DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

FOR THE

CITY of CAPE GIRARDEAU

AND THE

CAPE GIRARDEAU REGIONAL AIRPORT
Section 26.1, 26.23 Objectives/Policy Statement
The City of Cape Girardeau, owner of Cape Girardeau Regional Airport, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 (Attachment 1). The City of Cape Girardeau has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City of Cape Girardeau has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as “Part 26”).

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

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

Katrina Amos, Airport Manager, has been delegated as the DBE Liaison Officer. In that capacity, Katrina Amos, Airport Manager, is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is afforded the same priority as compliance with all other legal obligations incurred by the City of Cape Girardeau in its financial assistance agreements with the Department of Transportation.

The City of Cape Girardeau has disseminated this policy statement to the City of Cape Girardeau personnel and all of the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on City of Cape Girardeau DOT-assisted contracts. The distribution was accomplished by advertisement in a state-wide newsletter of the Notice to Bidders.

Molly Mehler, Deputy City Manager
City of Cape Girardeau

5/11/2022
Date
GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

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

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

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

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

Section 26.11 Record Keeping Requirements

Reporting to DOT

The City of Cape Girardeau will provide data about its DBE Program to the Department as directed by DOT/FAA operating administrations.

DBE participation will be reported to DOT/FAA as follows:

The City of Cape Girardeau will transmit to FAA annually, by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Appendix B to Part 26. The City of Cape Girardeau 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 FAA as instructed thereby.

Bidders List

The City of Cape Girardeau 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 City of Cape Girardeau’s DOT-assisted contracts, for use in helping to set overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

This information will be collected through a bidder’s questionnaire that must be completed and returned as part of each bid package (Attachment 3).

Records retention and reporting:

The City of Cape Girardeau will maintain records documenting a firm’s compliance with the requirements of this part. At a minimum, City of Cape Girardeau 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 City of Cape Girardeau 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.

The City of Cape Girardeau, as a member of the Missouri UCP established pursuant to §26.81, will report to the Department of Transportation’s Office of Civil Rights each year the percentage and location in the State of certified DBE firms in the UCP Directory controlled by the following:

1) Women;
2) Socially and economically disadvantaged individuals (other than women); and
3) Individuals who are women and are otherwise socially and economically disadvantaged individuals.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance 26.13 (a): Each financial assistance agreement the City of Cape Girardeau signs with a DOT operating administration (or a primary recipient) will include the following assurance:
The City of Cape Girardeau shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The City of Cape Girardeau shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The City of Cape Girardeau’s DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of Cape Girardeau of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance 26.13 (b): The City of Cape Girardeau will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

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

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

ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

**Section 26.23 Policy Statement**

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

**Section 26.25 DBE Liaison Officer (DBELO)**

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

Katrina Amos, Airport Manager  
Cape Girardeau Regional Airport  
860 Limbaugh Dr.  
Cape Girardeau, MO 63701  
573-334-6230  
kamos@cityofcapegirardeau.org

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

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the City of Cape Girardeau’s progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the City Administrator on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains the agency's updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

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

Cape Girardeau Regional Airport identifies 1 minority-owned financial institution throughout the state of Missouri through MRCC database. No institution was located in Cape Girardeau area. However, the following minority bank resides in Kansas City:

Valdes & Moreno Inc.
6300 N Revere Dr #110
Kansas City, MO 64151
(816)221-6700

Additional information on the availability of such institutions can be obtained from the Minority Bank Deposit Program (web address https://www.fiscal.treasury.gov/mbdp/participants.html)

Section 26.29 Prompt Payment Mechanisms

The City of Cape Girardeau 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 City of Cape Girardeau established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the City of Cape Girardeau.

The City of Cape Girardeau 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 (Attachment 8 and 8A), City of Cape Girardeau has selected the following method to comply with this requirement:

To implement this measure, the City of Cape Girardeau includes the following clause from FAA Advisory Circular 150/5370-10H in each DOT-assisted prime construction contract:

90-06 Partial payments. Partial payments will be made to the Contractor at least once each month as the work progresses. Said payments will be based upon estimates, prepared by the RPR, of the value of the work performed and materials complete and in place, in accordance with the contract, plans, and specifications. Such partial payments may also include the delivered actual cost of those materials stockpiled and stored in accordance with paragraph 90-07, Payment for Materials on Hand. No partial payment will be made when the amount due to the Contractor since the last estimate amounts to less than five hundred dollars.

The Owner may hold retainage from prime Contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime Contractors based on these acceptances, and require a contract clause obligating the prime Contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after the Owner’s payment to the prime Contractor.

Section 26.31 Directory

The City of Cape Girardeau is a member of the Missouri Regional Certification Committee (MRCC). The MRCC maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31.

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

City of Cape Girardeau has not established a Business Development Program.

Section 26.37 Monitoring Responsibilities
The City of Cape Girardeau 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 City of Cape Girardeau’s DBE program.

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

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

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

Prompt Payment Dispute Resolution
The City of Cape Girardeau will take the following step to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

• Hold meetings between the prime and sub, with the resident project representative and project manager present to reach a conclusion.

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

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

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

• If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint.

• If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by the City of Cape Girardeau to resolve prompt payment disputes, affected subcontractor may contact the responsible FAA 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 City of Cape Girardeau will provide appropriate means (Attachment 7) to enforce the requirements of §26.29. These means include:
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 are not met.

Other penalties for failure to comply, up to and including contract termination (specify these penalties clearly).

The City of Cape Girardeau will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites
The City of Cape Girardeau 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 DBELO’s engineering consultant. Contracting records are reviewed by the DBELO and their engineering consultant. City of Cape Girardeau will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering small business participation

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

The small business element is incorporated as Attachment 10 to this DBE Program. The program elements will be actively implemented to foster small business participation. Implementation of the small business element is required in order for the City of Cape Girardeau to be considered by DOT as implementing this DBE program in good faith.
SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43  Set-asides or Quotas

The City of Cape Girardeau does not use quotas in any way in the administration of this DBE program.

Section 26.45  Overall Goals

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


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

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

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

In establishing the overall goal, the City of Cape Girardeau 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 City of Cape Girardeau to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before the City of Cape Girardeau is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which City of Cape Girardeau engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, the City of Cape Girardeau will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on the City of Cape Girardeau’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 FAA, the revised goal will be posted on the official internet web site.

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

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

The City of Cape Girardeau will begin using the overall goal on October 1 of the relevant period, unless other instructions from 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.

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

Prior Operating Administration Concurrence

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

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

Section 26.47 Failure to meet overall goals

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

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

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

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

(3) The City of Cape Girardeau will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to FAA upon request.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

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

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

(2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);

(3) Providing technical assistance and other services;

(4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);

(5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;(6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work,
handle increasingly significant projects, and achieve eventual self-sufficiency;

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

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

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 6 to this program.

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

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

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

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

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

Demonstration of good faith efforts (pre-award)

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

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

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

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

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

(3) The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section:

Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures;

Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (2) of this section before the final selection for the contract is made by the recipient.

Administrative reconsideration

Within three (3) business days of being informed by the City of Cape Girardeau that it is not responsive because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Kenneth Haskin, 401 Independence Street, Cape Girardeau, MO, 63703, phone number: 573-339-6320, email: khaskin@CityofCapeGirardeau.org. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.
Good Faith Efforts procedural requirements (post-solicitation)

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 City of Cape Girardeau. 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 City of Cape Girardeau agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

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

Before transmitting to the City of Cape Girardeau a request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the City of Cape Girardeau, 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 (5) days to respond to the prime contractor’s notice and advise City of Cape Girardeau 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 (5) 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 City of Cape Girardeau 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 City of Cape Girardeau 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 City of Cape Girardeau requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor. The City of Cape Girardeau shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the contracting office/representative of the City of Cape Girardeau may issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.
Section 26.55       Counting DBE Participation

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

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

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73       Certification Process

City of Cape Girardeau will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. City of Cape Girardeau makes all certification decisions based on the facts as a whole.

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

Eastern Region, serving the St. Louis Metro area, Northeast and Southeast Missouri:
External Civil Rights St. Louis Office
1590 Woodlake Drive
Chesterfield, MO 63017
Phone: (314) 453-1877
Email: dbe@modot.mo.gov

DBE Supportive Services Consultant:
Philips & Associates, Inc.
930 Kehrs Mills Road, Suite 325-17
Ballwin, MO 63011
Phone: (314) 497-6746

Western Region, serving the Kansas City Metro area, Northwest and Southwest Missouri:
SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The City of Cape Girardeau is a member of a Missouri Regional Certification Committee (MRCC) administered by the Missouri Department of Transportation (Attachment 9). The MRCC will meet all of the requirements of this section.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to City of Cape Girardeau

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

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

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

Missouri abides by the Sunshine Law, which is the embodiment of Missouri’s commitment to openness in government. Public records are defined by the act to be any
records that are created or kept in public agencies and that pertain to the workings of the government.

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

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

The City of Cape Girardeau, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The City of Cape Girardeau understands that it is in noncompliance with Part 26 if it violates this prohibition.
<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Regulations: 49 CFR Part 26 or website link</td>
</tr>
<tr>
<td>2</td>
<td>Organizational Chart</td>
</tr>
<tr>
<td>3</td>
<td>Bidder’s List Collection Form</td>
</tr>
<tr>
<td>4</td>
<td>Link to DBE Directory</td>
</tr>
<tr>
<td>5</td>
<td>Overall Goal Calculations</td>
</tr>
<tr>
<td>6</td>
<td>Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 &amp; 2</td>
</tr>
<tr>
<td>7</td>
<td>DBE Monitoring and Enforcement Mechanisms</td>
</tr>
<tr>
<td>8</td>
<td>DBE Certification Application Form</td>
</tr>
<tr>
<td>8A</td>
<td>Data Needed for Prompt Payment and Timely Return of Retainage Complaints</td>
</tr>
<tr>
<td>9</td>
<td>MRCC Agreement</td>
</tr>
<tr>
<td>10</td>
<td>Small Business Element Program</td>
</tr>
</tbody>
</table>
ATTACHMENT 1
Regulations: 49 CFR Part 26

ATTACHMENT 2

Organizational Chart

Kenneth Haskin
City Manager

Deputy City Manager
Molly Mehner

Airport Manager (DBELO)
Katrina Amos

Airport Operation

FBO
ATTACHMENT 3  
Bidder’s List Collection Form

<table>
<thead>
<tr>
<th>Sponsor’s Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Name:</td>
<td></td>
</tr>
<tr>
<td>City, State:</td>
<td></td>
</tr>
<tr>
<td>AIP Number:</td>
<td></td>
</tr>
<tr>
<td>Federal Fiscal Year:</td>
<td></td>
</tr>
</tbody>
</table>

In accordance with Section 26.11 Record Keeping Requirements – Bidders List: 26.11(c), this form shall be completed by each firm and all subcontractors quoting on the project as indicated above.

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Firm Address/ Phone #</th>
<th>DBE or Non-DBE Status (verify via State’s MRCC Directory)</th>
<th>Age of Firm</th>
<th>Type(S) of Work</th>
<th>Annual Gross Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>□ DBE □ Non-DBE</td>
<td></td>
<td>□</td>
<td>□ Less than $500K □</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$500K - $1 million □ □ $1-2 million □ □ $2-5 million □ □ Greater than $5 million</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ DBE □ Non-DBE</td>
<td></td>
<td>□</td>
<td>□ Less than $500K □</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$500K - $1 million □ □ $1-2 million □ □ $2-5 million □ □ Greater than $5 million</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ DBE □ Non-DBE</td>
<td></td>
<td>□</td>
<td>□ Less than $500K □</td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ DBE □ Non-DBE</td>
<td></td>
<td>□</td>
<td>□ Less than $500K □</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$500K - $1 million □ □ $1-2 million □ □ $2-5 million □ □ Greater than $5 million</td>
<td></td>
</tr>
<tr>
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<td></td>
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<td></td>
<td>□</td>
<td>□ Less than $500K □</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$500K - $1 million □ □ $1-2 million □ □ $2-5 million □ □ Greater than $5 million</td>
<td></td>
</tr>
</tbody>
</table>
ATTACHMENT 4

MO DBE Directory (MRCC)

https://www.modot.org/mrcc-directory
ATTACHMENT 5

Overall DBE Three-Year Goal Methodology

Name of Recipient: City of Cape Girardeau, Missouri – Cape Girardeau Regional Airport

Goal Period: FY-2023-2024-2025

DOT-assisted contract amount:
- FY-2023 (2 Projects) $7,667,959.00
- FY-2024 (No project) $0
- FY-2025 (2 Projects) $7,497,906.00
- Total $15,165,865.00

Overall Three-Year Goal: 5.67%, to be accomplished through 0% RC and 5.67% RN

Total dollar amount to be expended on DBEs: $911,439.00

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

Contracts Fiscal Year #1 - 2023
1. Taxiway A Rehabilitation/Reconstruction & Taxiway D Reconstruction - $5,829,201.00

Contracts Fiscal Year #2 - 2023
1. Reconstruct Taxiway E & Taxiway F - $1,838,757.00

Contracts Fiscal Year #3 - 2025
1. Reconstruction of Terminal Apron - $4,190,610.00

Contracts Fiscal Year #4 - 2025
1. GA Apron Rehabilitation - $604,279.00

Contracts Fiscal Year #5 - 2025
1. Construct New Airfield Perimeter Wildlife Fencing and Acquire Land for OFA and Part 77 Clearances - $2,703,016.00

Market Area: State of Missouri

Step 1. Actual relative availability of DBEs

Method: Use DBE Directories https://www.modot.org/mrcc-directory

and Census Bureau Data from https://data.census.gov/cedsci/

Determine the base figure for the relative availability of DBEs.
After contacting several DBEs at varying mileages from the projects it was determined that majority of DBEs located within 250 miles would be ready, willing and able (impacted by the size and remoteness of project).

**Contract #1 Fiscal Year 1**

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBEs</th>
<th>Total All Firms</th>
</tr>
</thead>
<tbody>
<tr>
<td>561730</td>
<td>Landscaping Services</td>
<td>4</td>
<td>56</td>
</tr>
<tr>
<td>237310</td>
<td>Highway, Street &amp; Bridge Construction</td>
<td>20</td>
<td>324</td>
</tr>
<tr>
<td>238210</td>
<td>Airport Runway Lighting Contractors</td>
<td>5</td>
<td>79</td>
</tr>
<tr>
<td>238910</td>
<td>Site Preparation</td>
<td>7</td>
<td>152</td>
</tr>
<tr>
<td><strong>Companies involved with one or more of type of work</strong></td>
<td><strong>29</strong></td>
<td><strong>459</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Contract #2 Fiscal Year 2**

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBEs</th>
<th>Total All Firms</th>
</tr>
</thead>
<tbody>
<tr>
<td>561730</td>
<td>Landscaping Services</td>
<td>4</td>
<td>56</td>
</tr>
<tr>
<td>237310</td>
<td>Highway, Street &amp; Bridge Construction</td>
<td>20</td>
<td>324</td>
</tr>
<tr>
<td>238210</td>
<td>Airport Runway Lighting Contractors</td>
<td>5</td>
<td>79</td>
</tr>
<tr>
<td>238910</td>
<td>Site Preparation</td>
<td>7</td>
<td>152</td>
</tr>
<tr>
<td><strong>Companies involved with one or more of type of work</strong></td>
<td><strong>24</strong></td>
<td><strong>405</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Contract #3 Fiscal Year 3**

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBEs</th>
<th>Total All Firms</th>
</tr>
</thead>
<tbody>
<tr>
<td>561730</td>
<td>Landscaping Services</td>
<td>8</td>
<td>56</td>
</tr>
<tr>
<td>237310</td>
<td>Highway, Street &amp; Bridge Construction</td>
<td>45</td>
<td>70</td>
</tr>
<tr>
<td>238210</td>
<td>Airport Runway Lighting Contractors</td>
<td>19</td>
<td>67</td>
</tr>
<tr>
<td>238910</td>
<td>Site Preparation Contractors</td>
<td>6</td>
<td>37</td>
</tr>
<tr>
<td><strong>Companies involved with one or more of type of work</strong></td>
<td><strong>24</strong></td>
<td><strong>405</strong></td>
<td></td>
</tr>
</tbody>
</table>
Contract #4 Fiscal Year 4

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBEs</th>
<th>Total All Firms</th>
</tr>
</thead>
<tbody>
<tr>
<td>561730</td>
<td>Landscaping Services</td>
<td>8</td>
<td>56</td>
</tr>
<tr>
<td>237310</td>
<td>Highway, Street &amp; Bridge Construction</td>
<td>45</td>
<td>70</td>
</tr>
</tbody>
</table>

Companies involved with type of work 24 380

Contract #5 Fiscal Year 5

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBEs</th>
<th>Total All Firms</th>
</tr>
</thead>
<tbody>
<tr>
<td>561730</td>
<td>Landscaping Services</td>
<td>8</td>
<td>56</td>
</tr>
<tr>
<td>237310</td>
<td>Highway, Street &amp; Bridge Construction</td>
<td>45</td>
<td>70</td>
</tr>
<tr>
<td>238210</td>
<td>Airport Runway Lighting Contractors</td>
<td>19</td>
<td>67</td>
</tr>
<tr>
<td>541618</td>
<td>Aviation Planning</td>
<td>2</td>
<td>21</td>
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</tbody>
</table>

Companies involved with type of work 31 480

Divide the total number of DBE’s by the total number of All Firms = base figure for each contract. DBE and Firms that participate in more than one type of construction activity were counted only once.

FY 1 base figure – 36/459 = 7.84%
FY 2 base figure – 24/405 = 5.93%
FY 3 base figure – 24/405 = 5.93%
FY 4 base figure – 24/380 = 6.32%
FY 5 base figure – 31/480 = 6.46%
FY 1 -5 Average = 6.49%

The average of each fiscal year base figure gives the overall Step 1 base figure.
Step 1 base figure = 6.49% of all firms ready, willing, and able.

The data source or demonstrable evidence used to derive the numerator was: Missouri Regional Certification Committee Directory.

The data source or demonstrable evidence used to derive the denominator was: Missouri DOT Published List of Pre-Qualified Contractors.

Step 2. 26.45 (d): Adjustments to Step 1 base figure

After calculating a base figure of the possible availability of DBEs, evidence was examined to determine what adjustments (if any) were needed to the base figure in order to arrive at the overall goal.

An examination of the anticipated contracts for each fiscal year, the availability of the DBE firms by trade classification and the total firms in the area is shown below. The percentages of anticipated DBEs participating were determined based on mileage from site as stated above. An
initial estimate of the construction allocation by trade classification is shown in the following table under Trade ($).

**Weighted Availability of DBE firms:**

**Fiscal Year #1**

**For FY- 2023, We anticipate the award of the following**

<table>
<thead>
<tr>
<th>Contract Name (a)</th>
<th>Trade Description (b)</th>
<th>NAICS Description (c)</th>
<th>NAICS (d)</th>
<th>Trade ($) (g)</th>
<th>Census (f)</th>
<th>Directory (G/F) (c)</th>
<th>DBE (%) (G/F)</th>
<th>DBE ($) (h) (= e x h)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxiway A Rehabilitation/ Reconstruction &amp; Taxiway D Reconstruction</td>
<td>Services to Buildings &amp; Dwellings</td>
<td>Landscaping Services</td>
<td>561730</td>
<td>$93,503.20</td>
<td>4</td>
<td>56</td>
<td>7%</td>
<td>$ 6,678.80</td>
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<tr>
<td>Heavy and Civil Engineering Construction</td>
<td>Highway, Street &amp; Bridge Construction</td>
<td>237310</td>
<td>$5,051,808.42</td>
<td>20</td>
<td>324</td>
<td>6%</td>
<td>311,840.03</td>
<td></td>
</tr>
<tr>
<td>Electrical Contractors and Other Wiring Installation Contractors</td>
<td>Airport Runway Lighting Contractors</td>
<td>238210</td>
<td>$589,090.00</td>
<td>5</td>
<td>79</td>
<td>6%</td>
<td>37,284.18</td>
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<tr>
<td>Other Specialty Trade Contractors</td>
<td>Site Preparation Contractors</td>
<td>238910</td>
<td>$94,800.00</td>
<td>7</td>
<td>152</td>
<td>5%</td>
<td>4,365.79</td>
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</tr>
<tr>
<td><strong>Total Contract # 1</strong></td>
<td></td>
<td></td>
<td>$5,734,402</td>
<td>29</td>
<td>459</td>
<td>5.89%</td>
<td>$343,455.41</td>
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</tr>
</tbody>
</table>

(27/459) (5.89% of $5,829,202)
Fiscal Year # 2
For FY- 2023, We anticipate the award of the following

<table>
<thead>
<tr>
<th>Contract Name (a)</th>
<th>Trade Description (b)</th>
<th>NAICS Description (c)</th>
<th>NAICS (d)</th>
<th>Trade ($) (e)</th>
<th>Census (f)</th>
<th>Directory (g)</th>
<th>DBE (%) (G/F)</th>
<th>DBE ($) (h) (= e x h)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconstruct Taxiway E &amp; Taxiway F</td>
<td>Services to Buildings &amp; Dwellings</td>
<td>Landscaping Services</td>
<td>561730</td>
<td>$40,837.50</td>
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<td>56</td>
<td>7%</td>
<td>$ 2,916.96</td>
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<tr>
<td></td>
<td>Heavy and Civil Engineering Construction</td>
<td>Highway, Street &amp; Bridge Construction</td>
<td>237310</td>
<td>$1,551,845.00</td>
<td>20</td>
<td>324</td>
<td>6%</td>
<td>$ 95,792.90</td>
</tr>
<tr>
<td></td>
<td>Electrical Contractors and Other Wiring Installation Contractors</td>
<td>Airport Runway Lighting Contractors</td>
<td>238210</td>
<td>$186,075.00</td>
<td>5</td>
<td>79</td>
<td>6%</td>
<td>$ 11,776.90</td>
</tr>
<tr>
<td></td>
<td>Other Specialty Trade Contractors</td>
<td>Site Preparation Contractors</td>
<td>238910</td>
<td>$60,000.00</td>
<td>7</td>
<td>152</td>
<td>5%</td>
<td>$ 2,763.16</td>
</tr>
<tr>
<td><strong>Total Contract # 2</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$1,838,757.50</strong></td>
<td><strong>36</strong></td>
<td><strong>611</strong></td>
<td><strong>5.89%</strong></td>
<td><strong>$108,339.23</strong></td>
</tr>
</tbody>
</table>

(36/611) (5.89% of $1,838,757.50)
## Fiscal Year #3

For FY- 2025, We anticipate the award of the following

<table>
<thead>
<tr>
<th>Contract Name (a)</th>
<th>Trade Description (b)</th>
<th>NAICS Description (c)</th>
<th>NAICS (d)</th>
<th>Trade ($) €</th>
<th>Census (f)</th>
<th>Directory (g)</th>
<th>DBE (%) (G/F)</th>
<th>DBE ($) (h) (= e x h)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconstruction of Terminal Apron</td>
<td></td>
<td></td>
<td>561730</td>
<td>$ 20,925.00</td>
<td>4</td>
<td>56</td>
<td>7%</td>
<td>$ 1,494.64</td>
</tr>
<tr>
<td></td>
<td>Services to Buildings &amp; Dwellings</td>
<td>Landscaping Services</td>
<td>237310</td>
<td>$ 3,978,935.00</td>
<td>20</td>
<td>324</td>
<td>6%</td>
<td>$ 245,613.27</td>
</tr>
<tr>
<td></td>
<td>Heavy and Civil Engineerin g Constructio n</td>
<td>Highway, Street &amp; Bridge Construction</td>
<td>238210</td>
<td>$ 90,750.00</td>
<td>5</td>
<td>79</td>
<td>6%</td>
<td>$ 5,743.67</td>
</tr>
<tr>
<td></td>
<td>Electrical Contractors and Other Wiring Installation Contractors</td>
<td>Airport Runway Lighting Contractors</td>
<td>238910</td>
<td>$ 100,000.00</td>
<td>7</td>
<td>152</td>
<td>5%</td>
<td>$ 4,605.26</td>
</tr>
<tr>
<td></td>
<td>Other Specialty Trade Contractors</td>
<td>Site Preparation Contractors</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Contract # 3</td>
<td>$4,190,610.00</td>
<td>36</td>
<td>611</td>
<td>5.89%</td>
<td></td>
<td></td>
<td>$246,909.92</td>
</tr>
</tbody>
</table>

(36/611)

(5.89% of $4,190,610)

## Fiscal Year #4

For FY- 2025, We anticipate the award of the following

<table>
<thead>
<tr>
<th>Contract Name (a)</th>
<th>Trade Description (b)</th>
<th>NAICS Description (c)</th>
<th>NAICS (d)</th>
<th>Trade ($) €</th>
<th>Census (f)</th>
<th>Directory (g)</th>
<th>DBE (%) (G/F)</th>
<th>DBE ($) (h) (= e x h)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GA Apron Rehabilitation</td>
<td>Services to Buildings &amp; Dwellings</td>
<td>Landscaping Services</td>
<td>561730</td>
<td>$ 3,600.00</td>
<td>4</td>
<td>56</td>
<td>7%</td>
<td>$ 257.14</td>
</tr>
<tr>
<td></td>
<td>Heavy and Civil Engineerin g Constructio n</td>
<td>Highway, Street &amp; Bridge Construction</td>
<td>237310</td>
<td>$ 600,679.50</td>
<td>20</td>
<td>324</td>
<td>6%</td>
<td>$ 37,078.98</td>
</tr>
<tr>
<td></td>
<td>Total Contract # 4</td>
<td>$604,279.50</td>
<td>24</td>
<td>380</td>
<td>6.32%</td>
<td></td>
<td></td>
<td>$38,165.02</td>
</tr>
</tbody>
</table>

(24/380)

(6.32% of $604,279.50)
### Fiscal Year # 5
**For FY- 2025, We anticipate the award of the following**

<table>
<thead>
<tr>
<th>Contract Name (a)</th>
<th>Trade Description (b)</th>
<th>NAICS Description (c)</th>
<th>NAICS (d)</th>
<th>Trade ($) (e)</th>
<th>Census (f)</th>
<th>Directory (g)</th>
<th>DBE (%G/F)</th>
<th>DBE ($) (h) (= e x h)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct New Airfield Perimeter</td>
<td>Services to Buildings &amp; Dwellings</td>
<td>Landscaping Services</td>
<td>561730</td>
<td>$ 5,000.00</td>
<td>4</td>
<td>56</td>
<td>7%</td>
<td>$ 357.14</td>
</tr>
<tr>
<td>Wildlife Fencing and Acquire Land for OFA and Part 77 Clearances</td>
<td>Heavy and Civil Engineering Construction</td>
<td>Highway, Street &amp; Bridge Construction</td>
<td>237310</td>
<td>$ 423,712.36</td>
<td>20</td>
<td>324</td>
<td>6%</td>
<td>$ 26,155.08</td>
</tr>
<tr>
<td></td>
<td>Electrical Contractors and Other Wiring Installation Contractors</td>
<td>Airport Runway Lighting Contractors</td>
<td>238210</td>
<td>$ 1,916,404.50</td>
<td>5</td>
<td>79</td>
<td>6%</td>
<td>$ 121,291.42</td>
</tr>
<tr>
<td></td>
<td>Management, Scientific, and Technical Consulting Services</td>
<td>Aviation Planning</td>
<td>541618</td>
<td>$ 357,900.00</td>
<td>2</td>
<td>21</td>
<td>10%</td>
<td>$ 34,085.71</td>
</tr>
<tr>
<td><strong>Total Contract # 3</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$ 2,703,016.86</strong></td>
<td><strong>31</strong></td>
<td><strong>480</strong></td>
<td><strong>6.46%</strong></td>
<td><strong>$ 174,569.84</strong></td>
</tr>
</tbody>
</table>

The base goal projection after weighting is as follows:

- Total Weighted DBE Availability: $ 911,439.42
- Total for All Trades: $ 15,165,865.48

Dividing the weighted DBE totals by the total estimate for all trades gives a base DBE availability figure for the projects anticipated during the goal-setting period. This figure is expressed as a percentage and serves as the basis for the three-year overall goal.

**Base of DBE Goal: 6.01%**

### Step 2: Adjustments to Step 1 base figure

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what, if any, adjustment to the base figure was needed in order to arrive at the overall goal.
Past History Participation

<table>
<thead>
<tr>
<th>FY</th>
<th>DBE Goals</th>
<th>Project Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>0%</td>
<td>Centerline Project</td>
</tr>
<tr>
<td>2014</td>
<td>4%</td>
<td>T-Hangars</td>
</tr>
<tr>
<td>2017/2018</td>
<td>0%</td>
<td>Runway 2-20 Overlay</td>
</tr>
<tr>
<td>2018</td>
<td>5%</td>
<td>Runway 10-28 Edge Lighting</td>
</tr>
</tbody>
</table>

The average of DBE goal of fiscal years 2014 (4%) and 2018 (5%) is **4.50%**

**Overall Goal Calculation**

To arrive at an overall goal, we added our Step 1 base figure of (6.49%) with our Step 2 adjustment figure of (6.01%) and our past historical participation (4.5%) and then averaged the total arriving at an overall goal of **5.67%**. We feel this adjusted goal figure will accurately reflect DBE participation that can be achieved for the type of work being awarded during this five-year period.
Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation.

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

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing technical assistance and other services;
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities;

City of Cape Girardeau estimates that in meeting the established overall goal of 5.67%, it will obtain 0% from RN participation and 5.67% through RC measures.

This breakout is based on: [You must include supporting information for your recommendation; the following are examples you may consult when explaining your RC/RN breakout, if applicable]

a) The Recipient does have a minimal history of DBE participation but does not have a history of over-achievement of goals to reference and expects to obtain its DBE participation through the use of DBE contract goals or a conscious effort to obtain DBE participation. Therefore, the entire goal of 5.67% is to be obtained through race-neutral participation.

City of Cape Girardeau will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation [see §26.51(f)] and track and report RN and RC participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal, and DBE participation through a subcontract from a prime contractor that did not consider a firm’s DBE status in making the award.
PUBLIC PARTICIPATION

Consultation:

In establishing the overall goal, City of Cape Girardeau 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 Cape Girardeau Regional Airport 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.

The consultation engaged in was teleconference and video conference, which occurred in October 2021 and February, March, and April 2022.

The following comments were received during the course of the consultation:

No comments were received.

A notice of the proposed goal was published on the City of Cape Girardeau official before the methodology was submitted to FAA.

If the proposed goal changes following review by FAA, the revised goal will be posted on City of Cape Girardeau official website.

Notwithstanding paragraph (f)(4) of §26.45, City of Cape Girardeau proposed goals will not be implemented until this requirement has been met.

[teleconference, video conference], which was held at [location, time, and date].
**Sample Public Notice Language:**

**PUBLIC NOTICE**

City of Cape Girardeau hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 5.67% for FAA-funded contracts/agreements. The proposed goal pertains to federal fiscal years 2023 through 2025. A [meeting/teleconference/etc.] will be held on [date, time, location/contact instructions] for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process.

[Optional wording for use when publishing goal information in a periodical]

The proposed goal and its attendant methodology are available for inspection between [8:00 a.m.] and [5:00 p.m.] Monday through Friday at [location’s name and address] for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

Katrina Amos, Airport Manager  
Cape Girardeau Regional Airport  
860 Limbaugh Dr.  
Cape Girardeau, MO 63701  
573-334-6230  
kamos@cityofcapegirardeau.org

AND

Ofelia Medina  
FAA Western-Pacific Regional Office  
P.O. Box 92007, AWP-9  
Los Angeles, CA 90009-2007  
310-725-3945  
ofelia.medina@faa.gov
ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

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

_____ The bidder is committed to a minimum of ____% DBE utilization on this contract.

_____ The bidder (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.

Legal name of bidder/offeror’s firm: ______________________________________

Bidder/Offeror Representative:

__________________________________________________________________________

Name & Title

__________________________________________________________________________

Signature        Date
FORM 2: LETTER OF INTENT

Provide a completed form for all certified DBE’s participating in this project.

Name of Bidder’s firm (prime contractor):________________________________________

Project Name: ______________________________________________________________

Phone: _____________________________ Email: ________________________________

Total bid amount: $ ____________________    DBE Commitment: ____________ % ______

Name of DBE Firm: _________________________________________________

Address: __________________________________________________________________

City: _____________________________________ State: _______ Zip: _______________

Phone: _____________________________ Email: __________________________________

<table>
<thead>
<tr>
<th>Type of work to be performed by DBE</th>
<th>Corresponding NAICS</th>
<th>$ of Supplies (60% credit)</th>
<th>$ of Services (100% credit)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The bidder is committed to utilizing the above-named DBE firm for the work described above. The estimated total 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.

By:  ________________    ________________________________
     Signature    Title

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

Submit this page for each DBE subcontractor.
ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The City of Cape Girardeau has 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 [insert State Code Section No.]

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

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

Re: FAA Reauthorization Act of 2018 (Public Law No: 115-254) Prompt Payment Complaint Reporting Requirements

The Federal Aviation Administration (FAA) Reauthorization Act of 2018 (Public Law No: 115-254), signed into law on October 5, 2018, requires compliance with the prompt payment and timely return of retainage requirements, found in 49 CFR Section 26.29.

New requirements for airport sponsors and the FAA, along with the plan to meet those requirements, are:

- Section 157 of the 2018 FAA reauthorization requires airport sponsors to track and report the number of complaints received from subcontractors regarding alleged non-compliance with the prompt payment requirements, including the timely return of retainage by prime contractors.

- Section 157 also requires the FAA to assess and improve airport sponsor compliance with prompt payment requirements, including:
  - whether requirements relating to the inclusion of prompt payment language in contracts are being satisfied;
  - whether and how you, as the airport sponsor, are enforcing prompt payment requirements;
  - the processes by which covered complaints are received and resolved by airport sponsors;
  - whether improvements need to be made to better track and resolve covered complaints; and
  - whether changes to prime contractor specifications need to be made to ensure prompt payments and release of retainage to subcontractors.

- Section 157 further requires the FAA to make available to the public, on an appropriate FAA website, a report describing the results of the assessment completed, including a plan to respond to such results.

To meet the requirements of the law, we are directing airport sponsors to track and report to the FAA prompt payment complaints, including complaints regarding untimely return of retainage, beginning October 1, 2018. The data that you must track and report to FAA is identified in
Attachment A - Data Needed for Prompt Payment and Timely Return of Retainage Complaints. The website to report the complaints and related data can be found at the following link: https://www.surveymonkey.com/r/PromptPaymentComplaints.

If you have any questions regarding these new requirements related to prompt payment complaints, please reach out to your FAA Regional DBE/ACDBE Program Compliance Specialist. Contact information can be found on our website at: https://www.faa.gov/about/office_erg/headquarters_offices/air_traffic/commercial_airport_programs/contact/.

Sincerely,

[Signature]

Courtney L. Wilkerson
Acting Assistant Administrator for Civil Rights Attachment
Attachment 8A

Data Needed for Prompt Payment and Timely Return of Retainage Complaints

1. Date of complaint, Complaint tracking# (if any), and Complaint format (Phone, email, letter)
2. Sponsor (Name, Location ID, and DBELO contact info)
3. Project (#, Name, FAA Grant#)
4. Complainant (name and contact info, DBE or Non-DBE)
5. Name of firm that allegedly did not make the required payment and relationship to complainant
6. Description of complaint
7. Resolution for complaint
8. Did all project contracts include the following:
   a. Contract assurances as required by 49 CFR § 26.13(b) (Yes or No)
   b. 90-06 Partial Payment clause as required by ACIS0/5370-100 (Yes or No)
   c. Additional prompt payment language related to 49 CFR § 26.29(a)-(c) (Yes or No)
   d. Prompt payment enforcement provision as required by 49 CFR § 26.29(d) - (e). (Yes or No). If yes, please describe how contractual enforcement provisions are included
9. Does the Sponsor proactively monitor prompt payment of subcontractors? (Yes or No). If yes, please describe how.
10. Did the Sponsor implement enforcement actions with this complaint to prevent repeat prompt payment complaints? (Yes or No). If yes, please describe how.
11. Has the Sponsor's DBE program been updated to address USDOT prompt payment guidance released in 2016 and 2018? (Yes or No). If yes, have you uploaded a copy into the FAA Civil Rights Connect system? (Yes or No).
12. Was FAA involved in the resolution of the complaint (Yes or No). If yes, provide FAA staff name.
Missouri
Disadvantage Business Enterprise Program
Unified Certification Program

The undersigned, a duly-authorized representative of the entity named does not hereby make a statement if intent to comply with the provisions of the Missouri Unified Certification Program.

__________________________________
Signature

__________________________________
Name and title (Print)

__________________________________
Name of Entity (Print)

__________________________________
Date
ATTACHMENT 9
Missouri Regional Certification Committee Agreement
(PENDING)
Section 26.39 — Fostering Small Business Participation

The following is the small business element at the Cape Girardeau Airport hereinafter (the "Airport")

1. Objective/Strategies

In order to promote Small Business participation the Airport will implement the following procedures to assist certified Small Business participation as a prime or subcontractor on Airport Projects

- For larger projects that will have subcontracting opportunities eligible for SBE or DBE participation, the Airport will encourage prime bidders to provide these subcontracting opportunities to SBE and DBE contractors. The Airport will encourage prime bidders to provide a bidders' list identifying who they contacted and who will provide services as a subcontractor and identify if they are an SBE or DBE. This information will be used to determine if there was adequate opportunities on the project for SBE or DBE firms.

- The Airport, when feasible, may unbundle large projects into smaller contracts which may be more feasible for small business participation.

2. Definitions

A. 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. 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. Small businesses must meet the definitions specified in the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

B. Disadvantaged Business Enterprise (DBE): A for-profit small business (as defined by the Small Business Administration) —

- That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) as described in 49 CFR Part 26.
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE by the State of Missouri Department of Transportation (MoDOT), External Civil Rights in accordance with 49 CFR Part 26.

For the purposes of the small business element of the Airport DBE Program, small businesses which are also owned and controlled by disadvantaged individuals will be encouraged to seek
DBE certification. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA assisted contracts.

3. Verification

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

- A DBE Certification by the MDT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the MDT Office of Civil Rights.
- SBA 8(a) Business Development Certification (as described in CFR parts 121 and 124).

4. Monitoring/Record Keeping

The Airport will require all Prime bidders to submit information on subcontractors that will participate in the Contract.

This information will include: (1) the name and address of each subcontractor or supplier; (2) a description of the work to be performed by each named firm; (3) the dollar value of the work of the subcontract. (4) Applicable certification to determine if the subcontractor or supplier is a small business.

Contractors, subcontractors, and suppliers are required to maintain records and documents of payments for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Airport or DOT. Failure to maintain accessible records for the three-year period will be reported to DOT.

During the course of work, the Airport or their representative shall review payrolls, and if necessary, conduct interviews with contractor’s employees, to determine and ensure that firms are completing work items to the extent indicated in the Prime Contractor’s bid, and performing a commercially useful function as defined in 49 CFR Part 26, Section 26.55(c). Should a determination be made that the firms are not completing work items or performing a commercially useful function, Airport shall notify DOT. Termination of the Prime Contractor’s construction contract will be considered.

We will require that the bidder/offeror present the information required under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.

5. Assurances

The Airport makes the following assurances:

1. The DBE Program, including its small business element, is not prohibited by state law.
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in this 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 taken to encourage the minority and women owned firms that are eligible for DBE certification to become certified.
6. The program is open to small businesses regardless of their location.