

**US DOT 49 CFR Part 26
Disadvantaged Business Enterprise (DBE) Program Update
Fiscal Years 2021 – 2023**



Prepared For:
Hernando County
Brooksville-Tampa Bay Regional Airport
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Introduction

Hernando County, a political subdivision of Florida, is the owner and operator of the Brooksville-Tampa Bay Regional Airport (BKV) and, as such, contracted American Infrastructure Development, Inc. (the Consultant) to prepare the Fiscal Years (FY) 2021-2023 Disadvantaged Business Enterprise (DBE) Goal based upon anticipated engineering design, construction, and professional service contracts. In order to maintain compliance with federal grant assurances and remain eligible for federal and state funding in the amount of \$250,000 or greater, Hernando County, as the Sponsor of the BKV, must comply with all requirements as outlined in the United States Department of Transportation (DOT) 49 CFR Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs."

The objective of this program update is to obtain full compliance with DOT established rules and regulations regarding the DBE program outlined in 49 CFR Part 26 in order to remain eligible for Federal Aviation Administration (FAA) Airport Improvement Program (AIP) and Florida Department of Transportation (FDOT) grant funding for airport related projects. The purpose of the DBE Program is to ensure that DBEs, as defined in 49 CFR Part 26 have an equal opportunity to receive and participate in FAA and DOT-assisted contracts. As such, the DBE Program for the Brooksville-Tampa Bay Regional Airport, which will accomplish the following:

- Ensure nondiscrimination in the award and administration of FAA and DOT assisted contracts.
- Create opportunities in which DBEs can compete fairly for FAA and DOT assisted contracts.
- Ensure the DBE program is narrowly tailored in accordance with applicable law.
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
- Help remove barriers to participation of DBEs in FAA and DOT assisted contracts.
- Provide post award oversight and increased recipient accountability regarding DBE participation.
- Assist in the development of firms that can compete successfully in the marketplace outside the DBE program.

Section 26.1, 26.23: Objectives / Policy Statement

Hernando County, a political subdivision of Florida, owner of the Brooksville-Tampa Bay Regional Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Hernando County has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Hernando County has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of Hernando County to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

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

Mr. Kevin Daugherty, A.A.E., Airport Manager for Brooksville-Tampa Bay Regional Airport, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Mr. Daugherty 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 Hernando County in its financial assistance agreements with the Department of Transportation.

Hernando County has disseminated this policy statement to all the components of the organization and will distribute this statement to DBE and non-DBE business communities that perform work on DOT-assisted contracts. The distribution will be accomplished by publishing a DBE Program goal statement on the FAA Matchmaker System <https://faa.dbesystem.com/>.



Kevin Daugherty, A.A.E., Airport Manager

Dec 7, 2020

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.3: Applicability

BKV is the recipient of FAA funds (e.g. Airport Improvement Plan Funding (AIP)), entitlement, and discretionary, authorized under 49 U.S.C. 47101, et seq.

Section 26.5: Definitions

The terms used in this program have the meanings defined in 49 CFR 26.5 (appended).

Section 26.7: Non-discrimination Requirements

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

Section 26.11: Record Keeping Requirements

Reporting to DOT: 26.11 (b)

You must continue to provide data about your DBE Program to the Department as directed by DOT operating administrations.

Hernando County will transmit to FAA annually on the first of December, the “Uniform Report of DBE Awards or Commitments and Payments” form, found in Appendix B to Part 26 via DOT Form 4630, as modified for use by FAA recipients or via the FAA Civil Rights Connect website. Appendix B to Part 26 can be found via the link provided in **Attachment 1** of this document. DBE contractor firm information will be reported via the FAA DBE Contractor’s Form or other similar format.

Bidders List: 26.11(c)

Hernando County will create and maintain a bidders list (**Attachment 3**), consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

Firm information will be collected by utilizing a contract clause requiring prime bidders to report the names/addresses of all firms who quote for subcontracts.

Section 26.13: Federal Financial Assistance Agreement

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

Assurance: 26.13(a) - Each financial assistance agreement Hernando County signs with a DOT operating administration (or a primary recipient) will include the following assurance:

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

Contract Assurance: 26.13(b) - Hernando County will ensure that the following clause is included in each contract signed 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 Hernando County deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible.

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21: DBE Program Updates

Hernando County will receive grant(s) for airport planning or development totaling \$250,000 or more in a Federal fiscal year. Hernando County will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. Hernando County will provide to DOT updates representing significant changes in the program for approval.

Hernando County is not eligible to receive DOT financial assistance unless DOT has approved the COUNTY's DBE Program and found the program to be in compliance. Hernando County will continue to carry out the program until all funds from DOT financial assistance have been expended.

Section 26.23: Policy Statement

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

Section 26.25: DBE Liaison Office (DBELO)

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

Mr. Kevin Daugherty, A.A.E.
Airport Manager
15800 Flight Path Drive Brooksville, Florida 34604
Phone: (352) 754-4061
Email: KDaugherty@co.hernando.fl.us

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

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. 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 [Recipient's] progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. 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 Process.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains the agency's updated directory on certified DBEs.
14. Consults with the County's Purchasing and Contracts Department to foster small business participation on DOT-funded airport projects.

Section 26.27: DBE Financial Institutions

It is the policy of Hernando County to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. We have made efforts to identify and use such institutions.

Efforts have been made, through research and point of contact information, to identify and use financial institutions owned and controlled by socially and economically disadvantaged individuals in the Community; however, within the Community none appear to exist. Therefore, the DBELO is expanding the search to include organizations outside of Hernando County. Further information on the availability of such institutions may be obtained from the DBE Liaison Officer.

Section 26.29: Prompt Payment Mechanisms

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

Hernando County will pay the prime contractor within 30 days of contract or agreed-upon task completion. The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment that the prime contractor receives from Hernando County. The prime contractor agrees further to return retainage payments to each subcontractor within that same number (30) of 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 Hernando County. This clause applies to both DBE and non-DBE subcontractors.

Section 26.31: Directory

Hernando County uses the State of Florida Department of Transportation Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory, maintained by the State. The directory (**Attachment 4**) is the single source for establishing DBE eligibility. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a UCP-DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. The State of Florida revises the Directory on a real-time annual basis. The Directory is found:

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/CustomSearch.aspx>

Section 26.33: Over-concentration

Hernando County has not identified an overconcentration of DBE firms in the required service specialty areas.

Section 26.35: Business Development Programs

Hernando County has not established a business development program.

Section 26.37: Monitoring and Enforcement Mechanisms

Hernando County has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the Breach of contract action, pursuant to the terms of the contract.

Hernando County will monitor DBE contracts, DBE scheduled work and payments to DBE contractors as part of all federally assisted projects to ensure compliance with this DBE Program. Non-compliance could be considered as a breach of contract and may result in the suspension or termination of the contract or such other remedy as deemed appropriate by Hernando County and the FAA.

Hernando County will bring to the attention of DOT any false, fraudulent, or dishonest conduct in connection with the program as provided in Part 26.107. 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.

Hernando County will create a process for contract and DBE worksite reviews that includes completing a written certification that the reviews were completed. All items and the following items below will be monitored/conducted by the DBELO, Consultant or project manager.

1. Hernando County will 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.
2. Hernando County will consider similar action under the County's own legal authorities, including, determinations in future contracts. In the event of non-compliance with the DBE regulation by a participant in our procurement activities, the County's Legal Department would take action in light of the Hernando County Procurement, Purchasing and Contracting Policies.
3. Hernando County will also provide a monitoring and enforcement mechanism to verify that work committed to DBE's at contract award is actually performed by the DBE's. This will be accomplished by the DBE staff or project manager through site visits, participating in pre-contract meetings, contract progress meetings, punch list inspection meetings, and final contract meetings. In addition, contractors will be required to report on DBE participation (including any payments to DBE's in all contract reports). DBE staff or project manager will use **Attachment 7** as written certification and monitoring. This will occur for each contract/project on which DBE's are participating. Using this form COUNTY will document a running tally of actual payments to DBE firms.
4. All contracts shall contain the appropriate provisions to the effect that failure by the contractor to comply with Hernando County DBE program shall constitute a breach of contract, exposing the contractor to potential termination of contract, withholding payments, assessed sanctions, liquidated damages and/or disqualification of the contractor from future bidding.

Monitoring Payments to DBEs

Hernando County 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 Hernando County, the FAA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

Hernando County will keep a running tally of actual payments to DBE firms work committed to them at the time of contract award.

The Consultant 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. Participation in the program is credited toward overall and contract goals only when payments are actually made to DBE firms.

Section 26.39: Fostering Small Business Participation

Hernando County is including this element to facilitate competition and expand opportunities for small businesses. Hernando County is committed to taking all reasonable steps to eliminate obstacles to small

businesses that may preclude their participation in procurements as prime contractors or as subcontractors. Hernando County will meet objectives by using the following methods and / or strategies:

1. Unbundling: Hernando County, where feasible, may “unbundle” projects, or separate large contracts into smaller contracts, which may be more suitable for small business participation. The COUNTY will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be unbundled or bid separately. This determination will be made based upon the estimated availability of small businesses that are able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling.
2. Small Business Enterprise Program: The Hernando County Small Business Enterprise Program element is incorporated as **Attachment 9** to this DBE Program. We will actively implement the program elements to foster small business participation and doing so is a requirement of good faith implementation of our DBE program.

Definitions

1. Small Business: Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121). A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period.
2. Disadvantaged Business Enterprise: A for-profit small business (as defined by the Small Business Administration)
 - a. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals.
 - b. Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) as described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
 - c. Whose average annual gross receipts, as defined by SBA regulations over the firm’s previous three fiscal years are less than \$22.41 million.
 - d. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
 - e. Has been certified as a DBE by the Department of Transportation (DOT) in accordance with 49 CFR 26.

Certification and Verification Procedures

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

1. DOT DBE Certification – DBE Certification by the DOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26 as evidenced by a letter of DBE certification issued by DOT.

2. SBA 8(a) Business Development Certification as described in 13 CFR Parts 121 and 124 will require submittal of three years of business tax returns.

Assurances

Hernando County makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law.
2. Certified DBE's that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program.
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of their location.
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program.
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.
6. Reasonable efforts will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

SUBPART C – GOAL, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43: Set-asides or Quotas

Hernando County does not use quotas in any way in the administration of this DBE program.

Section 26.45: Overall Goals

Hernando County will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding FAA-assisted prime contracts the cumulative value of which exceeding \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) Hernando County will submit its Overall Three-Year DBE Goal to FAA.

DBE goals will be established for those fiscal years Hernando County anticipates awarding FAA-assisted prime contracts exceeding \$250,000 during the three-year period. The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If Hernando County does not anticipate awarding more than \$250,000 in FAA-assisted prime contracts during any of the years within the three-year reporting period, no overall goal will be developed; however, this DBE Program will remain in effect and Hernando County will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step is to determine the relative availability of DBEs in the market area, "base figure". The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

In establishing the overall goal, Hernando County will consult with minority, women'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 Hernando County efforts to establish a level playing field for the participation of DBEs. The list of organizations in which the airport, via the Consultant, contacted is listed in the Public Participation section of **Attachment 5**, Overall Goal Calculations, of this document.

Following this consultation, Hernando County will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Brooksville-Tampa Bay Regional Airport Administration Office (15800 Flight Path Drive, Brooksville, Florida 34604, (352) 754-4061) for 30 days following the date of the notice, and informing the public that Hernando County will accept comments on the goals for 30 days from the date of the notice. The notice will be issued via the FAA Matchmaker System. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed.

The Overall Three-Year DBE Goal submission to FAA/FDOT will include a summary of information and comments received, if any, during this public participation process and Hernando County responses. Hernando County will begin using the overall goal on the first day of October of the reporting period, unless other instructions from FAA/DOT are received. If a goal is established on a project basis, then Hernando County will begin using the goal by the time of the first solicitation for a FAA/DOT-assisted contract for the project. A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 5** of this document.

Section 26.47: Failure to Meet Overall Goals

Hernando County will maintain an approved DBE Program and overall DBE goal, if applicable, as well as administer the DBE Program in good faith to be in compliance with this portion.

If Hernando County awards and commitments shown on Hernando County's 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, then Hernando County will do the following in order to be regarded by the Department as implementing [Recipient's] DBE Program in good faith:

1. Analyze in detail the reasons for the difference between the overall goal and Hernando County's awards and commitments in that fiscal year.
2. Establish specific steps and milestones to correct the problems we have identified in the Consultant's analysis and to enable Hernando County to meet fully [Recipient] goal for the new fiscal year.
3. Hernando County 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. Hernando County will retain the analysis and corrective actions developed under paragraphs (c) (1) and (2) of this section for three years and make it available to FAA on 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 5** of this document.

Section 26.51 (d-g): Contract Goals

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

If the approved projection under paragraph (c) of this section estimates that we can meet the entire overall goal for a given year through race-neutral means, we will implement the program without setting contract goals during that year, unless it becomes necessary in order meet the overall goal.

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

Hernando County will express contract goals as a percentage of the total amount of a Federal share of a DOT-assisted contract, **10.25%**.

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 Part 26.

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded:

Mr. Kevin Daugherty, A.A.E.
Airport Manager
15800 Flight Path Drive Brooksville, Florida 34604
Phone: (352) 754-4061
Email: KDaugherty@co.hernando.fl.us

Hernando County will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before commits to the performance of the contract by the bidder/offeror are established.

Information to be Submitted (26.53(b))

Hernando County treats bidder/offerors' compliance with good faith efforts requirements as a matter of responsibility. As such, the bidder must submit the required information at any time before the County commits itself to the performance of the contract by the bidder/offeror. Each solicitation for which a contract goal has been established will require the bidders/offerors 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 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.
6. If the contract goal is not met, evidence of good faith efforts.

The bidder/offeror must present the information in the format required under sealed bid procedures, as a matter of responsiveness, or initial proposals, under contract negotiations procedures.

The response time for the above-mentioned items is limited to seven (7) days per Part 26.53(b)(3)(B).

Administrative Reconsideration (26.53(d))

Within seven (7) business days of being informed by Hernando County that it is not responsible 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. James Wunderle, Chief Procurement Officer
20 North Main Street Brooksville, Florida 34601
Phone: 352-754-4002
Email: jwunderle@hernandocounty.us

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

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

Good Faith Efforts Procedures When There are Contract Goals (26.53(f))

Hernando County will include in each prime contract a provision stating:

1. The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the contractors written consent as provided in this paragraph 26.53(f); and
2. That, unless Hernando County's consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

Hernando County will require the contractor that is awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this part's provisions.

In this situation, Hernando County will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

Hernando County will require that a prime contractor not terminate a DBE subcontractor listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm) without Hernando County's prior written consent. 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 with another DBE firm.

Hernando County will provide such written consent only if we agree, 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 County has determined that the listed DBE subcontractor is not a responsible contractor.
7. The listed DBE subcontractor voluntarily withdraws from the project and provides to the County written notice of its withdrawal.
8. The listed DBE is ineligible to receive DBE credit for the type of work required.
9. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract.
10. Other documented good cause that the County 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 Hernando County its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to Hernando County, of its intent to request to terminate and/or substitute, and the reason for the request.

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

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

Hernando County will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete the work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. Hernando County will ensure that the Prime contractor firm gives the subcontractor-DBE firm a minimum of seven (7) days to respond prior to actual termination. The DBELO in these cases will act as the mediator between parties, if needed.

In this situation, Hernando County will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceedings.

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 County to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of **9.75%** (as determined in the goal calculation **Attachment 5**) 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.

Note: When a contract goal is established pursuant to the recipient's DBE program, the sample bid specification can be used to notify bidders/offerors of the requirements to make good faith efforts. The forms are found in **Attachment 6** and can be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both non-construction and construction contracts for which a contract goal has been established. Thus, it can be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.

Section 26.55: Counting DBE Participation

Hernando County 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.

SUBPART D – CERTIFICATION STANDARDS

Section 26.62-26.73: Certification Process

Hernando County 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. Hernando County will make certification decisions based on the facts as a whole.

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

Mr. Sammy Febres
DBE & Small Business Development Programs Manager
Florida Department of Transportation, Equal Opportunity Office
605 Suwannee Street, M.S. 65
Tallahassee, FL 32399
Telephone: (850) 414-4745
Email: sammy.febres@dot.state.fl.us

The certification application forms, and documentation requirements are found in **Attachment 8** of this document.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81: Unified Certification Program

Hernando County will use the FDOT Unified Certification Program Directory as its source for information regarding certified DBE participants through the following website:

https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/dbeprogram/unified-certification-program-members.pdf?sfvrsn=bb4de58_0

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109: Information, Confidentiality, Cooperation, and Intimidation of Retaliation

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

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

ATTACHMENTS

Attachment 1: Regulations: 49 CFR Part 26 Website Link

Attachment 2: Hernando County Organizational Chart

Attachment 3: Bidder's List Collection Form

Attachment 4: Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory

Attachment 5: Overall Goal Calculations

Attachment 6: Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2

Attachment 7: DBE Monitoring and Enforcement Mechanisms

Attachment 8: DBE Certification Application Form

Attachment 9: Small Business Enterprise Program

Attachment 10: Public Participation Email and Public Notice

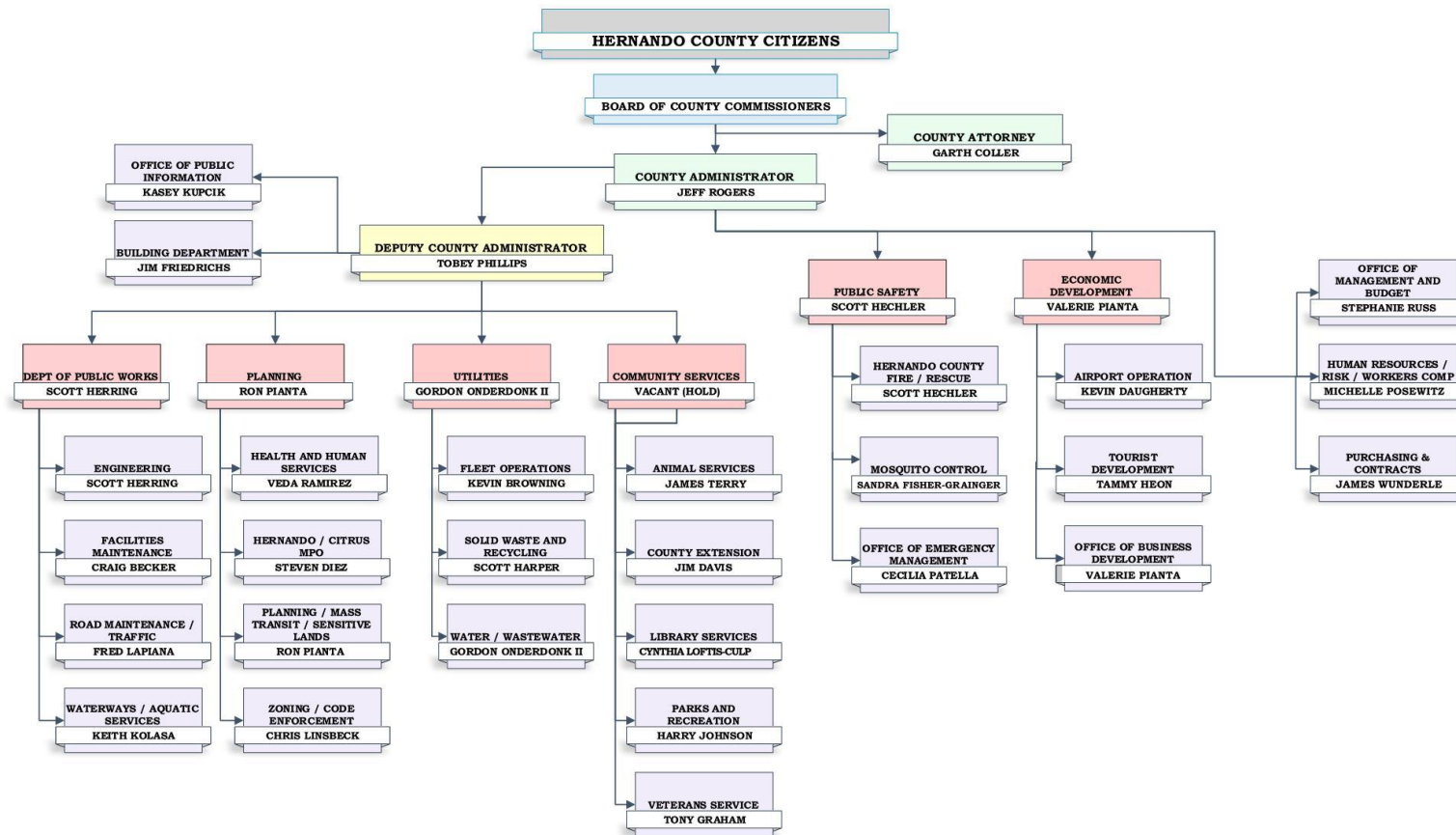
Attachment 1: Regulations: 49 CFR Part 26

49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, may be found on the United States Government Printing Office website:

<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=b0c56517500d3c5b1458783ad1c7e717&ty=HTML&h=L&n=pt49.1.26&r=PART>

Attachment 2: Hernando County Organizational Chart

Hernando County Board of County Commissioners Organization



Revised: June 9, 2020

Source: Hernando County Administration webpage.

Attachment 3: Bidder's List Collection Form

Project Name _____ Project Number _____

Firm Name	Prime or Subcontractor	Address, City, State, Zip	Phone	Fax	Email	Bid Date	Certified UCP-DBE (Y/N)	Gender (M/F)	Annual Gross Receipts	Years in Business

Attachment 4: Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory

The Florida Department of Transportation's Unified Certification Program Disadvantaged Business Enterprise Directory may be found at the following address:

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/>

The screenshot displays the FDOT website's DBE Directory interface. At the top, the FDOT logo and navigation links are visible. The main heading is "Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory". Below this, there are tabs for "Welcome", "DBE Directory", "Standard Reports", "UCP Member Contacts", and "Help". The "Standard Reports" tab is active, showing a "Report Type" section with "Report Format" options: HTML (selected), PDF, and Excel. A "Start Report" button is present. Below the format options is a "Standard Reports" section with a table of report names, the number of vendors, and a parameter dropdown menu.

Report Name	# of Vendors	Parameter
<input checked="" type="radio"/> DBE/ACDBE Certified Vendors	3,018	--
<input type="radio"/> ACDBE Certified Vendors	258	--
<input type="radio"/> DBE/ACDBE Vendors Newly Certified or Re-Certified Within One Year	428	--
<input type="radio"/> ACDBE Vendors Newly Certified or Re-Certified Within One Year	45	--
<input type="radio"/> Highway DBE Certified Vendors	2,113	--
<input type="radio"/> Transit DBE Certified Vendors	1,133	--
<input type="radio"/> Aviation DBE Certified Vendors	1,366	--
<input type="radio"/> DBE or ACDBE Vendors by Work District	--	Available Work Districts: 01, 02, 03, 04

Attachment 5: Overall Goal Calculations

Section 26.45 Overall DBE Three-Year Goal Methodology

Name of Recipient: Brooksville Tampa-Bay Regional Airport, Brooksville, Florida

Goal Period: Fiscal Years 2021 through 2023

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

Projects Fiscal Year 2021

- Runway 9-27 Rehabilitation - Construction: \$9,750,000

Projects Fiscal Year 2022

- Wildlife Hazard Mitigation - Construction: \$499,500

Projects Fiscal Year 2023

- Stormwater Management Plan – Planning: \$300,000

Estimated FAA funding amount:

FY-2021:	<u>\$9,750,000</u>
FY-2022:	<u>\$499,500</u>
FY-2023:	<u>\$300,000</u>

Total \$10,549,500

Overall Three-Year Goal: 10.25%, to be accomplished through 2.09% Race-Conscious (RC) and 8.16% Race-Neutral (RN)

Total dollar amount to be expended on DBE's: \$1,081,748

DBE Market Areas: Hillsborough, Pasco, Pinellas, and Hernando Counties, Florida

The market area for Professional and Construction Services presented above was determined based on discussions with the County's Engineering Department. The market area is where the substantial majority of the Airport's contractors and subcontractors that seek to do business with the Airport are located and the area where the Airport spends the substantial majority of its contracting dollars.

Step 1. Analysis: Actual relative availability of DBE's

DBE data used in this analysis was obtained from the current Florida Department of Transportation UCP DBE Directory. Information pertaining to the total availability of all firms was obtained from the US Census Bureau County 2018 Business Patterns Database. The base figure for each fiscal year's projects was determined by dividing the total number of DBE's by the total number of All Firms. **Table 1** provides the available DBE firms and total firms available in the Market Area by NAICS codes correlating with services to be used over the FY 2021-2023 period. **Tables 2 through 4** provides the base DBE goals for each fiscal year using the weighted methodology. No table is provided for FY 2023 as there are no federally funded project scheduled for that time period.

Table 1: DBE and Total Firms Available, by NAICS

NAICS	Type of Work	Total DBEs	Hernando	Hillsborough	Pasco	Pinellas	Total Firms	Hernando	Hillsborough	Pasco	Pinellas
541330	Civil Engineering Services	33	1	24	0	8	731	17	471	89	184
238210	Electrical Contractor	3	0	3	0	0	720	40	318	102	260
238910	Earthwork/Site Preparation	10	2	5	2	1	200	16	87	59	38
561730	Landscaping Services	3	1	2	0	0	1234	62	516	231	425
541370	Land Surveying Services	5	0	5	0	0	86	5	39	16	26
541620	Environmental Consulting Services	22	0	18	1	3	98	7	50	14	27
237310	General Construction Highway, Street & Bridge	8	0	5	0	3	65	5	27	5	28
562910	Environmental Remediation Services	6	0	5	0	1	50	0	29	5	16
Total		90					3184				

Table 2: 2021 Base DBE Goal

A	B	C	D	E	F	G
NAICS	Type of Work	Contract (\$)	% of Dollars (weight)	DBEs	Non-DBEs	Weighted % (D*E/F)
541330	Civil Engineering Services	\$585,000	6%	33	731	0.27%
541370	Land Surveying Services	\$97,500	1%	5	86	0.06%
238910	Earthwork/Site Preparation	\$1,462,500	15%	10	200	0.75%
561730	Landscaping Services	\$195,000	2%	3	1234	0.00%
238210	Electrical Contractor	\$585,000	6%	3	720	0.03%
237310	General Construction Highway, Street & Bridge	\$6,825,000	70%	8	65	8.62%
Project Total		\$9,750,000	100%	62	3036	9.72%

Table 3: 2022 Base DBE Goal

A	B	C	D	E	F	G
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Brooksville-Tampa Bay Regional Airport
Disadvantaged Business Enterprise (DBE) Program, FY 2021-2023

NAICS	Type of Work	Contract (\$)	% of Dollars (weight)	DBEs	Non-DBEs	Weighted % (D*E/F)
541620	Environmental Consulting Services	\$149,850	30%	22	98	6.73%
541330	Civil Engineering Services	\$99,900	20%	33	731	0.90%
562910	Environmental Remediation Services	\$249,750	50%	6	50	6.00%
Project Total		\$499,500	100%	61	879	13.64%

Table 4: 2023 Base DBE Goal

A	B	C	D	E	F	G
NAICS	Type of Work	Contract (\$)	% of Dollars (weight)	DBEs	Non-DBEs	Weighted % (D*E/F)
541330	Civil Engineering Services	\$300,000	100%	33	731	4.51%
Project Total		\$300,000	100%	33	731	4.51

Step 2. Analysis: Adjustments to Step 1 base figure

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 in order to arrive at the overall goal. The examination included, anticipated projects for each fiscal year, the availability of the DBE firms by trade classification and the volume of work performed by DBE firms over previous years.

The Step 1 base DBE goals are as follows:

- Fiscal Year 2021 – 9.72%
- Fiscal Year 2022 – 13.64%
- Fiscal Year 2023 – 4.51%

The Step 1 base overall three-year goal will be reflected as an average of the three years.

- Proposed Three-Year Goal – $(9.72\% + 13.64\% + 4.51\%)/3 = 9.29\%$

Adjustment Factors Considered

Historical past DBE participation was available for construction project completed in 2017 and 2018. At the time of this DBE program update, the 2019 closeout documents were not available. The median percentage of actual past DBE participation of 11.84%, accomplished via race conscious measures, was utilized as one of the adjustment factors. No disparity studies have been conducted by Hernando County or local organizations; therefore, the base goal was also adjusted using FDOT District 7 participation. The total involvement of DBE firms in Federal funded projects for the State of Florida for Professional and Construction/Maintenance Services within District 7 and can be used as an adjustment factor. District 7

includes Hernando, Hillsborough, Pasco, and Pinellas Counties. The DBE participation in District 7 projects averaged 9.63%¹ over the last four fiscal years.

The adjustment for past participation and FDOT District 7 participation:

- Weighted Step 1 Base Figure: 9.29%
- BKV Past Contract Participation: 11.84%
- FDOT District 7 Overall DBE Participation: 9.63%
- Adjusted DBE Requirement: $(9.29\% + 11.84\% + 9.63\%)/3 = 10.25\%$

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

Hernando County attempts to meet the maximum feasible portion of its overall DBE goal for Brooksville-Tampa Bay Regional Airport using various race/gender neutral means of facilitating DBE participation. The following list represents a sample of race/gender neutral measures used to facilitate DBE participation on airport related projects.

Race/Gender-Neutral means include, but are not limited to:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation (e.g., unbundling large contracts to make them more accessible to small businesses, encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces).
2. Provide assistance in overcoming limitations, such as inability to obtain bonding or financing.
3. Providing technical assistance and other services.
4. Carrying out information and communication 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).
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping and financial and accounting responsibility.
6. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of work, handle increasingly significant projects and achieve self-sufficiency.
7. Ensure distribution of the airport’s DBE (Florida Department of Transportation) directory through print and electronic means to the widest feasible audience of potential prime contractors.

In Fiscal Years 2017-2019, the Hernando County accomplishments exceeded the goal by a median of 8.16%, which may be construed as evidence of race-neutral participation. Therefore, **8.16%** of the 10.25% goal is expected through race-neutral means and the remaining **2.09%** is to be obtained by race-conscious measures.

¹ Florida Department of Transportation: Disadvantaged Business Enterprise Participation Reports FY 2016-2020, by District and Type of Work. Data for FY 2019/2020 available up to May 2020.

Hernando County will adjust the estimated breakout of RN and RC DBE participation, as needed, to reflect actual DBE participation (see Section 26.51(f)) and track and report RN and RC participation separately. For reporting purposes, race/gender-neutral DBE participation includes, but is not limited to, the following:

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

PUBLIC PARTICIPATION

Consultation: Section 26.45(g)(1).

Hernando County will submit its overall DBE three-year goal to DOT as required by the set schedule. As part of the outreach effort phone calls were made and e-mails were sent to various minority, women, state, and business development organizations listed below on October 22, 2020 to obtain information regarding the availability of disadvantaged and small businesses, potential social or economic barriers, historic or current discriminatory practices, or general lack of opportunities, which may prevent disadvantaged, women, or small businesses from participating on airport related projects, as well as, Hernando County's efforts to establish a level playing field for DBE and non-DBE participation on airport contracts. A copy of the e-mail is provided in **Attachment 10, Public Participation** of this report. No email or telephone responses were received.

Brooksville-Tampa Bay Regional Airport
Disadvantaged Business Enterprise (DBE) Program, FY 2021-2023

SMALL AND DISADVANTAGED BUSINESS ORGANIZATIONS		
Type of Organization	Name of Organization	Contact Information
Hispanic Business Initiative	Prospera – West Coast of Florida	Fabian Yepez, Regional Vice President 2002 N. Lois Avenue, Suite 660 Tampa, Florida 33607 813-634-6246 contactwc@prosperausa.org
Minority/Women's Organization	Florida Executive Women	Beverly Paulk, President P.O. Box 149404 Orlando, Florida 32814 407-896-1015 bpaulk@woolner.com www.fewcfl.org/
Business/Community Organization	Hernando County Office of Business Development	Valerie Pianta, Manager of Economic Development Hernando County Office of Business Development 15800 Flight Path Dr. Brooksville, FL 34604 352-540-6400 vpianta@hernandocounty.us http://www.hernandobusiness.com/
Government	US Small Business Administration North Florida District Office	Gregory Hall, District Director 7825 Baymeadows Way, Suite 100B Jacksonville, Florida 32256 904-443-1970 Gregory.Hall@sba.gov www.sba.gov/fl/north
Business/Community Organization	Greater Hernando County Chamber of Commerce	15588 Aviation Loop Dr. Brooksville, Florida 34604 352-796-0697 info@hernandochamber.com www.hernandochamber.com
Business/Community Organization	Florida SBDC at University of South Florida	Eileen Rodriguez, Regional Director 1101 Channelside Drive, Suite 201 Tampa, FL 33602 813-905-5800 sbdctampabay@gmail.com www.sbdctampabay.com

Brooksville-Tampa Bay Regional Airport
Disadvantaged Business Enterprise (DBE) Program, FY 2021-2023

SMALL AND DISADVANTAGED BUSINESS ORGANIZATIONS		
Type of Organization	Name of Organization	Contact Information
Minority Business Development Organization - Non-Profit	Florida Women's Business Center	Victoria A Hughes, Director 401 W. Atlantic Avenue, Suite O9 Delray Beach, Florida 33444 561-265-3790 x111 victoria@flwbc.org www.flwbc.org
Social Services	NAACP Hernando County Branch	Paul Douglas, President P.O. Box 10603 Brooksville, Florida 34601 312-543-5983 paul.douglas@hernandocountynaacp.org
Chamber of Commerce/Economic Development	Florida Chamber of Commerce	Carolyn Johnson, Director of Business, Economic Development P.O. Box 11309 Tallahassee, Florida 32302 850-521-1200 cjohnson@flchamber.com www.flchamber.com
Minority Business Development Organization - Non-Profit	Florida Black Chamber of Commerce	Eugene Franklin, President/CEO 314 North Devilliers Street Pensacola, Florida 32501 850-525-7916 gene.franklin@floridabcc.com www.floridablackchamber.com
Government	Minority Business Development Agency Orlando Business Center	Kimberly Rosier Jean-Louis, Project Director 8251 Presidents Dr., Ste. 155 Orlando, FL 32809 407-251-7021 Kimberly@mbdaorlandocenter.com www.mbda.gov/businesscenters/orlando
Minority/Women's Organization	Network of Executive Women	Sarah Alter, President & CEO P.O. Box 270595 Tampa FL 33688 813-601-1992 salter@newonline.org www.newonline.org

SMALL AND DISADVANTAGED BUSINESS ORGANIZATIONS		
Type of Organization	Name of Organization	Contact Information
Contracting	National Association of Minority Contractors (NAMC)	The Barr Building 910 17th Street, NW, Suite 413 Washington, DC 20006 202-296-1600 info@namcnational.org www.namcnational.org
Contracting	National Association of Women in Construction (NAWIC)	Britt Gailpault, President <i>Southwest Florida Chapter #36</i> P. O. Box 152955, Tampa, Florida 33684 britt.gailpault@gmail.com www.nawictampa.org
Small Business Administration	Pinellas County SCORE	Pinellas SCORE 4707 140 th Ave., North, Suite 311 Clearwater, Florida 33762 727-437-0990 pinellas.county@scorevolunteer.org www.pinellascounty.score.org
Small Business Administration	Pasco-Hernando SCORE	Pasco-Hernando Main Office 4532 US Highway 19, Suite 6 New Port Richey, Florida 34652 727-842-4638 score439@verizon.net www.pascohernando.score.org
Business/Community Organization	Florida SBDC at University of South Florida (Satellite Office)	Bill Burnham, Consultant 15588 Aviation Loop Drive Brooksville, FL 34604 352-796-3704 www.sbdctampabay.com/hernando

Following the consultation, Hernando County will publish a notice on the FAA Match Maker System of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Airport Administration Office for 30 days following the date of the notice, and informing the public that Hernando County will accept comments on the goals for 30 days from the date of the notice.

As part of this DBE goal submission, a summary of information and comments received from contacted organizations, as well as the general public is provided in the following sections. A copy of the public notice and all comments received are included in **Attachment 10, *Public Participation***, of this document.

Contract Goals

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

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

Hernando County will express contract goals as a percentage of the total amount of a FAA-assisted contract.

Attachment 6: Demonstration of Good Faith Efforts – Forms 1 & 2

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE ASSURANCE FORM

Project Name: _____

The Bidder shall complete the following statement by checking the appropriate box (check on one). Failure to complete this statement shall be grounds for rejection of Bid.

_____ The Bidder is able to assure meeting the requirements of the DBE Provisions, included under the DISADVANTAGED BUSINESS ENTERPRISE PROGRAM, and shall utilize not less than the prescribed Contract Goal of _____% DBE participation.

_____ The Bidder is unable to assure DBE participation of _____% in this Contract but shall provide for a minimum of _____% DBE participation. (If this box is checked, Bidder shall fill-in the percentage blank and document on a separate attachment to this Assurance of Good Faith Efforts undertaken in attempting to meet the Contract Goals as instructed under the DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.)

(Company Name of Bidder)
(Printed or Typed)

IRS FEI Number

(Printed Name of Person Signing)

By: _____
(Signature)*

Title: _____

Date: _____

* Must be same signature of Bid Proposal.

FORM 2: LETTER OF INTENT

Project Name: _____

To: _____
Bidder's Name

The undersigned is certified as (check one):

An Individual _____ A Corporation _____

A Partnership _____ A Joint Venture _____

Date of DBE Certification: _____

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail particular work items or parts thereof to be performed):

at the price of \$_____ (Subcontractor's quote),
and will enter into a formal agreement for work with you conditioned upon your execution of a contract with Hernando County, Florida.

If undersigned intends to sub-subcontract any portion of this subcontract to a non-minority subcontractor or supplier, the amount of any such subcontract must be stated: \$_____.

The undersigned subcontractor understands that the provision of this form to prime bidder does not prevent subcontractor from providing quotations to other bidders.

DBE Subcontractor

Name of Authorized Individual

Authorized Signature

Date

Attachment 7: Written Certification Example for Tracking DBE Commitments

This document is written certification that the DBELO, the Consultant or the projects manager has reviewed contracting records and monitored work sites for compliance with 49 CFR Part 26, specifically Section 26.37 – Monitoring and Enforcement Mechanisms requirements.

Date: _____ Project Name: _____

Prime Contractor Name: _____ DBE Project Goal: _____

- A. _____ Primary bidder is a registered FBE.
- B. _____ Subcontract _____ % of the contract work to the below registered DBE(s).
- C. _____ The prime bidder/offeror (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract and submits documentation of good faith efforts within six business days after the bid opening,

Summary of participating DBE and non-DBE firms (please list all contractors and subcontractors)

Trade/Description of Work	Firm Name	Firm Contract Amount (\$)	Estimate % of Contract	DBE Certified (Y/N)	Actual Payments to DBE	Date of Actual Payment	Check # for Actual Payment

False, fraudulent, or dishonest conduct has been identified in connection with this contract. (YES or NO)
If yes, attach additional records and documentation.

Contracting records reviewed:

Date: _____ Initials: ____ Name of records reviewer: _____

Scheduled meetings:

Date: _____ Initials: ____ Description: - _____

Pre-contract meeting:

Date: _____ Initials: ____ Description: - _____

Contract progress meetings:

Date: _____ Initials: ____ Description: - _____

Punchlist inspection meeting:

Date: _____ Initials: ____ Description: - _____

Final contract meeting:

Date: _____ Initials: ____ Description: - _____

Contract reports:

Date: _____ Initials: ____ Description: - _____

Date: _____ Initials: ____ Description: - _____

Date: _____ Initials: ____ Description: - _____

Random work site visits:

Date: _____ Initials: ____ Description: - _____

Date: _____ Initials: ____ Description: - _____

Attachment 8: DBE Certification Application Form

The DBE Certification Program is a Federal Program designed for business owners deemed "socially and economically disadvantaged." To achieve DBE status, a business:

- Must be an existing "for-profit" business that is currently operational.
- Must meet the federal definition of a small business concern.
- Must be an independent business, which does not depend on its relationships with another firm or firms. If it is a subsidiary of a corporation, the business must still operate in a self-sufficient manner.
- The qualifying owner(s) must meet the federal definition of "socially and economically disadvantaged" individuals.
- The qualifying owner(s) must own a minimum of 51% of the company; and have an investment in their company.
- The qualifying owner(s) cannot have a net worth that exceeds \$1.32 million (excluding the owner's business and primary residence).
- The qualifying owner(s) must have day-to-day control of operations and possess an expertise in their work specialty.

Firms that engage or intend to engage in airport related goods and services, including concessions, must submit the attached DBE application to their local certifying entity or:

Mr. Sammy Febres
DBE & Small Business Development Programs Manager
605 Suwannee St. MS 65
Tallahassee, FL 32399
(850) 414-4745
sammy.smith@dot.state.fl.us

An electronic copy of the attached DBE application may be obtained from the Florida Department of Transportation website.

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

Attachment 9: Small Business Enterprise Program

Hernando County, Florida has created an 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. 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?”

In compliance with this policy, the COUNTY's DBE Program in regard to §26.39 Fostering Small Business Participation may include, but is not limited to, the following strategies:

1. Establishing a race-neutral small business set aside for prime contracts under a stated amount, depending on the amount of grant funding awarded during the goal reporting period. (e.g., \$1 million).
2. In multi-year design-build contracts or other large contracts (e.g., for “megaprojects”) requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
3. On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
4. Identifying alternative acquisition strategies and structuring procurements to facility the ability of consortia or businesses, including DBEs, to compete for and perform prime contracts.
5. To meet the portion of the overall goal the COUNTY projects to meet through race- neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

In order to actively implement Hernando County's program elements to foster small business participation and to comply with the requirement of good faith implementation of our DBE program, the COUNTY will require that the Prime Contractor(s) for Construction Work Items and for Professional Services Work Items complete the attached form entitled, Fostering Small Business Participation.

The Special Conditions of the Contract will indicate the amount of small business participation as determined by the COUNTY.

Brooksville-Tampa Bay Regional Airport
Disadvantaged Business Enterprise (DBE) Program, FY 2021-2023

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

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.

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimate
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 10: Public Participation

**RE: Fiscal Years 2021-2023 Disadvantaged Business Enterprise Goal, Hernando County
Brooksville-Tampa Bay Regional Airport (BKV)**

Dear «Title» «Last Name»:

Hernando County is in the process of establishing a three-year Disadvantaged Business Enterprise Goal for fiscal years 2021 through 2023 as required under 49 CFR Part 26, "Participation by Disadvantaged Business Enterprise in Department of Transportation (DOT) Financial Assistance Programs" for the Brooksville-Tampa Bay Regional Airport (BKV). For planned airport projects, which are anticipated to receive United States Department of Transportation funding, through Federal Aviation Administration Airport Improvement Plan, a goal of **10.25%** was determined. This was based on the type of bid opportunities available to DBE and Non-DBE contractors, including professional, construction and transportation services.

The Florida Department of Transportation (FDOT) currently has an overall DBE goal of 10.65% for all transportation projects (rail, highway, airports, etc.). Furthermore, the national aspirational goal for US DOT funded projects of 10% was set by the Department of Transportation.

Do you or members of your organization have any documentation of existing social or economic barriers, which may be currently preventing minorities and/or women from offering professional, environmental or construction related services at the airport? In addition, do you know of any other impediments which have or may impact minorities, women, and/or small businesses from effectively competing on transportation related projects?

We would appreciate replying with any information you could offer. Should you have any comments or questions, do not hesitate to contact me at (321) 223-8504 or tcarter@aidinc.us within two weeks of receipt of this e-mail. The DBE Goal report will be available for review upon request for a period of 30-days. Any comments received will be included in the County's DBE Program and three-year Goal Determination and submitted to the Federal Aviation Administration as required by federal regulations (49 CFR Part 26).

Respectfully,
AMERICAN INFRASTRUCTURE DEVELOPMENT, INC.

Timeka Carter
Airport Planner

FAA MATCHMAKER SYSTEM PUBLIC NOTICE

Notice to the Public – Disadvantaged Business Enterprise (DBE) Goal for Brooksville-Tampa Bay Regional Airport

Hernando County hereby publishes a proposed overall three year goal for Fiscal Years 2021-2023 of **10.25%** for Disadvantaged Business Enterprise (DBE) participation on airport construction projects at the Brooksville-Tampa Bay Regional Airport (BKV). The proposed goals and methodology by which the goal was established are available for inspection between normal business hours (8:00 a.m. and 4:30 p.m., Monday through Friday) at the Airport Administration Offices (15800 Flight Path Drive, Brooksville, Florida 34604, (352) 754-4061). Hernando County and the Federal Aviation Administration will receive and consider public comments on the proposed goal for 30 days from the date of this advertisement. Written comments may be submitted to the address below:

Kevin Daugherty, A.A.E. DBELO/Airport Manager
15800 Flight Path Drive
Brooksville, Florida 34604
(352) 754-4061
KDaugherty@co.hernando.fl.us

or

Sonia Cruz
DBE/ACDBE Program Compliance Specialist
Federal Aviation Administration
Southern Regional Office (ASO-9)
1701 Columbia Avenue
College Park, Georgia 30337
(424) 405-7206
sonia.cruz@faa.gov

The above public notice was published on December 3, 2020. No comments or questions were received during the 30-day comment period.