DISADVANTAGED BUSINESS ENTERPRISE PROGRAM PLAN

for

MANASSAS REGIONAL AIRPORT

MANASSAS, VIRGINIA

OCTOBER 2020

Prepared by

Ken Weeden & Associates, Inc.

TABLE of CONTENTS

POLICY STATEMENT		3
Section 26.1, 26.23	Objectives/Policy Statement	3
SUBPART A – GENERAL REQUIREMENTS		4
Section 26.1	Objectives	4
Section 26.3	Applicability	4
Section 26.5	Definitions	4
Section 26.7	Non-discrimination Requirements	4
Section 26.11	Recordkeeping Requirements	4
Section 26.13	Federal Financial Assistance Agreement	5
SUBPART B - ADMINISTRATIVE REQUIREMENTS		6
Section 26.21	DBE Program Updates	6
Section 26.23	Policy Statement	6
Section 26.25	DBE Liaison Officer (DBELO)	6
Section 26.27	DBE Financial Institutions	7
Section 26.29	Prompt Payment Mechanisms	7
Section 26.31	Directory	9
Section 26.33	Overconcentration	9
Section 26.35	Business Development Programs	9
Section 26.37	Monitoring and Enforcement Mechanisms	10
Section 26.39	Fostering Small Business Participation	12
SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING		12
Section 26.43	Set-asides or Quotas	12
Section 26.45	Overall Goals	12
Section 26.47	Goal Setting and Accountability	14
Section 26.49	Transit Vehicle Manufacturers Goals	14
Section 26.51(a-c)	Breakout of Estimated Race-Neutral & Race-Conscious Participation	15
Section 26.51(d-g)	Contract Goals	15
Section 26.53	Good Faith Efforts Procedures	15
Section 26.55	Counting DBE Participation	20
SUBPART D – CERTIFICATION STANDARDS		20
Section 26.61 – 26.73	Certification Process	20
SUBPART E – CERTIFICATION PROCEDURES		21
Section 26.81	Unified Certification Programs	21
SUBPART F – COMPLIANCE AND ENFORCEMENT		21
Section 26.109	Information, Confidentiality, Cooperation	21
ATTACHMENTS		22

UNITED STATES DEPARTMENT OF TRANSPORTATION
DBE PROGRAM – 49 CFR PART 26
CITY OF MANASSAS
for the **Manassas Regional Airport**
Manassas VA

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The City of Manassas (hereafter 'the City') has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT) 49 CFR Part 26. The City has received Federal financial assistance from USDOT, and as a condition of receiving this assistance, the City has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the City to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT–assisted contracts. It is also the policy:

1. To ensure nondiscrimination in the award and administration of USDOT-assisted contracts.
2. To create a level playing field on which DBEs can compete fairly for USDOT-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 USDOT-assisted contracts.
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients.
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program.
8. To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

Juan E. Rivera, Airport Director, Manassas Regional Airport, 10600 Harry J. Parrish Blvd., Manassas, VA 20110; Phone 703-361-1882; E-mail: jrivera@ci.manassas.va.us has been designated as the DBE Liaison Officer (DBELO). In that capacity, the Airport Director is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the airport in their financial assistance agreements with the US Department of Transportation.

The City Manager will disseminate this policy statement to the City Council members and will distribute this statement to DBE and non-DBE business communities that perform work for the Airport on USDOT-assisted contracts in the following manner:

1. This policy statement will be prepared as a handout, and made available at pre-bid conferences, and/or outreach meetings conducted by the Airport in regards to Airport AIP projects.
2. The policy statement will be posted to the Airport's website.

William Patrick Pate, City Manager

10-6-2020
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 Manassas is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The City will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The City 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 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 Recordkeeping Requirements

Reporting to USDOT: 26.11(b)

The City will report DBE participation to USDOT as follows:

The Airport will submit annually, by or before December 1, the Uniform Reports of DBE Awards or Commitments and Payments, as modified for use by FAA recipients, via FAA dbE-Connect (https://faa.civilrightsconnect.com/).

Bidders List: 26.11(c)

The Airport will create and maintain a bidders' list, consisting of information about all DBE and non-DBE firms that bid or quote on USDOT-assisted contracts. The purpose of this requirement is to allow use of the bidders' list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

The Airport will collect this information in the following ways:

a. Include a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts.

b. Include a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report the approved information directly to the DBELO for inclusion in the bidder's list.

c. Request the above information from all potential bidders who contact the Airport seeking bid information, and/or who attend pre-bid meetings, conferences, etc., at the Airport.

d. Consider the use of the Bidders List Data Collection form, as shown in Attachment 10.

Section 26.13 Federal Financial Assistance Agreement

The Airport has signed the following assurances, applicable to all USDOT-assisted contracts and their administration:

Assurance: 26.13(a)

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

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

Contract Assurance: 26.13b

The City will ensure that the following clause is placed in every USDOT-assisted contract and subcontract:

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 USDOT 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 City 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

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

Section 26.23 Policy Statement

The policy statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

The City has designated the following individual as its DBE Liaison Officer:

Juan E. Rivera, Airport Director
Manassas Regional Airport
10600 Harry J. Parrish Blvd.
Manassas, VA 20110
Phone 703-361-1882
E-mail: jrivera@ci.manassas.va.us

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the City Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO will administer the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by USDOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall triennial 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).
6. Analyzes the Airport's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the City on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Plans and participates in DBE training seminars.
11. 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 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 USDOT-assisted contracts to make use of these institutions.

In developing this DBE program, the City's efforts did not identify any such institutions within its service area. If any such institutions are established in the Airport's service area, the City will consider the services offered by these institutions and refer them as noted above.

Section 26.29 Prompt Payment Mechanisms

The City requires that all subcontractors performing work on USDOT-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 has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than seven (7) days from receipt of each payment made to the prime contractor.

The City will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within seven (7) days after the subcontractor's work is satisfactorily completed. The City 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 10 days after payment to the prime contractor.

To implement this measure, the City will include the following clause from the FAA Advisory Circular 150-5370-10H in each DOT-assisted prime contract.

a. *From the total of the amount determined to be payable on a partial payment, 10% percent of such total amount will be deducted and retained by the City for protection of the City's interests. Unless otherwise instructed by the City, the amount retained by the City will be in effect until the final payment is made except as follows:*

   (1) Contractor may request release of retainage on work that has been partially accepted by the City in accordance with Section 50-14. Contractor must provide a certified invoice to the RPR that supports the value of retainage held by the City for partially accepted work.

   (2) In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account per paragraph 90-08.

b. *The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than seven (7) days after the Contractor has received a partial payment. Contractor must provide the City evidence of prompt and full payment of retainage held by the prime Contractor to the subcontractor within seven (7) days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the City. When the City has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.*

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

The City will share information regarding required documentation for payment with subcontractors. The City will take steps to promote the timely submission by contractors of invoices for payment, and will also maintain adequate internal controls to facilitate timely payment to contractors.

<u>Dispute Resolution: 26.29(e) (1-3)</u>

The City requires that prime contractors insert a contract provision in their subcontractor agreements that allows for a dispute resolution process. Pursuant to 49 CFR Part 26.29(e) (1-3), the following contract provisions will be reviewed and approved by the City:

1. A contract clause that requires prime contractors to include in their subcontractors' agreements language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes; and

disputes between the prime contractor and DBE subcontractor may also be subject to Virginia's Alternative Dispute Resolution process[1].

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

Section 26.31 Directory

The primary Disadvantaged Business Enterprise Directory for the Airport comes from the Virginia Department of Small Business and Supplier Diversity (SBSD) and contains listings of certified minority- and women-owned construction firms and material suppliers from throughout the Commonwealth.

SBSD maintains an active list of certified disadvantaged businesses located throughout the state. Therefore, all of the firms listed in the directory have been certified by this state and in accordance with USDOT criteria. It should be noted also that these listings and certifications are periodically updated with some firms being added, while others are removed.

The directory should enable prime contractors for projects at the Airport to proceed more easily in their attempts to comply with overall goals regarding Disadvantaged Business Enterprises.

Prime contractors may also consider the FAA's DBE directory, which can be found at https://faa.dbesystem.com.

The City will refer potential bidders to the SBSD directory that is available online. The link for the directory can be found in Attachment 2 to this program.

Section 26.33 Overconcentration

The City has not identified that overconcentration exists in the types of work that DBEs perform. However, the DBELO will continue to monitor the various categories every three years to ensure that non-DBE firms are not unduly burdened.

Section 26.35 Business Development Programs

The City has not established a business development program. The DBELO will re-evaluate the need for such a program every three years.

[1] http://www.courts.state.va.us/courtadmin/aoc/djs/programs/drs/mediation/home.html

Section 26.37 Monitoring and Enforcement Mechanisms

Monitoring Payments to DBEs and Non-DBEs

The City will provide ongoing monitoring of prime contractor payments to subcontractors over the course of any covered contract. The City will require prime contractors to report documentation of payments to subcontractors monthly. The DBELO will review and verify that payments have been made and retainage has been returned to subcontractors in accordance with section 26.29.

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

The City uses a number of DBE forms, which can be found in Attachment 3, to collect DBE information for initial project setup and for ongoing monitoring of DBE participation:

- DBE Project Compliance Review Checklist
- DBE Commercially Useful Function Report
- Listing of DBE Subcontractors
- DBE Monthly Report

The DBELO, or the City's designated representative, will conduct onsite compliance reviews of FAA-funded projects. The DBELO will review all DBE subcontracts and payments. The DBELO will also evaluate any DBE firms working on the project during the date of the visit. The DBELO will conduct a commercially useful function (CUF) review at least once during the project for all DBEs. The DBELO will also review monthly progress reports submitted by prime contractors to determine if they are on track to meet the DBE goal. Written certification will be documented by the DBELO on the DBE Project Compliance Review Checklist form.

Prompt Payment Dispute Resolution

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

A meeting will be scheduled with the prime contractor, subcontractor, the DBELO, and other appropriate City representative(s). Any meeting for the purpose of dispute resolution will include City representative(s) authorized to bind each interested party, including representative(s) with authorization to take enforcement action.

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

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

If the prime contractor has not paid subcontractors in accordance with 26.29, the City will not reimburse the prime contractor for work performed by subcontractors until the prime contractor is in compliance with 26.29.

Prompt Payment Complaints

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

1. The affected subcontractor shall file a complaint with the prime contractor directly regarding payment.
2. If filing a complaint with the prime contractor does not result in timely and meaningful action by the prime contractor to resolve the prompt payment dispute, the affected subcontractor may contact the City's DBELO.
3. If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by the City to resolve prompt payment disputes, the affected subcontractor may contact the FAA Office of Civil Rights.
4. Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

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

- Assessing liquidated damages, in accordance with the contract, against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor
- Advising 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
- Paying subcontractors directly and deducting this amount from the retainage owed to the prime contractor
- Issuing a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays, for the purposes of calculating liquidated damages, if milestones are not met.

The City will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

The City will review contracting records and will engage in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring will be performed by the DBELO with assistance from the resident project representative. The contracting records will be reviewed by the DBELO. The City will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering Small Business Participation

The City 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.

The program element is included as Attachment 4. The City will actively implement the program elements to foster small business participation. Doing so is a requirement of good faith implementation of the DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The Airport will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT/FAA-funded prime contracts the cumulative total value of which exceeds $250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the Airport will submit its overall three-year DBE goal to FAA by August 1st as required by the established schedule below.

Airport Type	Region	Next Goal Due (Goal Period)
Non-Primary (GAs, Relievers and State DOTs)	**Alaskan, Eastern, & Great Lakes**	**August 1, 2019 (2020/2021/2022)**

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

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

In establishing the overall goal, the Airport will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the Airport's goal setting process, and it will occur before submitting the goal methodology to the FAA for review pursuant to paragraph (f) of this section. The Airport will document in the goal submission the consultation process that was utilized. Notwithstanding paragraph (f)(4) of this section, the Airport will not implement the proposed goal until this requirement is fulfilled.

In addition, the City will post a notice announcing the proposed overall goal before submission to the operating administration on August 1st. The notice will be posted on the City's official internet web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal will be posted on the official internet web site. The City will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at the DBELO's office, and that the City will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. The public comment period will not extend the August 1st deadline.

The City's overall goal submission to USDOT will include a summary of information and comments received during this public participation process and responses, if any comments are received.

The City will begin using the overall goal on October 1 of each year, unless it has received other instructions from USDOT. If the City establishes a goal on a project basis, it will begin using the goal by the time of the first solicitation for a USDOT-assisted contract for the project.

Section 26.45 (e) - Project Goals

If permitted or required by the FAA Administrator, the City will express its overall goals as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and it must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which

the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated. If the City establishes a goal on a project basis, the City will begin using its goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.45(f) - Prior Operating Administration Concurrent

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

Section 26.47 Goal Setting and Accountability

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

The City 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 understands that if the awards and commitments shown on the Airport's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, the City will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments.
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. 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. The Airport will retain a copy of the analysis and corrective actions in its records for a minimum of three years. The Airport will make it available to the FAA upon request.

Section 26.49 Transit Vehicle Manufacturers Goals

N/A

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 when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

The City will use contract goals to meet any portion of the overall goal it 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 the overall goal that is not projected to be met through the use of race-neutral means.

The City will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The City does not need to 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).

The City will express its contract goals as a percentage of the total share of a USDOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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

The obligation of the bidder is to make good faith efforts to meet the DBE goal. The bidder 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 DBELO is responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

The City will ensure that all information is complete and accurate and adequately documents the bidder's good faith efforts before it commits to the performance of the contract by the bidder.

Information to be submitted (26.53(b))

In its solicitations for DOT/FAA-assisted contracts for which a contract goal has been established, the City will require the following:

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

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

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

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

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

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

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

(vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of 49 CFR Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and

(3) The City will require that the bidder/offeror present the information required by paragraph (b)(2) of this section under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.

This information will be collected using the forms found in Attachment 7.

Administrative reconsideration (26.53(d))

Within seven calendar (7) days of being informed by the City that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidders should make this request in writing to the following reconsideration official:

William Patrick Pate, City Manager
City of Manassas
9027 Center Street
Manassas VA 20110
citymanager@ci.manassas.va.us

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

As part of this reconsideration, the bidder 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 will have the opportunity to meet in person with the City's administrative reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The City will send the bidder 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 US Department of Transportation.

Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g))

The Airport will include in each prime contract a provision stating:

> 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 Airport's written consent, as provided in this paragraph 26.53(f); and
>
> That, unless the Airport'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.

The Airport 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.

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

The City requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without the City's prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to the City its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to the City prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise the City of why it objects to the proposed termination.

In those instances where "good cause" exists to terminate a DBE's contract, the City will require the prime 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. The City 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.

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

(1) The listed DBE subcontractor fails or refuses to execute a written contract.

(2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor.

(3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.

(4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness.

(5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law.

(6) The Airport 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 us written notice of its withdrawal.

(8) The listed DBE is ineligible to receive DBE credit for the type of work required.

(9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract.

(10) Other documented good cause that the Airport 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 its request to the Airport to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the Airport, of its intent to request to terminate and/or substitute, and the reason for the request.

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

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

Each prime contract will include a provision stating:

> The contractor shall utilize the specific DBEs listed in the contractor's bid to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of the Manassas Regional Airport, 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 Airport will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that the Airport established for the procurement. The good faith efforts shall be documented by the contractor. If the Airport 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, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

The Airport will include in each prime contract the contract clause required by § 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section that the Airport deems appropriate if the prime contractor fails to comply with the requirements of this section.

If the contractor fails or refuses to comply in the time specified, the City's 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 proceeding.

<u>Sample Bid Specification:</u>

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 Manassas, as owner of the Manassas Regional Airport, 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, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder 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'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).
(6) If the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

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

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

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, DBE firms certified with NAICS code 237310 that exceed the business size standard in § 26.65(b) will remain eligible for DBE credit for work in that category as long as they do not exceed the small business size standard for that category, as adjusted by the United States Small Business Administration.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City will refer all matters pertaining to certification to the Virginia Department of Small Business and Supplier Diversity (DSBSD) or the Metropolitan Washington Airports Authority (MWAA) in accordance with the Commonwealth's UCP program. The UCP program will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in USDOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The UCP will make all certification decisions based on the facts as a whole.

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

Virginia Department of Small Business and Supplier Diversity
101 N. 14th Street, 11th Floor
Richmond, Virginia 23219
Phone: (804) 786-6585
http://sbsd.virginia.gov/business-certifications-2/dbe/

Metropolitan Washington Airports Authority
Equal Opportunity Programs Department
1 Aviation Circle
Washington, DC 20001
Phone: (703) 417-8625
https://mwaa.diversitycompliance.com/

A link to the certification application forms and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

SBSD currently manages the Unified Certification Program (UCP) for the Commonwealth of Virginia, and the City of Manassas is a non-certifying participant. The City will use and count for DBE credit only those DBE firms certified by SBSD or the Metropolitan Washington Airports Authority, the other certifying agency in the Commonwealth's UCP.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

The City 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, the City will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than USDOT) without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, the Airport will transmit this information to DOT in any certification appeal proceeding under § 26.89 of this part or to any other state to which the individual's firm has applied for certification under § 26.85 of this part.

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

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

Monitoring Payments to DBEs

The City will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City or USDOT. This reporting requirement also extends to any certified DBE subcontractor.

The City 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 states in the schedule of DBE participation.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Fostering Small Business Participation Plan
Attachment 5	Overall Goal Calculation
Attachment 6	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 7	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 8	Certification Application Forms
Attachment 9	Regulations: 49 CFR Part 26
Attachment 10	Bidders List Data Collection Form

Attachment 1

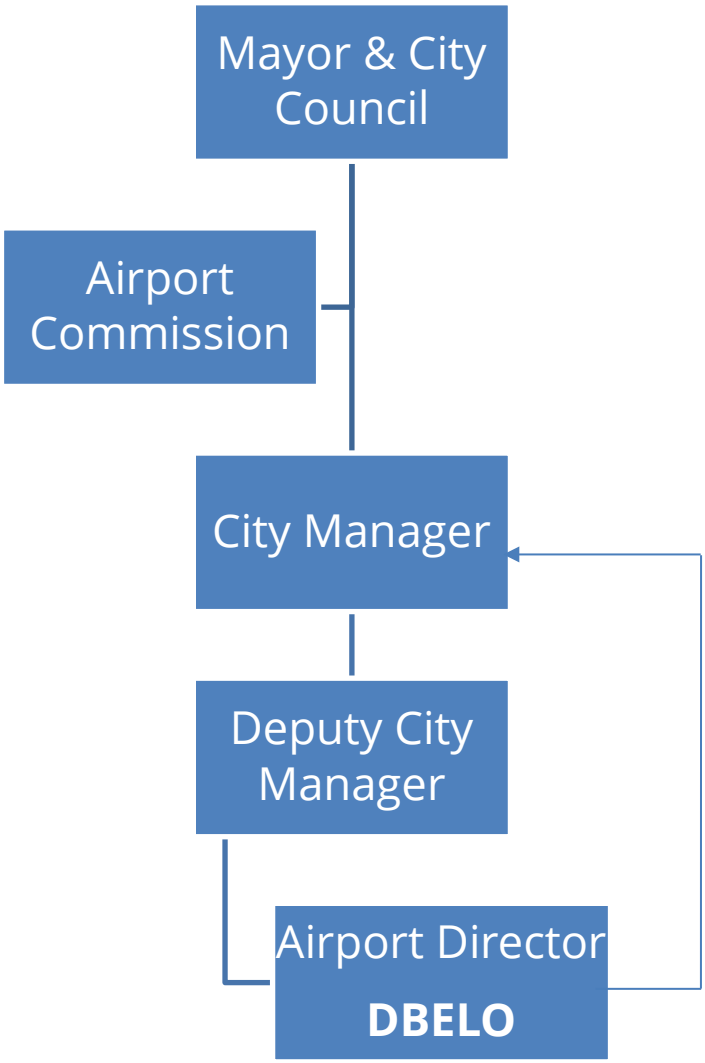
Organizational Chart

City of Manassas

Manassas Regional Airport

Manassas, Virginia

Organizational Chart



Attachment 2

DBE Directory

The DBE Directory for the Commonwealth of Virginia may be found at http://sbsd.virginia.gov/.

Attachment 3

Monitoring and Enforcement Mechanisms

City of Manassas – Manassas Regional Airport

1. All participants are hereby notified that pursuant to Title 49 Code of Federal Regulations, United States Department of Transportation, Part 26 and the Disadvantaged Business Enterprise Participation Program for the City of Manassas, they must affirmatively ensure that, in any contract entered into with the Manassas Regional Airport, DBEs will be afforded *equal* opportunity to participate in subcontracting activities. It is the policy of the City to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is further the policy of the City to ensure nondiscrimination in the award and administration of USDOT-assisted contracts.

2. All contracts between the City and a Contractor shall contain an appropriate provision to the effect that failure by the Contractor to comply with the City's DBE Program shall constitute a breach of contract, exposing the Contractor to a potential termination of the contract or other appropriate remedy, including withholding of funds, until such time as the contractor complies with all the DBE requirements of this program. Under authority granted by Virginia law, the City may impose liquidated damages, contract suspension, or even contract termination.

3. All documentation submitted at time of bid, as well as additional data provided by the successful bidder, is considered part of the contract documents. Any alterations, substitutions, deletions, etc., to data provided at time of submission of bid must have prior approval of the City's DBE Liaison Officer.

4. Should a DBE firm not certified by the Virginia Department of Small Business and Supplier Diversity be proposed by a potential contractor as a part of his/her DBE plan efforts, the inclusion of said firm will not be considered a demonstration of making good faith efforts towards meeting the DBE goal.

5. In contracts with DBE contract goals, bids submitted that do not meet the DBE contract goals, and which do not show that a meaningful good faith effort was made to achieve the stated goals, will be considered non-responsive bids, and bidders will be notified of the deficiency and given opportunity to appeal to the Administrative Reconsideration Official (49 CFR 26.53). The bidder will not be eligible for award of the contract until the appeal procedures are complete. The Administrative Reconsideration Official will make the determination on the sufficiency of the good faith efforts.

6. The City reserves the right to reject any or all bids, or to re-advertise for bids. Award, if made, will be to the lowest responsive and responsible bidder. A bid will not be considered responsive unless the bidder complies with Title 49 Code of the Federal Regulations, Part 26, and the Disadvantaged Business Enterprise Program for the City of Manassas.

7. The City shall require contractors to make good faith efforts to replace a DBE subcontractor that is terminated, or fails to complete its work on the contract for any reason, with another DBE subcontractor. If a DBE subcontractor is terminated, or fails to complete its work on the

contract for any reason, the Contractor must notify the Airport immediately. 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 established contract goal. The City shall approve all substitutions prior to contract award and during contract performance in order to ensure that the substitute firms are eligible DBEs.

Additional information on the City's Disadvantaged Business Enterprise Program can be obtained from the DBE Liaison Officer, **Juan E. Rivera, Airport Director, Manassas Regional Airport, 10600 Harry J. Parrish Blvd., Manassas, VA 20110; Phone 703-361-1882; E-mail: jrivera@ci.manassas.va.us.**

8. The City will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. These mechanisms will include, but not be limited to, the following:

   a. Reviewing bid package documentation thoroughly, obtaining clarification, if necessary.
   b. Reviewing monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.
   c. Monitoring progress of payments to DBEs through monthly reports from prime contractors.
   d. Monitoring progress of DBEs work through on-site visits and communication with DBEs. The City will implement a monitoring and enforcement mechanism that will include written certification that the City has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits on a monthly basis. The DBELO will sign off on the written certifications.

9. The City will bring to the attention of the US Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

10. The City also will consider similar action under its own legal authorities, including responsibility determinations in future contracts. In addition, the City will apply legal and contract remedies under state and local law. This includes, for example, applying liquidated damages, withholding payments, etc.

11. In its reports of DBE participation to the USDOT, the City will show both commitments and attainments, as required by the USDOT reporting form.

Attachment 9 contains a weblink to 49 CFR Part 26, which describes federal regulations, provisions, and contract remedies available to the City in the event of non-compliance by a participant.

DBE Commercially Useful Function Report

Project:	
AIP Number:	
Prime Contractor:	
DBE Firm:	
DBE Start/Complete	
CUF Review Date:	

GENERAL	**Yes**	**No**	**N/A**
1. Does the DBE have its own employees on the job to perform the work?	☐	☐	☐
2. Does the DBE own the equipment being utilized to perform its work? If No, attach equipment list, ownership documents, and rental/lease agreements.	☐	☐	☐
3. Is the DBE self-performing the subcontract defined task for a specific item of work (distinct element) on the contract?	☐	☐	☐

HAULING FIRMS	Yes	No	N/A
1. Does the DBE hauling firm own and/or lease their trucks? (review ownership/vehicle registration and/or lease documents to verify)	☐	☐	☐
2. Does the DBE employ drivers for trucks owned by the company? (If leased trucks include operators, this should be indicated in the agreement/purchase order.)	☐	☐	☐
3. Do the haul tickets and/or bills of lading associated with the project confirm that hauling is being performed by the DBE?	☐	☐	☐

MATERIAL SUPPLIERS OR MANUFACTURERS/FABRICATORS	**Yes**	**No**	**N/A**
1. Does the DBE's name appear on all applicable invoices, haul tickets, and/or bills of lading?	☐	☐	☐
2. Did the DBE provide documentation showing that the funds used to pay a supplier in fact came from the DBE's own funds?	☐	☐	☐
3. If the DBE had any materials drop shipped to the project site, was the invoice addressed to the DBE?	☐	☐	☐
4. Did the DBE deliver materials to the site with their own and/or leased trucks?	☐	☐	☐

SUPERVISION	**Yes**	**No**	**N/A**
1. Is the DBE self-performing work without assistance from the prime or another subcontractor?	☐	☐	☐
2. Is the DBE providing supervision of its employees and their work?	☐	☐	☐
3. Is the supervisor a full-time employee of the DBE?	☐	☐	☐

Completed by:
Date:

Listing of DBE Subcontractors
(to be submitted with bid)

Project: _____

The Bidder hereby proposes the following DBE participation:

DBE Subcontractor/Supplier	Work to be performed	NAICS Code	Subcontract Amount	Amount Applicable to Goal (suppliers = * .60)
			Total DBE Participation	
			Base Bid Amount	
			DBE Participation Proposed (%)	
			DBE Participation Goal (%)	

Bidder (Firm Name)	Signature	Date

DBE Monthly Report

Contractor:
Project:
AIP Number:
Date:

DBE Subcontractor/Supplier	Committed Award	Total Prior Payments	Current Payment	Total	Date Paid to Vendor / Sub this Invoice	Percent
Totals						

Contractor Name:	Signature:	Title:	Date:

DBE Project Compliance Review Checklist

Project:
AIP Number:
Prime Contractor:

Pre-Bid Checklist

- ☐ Review project to determine if a DBE contract goal is needed.
- ☐ Attend pre-bid meeting to inform bidders of DBE requirements.

Pre-Award Project Checklist

- ☐ Collect the Listing of DBE Subcontractors form.
- ☐ Collect letters of intent for all committed DBEs.
- ☐ If prime contractor is unable to meet the DBE goal, collect documentation of its good faith effort.

Post Award (Pre-Construction/Design) Project Checklist

- ☐ Collect fully executed (signed) subcontracts for all DBE firms.
- ☐ Review DBE subcontract(s) to ensure scope of work is consistent with what has been committed.
- ☐ Review contracts to verify that all required contract clauses are included.
- ☐ Ensure dollar value of DBE subcontract(s) is/are equal to or greater than the amount committed.

During Construction and/or Design Checklist

- ☐ Complete DBE Commercially Useful Function Report form, to verify that the DBEs are performing a commercially useful function.
- ☐ Verify that business names on equipment and vehicles are not covered with paint or magnetic signs (visual inspection of vehicles on site).
- ☐ Verify who employs the workers on site (visually inspect badges/IDs; establish reporting relationships of workers on site/review certified payrolls).
- ☐ Review supplier invoices and cancelled checks to verify what firm orders and pays for the necessary supplies being used by the DBE subcontractor.
- ☐ Ensure all DBE firms are paid promptly (within seven (7) days of payment to prime contractor per 49 CFR 26.29) by collecting and reviewing the DBE monthly report form.
- ☐ Document and file any correspondence related to terminations, substitutions, or deletions of DBE firms.
- ☐ If terminations, substitutions, or deletions were approved, collect documentation of prime contractor's good faith effort to find a replacement firm

Post Construction/Design Checklist

- ☐ Ensure DBE goal has been achieved by collecting and reviewing the final DBE report.
- ☐ If a shortfall exists, collect Good Faith Effort documentation from prime contractor explaining reasons shortfall took place.

Certification:

I, _____ hereby certify that the contracting records for the federally-funded project have been reviewed and the work site has been visited/monitored.

Signature: _____

Date: _____

Attachment 4

Fostering Small Business Participation Plan

Section 26.39 – Fostering Small Business Participation

A. Purpose and Objective of this Element

This element, 49 CFR Part 26.39, is included as an amendment to the DBE program plan for the City of Manassas ("the City"), on behalf of the Manassas Regional Airport ("the Airport"), and is herein referenced as the Small Business Participation Plan (SBPP). This new part calls for the inclusion of an element to

> "structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation."

The City hereby sets forth its plan to implement these requirements. The City's SBPP is also regarded as a substantial effort toward fulfilling the overall intent of 49 CFR Part 26.51, which is to meet the maximum feasible portion of its overall goal by using race-neutral means to obtain DBE participation. Therefore, implementation of the City's SBPP will be based on the standard of business size, without regard to race or gender of the business owner.

This element also addresses the unnecessary and unjustified "bundling" of contract requirements which may preclude or inhibit small business participation in procurements, as either prime or subcontractors.

Further, the City perceives the objectives of this section to be consistent with its DBE Program policy statement, which says in part:

> *"- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.*
> *- To help remove barriers to the participation of DBEs in DOT-assisted contracts...*
> *- To assist the development of firms that can compete successfully in the marketplace outside the DBE Program."*

The City's policy statement and this small business element (SBPP) are consistent with the City's mission of creating and encouraging business opportunities at all levels.

B. SBPP Strategy

The City intends to carry out the objectives of this part by employing the following strategies and supporting activities:

1. **Establishment of a Race-neutral "Subcontracting Goal"**
   The City proposes, where feasible, on certain prime contracts that do not have a DBE contract goal, that prime contractors will be required to provide subcontracting opportunities to qualified small business concerns (SBCs), as defined herein, without regards to race or gender of the business owner. Verified business size and subcontracting opportunities will be the basis of this subcontracting goal. The

opportunities must be of a size that SBCs, including some which may also happen to be DBEs, can reasonably perform. The City, through its consultants, will assess the feasibility for race-neutral subcontracting goals on projects. The City will assist the potential prime contractors by reviewing the project(s), in advance of the solicitation, and by suggesting potential subcontracting opportunities in the solicitation documents. This will help to establish a reasonable race-neutral subcontracting goal.

2. **Consideration of "Unbundling" of Large Contracts**
   The City has given consideration to "unbundling" as a small business strategy. Because the Airport is a general aviation airport, the City believes that, at this time, such a strategy will not be suitable for the airport. Because of the limited number and size of contracts each year, the increased total number of bid solicitations with "unbundling" could significantly increase both administrative and project costs per bid. This will reduce the necessary "economy of scale" for general aviation airports. The City will evaluate projects on a yearly basis to determine if there is feasibility in "unbundling" contracts in the future.

C. Definitions for this Element

1. **Small Business**
   For purposes of this program element, which is part of the City's approved DBE program, "small business" shall have the same definition as "small business concerns" contained in 49 CFR 26.5:

   *"**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).*"

   For additional clarification, it is useful to include here some excerpts from the SBA regulations, 13 CFR, 121.105:

   *(a)(1) **Except for small agricultural cooperatives**, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor...."* and,

   *(b) **A business concern may be in the legal form** of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture there can be no more than 49 percent participation by foreign business entities in the joint venture.*

Small business concerns must meet the business size standards, as defined by the SBA. The business size standards are based upon the average annual revenues, and they vary according to the type of business. More information can be found at http://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.

Further, it is acknowledged that the SBA rules make allowances for the dollar amounts to be adjusted from time to time.

2. **Disadvantaged Business Enterprise**
   Disadvantaged Business Enterprise (DBE) means a for-profit small business concern (defined by SBA rules, above) that meets the standards of 49 CFR Part 26, i.e.

   - At least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals.
   - Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) does not exceed the described in 49 CFR Part 26. (The current PNW cap is $1.32 million.)
   - Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
   - Has been certified as a DBE by a certifying member of the Virginia Unified Certification Program in accordance with the full requirements of 49 CFR 26.

   It is understood that in the implementation of this element, all of the SBCs may not necessarily be DBE firms. However, small businesses that are also owned and controlled by individuals who meet the DBE standard will be encouraged to seek DBE certification. Only DBE-certified firms who participate as small business concerns, pursuant to this element, will be counted towards DBE race-neutral participation on FAA-assisted contracts in this program.

D. Verification Standards and Procedures

For purposes of this small business element, the City will require the following verification and/or certification:

1. **Virginia Unified Certification Program DBE Certification** – DBE certification by a certifying member of the Virginia UCP which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by a certifying member of the Virginia UCP. It should be noted that the City is a non-certifying member of the Virginia UCP and relies on certification decisions of the Virginia Department of Small Business and Supplier Diversity (SBSD), or the Metropolitan Washington Airports Authority (MWAA), who are the certifying members of the UCP. The UCP certification staff applies the standards and

procedures for DBE certification applicants contained in Subparts D and E of 49 CFR 26.61 – 26.91.

2. **Small business status** - A non-DBE certified potential small business concern may have to complete a simplified application and/or provide the following information at time of response to a solicitation or a bid submittal, as evidence of the small business status:

   a. Evidence of SBA 8(a) or SBD Certification (as described in 13 CFR Parts 121 and 124).

   b. A copy of the business tax returns for the most recent three-year period indicating the gross receipts.

   c. A notarized statement from a Certified Public Accountant indicating the firm's average gross receipts for the past three years.

   A small business may also register with SBSD's Small, Women and Minority (SWaM) program as a Small Business Enterprise (SBE). The City will accept the certification of a registered SBE. More information can be found at https://www.sbsd.virginia.gov/certification-division/swam/.

3. **Use of Personal Net Worth**: The City, in addition to the standards for small business concerns described above, plans to utilize the current personal net worth standards of the DBE program (49 CFR Part 26.67), presently at $1.32 million.

E. Supportive Services

The City is a non-certifying member of the Virginia UCP. The City does not conduct DBE certifications, but relies on certifications of SBSD and MWAA. While the City also does not provide direct supportive services or business development programs to DBEs or small businesses, the City is aware of several valuable resources in the surrounding area. The City will coordinate and make referrals to potential and qualifying small business concerns to these services. Some of the resources are listed below:

Economic Development Opportunity Fund
Prince William County
13575 Heathcote Blvd., Suite 240
Gainesville, VA 20155
Phone: (703) 792-5500
http://www.pwcecondev.org/incentives

Mason SBDC
4031 University Drive, Suite 100
Fairfax, VA 22030
Phone: (703) 277-7747
www.masonsbdc.org

Prince William Chamber of Commerce
9720 Capital Court, Suite 203
Manassas, VA 20110
Phone: (703) 368-6600
https://pwchamber.org/

SCORE DC
Prince William County George Mason Enterprise Center
10900 University Blvd.
Manassas, VA 20110
Phone: (703) 993-9415
www.scoredc.org

Virginia Department of Business Assistance
1220 Bank Street
3rd Floor South
Richmond, VA 23219
(804) 371-8200
http://vdba.virginia.gov/

F. Implementation Plan and Timetable

The City proposes to have its SBPP fully implemented within 120 days of the FAA final approval of the plan. The City will utilize the timeframe to properly set up the program in order to maximize the potential for ultimate success. These set-up activities will include:

1. Review, in coordination with the Airport Director's office, all upcoming projects to determine which, if any, will be conducive for application of the selected SBPP strategy described in Section B, above.

2. Review, in coordination with the Airport Director's office and with legal input, the necessary revisions and modifications to bid solicitation language, etc., prior to implementation.

3. Coordinate properly with the Virginia UCP to initiate discussions as to whether any changes/modifications are implicated in the UCP stakeholder agreement, due to verification of small business concerns.

4. Coordinate with other entities currently providing relevant supportive services and/or business development for referrals to their programs, appropriate for the small business concerns that may contact the City to increase their competitive opportunities at the Airport.

5. The City, during the pre-implementation period, may also seek consultation with the representative small business community.

G. Assurances

The Airport makes the following assurances:

1. The DBE program, including its small business element, is not prohibited by state law.
2. Certified DBEs that meet the size criteria established under the DBE program are presumptively eligible to participate in 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; and
6. Aggressive steps 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 by SBSD.

H. Principal Responsible Person

The principal person who is responsible for overseeing and implementing the City's SBPP will be the currently designated Disadvantaged Business Enterprise Liaison Officer (DBELO). The DBELO for the Airport is **Juan Rivera, Airport Director**.

Attachment 5

Overall Goal Calculation

FFY 2020-FY 2022 Overall Disadvantaged Business Enterprise (DBE) Goal Methodology

Airport Sponsor: **City of Manassas**

Airport: **Manassas Regional Airport**

DBELO: Juan Rivera, Airport Director
Manassas Regional Airport
10600 Harry J. Parrish Blvd.
Manassas, VA 20110
Phone 703-361-1882
E-mail: jrivera@ci.manassas.va.us

I. Detailed Methodology: Specific Steps

A. Amount of Goal

The Airport's overall goal for FY 2020-FY 2022 for the federal financial assistance it will expend in USDOT-assisted contracts is the following:

Overall Goal:	**6.71%**		**FY 2020 Goal**	**6.77%**
Race-Neutral:	**0.00%**		**FY 2021 Goal**	**6.73%**
Race-Conscious:	**6.71%**		**FY 2022 Goal**	**4.88%**

The City expects to let approximately **$8,143,200** in USDOT-assisted contracts for FY 2020-FY 2022. The City has set a goal of expending approximately **$546,074** with DBE firms during this three-year period.

B. Determination of the Market Area of the study

Based on discussions with the consulting engineers, and reviewing recent project types bid at the Airport, the normal market area for the Manassas Regional Airport is based on the area from where the substantial majority (88.9%) of bidders has come, and upon where the substantial majority of contracting dollars (100.0%) have been spent over the last three years (see Table 1).

Table 1: Local Market Area for Manassas Regional Airport

COUNTY	Number of bidders	Percentage of bidders	Contracting dollars	Percentage of contracting dollars
Hanover	5	55.6%	$1,481,958	21.6%
Prince William	3	33.3%	$5,380,292	78.4%
SUBTOTAL	**8**	**88.9%**	**$6,862,250**	**100.0%**
Others	1	11.1%	$0	0.0%
TOTAL	9	100.0%	$6,862,250	100.0%

C. Determination of relevant NAICS codes

Based on information provided by the consulting engineers concerning the proposed projects for this fiscal three-year period, a list of NAICS codes corresponding to these projects was developed and is shown below:

Table 2: Manassas Regional Airport—FFY 2020-2022 Projects & Activities

FFY 2020 Projects		
PROJECT	**ACTIVITY**	**NAICS CODE**
✈ **Upgrade Runway 16R/34L Lighting System and PAPIs**	Electrical	238210
	Excavation	238910
	Erosion control	561730
✈ **Taxiway A Rehabilitation (Design)**	Engineering/design	541330
	Surveying	541370
	Geotechnical	541380
✈ **Runway 16R/34L Rehabilitation**	Heavy construction	237310
	Electrical	238210
	Excavation	238910
	Engineering	541330
	Surveying	541370
	Geotechnical	541380
	Seeding/erosion control	561730
✈ **Taxiway G and Taxiway Y Project**	Heavy construction	237310
	Electrical	238210
	Excavation	238910
	Engineering	541330
	Surveying	541370
	Geotechnical	541380
	Seeding/erosion control	561730
FFY 2021 Projects		
PROJECT	**ACTIVITY**	**NAICS CODE**
✈ **Taxiway A Rehabilitation (Construction)**	Heavy construction	237310
	Electrical	238210
	Excavation	238910
	Engineering	541330
	Surveying	541370
	Geotechnical	541380
	Seeding/erosion control	561730
✈ **Upgrade Taxiway A Lighting System**	Electrical	238210
	Clearing/grading	238910
	Seeding/erosion control	561730
FFY 2022 Projects		
PROJECT	**ACTIVITY**	**NAICS CODE**
✈ **Rehabilitate and Widen Taxiway B (Design)**	Engineering/design	541330

SOURCE: Manassas Regional Airport 2020-2024 ACIP

D. Determination of Relative Availability of DBEs in Market Area, Compared to all Firms

Table 3a: DBEs—Manassas Regional Airport, by Relevant NAICS Codes—FFY 2020

UPGRADE RUNWAY 16R/34L LIGHTING SYSTEM AND PAPLS

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Electrical	238210	6	186	4.41%	$360,000	$15,876
Excavation	238910	14	92			
Erosion control	561730	5	289			
	TOTAL =	**25**	**567**			
				STEP 1 DBE BASE FIGURE =		**4.41%**

Table 3b: DBES—Manassas Regional Airport, by Relevant NAICS Codes—FFY 2020

TAXIWAY A REHABILITATION (DESIGN)

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Engineering	541330	4	82	7.21%	$225,000	$16,223
Surveying	541370	3	12			
Geotechnical	541380	1	17			
	TOTAL =	**8**	**111**			
				STEP 1 DBE BASE FIGURE =		**7.21%**

Table 3c: DBEs—Manassas Regional Airport, by Relevant NAICS Codes—FFY 2020

RUNWAY 16R/34L REHABILITATION

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Heavy construction	237310	9	22	6.00%	$2,700,000	$173,610
Electrical	238210	6	186			
Excavation	238910	14	92			
Engineering	541330	4	82			
Surveying	541370	3	12			
Geotechnical	541380	1	17			
Seeding/erosion control	561730	5	289			
	TOTAL =	45	700			
					STEP 1 DBE BASE FIGURE =	**6.00%**

Table 3d: DBEs—Manassas Regional Airport, by Relevant NAICS Codes—FFY 2020

TAXIWAY G AND TAXIWAY Y PROJECT

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Heavy construction	237310	9	22	6.00%	$2,383,200	$153,240
Electrical	238210	6	186			
Excavation	238910	14	92			
Engineering	541330	4	82			
Surveying	541370	3	12			
Geotechnical	541380	1	17			
Seeding/erosion control	561730	5	289			
	TOTAL =	**45**	**700**			
					STEP 1 DBE BASE FIGURE =	**6.00%**

Table 3e: DBEs—Manassas Regional Airport, by Relevant NAICS Codes—FFY 2021

RUNWAY 16R/34L REHABILITATION

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Heavy construction	237310	12	22	6.43%	$2,025,000	$130,208
Electrical	238210	6	186			
Excavation	238910	14	92			
Engineering	541330	4	82			
Surveying	541370	3	12			
Geotechnical	541380	1	17			
Seeding/erosion control	561730	5	289			
	TOTAL =	**45**	**700**			
				STEP 1 DBE BASE FIGURE =		**6.00%**

Table 3f: DBEs—Manassas Regional Airport, by Relevant NAICS Codes—FFY 2021

UPGRADE TAXIWAY A LIGHTING SYSTEM

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Electrical	238210	6	186	4.41%	$225,000	$9,923
Clearing/grading	238910	14	92			
Seeding/erosion control	561730	5	289			
	TOTAL =	**25**	**567**			
				STEP 1 DBE BASE FIGURE =		**4.41%**

Table 3g: DBEs—Manassas Regional Airport, by Relevant NAICS Codes—FFY 2022

REHABILITATE AND WIDEN TAXIWAY B (DESIGN)

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Engineering	541330	4	82	4.88%	$225,000	$10,980
	TOTAL =	**4**	**82**			
					STEP 1 DBE BASE FIGURE =	**4.88%**

SOURCES:
1. 2018 County Business Patterns, US Census Bureau, June 25, 2020.
2. Virginia Department of Small Business and Supplier Diversity UCP Directory, August 2020.

NOTE: The County Business Patterns data were used as the source to determine the denominator, or the number of all firms in the market area. The DBE directories listed above were used to determine the numerator, or the number of DBE firms in the market area.

E. Determination of the DBE Base Figure

The Step 1 DBE Base Figure for each project was derived by multiplying the grant amount for each activity by the percentage of relevant DBE firms to all relevant firms. The total DBE goal in dollars was divided by the total grant amount to derive the step 1 goals.

FFY 2020	
Upgrade Runway 16R/34L Lighting System and PAPIs	**4.41%**
Taxiway A Rehabilitation (Design)	**7.21%**
Runway 16R/34L Rehabilitation	**6.00%**
Taxiway G and Taxiway Y Project	**6.00%**
FFY 2021	
Taxiway A Rehabilitation (Construction)	**6.00%**
Upgrade Taxiway A Lighting System	**4.41%**
FFY 2022	
Rehabilitate and Widen Taxiway B (Design)	**4.88%**

II. Adjustments to the DBE Base Figure

After the DBE Base Figure has been developed, the regulations (49 CFR Part 26) require that:

"...additional evidence in the sponsor's jurisdiction be considered to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal" (26:45(d)).

A. Adjustment Factors to Consider

The regulations further state that there are several types of evidence that must be considered when adjusting the base figure. These include:

> *"(i) The current capacity of DBEs to perform work in your USDOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years.*
>
> *(ii) Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure..."*

The historical overall DBE goals accomplished at the Airport in recent years were examined relative to the above consideration. Notice the annual DBE percent accomplishment indicated in Table 4 below:

Table 4: Manassas Regional Airport DBE Accomplishment

REPORT PERIOD	APPROVED GOAL	TOTAL DBE PERCENT ACHIEVED	ACHIEVED OVER/UNDER
FFY 2017	13.37%	0.00%	-13.37%
FFY 2019	10.86%	15.21%	4.35%
	MEDIAN	7.61%	-4.51%

Source: Airport Staff; faa.civilrightsconnect.com

49 CFR Part 26.45(d)(2) also states that the following must be considered for the purposes of considering an adjustment to the base figure:

> *"(i) Statistical disparities in the ability of DBEs to get the financing, bonding and insurance required to participate in your program;*
>
> *(ii) Data on employment, self-employment, education, training, and union apprenticeship programs, to the extent you can relate it to the opportunities for DBEs to perform in your program."*

The Commonwealth of Virginia's Department of Small Business and Supplier Diversity conducted a disparity study related to procurement of construction, architecture and engineering services, professional services, other services and

goods and supplies. The study covered state procurements over a four-year period from 2005 to 2009. According to the study, utilization of minority firms was low relative to conservative estimates of minority business availability, and relative to utilization by other states and public agencies. The study had good statistical analysis for the Commonwealth of Virginia. However, there is no quantifiable data, relative to Manassas's market area, to use to adjust the DBE base figure, and is therefore not included in the analysis. The study is a

The Virginia Department of Small Business and Supplier Diversity was contacted to inquire about disparity information regarding access to capital, insurance, bonding, etc., but there was no information available.

The Virginia Small Business Finance Authority (VSBFA) has a program called P.A.C.E. (Providing Access to Capital for Entrepreneurs). The purpose of P.A.C.E. is to offer loans to economically disadvantaged businesses that otherwise have not been able to secure capital via commercial financial institutions.

B. Adjustment to Step 1 DBE Base Figures: Manassas Regional Airport, FFY 2020-2022

With the adjustment factors considered to this point, the City will adjust the Step 1 DBE base figures as calculated above by adding the median annual accomplishment factor derived in Table 4, above (7.61%) to the base figures for construction projects as noted. The overall DBE goal calculation is shown below.

Table 5: Overall DBE Goal Calculation for Manassas Regional Airport

Federal Fiscal Year	Project	Step 1 DBE base figure	Step 2 adjustment	Overall Goal	Federal portion project costs	DBE Goal (dollars)
FFY 2020	Upgrade Runway 16R/34L Lighting System and PAPIs	4.41%	7.61%	6.01%	$360,000	$21,636
	Taxiway A Rehabilitation (Design)	7.21%	n/a	7.21%	$225,000	$16,223
	Runway 16R/34L Rehabilitation	6.00%	7.61%	6.81%	$2,700,000	$183,735
	Taxiway G and Taxiway Y Project	6.00%	7.61%	6.81%	$2,383,200	$162,177
FFY 2020 Total				**6.77%**	**$5,668,200**	**$383,770**
FFY 2021 -	Taxiway A Rehabilitation (Construction)	6.00%	7.61%	6.81%	$2,025,000	$137,801
	Upgrade Taxiway A Lighting System	4.41%	7.61%	6.01%	$225,000	$13,523
FFY 2021 Total				**6.73%**	**$2,250,000**	**$151,324**
FFY 2022	Rehabilitate and Widen Taxiway B (Design)	4.88%	n/a	4.88%	$225,000	$10,980
FFY 2022 Total				**4.88%**	**$225,000**	**$10,980**
	FFY 2020 - 2022 Overall DBE Goal			**6.71%**	**$8,143,200**	**$546,074**

Resources: **Manassas Regional Airport FFY 2020-2022**
Disadvantaged Business Enterprise Program Methodology

A. Resource Documents:

1. 2018 County Business Patterns, U.S. Census Bureau, June 25, 2020.
2. Virginia Department of Small Business and Supplier Diversity UCP Directory, August 2020.

APPENDIX A:

PUBLIC COMMENTS

There were no public comments received for the DBE program plan. The notice to the public was posted to https://www.manassascity.org/airport/public_notices.php.

A public consultation meeting was held via a web conference on October 13, 2020 at 11:00 a.m. 252 invitations were sent to prime contractors, subcontractors, DBE firms and minority/women-owned business firms, and to contractor organizations. There were nine participants. The presentation lasted about 40 minutes, and it covered relatively new DBE program regulations that affect both bidders and recipients, as well as the overall DBE goal. There were no questions or comments.

Manassas Regional Airport (HEF) DBE stakeholders meeting
Tuesday, October 13, 2020
11:00 AM - 11:45 AM (EDT)

https://attendee.gotowebinar.com/register/5561825003640491020

«COMPANY»
«CONTACT»
«EMAIL»

The City of Manassas, as owner and operator of the Manassas Regional Airport (HEF), is a recipient of federal grant funds from the Federal Aviation Administration (FAA). As a condition of receiving the funds, the City is required to establish a Disadvantaged Business Enterprise (DBE) program plan, including a triennial overall DBE goal.

In accordance with 49 CFR Part 26.45(g)(1), one of the requirements of the DBE program is to have a scheduled, direct, interactive exchange with stakeholders. The purpose of the exchange is to become educated on the requirements of the DBE program, and to solicit input on the goal-setting process. Stakeholders are also asked to give their input on:

- Barriers to participation in federally-funded projects
- The effects of discrimination on opportunities for DBE firms
- Ways to level the playing field to increase opportunities for all firms, including DBE firms.

The City has established an overall DBE goal for federal fiscal years (FFY) 2020-2022 of **6.71% (https://www.manassascity.org/airport/public_notices.php)**. You are invited to take part in a short PowerPoint presentation via web conference, and you are invited to give input in writing or via the web conference. Kevin Weeden of Ken Weeden & Associates, Inc., will facilitate and moderate the meeting on behalf of the City.

Please register for the Manassas Regional Airport DBE stakeholders meeting at https://attendee.gotowebinar.com/register/5561825003640491020. After registering, you will receive a confirmation email containing information about joining the webinar. Your participation and input are quite valuable in this process and would be much appreciated. Please register by **10:00 a.m.** on **Tuesday, October 13, 2020** if you plan to participate. Please email Kevin at kevin-weeden@kwaplanning.com with any questions. Thank you.

Kevin Weeden, Senior Vice President
Ken Weeden & Associates, Inc.
Phone: 678-540-8647
Cell: 919-889-8328

APPENDIX B:

NOTICE TO THE PUBLIC

Manassas VIRGINIA

Facebook | Twitter

Great news for bicyclist's in the City of Manassas. read more
3 hours ago

On Thursday, Oct. 8, Norfolk Southern will be conducting some... read more
4 hours ago

The next installment of National Night Out 2020 read more
18 hours ago

Follow us on Facebook @ManassasAirport

Home | Connect | Things to Do | Services | How Do I?

CITY OF MANASSAS

ManassasRegionalAirport

NOTICE OF PROPOSED DISADVANTAGED BUSINESS ENTERPRISE GOAL FOR FEDERALLY-ASSISTED PROJECTS FOR FEDERAL FISCAL YEARS 2020-FY 2022

September 30, 2020

In accordance with 49 CFR Part 26, the City of Manassas announces and gives notice that the Manassas Regional Airport's overall goal for DBE participation in USDOT-funded projects for federal fiscal years (FFY) 2020-2022 is **6.71%**. A copy of the Airport's goal and rationale are available for inspection for 30 days from the date of this notice during normal business hours at the Office of the Airport Director, which is at 10600 Harry J Parrish Blvd, 2nd Floor, Manassas, Virginia, or at Flyhef.com.

The City also hereby solicits public comment from any group or individual wishing to comment on the above DBE overall goal and rationale. Public comment will be accepted by the City for 30 days from the date of this notice and should be submitted in writing to:

Juan E. Rivera, Director
ManassasRegionalAirport
10600 Harry J Parrish Blvd
Manassas, Virginia 20110
(703) 361-1882
jrivera@ci.manassas.va.us

Pay My Bill | Meetings | Report a Concern | Museum | Contact Us | Airport

Attachment 6

Breakout of Estimated Race-Neutral & Race-Conscious Participation

I. Breakout of Estimated Race-Conscious/Race-Neutral Participation

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

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses 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. Disseminating information communications 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).

3. Ensuring that prime contractors are aware of and know how to obtain the approved DBE listing from the Virginia Department of Small Business and Supplier Diversity.

The City estimates that, in meeting its overall goal of **6.71%** for FFY 2020-2022, it will meet its goal using race-conscious means (i.e. contract goals). The Airport's median DBE accomplishment was negative (see Attachment 5, Table 4).

The City will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (26.51(f)) and it 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 a DBE obtains through customary competitive procurement procedures
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal, and
- DBE participation on a prime contract exceeding a contract goal.

II. Process

The City will submit its overall goal to the FAA on August 1 of the required year of submission for general aviation airports in the FAA's Eastern Region.

In establishing the overall DBE goal, the City provided for consultation and publication. The consultation included minority-, women's and general contractor groups, and small

business organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City's efforts to establish a level playing field for the participation of DBEs. The consultation included a scheduled, direct, interactive exchange via a web conference with as many interested stakeholders as possible focused on obtaining information relevant to the City's goal setting process. The consultation web conference was held on October 13, 2020, prior to the submission of the DBE goal methodology to the FAA for review pursuant to paragraph (f) of this section. The City documented in the goal submission the consultation process that was utilized (see Appendix A of Attachment 5).

Following this consultation, the City posted a notice of the proposed overall goal on its website (https://www.manassascity.org/airport/public_notices.php), informing the public that the proposed goal and its rationale were available for inspection during normal business hours at the office of the Airport Director, and informing the public that the Airport would accept comments on the goals for 30 days from the date of the notice.

The City will begin using the overall goal on October 1 in accordance with the FAA's schedule for non-primary airports, unless the City has received other instructions from USDOT/FAA (or, if the goal is established on a project basis) by the time of the first solicitation for a USDOT/FAA-assisted contract for the projects.

III. Contract Goals

The City will use contract goals to meet any portion of the overall goal that the City 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 its overall goal that is not projected to be met through the use of race-neutral means.

The City will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The City does not need to 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).

The City will express its contract goals as a percentage of the total share of a USDOT-assisted contract.

Attachment 7

Form 1 & 2 for Demonstration of Good Faith Efforts

CITY OF MANASSAS

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

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

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

_____ The bidder (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract and has submitted documentation demonstrating good faith efforts.

Name of bidder's firm: _____

State Registration No. _____

By _____ _____

Signature Title

CITY OF MANASSAS

FORM 2: LETTER OF INTENT

Name of bidder's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

- -

- -

- -

- -

The bidder is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is $ _____.

Affirmation

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

By _____ _____
Signature Title

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

(Submit this page for each DBE subcontractor.)

Attachment 8

Certification Application Forms

The DBE certification application for the Commonwealth of Virginia may be found at https://www.sbsd.virginia.gov/certification-division/dbe/.

Attachment 9

Regulations: 49 CFR Part 26

The federal regulations, Title 49
Code of Federal Regulations Part 26
may be found at www.ecfr.gov.

Attachment 10

Bidders List Data Form

BIDDERS LIST DATA FORM

Firm Name	Firm Address and Phone No.	DBE or Non-DBE Status *(verify via SBSD DBE Directory)*	Age of Firm	Annual Gross Receipts
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M
		☐ DBE ☐ Non-DBE	☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $500K ☐ $500K - $1M ☐ $1-2M ☐ $2-5M ☐ Greater than $5M