



Disadvantaged Business Enterprise
FY 2024 – 2026
Goal Setting Methodology

for the

Sebring Regional Airport (KSEF)
City of Sebring
Highlands County, Florida

November 2023

**CITY OF SEBRING, HIGHLANDS COUNTY, FLORIDA
SEBRING REGIONAL AIRPORT (KSEF)**

**FEDERAL AVIATION ADMINISTRATION (FAA) PROJECTS
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM
OVERALL TRI ANNUAL DBE GOAL METHODOLOGY
FOR
FEDERAL FISCAL YEAR (FY) 2024-2026**

For the period of October 1, 2023, to September 30, 2026

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The City of Sebring, Highlands County, Florida (City/Sponsor), owner of the Sebring Regional Airport (KSEF), has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 (Part 26). The Sponsor anticipates receipt of Federal financial assistance from the Federal Aviation Administration / Department of Transportation (FAA/DOT) for completion of projects at KSEF as projected in the Airport Capital Improvement Plan (ACIP) for the next three years. As a condition of receiving Federal assistance, the Sponsor has signed an assurance that it will comply with Part 26.

It is the policy of the Sponsor to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in FAA/DOT- assisted contracts. It is also the policy of the Sponsor to engage in actions in a continuing effort to allow equitable DBE participation on ACIP projects using a Race Neutral (RN) basis approach as follows:

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 the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To promote the use of DBEs in all types of federally assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The current KSEF Registered Agent (RA) has been designated as the DBE Liaison Officer (DBELO) for KSEF. In that capacity, the current RA (or her/his successor) is responsible for implementing all aspects of the DBE program. Contact information for the DBELO is:

Sebring Regional Airport
Attn: Registered Agent, Mike Willingham
E-Mail: Mike@sebring-airport.com
Address: 128 Authority Lane | Sebring, FL 33870
Phone: 863.314.1300

Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Sponsor in its financial assistance agreements with the FAA/DOT.

The Sponsor has disseminated this policy statement to all appropriate divisions and all the components of the KSEF organization. This statement will be available for public viewing by DBE and non-DBE business communities that may perform work on KSEF FAA/DOT-assisted contracts. This statement will be published on the Sponsor's website.

Mike Willingham, Executive Director
(Sebring Airport Authority)

Date

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SUBPART A – GENERAL

Section 26.1 Objectives

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

Section 26.3 Applicability

The Sebring Airport Authority (Authority) is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.* Assuring participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Financial Assistance Programs, is an integral part of the Authority's DBE program (**Attachment 1**).

Section 26.5 Definitions

The Authority will use terms in this program that have the meanings defined in Part 26, Section 26.5.

Section 26.7 Non-Discrimination Requirements

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

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

Section 26.9 Guidance and Interpretations

(a) Only guidance and interpretations (including interpretations set forth in certification appeal decisions) consistent with this part 26 and issued after March 4, 1999, express the official positions and views of the Department of Transportation or any of its operating administrations.

(b) The Secretary of Transportation, Office of the Secretary of Transportation, Federal Highway Administration (FHWA), Federal Transportation Administration (FTA), and Federal Aviation Administration (FAA) may issue written interpretations of or written guidance concerning this part. Written interpretations and guidance are valid, and express the official positions and views of the Department of Transportation or any of its operating administrations, only if they are issued over the signature of the Secretary of Transportation or if they contain the following statement:

The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of [49 CFR part 26](#).

Section 26.11 Record Keeping Requirements

Reporting to FAA

The Authority will submit FAA form 4630 annually, as modified for use by FAA recipients.

DBE participation will be reported to the FAA as follows:

“The Authority will transmit to FAA annually on or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments” as described in Appendix B to part 26. The Authority will similarly report the required information about participating DBE firms. All reporting will be done through the FAA official reporting system, or another format acceptable to the FAA / DOT as instructed thereby.”

In the Authority’s reports of DBE participation to the FAA, the Authority will show both commitments and attainments, as required by the FAA/DOT uniform reporting form.

Bidders List:

The Authority 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 the Authority 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.

The Authority will collect this information by requesting each primary contractor awarded a contract to submit the details to our DBELO in writing within 14 days of contract award. The requirement to provide this information will be disseminated in the bid solicitations and during pre-bid conferences, and the information will be maintained on the Bidders List Collection Form (**Attachment 3**).

Records retention and reporting:

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

Section 26.13 Federal Financial Assistance Agreement

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

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

“The Authority shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FAA-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Authority shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of FAA-assisted contracts. The Authority DBE program, as required by 49 CFR Part 26 and as approved by FAA, 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 Authority of its failure to carry out its approved program, the FAA may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).”

Contract Assurance: – The Authority will ensure that the following clause is included in each contract the Authority 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 FAA-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- Withholding monthly progress payments;
- Assessing sanctions;
- Liquidated damages; and/or
- Disqualifying the contractor from future bidding as non-responsible.”

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Mike Willingham
Sebring Regional Airport
Attn: Registered Agent
E-Mail: Mike@sebring-airport.com
Address: 128 Authority Lane | Sebring, FL 33870
Phone: 863.314.1300

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

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

1. Gathers and reports statistical data and other information as required by FAA (Form 4630 and Uniform Reports).
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
4. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
5. Analyzes the Authority's progress toward attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Advises the governing body on DBE matters and achievement.
8. Determine contractor compliance with good faith efforts.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Maintains the agency's updated directory on FDOT certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of the Authority to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on FAA-assisted contracts to make use of these institutions.

As part of this DBE Program, the Authority's DBE consultant has investigated services offered by banks owned and controlled by socially and economically disadvantaged individuals in the local area. The Federal Deposit Insurance Corporation (FDIC) Minority Depository Institutions (MDI) Program supports the Treasury Department's policy of preserving existing minority depository institutions and promoting the creation of new MDIs. A minority depository institution is defined as any Federally insured depository institution where 51 percent or more of the voting stock is owned by minority individuals. The latest FDIC list of MDIs, released September 30, 2021, lists no MDI institutions in Collier or Lee Counties.

The Authority has identified two minority institutions controlled by socially & economically disadvantaged individuals in the state of Florida but none in Highlands or the adjacent counties. The Authority will continue to monitor any new financial institutions that register with the County and will contact the FDOT bi-annually to update minority financial institutions moving into the area.

Section 26.29 Prompt Payment Mechanisms

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

In accordance with 49 CFR 26.29, the Authority has established, as part of its DBE Program, the following contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment made by the Authority to the prime contractor.

“The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the Authority. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor’s work is substantially (95 percent) completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Authority. This clause applies to both DBE and non-DBE subcontractors.”

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

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

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

- (1) Contractor may request release of retainage on work that has been partially accepted by the Authority in accordance with Section 50-14. Contractor must provide a certified invoice to the Resident Project Representative (RPR) that supports the value of retainage held by the Authority for partially accepted work.

- (2) In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account per paragraph 90-08.

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

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

The Authority will consider 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 Authority. When the Authority 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.

Section 26.31 Directory

The Authority is not listed as a member of the Florida Unified Certification Program (FUCP) and uses the State of Florida DBE directory, maintained by the State which contains all the elements required by §26.31.

The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists 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 Directory may be found by searching for DBE Certified List at:

<https://www.fdot.gov>

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

The Authority has not established a business development program.

Section 26.37 Monitoring Responsibilities

The Authority 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 it's DBE program.

The Authority actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs

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

- *Use of an automated system that requires real time entry of payments to, and receipts by, prime contractors and subcontractors, and regularly monitoring that system*

In the Authority's reports to the FAA of DBE participation, both commitments and attainments will be shown, as required by the FAA uniform reporting form.

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

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

Prompt Payment Dispute Resolution

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

Meetings for dispute resolution between contractors and DBE subcontractors will be incorporated into weekly progress meetings as required. The RPR will be present and officials from the contractor and DBE subcontractor capable of binding each party. The Authority will have a representative available to take enforcement action.

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

(1) Alternative dispute resolution (ADR)

- Contractor will be required by contract clause to submit a detailed alternative dispute resolution to the Authority for approval prior to issuance of the Notice to Proceed (NTP).

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

- See clause in Section 26.29 above.

Prompt Payment Complaints

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

- If affected subcontractor is not comfortable contacting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate a complaint.
- If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by the Authority to resolve prompt payment disputes, affected subcontractor may contact the responsible FDOT contact.
- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

The Authority will provide appropriate means to enforce the requirements of §26.29.

The Authority will utilize and actively implement any or all the following enforcement mechanisms to ensure compliance with 49 CFR Part 26.

- *In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor.*
- *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.*

- *Pay subcontractors directly and deduct this amount from the retainage owed to the prime.*
 - *Issue a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays for the purposes of calculating liquidated damages if milestones not met.*
1. The Authority will bring to the attention of the FAA any false, fraudulent, or dishonest conduct in connection with the program, so that the FAA can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.107.
 2. The Authority will implement similar action under our own legal authorities, including responsibility determinations in future contracts.
 3. The Authority will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs to which the work was committed.

Monitoring Contracts and Work Sites

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

Section 26.39 Fostering Small Business Participation

The Authority has created a Small Business element to structure contracting requirements by “unbundling” (see item 1 below) to facilitate competition by small business concerns and to foster small business participation, 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.

1. Unbundling projects: Where feasible, the Authority may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Authority will conduct an annual review of the Capital Improvement Plan (CIP) to determine whether portions of FAA-assisted projects could be “unbundled” or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, the Authority will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The Authority will document the factors used to determine whether an FAA-assisted contract will be unbundled or bid separately during the annual review of the CIP.

The Authority small business element is incorporated as **Attachment 8** to this DBE Program. The Authority will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of our DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The Authority does not use set-aside contracts or quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculation can be found in **Attachment 5**. The Authority will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f), the Authority was scheduled to submit its overall three-year DBE plan for the period years FY 2021-2023 to the FAA by October 1, 2020. However, the previous DBE plan was developed to cover FY 2019-2021 creating an overlap for FY 2021. This DBE plan will cover period years FY 2024-2026. The required schedule sequence for historical submittal dates can be obtained by searching “DBE Plan Submittal Schedule” in the following link:

<https://www.faa.gov>

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

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area consisting of 6 adjacent counties to Highlands County previously bidding on the Sebring Regional Airport FAA funded projects. The base figure is calculated using is the total available DBE registered contractors as the numerator divided by the total available contractors in the market area. The Authority will use DBE Directory information and US Census Bureau Data web links (**Attachment 4**), or other alternative method that complies with §26.45 as a method to determine the base figure. The Authority understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2) is not an acceptable to determine the availability of DBEs.

Step 2. The second step is to adjust, if necessary, the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Adjustments may be made in accordance with 49 CFR Part 26.45 (d) based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), Florida DOT goals and/or information about barriers to entry to past competitiveness of DBEs on contracts. The Authority will examine all the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

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

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

For this program, consultation was requested from the organizations listed below. Three of the organizations responded and two elected not to respond as shown below. Phone memos of the three organizations who responded responses are included in **Attachment 9.**

- South Florida Associated General Contractors of America - **Responded**
- Florida Diversity Council - **Responded**
- Florida Department of Transportation - **Responded**
- Florida State Minority Supplier Development Council – **No Response**
- Florida Women’s Business Center – **No Response**

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

The overall three-year DBE Goal submission to the FAA will include a summary of information and comments received, if any, during this public participation process including the Authority responses.

The Authority will begin using the overall goal on October 1 of 2023 unless other instructions from the FAA have been received.

Project Goals

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

Prior Operating Administration Concurrence

The Authority understands that prior FAA concurrence with the overall goal is not required. However, if the FAA review suggests that the overall goal has not been correctly calculated or that the method employed by the Authority for calculating goals is inadequate, the FAA may, after consulting with the Authority, adjust the overall goal or require that the goal be adjusted. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.45.

Section 26.47 Failure to Meet Overall Goals

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

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

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

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year.
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

The Collier County Airport Authority will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Authority will use one or more of the following race-neutral means to increase DBE participation:

- (1) Encourage prime contractors to subcontract portions of work they might otherwise perform with their own forces.
- (2) Reference the Florida UCP DBE directory for prospective contractors desiring DBE contact information.
- (3) Encourage DBE attendance at pre-bid/pre-proposal meetings; and
d) Provide assistance to DBEs during solicitation or bid period for any project, and assist with any explanation of documents, including language barriers, which may exist.

The Authority will meet the overall goal of **9.95%**, using race-neutral participation and will use contract goals to meet any portion of this overall goal where the Authority does not anticipate being able to meet that goal with race-neutral means.

In order to ensure that the DBE Program will be narrowly tailored to overcome the effects of discrimination, the Authority will adjust estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see §26.51(f)) and will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- (1) DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures.
- (2) DBE participation through a subcontract on a prime contract that does not carry DBE goal.
- (3) DBE participation on a prime contract exceeding a contract goal.
- (4) DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

The Authority will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively. The Authority will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.

This section will be updated annually when the Uniform Report (attainment) is reported.

Contract Goals

In accordance with Section 26.51(e)(4), the Authority contract goals must provide for participation by all certified DBEs and must not be subdivided into group-specific goals.

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

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

Contract goals will be expressed as a percentage of the total amount of a FAA-assisted contract or the Federal share of an FAA-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of Good Faith Efforts (Pre-Award)

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

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

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

Information to be Submitted

In all solicitations for FAA-assisted contracts for which a contract goal has been established, the following information will be placed in the bid specification (**Attachment 6**) of all projects using FAA funding requiring every bidder/offeror:

- (1) Award of the contract will be conditioned on meeting this section requirements.
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:
 - (i) The names and addresses of DBE firms that will participate in the contract.
 - (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract.
 - (iii) The dollar amount of the participation of each DBE firm participating.
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal.
 - (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work committed by the prime contractor.
- (3) If the contract goal is not met, evidence of good faith efforts will be provided (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.
- (4) The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section under sealed bid procedures, no later than five days after bid opening as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.
- (5) In a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (2) of this section before the final selection for the contract is made by the Authority.

Administrative Reconsideration

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

Mark Andrews - Chairman
Sebring Airport Authority
128 Authority Lane
Sebring, Florida 33870
(863) 655-6444

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

Good Faith Efforts Procedural Requirements (Post-Solicitation)

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

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

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

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

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

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

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

Each prime contract will include a provision stating:

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

The Authority will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If the Authority requests documentation from the contractor under this provision, the contractor shall submit the documentation within seven days, which may be extended for an additional seven days, if necessary, at the request of the contractor.

The Authority shall provide a written determination to the contractor stating whether good faith efforts have been demonstrated.

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

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

Section 26.55 Counting DBE Participation

The Authority will count DBE participation toward overall and contract goals as provided in 49 CFR Part 26.55. The Authority 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, if the firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the Authority will not count the firm's participation toward any DBE goals, except as provided for in §26.87(j).

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The Authority will gather current DBE certification lists from the Florida Department of Transportation (FDOT) Florida Unified Certification Program (FUCP). FUCP uses the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The Authority will rely on the FDOT FUCP current list to verify DBEs qualified to participate in the fiscal year attainment goals.

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

*Equal Opportunity Office
DBE & Small Business Development Programs
605 Suwannee St. MS 65
Tallahassee, FL 32399
(850) 414-4747*

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Florida Department of Transportation (FDOT) is the member of the FUCP certifying agency utilized for researching qualified DBEs in the State of Florida for the FAA assisted contracts awarded to the Authority.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to the Authority

The Authority understands that if it fails to comply with any requirement of this part, it may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the FAA, 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 Federal Highway Administration (FHWA) program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the Federal Transit Administration (FTA) program, any actions permitted under 49 U.S.C. Chapter 53 or applicable FTA program requirements.

Section 26.109 Information, Confidentiality, Cooperation and Intimidation or Retaliation

Enforcement actions by the Authority are available (**Attachment 7**). 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.

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

All participants in the FAA'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 the FAA and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

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

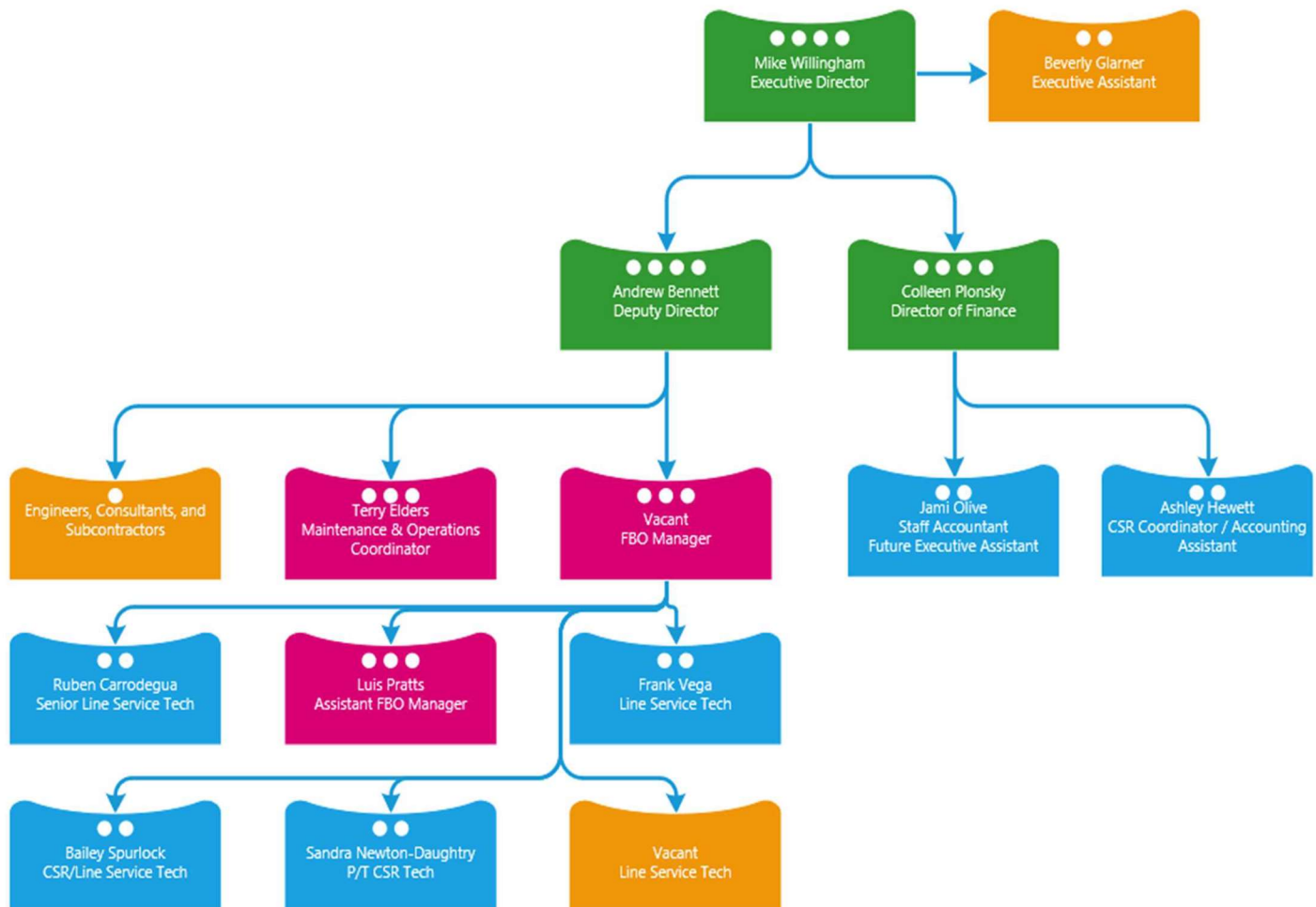
ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26 or Website Link
Attachment 2	Organizational Chart
Attachment 3	Bidder's List Collection Form
Attachment 4	DBE Directory and US Census Bureau Directory Links
Attachment 5	Overall DBE Three-Year Goal Methodology
Attachment 6	Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2
Attachment 7	DBE Monitoring and Enforcement Mechanisms
Attachment 8	Small Business Element Program
Attachment 9	Stakeholder Consultations

Attachment 1 - 49 CFR Part 26 *website link*

<https://www.transportation.gov/osdbu/disadvantaged-business-enterprise/part-26-participation-disadvantaged-business>

Attachment 2 – KSEF Organizational Chart



Attachment 3 - Bidders List Collection Form

INSTRUCTIONS

The contractor shall provide all information and reports required by the Authority and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Authority to be pertinent to ascertain compliance with the regulations or directives. Monthly reports of payments to DBE and SBE firms will be required under the contract.

Attached hereto is a list of DBE and SBE firms to be utilized under the contract. Any substitutions of DBE or SBE firms shall comply with provisions of the contract. In the event that the DBE and/or SBE firms listed do not fulfill the goal requirement, the bidder shall attach documentation detailing its good faith efforts to meet the goal.

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

Attachment 4 - Florida DOT / US Census Bureau Web Links

Florida DOT DBE Directory *web link*

<https://www.fdot.gov/equalopportunity/dbecertification.shtm>

US Census Bureau Directory *web link*

<https://data.census.gov/table/CBP2019.CB1900CBP?q=CBP2019.CB1900CBP&hidePreview=true>

Attachment 5 - Section 26.45: DBE 3-Year Goal Methodology

Amount of Goal

The Sponsor's overall goal for Fiscal Year 2024-2026 (October 1, 2023 – September 30, 2026) is the following:

9.95% of FAA-assisted contracts will be expended with DBE contractors through RN means.

The estimated dollar amount of FAA-assisted contracts proposed through the KSEF Airport's Capital Improvement Plan (ACIP) FY 2024-2026 is **\$3,352,500**. The Sponsor has set a goal of expending **9.95%** of that amount, or **\$333,574**, for DBE contract work for the KSEF during FY 2024-2026. However, the actual dollar amount spent will depend on project contracts awarded and the relative DBE goal percentage achieved on those projects.

Step 1: Methodology used to Calculate Overall Goal

Section 26.45(c)

The KSEF DBE project participation goal is calculated by first establishing a base of the total DBE firms within the market area that are registered by the Florida Department of Transportation (FDOT) and ready, willing, and able to accept and perform the proposed ACIP projected projects' contracting opportunities anticipated in FY 2024-2026. The market area for FY 2024-2026 is determined using Florida DOT Region 1 and adjacent counties historically bidding on KSEF projects. Four (4) counties were used as the market area for KSEF DBE goals submitted in previous years (2015-2017). The market area is expanded this period to include additional District 1 counties and adjacent counties providing expanded DBE opportunities. The counties for FY 2024-2026 include Glades, De Soto, Hardee, Polk, Osceola, Okeechobee, and Highlands. Registered firms in this area shall be certified by the Florida DOT with the applicable North American Industry Classification System (NAICS) codes (NAICS CODE table below) representing their capabilities to allow performance of the proposed work scope for the goal period.

The resulting base number of qualified DBE firms denotes the numerator in the DBE base goal calculation which is then divided by the total licensed contractors (general and DBE) with the same NACIS code registrations in the same market area. The resulting number, or base goal, is then reviewed for adjustment using historical attainment for the past triannual period along with any disparity or socioeconomic factors that could have a bias on DBE participation in the area. Goal participation dollar amounts for DBE firms is then determined by taking this adjusted DBE participation goal percentage and multiplying by the estimated FAA funded dollar amount for ACIP projects, as outlined in the airport's ACIP, as submitted for review to the FAA for the triannual period FY 2024-2026.

In identifying relevant NAICS codes, the Sponsor first reviewed the contract opportunities anticipated for projects under consideration for FY 2024-2026 to assign NAICS codes representing the project work scope. The anticipated work scope includes road construction, electrical installation & construction, taxiway construction and airport hangar construction¹. Based on its familiarity with construction and professional services procurement and practices within its operating jurisdiction (market area) as well as information contained in its bidders/proposers lists and pre-bid conference attendance history, the Sponsor determined that the contractors both DBEs and non-DBEs, qualified to perform the services anticipated for the period FY 2024-2026 would most likely come from within the 7 counties listed above of Glades, De Soto, Hardee, Polk, Osceola, Okeechobee, and Highlands counties in the Florida DOT District 1 & Y 5. For the projects being offered, the Sponsor found no reason to research business patterns beyond the market area location, therefore, the Sponsor has established its market area for KSEF to include these 7 counties.

Further, it should be noted that, while the area listed above has been deemed the market area in the goal setting process, DBEs from outside the area with the appropriate NACIS code designations will be given access to the same bid opportunities provided they are appropriately certified by the FDOT, Florida Unified Certification Program (UCP), or another approved Florida DOT certifying agency.

The Sponsor used the FDOT Disadvantaged Business Enterprise Database website ([DBE Directory \(state.fl.us\)](https://www.state.fl.us/dbedirectory/)) as the data source for the DBE goal calculation numerator identified above. The Census Bureau's County Business Patterns Database (CBP) latest data for 2019 ([Census - Table Results](#)) was utilized to determine the total number of firms within the same market area with matching NAICS codes as those taken from the above DBE directories, thus creating the number for the base goal denominator.

The DBE and non-DBE firms identified were verified to be registered with the appropriate categories within the same NAICS codes (code table below) and market areas, which were filtered from both these data sources (DBE and the CBP database).

¹ Work scope is further identified in the bid specifications and engineer's estimate for each project

NAICS CODE TABLE

NAICS Code	Census Bureau Classification	Related Work Category
23621	Industrial Building Const.	Building (Hanger) Construction
23622	Commercial Building Const.	Building (Hanger) Construction
23799	Heavy Civil Construction	Asphalt Paving, Structures, Grading
23811	Poured Concrete Foundation	Heavy Construction, Concrete Construction
23821	Electrical Contractors	Electrical
48411	Trucking Contractors	Materials Transport, Hauling
54138	Testing Laboratories	Quality Control Testing and Verification
54162	Environmental Services	Environmental CATEx Consulting
54133	Engineering Services	Engineering and Related Services
54137	Survey/Mapping Services	Surveying and Mapping Services

Table from the Census.gov North American Industry Classification System².

Based on the Sponsor's review of the County Business Pattern (CBP) and FDOT DBE directory data pertaining to the NACIS codes above and its market area, the total number of firms qualified with the appropriate NACIS codes and represented within the filtered categories for all registered contractors (DBE and non-DBE) in the market area are listed in the two tables below:

CONTRACTOR REGISTRATIONS BY NAICS CODE IN MARKET AREA*

NAICS Code	Census Bureau Classification	CBP Total Firms (Market Area)
23621	Industrial Building Const.	101
23622	Commercial Building Const.	875
23799	Heavy Civil Construction	20
23811	Poured Concrete Foundation	78
23821	Electrical Contractors	241
48411	Trucking Contractors	217
54138	Testing Laboratories	14
54162	Environmental Services	12
54133	Engineering Services	123
54137	Survey/Mapping Services	33
TOTAL		1714

*Table from Census Bureau County Business Patterns Database ([Census - Table Results](#)).

The totals above will be used as the denominator in the base goal calculation.

² NAICS Codes reflect the changes made by the 2019 NAICS Update. Refer to www.census.gov for conversion information

DBE FIRMS REGISTERED BY NAICS CODE IN MARKET AREA*

NAICS Code	FDOT DBE Classification	DBE Total Firms (Market Area)
23621	Industrial Building Const.	20
23622	Commercial Building Const.	109
23799	Heavy Civil Construction	1
23811	Poured Concrete Foundation	3
23821	Electrical Contractors	3
48411	Trucking Contractors	1
54138	Testing Laboratories	3
54162	Environmental Services	4
54133	Engineering Services	14
54137	Survey/Mapping Services	6
TOTAL		164

*Table Generated from the FDOT Certified DBE List <https://www.fdot.gov/equalopportunity/dbecertification.shtm>). The totals above will be used as the numerator in the base goal calculation.

The next step in the Sponsor's process of shaping the DBE goal equitable participation percentage is to divide the numerator, representing the ratio of ready, willing, and able DBE firms, by the denominator, representing all firms (DBE and non-DBEs) available for each of the work (NAICS) categories. Application of this formula yielded the following baseline information for the Step 1 base DBE goal figure:

164 (Number of ready, willing, able DBEs to participate Sponsor projects)

1714 (Number of All registered Firms) (including DBEs and non-DBEs)

164/1714 = 9.56% (Base Figure)

Therefore, the Step 1 DBE base figure for FY 2024-2026 is **9.56%**.

The next step is to list the ACIP projected FAA-assisted projects for the LAL managed by Sponsor (table below) with the corresponding FAA funds request. These projects have contracting, and subcontracting opportunities as identified in the current Master Plan or ACIP; are anticipated to be awarded with estimated dollars amounts shown in the table; and are expected to be expended within FY 2024-2026. These projects' estimates are the basis for the DBE target dollar amount to be derived from the DBE program adjusted goal.

ACIP PROJECTED FAA GRANT ASSISTED PROJECTS 2024-2026*

PROJECT	Total Estimated Project Costs	FAA Projected Grants
Sebring Regional Airport (KSEF)		
2024	\$2,060,000	\$292,500
2025	\$4,000,000	\$2,700,000
2026	\$2,900,000	\$360,000
KSEF TOTAL	\$8,960,000.00	\$3,352,500.00

*Table from 3-year projected Airport Capital Improvement Program (ACIP) Below (Project totals are engineers' estimates).

Year	UPIN	FDOT Priority	FAA Priority	Project Title	Estimated Cost	FAA Grants	FDOT Grants	FDOT Grants	FDOT Grants	FDOT Grants	SEF Funds
						90%	100%	80%	10%	5%	
2024	PFL0006708	2	0	Rehabilitation of Carroll Shelby Dr.	\$1,300,000		\$1,300,000				\$0
	PFL0012619	3	0	Emergency Generator - Fuel Farm	\$135,000		\$135,000				\$0
	PFL0013346	4	1	South Partial Parallel Taxiway D - Design	\$325,000	\$292,500			\$32,500		\$0
	PFL0014170	1	0	Terminal Apron High Mast Lighting - Design and Construct	\$300,000		\$300,000				\$0
	\$2,060,000	\$292,500	\$1,735,000	\$0	\$32,500	\$0	\$0				
2025	PFL0014330	1	0	Rehabilitation of Webster Turn - Design and Construct	\$1,000,000		\$1,000,000				\$0
	PFL0013347	2	1	South Partial Parallel Taxiway D - Construction	\$3,000,000	\$2,700,000			\$300,000		\$0
	\$4,000,000	\$2,700,000	\$1,000,000	\$0	\$300,000	\$0	\$0				
2026	PFL0013679	1	0	New Hangars - Design and Construct	\$2,500,000		\$2,500,000				\$0
	PFL0012912	2	1	Taxiway A Rehabilitation - Design	\$400,000	\$360,000			\$40,000		\$0

Step 2: Adjusting the Base Figure

Section 26.45(d)

Section 26.45 (d) identifies numerous procedures to use when adjusting the Step 1 base figure to make it applicable and fair to the DBE firms seeking to participate in the KSEF contracting opportunities. This Step 2 adjustment is intended to modify the percentage participation the DBE recipient to reflect what one would expect in the absence of discrimination. Factors enumerated in the above-referenced documents were reviewed and considered in determining whether an adjustment was appropriate or necessary. These factors included an average of KSEF past DBE goal attainments/commitments (three-year), disparity studies, and socioeconomic factors along with other evidence. A summary of these considerations is outlined in the following sections.

A. Past 3-Year DBE Goal Attainments

The table below includes the actual use of DBE participation (attainment) in projects receiving Federal Grant funds at KSEF over the two previous grant issue periods (FY 2018 & FY 2022):

3-12-0072-025-2018 – 19.26 %

3-12-0072-032-2022 – 0 % (DBE goal not met)

DBE Participation for FY 2018 & 2022*

DBE Attainments within the last reported period		
FY	2018	2022
DBE Attainment	19.26%	0%

* 2 FAA grants issued in previous 6 years

The Sebring regional airport has had limited grant projects so the documented historical DBE participation for KSEF in the table above is averaged over the two grant year projects (2018 & 2022) as follows:

Average DBE attainment over the previous 3-year period

$(19.26 + 0) / 2 = 9.63\%$

This historical DBE participation representing the 2 prior FAA grant years (2018 & 2022) at the KSEF airport projects will be used in part to adjust the DBE base goal of **9.56%**, as calculated in Step 1.

B. Evidence of Disparity Studies and Socioeconomic Conditions

Disparity Studies

Neither the Sponsor nor any other agencies in the market area have conducted recent disparity studies related to minority participation in government contracting such as those activities engaged in at the KSEF. Additionally, no known recent relative disparity studies have been completed in Highlands County. Miami Dade county conducted a Disparity Study in 2015 which listed Pre-Bid actions that could be taken to minimize disparity in contract award to minority firms as follows:

Expand Unbundling Policy • Establish a Direct Purchase Program for Construction Contracts • Promote Diversity in Distributorships • Advertise Small Contracts Bond Provisions • Pay Mobilization to Subcontractors • Disseminate the Procedures for the County's Equitable Distribution Program for Architecture and Engineering Consultants • Maintain Virtual Plan Room • Revise Insurance Requirements • Review Selection Panel Process • Distribute Bid Protest Procedures • Enhance MWBE Outreach Campaign.

These actions are listed in this DBE goals document for the KSEF staff to consider but are not a specific requirement.

Socioeconomic Conditions

The U.S. Census Bureau Quick Facts sheets for Florida were used to find per capita income, percent of population in the workforce, and percent of minority owner (DBE). The table below compares these data from the State of Florida to those of Highlands County.

Highlands County's per capita income is less than the State, and the county has a slightly lower civilian labor force percentage. The percent of minority-owned firms is also lower in Highlands County when compared to the overall State. This lower number indicates the potential for lower participation by minority owned firms in government contracts. The number of DBE firms in the State is most likely influenced by high concentrations of minorities and minority-owned firms in the State's highly populated urban areas.

There could be a case for determining a logical and equitable adjustment to the base goal figure; however, review of these socioeconomic factors does not provide a clear method for statistically addressing the lower percentage of minority owned firms in the market area. Therefore, no adjustments from socioeconomic conditions in Highlands County were applied in Step 2 of the DBE base goal process.

Comparison of Selected Sociodemographic Factors*

Location	Per Capita Income (2021 dollars)	Percent of Population in Civilian Labor Force (2013-2019)	Percent Minority- Owned Firms (2017)
State of Florida	\$35,216	59.0%	23.4%
Highlands County	\$28,519	43.2%	16.3%

*Source: U.S. Census Bureau Quick Facts

C. Other Evidence

C.1 26.45 (d) Airport Comparison of Market Area to State Goals

As Sebring is centrally located in the State of Florida with a smaller percentage of minority owner firms in the market area vs the total state ownership for the airport the calculated base goal of **9.56%** using DBE firms vs total firms as outlined in 49 CFR Part 26 will be compared to the DBE goals calculated for the entire state of Florida DOT using methodologies of 49 CFR part 26 for the previous 3 year period (2021-2023) averaged for the Federal Highway Administration (FHA) funded projects³.

This FHA DBE adjusted participation percentage for the previous 3-year period is **10.65%**. This number will be used with the KSEF two grant years attainment average as calculated above as an adjustment multiplier to the calculated base goal.

C.2 26.45 (d) Previous DBE Goals at Sebring Regional Airport

The Sebring airport DBE goals for 2011 and 2017 were **10%** and **11.1%** respectively. These historical goals are listed for comparison purposes to assure the goals calculated for this period are reasonable and consistent with the airport's historical program to assure DBE participation on FAA funded projects.

The Sponsor did not discover any anecdotal evidence, nor is it aware of any other factors or adverse considerations, which would have a material effect of DBEs availability within the market area or on DBEs ability to participate (meeting bonding, insurance, and financial requirements) in the Sponsor's FAA-assisted contracting program. Therefore, no further consideration toward goal adjustment was made for this DBE goal. The Sponsor will continue to explore and consider all available evidence that materially would affect the opportunities for DBEs to form, grow, and compete in the airport's FAA-assisted contracting program, and it will adjust the target goal calculated in this report, as required.

³ Florida Department of Transportation "Methodology for Determining DBE Goal (49CFR 26.45) Federal Highway Administration Federal Fiscal Years 2021-2023"

Overall Goal Adjustment

The Sponsor has elected to make the following adjustment to the calculated DBE base figure as identified above. Therefore, the adjusted figure is the average of the base figure in Step 1 (**9.56%**) plus the DBE goals for the FHA as reported by the Florida DOT over the previous 3-year period (**10.65%**) plus the average of the two previous major grant years (2018 & 2022) DBE participation of (**9.63%**).

2024-2026 DBE Goal Adjustment Calculation

$$(9.56\%) \text{ (base goal)} + (10.65\% + 9.63\% / 3) = 9.95\%$$

Conclusion

The Sponsor's overall adjusted DBE goal for FY 2024-2026 is **9.95%** and will be attained using RN means. This new goal is comparable to the previous goals set in 2011 and 2017 and reasonable when contrasted with the historical DBE attainment levels for KSEF FAA grant funded projects. The Sponsor will set and track a dollar amount of **\$333,574⁴** for project work performed by DBE firm participation from the estimated ACIP projects over the next triannual period.

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

The average DBE attainment for the previous reporting period (2018-2020) was nearly equal to the adjusted base goal as calculated for this period; therefore, the Sponsor anticipates meeting the maximum feasible portion of the overall goal by using RN means of facilitating DBE participation.

⁴ Using ACIP projected projects as listed in the Table "ACIP Projected FAA Grant Assisted Projects 2024-2026" above

Public Participation

In accordance with Public Participation Regulatory Requirements of 49 CFR Part 26, minority, women, local business chambers, and community organizations within the KSEF market area including stakeholders' groups will be provided an opportunity to review this goal analysis. A public meeting 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 will be scheduled prior to the DBE goals report is issued for public comment. The 49 CFR Part 26.45 requirement identifying this review process are listed below as follows:

(i) 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 your efforts to establish a level playing field for the participation of DBEs. The consultation must include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it must occur before you are required to submit your methodology to the operating administration for review pursuant to [paragraph \(f\)](#) of this section. You must document in your goal submission the consultation process you engaged in. Notwithstanding [paragraph \(f\)\(4\)](#) of this section, you may not implement your proposed goal until you have complied with this requirement.

(ii) A published notice announcing your proposed overall goal before submission to the operating administration on August 1st. The notice must be posted on your official Internet Web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal must be posted on your official Internet Web site.

The City will issue a Public Notice in general circulation media and on their website publishing the Sponsor's overall annual DBE Goal for FY 2024-2026 on FAA-assisted contracts. Such notice will inform the public that the proposed goal and its rationale are available for inspection at the city offices of the Sebring Regional Airport during normal business hours. The Public Notice will be posted for a minimum of 30 days following the date of publication, and the Sponsor will accept comments on the goal analysis DBE participation percentage for 45 days from the posting date of the notice. Results of the public participation process will be incorporated as applicable into the City's Overall Annual DBE Goal established for FY 2024-2026 before finalization of the goals.

NOTICE OF AVAILABILITY OF DRAFT DISADVANTAGED BUSINESS ENTERPRISE PLAN SEBRING REGIONAL AIRPORT

The City of Sebring (City) announces the availability of a Disadvantaged Business Enterprise Program (DBE Program) in accordance with the requirements of the U.S. Department of Transportation under 49 CFR Part 26 for Sebring Regional Airport (KSEF). The Draft DBE Program is being circulated for review and comment from the public and federal, state, and local agencies. Comments from federal, state, and local agencies, and the public, will be finalized and published as part of the Final DBE Program. The Final DBE Program will be submitted to the Federal Aviation Administration (FAA) for the agency's review and acceptance. The DBE Program will be available for public review for thirty (30) days following the date of this publication.

The City has established a DBE project participation goal of 9.95% of the Federal financial assistance funding it will receive for improvements to the Sebring Regional Airport. This goal will be achieved through 100% race neutral means.

An electronic copy of the Draft DBE Program is available for public review at [Regional Airport - Multimodal Logistics Center \(sebring-airport.com\)](https://sebring-airport.com). Hard copies will also be displayed for inspection and review at the following locations:

**City of Sebring
368 S. Commerce Avenue
Sebring, FL 33870
(863) 471-5100**

**Sebring Regional Airport
128 Authority Lane
Sebring, Florida 33870
(863) 655-6444
(863) 655-6447 (fax)**

How to Comment: Written comments on the Draft DBE Plan will be accepted by mail, email, and/or in person at the City of Sebring city office or Sebring Regional Airport. Mailed comments should be postmarked no later than 45 days after the publish date and addressed to:

Sebring Regional Airport
Attn: Registered Agent, Mike Willingham
E-Mail: Mike@sebring-airport.com
Address: 128 Authority Lane | Sebring, FL 33870
Phone: 863.314.1300

Comments may also be submitted via email to Mike@sebring-airport.com. Requests for reasonable accommodation with obtaining the document for review, and/or for registering comments, can also be made to this address. All comments will be carefully reviewed and considered in the Final DBE Program prior to submittal to the Federal Aviation Administration (FAA) for review and acceptance. Comments on the DBE Program and rationale will be received for 45 days following the date of this publication.

Attachment 6 - Demonstration of Good Faith Efforts (Forms)

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____The bidder/offeror is committed to a minimum of _____% DBE utilization on this contract.

___The bidder/offeror (if unable to meet the DBE goal of ___%) is committed to a minimum of __% DBE utilization on this contract and should submit documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above and that the firm is DBE certified to perform the specific trades.

By _____

Date:

(Signature)

(Title)

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

Submit this page for each DBE subcontractor.

Attachment 7 - DBE Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract.
2. Breach of contract action, pursuant to NRS Chapter 338.

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

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

Attachment 8 - Small Business Element

Part I. Policy Objective

In response to regulatory requirement 49 CFR Part 26.39 Final Rule issued on January 28, 2011, The Authority will implement a Small Business Element into the DBE program to facilitate and foster competition by small business concerns by eliminating obstacles for their participation.

Recognizing that DBEs are small businesses, it is logical that the DBE program provisions that help small businesses can also help DBE's. By facilitating participation for small businesses, recipients can possibly make more DBE participation, and subsequent participation by additional DBE firms. The DOT believes that "a program element that pulls together the various ways that a recipient reaches out to small businesses and make it easier for them to compete for DOT-assisted contracts will foster the objectives of the DBE program."

Part II. Non-Discrimination

The Authority will not discriminate on the basis of race, color, national origin, or sex in FAA-assisted contracts and will remove all barriers and obstacles for small business participation. Fostering small business participation will be done through race-neutral methods.

Part III. Small Business Definition

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

Part IV. Small Business Verification

The Office of Economic and Small Business Development (OESBD) participates in the Florida Unified Certification Program (UCP) The Authority will verify small businesses using the OESBD database and/or other state/local certification programs, if any, so that small businesses will be considered as eligible for inclusion under this program. The Authority will not establish its own directory.

Part V. Scope of Program

The Authority will meet its objectives for small business inclusion in FAA funded projects by using a combination of the following methods and strategies:

1. Make RFPs/solicitations more attractive to small businesses;
2. Requiring prime contractors to provide subcontracting opportunities of a size that small businesses, including DBE's, can reasonably perform, rather than self-performing all the work involved;
3. Conduct regular reviews of upcoming projects to assess opportunities for unbundling; and
4. Encouraging DBE's and small businesses to attend the pre-solicitation meetings.

Part VI. Tracking SBE Participation

Although there are no reporting requirements for the use of small businesses, upon completion of each FAA-assisted contract, the Authority will document the use of small businesses in the final construction report.

Part VII. Assurances

The Authority makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law;
2. Certified DBE's 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 and that are eligible for DBE certification to become certified.

Attachment 9 - Stakeholder Consultation Documentation

MEETING NOTES

2024-2026 DBE Participation Goals Discussion

<u>SUBJECT</u>	<u>MEETING PLACE</u>	<u>DATE AND TIME</u>	<u>MINUTES BY</u>
SEBRING Airport DBE Review Conference	Microsoft Teams	November 8, 2023, 11 AM EST	Atkins Réalis

<u>MEETING NO</u>	<u>INVITED</u>	<u>PRESENT</u>
2023 - 01	South Florida AGC National Diversity Council Florida State Minority Development Florida Women's Business Center FDOT	See Attached Contact List

Item	Description and Action
1.	INTRODUCTIONS: Mr. Bennett introduced himself as Deputy Director for Sebring Regional Airport. Mr. Bennett introduced consulting firm AtkinsRéalis as partnership. Mr. Bennett introduced Mr. Senn to present the goal setting process for FY 2024 - FY 2026 and what has been identified for Sebring Regional Airport.
2.	DBE GOAL: Mr. Senn provided overview of DBE participation percentage for the airport and its determinants in accordance with 49 CFR Part 26. The goal calculation was compared and adjusted according to the previous years at the airport, surrounding airports, and FDOT calculations. The goal calculation method was described as dividing the number of ready and able DBEs by all registered firms to establish a base goal. The resulting base is 9.56%. The goal was adjusted upward using the DBE participation average by Sebring Airport's grant years and the FDOT's DBE participation percentage. The adjustment raised the goal to 9.95%.
3.	OTHER ISSUES: Mr. Bennett described the effort to ensure each airport contractor aligns with their DBE goals. Mr. Bennett added that whether the projects are funded by the FAA or FDOT the proposed DBE percentage goals are followed. Mr. Senn added that even though there is a specific market area used in calculating DBE percentage, DBE firms outside of that market area can come upon these projects and contact contractors. Mr. Bennett added that most contractors the airport interact with understand DBE requirements involving state funded or federally funded projects. Mr. Bennett explained that the awarded contract is public record and encourages DBE firms to reach out to those contractors or reach out directly to the airport for further information.

Distribution:	Issued to public for comment
Date Issued:	To be Issued with DBE Methodology Plan

Attendees Logged into Conference Meeting:

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NOTE TO RECIPIENTS

These meeting notes record AtkinsRéalis understanding of the meeting and intended actions arising therefrom. Your agreement that the notes form a true record of the discussion will be assumed unless adverse comments are received in writing within five days of receipt.