DBE Program

Newton Municipal Airport

Newton, Iowa

2012
Revised 2015

Goal FY 2016 – FY 2018

CGA
ENGINEERS • LAND SURVEYORS

PN 4103.02

DBE PROGRAM

for the

NEWTON MUNICIPAL AIRPORT

NEWTON, IOWA

2012
Revised 2015

OBJECTIVES / POLICY STATEMENT (§26.1, §26.23)

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

It is the policy of the *City of Newton* to ensure that DBE's, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also the City's policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBE's;
5. To help remove barriers to the participation of DBE's in DOT assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. To assist the 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.

Keith Laube, Public Works Director, has been delegated as the DBE Liaison Officer. In that capacity, *Keith Laube* 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 *City of Newton* in its financial assistance agreements with the Department of Transportation.

The *City of Newton* has disseminated this policy statement to all the departments of its organization. It has distributed this statement to DBE and non-DBE business communities that perform work for it on DOT-assisted contracts. The statement will also be published in the *Newton Daily News.*

Mayor, City of Newton
Pro Tem

Date: July 20, 2015

SUBPART A
GENERAL REQUIREMENTS

Objectives (§26.1)

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

Applicability (§26.3)

The *City of Newton* is the recipient of federal airport funds authorized by 49 U.S.C. 47101, et seq.

Definitions (§26.5)

The terms used in this program have the meanings defined in 49 CFR §26.5.

Nondiscrimination (§26.7)

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

In administering its DBE program, the *City of Newton* 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.

Record Keeping Requirements (§ 26.11)

Upon Project Completion the Uniform Report of DBE Awards or Commitments and Payments form, as modified for FAA recipients will be submitted. The Uniform Report of DBE Awards or Commitments and Payments form is included in **ATTACHMENT B**.

The *City of Newton* 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 our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, and contact information for interested firms requesting plans for the project.

Federal Financial Assistance Agreement (§ 26.13)

The *City of Newton* has signed the following assurance, applicable to all DOT-assisted

contracts and their administration:

Assurance: §26.13(a) The *City of Newton* shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the *City of Newton* of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance: §26.13(b) The *City of Newton* will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of 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 sanction; (3) liquidated damages; and/or (4) disqualifying the contractor from future bidding as non-responsible.

SUBPART B
ADMINISTRATIVE REQUIREMENTS

DBE Program Updates (§26.21)

The *City of Newton* will continue to carry out this program until all funds from DOT financial assistance have been expended. The City will provide to DOT updates representing significant changes in the program.

Policy Statement (§26.23)

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

DBE Liaison Officer (DBELO) (§26.25)

The *City of Newton* has designated the following individual as its DBE Liaison Officer: *Keith Laube, Public Works Director, 1700 North Fourth Avenue West, Newton, IA 50208 (Phone: (641) 792-6622).* In that capacity, *Keith Laube* is responsible for implementing all aspects of the DBE program and ensuring that the *City of Newton* complies with all provisions of 49 CFR Part 26. *Keith Laube* has direct, independent access to the City Administrator and presents information to the Mayor and City Council of the *City of Newton*, at City Council meetings concerning DBE program matters. See Attachment C for an Organizational Chart.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination other appropriate officials. 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 the *City of Newton* progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the City Council on DBE matters and achievement.
9. Determines contractor compliance with good faith efforts.
10. Provides DBE's with information and assistance in preparing bids, obtaining bonding and insurance.

11. Plans and participates in DBE training seminars.
12. Assures that only DBE firms certified by the Iowa DOT, as the Uniform Certification Process in Iowa, are recognized as meeting the criteria set by DOT.
13. Provides outreach to DBE's and community organizations to advise them of opportunities.
14. Maintains an up to date copy of the Iowa DOT directory of certified DBE's.

DBE Financial Institutions (§26.27)

It is the policy of the *City of Newton* 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 City has searched the Iowa Department of Transportation's 2012 Directory of Certified Disadvantage Business Enterprises and found no such institutions in the community.

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Prompt Payment Mechanisms (§26.29)

The City will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contractor receives from the *City of Newton*. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. If the contractor, without reasonable cause, fails to make any payment to his subcontractors and material suppliers within 30 days after receipt of payment, the contractor shall pay to his subcontractors and material suppliers, in addition to the payment due them, interest in the amount of one and one-half percent per month, calculated from the expiration of the 30-day period until fully paid. This shall also apply to any payments made by the subcontractors and material suppliers to their subcontractors and material suppliers and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the *City of Newton*. This clause applies to both DBE and non-DBE subcontractors.

Directory (§26.31)

The *City of Newton* utilizes a directory developed and monitored by the Iowa DOT identifying all firms eligible to participate as DBE's. The directory lists the firm's name,

address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. The Directory is revised by the Iowa DOT as new DBE contractors are added or existing DBE contractor contact information is changed. The *City of Newton* makes the Directory available to all bidders in their efforts to meet the DBE goal established by the *City of Newton* and made part of the bid specifications. The Directory may be found at http://www.iowadot.gov/civilrights/dbe_program.html.

Overconcentration (§26.33)

The *City of Newton* has not identified any overconcentration.

Business Development Program (§26.35)

The *City of Newton* has not established a business development program.

Monitoring and Enforcement Mechanisms (§26.37)

The City 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 §26.109. The City also will consider similar action under its own legal authorities. The city also holds available the option of breach of contract action, pursuant to the terms of the contract, to enforce the DBE requirements contained in its contracts. The City will provide a monitoring and enforcement mechanism to verify that work committed to DBE's at contract award is actually performed by the DBE's. The City will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Fostering Small Business Participation (§26.39)

This small business element serves as the race and gender neutral method to structure contracting requirements and to facilitate and support competition by small business concerns, including DBE's. The *City of Newton* shall foster small business participation by using programs administrated by the Iowa Department of Transportation. This shall be accomplished as follows:

1. The *City of Newton* is a signatory participant in the Iowa Department of Transportation's Disadvantaged Business Enterprise Program.
2. Attachment A to the Iowa Department of Transportation's Disadvantaged Business Enterprise Program provides General Provisions, Definitions, and Eligibility Determination Procedures for the Emerging Small Business (ESB) Program.

3. Attachment B to the Department of Transportation's Disadvantaged Business Enterprise Program provides for Supportive Service Programs Offered by the Iowa DOT for ESBs.
4. In addition, the *City of Newton* will provide notice of upcoming bid opportunities for FAA funded improvement projects to ESB's certified by the Iowa DOT. A current list of certified ESB's can be obtained by contacting the Iowa Department of Transportation.

SUBPART C
GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set-asides or Quotas (§26.43)

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

Overall Goals (§26.45)

The *City of Newton* will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding DOT/FAA funded prim contracts the cumulative total of which exceeds $250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the *City of Newton* will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the schedule set by the DOT.

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

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment A to this program. Attachment A of this program will be updated on a three-year cycle.

In accordance with Section 26.45(g) the City will consult with the Iowa DOT and other stakeholders to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs and the City's efforts to establish a level playing field for the participation of DBEs.

Following the consultation, the City will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Public Works' office. The proposed overall DBE goal will be submitted to the local newspaper for public notification, posted on the city's web site, and may be posed in other sources. We will inform the public that the proposed goal and its rationale are available for inspection during normal business hours at our principal office and the City and the U.S. DOT will accept comments about the goals for 30 days from the date of public notification. Notice of the comment period will include the addresses to which comments may be sent and 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 DOT/FAA will include a summary of information and comments received during the public participation process and responses

by the City.

The City will begin using the overall goal on October 1 of the reporting period, unless the city receives other instructions from the DOT. If the City establishes a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

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

Failure to meet overall goals (§26.47)

The *City of Newton* will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

If the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of the year are less than the overall goal, we will do the following in order to be regarded by the Department as implementing the DBE program in good faith:

1) Analyze the reasons for the difference;
2) Establish steps to improve the achievement of the goal; and
3) Maintain the analysis and corrective actions on file for a minimum of three years and make it available to the FAA upon request.

Estimated Race-Neutral & Race-Conscious Participation (§26.51)

The *City of Newton* will meet the maximum feasible portion of its overall goal by using a combination of race-neutral and race-conscious means of facilitating DBE participation. The *City of Newton* uses the following race-neutral means to increase DBE participation: Ensuring distribution of the DBE Directory to potential prime contractors.

The City is estimating that 100% of its overall goal will be accomplished by race-conscious means. This race-conscious participation arises from prime contracts and subcontracts being awarded to the lowest bidder.

The City will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see §26.51(f)) and we will

track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Contract Goals (§26.51)

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

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

The City will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

Good Faith Efforts (§26.53)

Demonstration of Good Faith Efforts (§26.53(a) & (c))

The obligation of the bidder is to make good faith efforts. The bidder can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts.

The following personnel are responsible for determining whether a bidder who has not met the contract goal has document sufficient good faith efforts to be regarded as responsive: *Newton City Council.*

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

Information to be Submitted (§26.53(b))

The *City of Newton* treats bidders compliance with good faith efforts requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require bidders to

submit the following information with their bid.

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

The City's documentation requirements are found in **ATTACHMENT B.**

Administrative Reconsideration (§26.53(d))

Within two (2) days of being informed by the *City of Newton* that it is not responsive because of insufficient documentation of good faith efforts, a bidder may request administrative reconsideration. Bidders should make this reconsideration request in writing, to the City official:

Keith Laube, Public Works Director
1700 North Fourth Avenue West
Newton, IA 50208
Phone: (641) 792-6622

This City official will not have played any role in the original determination that the bidder did not sufficiently document good faith efforts.

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

The successful bidder shall be selected on the basis of having submitted the lowest responsible and responsive bid. In order to qualify as a responsible and responsive bid, the bidder must make a good faith effort to meet the advertised project goal. The bidder may accomplish this in one of two ways:

1. By meeting the goal and documenting the commitment of the DBE firms;
2. By documenting their good faith efforts in the event they are unable to meet the advertised goal.

Appendix A to 49 CFR Part 26 provides guidance concerning good faith efforts. Such actions include but are not limited to:

- Soliciting DBE participation through all reasonable and available means and taking appropriate steps to follow up with initial solicitations.
- Selecting portions of work that increases the likelihood that DBE firms will be available to participate even when the prime contractor might otherwise prefer to perform these work items with its own forces.
- Providing DBE firms with sufficient information and time to review the project plans and specifications.
- Documenting all contacts with DBE firms. This includes names, address, phone number, date of contact and record of conversation/negotiations.

The fact that there may be some additional cost involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such cost are reasonable. Prime contractors are not, however, required to accept higher quotes for DBEs if the price difference is excessive or unreasonable.

In determining whether a bidder has made a good faith effort, the performance of other bidders will be taken into account. For example, when the apparent low bidder fails to meet the contract goal, but others meet it, the good faith effort will be called into question. If the apparent low bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, this will be viewed on conjunction with other factors, as evidence of the apparent low bidders having made good faith efforts.

Good Faith Efforts when a DBE is Replaced on a Contract (§26.53(f))

The City will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The City will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and will provide sufficient documentation of the DBE's inability or unwillingness to perform.

In this situation, the City will require the prime contractor to obtain its prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply, the *City of Newton* will issue an order stopping all or part of payment/work until satisfactory action has been taken.

Counting DBE Participation (§26.55)

DBE credit will be counted toward goal as provided in 49 CFR 26.55.

SUBPARTS D & E

CERTIFICATION

Certification Process (§26)

The *City of Newton* will rely on the certification standards and procedures of the Iowa Department of Transportation for determination of a firm's eligibility for participation as a DBE in U.S. DOT assisted contracts. All participating DBE's in U.S. DOT assisted contracts, must comply and be certified as a DBE through Iowa's Unified Certification Program (UCP) in accordance with 49 CFR §26.81. To be considered a DBE for this program, a firm must document current certification through the Iowa Department of Transportation.

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

External Civil Rights Administrator
Iowa DOT, Office of Employee Services
800 Lincoln Way
Ames, IA 50010
Phone: 515/239-1422
Fax: 515/239-1175

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

Departmental Office of Civil Rights
External Civil Rights Program Division
U.S. Department of Transportation
1200 New Jersey Ave. S.E., W78-101
Washington, DC 20590

SUBPART F
COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation (§26.109)

The *City of Newton* will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and public law.

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

Monitoring Payments to DBE's

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

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

Reporting to DOT

The City will annually submit the Uniform Report of DBE Awards or Commitments and Payments form, as modified for use by FAA recipients.

Confidentiality

The City will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, the City will not release personal financial information submitted in response to the personal net worth requirement to a third party other than DOT without the written consent of the submitter.

Attachments

A - Overall DBE Goal Methodology
B - DBE Utilization Statement, Letter of Intent, and Uniform Report of DBE Awards or Commitments and Payments
C – Organizational Chart

Attachment A

Attachment A

Section 26.45: Overall Goal Calculation

Name of Recipient: Newton Municipal Airport

Goal Period: FY 2016 - 2018 – October 1, 2015 through September 30, 2018

DOT-assisted contract amount: $375,000
Overall DBE Goal: 0.42 % to be accomplished through 100% race conscious and 0% race neutral.

Total dollar amount to be expended on DBE's: $ 1,560

Describe the Number and Type of Projects for this FY:

a. (FY 2016) Update Master Plan (low dollar planning project)
b. (FY 2017) No project
c. (FY 2018) Relocate fuel system

Market Area: Jasper County, State of Iowa

Determination of Market Area:

a. A small number of available prime/subcontractors come from Jasper County.
b. The sizes of the project/projects are large enough to justify contractors from other areas of the state to participate in these projects.
c. Participation from subcontractors outside of the state is not expected to due to relatively small dollar items that wouldn't justify travel outside the state.
d. The City has defined the market area as the State of Iowa.

Step 1.

To determine the relative available DBE's to perform the work, the DBE goal was established as follows:

a. Construction items and relative weight of each item is based on the preliminary project estimate.
b. DBE contractors were gathered from the Iowa Department of Transportation's Current Directory of Certified Disadvantage Business Enterprises.
c. Using the Iowa DBE Directory, the City determined the number of ready, willing and able DBE's who perform work in the Work Type for the project in its market area. Total available contractors were identified from a listing on the Iowa County Engineers Association Service Bureau web site and the Iowa Workforce Development Website. The City has defined its market area as the state of Iowa.
d. Only Iowa based contractors were counted. The subcontract opportunities are for relatively small dollar items and would not justify travel out of state.
e. The City then divided the number of DBE's by the number of all businesses that perform work in the Work Type for the project. This calculation produces a base figure for the relative availability of DBE's in the City's market.
f. Each fiscal year in the three year goal period was weighted and overall 3 year goal was achieved.
g. See the summary below for more information

Fiscal Year	Total Amount	DBE Goal	DBE Amount	Weighted Goal
2016	$0	0.00%	$0	0.00%
2017	$0	0.00%	$0	0.00%
2018	$375,000	0.42%	$1,560	0.42 %
Total	**$375,000**		**$1,560**	**0.42 %**

Step 2. Analysis:

Once the base figure for annual goal was determined, the City of Newton examined all evidence available in the jurisdiction to determine what adjustment, if any, is need to the base figure to arrive at the overall goal. The City of Newton has adopted the same methodology as the State of Iowa and used the following considerations from the Iowa Department of Transportation:

a. The City of Newton uses the Iowa Department of Transportation's overall goal calculation adjustment methodology due to the small amount of statistical data available to the City of Newton for projects involving DBE's. The Iowa Department of Transportation's adjustment methodology considers a 5 factor process that is summarized below:

1. The percentage of all Iowa DOT prime contracts received by DBEs was examined, because such contracts were awarded through a race-neutral, low-bid process. The percentage should, therefore, represent the ability of DBE firms to compete and obtain prime contracts in a race-neutral market.

1

63 DBE prime contract awards = 3.2%
1960 all prime contract awards

2. The percentage of all Iowa DOT subcontracts received by DBEs, for both federal-aid and nonfederal-aid projects, was examined, because this percentage represents the ability of DBEs to compete and obtain subcontracts through both race-neutral and race-conscious measures. Suppliers, manufacturers, truckers and consultants were not included in the calculation.

793 DBE subcontracts awarded = 11.3%
7007 all subcontracts awarded

3. The percentage of all Iowa DOT contracts and subcontracts awarded to DBEs, according to total dollar value, for both federal-aid and nonfederal-aid projects, was examined. The resulting percentage determined the amount of work received by DBEs relative to the maximum total work capacity of all firms. The following formula was used to obtain this percentage:

$93.7 million of all DBE contracts and subcontracts = 4.0%
$2,327.9 million of all contracts (to all firms in the industry)

4. The percentage of all Iowa DOT contracts awarded to DBEs, according to total dollar value, for both federal-aid and nonfederal-aid projects, was examined. The resulting percentage determined the amount of work received by DBEs by the low bid process, which is race neutral. The following formula was used to obtain this percentage.

$26.0 million of all DBE contracts = 1.1%
$2,327.9 million dollars of all contracts

5. The percentage of all Iowa DOT subcontracts, by total dollar value, received by DBEs was examined in three categories:

   i. The percentage of all contract dollars received by DBEs, for both federal-aid and nonfederal aid projects

$67.7 million of DBE subcontracts on all contract = 2.9%
$2,327.9 million on all contracts

ii. The percentage of contract dollars subcontracted to DBEs on contracts with DBE goals. The resulting percentage determines the amount of subcontract work received by DBEs through race-conscience efforts.

$55.9 million of DBE subcontracts = 3.8%
$1,485.2 million on contracts with DBE goals

iii. The percentage of contract dollars subcontracted to DBEs on contracts without goals. The resulting percentage determines the amount of subcontract work received by DBEs through race-neutral subcontract efforts.

$8.6 million of DBE subcontracts = 1.0%
$842.6 million of all contracts without of goals

b. The current capacity of DBE firms to perform the work – Data from the Iowa Department of Transportation shows that minority and female contractors and suppliers have been, on a percentage basis, more successful at getting contracts than the male nonminority contractors and suppliers.
c. Evidence of disparity studies –The Iowa DOT has not conducted any disparity studies. The department is also unaware of any current disparity studies related to federally-assisted projects within the state and/or the market area.
d. Using the base figure of another recipient – Not applicable since the City of Newton has computed its own base figure.
e. Statistical disparities in the ability of DBE firms to get financing, bonding and insurance – The Iowa DOT has not been able to identify any such disparities
f. Data on employment and training opportunities for DBE firms to perform in the Iowa DOT's contracting program - The Iowa DOT has not been able to identify any available data on such opportunities.
g. Adjustment to take into account continuing effects of past discrimination – The Iowa DOT has no evidence of past discrimination.

No step 2 adjustment to the base figures as a result of this process. Therefore the City of Newton proposes to set the FY 2016-2018 DBE Goal at 0.42%, based on Step 1, the availability of ready, willing and able DBE firms as a percentage of all firm that are ready, willing and able, without a step a step 2 adjustment.

Public Participation

Consultation:

Since the City of Newton has established that they are using the Iowa Department of Transportation's goal setting methodology. Therefore the consultation between material suppliers, professional services providers, disadvantaged business enterprises, prime contractors, and members of the Associated General Contractors of Iowa has already occurred about the Iowa Department of Transportation's and the City of Newton's adopted methodologies.

The Iowa Department of Transportation consultation resulted in the justification of identifying all ready and willing DBE's in comparison to all ready and willing contractors to do the work.

Published Notice:

Below is the public notice that shall be placed in the *Newton Daily News* and posted on the City's Web site by the City of Newton:

PUBLIC NOTICE

The Newton Municipal Airport hereby announces its fiscal year 2016, 2017 and 2018 goal of 0.42% for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goals and rationale is available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at the Public Works Director's Office, 1700 North Fourth Avenue West, Newton, IA 50208 for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

Keith Laube
Public Works Director
1700 North Fourth Avenue West
Newton, IA 50208

or

Ofelia Medina
Federal Aviation Administration
Western-Pacific Region Headquarters, AWP-9
P.O. Box 92007
Los Angeles, CA 90009-2002

Overall Goal Calculation
Newton Municipal Airport
FY 2016-FY 2018

FY 2018 - Relocate Existing Fueling System

Item No.	NAICS Codes	Description	Estimated Cost	Weight	Number of DBE Contractors	Number of All Contractors	Percent Available DBE Contractors	Weightec Goal
1.	----	Mobilization, Traffic Control and Safety Plan	$15,000	4.0%	0	100	0.0%	0.00%
2.	238910	Removal of Existing Underground Tanks	$30,000	8.0%	2	126	1.6%	0.13%
3.	237310	Tank Slab, Bollards, and Appurtenances	$20,000	5.3%	16	346	4.6%	0.25%
4a	424710	6,000 Gallon Avgas Tank	$30,000	8.0%	0	100	0.0%	0.00%
4b	424710	10,000 Gallon Jet Fuel Tank	$45,000	12.0%	0	100	0.0%	0.00%
5a	424710	Avgas Cabinets	$50,000	13.3%	0	100	0.0%	0.00%
5b	424710	Jet Fuel Cabinets	$60,000	16.0%	0	100	0.0%	0.00%
6.	238310	Site Work	$10,000	2.7%	2	126	1.6%	0.04%
7.	---	Miscellaneous Construction & Contingencies	$39,000	10.4%	0	100	0.0%	0.00%
8.	541330	Administration & Engineering	$76,000	20.3%	0	100	0.0%	0.00%
		FY 2018 - Relocate Existing Fueling System Subtotal	**$375,000**	100.0%				**0.42%**

FY 2016-2018 Summary

FY Year	*Estimated Cost*	*Weight*	DBE Dollars	DBE Goal	Weighted Goal
FY 2016	Low dollar planning project	0.0%	$0	0.00%	0.00%
FY 2017	No project	0.0%	$0	0.00%	0.00%
FY 2018	$375,000	100.0%	$1,560	0.42%	0.42%
	$375,000		$1,560		**0.42%**

Assumptions:

1. Construction items and relative weight of each item is based on the preliminary project estimate.
2. Available contractor information is from the Iowa Workforce Development approved list of certified contractors and the Iowa Counties Engineers Associations approved list of Iowa Department of Transportation prequalified contractors.
3. Only Iowa based contractors were counted. The subcontract opportunities are for relatively small dollar items and would not justify travel out of state.
4. When no DBE contractors are found for an item an arbitrary number of 100 for all contractors is used to perform calculations.

IOWA DOT
Form 291112 (09-14)

FIVE-YEAR AIRPORT CAPITAL IMPROVEMENT PROGRAM (CIP)

Airport Name: Newton Municipal
Telephone: (641) 752-6701
Prepared By: Clapsaddle-Garber Associates
Date Approved:
Date Prepared: November 2014

Project Description	Funding Source	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Master Plan Update Including Planning for Future Fuel Storage and Handling System.	Federal	$ 112,500	$ -	$ -	$ -	$ -
	State	$ -	$ -	$ -	$ -	$ -
	Local	$ 12,500	$ -	$ -	$ -	$ -
	Total	$ 125,000	$ -	$ -	$ -	$ -
Relocate Existing Fueling System	Federal	$ -	$ -	$ 337,500	$ -	$ -
	State	$ -	$ -	$ -	$ -	$ -
	Local	$ -	$ -	$ 37,500	$ -	$ -
	Total	$ -	$ -	$ 375,000	$ -	$ -
	Federal	$ -	$ -	$ -	$ -	$ -
	State	$ -	$ -	$ -	$ -	$ -
	Local	$ -	$ -	$ -	$ -	$ -
	Total	$ -	$ -	$ -	$ -	$ -
	Federal	$ -	$ -	$ -	$ -	$ -
	State	$ -	$ -	$ -	$ -	$ -
	Local	$ -	$ -	$ -	$ -	$ -
	Total	$ -	$ -	$ -	$ -	$ -
	Federal	$ -	$ -	$ -	$ -	$ -
	State	$ -	$ -	$ -	$ -	$ -
	Local	$ -	$ -	$ -	$ -	$ -
	Total	$ -	$ -	$ -	$ -	$ -

Attachment B

UTILIZATION STATEMENT
Disadvantage Business Enterprise

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner. (*Please check the appropriate box*)

- **The bidder/offeror is committed to a minimum of _____% DBE utilization on this contract.**
- **The bidder/offeror, while unable to meet the DBE goal of _____%, hereby commits to a minimum of _____% DBE utilization on this contract and also submits documentation, as an attachment, demonstrating good faith efforts (GFE).**

The undersigned hereby further assures that the information included herein is true and correct, and that the DBE firm(s) listed herein have agreed to perform a commercially useful function in the work items noted for each firm. The undersigned further understands that no changes to this statement may be made without prior approval from the Civil Right Staff of the Federal Aviation Administration.

_____
Bidder's/Offeror's Firm Name

_____ _____
Signature Date

DBE UTILIZATION SUMMARY

	Contract Amount		DBE Amount	Contract Percentage
DBE Prime Contractor	$_____	x 1.00 =	$_____	_____%
DBE Subcontractor	$_____	x 1.00 =	$_____	_____%
DBE Supplier	$_____	x 0.60 =	$_____	_____%
DBE Manufacturer	$_____	x 1.00 =	$_____	_____%
Total Amount DBE			$_____	_____%
DBE Goal			$_____	_____%

* If the total proposed DBE participation is less than the established DBE goal, you must provide written documentation of the good faith efforts as required by 49 CFR Part 26.

LETTER OF INTENT

Disadvantage Business Enterprise

(This page shall be submitted for each DBE firm)

Bidder/Offer

Name:_____

Address:_____

City:_____ State:_____ Zip:_____

DBE Firm:

DBE Firm:_____

Address:_____

City:_____ State:_____ Zip:_____

DBE Contact Person:

Name:_____ Phone: (____)_____

DBE Certification Agency:

_____ Expiration Date:_____

Each DBE Firm shall submit evidence (such as a photocopy) of their certification status.

Classification:

☐ Prime Contractor ☐ Subcontractor ☐ Joint Venture
☐ Manufacturer ☐ Supplier

Work items to be performed by DBE	Description	Quantity	Total

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated participation is as follows:

DBE contract amount:$_____Percent of total contract:_____%

Affirmation

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

By: _____

(Signature) *(Title)*

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

REPORT OF DBE GOAL ACCOMPLISHMENTS

UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS

Please refer to the Instructions sheet for directions on filling out this form

1. Submitted to (check only one): [ ] FHWA [ ] FAA [ ] FTA--Vendor Number _____

2. AIP Numbers (FAA Recipients Only):

3. Federal fiscal year in which reporting period falls: FY _____ 4. Date This Report Submitted:

5. Reporting Period: [ ] Report due June 1 (for period Oct. 1-Mar. 31) [ ] Report due Dec. 1 (for period April 1-Sept. 30)

6. Name of Recipient:

7. Annual DBE Goal(s): Race Conscious Goal _____% Race Neutral Goal _____% OVERALL Goal _____%

AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts awarded or committed during this reporting period)	A Total Dollars	B Total Number	C Total to DBEs (dollars)	D Total to DBEs (number)	E Total to DBEs /Race Conscious (dollars)	F Total to DBEs/Race Conscious (number)	G Total to DBEs/Race Neutral (dollars)	H Total to DBEs/Race Neutral (number)	I Percentage of total dollars to DBEs
8. Prime contracts awarded this period									
9. Subcontracts awarded/committed this period									
TOTAL									

DBE AWARDS/COMMITMENTS THIS REPORTING PERIOD-BREAKDOWN BY ETHNICITY & GENDER	A Black American	B Hispanic American	C Native American	D Subcont. Asian American	E Asian-Pacific American	F Non-Minority Women	G Other (i.e. not of any other group listed here)	H TOTALS (for this reporting period only)	I Year-End TOTALS
10. Total Number of Contracts (Prime and Sub)									
11. Total Dollar Value									

ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A Number of Prime Contracts Completed	B Total Dollar Value of Prime Contracts Completed	C DBE Participation Needed to Meet Goal (Dollars)	D Total DBE Participation (Dollars)	E Percentage of Total DBE Participation
12. Race Conscious					
13. Race Neutral					
14. Totals					

15. Submitted by (Print Name of Authorized Representative)

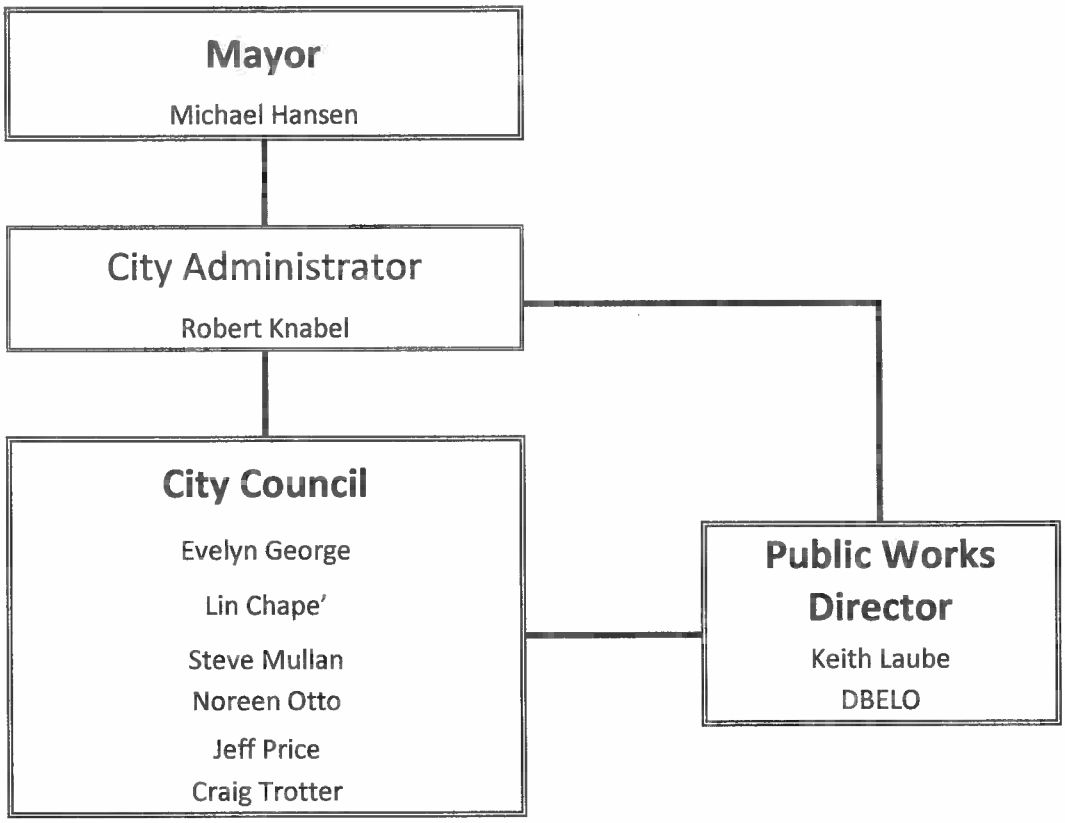
16. Signature of Authorized Representative

17. Phone Number:

18. Fax Number:

Attachment C

ORGANIZATIONAL CHART

DBE Program

Newton Municipal Airport