
Federal Aviation Administration

Disadvantaged Business Enterprise Program Triennial Plan Update

FFY: 2022-2024

YAVAPAI COUNTY AIRPORTS



TABLE OF CONTENTS

POLICY STATEMENT

Objectives/Policy Statement - Section 26.1, 26.23

SUBPART A - GENERAL REQUIREMENTS 1

Applicability – Section 26.3 1

Definitions – Section 26.5 1

Non-Discrimination Requirements – Section 26.7 1

Record Keeping Requirements..... 1

Reporting to DOT – Section 26.11(b) 1

Bidders Lists: - Section 26.11(c)..... 2

Federal Financial Assistance Agreement 2

Assurance: 26.13(a) 2

Assurance: 26.13(b) 2

SUBPART B - ADMINISTRATIVE REQUIREMENTS..... 3

DBE Program Updates – Section 26.21 3

DBE Policy Statement – Section 26.23 3

DBE Liaison Officer (DBELO) – Section 26.25 3

DBE Financial Institutions Section-26.27 5

Prompt Payment Mechanisms Section-26.29 5

Monitoring Payments to DBEs 6

Arizona DBE Directory – Section 26.31..... 6

Overconcentration – Section 26.33..... 7

Business Development Program – Section 26.35 7

Monitoring and Enforcement Mechanisms – Section 26.37 7

Fostering Small Business Participation Strategies – Section 26.39..... 7

SUBPART C GOALS, GOOD FAITH EFFORTS, AND COUNTING 8

Set-Asides or Quotes – Section 26.43..... 8

Overall Goals – Section 26.45..... 8

Failure to Meet Overall Goals – Section 26.47 9

Breakout of Estimated Race-Neutral & Race-Conscious Participation – Section 26.51(a-c) 10

Contract Goals – Section 26.51(d-g)..... 11

Demonstration of Good Faith Efforts Procedures – Section 26.53(a) & (c) 11

Information to be Submitted – Section 26.53(b)	11
Good Faith Efforts when a DBE is replaced on a contract –Section 26.53(f)	12
Sample Bid Specifications	14
Section 26.55 - Counting DBE Participation	14
SUBPART D – CERTIFICATION STANDARDS	15
Section 26.61 – 26.73 Certification Process	15
SUBPART E – CERTIFICATION PROCEDURES	16
Section 26.81 - Unified Certification Programs	16
SUBPART F – COMPLIANCE AND ENFORCEMENT	16
Section 26.109 - Information, Confidentiality, Cooperation and Intimidation or Retaliation.....	16

ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26 Website link.....	17
Attachment 2	Bidder’s List Collection Form.....	18
Attachment 3	Organizational Chart	19
Attachment 4	Arizona Unified Transportation Registration and Certification System (AZ UTRACS) DBE Directory Website link.....	20
Attachment 5	DBE Certification Application Information	21
Attachment 6	Small Business Element Program.....	22
Attachment 7	Tri-Annual Goal Calculations	24
Attachment 8	Demonstration of Good Faith Efforts or Good Faith Effort Plan - Form 1 & 2	43
Attachment 9	DBE Monitoring and Enforcement Mechanisms.....	45

**YAVAPAI COUNTY AIRPORTS
(Bagdad Airport and Sedona Airport)
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
49 CFR PART 26**

POLICY STATEMENT

Objectives/Policy Statement - Section 26.1, 26.23

Yavapai County has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Yavapai County Airports have received Federal financial assistance from the DOT, and as a condition of receipt of funding, Yavapai County has signed an assurance that it will comply with 49 CFR Part 26.

It is Yavapai County's policy to ensure that DBEs as defined in 49 CFR Part 26 have an equal opportunity to receive and participate in U.S. DOT-assisted contracts. Yavapai County's policy also includes the following:

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

The Airport DBE Administrator has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the Airport DBE Administrator is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the Yavapai County Airports in their financial assistance agreements with the U.S. DOT.

Yavapai County has disseminated this policy statement to the Public Works Department and all of the appropriate divisions of our organization. This policy statement is made available to DBE and non-DBE companies that perform work on U.S. DOT-assisted contracts. Distribution channels include trade associations, online publications, and electronic notification via stakeholder distribution lists and the county website.

Dan Cherry, P.E.

Director Yavapai County Public Works

Date

SUBPART A - GENERAL REQUIREMENTS

Applicability – Section 26.3

As a recipient of funds from the Federal Aviation Administration (FAA), the Yavapai County Airports have established this DBE Program in accordance with **49 CFR Part 26** and commits to ensuring compliance on all FAA-funded transportation projects through monitoring, reporting, and goal setting. Where DBE goal setting is not necessary or practicable, the Yavapai County Airports will encourage race-neutral DBE participation.

Federal aviation funds are authorized by Federal Aviation Laws in Title 49, U.S. Code 47101, *et seq.*

Definitions – Section 26.5

Yavapai County has adopted and uses the definitions related to the DBE Program found in 49 CFR Part 26.5.

Non-Discrimination Requirements – Section 26.7

Yavapai County will not 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, national origin, age, or disability.

In administering its DBE Program, Yavapai County 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, national origin, age, or disability.

Record Keeping Requirements – Section 26.11

Yavapai County will report DBE participation to DOT as follows:

Reporting to DOT – Section 26.11(b)

- Yavapai County will report DBE participation on the **FAA CIVIL RIGHTS DBE CONNECT WEBSITE** at <https://faa.civilrightsconnect.com/FAA/login.asp> to indicate DBE Awards or Commitments and Payments to the FAA as follows:
- DBE activity will be an accumulation of the entire Federal Fiscal Year from October 1st through September 31st and will be submitted by December 1st.
- Yavapai County will include DBE Contractor firms contact information on the FAA DBE Contractor's Form or other approved similar format.
- Yavapai County will begin using the revised Uniform Report of DBE Awards or Commitments and Payments for reporting FY 2022 reports due December 1, 2022, and annually thereafter.

Bidders Lists: - Section 26.11(c)

- Yavapai County will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our 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. **Attachment 2** provides a Bidder’s List Collection Form.
- Yavapai County will collect this information via completed Bidders List Forms and other contract clauses requiring this information. Bidders List Forms shall be received by the Yavapai County, Public Works Division at the time of bid opening or cost proposal submission. Bidders List Forms shall be submitted by all bidders. Bidders List Forms will contain name, address, and DBE or non-DBE status. Instructions for completing Bidders List Forms are contained in Yavapai County DBE Contract requirements. Age of firm and annual gross receipts data may be collected through a notice at the time of solicitation and/or via a Yavapai County directed survey to obtain additional information not obtained at time of bid.

Federal Financial Assistance Agreement – Section 26.13

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

Federal Financial Assistance Agreement Assurance: 26.13(a)

- “Yavapai County 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. Yavapai County shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Yavapai County’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 conduct its terms shall be treated as a violation of this agreement. Upon notification to Yavapai County of its failure to conduct its approved program, the Department may impose sanction 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)

- Yavapai County will ensure that the following clause is placed in every DOT-assisted contract and subcontract signed 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, sex or national origin in the performance of this contract. The contractor shall conduct applicable requirements of 49 CFR Part 26 in the award and administration of 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 county deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible.”

SUBPART B - ADMINISTRATIVE REQUIREMENTS

DBE Program Updates – Section 26.21

Yavapai County 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 with a cumulative total value that exceeds \$250,000 in FAA funds in a federal fiscal year. Yavapai County is not eligible to receive DOT financial assistance unless DOT has approved the DBE Program and the County is in compliance with it and this Part. Yavapai County will continue to conduct the program until all funds from DOT financial assistance have been expended.

DBE Policy Statement – Section 26.23

The Policy Statement is provided on the first page of this Tri-Annual Program Report.

DBE Liaison Officer (DBELO) – Section 26.25

Yavapai County has designated the following individual as our DBE Liaison Officer (DBELO):

Kathryn Rodd
Airport DBE Administrator
1100 Commerce Drive
Prescott, AZ 85305
Phone: (928) 771-3183
Fax: (928) 771-3167
Email: Kathryn.Rodd@yavapaiAZ.gov

In this capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that Yavapai County complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Public Works Manager concerning DBE Program matters. An organization chart displaying the DBELO's position in the organization is found in **Attachment 3** to this Program.

The DBELO is responsible for developing, implementing, and monitoring the DBE Program, in coordination with other appropriate officials. The DBELO has assistance from professional and technical staff in the administration of the program. The duties and responsibilities of the DBELO include the following:

DBELO Duties:

- Gathers and reports statistical data and other information as required by U.S. DOT
- Reviews third party contracts and purchase requisitions for compliance with this program
- Works with consultants to set overall annual goals

- Ensures that bid notices and requests for proposals are available to DBEs in a timely manner
- Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results
- Analyzes Yavapai County Airports' progress toward attainment and identifies ways to improve progress
- Participates in pre-bid meetings
- Advises the Public Works Manager/Yavapai County Board of Supervisors on DBE matters and achievement
- Participates with legal, construction and contracts and specifications to determine contractor compliance with Good Faith Efforts
- Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance
- Plans and participates in DBE training seminars
- Acts as liaison to the Uniform Certification Process in the state of Arizona
- Provides outreach to DBEs and community organizations to advise them of opportunities.
- Maintains Yavapai County updated directory on certified DBEs (AZUTRACS)
- Ensures that bid notices and requests for proposals are available to DBEs in a timely manner
- Identifies contracts and procurements so that DBE goals are included in solicitations via race- neutral and race-conscious methods
- Coordinates dissemination of bid notices, plans, and requests for proposals to DBEs

The DBELO is assisted by professional and technical staff. The assistance provided includes the following

Airport Consultant Engineers and Planning Consultants Assistance:

- Gathers and reports statistical data and other information as required by DOT to the County
- Reviews third party contracts and purchase requisitions for compliance with DBE Program in concert with the County
- Monitors project specific goal/commitment attainment and identifies ways to improve progress
- Analyzes Yavapai County Airports' progress toward Overall Goal attainment and identifies ways to improve progress
- Participates in pre-bid meetings

- Implements DBE contract requirements for airport construction contracts and compliance with DBE provisions
- Enforce sub-recipient DBE compliance for construction and planning projects
- Provides DBE with information and assistance in preparing bids, obtaining bonding and insurance
- Participates in DBE training activities
- Provides outreach to DBEs and community organizations to advise them of contracting opportunities

An Attorney from the Office of the Yavapai County Attorney is available to assist Yavapai County, as needed, with implementation of the DBE Program.

DBE Financial Institutions Section-26.27

It is Yavapai County's policy 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.

The Arizona Department of Financial Institutions is utilized to identify such institutions. To date, socially and economically disadvantaged owned and controlled financial institutions have not been identified in Arizona.

Prompt Payment Mechanisms Section-26.29

Yavapai County has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 7 days from receipt of each payment Yavapai County makes to the prime contractor.

Yavapai County will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 7 days after the subcontractor's work is satisfactorily completed. Yavapai County will use the following method to comply with this requirement:

- 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 7 days after our payment to the prime contractor.

Yavapai County 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 Yavapai County. When Yavapai County 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.

Yavapai County will provide appropriate means to enforce the requirements of this section. These means include:

- The Arizona Revised Statutes Section 34-221 Paragraph G. require that prime contractors pay their subcontractors within seven (7) days of receipt of payment by Yavapai County. All prime contractors and consultants are required to pay their subcontractors/consultants within seven days of receipt of payment from Yavapai County.

Yavapai County will include the following clause in each DOT-assisted prime contract:

- *“The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 7 days from the receipt of each payment the prime contractor receives from Yavapai County. The prime contractor agrees further to return retainage payments to each subcontractor within 7 days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of Yavapai County. This clause applies to both DBE and non-DBE subcontractors.”*

Monitoring Payments to DBEs

Yavapai County will require prime contractors to maintain records and documents of payments to DBEs 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 County or DOT. This reporting requirement also extends to any certified DBE subcontractor.

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

Arizona DBE Directory – Section 26.31

Yavapai County uses the Arizona Unified Transportation Registration and Certification System (AZ UTRACS) DBE directory (see **Attachment 4**), maintained by the Arizona Department of Transportation (ADOT). The directory lists each firm’s name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific North American Industry Classification System (NAICS) code available to describe each type of work. The directory is available online at <https://adot.dbesystem.com>. Paper copies of the DBE directory are made available upon request by contacting the ADOT Civil Rights Office at (602) 712-7761 or via email at dbesupportiveservices@azdot.gov.

A link to the DBE Certification Application Form for firms not currently certified but seeking information on certification is provided in **Attachment 5**.

Overconcentration – Section 26.33

Yavapai County has not identified that overconcentration exists in the types of work that DBEs perform. However, if Yavapai County finds that DBE overconcentration has occurred to such an extent as to unduly burden the opportunity of non-DBE firms to participate in the airport design or construction program, it will develop procedures to address this. The procedures will be submitted to the DOT/FAA for review and approval prior to implementation.

Business Development Program – Section 26.35

Yavapai County has not established a business development program.

Monitoring and Enforcement Mechanisms – Section 26.37

Yavapai County will take the following monitoring and enforcement steps to ensure compliance with 49 CFR Part 26:

- Bring to the attention of the U.S. DOT/FAA 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.
- Consider similar action under our own legal authorities, including responsibility determinations in future contracts.
- Provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished via onsite visits conducted by DBELO and/or construction field personnel and written certification of compliance will be provided for each onsite visit.
- Keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. In our reports of DBE participation to U.S. DOT, we will show both commitments and attainments, as required by the U.S. DOT uniform reporting form.

Fostering Small Business Participation Strategies – Section 26.39

Yavapai County has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns which will utilize the ADOT Small Business Concern (SBC) Program to the extent practicable. In addition, we will take 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.

Yavapai County's small business element is incorporated as **Attachment 6** to this DBE Program. We will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of our DBE Program.

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set-Asides or Quotes – Section 26.43

Yavapai County does not use quotas in any way in the administration of its DBE Program.

Overall Goals – Section 26.45

Yavapai County will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding FAA-funded prime contracts exceeding \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) Yavapai County will submit its overall three-year DBE Goal to FAA by August 1 of each tri-annual year as required.

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

STEP 1:

The first step is to determine the relative availability of DBEs in the market area, “base figure.” We will use the AZ UTRACS DBE directory, maintained by ADOT and Census Bureau Data, with comparisons to any recent Statewide Disparity Study and/or the goals of other comparable airport DOT recipients in the market area as reasonable methods to determine our base figure. The second step is to adjust 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 based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

Any methodology we choose 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 our market. We understand 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 Section 26.45 (c)2 and is not an acceptable alternative means of determining the availability of DBEs.

STEP 2:

Once we have calculated a base figure, we will examine all of the evidence available in our jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at our Overall Goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

In establishing the Overall Goal, Yavapai County 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 Yavapai County efforts to establish a level playing field for the participation of DBEs. The consultation will include an interactive exchange with as many interested stakeholders as possible focused on obtaining

information relevant to Yavapai County goal setting process, and it will occur before we submit our goal methodology to the DOT/FAA for review pursuant to Section 26.45(f). We will document in our goal submission the consultation process that we engaged in. Notwithstanding Section 26.45(f), we will not implement our proposed goal until we have complied with this requirement.

In addition, Yavapai County will publish a notice announcing our proposed Overall Goal before submission to the DOT/FAA on August 1st. The notice will be posted on our official internet web site and may be posted in any other sources. If the proposed goal changes following review by the DOT/FAA, the revised goal will be posted on our official internet web site. We will inform the public that the proposed Overall Goal and its rationale are available for inspection during normal business hours at our principal office and that Yavapai County and DOT/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.

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

We will begin using our Overall Goal on October 1 of the reporting period unless we have received other instructions from DOT/FAA. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT/FAA assisted contract for the project.

Yavapai County understands that we are not required to obtain prior DOT/FAA concurrence with our Overall Goal. However, if the DOT/FAA's review suggests that our Overall Goal has not been correctly calculated or that our method for calculating goals is inadequate, the DOT/FAA may, after consulting with us, adjust our Overall Goal or require that we do so. The adjusted Overall Goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the Overall Goal, the DOT/FAA will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to 49 CFR Part 26.

Attachment 7, of this Report provides the methodology used to calculate the Overall Tri-annual Goal.

Failure to Meet Overall Goals – Section 26.47

Yavapai County will maintain an approved DBE Program and Overall DBE Goal, if applicable, as well as administer our DBE Program in good faith to be considered to be in compliance with this Part.

If Yavapai County's awards and commitments shown on our Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the Overall Goal applicable to that fiscal year, we will do the following in order to be regarded by the Department as implementing our DBE Program in good faith:

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

Breakout of Estimated Race-Neutral & Race-Conscious Participation – Section 26.51(a-c)

Yavapai County 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 of 49 CFR Part 26.

(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) Conducting 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, manage 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 our 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 7** to this program.

Contract Goals – Section 26.51(d-g)

Yavapai County 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.

If our approved projection in the previous section Breakout of Estimated Race-Neutral & Race-Conscious Participation (paragraph (c) of Section 26.15) estimates that we can meet our entire Overall Goal for a given year through race-neutral means, we will implement our program without setting contract goals during that year, unless it becomes necessary in order meet our Overall Goal.

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

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

Demonstration of Good Faith Efforts Procedures – Section 26.53(a) & (c)

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 (see **Attachment 8**).

Yavapai County 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.

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

Information to be Submitted – Section 26.53(b)

In Yavapai County solicitations for DOT/FAA-assisted contracts for which a contract goal has been established, we will award of the contract conditioned on meeting the requirements of this section:

Responsiveness - Each solicitation for which a contract goal has been established will require all bidders/offerors to submit the following information at the time of bid or with initial proposals, under contract negotiation procedures:

- The names and addresses of DBE firms that will participate in the contract.
- 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.
- The dollar amount of the participation of each DBE firm participating.

- Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal.
- Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment and if the contract goal is not met, evidence of good faith efforts. 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.

Administrative Reconsideration - Within 5 calendar days of being informed by the Public Works Department that it is not *responsive* because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offeror's should make this request in writing to the following reconsideration official:

Mr. Steven Clark, Deputy County Attorney
Yavapai County Attorney's Office
255 E. Gurley Street
Prescott, AZ 86301

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 our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. We 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 U.S. DOT.

Good Faith Efforts when a DBE is replaced on a contract – Section 26.53(f)

Yavapai County will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. Yavapai County will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

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

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

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

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

If the contractor fails or refuses to comply in the time specified, our Public Works Office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, Yavapai County may issue a termination for default notice.

Sample Bid Specification when a Contract Goal has been established:

“The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of Yavapai County to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of percent has been established for this contract (see **Attachment 7**). The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (**Attachment 1**), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) The names and addresses of DBE firms that will participate in the contract; (2) A description of the work that each DBE firm will perform. (3) The dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror’s commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) If the contract goal is not met, evidence of good faith efforts.”

Counting DBE Participation Section 26.55

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor’s final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

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, we will not count the firm’s participation toward any DBE goals, except as provided for in 26.87(j).

SUBPART D – CERTIFICATION STANDARDS

Certification Process Section 26.61 – 26.73

Yavapai County uses the certification standards of Subpart D of Part 26 as determined by AZ UTRACS, maintained by ADOT for 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. We will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should register on-line or contact:

Arizona Department of Transportation

Business Engagement and Compliance Office (BECO)
1801 West Jefferson Street, Suite 101
Phoenix, Arizona 85007
(602) 712-8429

The certification application forms, and documentation requirements are the same as the AZ UCTRACS and must be obtained from and submitted to ADOT, the City of Phoenix, or the City of Tucson for processing. Information may be obtained at <https://adot.dbesystem.com>. **Attachment 5** to this Program contains helpful links.

SUBPART E – CERTIFICATION PROCEDURES

Unified Certification Programs Section 26.81

Yavapai County utilizes the Unified Certification Program (UCP) administered by ADOT. ADOT is the lead agency for maintaining the UPC database now known as AZ UTRACS (Arizona Unified Transportation Registration and Certification System). The Arizona UCP/AZUTRACS meets all of the requirements of 49 CFR Part 26. The UCP is comprised of ADOT, the City of Phoenix, and the City of Tucson. Information regarding the Arizona UCP can be found at <https://adot.dbesystem.com>.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation and Intimidation or Retaliation Section 26.109

We will safeguard from disclosure to third party's information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Such Arizona State Laws as ARS 39-121 et seq. may apply in defining records available to the public.

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

All participants in the Department's DBE Program (including, but not limited to, 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).

Yavapai County, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this Part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Part. If we violate this prohibition, we are in noncompliance with this Part.

ATTACHMENTS

Attachment 1 Regulations: 49 CFR Part 26 Website link

Attachment 2 Bidder's List Collection Form

Attachment 3 Organizational Chart

Attachment 4 Arizona Unified Transportation Registration and Certification System (AZ UTRACS) DBE Directory Website link

Attachment 5 DBE Certification Application Information

Attachment 6 Small Business Element Program

Attachment 7 Tri-annual Goal Calculations

Attachment 8 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Form 1 & 2

Attachment 9 DBE Monitoring and Enforcement Mechanisms

ATTACHMENT 1: REGULATIONS: 49 CFR PART 26 WEBSITE LINK

Regulations: 49 CFR Part 26, at website www.ecfr.gov


ATTACHMENT 2: BIDDER’S LIST COLLECTION FORM

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

ATTACHMENT 3: ORGANIZATIONAL CHART

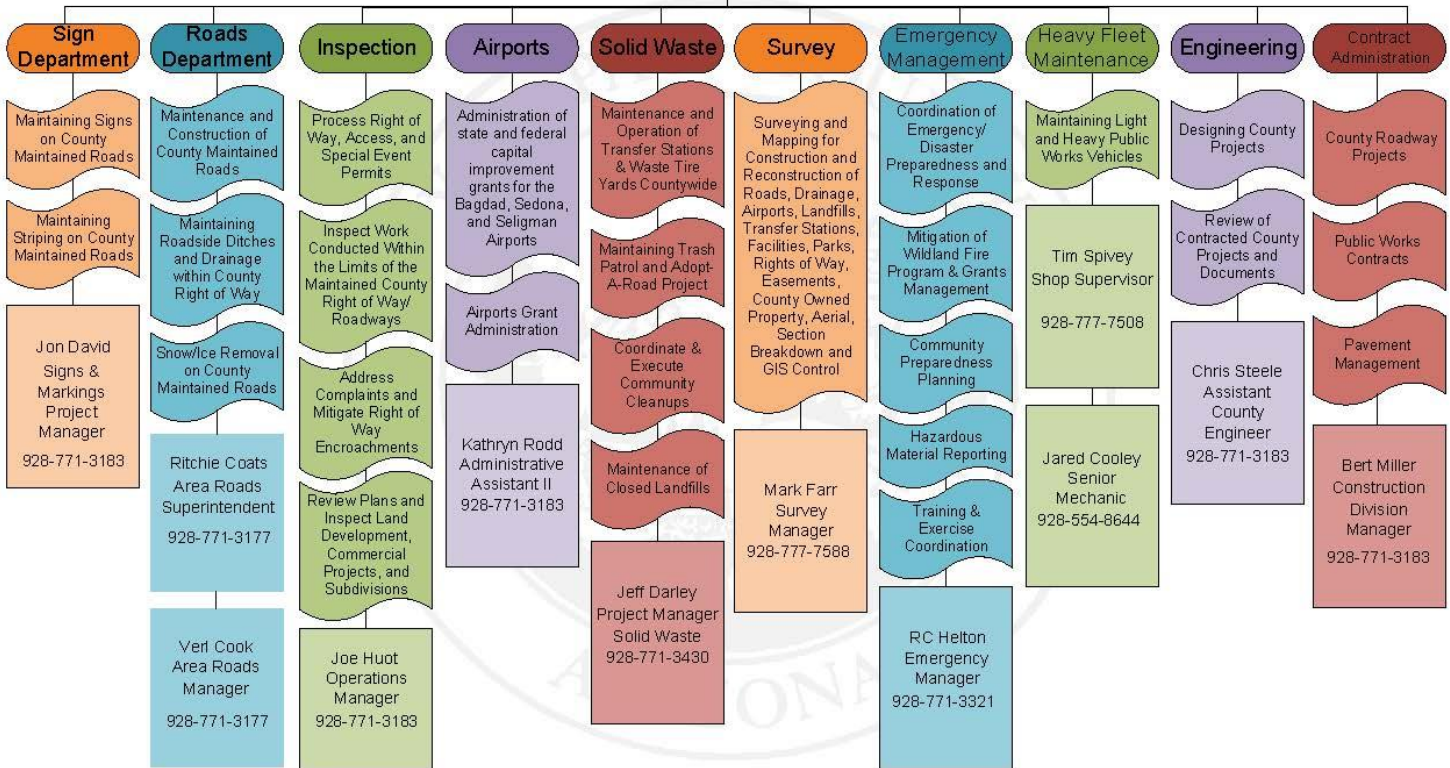
Yavapai County Public Works Contacts and Unit Functions

PRESCOTT
1100 Commerce Dr
Prescott, AZ 86305
(928)771-3183



CAMP VERDE
4000 W Cherry Creek Rd
Camp Verde, AZ 86322
(928)567-7728

Dan Cherry Roger McCormick
Director of Public Works Assistant Director



ATTACHMENT 4:

**ARIZONA UNIFIED TRANSPORTATION REGISTRATION AND CERTIFICATION
SYSTEM (AZ UTRACS) DBE DIRECTORY WEBSITE LINK**

<https://adot.dbesystem.com>

ATTACHMENT 5: DBE CERTIFICATION APPLICATION INFORMATION

Certification application information and forms may be obtained from the Arizona Department of Transportation @ adot.dbesystem.com. DBE Certification applications must be submitted to the proper certifying entity (ADOT, City of Phoenix or City of Tucson) based on the firm's primary location/address. Applications submitted to the incorrect certifying entity will not be processed. Firms will have to reapply to the correct certifying entity as indicated below to have their application reviewed and processed.

- Firms located in Maricopa County must submit their certification application to the [City of Phoenix](#).
- Firms located in Pima County (including City of Maricopa) must submit their certification application to the [City of Tucson](#).
- Firms located in any other County in Arizona or out of state must submit their application to ADOT.

Alternatively, the US DOT has available a DBE Certification Application at:

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

The Federal Unified Certification Program (UCP) allows applicants for the Disadvantaged Business Enterprise (DBE) program to apply only once for a DBE certification that will be honored by all recipients in the state.

ATTACHMENT 6: SMALL BUSINESS ELEMENT PROGRAM

Yavapai County Airports have 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 Yavapai County Airports' DBE program includes this Small Business element to structure contracting requirements to facilitate competition by small business concerns within the limits of the Procurement Code of the State of Arizona (ARS. 41-2501 *et. seq.* and administrative rules and regulations AAC R-2-7-101 *et. seq.*), the Yavapai County Procurement Code, and the Federal and state grant obligations and requirements.

The Small Business element is not a separate goal, as only certified DBEs count toward the program goals. The Small Business element provides a methodology to expand the prime contracting opportunities of small businesses which, generally, include the universe of certified DBEs.

Small Business Definition

A Small Business for the purposes of this element is a business that meets the Small Business Administration's (SBA's) definition of a "small business" for the company's NAICS code applicable for the project.

SBA's definition and size standards (as it may be amended from time to time):

"... a small business concern is one 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."

The complete SBA size standard by NAICS is defined in 13 CFR Part 121.201.

Program Elements

As the Procurement Code does not allow small business set asides, other methods must be used to promote small business participation in federally assisted projects.

The Yavapai County Airports will take all reasonable steps to eliminate obstacles to small business participation, within the above limitations. These include unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

When not a violation of the Procurement Code and as approved by the DOT funding agency, large projects will be considered for multiple prime contract awards based on discernible items of work (unbundling of contract into complete and usable project elements that can be legally bid as a separate construction contract.) The unbundling must be complete and usable items of work which can stand independent of the other prime contract. We feel that by unbundling contracts, small businesses may have a better chance of obtaining prime contracts.

The Yavapai County Airports will work with ADOT and will utilize to the extent possible, their approved certification and supportive services for small business participation. Small business contractors who may be DBE eligible will be encouraged to apply for DBE certification.

The award of contracts will be based on the procurement code and, for competitive sealed bids, will not contain a prohibition on award based on the volume of work the contractor has with the Yavapai County Airports.

Verification Process

As available, we will include in the bidding requirements information for the prime contractor and their proposed subcontractors to self-report small business status and annual revenues. This will be used to track small business opportunities and awards.

Businesses that are certified by the Small Business Administration (SBA) via the System for Award Management (SAM), HUBZone, 8(a) Program; ADOT Small Business Concerns (SBC); City of Phoenix Small Business Enterprises (SBE) and other programs are considered verified as small businesses. We may ask for copies of SBA/SBC/SBE certifications.

Other databases available to the Yavapai County Airports will be used to audit businesses for small business size.

Record Keeping & Monitoring

We will report Race Neutral (RN) DBE participation by small businesses as stated in the approved Disadvantaged Business Enterprise Program.

Implementation

The Yavapai County Airports will implement this plan nine months after approval.

Assurances

As required by the Program, we have reviewed these assurances listed in 49 CFR Part 26.45 along with the response of which may be addressed under the Arizona State Procurement Code.

1. Assurance that the program is authorized under state law.
2. Assurance that certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program.
3. Assurance that there are no geographic preferences or limitations imposed on any federally assisted procurement included in the program.
4. Assurance that there are no limits on the number of contracts awarded to firms participating in the program but that every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.
5. Assurance that steps will be taken to encourage those small businesses that are eligible for DBE certification to become certified.
6. Assurance that the program is open to small businesses regardless of their location

ATTACHMENT 7: TRIENNIAL GOAL CALCULATIONS

Triennial Goal Calculations 2022-2024 Goals and Methodology Report



Yavapai County Airport Federal Fiscal Year 2022-24 Goals and Methodology Report

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

Yavapai County has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Yavapai County Airports have received Federal financial assistance from the DOT, and as a condition of receipt of funding, Yavapai County has signed an assurance that it will comply with 49 CFR Part 26.

It is Yavapai County's policy to ensure that DBEs as defined in 49 CFR Part 26 have an equal opportunity to receive and participate in U.S. DOT-assisted contracts. Yavapai County's policy also includes the following:

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

The Airport Grant Administrator has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the Airport Grant Administrator is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the Yavapai County Airports in their financial assistance agreements with the U.S. DOT.

Yavapai County has disseminated this policy statement to the Public Works Department and all of the appropriate divisions of our organization. This policy statement is made available to DBE and non-DBE companies that perform work on U.S. DOT-assisted contracts. Distribution channels include trade associations, online publications, and electronic notification via stakeholder distribution lists and the county web site.

Dan Cherry, Director
Yavapai County Public Works

Date

Section 26.45: Overall DBE Three-Year Goal Calculation

Yavapai County Airports (Bagdad, Sedona, and Seligman) This DBE three-year goal calculation covers National Plan Integrated Airports System Airports (NPIAS), Bagdad and Sedona. Seligman Airport is not currently listed in the NPIAS.

SUMMARY OF FINDINGS - AIRPORT IMPROVEMENTS FFY 2022-24 [OVERALL GOALS (\$26.45)]

Yavapai County Airports recommended overall goal for period of Federal Fiscal Years (FFYs) 2022-2024 (October 1, 2021, to September 30, 2023) is the following: **10.69 %** of the Federal financial assistance the Yavapai Airports will expend on DOT-assisted contracts with DBE contractors.

DOT-assisted contract amount:

FFY 2022	\$2,618,000.00
FFY 2023	\$1,475,000.00
<u>FFY 2024</u>	<u>\$1,800,000.00</u>
Total	\$5,893,000.00

Overall Three-Year Goal:

To be accomplished through 0% Race/Gender Conscious (RC) and 10.69 % Race/Gender Neutral (RN).

Total dollar amount to be expended on DBEs:

Given the dollar amount of DOT-assisted contracts Yavapai County Airports expects to let during the next three fiscal years, the Yavapai County Airports have set a goal of expending \$629,961 with DBEs during these fiscal years. However, the actual dollar amount spent may be +/- depending on the successful bid(s) submitted and the actual DBE goal achieved at project closeout.

Number and Type of Projects that Yavapai County Airports anticipate:

Projects FFY 2022

1. Bagdad Airport - Runway 5-23 Gradient/Line-of-Sight - \$2,310,000
2. Bagdad Airport - Runway End Turnarounds - \$308,000

Projects FFY 2023

1. Bagdad Airport - Taxiway A2 Reconstruct. - \$200,000
2. Bagdad Airport – Security Fence Improvements – \$125,000
3. Sedona Airport - Environmental Assessment (Runway 3-21 RSA and Taxiway "A") - \$350,000

4. Sedona Airport – Replace MITL and Guidance Signs – LED - \$800,000

Projects FFY 2024

1. Sedona Airport - Infield/RSA Grading and Drainage Improvements - \$1,800,000

Methodology Used to Calculate Overall Goal

Step 1 – Determination of Base Figure

This section describes the calculation of the overall DBE participation goal in DOT-assisted projects that are to be undertaken by the Yavapai County Airports during the FFYs 2022-2024. According to 49 CFR Part 26, there are two steps to determine a DBE participation goal. Step one is the determination of a base figure of participation. Step two is the further adjustment of the base figure in order to determine a reasonable and realistic goal given the geographic availability of DBE firms and the workload capacity. These two steps are outlined below.

1.0 Base Figure

The base figure for the Yavapai County Airports' DBE goal attainment considers several factors, such as the number of available DBE firms in the market, the total number of firms in the market, the anticipated DOT-assisted project values, and types of professional services that will be required with those projects.

1.1 Anticipated FY 2022-2024 Federal Aviation Administration (FAA) Projects

A review of the Airport's Capital Improvement Program (ACIP) reveals that during FFY -2022, the County expects to execute two Federally assisted projects. In FFY 2023, the County anticipates four FAA grants including an environmental assessment for Runway 3/21 and Taxiway "A for the Sedona Airport, and a Taxiway reconstruction and security fence project for the Bagdad Airport. In FFY 2024, the County anticipates one FAA grant for Infield/RSA Grading and Drainage Improvements for the Sedona Airport. These projects and their estimated budgets are summarized in Table 1.

Table 1			
FY 2022-2024 Anticipated Federal Projects			
Fiscal Year	Project Name	Project Type	Estimated Budget
2022	Bagdad Airport - Runway 5-23 Gradient/Line-of-Sight	Construction	\$2,310,000
2022	Bagdad Airport - Runway End Turnarounds	Construction	\$308,000
2023	Sedona Airport - Environmental Assessment (Runway 3-21 RSA Improvements and Taxiway "A" Extension)	Planning	\$350,000
2023	Sedona Airport – Replace MITL and Guidance Signs – LED (Including Lighting Cable, Regulators, Transformers and Standby Generator)	Design/Construction	\$800,000
2023	Bagdad Airport - Taxiway A2 Reconstruct	Construction	\$200,000
2023	Bagdad Airport – Security Fence Improvements	Construction	\$125,000
2024	Sedona Airport - Infield/RSA Grading and Drainage Improvements - (appx. Taxiway A3 - Taxiway A6)	Construction	\$1,800,000
		Total	\$5,893,000

Source: Arizona Department of Transportation 2022-2024 Final Airport Capital Improvement Program and Yavapai County Airports Grant Applications

1.2 Market Area and Local Availability of DBE Firms

The Yavapai County Airports (Bagdad, Sedona, and Seligman) are located in North Central Arizona in Yavapai County. After careful research of the historical bidding practices and locality of respondents in the competitive bidding environment, the Yavapai County Airports have determined that their market area is made up of all counties in Arizona. Therefore, a statewide market area was considered in the calculation of the County Airports' operating location.

In order to set the overall goal, the County Airports first considered the contract opportunities anticipated for projects under consideration for FFY 2022-2024. These include:

- Excavation Hauling
- Clearing and grubbing
- Drainage and utilities relocation
- Paving and pavement marking
- Electrical Testing
- Surveying
- Engineering (All Disciplines)
- Planning
- Environmental
- Concrete
- Trucking
- Construction material supplier

Additionally, based on familiarity with construction and professional services procurement and practices within the operating jurisdiction, information contained in bidders/proposers' lists, and pre-bid conference attendance history, the County Airports determined that the contractors, both DBE and non-DBE, qualified to perform the services required for FFY 2022-2024 have traditionally come from within the State of Arizona. For the projects being offered, the County Airports found no reason to research business patterns beyond the State of Arizona for the purpose of setting the overall goals. Therefore, the Yavapai County Airports established its market area as *the State of Arizona*.

It should be noted that while State of Arizona has been deemed the market area in the goal setting process, DBEs from outside the area will be given the same bid opportunities provided they are appropriately certified by the State of Arizona Unified Certification Program and its data base available on the internet as the Arizona Unified Transportation Registration and Certification System (AZ UTRACS).

1.3 Anticipated Industries by NAICS Code

Using the US Census Bureau's North American Industry Classification System (NAICS) updated 2013, the shares of various industry components of the anticipated upcoming projects were estimated. The codes used reflect anticipated industries that generally participate in airport construction and design projects, as well as historical project bids for similar projects. The following codes identified in *Table 2* were used in the project estimates:

Table 2	
NAICS CODES	
NAICS Code	Description
21231	Other crushed and broken stone mining and quarrying
21232	Construction Sand and Gravel Mining
23711	Water and sewer line and related structures construction
23731	Highway, Street and Bridge Construction
23799	Other Heavy and Civil Engineering Construction
23821	Electrical Contractors
23891	Site Preparation Contractors
48422	Specialized Freight (Except Used Goods) Trucking
54133	Engineering Services
54137	Surveying and Mapping Services
54138	Testing Laboratories
54162	Environmental Consulting Services (Planning)

Source: North American Industry Classification System (2019)

The above NAICS codes were further organized into work categories based on general categories of work associated the projects in the Yavapai County Airports ACIP. *Table 3* lists the categories and estimated percentages of work by NAICS code:

Table 3		
WORK CATEGORIES		
Description	NAICS Codes	Percentage
Construction Services	21231, 21232, 23711, 23731, 23799, 23821, 23891, 48422	80.36 %
Engineering & Technical Services	54133, 54137, 54138	15.26 %
Environmental Services	54162	4.38 %
Total		100%

Sources: North American Industry Classification System (2019), The Genesis Consulting Group, LLC analysis

1.4 Number of DBE Firms

The Yavapai County Airports researched the AZ UTRACS DBE and Small Business Concern (SBC) Database and chose to use it as the data source for the goal calculation, which represents the number of ready, willing, and able DBE/SBC firms within the market area. The AZ UTRACS database includes DBE firms that are certified by the Arizona Department of Transportation (ADOT), the City of Phoenix, and the City of Tucson. In addition, data from the US Census Bureau's County Business Patterns Database (CBP) was selected to determine the total number of firms within the same NAICS codes and the statewide market area. *Table 4* lists the total number of Arizona firms and the specific number of DBE/SBC firms by service type.

Table 4		
STATEWIDE ARIZONA DBE FIRMS AVAILABILITY		
Description	Total Statewide Firms	Statewide DBE Firms
Construction Services	2808	288
Engineering & Technical Services	1530	170
Environmental Services	174	60
Total	4512	519

Source: Arizona Department of Transportation DBE Directory and US Census Bureau's County Business Patterns Database (CBP), accessed 07/26/2021

The following methodology was utilized to calculate the base figure: For each work category, the number of DBE firms was divided by the total number of statewide firms and multiplied by the percentage of work ratio. For each work category, the resulting values were summed, and the result multiplied by one hundred to obtain a whole number percentage.

$$(0.8036 \times 288/2808) + (0.1526 \times 170/1530) + (0.0438 \times 60/174) = 0.1144$$
$$.1144 \times 100 = 11.44 \% \text{ Base Figure for DBE participation}$$

Based upon the calculations above, the step 1 base figure for FFY 2022-2024 is 11.44%. This became the base figure of Step 1 utilized in proceeding to Step 2

Step 2 – Determination of Base Figure

2.0 Step 2: Adjustments to Step 1 Base Figure

After calculating a base figure representing the relative availability of DBEs, evidence was examined to determine what adjustment to the base figure should be made to reflect, as accurately as possible, the DBE participation one would expect in the absence of discrimination. The factors considered by the Yavapai County Airports included disparity studies and past DBE historical participation.

2.1 Disparity Studies

The market area was researched for any disparity studies that may have been conducted in the last 5 years, and Yavapai County is currently aware of an ADOT 2020 Disparity Study that has been conducted for the Grand Canyon National Park Airport, Arizona. ADOT receives funds from the Federal Aviation Administration for administration and distribution for approved airport contracts, and its current 8.5% overall DBE goal for these contracts extends through September 30, 2021.

In addition, the 2019 ADOT Disparity Survey, revealed that the share of firms that are minority and women owned increased approximately 5% since 2015. As a result, proposed overall DBE goals have increased. The current 2020 Disparity Study results indicate that an overall **DBE goal of 10.69%** would be supportable for three years beginning October 1, 2021 with ADOT attempting to meet all of it through DBE outreach, small business programs, and other race neutral means.

2.2 Past Yavapai County Airports DBE Historical Participation

Table 5 illustrates historical reporting periods in which projects containing similar major work items as those anticipated for FFY 2022-24 were conducted at the Airports.

Table 5 PAST DBE GOALS AND ACCOMPLISHMENTS							
FFY	DBE Goals			Accomplishments			Type of work
	RC	RN	Total	RC	RN	Total	
FFY 16	0%	10%	10%	0%	8.45%	8.45%	Construction
FFY 17	0%	0%	0%	0%	0%	0%	None
FFY 18	0%	0%	0%	0%	0%	0%	None
FFY 19	0%	0%	0%	0%	0%	0%	None
FFY 20	0%	9.5%	9.5%	0%	6.1%	6.1%	Construction

Source: United States Department of Transportation FAA DBE-Connect and Yavapai County Airports Records. Accessed 07/28/2021

In order to further determine the need for an adjustment to the Step 1 Base Figure, the County Airports calculated the potential base figure adjustment by finding the average past DBE participation percentage from FFY 2016 through 2020 from Table 5:

8.45% 0.00% 0.00% 0.00% 6.10%

The median for the series above was defined as the middle number: 7.275%

The County Airports felt that although only two eligible contracts were awarded during FFYs 2016 and 2020, that they were still indicative of future funding.

Since the base and the median were 4.225% apart from each other, along with other factors such as the age of the historical information, this indicated that an adjustment to the base number was probably necessary at this time. However, before considering any adjustment, the County Airports felt it necessary to also examine historical over or under-utilization issues (if any).

2.3 Disparity Ratio

A disparity ratio calculation speaks to the historical under-/over-utilization of DBEs. Based on the disparity ratio methodology developed and utilized in disparity studies, past discrimination and/or historical under-utilization can be used to adjust the Step 1 Base Figure. The use of a disparity ratio to adjust current DBE and non-DBE availability represents a “but for” adjustment that addresses the lasting effects of past discrimination and historical under-utilization. This calculation can also address the anecdotal evidence presented by business owners related to continuing difficulties in obtaining capital and bonding in the local market. The disparity ratio process is as follows:

Step A – Consider the historic participation of DBE primes and subcontractors on FAA projects. The County Airports reviewed payments made on FAA-assisted contracts completed during the period

of FFY 2016 through 2020. As reflected in *Table 6* below, the median past participation was calculated by comparing the total contract dollars paid to prime contractors in comparison to the dollars paid to DBE prime contractors and subcontractors. The calculation includes contracts with and without subcontracting activity. The median historical DBE utilization resulting from combining DBE prime and subcontracting dollars is 10.0% as depicted in Section 2.2 of Past DBE Historical Participation.

Table 6						
HISTORICAL ANNUAL DBE PARTICIPATION						
CONTRACTS SUBSTANTIALLY COMPLETED FFY 2016 THROUGH 2020						
FFY	DBE		NON-DBE		TOTAL	
	Dollars	%	Dollars	%	Dollars	%
2016	\$43,464	8.45%	\$470,810	91.55%	\$514,274	100%
2017	\$0	0%	\$0	0%	\$0	0%
2018	\$0	0%	\$0	0%	\$0	0%
2019	\$0	0%	\$0	0%	\$0	0%
2020	\$16,759	6.1%	\$257,218	93.9%	\$273,977	100%

Source: United States Department of Transportation FAA DBE-Connect and Yavapai County Airports Records

Step B – A comparison of historical past DBE and non-DBE participation to current availability yields a comparative result of participation to availability. A ratio result of greater than 1.0 indicates over-utilization and a result of less than 1.0 indicates under-utilization. A disparity ratio of less than 0.8 represents substantial under-utilization and can provide substantiation for adjusting the relative base availability. *Table 7* presents the disparity ratio calculation for Yavapai County Airports.

Table 7				
DISPARITY RATIO CALCULATION				
BASED ON MEDIAN 5-YEAR HISTORICAL UTILIZATION				
Class	Historical Utilization	Current Base Availability		Disparity Ratio
		# Of Firms	% Of Total	
DBE	7.275%	519	9.98%	$(0.727 / 0.0998) = 1.372$
Non-DBE	92.725%	4512	90.02%	$(0.927 / 0.900) = 0.970$
Totals	100%	5031	100%	

Source: United States Department of Transportation DBE-Connect, Yavapai County Airports Records and The Genesis Consulting Group, LLC analysis

Consistent with the methodology for application of a disparity index, when substantial over-utilization is present (1.372 ratio exceeds the parity ratio of 1.0), Yavapai County Airports recommends that adjustments to the Base figure may be made.

2.4 Resultant Goal Adjustment and Conclusion

Therefore, to arrive at an overall goal, the base goal calculated in the Step 1 base figure (11.44%) was added with the Step 2 median past accomplishment adjustment figure (7.25%) and then divided by two (2) to arrive at the averaged total overall goal of 9.345% with adjustments. However, since the historical information was limited to only two years, both falling short of the current projected goal, and the fact that said information is several years old now, ***it is recommended that the base figure be adjusted at this time instead to match the latest State of Arizona Disparity Study goal of 10.69%***. This is a figure that fairly represents the difficulties of recruiting DBE firms to the remote locations in Yavapai County and maintains parity with the approved State level of DBE participation deemed to be supportable for the next three-year period.

The County Airports feel this goal figure accurately reflects DBE participation that can be achieved for the type of project work anticipated to be awarded during this three-year period. These calculations are also supported and within the range of the current goals established by the City of Phoenix, Tucson International Airport, Yuma Airport, Prescott Airport, and several other Arizona airports recently approved overall goals.

3.0 Breakout of Estimated Race/Gender Neutral & Race/Gender Conscious Participation

Yavapai County Airports will meet the maximum feasibility portion of its overall goal by using race neutral means of facilitating DBE participation. The County Airports will use the following race neutral means to

increase DBE and other small business participation:

- Arrange solicitations or requests for proposals, time for presenting bids or proposals, quantities, specifications, and delivery schedules in an effort to facilitate DBE and small business participation
- Make available information and communications on contracting procedures and specific contracting opportunities by means of providing lists to bidders and dissemination of potential subcontractor information to bidders on prime contracts
- Maintain a file of successful bid documents from past procurements and permit DBEs and other small businesses to review and evaluate these documents
- Hold pre-bid/pre-proposal conferences to provide firms with an opportunity to inquire about the DBE requirements

These procedures shall be applied to FAA-assisted contracts such as those including professional, technical, consultant, or managerial services; construction; and the procurement of materials, supplies, personnel, facilities, and equipment, depending on the Airports' Capital Improvement Plans. In all instances, efforts will be made to facilitate DBE and small business participation in prime and subcontract opportunities.

The County Airports estimate that in meeting their overall DBE goal of 9.07% that they will obtain 9.07% from Race/Gender Neutral (RN) participation and 0% from Race/Gender Conscious (RC) measures.

3.1 Calculation of Race Neutral and Race Conscious Goals

Since the beginning of the Yavapai County Airports implementation of the DBE Program in 2008, the County Airports have been administering a race and gender-neutral DBE Program for all FAA-assisted construction-related contracts. The Airports' administration of the Federal DBE Program with race and gender-neutral measures should provide the factual information and foundation that DBE firms continue to be competitive in the local marketplace and justify the continuation of no race or gender conscious goal-based measures.

Yavapai County Airports also utilized available information regarding the degree to which prime contractors proposed and utilized DBE firms on projects where no DBE goals were established or required. The review of race and gender-neutral attainment included DBE prime contractor participation as well as DBE subcontractor participation that occurred on the projects.

In *Western States Paving*, the Ninth Circuit Court noted "while Washington DOT was not required to produce a separate factual predicate for a DBE program, it was still required to produce a factual predicate to justify race-conscious elements in the local implementation of its DBE program." In an update to the 2009 Arizona Department of Transportation (ADOT) Disadvantaged Business Enterprise Disparity Study, their current 2015 Disparity Study determined there was a compelling interest to justify a race and gender conscious (RC) DBE program for ADOT.

The consultant, Keen Independent Research, found that minority, women, and disadvantaged business enterprises (M/W/DBEs) were substantially underutilized as prime contractors in construction and construction-related professional services. While all groups were under-utilized in Architecture and Engineering, Hispanic American, Native American, and woman-owned firms were not under-utilized as

construction subcontractors. (See Keen Independent Research 2015 ADOT Disparity Study, Chapter 6.) Yavapai County Airports are unable to rely on the results of ADOT's 2009 or 2015 Disparity Study in determining the race and gender conscious split due to two main factors:

- Relevant Market Area: ADOT's study which reviewed FAA projects was limited to the state-owned Grand Canyon National Park Airport, with no other airports evaluated.
- Scopes of Work/Trade Areas: The majority of ADOT's projects are heavy civil and highway work, while contracting opportunities at Yavapai County Airports are primarily taxiway connector, runway rehabilitation, apron reconstruction, and pavement rehabilitation.

Without more factual information to justify the application of race and gender conscious goals and since DBE participation has surpassed parity, the Yavapai County Airports are proposing that the **9.07%** three-year overall DBE goal be achieved through race and gender-neutral measures.

3.2 Contract Goals.

The Yavapai County Airports may use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using race neutral (RN) means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the recipient's overall goal that is not projected to be met through the use of RN means.

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

The County Airports will express our contract goals as a percentage of the Federal share of a USDOT- or FAA-assisted contract.

4.0 Public Participation

In an effort to determine the availability of disadvantaged and non-disadvantaged businesses, to consider the effects of discrimination in opportunities for DBEs, and to further its efforts to establish a level playing field for participation of the same, the Yavapai County Airports, with the assistance of an outside consultant, took the following measures to garner public participation in its goal setting process:

4.1 Availability

Before establishing the overall goal, the Yavapai County Airports consulted with the following organizations, without limiting consultation to these persons or groups, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airports' efforts to establish a level playing field for the participation of DBEs.

- Arizona Department of Transportation (ADOT)

Consultation was made with ADOT DBE Supportive Services to confirm the number of ready, willing, and able DBEs that have been certified by the Department as it relates to the Airports' contracting opportunities and

to ensure that the information contained in the AZ UCP Database (Arizona Unified Transportation Registration and Certification System - AZ UTRACS) is current. Additionally, they were asked about any statistical and/or anecdotal information concerning the DBE Program.

Result: ADOT confirmed that the number of ready, willing, and able DBEs as utilized above is accurate and that the AZ UTRACS Database information was current. He also indicated that ADOT has created and added a Small Business Concern (SBC) Program for statewide small businesses interested in doing work with ADOT and is available for all interested parties. They also referenced the 2019 ADOT Disparity Survey which revealed that the share of firms that are minority and women owned increased approximately 5% since 2015. As a result, proposed overall DBE goals have increased. The current 2020 Disparity Study results indicate that an overall DBE goal of 10.69% would be supportable for three years beginning October 1, 2021 with ADOT attempting to meet all of it through small business programs and other race neutral means.

- Sky Harbor International Airport

Consultation was made with City of Phoenix, Equal Opportunity Department, and Sky Harbor International Airport to discuss the status of the DBE program and contract goal setting and the status of the current City of Phoenix Small Business Enterprise Program.

Result: They confirmed that the number of ready, willing, and able DBEs is accurate, and that the City of Phoenix Database information is current. He also related that the City's small business enterprise and outreach program had recently won awards as one of the best programs in the country. He indicated that Phoenix Sky Harbor International Airport would soon be publishing their proposed new 3-year goals. He felt the differences between the two periods were related to the change in construction specialties and their outreach program success. Sky Harbor International Airport has established a current race neutral overall goal of 6.9% for its Airport DBE Program and completed an ACDBE disparity study.

- Tucson International Airport

Consultation was made with the DBELO at Tucson Airport Authority to confirm the number of ready, willing, and able DBEs that were considered in the Airport's market area as it relates to the Airport's contracting opportunities and to discuss the Small Business Certification process. Additionally, they were asked about any statistical and/or anecdotal information concerning the DBE Program.

Result: The DEBLO confirmed that the number of ready, willing, and able DBEs as utilized in the AZ UTRACS was accurate. They also related that in their opinion the small business element of the DBE Program would likely evolve into something similar to the ADOT SBC program with shared data between all certifying agencies all available to all interested parties. Tucson International Airport has set a race neutral DBE goal during the three-year period of 6% for its construction program.

Additionally, a search of the internet revealed a number of airports which had posted their Airport DBE Plans and Goals online. A sample search revealed the following:

- Grand Canyon National Park Airport – RN DBE goal for its FY 2020-2022 of 10.69%
- Pinal County Airpark – RN DBE goal for FY 2019-2021 of 9.76%
- Pima County, Ajo Airport – RN DBE goal for FY 2019-2021 of 9.2%

The information collected during this consultation phase will be helpful during the bidding process. The County Airports will hold a pre-bid meeting to discuss these identified issues along with offering assistance in obtaining quotes and providing the contractors with contact information.

Additional consultation shall also be made available at any pre-bid/pre-proposal meetings the County Airports conduct throughout the fiscal year, which shall be open to all interested parties, both DBE and non-DBE.

4.2 Public Participation Notification Language

As a matter of practice, should public commentary be made resulting in a revision to the goal's calculation or rationale, the Yavapai County Airports shall notify the FAA immediately. Additionally, if the FAA determines that the methodology in setting the goal is inadequate or the goal has not been calculated correctly, a revised goal may be established by the FAA after consulting with the Airports.

Yavapai County Airports will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using RN means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the recipient's overall goal that is not projected to be met through the use of RN means.

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

work). We will express our contract goals as a percentage the Federal share of a DOT-assisted contract.

4.3 Yavapai County Airports Public Notice

The following Public Notice was published on the Yavapai County website, for 30 days from November 1, 2021. ***No public comments or other input pertaining to the Yavapai County Airports DBE Program Update were received during the public comment period that closed on December 1, 2021.***

PUBLIC NOTICE

Yavapai County Airports Disadvantaged Business Enterprise (DBE) Program - Triennial Goals for Federal Fiscal Year 2022-2024

The County of Yavapai hereby announces its Airport Disadvantaged Business Enterprise (DBE) program goals & methodology for the Bagdad and Sedona Airports. The proposed Disadvantaged Business Enterprise Report is available for 30-day review beginning, November 1, 2021, at:

Yavapai County, Public Works Department Website
<https://yavapaiaz.gov/publicworks/airports-division>

SUMMARY OF FINDINGS - AIRPORT IMPROVEMENTS FFY 2022-2024 [OVERALL GOALS (\$26.45)]

Bagdad and Sedona Airports are the owned and operated by Yavapai County. Seligman Airport is also owned by Yavapai County but is not in the National Plan of Integrated Airport Systems (NPIAS) system.

The County Airports' overall goal for the period of Federal Fiscal Years (FFYs) 2022 – 2024 are as follows:

10.69% of the Federal financial assistance to Yavapai County Airports (NPIAS) will expend on DOT/FAA-assisted contracts with DBE contractors.

- **DOT/FAA-assisted contract amount:**
Overall Three-Year Goal: **10.69%** to be accomplished through 0% Race/Gender Conscious (RC) and 10.69% Race/Gender Neutral (RN).
- **Total dollar amount to be expended on DBEs:**
Given the dollar amount of DOT/FAA-assisted contracts, the County, expects to let during the next three federal fiscal years, they have set a goal of expending \$629,961 with DBEs during those years. However, the actual dollar amount spent may be +/- depending on the successful bid(s) submitted and the actual DBE goal achieved at project closeout.

The proposed goal and its attendant methodology are also available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Thursday at Yavapai County, 1100 Commerce Drive, Prescott, Arizona 85305 for 30 days from the date of this publication.

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

Yavapai County
Public Works Department
Attn: Kathryn Rodd – Airport DBE Administrator
1100 Commerce Drive
Prescott, Arizona 85305
Email: Kathryn.rodd@yavapaiaz.gov

or

Shaun A. Bouy, Equal Opportunity Compliance Specialist, Western Pacific Region
DBE/ACDBE Compliance Specialist, Office of Civil Rights – ACR 4
Federal Aviation Administration
U.S. Department of Transportation
Phone: (267) 702 5190
Email: Shaun.A.Bouy@faa.gov

PUBLIC COMMENT RESULTS

No public comments or other input pertaining to the Yavapai County Airports DBE Program Update were received during the public comment period that closed on December 1, 2021.

ATTACHMENT 8: DEMONSTRATION OF GOOD FAITH EFFORTS OR GOOD FAITH EFFORT PLAN (FORM 1 & 2)

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

ATTACHMENT 8: DEMONSTRATION OF GOOD FAITH EFFORTS OR GOOD FAITH EFFORT PLAN (FORM 1 & 2)

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 9: DBE MONITORING AND ENFORCEMENT MECHANISMS

Yavapai County Standard Contract Provision

It is expressly understood and agreed that in case of failure on the part of the Contractor, for any reason, except with the written consent of the Owner's Engineer, to complete the work to the satisfaction of the Owner's Engineer and within the aforesaid time limits, the Owner may deduct from any money due, or which may become due the Contractor, as liquidated damages, an amount as fixed by the following schedule:

Work Item	Liquidated Damages
All work not completed within the above specified time	Per MAB Specifications

If no money shall be due the Contractor, the Owner shall have a cause of action to recover against the Contractor in a court of competent jurisdiction, liquidated damages as fixed by the above schedule; said deduction to be made, or said sum to be recovered, not as a penalty, but as liquidated damages; provided, however, that upon receipt of written notice from the Contractor, of the existence of causes, as herein provided, over which said Contractor has no control and which must delay the completion of the said work or any delay occasioned by the Owner, the Owner's Engineer may extend the period hereinafter specified for the completion of said work in accordance with the specifications and in such case, the Contractor shall become liable for said liquidated damages for delays commencing from date said extension period shall expire.

Contracts will be monitored by the DBE Airport Grant Administrator.

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