Des Moines Airport Authority
Des Moines International Airport

Disadvantaged Business Enterprise (DBE) Program
49 CFR Part 26

Created: August 7, 2013
Last Updated: May 2020
POLICY STATEMENT

Section 26.1, 26.23  Objectives/Policy Statement

The Des Moines Airport Authority (Airport Authority) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Airport Authority has received Federal financial assistance from the Federal Aviation Administration (FAA), and as a condition of receiving this assistance, the Airport Authority has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as “Part 26”).

It is the policy of the Des Moines Airport Authority to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in FAA-assisted contracts. It is also our policy to engage in the following actions on a continuing basis:

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

Mr. Craig Eveland, Contracts and Reporting Administrator, has been delegated as the DBE Liaison Officer. In that capacity, Mr. Eveland 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 Airport Authority in its financial assistance agreements with the Department of Transportation.

The Des Moines Airport Authority has disseminated this policy statement to the Airport Authority Board, Airport Management Team and all of the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on Des Moines Airport Authority FAA assisted contracts. The distribution was accomplished by publishing this statement on the Des Moines Airport website.

Kevin Foley, Executive Director

Date

07/29/2020

DSM DBE Program 2

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GENERAL REQUIREMENTS

Section 26.1 Objectives
The objectives are elaborated in the policy statement on the first page of this program.

Section 26.3 Applicability
The Des Moines Airport Authority is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 Definitions
The Des Moines Airport Authority will use terms in this program that have the meaning defined in § 26.5.

Section 26.7 Non-discrimination Requirements
The Des Moines Airport Authority will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

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

Section 26.11 Record Keeping Requirements

Reporting to DOT
The Des Moines Airport Authority will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to FAA as follows:

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

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

The Airport Authority will collect this information by use of an attachment to the bid proposal. This bid form is included as Attachment 2 to this DBE program.
Records retention and reporting:
The Airport Authority will maintain records documenting a firm's compliance with the requirements of this part.

**Section 26.13 Federal Financial Assistance Agreement**

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

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

The Des Moines Airport Authority shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FAA-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The Des Moines Airport Authority shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of FAA-assisted contracts. The Des Moines Airport Authority DBE program, as required by 49 CFR part 26 and as approved by FAA, is incorporated by reference in this agreement.

Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Des Moines Airport Authority of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

**Contract Assurance:** The Des Moines Airport Authority will ensure that the following clause is included in each FAA-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

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

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

Section 26.21  DBE Program Updates

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

Section 26.23  Policy Statement

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

Section 26.25  DBE Liaison Officer (DBELO)

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

Craig Eveland  
Contracts Manager  
Des Moines International Airport  
5800 Fleur Drive, Suite 207  
515-256-5006  
Ceveland@dsmairport.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Des Moines Airport Authority complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Airport Director concerning DBE program matters. An organization chart displaying the DBELO’s position in the organization is included in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has resources available comprised of the airport legal counsel, airport director of finance, and engineering consultants to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the Airport Authorities progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Airport Director on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Participates in DBE training seminars

**Section 26.27  DBE Financial Institutions**

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

To date, the Des Moines Airport Authorities investigation has not identified any institutions; however, an Iowa DOT review team independently researched the availability of financial institutions owned and controlled by socially and economically disadvantaged individuals in Iowa via the FDIC website ([https://www.fdic.gov/regulations/resources/minority/MDI.html](https://www.fdic.gov/regulations/resources/minority/MDI.html)) and identified Pinnacle Bank in Marshalltown, IA as a “Minority Depository Institution.”

**Section 26.29  Prompt Payment Mechanisms**

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

In accordance with 49 CFR §26.29, the Airport Authority established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor’s receipt of each payment from the Airport Authority.

We ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor’s work is satisfactorily completed. We will use the following method to comply with this requirement:

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

To implement this measure, the Airport Authority will include the following clause from FAA Advisory Circular 150/5370-10 in each FAA-assisted prime contract:

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

1. Contractor may request release of retainage on work that has been partially accepted by the Airport Authority in accordance with FAA Advisory Circular 150/5370-10, Section 50-14. Contractor must provide a certified invoice to the Engineer that supports the value of retainage held by the Owner for partially accepted work.
(2) In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account in accordance with FAA Advisory Circular 150/5370-10, Section 90-08.

The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the Contractor has received a partial payment. Contractor must provide the Authority evidence of prompt and full payment of retainage held by the prime Contractor to the subcontractor within 30 days after the subcontractor’s work is satisfactorily completed. A subcontractor’s work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Airport Authority. When the Airport Authority has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

When at least 95% of the work has been completed to the satisfaction of the Engineer, the Engineer shall, at the Airport Authority’s discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done. The Owner may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

Section 26.31 Directory

The Des Moines Airport Authority non-certifying member of the IA Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31.

Section 26.33 Over-concentration

The Des Moines Airport Authority is not aware that an over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The Des Moines Airport Authority has not established a business development program. The Iowa DOT has developed programs to facilitate the development of DBE firms, refer to the Iowa DOT DBE program for applicable information.

Section 26.37 Monitoring Responsibilities

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

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

The Airport Authority undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished by posting prime contractor payments to a website, database, or other place accessible to subcontractors to alert them to the start of the 30-day clock for payment.

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

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

Prompt Payment Dispute Resolution

The Airport Authority will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29. The Airport Authority will hold a meeting with the prime, subcontractor and project engineer. For dispute resolutions, the party’s representative must be an individual that has the authorization to bind that party. This includes an Authority’s representative with the authority to take enforcement action.

The Airport Authority has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage. A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

Prime contractors found to be in noncompliance with the prompt payment clause will be subject to sanctions enforced by the Airport Authority. The sanctions include issuing two-party checks for the payment of the Prime Contractor’s Application for Payment. The two-party check will be made payable to the prime contractor and its subcontractor. The Airport Authority may notify and request corrective action from the prime contractor’s surety company, issuer of the prime contractor’s payment bond. Also, the Airport Authority may withhold funds due the contractor pursuant to provisions of Chapter 573, Code of Iowa.

Prompt Payment Complaints

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

(1) The subcontractor should first seek resolution of any payment discrepancies from the prime contractor using the terms of the contract agreement between the parties. If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor
should contact the Airport Authority DBELO to initiate complaint. The DBELO will consult with the Project Engineer to verify the completion of work if applicable.

(2) If the subcontractor is unsuccessful, then they should see resolution from the Airport Director. The subcontractor should be prepared to cite the term of the contractual agreement that they believe has not been met.

(3) If the subcontractor is unsuccessful in gaining timely and meaningful action or resolution from the Airport Authority within 90 days, the subcontractor may contact the appropriate Federal Aviation Administration Airport District Office (ADO).

Enforcement Actions for Noncompliance of Participants

The Des Moines Airport Authority will provide appropriate means to enforce the requirements of §26.29. These means include one or more of the following:

(1) In accordance with the contract, assess liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor
(2) Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract
(3) Pay subcontractors directly and deduct this amount from the retainage owed to the prime
(4) Issue a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays

The Airport Authority will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

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

Section 26.39 Fostering small business participation.

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

The Airport Authorities small business element is incorporated as Attachment 8 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.
GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas
The Des Moines Airport Authority does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals
A description of the methodology to calculate the overall goal and the goal calculations located in Attachment 4 to this program. This section of the program will be reviewed annually and updated every three years.

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


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

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. The Airport Authority will use another DOT recipient goal, if available. If not, then the Airport Authority will use bidders lists and census bureau data as a method to determine the base figure. The Airport Authority understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

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

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the Des Moines Airport Authority’s market.
In establishing the overall goal, Des Moines Airport Authority will provide for consultation and publication. This includes consultation with the Iowa Department of Transportation and interested DBE groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport Authority’s efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before the Authority is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which the Authority engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, the Airport Authority will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on the Airport Authority’s official internet web site and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the FAA, the revised goal will be posted on the official internet web site.

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

The Des Moines Airport Authority will begin using the overall goal on October 1 of the relevant period, unless other instructions from the FAA Civil Rights Office have been received.

**Project Goals**

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

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

**Prior Operating Administration Concurrence**

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

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program.

Section 26.47 Failure to meet overall goals.

The Des Moines Airport Authority will maintain an approved DBE Program and overall DBE goal, if applicable, as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

If the Des Moines Airport Authority 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 the awards and commitments in that fiscal year;

2. Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;

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

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

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

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

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

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

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

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

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

(8) 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 4 to this program.

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

Contract Goals

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

Contract goals will be expressed as a percentage of the total amount of a DOT-assisted contract.

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

Demonstration of good faith efforts (pre-award)

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

DBELO, with assistance from the engineering consultant is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as Responsive.

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

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

(1) Award of the contract will be conditioned on meeting the requirements of this section;

(2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:

(i) The names and addresses of DBE firms that will participate in the contract;

(ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;

(iii) The dollar amount of the participation of each DBE firm participating;

(iv) Written documentation of the bidder/offeror’s commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and

(v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor’s commitment.

(vi) If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and

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

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

Administrative reconsideration

Within 3 business days of being informed by the Airport Authority that it is not responsive because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:
The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

Good Faith Efforts procedural requirements (post-solicitation)

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

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

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

1. The listed DBE subcontractor fails or refuses to execute a written contract;
2. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
3. The listed DBE subcontractor fails or refuses to meet the prime contractor’s reasonable, non-discriminatory bond requirements.
4. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
(5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;

(6) The Airport Authority has determined that the listed DBE subcontractor is not a responsible contractor;

(7) The listed DBE subcontractor voluntarily withdraws from the project and provides the Airport Authority with 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 [Recipient] has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

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

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

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements. Each prime contract will include a provision stating:

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

The Des Moines Airport Authority will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If the Airport Authority requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor. [Recipient] shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.
If the contractor fails or refuses to comply in the time specified, the contracting office/representative of the Airport Authority may issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Note: The provisions of the foregoing section apply only when a contract goal is established.

**Section 26.55 Counting DBE Participation**

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

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

**CERTIFICATION STANDARDS**

**Section 26.61 – 26.73 Certification Process**

The Des Moines Airport Authority is a non-certifying member of the Iowa Unified Certification Program (UCP). The Iowa UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Certifying Iowa UCP members make all certification decisions based on the facts as a whole.

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

Civil Rights Administrator  
Iowa DOT  
Civil Rights / Employee Services  
800 Lincoln Way  
Ames, Iowa 50010  
Phone number: (515)-239-1422  
Fax number: (515)-239-1325  
todd.sadler@idot.iowa.gov

**CERTIFICATION PROCEDURES**

**Section 26.81 Unified Certification Programs**

The Des Moines Airport Authority is the member of a Unified Certification Program (UCP) administered by the Iowa Department of Transportation. The UCP will meet all of the requirements of this section. Refer to Attachment 7 for copy of the current UCP with the Iowa DOT.
COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to the Des Moines Airport Authority

The Airport authority understands that if it fails to comply with any requirement of this part, the Airport Authority may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

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

Iowa Open Records Law
Iowa Code §22.1 et seq.

The Iowa Open Records Law is a series of laws designed to guarantee that the public has access to public records of government bodies at all levels. The law includes all records of government agencies except where the documents have been deemed confidential. There are several exemptions.

Anyone can request public records and the law does not require a statement of purpose for records requests. There are no restrictions for use of the records in the law and you must allow 10-20 days for a record request response to be completed.

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

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).
The Airport Authority, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The Airport Authority understands that it is in noncompliance with Part 26 if it violates this prohibition.
DBE PROGRAM ATTACHMENTS

Attachment 1  Organizational Chart
Attachment 2  Bidder’s List Collection Form
Attachment 3  Link to DBE Directory
Attachment 4  Overall Goal Calculations
Attachment 5  Demonstration of Good Faith Efforts or Good Faith Effort Plan - Form 1 & 2
Attachment 6  DBE Monitoring and Enforcement Mechanism
Attachment 7  State’s UCP Agreement
Attachment 8  Small Business Element Program
Attachment 9  Link to Regulations: 49 CFR Part 26
ATTACHMENT 1
Organizational Chart

Des Moines Airport Authority Board

Executive Director

Assistant Executive Director & General Manager

Director of Finance

Contracts Manager / DBE Liaison Officer

Director of Engineering & Planning

Consulting Engineer

Director of Operations

Legal Counsel
ATTACHMENT 2

Bidder’s List Collection Form

PROPOSAL ATTACHMENT: ADDITIONAL REQUIREMENTS
ITEM 1 – IDENTITY OF SUBCONTRACTORS

In all instances in which the Bidder intends to assign, sublet, or subcontract any portion of the work, the Bidder shall mark the appropriate box and provide the information requested below. If the Bidder does not intend to utilize any subcontractors or assignees, the Bidder shall so indicate by marking the appropriate box below. The Bidder need not identify material suppliers or manufacturers who do not provide labor at the worksite to incorporate the material or manufactured goods into the improvement.

The Bidder shall indicate the proposed use of subcontractors by completing the following:

- [ ] If the Bidder does not intend to utilize any subcontractors or assignees, the Bidder shall mark the box at the left.
- [ ] If the Bidder intends to utilize subcontractors or assignees, the Bidder shall mark the box at the left and report below the identity of each subcontractor or assignee, a description of the work to be done by each subcontractor or assignee, the amount of each subcontract or the value of the work to be assigned, and the subcontractor’s or assignee’s DBE or non-DBE status in the space provided below. The Bidder certifies that these subcontractors or assignees, if acceptable to the Authority, will be utilized on this project as stated below.

<table>
<thead>
<tr>
<th>SUBCONTRACTOR (Name &amp; Address)</th>
<th>DESCRIPTION OF WORK</th>
<th>AMOUNT</th>
<th>DBE (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

> Bidder may utilize another form, provided all information required above is submitted.
ATTACHMENT 3

Link to DBE Directory

HTTPS://SECURE.IOWADOT.GOV/DBE/DIRECTORY/INDEX/
ATTACHMENT 4

Overall Goal Calculations

Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: Des Moines Airport Authority

Goal Period: Federal Fiscal Year 2021 – Federal Fiscal Year 2023

DOT-assisted contract amount:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Contract Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY-2021</td>
<td>$20,812,000</td>
</tr>
<tr>
<td>FY-2022</td>
<td>$8,425,000</td>
</tr>
<tr>
<td>FY-2023</td>
<td>$15,996,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$45,233,000</strong></td>
</tr>
</tbody>
</table>

Overall Three-Year Goal: 6.68%

Total dollar amount to be expended on DBE’s: $3,021,564

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

Projects Fiscal Year 2021
1. Runway 5/23 Reconstruction - Phase IV - Runway End Construction ($20,032,000)
2. Runway 5/23 & 13/31 Intersection Design ($780,000)

Projects Fiscal Year 2022
1. Reconstruct Runway 5/23 & 13/31 Intersection ($8,290,000)
2. Airfield Maintenance Pavement Program Update ($135,000)

Projects Fiscal Year 2023
1. Construct Airport Terminal Apron "A" ($15,996,000)

Market Area

During the previous triennial goal-setting period, the Airport Authority used the Iowa DOT DBE goal and made adjustments in step 2. However, the Iowa DOT has not published a DBE goal or tentative goal for the next triennial period. To establish the potential DBE market area, we analyzed the previous three years of bidder’s lists (FY17 – FY19). All primary contractors/bidders, except one from Omaha, Nebraska, were located adjacent to or east of Interstate 35 (I-35) and adjacent to or north of Interstate 80 (I-80). All non-manufacturing DBE’s were also located adjacent to or east of I-35 and adjacent to or north of I-80. Three additional counties (Boone, Dallas and Madison), that lie immediately adjacent to Polk county, were also added to the market area given the close proximity to the Des Moines metro area and airport. Based on this, the market area for the Des Moines Airport includes, but is not limited to the counties of Allamakee, Benton, Black Hawk, Boone, Bremer, Buchanan, Butler, Cedar, Cerro Gordo, Chickasaw, Clayton, Clinton, Dallas, Delaware, Dubuque, Fayette, Floyd, Franklin, Grundy, Hardin, Howard, Iowa, Jackson, Jasper, Johnson, Jones, Linn, Madison, Marshall, Mitchell, Polk, Poweshiek, Scott, Story, Tama, Warren, Winnebago, and Worth.

Step 1 Actual Relative Availability of DBEs

Method: Use DBE Directories HTTPS://SECURE.IOWADOT.GOV/DBE/DIRECTORY/INDEX/

Weighted Availability of DBE Firms:
**Fiscal Year #1**

For FY-2021, award of the following is anticipated:

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Trade Description</th>
<th>NAICS Description</th>
<th>NAICS</th>
<th>Trade ($)</th>
<th>Census</th>
<th>Directory</th>
<th>DBE (%)</th>
<th>DBE ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Runway 5/23 Reconstruction - Phase IV - Runway End Construction</td>
<td>Storm sewer Construction</td>
<td>Water and Sewer Line and Related Structures Construction</td>
<td>237110</td>
<td>2,135,000</td>
<td>53</td>
<td>3</td>
<td>5.36</td>
<td>114,375</td>
</tr>
<tr>
<td></td>
<td>All other trades</td>
<td>Heavy &amp; Highway related construction</td>
<td>237310</td>
<td>8,747,000</td>
<td>70</td>
<td>14</td>
<td>16.67</td>
<td>1,457,833</td>
</tr>
<tr>
<td></td>
<td>Erosion Control</td>
<td>Other Heavy Construction</td>
<td>237900</td>
<td>15,000</td>
<td>34</td>
<td>5</td>
<td>12.82</td>
<td>1,923</td>
</tr>
<tr>
<td></td>
<td>Electrical</td>
<td>Electrical Contractors and Other Wiring Installation Contractors</td>
<td>238210</td>
<td>1,566,000</td>
<td>500</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Earth moving and demolition</td>
<td>Site Preparation Contractors</td>
<td>238910</td>
<td>5,404,000</td>
<td>350</td>
<td>7</td>
<td>1.96</td>
<td>105,961</td>
</tr>
<tr>
<td></td>
<td>Construction engineering</td>
<td>Engineering Services</td>
<td>541330</td>
<td>1,516,000</td>
<td>269</td>
<td>4</td>
<td>1.47</td>
<td>22,212</td>
</tr>
<tr>
<td></td>
<td>Surveying</td>
<td>Surveying and Mapping</td>
<td>541370</td>
<td>85,000</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Prep and seeding</td>
<td>Landscaping Services</td>
<td>561730</td>
<td>564,000</td>
<td>697</td>
<td>7</td>
<td>0.99</td>
<td>5,608</td>
</tr>
<tr>
<td><strong>Total Project</strong></td>
<td></td>
<td></td>
<td></td>
<td>20,032,000</td>
<td></td>
<td></td>
<td>8.53</td>
<td>1,707,913</td>
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</table>

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Trade Description</th>
<th>NAICS Description</th>
<th>NAICS</th>
<th>Trade ($)</th>
<th>Census</th>
<th>Directory</th>
<th>DBE (%)</th>
<th>DBE ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Runway 5/23 &amp; 13/31 Intersection Design</td>
<td>Design Engineering</td>
<td>Engineering Services</td>
<td>541330</td>
<td>780,000</td>
<td>269</td>
<td>4</td>
<td>1.47</td>
<td>11,429</td>
</tr>
<tr>
<td><strong>Total Project</strong></td>
<td></td>
<td></td>
<td></td>
<td>780,000</td>
<td></td>
<td></td>
<td>1.47</td>
<td>11,429</td>
</tr>
<tr>
<td><strong>Total FY-2021</strong></td>
<td></td>
<td></td>
<td></td>
<td>20,812,000</td>
<td></td>
<td></td>
<td>8.26</td>
<td>1,719,341</td>
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</table>

**Fiscal Year #2**

For FY-2022, award of the following is anticipated:

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<th>Project Name</th>
<th>Trade Description</th>
<th>NAICS Description</th>
<th>NAICS</th>
<th>Trade ($)</th>
<th>Census</th>
<th>Directory</th>
<th>DBE (%)</th>
<th>DBE ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconstruct Runway 5/23 &amp; 13/31 Intersection</td>
<td>Storm sewer Construction</td>
<td>Water and Sewer Line and Related Structures Construction</td>
<td>237110</td>
<td>123,000</td>
<td>53</td>
<td>3</td>
<td>5.36</td>
<td>6,589</td>
</tr>
<tr>
<td></td>
<td>All other trades</td>
<td>Heavy &amp; Highway related construction</td>
<td>237310</td>
<td>4,486,000</td>
<td>70</td>
<td>14</td>
<td>16.67</td>
<td>747,667</td>
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<td></td>
<td>Electrical</td>
<td>Electrical Contractors and Other Wiring Installation Contractors</td>
<td>238210</td>
<td>660,000</td>
<td>500</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
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<td></td>
<td>Earth moving and demolition</td>
<td>Site Preparation Contractors</td>
<td>238910</td>
<td>2,298,000</td>
<td>350</td>
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<td>1.96</td>
<td>45,059</td>
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<tr>
<td></td>
<td>Construction Engineering</td>
<td>Engineering Services</td>
<td>541330</td>
<td>614,000</td>
<td>269</td>
<td>4</td>
<td>1.47</td>
<td>8,996</td>
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<td></td>
<td>Surveying</td>
<td>Surveying and Mapping</td>
<td>541370</td>
<td>50,000</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Prep and seeding</td>
<td>Landscaping Services</td>
<td>561730</td>
<td>59,000</td>
<td>697</td>
<td>7</td>
<td>0.99</td>
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<tr>
<td><strong>Total Project</strong></td>
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<td></td>
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<td>8,290,000</td>
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<td></td>
<td>9.76</td>
<td>808,898</td>
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</table>

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Trade Description</th>
<th>NAICS Description</th>
<th>NAICS</th>
<th>Trade ($)</th>
<th>Census</th>
<th>Directory</th>
<th>DBE (%)</th>
<th>DBE ($)</th>
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<tbody>
<tr>
<td>Airfield Pavement Program Update</td>
<td>Design Engineering</td>
<td>Engineering Services</td>
<td>541330</td>
<td>135,000</td>
<td>269</td>
<td>4</td>
<td>1.47</td>
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<tr>
<td><strong>Total Project</strong></td>
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<td></td>
<td>135,000</td>
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<td>1.47</td>
<td>1,978</td>
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<td><strong>Total FY-2022</strong></td>
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<td>8,425,000</td>
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<td></td>
<td>9.62</td>
<td>810,876</td>
</tr>
</tbody>
</table>

Note: NAICS descriptions have been based on 2017 NAICS Definition.
**Fiscal Year #3**  
**For FY-2023, award of the following is anticipated:**

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Trade Description</th>
<th>NAICS Description</th>
<th>NAICS</th>
<th>Trade ($)</th>
<th>Census</th>
<th>Directory</th>
<th>DBE (%)</th>
<th>DBE ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct Airport</td>
<td>Storm sewer Construction</td>
<td>Water and Sewer Line and Related Structures Construction</td>
<td>237110</td>
<td>751,000</td>
<td>53</td>
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<td>5.36</td>
<td>40,179</td>
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<tr>
<td>Terminal Apron “A”</td>
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<td></td>
</tr>
<tr>
<td>All other trades</td>
<td>Heavy &amp; Highway related construction</td>
<td></td>
<td>237310</td>
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<td>70</td>
<td>14</td>
<td>16.67</td>
<td>1,544,333</td>
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<td>Erosion Control</td>
<td>Other Heavy Construction</td>
<td></td>
<td>237990</td>
<td>6,000</td>
<td>34</td>
<td>5</td>
<td>12.82</td>
<td>1,923</td>
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<tr>
<td>Retaining Wall</td>
<td>Poured Concrete Foundation &amp; Structure Contractor</td>
<td></td>
<td>238110</td>
<td>786,000</td>
<td>314</td>
<td>1</td>
<td>0.32</td>
<td>2,495</td>
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<td>Electrical</td>
<td>Electrical Contractors and Other Wiring Installation Contractors</td>
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<td>238210</td>
<td>124,000</td>
<td>500</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Earth moving and</td>
<td>Site Preparation Contractors</td>
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<td>238910</td>
<td>5,672,000</td>
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<td>7</td>
<td>1.96</td>
<td>111,216</td>
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<td>demolition</td>
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<td>Fencing</td>
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<td>935</td>
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<td>Engineering Services</td>
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<td>541330</td>
<td>2,691,000</td>
<td>269</td>
<td>4</td>
<td>1.47</td>
<td>39,429</td>
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<tr>
<td>Engineering</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surveying</td>
<td>Surveying and Mapping</td>
<td></td>
<td>541370</td>
<td>289,000</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Prep and seeding</td>
<td>Landscaping Services</td>
<td></td>
<td>561730</td>
<td>195,000</td>
<td>697</td>
<td>7</td>
<td>0.99</td>
<td>1,939</td>
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<tr>
<td><strong>Total Project</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>15,996,000</strong></td>
<td>6.72</td>
<td><strong>1,074,848</strong></td>
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<tr>
<td><strong>Total FY-2023</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>15,996,000</strong></td>
<td>6.72</td>
<td><strong>1,074,848</strong></td>
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</tr>
</tbody>
</table>

The base goal projection after weighting is as follows:
- Total Weighted DBE Availability: $3,605,065
- Total for All Trades: $45,233,000

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

**Base of DBE Goal:** 7.97%

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

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

**Past History Participation**

Limited specific historical data is available as the Des Moines International Airport was governed by the City of Des Moines until November 2011. At that time, the Des Moines Airport Authority was established as the governing body. DBE tracking on a project basis has been established from the inception of the Authority.

The chart below includes historical data of Des Moines Airport Authority DBE accomplishments:

<table>
<thead>
<tr>
<th>FY</th>
<th>Total Grant $ Amount</th>
<th>DBE Goals (%)</th>
<th>Accomplishments</th>
<th>Type of Work</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>RC</td>
<td>RN</td>
<td>Total</td>
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<tr>
<td>12</td>
<td>$15,273,944</td>
<td>4.50</td>
<td>4.50</td>
<td>3.11</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>$11,353,604</td>
<td>5.42</td>
<td>5.42</td>
<td>5.42</td>
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<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td>14</td>
<td>$2,115,188</td>
<td>1.34</td>
<td>1.34</td>
<td>1.34</td>
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<tr>
<td>15</td>
<td>$13,123,148</td>
<td>4.91</td>
<td>4.91</td>
<td>4.91</td>
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<tr>
<td>16</td>
<td>$2,678,298</td>
<td>3.29</td>
<td>3.29</td>
<td>3.29</td>
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<tr>
<td>17</td>
<td>$14,062,174</td>
<td>4.61</td>
<td>4.61</td>
<td>4.89</td>
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<tr>
<td>18</td>
<td>$1,349,362</td>
<td>5.36</td>
<td>5.36</td>
<td>5.36</td>
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<tr>
<td>19</td>
<td>$16,381,165</td>
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<td>5.47</td>
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<tr>
<td>20</td>
<td></td>
<td>5.46</td>
<td>5.46</td>
<td></td>
</tr>
</tbody>
</table>

The Median numbers calculated are based on Goals and Participation greater than 0.0%. DBE Participation does not include FFY 2020, since it does not reflect the entire fiscal year.

Arranging the historical data from low to high, (3.11, 4.51, 4.89, 5.18, 5.59, 5.71, 6.55, 11.99), the median value is 5.39%. This value is used to adjust the Step 1 base goal.

Step 1 Base averaged with historical median: (5.39 + 7.97)/2 = 6.68%

2-3: Evidence of disparity studies in market area:
The Airport Authority has not conducted any disparity studies. The Authority is unaware of any current disparity studies to determine the existence of discrimination and its effects in the state marketplace.

2-4: Statistical disparities in ability of DBE to receive financing, bonding and insurance:
The Airport Authority has not been able to identify any such disparities.

2-5: Data on employment, self-employment, education and training:
The Authority has not been able to identify data on such opportunities.

2-6: Continuing effects of past discrimination:
The Authority has no evidence of past discrimination.

Summary of Findings

When taking into account the above information, the Authority has compared DBE percentages under Step 1 of 7.97% and under Step 2 of 6.68% (anticipated availability of DBE contractors for proposed work) and has concluded to establish a DBE goal based upon the Step 2 findings.

Using this methodology, the Authority establishes a **FFY2021-2023 Goal of 6.68%** for DBE participation on Federal-assisted contracts let through the Authority. Based on the anticipated work for FFY2021-2023 in the amount of $45,233,000, with a Goal of 6.68%, the total dollar amount to be expended on DBE’s is $3,021,564.

Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation
26.51(b) (1-9)

The Des Moines Airport Authority will meet the maximum feasible portion of the overall goal by using RN means of facilitating DBE participation.
1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
3. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.
ATTACHMENT 5

Demonstration of Good Faith Efforts - Forms 1 & 2
UTILIZATION STATEMENT
Disadvantage Business Enterprise

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner. (Please mark the appropriate box)

☐ The bidder/offeror is committed to a minimum of ##% DBE utilization on this contract.

☐ The bidder/offeror, while unable to meet the DBE goal of ##%, hereby commits to a minimum of ____% DBE utilization on this contract and also submits documentation, as an attachment demonstrating good faith efforts (GFE).

The undersigned hereby further assures that the information included herein is true and correct, and that the DBE firm(s) listed herein have agreed to perform a commercially useful function in the work items noted for each firm. The undersigned further understands that no changes to this statement may be made without prior approval from the Civil Right Staff of the Federal Aviation Administration.

Bidder’s/Offeror’s Firm Name

___________________________________________

Signature ________________________________

Date ________________________________

DBE UTILIZATION SUMMARY

<table>
<thead>
<tr>
<th>Contract Amount</th>
<th>DBE Amount</th>
<th>Contract Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>DBE Prime Contractor</td>
<td>$___________ x 1.00 =</td>
<td>$___________</td>
</tr>
<tr>
<td>DBE Subcontractor</td>
<td>$___________ x 1.00 =</td>
<td>$___________</td>
</tr>
<tr>
<td>DBE Supplier</td>
<td>$___________ x 0.60 =</td>
<td>$___________</td>
</tr>
<tr>
<td>DBE Manufacturer</td>
<td>$___________ x 1.00 =</td>
<td>$___________</td>
</tr>
<tr>
<td>Total Amount DBE</td>
<td>$___________</td>
<td>________%</td>
</tr>
<tr>
<td>DBE Goal</td>
<td>$___________</td>
<td>________%</td>
</tr>
</tbody>
</table>

Note: If the total proposed DBE participation is less than the established DBE goal, Bidder must provide written documentation of the good faith efforts as required by 49 CFR Part 26.
LETTER OF INTENT
Disadvantage Business Enterprise
(This page shall be submitted for each DBE firm)

Bidder/Offer
Name: ______________________________________
Address: ____________________________________
City: ____________________ State: ____________ Zip: ______

DBE Firm:
DBE Firm: ____________________________________
Address: ____________________________________
City: ____________________ State: ____________ Zip: ______

DBE Contact Person:
Name: ____________________ Phone: (_____) ____________

DBE Certifying Agency: ____________________________________ Expiration Date: ____________

Each DBE Firm shall submit evidence (such as a photocopy) of their certification status.

Classification:
☐ Prime Contractor ☐ Subcontractor ☐ Joint Venture
☐ Manufacturer ☐ Supplier

<table>
<thead>
<tr>
<th>Work item(s) to be performed by</th>
<th>Description of Work Item</th>
<th>Quantity</th>
<th>Total</th>
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</thead>
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</tbody>
</table>

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated participation is as follows:

DBE contract amount: $________________________ Percent of total contract:________% 

AFFIRMATION:
The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: ____________________________________ (Signature)
     (Title)

Note: In the event 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.

DBE-2
ATTACHMENT 6

State’s UCP Agreement
IOWA DEPARTMENT OF TRANSPORTATION (Iowa DOT)
UNIFIED CERTIFICATION PROGRAM (UCP) AGREEMENT

Development & Proposal

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

Impact on Recipient Programs

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

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

Reciprocity

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

Process Review

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

Ratification Process

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

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

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

Appeals Process

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

Initial Certification Applicant Denials - When a firm is denied certification, a certified letter is sent in which they are given the opportunity to appeal that decision, to an internal DBE Appeals Committee. To do this, they must request an appeal, in writing, within 15 days of their receipt of the letter. If an appeal is requested the firm is contacted within 3 days to schedule the appeal. If the denial is upheld by the Committee, the DBE firm has the right to appeal to the USDOT within 180 days of the notice.

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

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

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

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

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

3rd Party Challenges

The Iowa DOT shall accept written complaints from any person alleging that a certified firm is ineligible. The complaint must state specific reasons for ineligibility and submit any documentation in support of the complaint. The firm being challenged will be notified by the Iowa DOT, in writing, of the challenge, the basic grounds, and relevant regulations. The Iowa DOT shall thoroughly investigate the complaint, within a reasonable time, not to exceed 60 days. The agency shall notify the DBE in writing, by certified mail, of the preliminary findings. If reasonable cause to remove certification eligibility is found, the Iowa DOT will notify the complainant of the specific grounds and inform the firm of the right to appeal the preliminary finding to the Iowa DOT.

The Appeals Committee will be the hearing board for all challenges to currently certified firms. This does not include denial of re-certifications or new certification requests.

The firm may request an appeal to the Iowa DOT, in writing, of the intent to remove certification within 15 days of the date of the notice.

The USDOT may notify the Iowa DOT of reasonable cause to find a certified DBE firm to be ineligible and the Iowa DOT shall immediately removed the certification eligibility of that firm.

Supportive Services

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

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

Attachment A

49 CFR Part 26
§26.81 What are the requirements for Unified Certification Programs?

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

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

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

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

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

(5) If you and the other recipients in your state fail to meet the deadlines set forth in this paragraph (a), you shall have the opportunity to make an explanation to the Secretary why a deadline could not be met and why meeting the deadline was beyond your control. If you fail to make such an explanation, or the explanation does not justify the failure to meet the deadline, the Secretary shall direct you to complete the required action by a date certain. If you and the other recipients fail to carry out this direction in a timely manner, you are collectively in noncompliance with this part.

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

(2) The UCP shall provide "one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state.

(3) All obligations of recipients with respect to certification and nondiscrimination must be carried out by UCPs, and recipients may use only UCPs that comply with the certification and nondiscrimination requirements of this part.

(c) All certifications by UCPs shall be pre-certifications; i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE.

(d) A UCP is not required to process an application for certification from a firm having its principal place of business outside the state if the firm is not certified by the UCP in the state in which it maintains its principal place of business. The "home state" UCP shall share its information and documents concerning the firm with other UCPs that are considering the firm's application.

(e) Subject to DOT approval as provided in this section, the recipients in two or more states may form a regional UCP. UCPs may also enter into written reciprocity agreements with other UCPs. Such an agreement shall outline the specific responsibilities of each participant. A UCP may accept the certification of any other UCP or DOT recipient.

(f) Pending the establishment of UCPs meeting the requirements of this section, you may enter into agreements with other recipients, on a regional or inter-jurisdictional basis, to perform certification functions required by this part. You may also grant reciprocity to other recipient's certification decisions.

(g) Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this section), the information required by §26.31. The UCP shall make the directory available to the public electronically, on the internet, as well as in print. The UCP shall update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made.

(h) Except as otherwise specified in this section, all provisions of this subpart and subpart D of this part pertaining to recipients also apply to UCPs.
Attachment B

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

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

In order to be certified, a firm must be:

- A small business as defined by Section 8(d) of the Small Business Act and as amended by TEA-21 of 1998. *(13 CFR, paragraph 121.3-8, lists definitions for small businesses by industry type.)* TEA-21 of 1998 restricts the size of small businesses to $17.42 million three-year average gross income.

- Owned *(at least 51 percent)* by a socially and economically disadvantaged person or persons; and

- Controlled by a socially and economically disadvantaged person or persons.

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

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

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

Sincerely,

EEO Administrator
Disadvantage Business Enterprise Certification

This Certifies That

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

Issue Date: 

Expiration Date: 

Craig J. Russell, EEO Administrator

Roger E. Bierbaum, P.E., Contracts Engineer

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

Date

Co. Name
Address
City, ST Zip

Dear:

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

The certification of eligibility is valid for three years from Month Day, 200? to March 1, 200?. Enclosed with this approval letter is your DBE Certification Certificate. Your firm’s name will be retained on our list of certified DBE’s.

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

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

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

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

Sincerely,

Compliance Officer
Attachment E

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

Name of Firm:

Street Address:

City:                      State:                      Zip:

Description of SIC Code Addition Requested

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

<table>
<thead>
<tr>
<th>Owner/Contractor</th>
<th>Phone</th>
<th>Contract Amount</th>
<th>Project Name/Location</th>
<th>Type of Work Performed</th>
</tr>
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</table>

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

<table>
<thead>
<tr>
<th>Type of Equipment</th>
<th>Make</th>
<th>Model</th>
<th>Year</th>
<th>Date Acquired</th>
<th>Present Value</th>
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</tbody>
</table>

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

Signature

Printed name

Title

Date
### State of Iowa Recipients

<table>
<thead>
<tr>
<th>CITIES</th>
<th>AIRPORT</th>
</tr>
</thead>
<tbody>
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<td>Ames</td>
</tr>
<tr>
<td>Albia</td>
<td>Ankeny</td>
</tr>
<tr>
<td>Algona</td>
<td>Atlantic</td>
</tr>
<tr>
<td>Allison</td>
<td>Bellevue</td>
</tr>
<tr>
<td>Altoona</td>
<td>Bettendorf</td>
</tr>
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Burlington Urban Service
Five Seasons Transportation
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Clinton Municipal Transit
City of Council Bluffs
Davenport CitiBus
Des Moines METRO
Keyline Transit
Iowa City Transit
U of I, Dept. of Parking & Transportation
City of Mason City
Muscatine City Transit
Ottumwa Transit Authority
Northeast Iowa Community Action Corp. (Decorah)
Spencer Regional Transit
Siouxland Regional Transit
(Sioux City)
MIDAS (Fort Dodge)
Region 6 Planning Comm.
(Marshalltown)
Iowa Northland Regional Transit (Waterloo)
Dubuque Regional Transit
Great River Bend Service
(Davenport)
East Central Iowa Council of Governments
(Cedar Rapids)
Region 12 Council of Governments (Carroll)
SW Iowa Planning Council
(Atlantic)
Area XIV Agency on Aging
(Creston)
SE Iowa Community Action Org. (Burlington)
Sioux City Transit
Heart of Iowa Regional Transit (Des Moines)
Dart - City of Fort Dodge
Coralville Transit System
Marshalltown Municipal Transit
Metropolitan Transit (Waterloo)
U of I - Transit Manager
City of Albia
City of Algona

COUNTIES
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Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
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Carroll
Cass
Cedar
Cerro Gordo
Cherokee
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Taylor
Union
Van Buren
Wapello
Warren
Washington
Wayne
Webster
Winnebago
Wineshiek
Woodbury
Worth
Wright

Page 11
Recipient Signature(s)

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

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

Des Moines International Airport
Recipient Name (i.e. City/County/Transit)

(Name & Title) Airport Board Chairperson

Name of Chairperson (Signature)

ATTEST:

Vicki N. Dickinson
(Name & Title) Airport Board Clerk

(Handwritten Name)

(Name & Title) Airport Board Chairperson

(Name & Title)
APPROVING AND AUTHORIZING THE EXECUTION OF IOWA DEPARTMENT OF TRANSPORTATION AGREEMENT FOR UNIFIED CERTIFICATION PROGRAM FOR DISADVANTAGED BUSINESS ENTERPRISES

BE IT RESOLVED BY THE DES MOINES INTERNATIONAL AIRPORT BOARD FOR THE CITY OF DES MOINES, IOWA:

That the agreement between the City of Des Moines and the Iowa Department of Transportation for Unified Certification Program for Disadvantaged Business Enterprise, a copy of which is now on file in the office of the Board Clerk, is hereby approved, and the Chairperson and the Board Clerk are hereby authorized and directed to execute and attest, respectively, said Agreement for and on behalf of the City of Des Moines, Iowa.

(Board Communication No.02-22)

Moved by [Signature]

Approved as to form:

\[Signature\]
Kathleen Vanderpool
Assistant City Attorney

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MOTION CARRIED

\[Signature\]
Chairperson

Certificate

I, VICKI N. DICKINSON, Board Clerk of said Des Moines International Airport Board, hereby certify that at a meeting of the Board, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\[Signature\]
Vicki N. Dickinson
Board Clerk
OFFICE OF THE AVIATION DIRECTOR
Des Moines, Iowa

Airport Board Communication 02-22
February 5, 2002

Subject: Approval of Unified Certification Program (UCP) Agreement with the Iowa Department of Transportation (DOT)

Action Required: Receive/File
* Recommend Aprv To Council

Submitted By: WFF
William F. Flaherty
Aviation Director

BACKGROUND:

On February 2, 1999, the DOT published in the Federal Register revised final rules for participation by Disadvantaged Business Enterprise (DBE) in DOT programs being 49 CFR Parts 23 and 26 that became effective March 4, 1999. Said 49 CFR Part 26 requires recipients of federal financial assistance from the DOT to revise their DBE programs to comply with the new 49 CFR Part 26, and as a condition of receiving this assistance, the City must sign an assurance that it will comply with 49 CFR Part 26.

The City receives DOT financial assistance from the Federal Highway Administration (FHWA) and the FAA. IA DOT administers FHWA funds and requires the IA DOT DBE program in all FHWA-funded projects. The Engineering Department has been working with the FAA and IA DOT to establish a DBE program in accordance with said 49 CFR Part 26, which was approved by the FAA in January 2001.

On January 22, 2001, under Roll Call No. 01-280, the City Council approved the “Disadvantaged Business Enterprise Program Adopted Specifically For Projects Funded In Part By The U.S. Department Of Transportation, City of Des Moines, revised January 2001,” which meets the standards of 49 CFR Part 26 and was approved on January 10, 2001 by the Regional FAA Administrator on behalf of the US DOT. On January 9, 2001, under Resolution No. A01-05, the Airport Board approved said DBE program. Said DBE program included the following statement regarding the UCP:

The City of Des Moines has contacted the IA DOT and expressed its willingness to participate in a Unified Certification Program (UCP), with the IA DOT. The IA DOT is assuming it will be the lead organization in the UCP because of funding and staffing. Until such time as the UCP agreement can be executed, the IA DOT has agreed to allow the City of Des Moines to utilize the IA DOT’s DBE directory.

A statewide certification of DBE’s before April 2002 is required by 49 CFR Part 26. The Iowa DOT has prepared the Iowa DOT Unified Certification Program (UCP) Agreement, which creates the statewide UCP establishing a single uniform process or “one-stop shopping” for DBE applications, certifications, and development of a single point DBE Directory. All USDOT recipients will be required to ratify the UCP agreement and all DBE certifications by the Iowa DOT will be binding. The Iowa DOT will staff and fund the Iowa UCP at no cost to members.

Staff recommends approval of the UCP Agreement with the Iowa DOT.
FISCAL IMPACT:
All cost associated with DBE certification under the UCP will be paid by the Iowa DOT.

RECOMMENDATION:
It is recommended that the Airport Board approve the UCP Agreement with the Iowa DOT and authorize the Board Chairperson to execute the agreement.
ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The Des Moines Airport Authority has available several remedies to enforce the DBE requirements contained in its contracts, including:

1. Responsibility determinations in future contracts
2. Breach of contract action, pursuant to the terms of the contract;
3. Action authorized under Chapter 73A, Code of Iowa; and
4. Bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps provided in 26.107, as outlined below.

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.
Small Business Element Program

In accordance with 49 CFR Part 26.39, the Des Moines Airport Authority has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, such as unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

Small Business Definition

The United States Small Business Administration defines a small business concern as 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. Based on current guidelines, small business completing heavy construction or commercial building projects are limited to $33.5 million gross annual receipts. Specialty contractors are limited to $14 million gross annual receipts.

The Des Moines Airport Authority has elected to use a small business definition that is consistent with 13 CFR Part 121.

Project Set Asides

Projects at the Des Moines Airport Authority are historically of the size and magnitude that accommodate small business participation, therefore the Airport will not use small business set asides to facilitate small business participation.

Regional Collaboration to Develop Small Businesses

The Des Moines Airport Authority participates in the Unified Certification Program administered by the Iowa DOT. The Iowa DOT utilizes two programs to develop and foster small business participation within the State of Iowa, including the Emerging Small Business (ESB) program and the Supportive Services program. The Des Moines Airport Authority supports the Iowa DOT in their efforts to develop and grow small businesses.
ATTACHMENT 9

Link to Regulations: 49 CFR Part 26

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl
The Airport Authority estimates that in meeting the established overall goal of 6.68% it will obtain 1.08% from RN participation and 5.60% through RC measures.

The following methodology was used to determine the RN/RC breakout. The Authority assumed that any accomplishment that exceeded the established goal for each FFY was accomplished by race-neutral participation. Values ranged from -1.35% (goal not met) to +6.63%. Negative values were adjusted to zero. Since the values fluctuated significantly across the evaluated range (FFY 12-19), the median exceedance was selected to use as the race-neutral goal, or 1.08%.

PUBLIC PARTICIPATION

Consultation

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

The consultation was completed via a video conference, which was held as Zoom call on Wednesday, May 13, 2020. Approximately half a dozen persons attended the videoconference.

Stakeholders were allowed the opportunity to comment on the methodology of the goal setting process, but no comments were received.

Public Notice

A notice of the proposed goal was published in the Des Moines Register and on the Airport Authority’s official website before the methodology was submitted to the FAA.