

Punta Gorda Airport

DBE Program & Policies
DBE Goal Methodology Report
FAA FY 2018-2020

October 1, 2017 - September 30, 2020
Charlotte County Airport Authority
April 17, 2018



Prepared By:

AECOM

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**MONTGOMERY
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Table of Contents

Section I: Objectives / Policy Statement	3
Section II: Definition of Terms (49 CFR Part 26.5).....	4
Section III: Non-Discrimination (49 CFR Part 26.7)	9
Section IV: Record Keeping Requirements (49 CFR Part 26.11).....	9
Section V: Federal Financial Assistance Agreement Assurance (49 CFR Part 26.13).....	9
Section VI: DBE Program Updates (49 CFR Part 26.21)	11
Section VII: DBE Liaison Officer (DBELO) (49 CFR Part 26.25).....	11
Section VIII: DBE Financial Institutions (49 CFR Part 26.27)	12
Section IX: Prompt Payment Mechanisms (49 CFR Part 26.29)	13
Section X: DBE Directory (49 CFR Part 26.31, 26.33, 26.35)	13
Section XI: Monitoring and Enforcement Mechanisms (49 CFR Part 26.37)	14
Section XII: Small Business Participation (49 CFR Part 26.39)	16
Section XIII: Quotas/Set-Asides (49 CFR Part 26.43).....	18
Section XIV: Overall Goals (49 CFR Part 26.45).....	19
Section XV: Accountability (49 CFR Part 26.47)	25
Section XVI: Race-Neutral and Race-Conscious Participation (49 CFR Part 26.51)	26
Section XVII: Good Faith Efforts (49 CFR Part 26.53)	27
Section XVIII: Counting DBE Participation (49 CFR Part 26.55).....	31
Section XIX: Certification Process (49 CFR Part 26.61-73)	31
Section XX: Compliance Procedures (49 CFR Part 26.101)	32
Section XXI: Confidentiality, Cooperation and Intimidation (49 CFR Part 26.109)	32

Appendices

APPENDIX 1.....	33
APPENDIX 2.....	36
APPENDIX 3.....	37
APPENDIX 4.....	38
APPENDIX 5.....	39
APPENDIX 6.....	40
APPENDIX 7.....	42
APPENDIX 8.....	43

Section I: Objectives / Policy Statement


The Charlotte County Airport Authority (Authority) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26 for Punta Gorda Airport. The Charlotte County Airport Authority has received Federal financial assistance, in an amount in excess of \$250,000 from the Federal Aviation Administration (FAA), and as a condition of receiving this assistance, the Charlotte County Airport Authority has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Charlotte County Airport Authority to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in FAA-assisted contracts. It is also our policy:

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

The Charlotte County Airport Authority's Director of Finance has been designated as the DBE Liaison Officer (DBELO). In that capacity, he/she 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 Charlotte County Airport Authority in its financial assistance agreements with the FAA.

The Charlotte County Airport Authority has disseminated this policy statement to all the components of our organization. We have also distributed this statement to the DBE and non-DBE business communities that perform work on FAA-assisted contracts by placing this notice in the contract documents for federal projects and in regional media publications.

Executed: 
Sandy Cauley, DBELO
Designee for Charlotte County Airport
Date: 7/17/18

Section II: Definition of Terms (49 CFR Part 26.5)

The section below duplicates 49 CFR Part 26.5 and has the same meanings defined in Part 26.5. In the event of a conflict between the plan and regulation, 49 CFR Part 26 will control.

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR Part 121. Except as otherwise provided in 13 CFR Part 121, concerns are affiliates of each other when, either directly or indirectly:

- a) One concern controls or has the power to control the other; or
- b) A third party or parties controls or has the power to control both; or
- c) An identity of interest between or among parties exists such that affiliation may be found.

In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets the small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq.).

Assets mean all the property of a person available for paying debts or for distribution, including one's respective share of jointly held assets. This includes, but is not limited to, cash on hand and in banks, savings accounts, IRA or other retirement accounts, accounts receivable, life insurance, stocks and bonds, real estate, and personal property.

Business, Business Concern or Business Enterprise means an 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 United States economy through payment of taxes or use of American products, materials, or labor.

Compliance means that a recipient has correctly implemented the requirements of this part.

Contingent Liability means a liability that depends on the occurrence of a future and uncertain event. This includes, but is not limited to, guaranty for debts owed by the applicant concern, legal claims and judgments, and provisions for federal income tax.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them.

Contractor means one who participates, through a contract or subcontract (at any tier), in a USDOT-assisted highway, transit, or airport program.

Department or USDOT means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged Business Enterprise or DBE means a for-profit small business (as defined by the Small Business Administration):

- a) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
- b) Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) cap described in 49 CFR Part 26. The current PNW cap is \$1.32 million;
- c) Whose average annual gross receipts, as defined by SBA regulations over the firm's previous three fiscal years is less than \$23.98 million;
- d) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- e) Has been certified as a DBE by a certifying member of the Florida Unified Certification Program (UCP) in accordance with 49 CFR 26.

FAA-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with USDOT and/or FAA financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Home State means the state in which a DBE firm or applicant for DBE certification maintains its principal place of business.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of “tribally-owned concern” in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Liabilities mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration means any of the following parts of USDOT: The Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual’s personal net worth does not include: The

individual's ownership interest in an applicant or participating DBE firm or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary industry classification means the North American Industrial Classification System (NAICS) manual and applicable codes, which replaced the Standard Industrial Classification (SIC) code designation. The NAICS Manual is available through the National Technical Information Service (NTIS) of the U. S. Department of Commerce (Alexandria, VA 22312). NTIS also makes materials available through its web site (<https://www.census.gov/eos/www/naics/>).

Primary recipient means a recipient which FAA-financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

Program means any undertaking on a recipient's part to use FAA-financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only certified disadvantaged enterprises.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

Recipient is any entity, public or private, to which USDOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

SBA Certified Firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB program.

Small Businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts specified in 49 CFR Part 26.65. A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period.

Small Business Administration or SBA means the United States Small Business Administration.

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

- a) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis.
- b) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - i. Black Americans, which includes persons having origins in any of the Black racial groups of Africa;
 - ii. Hispanic Americans, which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - iii. Native Americans, which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;
 - iv. Asian-Pacific Americans, which includes persons whose origins are from: Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia, (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Republic of the Northern Marianas Islands, Macao, Fiji, Tonga, Kirbati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - v. Subcontinent Asian Americans, which includes persons whose origins are from: India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - vi. Women; and
 - vii. Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.
- c) Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

Spouse means a married person, including a person in a domestic partnership or civil union recognized under State law.

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

Section III: Non-Discrimination (49 CFR Part 26.7)

The Charlotte County Airport Authority does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the Charlotte County Airport Authority does 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 IV : Record Keeping Requirements (49 CFR Part 26.11)

Reporting to FAA - The Charlotte County Airport Authority provides reports of DBE participation to the FAA to demonstrate commitments and attainments, as required by FAA reporting forms, including the “Uniform Report of DBE Awards or Commitments and Payments” (49 CFR Appendix B to Part 26).

Bidders List - The Charlotte County Airport Authority will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on FAA-assisted contracts. The purpose of the requirement is to allow use of the bidder’s list approach in calculating overall goals. The bidders list will include the following information: firm name, business address, DBE/non-DBE status, type of business, and annual gross receipts.

Section V: Federal Financial Assistance Agreement Assurance (49 CFR Part 26.13)

The Charlotte County Airport Authority has signed the following assurance, applicable to all FAA-assisted contracts and their administration. This language will appear verbatim in financial assistance agreements with sub-recipients:

“The Charlotte County Airport Authority shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FAA-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The Charlotte County Airport Authority shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of FAA-assisted contracts.”

The Charlotte County Airport Authority'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 Charlotte County Airport Authority of its failure to carry out its approved program, the FAA may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.)."

Contract Assurances - The Charlotte County Airport Authority will ensure that the following verbatim clause is placed in every FAA-assisted contract and subcontract:

"Nondiscrimination - 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 FAA assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- 1. Withholding monthly progress payments,*
- 2. Assessing sanctions, and/or*
- 3. Disqualifying the contractor from future bidding as non-responsible."*

Required Contract Clauses – The following clauses will be included in all FAA-assisted contracts (but not in leases) between the sponsor and any contractor:

"Equal Opportunity - DBE Obligation - The recipient or its contractors agrees to ensure that disadvantaged business enterprises as defined in 49 CFR Part 26 have equal opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that disadvantaged business enterprises have an equal opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of FAA-assisted contracts."

The Charlotte County Airport Authority will advise each contractor and subcontractor who performs on an FAA-assisted project that failure to carry out the above requirements shall constitute a breach of contract. The following clause may be used for this purpose:

"Failure to Carry Out DBE Obligations - All bidders, potential contractors, or subcontractors for this FAA-assisted contract are hereby notified that failure to carry out the FAA policy and the DBE obligation, as set forth above, shall constitute a breach of contract which may result

in termination of the contract or such other remedy as deemed appropriate by the recipient and the FAA.”

Section VI: DBE Program Updates (49 CFR Part 26.21)

The Charlotte County Airport Authority will continue to carry out this program until all funds from FAA financial assistance have been expended. Updates will be provided to FAA if there are significant changes in the program.

Section VII: DBE Liaison Officer (DBELO) (49 CFR Part 26.25)

The Charlotte County Airport Authority has designated the following person as the DBE Liaison Officer (DBELO):

Mrs. Sandy Cauley
Charlotte County Airport Authority
28000 Airport Road
Punta Gorda, FL 33982
Phone: (941) 639-1101
Fax: (941) 639-4792
Email: scauley@flypgd.com

In this capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Charlotte County Airport Authority complies with the provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Charlotte County Airport Authority concerning DBE program matters. Resources available to the DBELO which are adequate to support this program include Charlotte County Airport Authority administration and such other Airport resources as may be deemed appropriate for the implementation of this Program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include, but may not be limited to the following:

- a) Gathers and reports statistical data, compliance information and other information as required by the FAA;
- b) Reviews third party contracts and purchase requisitions for compliance with this program;
- c) Works with Charlotte County Airport Authority to set overall annual goals;
- d) Ensures that bid notices and requests for proposals are available to DBEs in a timely manner;
- e) Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and race-conscious contract specific goals) and monitors results;

- f) Analyzes the Charlotte County Airport Authority's progress toward goal attainment and identifies ways to improve progress;
- g) Participates in pre-bid meetings;
- h) Advises on DBE matters and achievement;
- i) Participates with the legal counsel and others to determine contractor compliance with good faith efforts; and
- j) Acts as liaison to the State of Florida Uniform Certification Program (UCP) as a non-certifying member.

Section VIII: DBE Financial Institutions (49 CFR Part 26.27)

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

As part of this DBE Goal Methodology Report, Charlotte County Airport Authority's DBE Consultant has investigated services offered by banks owned and controlled by socially and economically disadvantaged individuals in the local area by contacting the U.S. Treasury Department and reviewing its November 30, 2017 listing of Minority Bank Deposit Program in Florida. Based on this search, there are two banks defined by the Treasury located in Miami, FL (located outside of the market area) listed below:

- a) Continental National Bank of Miami – Miami, FL; and
- b) Interamerican Bank – Miami, FL

As of June 30, 2015, depository institutions that participate in the Federal Deposit Insurance Corporation's (FDIC) Minority Depository Institutions Program have been added to the Treasury's Minority Bank Deposit Program. By contacting the Federal Reserve System and reviewing its June 30, 2017 listing of minority-owned depository institutions, DBE banks located in the market area can be identified. Based on this search, there are a number of minority-owned depository institutions located in Florida, the following of which have offices within the market area:

- a) Axiom Bank – Hillsborough County, Manatee County, Marion County, Orange County;
- b) Banesco USA – Broward County;
- c) Central Bank – Hillsborough County; and
- d) Ocean Bank – Broward County.

The bank participants in the Minority Bank Deposit Program and Minority Depository Institutions Program do change and updates can be found at the following website locations, respectively:

https://www.fiscal.treasury.gov/fsservices/gov/rvnColl/mnrtyBankDep/rvnColl_mbdp.htm
<https://www.federalreserve.gov/releases/mob/>

Section IX: Prompt Payment Mechanisms (49 CFR Part 26.29)

Prompt Payment - The Charlotte County Airport Authority will include the following clause in each FAA-assisted prime contract:

“Prompt Payment - The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 working days from the receipt of each payment the prime contractor receives from the Charlotte County Airport Authority. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Charlotte County Airport Authority. This clause applies to both DBE and non-DBE subcontractors”.

Retainage – The Charlotte County Airport Authority will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after Authority payment to the prime contractor.

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

“Retainage – The prime contractor may request a release of retainage from the Authority when a subcontractor has satisfactorily completed the contracted work. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished, documented and approved as required in the contract documents. The prime contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the prime contractor has received payment from the Authority, which includes any release of retainage.”

Section X: DBE Directory (49 CFR Part 26.31, 26.33, 26.35)

The Charlotte County Airport Authority uses as its DBE directory the publicly-available Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory, maintained by the Florida Department of Transportation, available on-line at:

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

This DBE Directory identifies firms eligible to participate as DBEs, which have been certified by UCP members in the State of Florida. The database lists the firm name, contact information, and Certified NAICS codes.

**Draft DBE Program – Punta Gorda Airport
Charlotte County Airport Authority, Florida
DBE Goal and Methodology Update: FAA FY 2018 - 2020**

There have been no identified areas of overconcentration in the Charlotte County Airport Authority area and the Charlotte County Airport Authority DBE Program does not include a business development/mentor-protégé program.

Section XI: Monitoring and Enforcement Mechanisms (49 CFR Part 26.37)

The Charlotte County Airport Authority will implement and carry out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in the Charlotte County Airport Authority’s DBE program

Charlotte County Airport Authority will actively monitor participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs - The Charlotte County Airport Authority will undertake ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

Charlotte County Airport Authority will have each Prime Contractor supply a Fee Summary for each invoice request of payment. This summary will include: Firm name, Role, DBE (yes or no) Fee, percent Complete, Total Fee Earned, Previously billed, Current Billing, Remaining Balance. Example:

PROJECT TEAM FEES									
Project Title									
Consultant Name									
SAMPLE ONLY									
Invoice Submittal Number XX							Invoice Date		xx/xx/xx
Date of Service - From xx/xx/xx to xx/xx/xx							Invoice No.		xxxxxxxxxx
Firm #	Firm Name	Role	DBE	Fee	Percent Complete	Total Fee Earned	Previously Billed	Current Billing	Remaining Balance
1	Prime Consultant	Prime		\$150,000.00	0%	\$ -	\$ -	\$ -	\$ 150,000.00
2	Tripod Kings	Design Survey	DBE	\$ 5,500.00	0%	\$ -	\$ -	\$ -	\$ 5,500.00
3	What's Underground	Geotechnical	DBE	\$ 5,500.00	0%	\$ -	\$ -	\$ -	\$ 5,500.00
4	Wildlife and Wetlands	Environmental		\$ 57,000.00	0%	\$ -	\$ -	\$ -	\$ 57,000.00
5	It Will Drain	Stomwater		\$ 57,000.00	0%	\$ -	\$ -	\$ -	\$ 57,000.00
6	All th Juice you Need	Electrical		\$ 25,000.00	0%	\$ -	\$ -	\$ -	\$ 25,000.00
Total				\$ 300,000.00		\$ -	\$ -	\$ -	\$ 300,000.00

The Construction contract will include a provision requiring invoices be submitted in accordance with the above procedure.

The Charlotte County Airport Authority 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 Authority's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the Charlotte County Airport Authority or USDOT/FAA. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

The Charlotte County Airport Authority will proactively review contract payments to subcontractors including DBEs each time a payment request is submitted. The Charlotte County Airport Authority Designee (DBELO) or designee will review each monthly invoice breakout against the prime's contract for compliance with the DBE program to confirm the DBE contract amount match the prime's bid submittal. After the review, if there are no discrepancies, the invoice will be processed for payment. The DBELO or designee will document on an bi-annual basis prime contractor payments to DBE firms.

Prompt Payment Dispute Resolution – The Charlotte County Airport Authority will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of 49 CFR Part 26.29(c).

Upon either parties written request to the DBELO for mediation the parties shall participate in voluntary mediation by selecting a mediator within 10 days of request. Within 30 days of request, the mediation shall be completed, with or without legal counsel, in compliance with the Fla Rule of Civil Procedure 1.720.

The Charlotte County Airport Authority has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage Per 49 CFR Part 26.29(e):

- 1) Alternative Dispute Resolution (ADR)
 - a) If mediation is unsuccessful, either party shall proceed pursuant to Florida Statute Chapter 682 with binding arbitration.
 - b) If the subcontractor is unable to resolve payment discrepancies with the prime contractor or is uncomfortable contacting the prime contractor directly regarding the discrepancy, the subcontractor should contact DBELO to initiate complaint.
 - c) If the Subcontractor is not satisfied with the results from filling a prompt payment complaint with the Charlotte County Airport Authority DBELO the subcontractor may contact the responsible [operating administration] contact.

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

- a) If the subcontractor is unable to resolve payment discrepancies with the prime contractor or is uncomfortable contacting the prime contractor directly regarding the discrepancy, the subcontractor should contact DBELO to initiate complaint.
- b) If the Subcontract is not satisfied with the results from filling a prompt payment complaint with the Charlotte County Airport Authority DBELO, the subcontractor may contact the responsible [operating administration] contact.

Enforcement Actions for Noncompliance of Participants – The Charlotte County Airport Authority will provide appropriate means to enforce the requirements of Part 26.29. These means include:

- a) Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract; and
- b) Other actions the Authority deems appropriate.

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

The Charlotte County Airport Authority will bring to the attention of the FAA any false, fraudulent, or dishonest conduct in connection with the program, so that the FAA can take appropriate steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the FAA Inspector General, action under suspension and debarment or Program Fraud and Civil Remedies rules) provided in paragraph 49 CFR Part 26.107.

Monitoring Contracts and Work Sites – The Charlotte County Airport Authority will review contracting records and 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 DBEs to which the work was committed.

Work site monitoring is performed by the DBELO or designee. Contracting records are reviewed by the DBELO or designee. The Charlotte County Airport Authority will maintain a written certification, as illustrated in **Appendix 8**, that contracting records have been reviewed and work sites have been monitored at least once during the construction period for each contract. Each reviewed contract is required to have its own signed and dated written certification and be maintained in the respective project files. The Charlotte County Airport Authority will provide reports of DBE participation to FAA, to demonstrate commitments and attainments, as required by FAA reporting forms provided in 49 CFR Part 26.37 (b).

Section XII: Small Business Participation (49 CFR Part 26.39)

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses; the Charlotte County Airport Authority seeks to implement a small business element into its current DBE policy in accordance with applicable law. The Charlotte County Airport Authority is including this element to facilitate competition by and expand opportunities for small businesses. The Charlotte County Airport Authority is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. The Charlotte County Airport Authority will meet its objectives using a combination of the following methods and strategies:

- a) **Unbundling:** The Charlotte County Airport Authority, where feasible may “unbundle” projects or separate large contracts into smaller contracts, which may be more suitable for small business participation. The Charlotte County Airport Authority will determine the feasibility of unbundling by reviewing the grant application for the federal project, and determining the work elements that are likely to be grouped for construction and/or purchase. The Charlotte County Airport Authority will consider the economic feasibility, constructability, and schedule impacts in addition to providing greater opportunities for small business participation in the assessment of unbundling the projects. Similarly, the Charlotte County Airport Authority will encourage its prime contractors and prime consultants to unbundle contracts to facilitate participation by small businesses.

- b) **Outreach and Technical Assistance:** The Charlotte County Airport Authority advertises contracting opportunities through various outlets, including local newspapers. In addition, the Charlotte County Airport Authority, in an effort to provide outreach for the DBE Program, will address the small business enterprise (SBE) element, DBE and SBE opportunities at pre-proposal or pre-bid meetings to encourage participation of DBE and SBE firms on Charlotte County Airport Authority projects.

As described above, the Charlotte County Airport Authority will use a variety of methods to facilitate small business participation. In each FAA-assisted contract, the DBELO will document the method in which the small business element will be implemented (i.e. unbundling and/or outreach).

Certification and Verification Procedures – The size standards accepted by the Charlotte County Airport Authority for use in the SBE element of the DBE Plan shall be those established by the U.S. Small Business Administration per respective NAICS code. The Charlotte County Airport Authority will accept the following certifications for participation in the small business element of the Charlotte County Airport Authority’s DBE Program with applicable stipulations:

1. Florida Unified Certification Program (UCP) Certification – Currently valid DBE certification by a certifying UCP member 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 UCP certifying agency. Applicant shall submit a copy of the certification letter and verification of status on the current Florida UCP database.
2. State of Florida Department of Management Services Certification – Currently valid certification by State of Florida Department of Management Services. Applicant shall submit a copy of certification letter/certificate and two years of business tax returns or a copy of the business’ current balance sheet, if the business has been established less than twelve months, in order to demonstrate ability to meet size standards.
3. City / County / Authority Certification - Currently valid city, county and/or authority government certification indicating eligibility to participate in women, minority and/or veteran’s procurements. Applicants will submit a copy of the certification

letter/certification and two years of business tax returns or a copy of the business' current balance sheet, if the business has been established less than twelve months, in order to demonstrate ability to meet size standards.

4. SBA 8(a) Business Development Certification – Federal 8(a) certification as described in 13 CFR Parts 121 and 124. Applicants will submit a copy of the certification letter/certification and two years of business tax returns or a copy of the business' current balance sheet, if the business has been established less than twelve months, in order to demonstrate ability to meet size standards.

Assurances - The Charlotte County Airport Authority makes the following assurances regarding the small business element of the Charlotte County Airport Authority's DBE Program:

- a) The DBE Program, including its small business element is not prohibited by state law;
- b) 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;
- c) 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;
- d) There are no limits on the number of contracts awarded to firms participating in the DBE Program;
- e) Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
- f) Steps will be taken to encourage minority-owned and women-owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

Reporting of Small Business Participation – DBE participation occurring as a result of the small business program element will be reported to the FAA as race-neutral DBE participation.

Section XIII: Quotas/Set-Asides (49 CFR Part 26.43)

The Charlotte County Airport Authority does not use set-aside contracts for DBEs on FAA-assisted contracts, except that, in limited and extreme circumstances, set-asides may be used when no other method could be reasonably expected to redress egregious instances of discrimination.

Section XIV: Overall Goals (49 CFR Part 26.45)

Amount of Goal - The Charlotte County Airport Authority's Average 3-Year DBE Goal for Punta Gorda Airport for FAA FY 2018 - 2020 is as follows:

9.4% of the federal financial assistance that the Charlotte County Airport Authority will expend in FAA-assisted contracts. Given that the amount of FAA-assisted contracts the Punta Gorda Airport expects to contract during FAA FY 2018 - 2020 is **\$17,654,310** the Charlotte County Airport Authority has set a goal of expending **\$1,652,583** with DBEs during the FAA FY 2018 - 2020 timeframe. The Charlotte County Airport Authority estimates that, in meeting its overall goal of **9.4%** it will obtain **0.0%** from race-neutral means and **9.4%** through race-conscious (contract goal) means.

Update of County Goals - DBE Goal Process - FAA now requests airport sponsors establish a multi-year DBE goal for the up-coming three (3) years rather than having annual DBE goals each year. To establish the multi-year DBE goal, minority and small business organizations and trade groups were consulted to solicit information and input concerning the following:

- The availability of disadvantaged and non-disadvantaged businesses;
- The effects of discrimination on opportunities for DBEs; and
- The Charlotte County Airport Authority's efforts to establish a level playing field for the participation of DBEs.

The overall goal period for the Charlotte County Airport Authority's DBE Program at the Punta Gorda Airport is established on a three-year basis coinciding with FAA's fiscal year (FY), beginning on October 1, 2017 and ending on September 30, 2020 covering FAA FY 2018, 2019, and 2020.

Goal Setting Methodology - The Charlotte County Airport Authority's overall goal for Punta Gorda Airport for FAA Fiscal Years 2018 - 2020 has been set using the methodologies described in 49 CFR Part 26, and described as follows:

The goal setting methodology described in 49 CFR 26.45(c) (1) was used to determine the base figure for the relative availability of DBEs. FAA advisory document entitled "Required DBE Goal Elements for Update" was also used to document the goal methodology. A determination of the FAA FY 2018 - 2020 goal setting process includes identifying a base figure for the relative availability of DBEs based on demonstrable evidence of the availability of ready, willing and able DBEs as compared to the availability of all businesses participating on FAA-assisted contracts.

The first step includes creating a base figure for the relative availability of ready, willing and able DBEs in the Punta Gorda Airport's market area. Specifically, the market area is based on where the substantial majority of bidders, both successful and unsuccessful bidders, are located for the anticipated types of work that are to be performed in the coming three-year

timeframe, and where the Charlotte County Airport Authority has previously spent the substantial majority of funding for similar projects.

A bidders' list was compiled from projects located at the Punta Gorda Airport from the period 2013 - 2017, which is the latest data available for analysis. **Appendix 1** identifies the Punta Gorda Airport's market area and provides a breakdown of the number of bidders per geographical location, and the location of contracts awarded by the Charlotte County Airport Authority.

The market area was determined based on:

- Airport's proposed Capital Improvement Program for FAA FY 2018 – 2020,
- A review of the projects to receive federal funds,
- Types of work anticipated, and
- Location of previous bidders and awardees on similar projects.

Based on the market area analysis, the market area represents 100% of the counties where previous airport expenditures were made, and 91% of previous bidders/awardees and consultants/contractors interested in projects at the Punta Gorda Airport within the 2013 – 2017 timeframe.

The market area did not include locations from prior bidders in Brevard County, FL; Seminole County, FL; Benton County, OR; Carbon County, PA; Los Angeles County, CA; Minnehaha County, SD; and Winnebago County, WI. These areas are outliers to the current market area due to the distance to/from the Airport, limited bidders from the identified area, and/or the type of work anticipated in the FAA FY 2018 - 2020 timeframe. The outliers were eliminated from consideration within the market area.

The market area for the Punta Gorda Airport is determined to include the following Florida counties:

- | | |
|----------------|------------|
| ▪ Broward | ▪ Lee |
| ▪ Charlotte | ▪ Manatee |
| ▪ Collier | ▪ Marion |
| ▪ Columbia | ▪ Orange |
| ▪ Desoto | ▪ Pinellas |
| ▪ Hillsborough | ▪ Sarasota |

The second step in the goal setting methodology is to make adjustments to the base figure, relying on an examination of additional evidence including historical DBE participation, experience, local expertise, the consultation process, and anticipated changes in FAA-assisted contracting over the upcoming years. The following sections detail **Step 1** and **Step 2** in the DBE goal setting process.

FAA FY 2018 - 2020 Projects - Based on the airport’s Capital Improvement Project summary, the Charlotte County Airport Authority intends to request funding from FAA for five (5) projects anticipated during FAA FY 2018 - 2020 at the Punta Gorda Airport, these are shown in the following table.

The percentage value for each type of NACIS code description was estimated based on the project types. The most refined data available within the 2015 North American Industry Classification System (NAICS) codes was used to identify the various components for the upcoming projects. Then, the number of available DBE firms and the number of all firms in the Airport’s market area was determined for each respective NAICS code. To ensure the calculations were relevant, only firms that are likely to do business at the Airport in the upcoming years were included.

**Anticipated Grant-Funded Projects
Punta Gorda Airport
FAA FY 2018 - 2020**

Project Name	Total Project Funding	Total % Grant Funding	Total Grant Funding
A. Wetland Mitigation- Phase 1 (FY 2018)	\$1,299,195	90.0%	\$1,169,276
B. Extend & Rehab RW 15-33 (Construction) (FY 2019)	\$8,591,421	90.0%	\$7,732,278
C. GA Taxiways & Apron (Construction) (FY 2019)	\$5,836,348	90.0%	\$5,252,713
D. Reconstruct/Rehab RW 4-22 (Design) (FY 2020)	\$1,569,007	90.0%	\$1,412,107
E. GA Terminal Apron & Taxiway (Construction) (FY 2020)	\$8,635,809	24.2%	\$2,087,936
Total Grant Funding (FY 2018-2020):	\$25,931,780		\$17,654,310

Step 1 – Determining a Base Figure Representing DBE Relative Availability

The 2015 Census Bureau's County Business Patterns data was used to estimate the total number of companies per NAICS code within the market area. The Florida Unified Certification Program (UCP) DBE Directory was used to estimate the number of ready, willing and able DBE companies per NAICS code within the market area.

The base figure for each anticipated project was calculated by counting the DBEs available in each respective NAICS code (numerator) divided by the census bureau establishments for all firms (denominator) for the same NAICS codes within the Airport’s market area. These percentages were then measured against the estimated percentage value of each NAICS code to determine the expected DBE percent participation per NAICS Code. The resulting expected DBE participations for each NAICS code was then summarized to provide a single base goal.

Appendix 2 reflects the DBE firms operating in the market area. **Appendix 3** reflects the DBE and non-DBE businesses operating in the same market area. A **Step 1** Base Figure for each of the federal projects that is anticipated to be contracted during the 3-year timeframe is detailed as follows:

**Step 1 – Individual Base Figure Development
Punta Gorda Airport
FAA FY 2018 – 2020**

NAICS	Type of Work	Total DBE	Total All Firms	% Value	Expected DBE Participation
A. Wetland Mitigation - Phase 1 (FY 2018)					
238910	Site Preparation Contractors	37	489	80.0%	6.1%
541620	Environmental Consulting Services	53	263	20.0%	4.0%
					10.1%
B. Extend & Rehab RW 15-33 (Construction) (FY 2019)					
237110	Water and Sewer Line and Related Structures	13	266	5.0%	0.2%
237310	Highway, Street, and Bridge Construction	51	171	55.0%	16.4%
238210	Electrical Contractors and Other Wiring Installation Contractors	22	2,017	10.0%	0.1%
238910	Site Preparation Contractors	37	489	10.0%	0.8%
541330	Engineering Services	94	1,917	20.0%	1.0%
					18.5%
C. GA Taxiways & Apron (Construction) (FY 2019)					
237110	Water and Sewer Line and Related Structures	13	266	10.0%	0.5%
237310	Highway, Street, and Bridge Construction	51	171	50.0%	14.9%
238210	Electrical Contractors and Other Wiring Installation Contractors	22	2,017	5.0%	0.1%
238910	Site Preparation Contractors	37	489	10.0%	0.8%
541330	Engineering Services	94	1,917	25.0%	1.2%
					17.4%
D. Reconstruct/Rehab RW 4-22 (Design) (FY 2020)					
541330	Engineering Services	94	1,917	100.0%	4.9%
					4.9%
E. GA Terminal Apron & Taxiway (Construction) (FY 2020)					
237110	Water and Sewer Line and Related Structures	13	266	10.0%	0.5%
237310	Highway, Street, and Bridge Construction	51	171	50.0%	14.9%
238210	Electrical Contractors and Other Wiring Installation Contractors	22	2,017	5.0%	0.1%
238910	Site Preparation Contractors	37	489	10.0%	0.8%
541330	Engineering Services	94	1,917	25.0%	1.2%
					17.4%

**Step 1 - 3-Year Average DBE Goal
Punta Gorda Airport
FAA FY 2018 – 2020**

Project Name	Proposed Grant Funding (\$)	Adjusted Base Figure	Proposed DBE Goal (\$)
A. Wetland Mitigation- Phase 1 (FY 2018)	\$1,169,276	10.1%	\$117,905
B. Extend & Rehab RW 15-33 (Construction) (FY 2019)	\$7,732,278	18.5%	\$1,430,030
C. GA Taxiways & Apron (Construction) (FY 2019)	\$5,252,713	17.4%	\$915,971
D. Reconstruct/Rehab RW 4-22 (Design) (FY 2020)	\$1,412,107	4.9%	\$69,243
E. GA Terminal Apron & Taxiway (Construction) (FY 2020)	\$2,087,936	17.4%	\$364,096
Total:	\$17,654,310		\$2,897,244

Step 1 - 3-Year Average DBE Goal = 16.4%

Step 2 – Examination of Available Evidence to Determine What Adjustment, If Any, is Needed to the Base Figures

49 CFR Part 26.45(d) and the goal methodology guidelines contained on the Office of Small and Disadvantaged Business Utilization’s (OSDBU) website identify numerous examples of the various types of data to examine in order to adjust the **Step 1** Base Figure to narrowly tailor the goals to the precise local market. **Step 2** is intended to adjust the “base figure” percentage from **Step 1** to reflect, as accurately as possible, the DBE participation the Punta Gorda Airport would expect in the absence of discrimination.

The factors listed as follows are considered in order to determine whether an adjustment to the **Step 1** Base Figure is appropriate for the FAA FY 2018 - 2020 goals. These guidelines include:

- **Disparity Study** – The Charlotte County Airport Authority has not completed a disparity study. No known disparity study has been conducted in Charlotte County that would impact this methodology process.
- **Historical DBE Participation** - Past DBE participation is based on the analysis of grants similar to anticipated FAA FY 2018 - 2020 projects at Punta Gorda Airport. The base figure may be adjusted, if appropriate, to account for the historical median of past DBE participation at the Punta Gorda Airport.
- **Other Factors** – The base figure may be adjusted, if appropriate, to account for information provided in the consultation process.
- **Historical DBE Participation** - Compliance documentation and record-keeping of actual DBE participation on past airport projects with DBE goals has been provided by the Authority.

Appendix 4 reflects an achieved DBE participation median of 2.3%, with a DBE goal of 11.5% for the past three years of airport projects. An actual DBE participation of 2.3% will be used to make **Step 2** adjustments.

**Step 2 – Base Figure Adjustment
Punta Gorda Airport
FAA FY 2018 - 2020**

Step-2 Methodology	A. Wetland Mitigation – Phase 1 (FY 2018)	B. Extend/Rehab RW 15-33 (Construction) (FY 2019)	C. GA Taxiways & Apron (Construction) (FY 2019)	D. Reconstruct/Rehab RW 4-22 (Design) (FY 2020)	E. GA Terminal Apron & Taxiway (Construction) (FY 2020)
Step-1 Base Figure	10.1%	18.5%	17.4%	4.9%	17.4%
Historical DBE Participation	2.3%	2.3%	2.3%	2.3%	2.3%
Average Project Goal	6.2%	10.4%	9.9%	3.6%	9.9%

Based on these five (5) projects, a 3-year average DBE Goal is established as indicated below. The Charlotte County Airport Authority will establish the individual goals per project to narrowly tailor the DBE goals for each project.

**Step 2 - 3-Year Average DBE Goal
Punta Gorda Airport
FAA FY 2018 – 2020**

Project Name	Proposed Grant Funding (\$)	Step 2 - Adjusted Base Figure	Proposed DBE Goal (\$)
A. Wetland Mitigation- Phase 1 (FY 2018)	\$1,169,276	6.2%	\$72,461
C. Extend & Rehab RW 15-33 (Construction) (FY 2019)	\$7,732,278	10.4%	\$804,346
E. GA Taxiways & Apron (Construction) (FY 2019)	\$5,252,713	9.9%	\$518,670
H. Reconstruct/Rehab RW 4-22 (Design) (FY 2020)	\$1,412,107	3.6%	\$50,935
I. GA Terminal Apron & Taxiway (Construction) (FY 2020)	\$2,087,936	9.9%	\$206,170
Total:	\$17,654,310		\$1,652,583

Step 2 - 3-Year Average DBE Goal = 9.4%

Other Factors - Other additional sources of information considered in adjusting the Step 1 Base Figure include the consultation process with the following organizations (see **Appendix 6** for details of coordination):

- Florida Airport Council (FAC) (lisa@floridaairports.org);
- National Association of Minority Contractors (NAMC) (bbutler@jcbcon.net); and
- National Association of Women in Construction (NAWIC) (nawicferrer@gmail.com)
- National Society of Black Engineers (NSBE) (R3pebchair@nsbe.org)
- Society of Hispanic Professional Engineers (SHPE) (shpecfl@gmail.com)

Goal Summary - Based on review of the factors described above, a Step 2 adjustment was made to the Step 1 base figure for all five (5) projects.

The Charlotte County Airport Authority has established the FAA FY 2018 - 2020 DBE Goal for Punta Gorda Airport **9.4%** for the **\$17,654,310** of federal monies anticipated to be contracted in the three-year timeframe. The Charlotte County Airport Authority anticipates expending **\$1,652,583** with DBEs during the FAA FY 2018 - 2020 timeframe. The Charlotte County Airport Authority will evaluate the actual DBE participation on these upcoming federal projects in order to establish future DBE goals.

Public Participation – Per 49 CFR Part 26.45(g)(1)(ii), the Airport provided a notice announcing the proposed overall DBE goal on the Airport’s official internet website. The notice informed the public of the proposed average three-year DBE goal and the methodology for DBE goal development is available for inspection during normal business hours at the Airport’s DBELO Office for 30 days following the date of the notice, and the Airport accepted comments on the goals for 45 days from the date of the notice. The notice included the address where comments should be sent and the address where the document can be reviewed. **Appendix 7** provides a copy of the notice. No public comments were received.

Section XV: Accountability (49 CFR Part 26.47)

The Charlotte County Airport Authority cannot be penalized or treated by FAA as being in noncompliance with Part 26, because the DBE participation in a fiscal year falls short of an overall goal, unless the Charlotte County Airport Authority fails to administer its DBE program in good faith.

The Charlotte County Airport Authority understands that to be considered to be in compliance with Part 26, an approved DBE program and overall DBE goal must be maintained, and this DBE Program must be administered in good faith. The Charlotte County Airport Authority has established an accountability process, in accordance with 49 CFR Part 26.47(c), in order to be in Good Faith with program intent should the DBE goals for the awards and commitments fall short of the DBE Program’s overall goals. These steps include:

1. Analyze in detail the reasons for the difference between the DBE Program’s overall goal and the Charlotte County Airport Authority’s awards and commitments, in the fiscal year that falls short of the goals.
2. Establish specific steps and milestones to correct the problems the Charlotte County Airport Authority has identified in the analysis that will enable the new fiscal year to fully meet the goals.
3. The Charlotte County Airport Authority will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under steps (1) and (2) of this section. The Charlotte County Airport Authority will retain a copy of analysis and corrective actions in records for a minimum of three years and will make it readily available to the FAA upon request.
4. The Charlotte County Airport Authority may consider the following corrective actions that include, but are not necessarily limited to:
 - Modifications to the overall DBE goal methodology;
 - Changes in the race-conscious/race-neutral split; or
 - The introduction of additional race-conscious/race-neutral measures.

Failure to implement the Charlotte County Airport Authority DBE Program in good faith, The Authority may be regarded as being in noncompliance, therefore subject to the remedies in 26.103 or 26.105 of 49 CFR Part 26 and other applicable regulations, if any of the following occur:

- a) The Charlotte County Airport Authority does not submit its analysis and corrective actions to FAA in a timely manner as required under 49 CFR Part 26.47(c)(3);
- b) FAA disapproves The Charlotte County Airport Authority’s analysis or corrective actions; or
- c) The Charlotte County Airport Authority does not fully implement the corrective actions to which The Authority has committed or conditions that the Authority has imposed following review of the analysis and corrective actions.

Section XVI: Race-Neutral and Race-Conscious Participation (49 CFR Part 26.51)

The Charlotte County Airport Authority will encourage the use of race-neutral means of facilitating DBE participation. It is the goal of the Charlotte County Airport Authority to meet the maximum feasible portion of its DBE goals by using race-neutral means of facilitating race-neutral DBE participation. The Charlotte County Airport Authority will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation, and 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:

1. DBE participation through a prime contract;
2. DBEs obtained through customary competitive procurement procedures;
3. DBE participation through a subcontract on a prime contract that does not carry a DBE goal;

4. DBE participation on a prime contract exceeding a contract goal; and/or
5. DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

The historical results of DBE participation were reviewed to determine the potential need for race-conscious goal setting. Based on the historical experience at Punta Gorda Airport, race-neutral efforts have not been successful in the absence of defined DBE goals (see **Appendix 5** for details). The statistics suggest that DBE participation over the last three years have not met the DBE goals by a median variance of **-6.0%**. This variance is used to establish the race-neutral and race-conscious goals. Race-conscious participation (i.e., contract goals) will be used to facilitate DBE participation on proposed projects.

The Charlotte County Airport Authority estimates that, in meeting its overall goal of **9.4%**, it will obtain **0.0%** from race-neutral means and **9.4%** through race-conscious (contract goal) means.

The Charlotte County Airport Authority will implement the following race-neutral measures to increase DBE participation in anticipated projects:

- a) Encourage prime contractors to subcontract portions of work they might otherwise perform with their own forces;
- b) Reference the Florida UCP DBE directory to prospective contractors desiring DBE contact information;
- c) Encourage DBE attendance at pre-bid/pre-proposal meetings; and
- d) Provide assistance to DBEs during the solicitation or bid period for any project, and assist with any explanation of documents, including language barriers, that may exist.

The Charlotte County Airport Authority will establish contract goals to meet any portion of the overall goal when the Charlotte County Airport Authority does not project being able to meet its goal using race-neutral means. The Disadvantaged Business Enterprise Liaison Officer (DBELO) will carefully monitor the award and actual DBE participation and adjust future DBE goals to consider race-neutral and race-conscious participation accordingly.

Section XVII: Good Faith Efforts (49 CFR Part 26.53)

Demonstration of Good Faith Efforts - The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are contained in Appendix A to 49 CFR Part 26 (available on-line at: <http://www.ecfr.gov>).

The DBELO is responsible for determining whether a bidder/offeror that has not met the contract goal, and has documented sufficient good faith efforts, is to be regarded as responsive or responsible.

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

Information to Be Submitted - The Charlotte County Airport Authority treats bidder/offeror's compliance with good faith efforts requirements as a matter of responsiveness or responsibility. Each solicitation for which a contract goal has been established will require the bidder/offeror to submit the following information at the time of the bid:

- 1) Award of the contract will be conditioned on meeting the requirements of this section;
- 2) At the time provided in paragraph (3) of this section:
 - a) The names and addresses of DBE firms that will participate in the contract;
 - b) A description of the work that each DBE will perform;
 - c) The dollar amount of the participation of each DBE firm's participation;
 - d) Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
 - e) Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
 - f) If the contract goal is not met, evidence of good faith efforts.
- 3) The information stipulated in paragraph (2) of this section:
 - a) Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures; provided that in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provided the information required by paragraph (2) of this section before the final selection for the contract is made by the Charlotte County Airport Authority, or
 - b) No later than 5 days after bid opening as a matter of responsibility. Provided that in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provided the information required by paragraph (2) of this section before the final selection for the contract is made by the Charlotte County Airport Authority.

Administration Reconsideration - Within 10 days of being informed by the Charlotte County Airport Authority, that a Bidder/Proposer is not deemed responsive or responsible because it has not documented sufficient good faith efforts, the bidder/offeror may request administrative reconsideration. Bidder/Offerors should make the request for administration reconsideration in writing to the reconsideration official. The following is the Charlotte County Airport Authority's reconsideration official:

Mr. James Parish
Charlotte County Airport Authority
28000 Airport Road
Punta Gorda, FL 33982
Phone: (941) 639-1101
Fax: (941) 639-4792
Email: jparish@flypgd.com

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not make and document sufficient good faith efforts, nor is someone who reports to the DBELO.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the Charlotte County Airport Authority's reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The Charlotte County Airport Authority will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation – Federal Aviation Administration (FAA).

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

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

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

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

- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements;
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) The Charlotte County Airport Authority determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides the Charlotte County Airport Authority 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; and/or
- (10) Other documented good cause that the Charlotte County Airport Authority has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

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

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

"The contractor shall utilize the specific DBEs listed in the contractor's [bid/solicitation] response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of the Charlotte County Airport Authority as provided in 49 CFR Part 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 Charlotte County Airport Authority will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If the Charlotte County Airport Authority requests documentation from the contractor under this provision, the contractor shall submit the documentation within seven (7) days, which may be extended for an additional seven (7) days if necessary at the request of the contractor. The Authority shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the Charlotte County Airport Authority 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 Charlotte County Airport Authority may issue a termination for default proceeding.

Section XVIII: Counting DBE Participation (49 CFR Part 26.55)

The Charlotte County Airport Authority will count DBE participation toward the overall and contract goals in accordance with 49 CFR Part 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 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 Part 26.55 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 Part 26.87(j).

Section XIX: Certification Process (49 CFR Part 26.61-73)

The Charlotte County Airport Authority is a non-certifying member of the Florida Unified Certification Program (UCP). The Airport does not provide DBE or ACDBE certification. To be certified as a DBE or ACDBE, a firm must meet all certification eligibility standards required by 49 CFR Part 26 for DBEs, and 49 CFR Part 23 for ACDBEs.

Firms interested in becoming certified as an ACDBE or renewing certification as an ACDBE are directed to apply with a certifying agency of the Florida UCP. For information about certification, firms should contact a member of the Florida UCP within its area at the following website:

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

Section XX: Compliance Procedures (49 CFR Part 26.101)

The Charlotte County Airport Authority understands that if it fails to comply with any requirement of this part, the Authority may be subject to formal enforcement action under Part 26.103 or 26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), and 47122.

Section XXI: Confidentiality, Cooperation and Intimidation (49 CFR Part 26.109)

Availability of Records – Notwithstanding any provision of Federal or state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to USDOT in any certification appeal proceeding under 49 CFR Part 26.89 or to any other state to which the individual’s firm has applied for certification under 49 CFR part 26.85.

Confidentiality - The Charlotte County Airport Authority will safeguard from disclosure to third parties’ information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Cooperation – 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 USDOT 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).

Intimidation and Retaliation – The Charlotte County Authority, Authority members, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The County understands that it is in noncompliance with Part 26 if it violates this prohibition.

APPENDIX 1
Punta Gorda Airport
Bidder's List (2013 - 2017)

Company	City	State	County
AECOM (Previously URS Corporation)	Tampa	FL	Hillsborough
Ajax Paving	Nokomis	FL	Sarasota
All Ways Electric, LLC	Ft. Myers	FL	Lee
American Infrastructure Development, Inc.	Tampa	FL	Hillsborough
Architectural Metals, Inc.	Ft. Myers	FL	Lee
Artype	Ft. Myers	FL	Lee
Asphalt Developers/Sunland Paving	Port Charlotte	FL	Charlotte
AVCON	Naples	FL	Collier
Berlin Sign Company	Venice	FL	Sarasota
Cal-Tech Testing, Inc.	Lake City	FL	Columbia
Carter Fence Company	Punta Gorda	FL	Charlotte
CHA Consulting (Previously RW Armstrong & Associates)	Tampa	FL	Hillsborough
Chris-Tel Construction	Ft. Myers	FL	Lee
DeANGELIS Diamond Construction	Naples	FL	Collier
D.L. Porter Constructors, Inc.	Sarasota	FL	Sarasota
D.R. Swanson Company	Port Charlotte	FL	Charlotte
EG Solutions, Inc.	Lakewood Ranch	FL	Manatee
E-One	Ocala	FL	Marion
Florida Engineering & Testing, Inc.	Pompano Beach	FL	Broward
Front Line Staffing	Ft. Myers	FL	Lee
Green Construction Technologies	Wilton Manors	FL	Broward
GCE Services, Inc.	Cape Coral	FL	Lee
GLF Construction Corp.	Orlando	FL	Orange
Gulf Coast Tile & Marble, LLC	Port Charlotte	FL	Charlotte
Halfacre Construction Company	Sarasota	FL	Sarasota
Hanson Professional Services	Sarasota	FL	Sarasota
H.L. Pruitt Corp.	Winter Springs	FL	Seminole
Hypower, Inc.	Orlando	FL	Orange
JH McCarrier Land Surveying	Ft. Myers	FL	Lee
John Jewell, Inc.	Punta Gorda	FL	Charlotte
Jones-Morgan, LLC	Ft. Lauderdale	FL	Broward
Kate's EnviroFencing	Bonita Springs	FL	Lee
Kiewit Infrastructure South Company	Tampa	FL	Hillsborough
Kimley-Horn and Associates, Inc.	Tampa	FL	Hillsborough
Kovatch Mobile Equipment Corp.	Nesquehoning	PA	Carbon
Labor Ready (People Ready)	Plant City	FL	Hillsborough
Lomski Engineering & Testing, Inc.	Port Charlotte	FL	Charlotte

**Draft DBE Program – Punta Gorda Airport
Charlotte County Airport Authority, Florida
DBE Goal and Methodology Update: FAA FY 2018 - 2020**

Company	City	State	County
Manhattan Construction, Inc.	Ft. Myers	FL	Lee
McCann and Baird Flooring Services, Inc.	Apollo Beach	FL	Hillsborough
McShea Contracting	Lehigh Acres	FL	Lee
O-A-K Florida, Inc.	Ft. Myers	FL	Lee
On Power Services, LLC	Punta Gorda	FL	Charlotte
Ongrade Contracting, Inc.	Lake Suzy	FL	DeSoto
Oshkosh	Oshkosh	WI	Winnebago
Owen Ames Kimball	Ft. Myers	FL	Lee
Precision Approach Engineering	Corvallis	OR	Benton
Quality Enterprise USA, Inc.	Naples	FL	Collier
Reliant Constructors, Inc.	Indialantic	FL	Brevard
Ricondo & Associates, Inc.	Orlando	FL	Orange
Road Runner Markings, Inc.	Clearwater	FL	Pinellas
Rosenbauer Group	Lyons	SD	Minnehaha
Sampey, Burchett & Knight, Inc.	Sarasota	FL	Sarasota
Schinkel-Schultz Architecture	Sarasota	FL	Sarasota
SED Services, LLC	Punta Gorda	FL	Charlotte
Selbert Perkins Design	Rey	CA	Los Angeles
Sign-A-Rama	Ft. Myers	FL	Lee
Spectra Contract Flooring	Sarasota	FL	Sarasota
Sunland Paving Company, Inc.	Port Charlotte	FL	Charlotte
Turner Tree Care Landscape	Bradenton	FL	Manatee
Walbridge	Orlando	FL	Orange
Wayne Wiles Floorcoverings, Inc.	Punta Gorda	FL	Charlotte
Williams Earth Sciences	Largo	FL	Pinellas
Wright Construction Corp.	Ft. Myers	FL	Lee

Awarded contract

APPENDIX 1
Punta Gorda Airport
FAA FY 2018 - 2020 Methodology
Historical Market Area Detail (2013 - 2017)

County	Awarded Contracts	%	Number of Bidder's	%
Benton County, OR	No	0%	1	1%
Brevard County, FL	No	0%	1	1%
Broward County, FL	2	4%	3	4%
Carbon County, PA	No	0%	1	1%
Charlotte County, FL	9	20%	10	14%
Collier County, FL	2	4%	4	5%
Columbia County, FL	1	2%	1	1%
Desoto County, FL	1	2%	1	1%
Hillsborough County, FL	4	9%	7	9%
Lee County, FL	11	24%	20	27%
Los Angeles County, CA	No	0%	1	1%
Manatee County, FL	2	4%	2	3%
Marion County, FL	1	2%	1	1%
Minnehaha County, SD	No	0%	1	1%
Orange County, FL	2	4%	5	7%
Pinellas County, FL	2	4%	2	3%
Sarasota County, FL	8	18%	11	15%
Seminole County, FL	No	0%	1	1%
Winnebago County, WI	No	0%	1	1%
Totals	45	100%	74	100%
Market Area Totals	45	100%	67	91%

Identified as Market Area for FAA FY 2018 - 2020

Sources:

- Bid tabulations for Punta Gorda Airport, including:
 - General Aviation/Engineer Services
 - Terminal Phase II – Site Improvement (11/28/2012)
 - RPF Carpeting FBO (2013)
 - RFP Wayfinding/Signage (2/1/2013)
 - Index B ARFF (12/1/2013)
 - Design/Build Construction Projects (7/29/2014)
 - Terminal Expansion (9/25/2014)
 - Asphalt Repair RFP (11/18/2014)
 - Viking Ave. Entrance Sign Landscaping RFP (11/18/2014)
 - ILS Facilities for R/W 4 Approach (2/17/2015)
 - Air Carrier Ramp Expansion (6/2/2017)

APPENDIX 2
Punta Gorda Airport
FAA FY 2018 - 2020 Methodology
Estimate of Total DBE Firms
Operating in Market Area (Numerator)

NAICS Codes	Description	Broward County*	Charlotte County	Collier County	Columbia County	Desoto County	Hillsborough County*	Lee County	Manatee County	Marion County	Orange County*	Pinellas County	Sarasota County	Total
237110	Water & Sewer Line and Related Structures Construction	4	1	1	0	0	0	1	0	0	4	1	1	13
237310	Highway, Street & Bridge Construction	22	0	1	0	2	5	4	1	1	11	4	0	51
238210	Electrical Contractors & Other Wiring Installation Contractors	9	0	0	0	0	2	4	1	1	2	2	1	22
238910	Site Preparation Contractors	11	1	2	0	1	5	3	2	1	8	3	0	37
541330	Engineering Services	28	1	0	0	0	23	3	3	1	27	8	0	94
541620	Environmental Consulting Services	12	0	1	0	0	15	2	1	0	15	5	2	53
Totals:														343

* Only DBE firms available to work in Charlotte County

Source: 2017 State of Florida UCP DBE Directory via FDOT Searchable Database

APPENDIX 3
Punta Gorda Airport
FAA FY 2018 - 2020 Methodology
Estimate of Total Firms (DBE and Non-DBE)
Operating in Market Area (Denominator)

NAICS Codes	Description	Broward County	Charlotte County	Collier County	Columbia County	Desoto County	Hillsborough County	Lee County	Manatee County	Marion County	Orange County	Pinellas County	Sarasota County	Total
237110	Water & Sewer Line and Related Structures Construction	45	4	18	3	3	45	28	18	25	26	27	24	266
237310	Highway, Street & Bridge Construction	34	2	8	1	0	24	17	10	10	27	24	14	171
238210	Electrical Contractors & Other Wiring Installation Contractors	549	52	131	10	2	277	198	80	68	278	237	135	2,017
238910	Site Preparation Contractors	83	19	36	13	5	83	51	23	24	67	49	36	489
541330	Engineering Services	451	20	68	13	4	428	127	53	39	420	193	101	1,917
541620	Environmental Consulting Services	50	10	7	1	0	70	28	8	3	40	29	17	263
Totals:														6,869

Source: U.S. Census Bureau 2015 County Business Patterns

APPENDIX 4
Punta Gorda Airport
FAA FY 2018 - 2020 Methodology
Historical DBE Participation

Fiscal Year	Total Project Funding	DBE Goal	Achieved DBE Participation	Variance Contract & Achieved Goal
2014	\$443,971	6.0%	\$0 0.0%	-\$26,638 -6.0%
2015	\$5,118,110	11.5%	\$1,214,522 23.7%	\$625,939 12.2%
2016	\$2,737,591	11.5%	\$63,255 2.3%	-\$251,568 -9.2%
3-YR Total:	\$8,299,672		\$1,277,777	\$347,733
3-YR Median*:		11.5%	2.3%	-6.0%

* FAA FY 2017 DBE Connect Reporting currently unavailable. Historical 3-Yr median achieved DBE participation based on FAA FY 2014, 2015 and 2016.

Source: FAA DBE Connect Reporting (2014, 2015 and 2016)

APPENDIX 5
Punta Gorda Airport
FAA FY 2018 - 2020 Methodology
Race Conscious / Race Neutral Historical Participation

Fiscal Year	DBE Goal	Achieved DBE Participation	Achieved Race-Conscious Participation	Achieved Race-Neutral Participation	Variance Contract & Achieved Goals
2014	6.0%	0.0%	0.0%	0.0%	- 6.0%
2015	11.5%	23.7%	11.5%	12.2%	+ 12.2%
2016	11.5%	2.3%	2.3%	-9.2%	- 9.2%
3-YR Median*:	11.5%	2.3%	2.3%	0.0%	-6.0%

* FAA FY 2017 DBE Connect Reporting currently unavailable. Historical 3-Yr median achieved DBE participation based on FAA FY 2014, 2015 and 2016.

Source: FAA DBE Connect Reporting (2014, 2015 and 2016)

APPENDIX 6
Punta Gorda Airport
FAA FY 2018 - 2020 Methodology
Documentation of Consultation Efforts

In an effort to solicit input in establishing DBE goals, the following email was sent to the:

- Florida Airport Council (FAC) (lisa@floridaairports.org);
- National Association of Minority Contractors (NAMC) (bbutler@jcbcon.net); and
- National Association of Women in Construction (NAWIC) (nawicferrer@gmail.com)
- National Society of Black Engineers (NSBE) (R3pebchair@nsbe.org)
- Society of Hispanic Professional Engineers (SHPE) (shpecfl@gmail.com)

No responses were received.

Email Sent for Consultation

Dear Sir/Madam:

Our firm, Montgomery Consulting Group, is assisting the Charlotte County Airport Authority in consulting with industry groups, community organizations, and minority and women's groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, and the effects of discrimination in an effort to establish a level playing field for the participation of Disadvantage Business Enterprises (DBEs) and the development of a DBE goal for up-coming federally-funded projects at the Punta Gorda Airport.

We ask for your organization's input. Please respond to the following questions:

- 1. What is the estimated total membership and/or local chapter membership of your organization?*
- 2. Does your organization represent minority and/or women businesses in the construction or consulting industry?*
- 3. If so, approximately how many members of the total are minority and/or women businesses?*
- 4. Does your organization identify if members are minority and/or women businesses, and/or certified DBEs in your organization's directory?*
- 5. Please share any awareness of the effects of discrimination on business opportunities for DBEs (feel free to add comments):*
 - a. To your knowledge are DBEs treated equal to non-DBEs in bidding/proposal opportunities?*
 - b. To your knowledge are DBEs treated equal to non-DBEs in ability to get and maintain insurances and bonding required for projects?*
 - c. To your knowledge are DBEs treated equal to non-DBEs in ability to secure banking lines or credit for business operation?*
 - d. To your knowledge is there a stigma associated with being a DBE as to the expected quality of work?*

6. *Do you think there is a “level playing field” between DBEs and non-DBEs in the construction and engineering consulting industry?*

Thank you for your time. Your input is valued and appreciated.

Sincerely,

Sara E. Sullivan
Project Engineer
Montgomery Consulting Group, Inc.
501 S. New York Avenue, Suite 210
Winter Park, FL 32789
Tel: 407-539-7030 Ext 22
Fax: 407-539-7035
Email: sara.sullivan@mcgi-us.com

**APPENDIX 7
Punta Gorda Airport
FAA FY 2018 - 2020 Methodology
Documentation of Public Notice of DBE Goals**



[FLIGHT INFO](#) [PARKING & TRANSPORTATION](#) [INFO & SERVICES](#) [AIRPORT BUSINESS](#) [Q](#)

DISADVANTAGED BUSINESS ENTERPRISE (DBE) &

AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)

PUBLIC NOTICE

DBE & ACDBE NOTICE – The Charlotte County Airport Authority has established Disadvantaged Business Enterprise (DBE) programs and Airport Concession Disadvantaged Business Enterprise (ACDBE) programs at the Punta Gorda Airport in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 and 23; respectively.

The following are the proposed goals for these programs for the FAA Fiscal Years (FY) 2018 – 2021:

Punta Gorda Airport:

- FAA FY 2018-2020 DBE goal of 8.4%; ([View Methodology Report](#))
- FAA FY 2018 ACDBE goal of 0.26% for car rental concessions, and ACDBE goal of 0.50% for non-rental car concessions; ([View Methodology Report](#)) and
- FAA FY 2019-2021 ACDBE goal of 0.26% for car rental concessions, and ACDBE goal of 0.50% for non-rental car concessions. ([View Methodology Report](#))

The proposed goal methodologies are available for public inspection at the respective Airport Administration Offices during normal business hours. The proposed goal methodologies are also available on the Airport's website (<https://www.flypgd.com/airport-park/disadvantaged-business-enterprise-dbe-program/>). The public inspection period is thirty (30) days beginning February 1, 2018.

Written comments will be accepted for a period of forty-five (45) days beginning February 1, 2018. Written comments should be sent to: Sandy Cauley, Director of Finances, Charlotte County Airport Authority, 28000 Airport Rd., Punta Gorda, Florida 33982, e-mail: scauley@flypgd.com.

To learn more about the Disadvantage Business Enterprise program visit: <https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet>

Sandy Cauley, Director of Finance
scauley@flypgd.com
941-639-1101 ext. 103

APPENDIX 8
Punta Gorda Airport
FAA FY 2018 - 2020 Methodology
Documentation of Airport Review of DBE-Related Contract
and Construction Site Visit(s)

DOCUMENTATION OF AIRPORT REVIEW OF ACDBE-RELATED CONTRACT
AND ON-SITE VISIT(S)
(CONSISTENT WITH 49 CFR PART 23.29)

AIRPORT NAME: _____
PROJECT NAME: _____
AIP PROJECT NUMBER: _____

PRIME CONCESSIONAIRE: _____
ADDRESS: _____
CONTACT NAME: _____
TEL/FAX/EMAIL: _____

NAME OF ACDBE FIRM: _____
ADDRESS: _____
CONTACT NAME: _____
TEL/FAX/EMAIL: _____
IS THIS ACDBE CONTRACTOR IN THE FL-UCP WEBSITE LISTED AS A ACDBE?: _____

ACDBE GOAL: _____
(ESTABLISHED BY AIRPORT)

ESTIMATED PARTICIPATION BY THIS ACDBE CONCESSIONAIRE AT INITIAL/ORIGINAL CONTRACT:

- 1) WAS THIS ACDBE CONCESSIONAIRE INCLUDED IN INITIAL CONTRACT OF PRIME CONCESSIONAIRE? _____
IF ANSWER IS NO, PRIME CONCESSIONAIRE MUST PROVIDE SUBSTITUTION LETTER TO EXPLAIN REASONS FOR
REMOVAL OF OTHER ACDBE CONCESSIONAIRE AND/OR ADDITION OF THIS ACDBE CONCESSIONAIRE
- 2) ESTIMATED PARTICIPATION AT INITIAL CONTRACT \$ _____
- 3) ESTIMATED PERCENTAGE OF TOTAL PROJECT FOR THIS ACDBE CONCESSIONAIRE: _____ %
- 4) DETAIL SPECIFIC WORK TO BE PERFORMED:

- 5) DATE OF ON-SITE VISIT: _____
- 6) WAS THIS ACDBE CONCESSIONAIRE ON-SITE DURING SITE VISIT?: _____
IF ANSWER IS NO, WHAT IS THE PRIME CONCESSIONAIRE'S EXPLANATION FOR WHY THIS ACDBE
CONCESSIONAIRE WAS NOT ON SITE DURING VISIT?: _____

- 7) ACTUAL ATTAINED PARTICIPATION (TO DATE) \$ _____
- 8) ACTUAL ATTAINED PERCENTAGE OF TOTAL PROJECT FOR THIS ACDBE CONCESSIONAIRE (TO DATE): _____ %

The undersigned certifies the review of ACDBE-related contract on-site visit(s) associated with this contract.

Name (Person Performing Review)

Signature

Date

Print Name/Title: _____

Email/Tel: _____