

**Federal Fiscal Year 2021 - 2023
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PLAN
for
FEDERAL AVIATION ADMINISTRATION (FAA)
AIRPORT IMPROVEMENT PROGRAM (AIP)
PROJECTS
at
MADISON MUNICIPAL AIRPORT
MADISON, GEORGIA**

January 2020

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Section 26.1, 26.23 Objectives/Policy Statement

The City of Madison, Georgia 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 City of Madison has received Federal financial assistance from the Department of Transportation for airport projects through the Federal Aviation Administration's (FAA) Airport Improvement Program (AIP), and as a condition of receiving this assistance, the City of Madison has signed an assurance that it will comply with 49 CFR Part 26.

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

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

The Finance Officer has been designated as the DBE Liaison Officer. In that capacity, the Finance Officer 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 Madison Municipal Airport in its financial assistance agreements with the Department of Transportation. The DBE Liaison Officer is:

Ms. Karen Stapp, Finance Officer
City of Madison
132 North Main Street, P.O. Box 32
Madison, GA 30650
Tel: 706-342-1251 ext. 220
kstapp@madisonga.com

The Madison Municipal Airport has disseminated this policy statement to the City of Madison and all the components of its organization. This statement will be distributed to DBE and non-DBE business communities that may perform work for them on DOT-assisted contracts in the project solicitations.

Karen Stapp
Finance Officer

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

The City of Madison is the recipient of Federal airport funds authorized by 49 U.S.C. 47101.

Section 26.5 Definitions

The City of Madison will use terms in this program that have the meaning defined in 49 CFR Part 26.5.

Section 26.7 Non-discrimination Requirements

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

In administering its DBE program, the City of Madison 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: *26.11(b)*

The City of Madison will provide data about its DBE Program to the FAA.

DBE participation will be reported to the FAA as follows:

The City of Madison will transmit to FAA annually by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Appendix B to Part 26. The City of Madison will similarly report the required information about participating DBE firms. All reporting will be done through the FAA official reporting system (ex. DBE Office Online Reporting System – DOORS), or another format acceptable to FAA as instructed thereby.

Bidders List: *26.11(c)*

The City of Madison will create and maintain bidders list for each project. The purpose of the lists will be to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts, for use in helping to set our overall goals. The bidders lists will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts.

We will collect this information through a contract clause requiring this information.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

The City of Madison shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The City of Madison shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The City of Madison's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of Madison 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.).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

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

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

END OF SUBPART A

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the City of Madison has previously received grants of \$250,000 or more for airport planning or development, the City will continue to carry out this program until all funds from DOT financial assistance have been expended. The City of Madison will provide to the DOT updates representing significant changes in the program. In addition, we will submit an updated goal every three years prior to August 1 if we plan to award contracts exceeding \$250,000 in FAA funds in the next 3-year period.

Section 26.23 Policy Statement

The Policy Statement is provided on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

The City of Madison has designated the individual designated in the Section 26.1, 26.23 - Objectives/Policy Statement of this plan as our DBELO.

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Madison complies with all provisions 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 found in Attachment 2 to this program.

The responsibility for overseeing the DBE Plan is fulfilled by the DBELO on a part-time basis.

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

1. Gathers and reports statistical data and other information as required by the FAA.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the City of Madison's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Airport Director and Airport staff on DBE matters and achievement.
9. Participates with the legal counsel to determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Acts as liaison to the Uniform Certification Program (UCP) in the State of Georgia.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the City of Madison 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 the institutions, and to encourage prime contractors on FAA-assisted contracts to make use of these institutions.

Section 26.29 Prompt Payment Mechanisms

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

The City of Madison 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 15 days after the Owner's payment to the prime Contractor.

In accordance with 49 CFR §26.29, the City of Madison established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance on their contracts no later than 15 days from the prime contractor's receipt of each payment from the City of Madison. The percent of retainage withheld will be 10%.

As such, the City of Madison will include the following clause in each FAA-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than fifteen (15) days from the receipt of each payment the prime contractor receives from the City of Madison. The prime contractor agrees further to return retainage payments to each subcontractor within fifteen (15) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Madison. This clause applies to both DBE and non-DBE subcontractors.

The City of Madison shall monitor and enforce compliance with the prompt payment requirements by requiring an affidavit of payment from the prime contractor with all payment requests that states that all subcontractors and suppliers have been paid from previous payments.

The prime contractor shall submit a release and waiver liens with their final payment request. At final payment, the subcontractors and/or suppliers shall certify that they have received payment in-full from the prime contractor by submittal of a release and waiver of liens to the City of Madison.

Complaints by subcontractors regarding the prompt payment requirements and steps to resolve disputes is outlined in Section 26.37, Monitoring and Enforcement Mechanisms. The City of Madison shall track and report all valid prompt payment complaints, including complaints regarding untimely return of retainage to the FAA. The website to report complaints and related data can be found at the following link:

<https://www.surveymonkey.com/r/PromptPaymentComplaints>

Section 26.31 Directory

The City of Madison utilizes the Georgia Department of Transportation (GDOT) DBE Directory. The GDOT participates in the Unified Certification Program (UCP). The directory lists the firm's name,

address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. The Directory shall be available from the GDOT at the following address:

Georgia Department of Transportation
600 W. Peachtree Street, N.W., Suite 700
Atlanta, GA 30308
Tel. 404-631-1972 or at the following web site:
<https://gdotbiext.dot.ga.gov/analytics/saw.dll?Dashboard>

Section 26.33 Over-concentration

The City of Madison has not identified over-concentration of DBEs pursuant to 49 CFR Section 26.33 in any type of work that would unduly burden the opportunity of non-DBE firms to participate in that type of work.

Section 26.35 Business Development Programs

The City of Madison has not established a business development or mentor-protégé program; however, the State of Georgia has an established mentor protégé program called “Georgia Mentor-Protégé Connection” (<https://georgiampc.org/protege/>).

Section 26.37 Monitoring and Enforcement Mechanisms

The City of Madison 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 sets forth these mechanisms in the City of Madison’s DBE program.

The City of Madison 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 DBE’s and Non-DBE’s

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

- The City of Madison will post prime contractor payments to a website, database, or other place accessible to subcontractors to alert them to the start of the 15-day clock for payment.

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

The City of Madison proactively reviews contract payments to subcontractors including DBE’s. Each prime contractor payment will include proof of payments to subcontractor for prior subcontractor payment requests. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to the City of Madison by the prime contractor.

Prompt Payment Complaints

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

- A prompt payment complaint shall be filed with the DBELO.
- Within thirty (30) days, the DBELO will coordinate meeting for dispute resolution. Prompt Payment Dispute Resolution procedures will follow.

Prompt Payment Dispute Resolution

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

- The City of Madison will coordinate a meeting between the prime contractor and subcontractor(s) with resident project representative and/or project manager present as appropriate for the purposes of prompt payment dispute resolution.
- Representatives of each interested party shall have authority to bind the party to the execution and delivery of the resolution. As the enforcing authority, the City of Madison shall present a representative with authority to bind.
- If a prompt payment complaint with the DBELO does not result in timely and meaningful action by the City of Madison to resolve prompt payment disputes, the affected subcontractor may contact the Georgia Department of Transportation Inspector General for further action.

The City of Madison has established, as part of its DBE program, a contract clause in Section 26.29 to ensure prompt payment and return of retainage by ensuring prime contractors will pay subcontractors for completed work prior to requesting payment from the City of Madison.

Enforcement Actions for Noncompliance of Participants

The City of Madison will provide appropriate means to enforce the requirements of §26.29. These means include:

- In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor
- Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract.

Monitoring Contracts and Work Sites

The City of Madison reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which work was committed. Work site monitoring is performed by the resident project representative such as the project manager, or managing consultant, etc. Contracting records are reviewed by the resident project representative. The City of Madison will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Additional Compliance Measures

The City of Madison will bring to the attention of the FAA & GADOT any false, fraudulent, or dishonest conduct in connection with the program, so that the agencies can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 49 CFR §26.107.

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

- a. Breach of contract action, pursuant to the terms of the contract;
- b. Breach of contract action, pursuant to Section 26.109;

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

- a. Suspension or debarment proceedings pursuant to 49 CFR Part 26.
- b. Enforcement action pursuant to 49 CFR Part 31.
- c. Prosecution pursuant to 18 US 1001.

Section 26.39 Fostering Small Business Participation

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

The small business element is incorporated as Attachment 7 to this DBE Program. The program elements will be actively implemented to foster small business participation as authorized under state law and ensuring aggressive steps will be taken to encourage small business participation, regardless of their location.

END OF SUBPART B

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The City of Madison will establish the overall goal every three years. The overall goal is established in accordance with the 2-Step process as specified in 49 CFR Part 26.45. We will begin using our overall goal on October 1 of the 3-year goal period, unless we have received other instructions from the DOT. A description of the methodology, the goal calculations and break out of race-neutral and race-conscious participation can be found in Attachment 5 and 6, respectively.

Process

The Airport submits its overall goal to DOT on or about August 1 prior to the 3-year goal period (i.e. Aug 1, 2020 for FY 2021 – 2023, Aug 1, 2023 for FY 2024-2026, and so on.)

Before establishing the overall goal, the Airport will consult with the Georgia DOT's Equal Employment Opportunity Office (<http://www.dot.ga.gov/AboutGeorgia/Offices/Pages/OfficeDivisionDetails.aspx?officeID=32>), minority, woman's and general contractor groups, community organizations and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs. The following groups and organizations will be notified in writing of the goal determination process:

Georgia Department of Transportation
Equal Employment Opportunity Office
Attn: Byron Browning
1 Georgia Center
600 West Peachtree St. NW, 7th floor
Atlanta, GA 30308
Tel. 404-631-1972

Associated General Contractors of Georgia, Inc.
1940 The Exchange SE #100
Atlanta, GA 30339
Tel. 678-298-4100
<http://www.agcga.org>

National Association of Women in Construction (NAWIC)
2997 Cobb Pkwy
P.O. Box 724702
Atlanta, GA 31139

Georgia Transit Association

327 S. 9th St.
Griffin, GA 30224
Tel: 678-603-1090

Following this consultation, the City of Madison will publish a notice of the proposed overall goal on the city web site(s) informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Airport office for 30 days following the date of the notice, and informing the public that the Airport or FAA will accept comments on the goals for 45 days from the date of the notice. Normally, the City of Madison will issue this notice on or about June 1 the year the DBE program is updated. The notice must include addresses to which comments may be sent and addresses where the proposal may be reviewed. A sample notice is included at the end of Attachment 5.

Our overall goal submission to the FAA will include a summary of information and comments received during this public participation process and our responses.

Section 26.47 Failure to Meet Overall Goals

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

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

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

1. Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
2. Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;
3. The City of Madison will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs 1 and 2 of this section. We will retain copies of analysis and corrective actions in records for a minimum of three years and will make it available to the FAA upon request.

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 6 to this program. This section of the program will be updated every three years when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

The Airport will use contract goals to meet any portion of the overall goal the Airport does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to

which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

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

We will express our contract goals as a percentage of total amount of the DOT assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26.

The DBE Liaison Officer, or their representative, should be responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible.

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

Information to be submitted (26.53(b))

The City of Madison treats bidder/offerors' compliance with good faith efforts requirements as a matter of responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information within 7 calendar days of being notified that they are the successful bidders, but before the contract is executed:

1. The names and addresses of DBE firms that will participate in the contract
2. A description of the work that each DBE will perform
3. The dollar amount of the participation of each DBE firm participation
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 10 days of being informed by the City of Madison that it is not a responsible bidder/offeror because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Mr. Lee Moss, City Solicitor
Prior, Daniel & Wiltshire, LLC
288 S. Main Street
Madison, GA 30650
Tel: 706-342-9666

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

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

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

Before transmitting a request to terminate and/or substitute a DBE subcontractor to the City of Madison, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the City of Madison, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request. The prime contractor must give the DBE five (5) days to respond to the prime contractor's notice and advise the City of Madison and the prime contractor of the reasons, if any, why the DBE objects to the proposed termination of its subcontract and why the prime contractor's action should not be approved. If required in a particular case as a matter of public necessity (e.g., safety), a response period shorter than five (5) days may be provided.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions 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 solicitation response to perform the work and supply the materials for which east is listed unless the contractor obtains prior written consent of the City of Madison as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The City of Madison will require a Contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If the City of Madison requests documentation from the contractor under this provision, the contractor shall submit the documentation within seven (7) days, which may be extended for an additional seven (7) days if necessary at the request of the contractor. The City of Madison

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 City of Madison will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the City of Madison may issue a termination for default proceeding.

Sample Bid Specification:

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

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

Section 26.55 Counting DBE Participation

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

END OF SUBPART C

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City of Madison 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.

For information about the certification process or to apply for certification, firms should call, write, or browse to the following:

Georgia Department of Transportation
Equal Employment Opportunity Office
1 Georgia Center
600 West Peachtree St. NW, 7th floor
Atlanta, GA 30308
Tel. 404-631-1972 (Kimberly King, Administrator) or at the following web site:
<http://www.dot.ga.gov/PS/Business/DBE>

END OF SUBPART D

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The City of Madison is a non-certifying partner of the Georgia Department of Transportation (GDOT) Unified Certification Program (UCP). The State of Georgia's UCP can be found at: <http://www.dot.ga.gov/PartnerSmart/Business/Documents/Plan/Disadvantaged%20Business%20Enterprise%202019%20Program%20Plan.pdf>

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

The City of Madison will consult the State UCP Administrator on the review of the eligibility of DBEs.

“No Change” Affidavits and Notices of Change

The UCP administrator shall require all DBEs to inform the State UCP, in a written affidavit, any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the application for certification.

The UCP administrator also requires all owners of DBEs that have been certified to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of Section 26.83(j). The text of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26. There have been no material changes in the information provided with [name of DBE]'s application for certification, except for any changes about which you have provided written notice to the State of Georgia UCP under 49 CFR Part 26.83(i).

The UCP administrator shall require DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

The UCP administrator will notify all DBE firms currently certified by the State UCP of these obligations by certified mail. This notification will inform DBEs that to submit the “no change” affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a Part 26 eligibility requirement, (e.g., personal net worth), the obligation to submit a notice of change applies.

Personal Net Worth

The UCP administrator will require all disadvantaged owners of applicants and of DBEs currently certified by the UCP whose eligibility under Part 26 requires review, to submit a statement of personal net worth at the time of the review.

Section 26.86 Denials of Initial Requests for Certification

If the UCP's deny a firm's application or decertifies the DBE, the firm may not reapply until 12 months have passed from the UCP's action.

Section 26.87 Removal of a DBE's Eligibility

In the event the City of Madison proposes to remove a DBE's certification, the City of Madison will follow procedures consistent with 49 CFR Section 26.87. To ensure separation of functions in a decertification, we have determined that the City Solicitor will serve as the decision-maker in decertification proceedings. The City of Madison has established an administrative "firewall" to ensure that the City Solicitor will not have participated in any way in the decertification proceeding against the firm (including in the decision to initiate such a proceeding).

Section 26.89 Certification Appeals

Any firm or complainant may appeal the Airport's decision in a certification matter to the US DOT. Such appeals may be sent to:

US Department of Transportation - Departmental Office of Civil Rights
External Civil Rights Program Division (S-33)
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: 202-366-4754, TTY: 202-366-9696, Fax: 202-366-5575

The UCP will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our U.S. DOT-assisted contracting (e.g., certify a firm if U.S. DOT has determined that the UCP denial of its application was erroneous).

END OF SUBPART E

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than the FAA) without the written consent of the submitter.

Monitoring Payments to DBEs

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

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

END OF SUBPART F

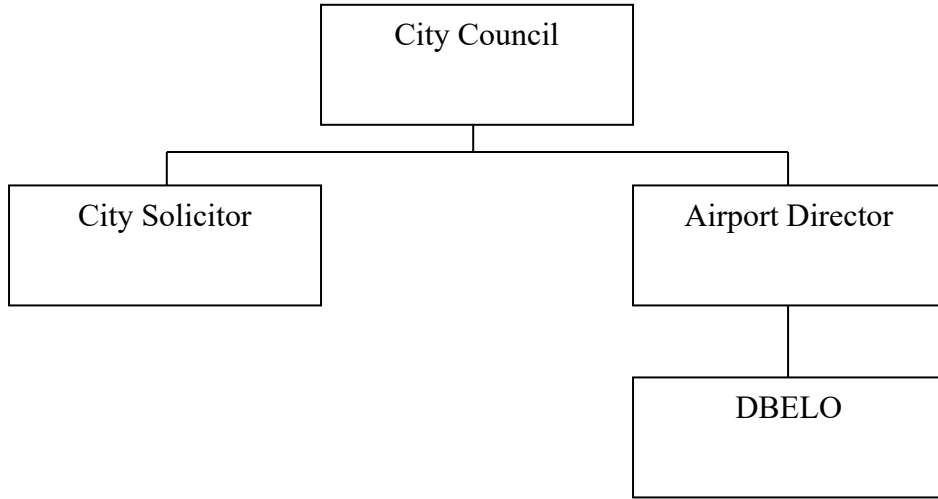
Attachment 1

Regulations: 49 CFR Part 26

Available by internet connection at the following:

https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

Attachment 2
Organizational Chart



**Attachment 3
DBE Questionnaire**

**Madison Municipal Airport
Madison, GA**

As part of a recent bid form received by the City of Madison, your firm was identified as a Disadvantaged Business Enterprise (DBE) who submitted a bid or provided a price quote to another firm(s) submitting bids on a federally funded project. Per the requirements of 49 CFR Part 26, "Participation by Disadvantaged Business Enterprises in DOT Programs", the City of Madison has established a DBE plan. This plan is updated every three years to reflect the Airport's upcoming projects and the availability of qualified DBE firms that are ready, able and willing to participate in federally funded projects at the Madison Municipal Airport. The information below will assist the Airport in maintaining an accurate DBE directory of firms bidding, or are interested in the opportunity to participate in these projects.

Please provide the following information:

Name of Firm: _____

Address: _____

Contact Person: _____

Phone: _____

Fax: _____

DBE Certifications (include expiration date): _____

Type of Work Done by Firm: _____

Age of Firm: _____ Annual Gross Revenues of Firm: _____

Bonding Capacities of Firm: Max. Single Contract: _____

Max. Aggregate: _____

Please remit this information to:

DBE Liaison Officer
Madison Municipal Airport
132 North Main Street, P.O. Box 32
Madison, GA 30650

Your participation in this effort is appreciated and will help establish realistic DBE goals for future projects at the Madison Municipal Airport.

Attachment 4
List of DBEs in Market Area

The link location provided in this attachment contains a list of participating DBEs in the State of Georgia UCP Directory. Only DBE's within the 90-mile market area of Madison Municipal Airport and in the below counties have been included in this plan's DBE goal analysis. The 90-mile market area of the Airport encompasses an eighty (80) county area consisting of the following counties:

Baldwin, Banks, Barrow, Bartow, Bibb, Bleckley, Burke, Butts, Carroll, Cherokee, Clarke, Clayton, Cobb, Columbia, Coweta, Crawford, Dawson, DeKalb, Dodge, Douglas, Elbert, Emanuel, Fannin, Fayette, Forsythe, Franklin, Fulton, Gilmer, Glascock, Greene, Gwinnett, Habersham, Hall, Hancock, Hart, Henry, Houston, Jackson, Jasper, Jefferson, Johnson, Jones, Lamar, Laurens, Lincoln, Lumpkin, Macon, Madison, McDuffie, Meriwether, Monroe, Morgan, Newton, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pike, Pulaski, Putnam, Rabun, Richmond, Rockdale, Spalding, Stephens, Talbot, Taliaferro, Taylor, Towns, Troup, Twiggs, Union, Upson, Walton, Warren, Washington, White, Wilkes, and Wilkinson Counties

Georgia Department of Transportation – UCP Directory:

<http://www.dot.ga.gov/PS/Business/DBE> (UCP Directory link under the Directories drop down menu selection)

Attachment 5

Section 26.45: Overall Goal Calculation

Name of Recipient: Madison Municipal Airport
Goal Period: Federal Fiscal Years 2021, 2022, 2023 (FFY 21-23)

<u>FAA-Assisted Contract Amount:</u>	<u>AIP Entitlement</u>
	FY 2021 \$ 80,000
	FY 2022 \$ 270,000
	FY 2023 <u>\$ 2,565,000</u>
	TOTAL: \$ 2,915,000

TOTAL FAA AWARDS: \$ 2,915,000

The above “Total FAA Awards” excludes costs of a land acquisition project in FY 2021. Costs of land acquisition are not be considered in the determination of the Airport’s FY 21-23 Goal. Federal AIP funds for the land acquisition project are \$540,000.

Overall Three-Year Goal: 4.57% to be accomplished through 4.57% RN and 0.0% RC

Amount of Goal

The federal dollar amount of FAA-assisted contracts that the City expects to award during FFY 2021-2023 is approximately \$2,915,000.00 (land purchases excluded). The awards are anticipated to be in airport related engineering and planning services, heavy civil construction projects, airfield electrical, topographic surveying, environmental consulting services, and construction materials testing. The City of Madison’s goal is **4.57%** of federal expenditures to be spent with DBE Firms during this period, a cumulative total award of \$133,216.

Methodology used to Calculate Overall DBE Goal

The City has established the overall DBE goal in accordance with the 2-Step process as specified in 49 CFR Part 26.45. The first step determined the relative availability of DBEs in the market area, the “base figure”. The second step adjusted the “base figure” percentage from Step 1 so that it reflects, as accurately as possible, the DBE participation expected in the absence of discrimination based on past participation and local data.

Step 1: 26.45(c) DBE Base Figure Calculation

Based on a review of the FFY 2021-2023 projects, it is anticipated that the program will attract firms that perform work under the North American Industry Classification System (NAICS) codes as indicated in the following table on a project by project basis. The most specific NAICS codes were utilized based on the type of professional and construction services to be performed per each project listed in the Capital Improvement Program.

Table 1 – Capital Improvement Plan (CIP) Projects with Industry Code Descriptions

Year	CIP Project¹	Industry Code Descriptions – NAICS Codes²
2021	Land Acquisition – Phase 3 (Not Included)	Legal Services (54111) Architectural Services (54131) Engineering Services (54133) Surveying and Mapping Services (54137)
2021	Remark Runway 14-32	Highway, Street, Bridge, Construction Services (23731) Land Surveying Services (54137) Civil Engineering Services (54133) Consulting Engineering Services (54133)
2021	DBE Plan Update	Engineering Services (54133)
2022	Runway, Taxiway, Apron Rehab (No Lights) - Design	Architectural Services (54131) Engineering Services (54133) Surveying and Mapping Services (54137) Testing Laboratories (54138)
2023	Runway, Taxiway, Apron Rehab (No Lights) - Construction	Engineering Services (54133) Highway, Street, Bridge, Construction Services (23731) Airport Runway Construction (237310) Airport Runway Line Painting/String (237310)

Source: ¹ Airport Capital Improvement Plan (12/02/2020); ² 2018 North American Industry Classification System (NAICS), U.S. Census Bureau.

Market Area

The market area is based on companies who have historically bid airport projects. Each company was geographically located in relation to Madison Municipal Airport and it was determined the market area consisted of a roughly 90-mile radius from Madison Municipal Airport that includes eighty (80) Georgia counties, notably a large portion of the Atlanta-Sand Springs-Roswell GA Metropolitan Statistical Area.

Weighted Goal Calculations

Step 1A – NAICS Codes

The NAICS codes are presented in column 1 of Table 2. NAICS sector codes that are not relevant to projects proposed in the Capital Improvement Program have been filtered out.

Step 1B – Calculate the % of Work for each NAICS code

In this step, the dollar value of each NAICS code is estimated over the 3-year goal calculation period. This value is then converted into a “% of Work” based on the total 3-year funding. This is calculated as follows: the dollar value of the individual NAICS code is divided by the total estimated cost of all the projects in the 3-year goal calculation period. For example, Engineering Services (NAICS code 54133) costs are estimated at \$440,100 and the total of all the projects in the 3-year goal calculation period are estimated value as \$2,915,000. Thus, the “% of Work” value for Engineering Services is $\$440,100/\$2,915,000 \times 100\% = 15.1\%$ thus this NAICS code will represent 15.1% of the work presented in the Capital Improvement Plan. The values are provided in column 2 of Table 2.

Ex.: % contribution of each NAICS code = % of Work x (GA DBE Firms/ GA Businesses) x 100%
= Column (2) x (Column 3/Column 4) x 100%
= 15.1% x (135/1,031) x 100% = 1.98%

Step 1C – Determine the number of DBE firms

In this step, the number of DBE firms located in the market area with services that relate to the projects listed are identified in the GADOT Disadvantaged Business Enterprise Directory.

<https://gdotbiext.dot.ga.gov/analytics/saw.dll?Dashboard>

The number of identified DBE firms is summed by NAICS code. The values are provided in column 3 of the Table 2.

Step 1D – Determine the number of Businesses

In this step, the numbers of related businesses (DBE and non-DBE) located in the market area are determined from the latest NAICS database provided by the U.S. Census Bureau.

<https://www.census.gov/programs-surveys/cbp/data.html>

The values are provided in column 4 of the Table 2.

Step 1E – Calculate the % Contribution of each NAICS code

In this step, the % contribution for each NAICS code is calculated. The calculation is weighted based on the “% of Work”, the number of DBE firms by NAICS code and the number of Businesses by NAICS code. An example of the weighting calculation is as follows:

Each NAICS code contribution is calculated and summed to determine the overall goal. The values are provided in column 5 of the Table 2. Therefore, the FFY 2021-2023 “base figure” goal is 8.20%.

Table 2 – Weighted Average Goal Calculation

(1)	(2)	(3)	(4)	(5)
NAICS Code ¹	% of Work	DBE Firms ²	Businesses	% Contribution
Highway, Street, and Bridge Construction (23731)	76.9%	16	224	5.49%
Engineering Services (54133)	15.1%	135	1031	1.98%
Legal Services (54111)	0.0%	17	5779	0.00%
Office of Real Estate Appraisers (53132)	0.00%	1	474	0.00%
Architectural Services (54131)	3.4%	13	556	0.08%
Surveying and Mapping Services (54137)	2.7%	22	175	0.34%
Testing Laboratories (54138)	1.9%	16	99	0.31%
			Base figure (rounded) =	8.20%

Source: ¹ County Business Patterns (NAICS) U.S. Census Bureau; ² GDOT Disadvantaged Business Enterprise Directory

Step 2: 26.45(d) Base Figure Adjustment

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

The first evidence for basis of adjustment considers the current capacity of DBEs to perform work, as measured by the volume of work DBEs have performed in recent years (ref. 26.45(d)(1)(i)). Previous DBE Performance is provided below:

YEAR	GOAL	ACTUAL
2012	2.90%	0.40%
2013	2.90%	1.95%
2014	2.90%	1.15%
2015	4.00%	0.00%
2016	4.00%	1.05%
2017	4.00%	1.10%
2018*	9.37%	0.00%
2019*	9.37%	0.00%
2020*	9.37%	0.00%

Average Actual Participation: 0.94%

*Previously reported Airport Improvement Projects in the FY 2018-2020 DBE Plan were not awarded or completed except for two Land Acquisition projects in 2019 & 2020. The two projects mentioned held no DBE participation. As there were not any significant projects in 2018-2020, this three-year period has been withheld from this goal’s determination.

The second evidence for basis of adjustment considers any existing disparity studies within the airport’s jurisdiction (ref. 26.45(d)(1)(ii)). There were no studies related to the airport or projects within the airports jurisdiction. As a result of no existing studies, no adjustment was made based on disparity studies to the base figure for this plan.

The third evidence that must be evaluated is the evidence from related fields that affect the opportunities for DBEs to form, grow and compete (ref. 26.45(d)(2)). This evaluation is conducted in 2 parts.

- 1) This includes evaluating statistical disparity in the abilities of DBEs to get the financing, bonding and insurance required perform work (ref. 26.45(d)(2)(i)).
- 2) We also consulted, in writing, with Georgia Department of Transportation, the Associated Constructors of Georgia Inc., the National Association of Women in Construction, and the Georgia Transit Association seeking feedback on the goal methodology and the evidence of data related to opportunities for DBE’s to perform work in GA. The Airport received no feedback from this written consultation. Based on this evidence, no adjustment to the “base figure” has been made.

The data above indicates that the Airport has had an average of 0.63% DBE participation on completed projects between FY 2012-2017, with zero participation within the last three years. Several projects planned for award in the FY 2018-2020 period were moved to the FY 2021-2023 period. Despite the Airport’s efforts to ensure the inclusion of DBE firms on contract awards, past reporting shows that the market area lacks DBE firm interest and participation.

Review of the amount of DBE firms in the 90-mile market area shows that, in general, DBEs with relevant NAICS work codes are decreasing. Due to the evidence in current market data and the information listed above, an adjustment to the base figure is needed. The previous method used for the FY 2018-2020 goal determination is applied similarly in this case as well. The mean of the average actual participation (0.94%) and the base figure

(8.20%) divided by two is equal to 4.57%. This value is an appropriate adjustment of the base figure as it is an increase from the FY 2012-2017 DBE goal.

Public Participation:

The following notice will be posted on the Madison Municipal Airport website.

PUBLIC NOTICE

The City of Madison hereby announces its federal fiscal years 2021-2023 goal of 4.57% for Disadvantaged Business Enterprise (DBE) related to FAA-assisted contracts for airport engineering, civil and building construction. The proposed goal and rationale is available for inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the Madison Municipal Airport, 1245 Airport Industrial Blvd., Madison, GA 30650 or on the City of Madison’s website <http://www.madisonga.com/> for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 45 days from the date of availability of this notice and can be sent to the following:

Ms. Karen Stapp
Finance Officer
132 North Main Street, P.O. Box 32 or
Madison, GA 30650
706-342-1251 ext. 220
kstapp@madisonga.com

Ms. Thomas Knox
DBE & ACDBE Compliance Specialist
Southern Region
FAA Southern Regional Office
Office of Civil Rights, ASO-9
1701 Columbia Ave.
College Park, GA 30337
424-405-7208
thomas.knox@faa.gov

Consultation

The City consulted in writing with the agencies listed in Section 26.45 of the plan.

{AGENCY COMMENTS, IF ANY, WILL BE LISTED HERE / ATTACHED ON SUBSEQUENT PAGES}

Comments from the Public Participation and Consultation

The public comment period ended on _____, 2021.

{PUBLIC COMMENTS, IF ANY, WILL BE LISTED HERE / ATTACHED ON SUBSEQUENT PAGES}

Attachment 6

Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation

The City will attempt to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The City uses the following race-neutral means to increase DBE participation:

1. Arranging solicitations, times for the presentation of bids, specifications, and delivery schedules in ways that facilitate DBE participation (e.g., encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
2. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors);
3. Ensuring distribution of the GDOT DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
4. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.
5. Ensuring the DBE goals are published in all bid and contract documents.

In order to ensure that our DBE Program will be narrowly tailored to overcome the effects of discrimination, the City anticipates using contract goals. The City will monitor the DBE participation and adjust contract goals as required.

In meeting the overall DBE goal of 4.57%, the City anticipates it will obtain 4.57% from race-neutral participation and 0% through race conscious measures.

The City will also adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and the City will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract that a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

The City will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

Attachment 7
Small Business Element

Fostering Small Business Participation	
Sponsor's Name:	City of Madison, Georgia
Airport Name:	Madison Municipal Airport
City, State:	Madison, Georgia
AIP Number:	
Federal Fiscal Year:	

1. Objective/Strategy

The City of Madison 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

- On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBE's can reasonably perform, rather than self-performing all the work involved shall be considered.
- Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBE's to compete for and perform prime contracts.

2. Definitions

The following words, terms and phrases, when used in this element, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- DBE firms should be identified in the Small Business element of the recipient's DBE program as eligible for the program unless there is a DBE micro-Small Business Program element in place.
- Size standard should be consistent with 49 CFR 26.5 and must be no larger than the Small Business Administration's size standards. DBE firms and small firms eligible for the program should be similarly sized to reduce competitive conflict between DBE and non-DBE firms.
- Personal Net Worth standards should be consistent with 49 CFR Part 26 thresholds.
- Definitions must clearly state that all businesses meeting the criteria outlined in this element will be considered to be small businesses, without regard to race or gender.

3. Verification

- The City of Madison will diligently attempt to minimize fraud and abuse in the small business element of its DBE program verifying program eligibility of firms. Verification will include documentation of Small Business Firms to be utilized in this Attachment and will be reviewed by the DBELO for compliance with terms of the element. Documentation will allow for participation of all small businesses (relying exclusively on local/state M/WBE certification, SBA 8(a) certification, or other programs that include race/gender/geographical considerations as a condition of the certification is not an acceptable means of verifying eligibility, and is not compliant with the race-neutral requirements of §26.39, the Small Business element of the City of Madison's DBE plan.

4. Monitoring/Record Keeping

The City of Madison will implement the following monitoring/record keeping practices for the small business element of the DBE plan:

1. Track contract awards to determine baseline conditions. That is, the Airport will determine the number of small business typically participating. This will be completed by having Prime Contractor(s) for Construction Work Items and for Professional Services Work Items complete the form entitled, Fostering Small Business Participation, located in Attachment 7.
2. Structure contracts 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.

For clarification purposes, 49 CFR Part 26.5 states, small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b). 13 CFR 121.402 defines “What size standards are applicable to Federal Government Contracting programs?” The Table of Small Business Size Standards matched to North American Industry Classification Codes as compiled by the U. S. Small Business Administration (found at www.sba.gov) will be used to implement strategy 1.

In accordance with Section 26.39 the following detailed list shall be completed by Prime Contractor(s) for Construction Work Items as well as by Prime Contractor(s) for Professional Services Work Items. Note: The firms listed below may or may not be certified DBEs.

DBE documentation forms are provided on the following page and may be duplicated as necessary.

Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

(Duplicate form as necessary.)

The following notation is for Sponsor Use Only:

Accepted by: _____ Date: _____

Attachment 8
SUMMARY OF REVISIONS OF THE ORIGINAL FY 2018-2020 DBE PLAN

	<u>REVISIONS</u>	<u>DATE OF REVISION</u>
#1	<ul style="list-style-type: none">• FY 2021-2023 DBE Plan Created	<i>12.12.2020</i>

END OF DBE PLAN