities are available without a travel requirement. Mobility restrictions associated with the on-going pandemic also contribute to these concerns. Accordingly, the airport is not inclined to add significantly to its base figure but is confident that a modest addition of .7% to an overall goal of 8.0% is achievable.

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

Sarasota Manatee Airport Authority will meet the maximum feasible portion of the overall goal by using race neutral means of facilitating DBE participation.

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing;
3. Providing technical assistance and other services;
4. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;
9. Assist DBEs and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

Sarasota Manatee Airport Authority estimates that in meeting the established overall goal of 8.0%, it will obtain 1.5% from race neutral participation and 6.5% through race conscious measures.

This breakout is based on the Authority's expectation, based on recent experience, that it will award at least one contract to a DBE prime contractor through competitive bid procedures. This contract is expected to represent at least 1.5% of the FAA-funded work during this goal-setting period. Therefore, 1.5% of the 8.0% goal is expected from race-neutral means, and the remaining 6.5% is expected to be race-conscious participation.

Sarasota Manatee Airport Authority will adjust the estimated breakout of race neutral and race conscious DBE participation as needed to reflect actual DBE participation (see §26.51(f)) 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 participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal, and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

## **Consultation**

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

A teleconference was held Tuesday September 22, 2020 at 10:00 AM. Invitations to participate were emailed a week in advance and a reminder was sent early on the morning of the meeting. Internal participants from the airport included the DBE Liaison and three members of the Engineering Dept. staff. External participants included representatives from professional services and construction trades firms from both the DBE community and the broader non-DBE contractor community. Additional participants included representatives from the Manasota Black Chamber of Commerce and the Gulf Coast Latin Chamber of Commerce.

The following comments were received during the course of the consultation: (1) Concerns were expressed about the ability to encourage DBE firms to travel significant distances to participate in work at SRQ (which is often the case due to limited availability in the counties surrounding the airport as a result of demographics and tourist-based economy) when abundant work opportunities exist in those more distant counties included in SRQs market area where more DBE firms are based. (2) Concerns were expressed regarding the complexity of the application process for DBE certification, with contractors noting that they often work with firms that could very likely qualify for certification but that the rewards of participating are often viewed as questionable by these firms.

A notice of the proposed goal was published on the Sarasota Manatee Airport Authority official website before the methodology was submitted to Federal Aviation Administration.

If the proposed goal changes following review by Federal Aviation Administration, the revised goal will be posted on Sarasota Manatee Airport Authority official website.

**ATTACHMENT 7  
DBE Contract Form Set**

|  |   |                                       |                                     |
|--|---|---------------------------------------|-------------------------------------|
| <b>SARASOTA MANATEE AIRPORT AUTHORITY<br/>SCHEDULE OF COMMITTED DBE PARTICIPATION</b>  |   |                                       |                                     |
| <b>PROJECT:</b>  |   |                                       |                                     |
| <b>CONTRACT:</b>   |   |                                       |                                     |
| <b>BIDDER:</b>   |   |                                       |                                     |
| <b>TOTAL BID:</b>  |   |                                       |                                     |
| <b>DBE CONTRACT GOAL:</b>  |   |                                       |                                     |
| <b>Name of DBE<br/>Sub-Contractor</b>  | <b>Address of DBE<br/>Subcontractor</b> | <b>Type of Work<br/>Subcontracted</b> | <b>Value of DBE<br/>Subcontract</b> |
|  |   |                                       |                                     |
|  |   |                                       |                                     |
|  |   |                                       |                                     |
|  |   |                                       |                                     |
|  |   |                                       |                                     |
| <b>TOTAL DBE PARTICIPATION VALUE</b>   |   |                                       |                                     |
| <b>TOTAL DBE PARTICIPATION AS A % OF BID</b>   |   |                                       |                                     |
| <p>The undersigned will enter into a formal agreement with the DBE Subcontractors listed above to perform the above described work conditioned upon the execution of a prime contract with the Sarasota Manatee Airport Authority. The undersigned further confirms that they have reviewed the Florida UCP Directory available at <a href="http://www3b.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/">http://www3b.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/</a> and determined that each subcontractor listed above was a Florida certified DBE as of the execution date shown below.</p> |   |                                       |                                     |
| <p>_____</p> <p><b>Name of Bidding Firm</b></p>  |   |                                       |                                     |
| <p>_____</p> <p><b>Authorized Signature and Date</b></p>   |   |                                       |                                     |
| <p>_____</p> <p><b>Printed Name &amp; Title of Authorized Signer</b></p>   |   |                                       |                                     |

**SARASOTA MANATEE AIRPORT AUTHORITY  
INTENT TO PERFORM AS A DBE SUBCONTRACTOR**

|                          |
|--------------------------|
| <b>PROJECT:</b>          |
| <b>CONTRACT:</b>         |
| <b>PRIME CONTRACTOR:</b> |

The undersigned hereby certifies that their firm is prepared to act as a Subcontractor to the above named Prime Contractor on the indicated project in the performance of the following described work:

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at a bid price \_\_\_\_\_ and agrees to enter into a contract with said Prime  
of \_\_\_\_\_ Contractor  
if Prime Contractor is awarded the prime contract by the Sarasota Manatee Airport  
Authority.

The undersigned further confirms that their firm is a DBE certified by the Florida Unified  
Certification Program and in good standing as of the execution date shown below.

---

**Name of DBE Subcontracting Firm**

---

**Authorized Signature and Date**

---

**Printed Name & Title of Authorized Signer**

---

**Telephone  
Number**

---

**E-mail Address**

**SARASOTA MANATEE AIRPORT AUTHORITY  
DEMONSTRATION OF GOOD FAITH EFFORTS TO OBTAIN DBE PARTICIPATION**

|   |
|---|
| <b>This Form and the information that it requires to be submitted are only applicable if DBE FORM 1 does NOT demonstrate that the Bidder has obtained DBE participation commitments from DBE subcontractors sufficient to meet the established DBE Contract Goal.</b> |
|---|

|                 |
|-----------------|
| <b>PROJECT:</b> |
|-----------------|

|                  |
|------------------|
| <b>CONTRACT:</b> |
|------------------|

|                          |
|--------------------------|
| <b>PRIME CONTRACTOR:</b> |
|--------------------------|

In order for a bid submission to be considered responsive to this Request for Bids, Bidder must demonstrate Good Faith Efforts to meet the DBE Contract Goal established by the Sarasota Manatee Airport Authority (SMAA) for this contract. The Bidder can meet the DBE requirements of this Request for Bids in either of two ways:

1. The Bidder can meet the goal, documenting sufficient commitments for participation by DBE subcontracting firms using DBE FORM 1.
2. If the Bidder is unable to meet the established DBE Contract Goal by obtaining sufficient commitments from DBE subcontracting firms, the Bidder must fully document that sufficient Good Faith Efforts were made to obtain those commitments.

**If the Bidder intends to meet the DBE requirements of this Request for Bids using method 2. above, the Bidder must complete Attachment A to this DBE FORM 3 and include with its bid submittal complete documentation demonstrating that it took all necessary and reasonable actions to achieve DBE participation sufficient to meet the DBE Contract Goal and that the scope, intensity, and appropriateness of the actions taken could reasonably have been expected to have resulted in sufficient DBE participation.**

As outlined in the SMAA's DBE Program, the sufficiency of the efforts made by the Bidder will initially be determined by SMAA's DBE Liaison, with an opportunity for an appeal of a negative determination. The evaluation of the Bidder's efforts will consider the quality, quantity, and intensity of the different kinds of efforts that the Bidder has made, as well as the performance of other bidders in meeting the DBE Contract Goal for this contract. The efforts employed by the Bidder should be those that one could reasonably expect a Bidder to take if the Bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE Contract Goal.

The following is a list of some types of actions that a Bidder should consider taking to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive:

1. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising, written notices, telephone or email contact) the interest of all certified DBEs who have the capability to perform the work of the contract. Bidder must solicit this interest within sufficient time to allow the DBEs to respond to

the solicitation. The Bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

2. Selecting appropriate portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
3. Providing interested DBEs with information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. Negotiating in good faith with interested DBEs. It is the Bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why agreements could not be reached for DBEs to perform the work. A Bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a Bidder's failure to meet the DBE Contract Goal, as long as such costs are reasonable. Also, the ability or desire of a Bidder to perform the work of a contract with its own organization does not relieve the Bidder of the responsibility to make Good Faith Efforts. Bidders are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
5. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The subcontractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the Bidder's efforts to meet the DBE Contract Goal.
6. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
7. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
8. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

**SARASOTA MANATEE AIRPORT AUTHORITY  
 DEMONSTRATION OF GOOD FAITH EFFORTS TO OBTAIN DBE PARTICIPATION  
 ATTACHMENT A - CERTIFICATION**

The intent of this certification is to assist in documenting the good faith efforts in which the Bidder engaged to obtain DBE participation **in those instances where the Bidder was unable to obtain commitments from DBE subcontractors sufficient to meet the established DBE Contract Goal.** The certification form itself should be supplemented with supporting documentation evidencing the efforts described on the form as well as any other efforts made which are not specifically described on the certification form.

**Notifying DBE Firms of Contracting Opportunities**

In the table below, indicate which firms received written (mail, email or courier) notification of work items to be subcontracted. In the appropriate space also indicate when firms received subsequent telephone solicitations. Please attach additional pages(s) so that all companies contacted are listed. Attach photocopies of all written solicitations to DBE firms.

| Name of DBE Contractor Contacted | Date of Written Notification | E-mail Address | Telephone Number | Date of Telephone Notification |
|----------------------------------|------------------------------|----------------|------------------|--------------------------------|
|                                  |                              |                |                  |                                |
|                                  |                              |                |                  |                                |
|                                  |                              |                |                  |                                |
|                                  |                              |                |                  |                                |
|                                  |                              |                |                  |                                |
|                                  |                              |                |                  |                                |
|                                  |                              |                |                  |                                |

**Identifying Subcontract Work Items**

Which portions of the contract proposal, in terms of the nature of work, were selected to be subcontracted to DBE firms? (Attach additional pages if necessary.)

**Providing DBE's With Assistance**

Explain any efforts undertaken to provide DBE firms with information about project plans, specifications and requirements of the contract. (Attach additional pages if necessary.)

Describe any efforts undertaken to assist interested DBE firms in obtaining bonding, lines of credit, or insurance required for this contract. (Attach additional pages if necessary.)

Describe any other efforts initiated to provide special assistance to DBE firms interested in participating in the project or other special services used in order to foster DBE participation. (Attach additional pages if necessary.)

**Negotiating with DBEs in Good Faith**

Submit copies of all quotes received from DBEs and provide a brief explanation of why these DBE project quotes were rejected. Submit copies of non-DBE quotes that were used instead of the rejected DBE quotes.

I certify that I have utilized comprehensive “good faith” efforts to solicit and utilize DBE firms to meet the DBE participation requirements of this contract proposal, as demonstrated by my responses above.

I further certify that the information given in this Certificate of Good Faith Efforts is true and correct to the best of my knowledge and belief.

I understand that any willful falsification, fraudulent statement or misrepresentation will result in appropriate sanctions, which may involve debarment and/or prosecution under applicable Federal laws.

---

**Name of Bidding Firm**

---

**Authorized Signature and Date**

---

**Printed Name & Title of Authorized Signer**

## **ATTACHMENT 8**

### **Small Business Element**

SMAA encourages participation by small businesses in its construction activities at SRQ, regardless of whether those businesses are certified DBE firms, and is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation as prime contractors or subcontractors at SRQ. In furtherance of that commitment, SMAA has incorporated this small business element as a component of its DBE Program.

#### **Definitions**

1. Small Business:

A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. The small business designation is race and gender neutral. Size standards have been established by the Small Business Administration depending on the industry or type of economic activity in which the business is involved. Size standard eligibility is based on the average number of employees for the preceding twelve months or on the volume of receipts averaged over a three-year period. 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).

2. Disadvantaged Business Enterprise (DBE):

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

- (1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
- (2) Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) does not exceed the described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
- (3) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- (4) Has been certified as a DBE under the Florida Department of Transportation (FDOT) Unified Certification Program in accordance with the standards contained in 49 CFR Part 26.

#### **Strategies**

SMAA has adopted the following strategies to encourage small business participation on SRQ construction and consulting contracts:

1. Set asides: When warranted, SMAA will establish a percentage of the total value of FAA-assisted construction and consulting contracts to be set aside for participation by small businesses. A “set-aside” is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner’s gender, race or geographic location. The Sr.VP Engineering and DBELO will review contracts to assess the small



business opportunities, giving consideration to the size and scope of each contract, to determine if a set-aside is warranted and, if so, to establish the set aside percentage.

2. Unbundling: The SMAA, where feasible, may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Sr.VP Engineering and DBELO will review each FAA-assisted construction and consulting contract to determine whether portions of the project should be “unbundled” or bid separately. Similarly, the SMAA will encourage its prime contractors and consultants to unbundle contracts to facilitate participation by small businesses.

### **Certification and Verification Procedures**

SMAA will accept the following certifications as documentation of eligibility for participation in the small business element of SMAA’s DBE Program:

- (1) Florida Department of Transportation UCP Certification as a DBE – Since a requirement of DBE certification is that a business meet the criteria defining a small business, all DBEs are, by definition, also small businesses.
- (2) SBA 8(a) Business Development Certification

Businesses not possessing one of the certifications listed above will be required to document their status as a “small business” pursuant to the definition included in this section in order to participate in the small business element of SMAA’s DBE program. Documentation, which can be submitted following the award of the prime or subcontract, will be submitted to and reviewed by the DBELO.

### **Assurances**

SMAA makes the following assurances concerning its DBE program, including this small business element:

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