

**PUBLIC BUILDING COMMISSION
ST. CLAIR COUNTY, ILLINOIS**



**DISADVANTAGED BUSINESS ENTERPRISE
PROGRAM**

FY 2022-2024

DBE LIAISON OFFICE

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**MIDAMERICA ST. LOUIS AIRPORT
ST. CLAIR COUNTY, ILLINOIS**

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PUBLIC BUILDING COMMISSION

— OF —

ST. CLAIR COUNTY, ILLINOIS

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POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

St. Clair County with Public Building Commission of St. Clair County as authorized Agent, d/b/a MidAmerica St. Louis Airport (herein after referred to as BLV) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. BLV has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, BLV has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

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

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

Ms. Alice Tejada, Engineering Program Manager, MidAmerica St. Louis Airport, has been delegated as the DBE Liaison Officer. In that capacity, Ms. Tejada 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 BLV in its financial assistance agreements with the Department of Transportation.

This policy statement was disseminated to and approved by the Public Building Commission on June 17, 2021. This policy statement was distributed to various agencies and organizations involved with DBE and non-DBE business communities that could perform work on DOT-assisted contracts at MidAmerica St. Louis Airport. This policy statement is posted on the MidAmerica St. Louis Airport website (<https://flymidamerica.com>), and is included, when appropriate, in BLV business publications and other materials related to business practices and opportunities for DOT-assisted contracts.

Richard Sauget
Chairman
St. Clair County Public Building Commission

6/17/2021

Date

SUBPART A: GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

BLV is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

BLV will use terms in this program that have their meanings defined in Part 26, §26.5.

Section 26.7 Non-discrimination Requirements

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

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

Section 26.11 Record Keeping Requirements

Reporting to DOT

BLV will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to FAA as follows:

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

Bidders List

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

This information will be collected in the following way(s): Each contract awarded will include **Attachment 3** as required information for all primes and all subcontractors who submit bids to those primes, whether or not they were successful in obtaining a subcontract or the prime contract.

Section 26.13 Federal Financial Assistance Agreement

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

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

BLV shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. BLV shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. BLV DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to BLV of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

Contract Assurance: BLV will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

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

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

SUBPART B: ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer for BLV:

Ms. Alice Tejada
Engineering Program Manager – Engineering & Planning
MidAmerica St. Louis Airport (BLV)
9768 Airport Blvd.
Mascoutah, Illinois 62258-5501
Telephone: (618) 566-5321
Email: Alice.Tejada@flymidamerica.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that BLV complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Public Building Commission Chairman concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in **Attachment 2** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO does not have staff to assist in the administration of the Program. The duties and responsibilities include the following:

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

Section 26.27 DBE Financial Institutions

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

use of these institutions, the following institutions will be recommended for use on DOT-assisted contracts.

St. Louis Community Credit Union
3651 Forest Park Ave.
St. Louis, MO 63108

Liberty Bank
2403 Homer Adams Parkway
Alton, IL 62002

St. Louis Community Credit Union and Liberty Bank were identified as the largest and most progressive institutions in the metro area.

Section 26.29 Prompt Payment Mechanisms

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

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

BLV ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, BLV has selected the following method to comply with this requirement:

Option 3: BLV may 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 your payment to the prime contractor.

To implement this measure, BLV includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime construction contract:

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

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

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

b. The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the Contractor has received a partial payment. Contractor must provide the Owner evidence of prompt and full payment of retainage held by the prime Contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily

completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Owner. When the Owner has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

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

Section 26.31 Directory

BLV is a non-certifying member of the Illinois Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by section 26.31. A link to the online directory may be found in **Attachment 4** to this program document.

Section 26.33 Over-concentration

BLV has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

BLV has not established a Business Development Program.

Section 26.37 Monitoring Responsibilities

BLV implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in BLV's DBE program.

BLV actively monitors participation by maintaining a running tally of actual DBE attainments (*e.g.*, payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs

BLV undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (*e.g.*, referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will implement similar action under our own legal authorities, including responsibility determinations in future contracts. **Attachment 7** lists the regulation, provisions, and contract

remedies available to us in the events of non-compliance with the DBE regulation by a participant in our DBE Program.

3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.
4. We will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose.
5. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

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

BLV proactively reviews contract payments to subcontractors including not less than quarterly to ensure compliance. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to BLV by the prime contractor.

Prompt Payment Dispute Resolution

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

BLV will consider a subcontractor's work as satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by BLV. When BLV has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed. BLV will provide appropriate means to enforce the requirements of this section. These means may include appropriate liquidated damages for failure to comply, the terms and conditions of which BLV will set. Our program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with BLV's prior written approval.

Prompt Payment Complaints

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

- BLV will consider a subcontractor's work as satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by BLV. When the Authority has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.
- BLV will provide appropriate means to enforce the requirements of this section. These means may include appropriate liquidated damages for failure to comply, the terms and conditions of which BLV will set. Our program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with the Authority's prior written approval.

- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

BLV will provide appropriate means to enforce the requirements of §26.29. These means include:

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

BLV will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

BLV reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (*e.g.*, as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by DBELO, project managers, consultant(s). Contracting records are reviewed by DBELO, project managers, consultant(s). BLV will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering small business participation

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

The small business element is incorporated as **Attachment 10** to this DBE Program. The program elements will be actively implemented to foster small business participation.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

BLV will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with

§26.45(f), BLV will submit its Overall Three-year DBE Goal to FAA by August 1st of the year in which the goal is due, as required by the schedule established by and posted to the website of the FAA.

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

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. BLV will use IL and MO UCP, and Census Bureau Data, that complies with §26.45 as a method to determine the base figure. BLV understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

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

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the BLV market.

In establishing the overall goal, BLV will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by BLV to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, video conference, teleconference with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before BLV is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which BLV engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

The public will also be informed that the proposed overall goal and its rationale are available for inspection during normal business hours at the principal office of BLV. This notice will provide that BLV and FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. **The public comment period will not extend the August 1st deadline.**

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

BLV will begin using the overall goal on October 1 of the relevant period, unless other instructions from FAA have been received.

Project Goals

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

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

Prior Operating Administration Concurrence

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

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 5** to this program.

Section 26.47 Failure to meet overall goals

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

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

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

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;

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

Section 26.49 How are overall goals established for transit vehicle manufacturers? N/A

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

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

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
- (2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
- (3) Providing technical assistance and other services;
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- (5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
- (6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- (7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
- (8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 5** to this program.

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

Contract Goals

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

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

Contract goals will be expressed as a percentage of the Federal share of a DOT-assisted contract.

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

Demonstration of good faith efforts (pre-award)

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

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

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

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

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:
 - (i) The names and addresses of DBE firms that will participate in the contract;
 - (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - (iii) The dollar amount of the participation of each DBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and

- (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
- (3) The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section:
 - (4) Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures;

Administrative reconsideration

Within 7 days of being informed by BLV that it is not responsive because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Richard Sauget, St. Clair County Public Building Commission, 10 Public Square, Room 551-B, Belleville, IL 62220 with an informational copy to DBELO Liaison, Alice Tejada, MidAmerica St. Louis Airport, 9768 Airport Blvd., Mascoutah, IL 62258. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

Good Faith Efforts procedural requirements (post-solicitation)

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

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of BLV. 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 BLV 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;

**MidAmerica St. Louis Airport
Disadvantaged Business Enterprise Program (FY 2022-2024)**

- (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) BLV determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides BLV written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (10) Other documented good cause that BLV 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 BLV a request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to BLV, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request.

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

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

Each prime contract will include a provision stating:

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

BLV 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 BLV requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor. BLV shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the contracting office/representative of BLV may issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

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

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

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE certification and credit on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

BLV has adopted the Illinois Department of Transportation Unified Certification Program (UCP) which meets the certification standards of Subpart D of Part 26 in determining the eligibility of firms to participate as DBE firms in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. To be certified as a DBE, a firm must meet all certification eligibility standards.

For information about the certification process or to apply for certification, firms should contact the DBE Resource Centers at the following locations:

IDOT DISTRICT 8 DBE Resource Center Kenneth Hall Regional Building #10 Collinsville Avenue 3rd Floor, Room 303 East St. Louis, IL 62201 Phone: (618) 583-2213	For more on the Supportive Services Program, please reference the overview document or email DOT.SupportiveServices@illinois.gov
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The Uniform Certification Application form and documentation requirements are found in **Attachment 8** to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs – N/A

Section 26.83 Procedures for Certification Decisions N/A

Section 26.85 Interstate Certification N/A

Section 26.86 Denials of Initial Requests for Certification N/A

Section 26.87 Removal of a DBE’s Eligibility N/A

Section 26.88 Summary Suspension of Certification. N/A

Section 26.89 Certification Appeals N/A

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to BLV

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

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

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

Proposals that include confidential business information of the Bidder/Proposer, such as commercial or financial information, that Bidder/Proposer does not want disclosed outside the Owner must be marked on the title page with a legend that states:

“This response includes data that shall not be disclosed outside St. Clair County, Illinois, St. Clair County Public Building Commission and MidAmerica St. Louis Airport (Owner) without the permission of [insert firm’s name] and shall not be duplicated, used, or disclosed – in whole or in part – for any purpose other than to evaluate this response to the extent nondisclosure is allowed by applicable law, include Illinois’ public records laws. This restriction does not limit the Owner’s right to use information contained in this

data if it can be obtained from another source without restriction. The data subject to this restriction are contained in pages [insert numbers or other identification of pages]."

Proposers shall mark only those pages containing restricted data with the following legend:

"Use or disclosure of data contained on this page is subject to the restriction on the title page of this Proposal." A blanket restriction applicable to the entire Proposal is not acceptable.

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

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

BLV, 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. BLV understands that it is in noncompliance with Part 26 if it violates this prohibition.

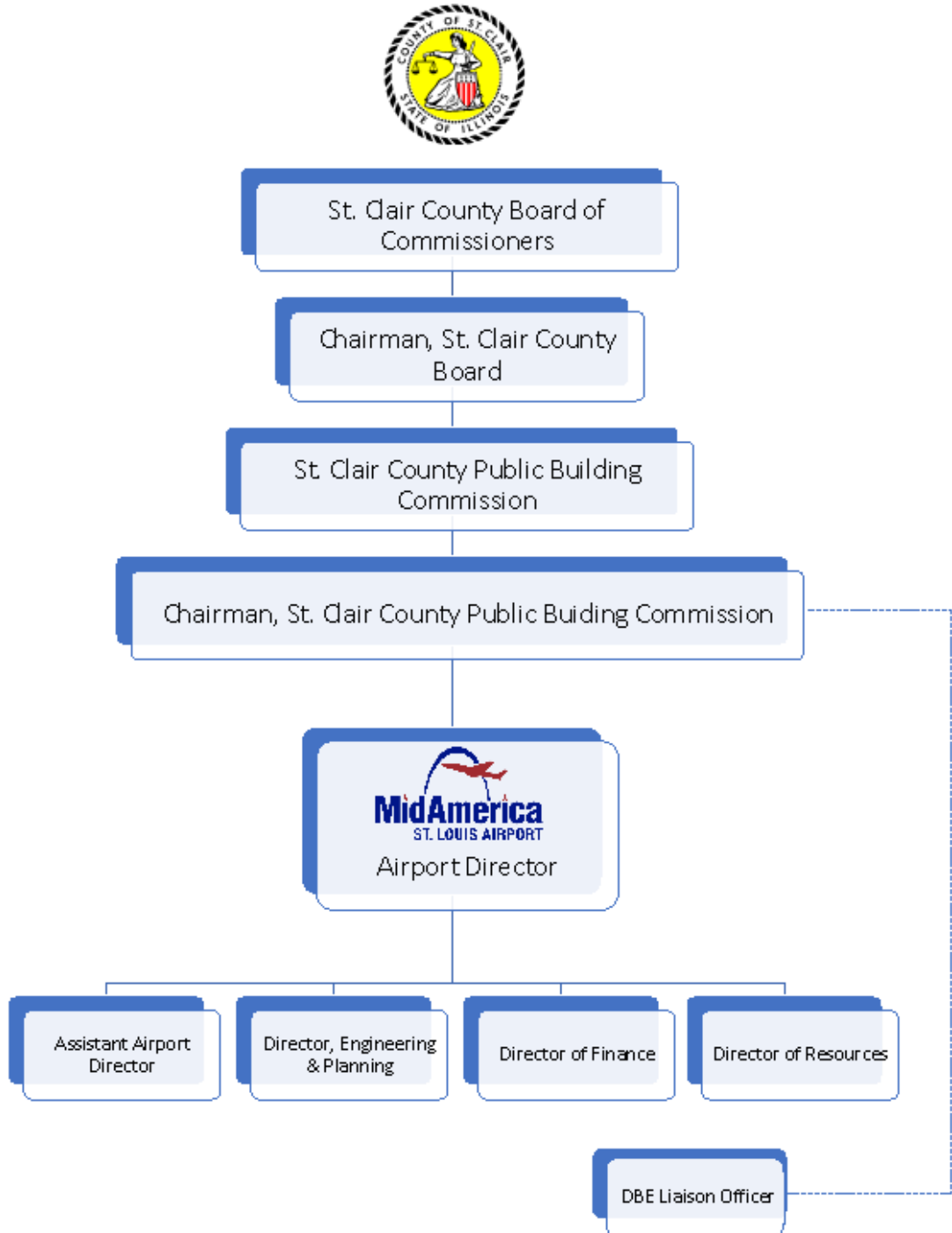
ATTACHMENTS

- Attachment 1 Regulations: 49 CFR Part 26
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 IL DOT UCP Directory
- Attachment 5 Goal Calculations and Methodology
- Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2
- Attachment 7 DBE Monitoring and Enforcement Mechanisms
- Attachment 8 DBE Certification Application Form
- Attachment 9 Illinois UCP Agreement
- Attachment 10 Small Business Element Program

ATTACHMENT 1
Regulations: 49 CFR Part 26

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

ATTACHMENT 2
ORGANIZATIONAL CHART



**MidAmerica St. Louis Airport
Disadvantaged Business Enterprise Program (FY 2022-2024)**

**ATTACHMENT 3
Bidder’s List Collection Form**

The information below is collected from every bidder who submits a quote/bid to MidAmerica St. Louis Airport (BLV) and every potential subcontractor who submitted a quote/bid to each bidder. §26.11(c) requires recipients to collect information from all bidders and subcontractors, including unsuccessful ones.

Firm Name	Firm Address/ Phone #/email address	DBE or Non- DBE Status (verify via State’s UCP Directory)	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

ATTACHMENT 4
IDOT DBE Directory

The Illinois Department of Transportation (IDOT), Bureau of Design and Environment, maintains a list of DBE Prequalified Engineering Consultant Firms and a list of Prequalified DBE Contractors under the Illinois Unified Certification Program (UCP) for the purpose of providing a reference source to assist bidders in meeting the requirements for DBE participation in federally-assisted contracts. The Directory is available through IDOT's web site at <http://www.idot.illinois.gov> under "Doing Business" and "Disadvantaged Business Enterprise Certification".

<http://www.idot.illinois.gov/doing-business/certifications/disadvantaged-business-enterprise-certification/index>

**ATTACHMENT 5
Goal Calculations and Methodology**

ATTACHMENT 5

FY 2022 – FY 2024

**DISADVANTAGED BUSINESS ENTERPRISE GOAL METHODOLOGY
FOR**



July 2022

REVISED August 12, 2022

METHODOLOGY for Establishing the FY 2022 – FY 2024 Overall

**Disadvantaged Business Enterprise (DBE) Goal:
*MidAmerica St. Louis Airport (BLV)***

In fulfillment of the requirements of [49 CFR Part 26](#), St. Clair County, Illinois; St. Clair County Public Building Commission d/b/a MidAmerica St. Louis Airport (hereafter ‘BLV’) has developed a proposed Overall Goal for FY2022 – 2024 FAA-AIP projects for MidAmerica St. Louis Airport. The methodology used in establishing this goal is described herein.

Airport Sponsor: St. Clair County, IL
Airport: MidAmerica St. Louis Airport
DBELO: Alice Tejada
 DBELO / Engineering Program Manager
 MidAmerica St. Louis Airport
 Department of Engineering & Planning
 Mascoutah, IL 62258
 E-mail: alice.tejada@flymidamerica.com
 Office: (618) 566-5321

I. Detailed Methodology: Specific Steps

A. Amount of Goal

BLV’s FY 2022-2024 overall goal for the Federal financial assistance it will expend in FAA-assisted contracts is the following:

Overall Goal:	5.71%
Race-Neutral:	0.0 %
Race-Conscious:	5.71 %

Given the amount of FAA-assisted contracts BLV expects to let from FY 2022-2024, which is approximately **\$83,836,000**, BLV has set a goal of expending approximately **\$6,655,874** with DBEs during this period.

B. Determination of the Market Area of the study

The normal market area was based on discussions with the BLV staff and an assessment of bidders from similar recent projects. Specifically, the market area is based on where the substantial majority of bidders, both successful and unsuccessful are located and where the substantial majority of funding was spent as illustrated in **Figure 1** below:



Figure 1 - Market areas: ILLINOIS COUNTIES: St. Clair, Madison, Bond, Clinton, Monroe, Jersey, Randolph. MISSOURI COUNTIES: St. Louis City, St. Louis County, Jefferson, St. Charles.

C. Determination of relevant NAICS codes

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

Table 2: BLV FY 2022-2024 Projects & Activities

Fiscal Year	Project	Activity	NAICS
FY 2022	Acquire ARFF Truck	Heavy Duty Truck Manufacturing	336120
		Saw Blade and Handtool Manufacturing	332216
		Other Support Activities for Road Transportation	488490
	Terminal Apron Expansion - Preliminary Design and Design	Engineering Services	541330
FY 2023	Tree Obstruction Removal	Engineering Services	541330
		Landscaping Services	561730
	Acquire Snow Brooms (3)	Construction Machinery Manufacturing	333120
	Terminal Expansion, PH 4	Engineering Services	541330
		Commercial and Institutional Building Construction	236220

FY 2024	Terminal Apron Expansion - Construction PH 1	Engineering Services	541330	
		Highway, Street, and Bridge Construction	237310	
	Snow Removal Equipment Facility	Engineering Services	541330	
		Architectural Services	541310	
		Commercial and Institutional Building Construction	236220	
	Rehab/Widen Existing Airport Access Roads - PH 1	Highway, Street, and Bridge Construction	237310	
		Engineering Services	541330	
	FY 2024	Taxiway Golf Overlay	Highway, Street, and Bridge Construction	237310
			Engineering Services	541330
		Terminal Apron Expansion – Construction – PH 2	Engineering Services	541330
Highway, Street, and Bridge Construction			237310	
Rehab/Widen Existing Airport Access Roads - PH 2		Highway, Street, and Bridge Construction	237310	
		Site Preparation Contractors	238910	
	Engineering Services	541330		

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

**Table 3a: DBE’s—MidAmerica St. Louis Airport
by Relevant NAICS Codes— Acquire ARFF Truck**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Heavy Duty Truck Manufacturing	336120	0	0	0.0%	\$905,000	\$0.00
Saw Blade and Handtool Manufacturing	332216	0	6	0.0%	\$85,000	\$0.00
Other Support Activities for Road Transportation	488490	0	20	0.0%	\$10,000	\$0.00
Total					\$1,000,000	\$0.00
WEIGHTED GOAL – Step 1						0.0%

SOURCES:

1. U.S. Census Bureau
2. Illinois & Missouri UCP Directory

**Table 3b: DBE’s—MidAmerica St. Louis Airport
by Relevant NAICS Codes— Terminal Apron Expansion – Preliminary Design & Design**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Engineering Services	541330	14	434	3.2%	\$1,540,000	\$49,677
Total					\$1,540,000	\$49,677
WEIGHTED GOAL – Step 1						3.2%

SOURCES:

1. U.S. Census Bureau
2. Illinois & Missouri UCP Directory

**Table 3c: DBE’s—MidAmerica St. Louis Airport
by Relevant NAICS Codes— Tree Obstruction Removal**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Engineering Services	541330	14	434	3.2%	\$420,260	\$13,557
Landscaping	561730	10	961	1.0%	\$448,740	\$4,670
Total					\$869,000	\$18,226
WEIGHTED GOAL – Step 1						2.1%

SOURCES:

1. U.S. Census Bureau
2. Illinois & Missouri UCP Directory

**Table 3d: DBE’s— MidAmerica St. Louis Airport
by Relevant NAICS Codes— Acquire Snow Brooms (3)**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Construction Machinery Manufacturing	333120	0	0	0.0%	\$2,261,000	\$0.00
Total					\$2,261,000	\$0.00
WEIGHTED GOAL – Step 1						0.0%

SOURCES:

1. U.S. Census Bureau
2. Illinois & Missouri UCP Directory

**Table 3e: DBE’s— MidAmerica St. Louis Airport
by Relevant NAICS Codes— Terminal Expansion, PH 4**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Engineering Services	541330	14	434	3.2%	\$5,000,000	\$161,290
Commercial & Institutional Building Construction	236220	6	321	1.9%	\$25,000,000	\$467,290
Total					\$30,000,000	\$628,580
WEIGHTED GOAL – Step 1						2.1%

SOURCES:

1. U.S. Census Bureau 2. Illinois & Missouri UCP Directory

**Table 3f: DBE’s— MidAmerica St. Louis Airport
by Relevant NAICS Codes— Terminal Apron Expansion, Construction PH 1**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Engineering Services	541330	14	434	3.2%	\$1,278,000	\$41,226
Highway, Street & Bridge Construction	237310	17	80	21.3%	\$9,097,000	\$1,933,113
Total					\$10,375,000	\$1,974,338
WEIGHTED GOAL – Step 1						19.0%

SOURCES:

1. U.S. Census Bureau 2. Illinois & Missouri UCP Directory

**Table 3g: DBE’s— MidAmerica St. Louis Airport
by Relevant NAICS Codes— Snow Removal Equipment Facility**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Engineering Services	541330	14	434	3.2%	\$400,000	\$12,903
Architectural Services	541310	4	170	2.4%	\$400,000	\$9,412
Commercial & Institutional Building Construction	236220	6	321	1.9%	\$4,390,000	\$82,056
Total					\$5,190,000	\$104,371
WEIGHTED GOAL – Step 1						2.0%

SOURCES:

1. U.S. Census Bureau 2. Illinois & Missouri UCP Directory

**Table 3h: DBE’s— MidAmerica St. Louis Airport
by Relevant NAICS Codes— Rehab/Widen Existing Airport Access Roads – PH 1**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Engineering Services	541330	14	434	3.2%	\$164,000	\$5,290
Highway, Street & Bridge Construction	237310	17	80	21.3%	\$1,086,595	\$230,901
Total					\$1,251,000	\$236,192
WEIGHTED GOAL – Step 1						18.9%

SOURCES:

1. U.S. Census Bureau 2. Illinois & Missouri UCP Directory

**Table 3i: DBE’s— MidAmerica St. Louis Airport
by Relevant NAICS Codes— Taxiway Golf Overlay**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Engineering Services	541330	14	434	3.2%	\$115,000	\$3,710
Highway, Street & Bridge Construction	237310	17	80	21.3%	\$109,875	\$23,348
Total					\$225,000	\$27,058
WEIGHTED GOAL – Step 1						12.0%

SOURCES:

1. U.S. Census Bureau 2. Illinois & Missouri UCP Directory

**Table 3j: DBE’s— MidAmerica St. Louis Airport
by Relevant NAICS Codes— Terminal Apron Expansion – Construction PH 2**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Engineering Services	541330	14	434	3.2%	\$1,278,000	\$41,226
Highway, Street & Bridge Construction	237310	17	80	21.3%	\$9,097,000	\$1,933,113
Total					\$10,375,000	\$1,974,338
WEIGHTED GOAL – Step 1						19.0%

SOURCES:

1. U.S. Census Bureau 2. Illinois & Missouri UCP Directory

**Table 3k: DBE’s— MidAmerica St. Louis Airport
by Relevant NAICS Codes— Rehab/Widen Existing Airport Access Roads - PH 2**

Description	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
Engineering Services	541330	14	434	3.2%	\$3,563,119	\$114,939
Highway, Street & Bridge Construction	237310	17	80	21.3%	\$16,085,122	\$3,418,088
Site Preparation Contractors	238910	33	219	15.1%	\$1,101,255	\$165,943
Total					\$20,750,000	\$3,698,970
WEIGHTED GOAL – Step 1						17.8%

SOURCES:

1. U.S. Census Bureau
2. Illinois and Missouri UCP Directory

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

E. Determination of the “Weighted” DBE Base Figure

The Step 1 DBE Base Figure for each project was derived by multiplying the dollars for each activity by the percentage of relevant DBE firms to all relevant firms.

The Step 1 DBE Base Figures for BLV are as follows:

Acquire ARFF Truck	0.0 %
Terminal Apron Expansion – Preliminary Design & Design	3.2 %
Tree Obstruction Removal	2.1%
Acquire Snow Brooms (3)	0.0 %
Terminal Expansion – PH 4	2.1 %
Terminal Apron Expansion – Construction PH 1	19.0 %
Snow Removal Equipment Facility	2.0%
Rehab/Widen Existing Airport Access Roads – PH 1	18.9%
Taxiway Golf Overlay	12.0%
Terminal Apron Expansion – Construction PH 2	19.0 %
Rehab/Widen Existing Airport Access Roads – PH 1	17.8%

Therefore, the Step 1 DBE Base Figure is **8.74 %**, an average of “weighted” figures noted above.

II. Adjustments to the DBE Base Figure

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

“...additional evidence in the sponsor’s jurisdiction be considered to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal” ([26:45\(d\)](#)).

A. Adjustment Factors to Consider

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

(1) The current capacity of DBEs to perform work in FAA-assisted contracting program, as measured by the volume of work DBEs have performed in recent years.

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

Table 4: MidAmerica St. Louis Airport DBE Accomplishment

Report Period	Total Grant Amount	Total DBE Percent Achieved
FY2015	\$0	0.0%
FY2016	\$1,299,823	11.97%
FY2017	\$1,007,521	0.0%
FY2018	\$989,620	10.21%
FY2019	\$2,218,884	5.62%
FY2020	\$9,882,454	2.68%
FY2021	\$16,570,200	1.93%
	MEDIAN	2.68%

The median DBE accomplishment for the periods as shown above for BLV is 2.68 %. This accomplishment was compared to the Step 1 base figures calculated above.

B. Consultations

BLV held a public meeting via teleconference on August 26, 2021. The purpose of the meeting was to solicit information from interested stakeholders about the draft goal, as well as the availability of potential DBEs at the Airport, the effects of discrimination on opportunities for DBEs, and BLV's effort to increase DBE participation. See **Appendix B** for the consultation process.

C. Adjustment to Step 1 DBE Base Figures: MidAmerica St. Louis Airport, FY2022-FY 2024

With Step 1: 8.74% plus Step 2: 2.68% equals 11.42% divided by 2 = **5.71% for BLV's overall goal.**

III. Process

BLV will normally submit its overall goal to the FAA on August 1 of each goal year.

Before establishing the overall goal this year, BLV consulted with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and BLV's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, BLV published a notice of the proposed overall goal on its website, informing the public that the proposed goal and its rationale were available for inspection and comment during normal business hours at BLV's Engineering office for 30 days following the date of the notice.

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

BLV will begin using the overall goal on October 1 of each goal year, unless BLV has received other instructions from DOT/FAA (or, if the goal is established on a project basis) by the time of the first solicitation for a DOT/FAA- assisted contract for the projects.

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

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

- A. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses participation (e.g., unbundling large contracts to make them more accessible to small businesses, encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
- B. Disseminating information communications on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders, ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors).
- C. BLV proposes a race-conscious goal of **5.71 %** and a race-neutral goal of **0.0 %**, for a total of **5.71%**. The reason for this breakout is that the projects from previous years show that the median amount by which the past DBE goals were under-achieved is -4.32% (see **Table 4**).

BLV will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (26.51(f)) and it will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry

participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

VI. Contract Goals

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

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

BLV will express its contract goals as a percentage of the Federal share of a FAA-assisted contract.

Appendix A: Resource Listing

- [Illinois UCP DBE Directory](#)
- [County Business Patterns, Census Bureau](#)
- BLV Capital Improvement Program

Project	Trade Description	NAICS Description	NAICS Code	Trade (\$)	Total Available <i>Census Data</i>	#DBE's <i>Based on IL & MO UCP</i>	DBE % <i>Based on Census Figures</i>	DBE (\$) <i>(= Trade \$ x DBE %)</i>
FY 2022								
Acquire ARFF Truck	Heavy Duty Truck Manufacturing	Special purpose highway vehicles (e.g., firefighting vehicles) assembling on heavy chassis of own manufacture	336120	\$905,000.00	0	0	0.0%	\$0
	Saw Blade and Handtool Manufacturing	Tools, handheld, nonpowered (except kitchen-type), manufacturing	332216	\$85,000.00	5	0	0.0%	\$0
	Other Support Activities for Road Transportation	Driving services, independent (e.g., automobile, truck delivery)	488490	\$10,000.00	24	0	0.0%	\$0
Project Totals				\$1,000,000.00			0.0%	\$0
Terminal Apron Expansion - Prel Design and Design	Engineering Services	Engineering consulting services	541330	\$1,540,000.00	434	14	3.2%	\$49,677
Project Totals				\$1,540,000.00			3.2%	\$49,677
FY 2022 TOTALS				\$2,540,000.00			2.0%	\$49,677
FY 2023								
Tree Obstruction Removal	Engineering Services	Engineering consulting services	541330	\$420,260.00	434	14	3.2%	\$13,557
	Landscaping Services	Tree removal services	561730	\$448,740.00	961	10	1.0%	\$4,670
Project Totals				\$869,000.00			2.1%	\$18,226
Acquire Snow Brooms (3)	Construction Machinery Manufacturing	Snow plow attachments (except lawn, garden-type) manufacturing	333120	\$2,261,000.00	0	0	0.0%	\$0
Project Totals				\$2,261,000.00			0.0%	\$0
Terminal Expansion, Phase 4	Engineering Services	Engineering consulting services	541330	\$5,000,000.00	434	14	3.2%	\$161,290
	Commercial and Institutional Building Construction	Airport terminal construction	236220	\$25,000,000.00	321	6	1.9%	\$467,290
Project Totals				\$30,000,000.00			2.1%	\$628,580
Terminal Apron Expansion - Construction Ph 1	Engineering Services	Engineering consulting services	541330	\$1,278,000.00	434	14	3.2%	\$41,226
	Highway, Street, and Bridge Construction	Pavement, highway, road, street, bridge or airport runway, construction	237310	\$9,097,000.00	80	17	21.3%	\$1,933,113
Project Totals				\$10,375,000.00			19.0%	\$1,974,338
Snow Removal Equipment Facility	Engineering Services	Engineering consulting services	541330	\$400,000.00	434	14	3.2%	\$12,903
	Architectural Services	Building architectural design services	541310	\$400,000.00	170	4	2.4%	\$9,412
	Commercial and Institutional Building Construction	Airport building construction	236220	\$4,390,000.00	321	6	1.9%	\$82,056
Project Totals				\$5,190,000.00			2.0%	\$104,371

Project	Trade Description	NAICS Description	NAICS Code	Trade (\$)	Total Available <i>Census Data</i>	#DBE's <i>Based on IL & MO UCP</i>	DBE % <i>Based on Census Figures</i>	DBE (\$) <i>(= Trade \$ x DBE %)</i>
Rehab/Widen Existing Airport Access Roads - Ph 1	Highway, Street, and Bridge Construction	Pavement, highway, road, street, bridge or airport runway, construction	237310	\$1,086,595.00	80	17	21.3%	\$230,901
	Engineering Services	Engineering consulting services	541330	\$164,000.00	434	14	3.2%	\$5,290
Project totals				\$1,251,000.00			18.9%	\$236,192
FY 2023 TOTALS				\$49,946,000.00			5.9%	\$2,961,707
FY 2024								
Taxiway Golf Overlay	Highway, Street, and Bridge Construction	Pavement, highway, road, street, bridge or airport runway, construction	237310	\$109,875.00	80	17	21.3%	\$23,348
	Engineering Services	Engineering consulting services	541330	\$115,000.00	434	14	3.2%	\$3,710
Project Totals				\$225,000.00			12.0%	\$27,058
Terminal Apron Expansion - Construction Ph 2	Engineering Services	Engineering consulting services	541330	\$1,278,000.00	434	14	3.2%	\$41,226
	Highway, Street, and Bridge Construction	Pavement, highway, road, street, bridge or airport runway, construction	237310	\$9,097,000.00	80	17	21.3%	\$1,933,113
Project Totals				\$10,375,000.00			19.0%	\$1,974,338
Rehab/Widen Existing Airport Access Roads - Ph 2	Highway, Street, and Bridge Construction	Pavement, highway, road, street, bridge or airport runway, construction	237310	\$16,085,122.00	80	17	21.3%	\$3,418,088
	Site Preparation Contractors	Excavation contractors	238910	\$1,101,255.00	219	33	15.1%	\$165,943
	Engineering Services	Engineering consulting services	541330	\$3,563,119.00	434	14	3.2%	\$114,939
Project Totals				\$20,750,000.00			17.8%	\$3,698,970
FY 2024 TOTALS				\$31,350,000.00			18.2%	\$5,700,367
TOTALS (FY 2022 - 2024)				\$83,836,000.00			10.4%	\$8,711,752

Appendix B: MidAmerica St. Louis Airport - Stakeholder Meeting – August 26, 2021

Summary of Meeting: The Airport scheduled a meeting to present the information below to its stakeholders.

- Background, purpose, and goal requirements of the FAA - DBE program.
- Overview of the DBE goal methodology and basic requirements, such as use of most refined data, identification of a normal market area, and employment of a two-step process in establishing the overall 3-year DBE goals.
- Calculation of the base-figure goal (step 1), and adjusted goal (step 2), through "weighting" and consideration of indicators of "capacity".

The invitation on the next page was emailed to 22 businesses and organizations. In addition, the invitation was posted on the Airport's website which alerts all the businesses who have signed up for the Airport's vendor list. There were four (4) attendees at the meeting.



MidAmerica St Louis Airport
Department of Engineering and Planning
9768 Airport Blvd
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Tel. (618) 566-5321

PUBLIC NOTICE

MidAmerica St. Louis Airport DBE 3-Year Goal Consultation Meeting

In compliance with the Federal Regulations, [49 CFR Part 26](#), MidAmerica St. Louis Airport (BLV) is in the process of developing its FY 2022 – FY 2024 Disadvantaged Business Enterprise (DBE) program goal update.

We are soliciting input and feedback from representatives of minority and women-owned businesses to assist the Airport in the establishment of its DBE goals. We invite you to participate in a meeting to discuss the proposed goals, as well as the availability of potential DBEs at MidAmerica St. Louis Airport, opportunities for DBEs, and the Airport's effort to increase DBE participation.

DATE: Thursday, August 26, 2021

TIME: 10:00 a.m.

LOCATION: via WebEx (meeting link noted below)

We sincerely hope that you or your representative will attend this meeting to assist the Airport in our ongoing efforts to implement an effective DBE program.

If you have any questions or need additional information, please do not hesitate to contact Alice Tejada, DBELO, at alice.tejada@flymidamerica.com

Join from the meeting link

<https://flymidamerica.webex.com/flymidamerica/j.php?MTID=mac052906087b7d73024b660f83803aa0>

Join by meeting number

Meeting number (access code): 146 119 2885

Meeting password: k5eSxzR8H3a

Join by phone

+1-415-655-0001 US Toll

Global call-in numbers

ATTACHMENT 6
Demonstration of Good Faith Efforts - Forms 1 & 2

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner:

Bidder/offeror has met the DBE contract goal

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

Bidder/offeror has not met the DBE contract goal

The bidder/offeror is committed to a minimum of ____% DBE utilization on this contract and has submitted [or "will submit," if recipient made compliance a matter of responsibility] documentation demonstrating good faith efforts.

Legal name of bidder/offeror's firm: _____

Bidder/Offeror Representative:

Name & Title

Signature

Date

ATTACHMENT 7
DBE Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Termination of contract, pursuant to the terms of the contract;
3. Breach of contract action, pursuant to Illinois Minority and Female Business Enterprise Act.

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

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

ATTACHMENT 8
IL DBE Certification Application Form

<https://idot.illinois.gov/Assets/uploads/files/IDOT-Forms/SBE/US%20DOT%20Uniform%20DBE%20ACDBE%20Certification%20Application.pdf>

ATTACHMENT 9
IL UCP Agreement

<https://idot.illinois.gov/Assets/uploads/files/IDOT-Forms/SBE/US%20DOT%20Uniform%20DBE%20ACDBE%20Certification%20Application.pdf>

ATTACHMENT 10
Small Business Element

A. Objective (49 CFR Part 26.39)

DBE Program goals should be met through a mixture of race conscious and race neutral methods and by definition, DBE firms are small businesses. BLV is implementing a race neutral small business element into its current DBE policy in accordance with applicable law. BLV is including this element to facilitate competition by and expand opportunities for small businesses. BLV 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. BLV will meet its objectives using a combination of the following methods and strategies.

1. Prime contracts under \$300,000 will be set-aside for small businesses. Only those firms meeting the definition of a small business, as described below, will be eligible for award of these contracts.
2. Set asides. A “set-aside” is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that BLV and its prime contractors/ consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner’s gender, race or geographic location. The project manager and DBELO will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set aside percentage. This determination will be made based on the estimated availability of small businesses able to provide the requisite scopes of work regardless of DBE status. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA-assisted contract, the project manager and DBELO will document why a small business set-aside is inappropriate and the factors which were considered in making that determination, including project scope and estimated availability of firms.
3. Unbundling: BLV, where feasible, may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. BLV will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be “unbundled” or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, BLV will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. BLV will assist prime contractors or prime consultants in identifying portions of work that may be unbundled and performed by small businesses. BLV will document the factors used to determine if an FAA-assisted contract will be unbundled or bid separately.
4. Outreach and technical assistance: BLV sponsors and participates in outreach and training opportunities for small businesses through various partnerships. BLV staff participates in business outreach sessions conducted by local municipalities and non-profit agencies which are designed to introduce small and minority-owned businesses to BLV’s procurement processes and practices. Additionally, BLV advertises contracting opportunities through various outlets, including local newspapers, minority-based publications and trade publications as well as on its website.

As described above, BLV will utilize 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. set-aside, unbundling and/or outreach) and the process by which those methods were considered.

B. Definitions

1. Small Business:

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

2. Disadvantaged Business Enterprise:

A for-profit small business (as defined by the Small Business Administration) —

- 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;
- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) as described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
- Size Standard: Only the SBA standard applies to firms participating on FAA-funded projects. DBE firms participating in FAA-assisted projects must meet the size standard appropriate to the type of work, based solely on the applicable NAICS code size standard for that work. <https://www.ecfr.gov/current/title-13/chapter-I/part-121#121.201>
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and has been certified as a DBE by the Illinois Department of Transportation in accordance with 49 CFR 26.

For the purposes of the small business element of BLV's DBE Program, small businesses which are owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms participation obtained through the small business element will be counted towards DBE race-neutral participation on FAA-assisted contracts.

C. Certification and Verification Procedures

BLV will accept the following certifications for participation in the small business element of BLV's DBE Program with applicable stipulations:

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

Special Note: Minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation.

D. Implementation Schedule

BLV will implement the SBE within two months of the FAA's approval of this element.

E. Assurances

BLV makes the following assurances:

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