



ATKINS

Federal FY 2022 – 2024 DBE Program

Collier County Airport Authority

- Immokalee Regional Airport (IMM)
- Marco Island Executive Airport (MKY)
 - Everglades Airpark (X01)

prepared April 2022

POLICY STATEMENT

Collier County Airport Authority (Authority), a department of Collier County, Florida, and sponsor of Immokalee Regional and Marco Island Executive Airports and Everglades Airpark has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (the Department, or DOT), 49 CFR Part 26. The Authority has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, the Authority has signed an assurance that it will comply with 49 CFR (Part 26).

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

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

Mr. Andrew Bennett, Executive Airports Manager, has been delegated as the DBE Liaison Officer. In that capacity, he 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 Authority in its financial assistance agreements with the DOT.

The Authority has disseminated this policy statement to all the components of our organization. This statement has also been distributed to DBE and non-DBE business communities that may perform work on the Authority FAA-assisted contracts by placement of this notice in the contract documents for Federal projects, with the Florida Department of Transportation (FDOT), and on the Authority's website.



Mr. Andrew Bennett
Executive Airports Manager
Collier County Airport Authority

Date 4/20/2022

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SUBPART A – GENERAL

Section 26.1 Objectives

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

Section 26.3 Applicability

The Collier County Airport Authority (Authority) is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.* Assuring participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Financial Assistance Programs, is an integral part of the Authority's DBE program (**Attachment 1**).

Section 26.5 Definitions

The Authority will use terms in this program that have the meanings defined in Part 26, Section 26.5.

Section 26.7 Non-Discrimination Requirements

The Authority 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 Authority 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 26.9 Guidance and Interpretations

(a) Only guidance and interpretations (including interpretations set forth in certification appeal decisions) consistent with this part 26 and issued after March 4, 1999 express the official positions and views of the Department of Transportation or any of its operating administrations.

(b) The Secretary of Transportation, Office of the Secretary of Transportation, Federal Highway Administration (FHWA), Federal Transportation Administration (FTA), and Federal Aviation Administration (FAA) may issue written interpretations of or written guidance concerning this part. Written interpretations and guidance are valid, and express the official positions and views of the Department of Transportation or any of its operating administrations, only if they are issued over the signature of the Secretary of Transportation or if they contain the following statement:

The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of [49 CFR part 26](#).

Section 26.11 Record Keeping Requirements

Reporting to FAA

The Authority will submit FAA form 4630 annually, as modified for use by FAA recipients.

DBE participation will be reported to the FAA as follows:

The Authority will transmit to FAA annually on 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. The Authority will similarly report the required information about participating DBE firms. All reporting will be done through the FAA official reporting system, or another format acceptable to the FAA / DOT as instructed thereby.

In the Authority’s reports of DBE participation to the FAA, the Authority will show both commitments and attainments, as required by the FAA/DOT uniform reporting form.

Bidders List:

The Authority 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 the Authority FAA-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

The Authority will collect this information by requesting each primary contractor awarded a contract to submit the details to our DBELO in writing within 14 days of contract award. The requirement to provide this information will be disseminated in the bid solicitations and during pre-bid conferences, and the information will be maintained on the Bidders List Collection Form (**Attachment 3**).

Records retention and reporting:

The Authority will maintain records documenting a firm’s compliance with the requirements of this part. At a minimum, the Authority will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records will be retained in accordance with all applicable record retention requirements of the Authority financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Federal Financial Assistance Agreement

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

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

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

Contract Assurance: – The Authority will ensure that the following clause is included in each contract the Authority 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 FAA-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

Andrew Bennett

Collier County Airport Authority
2005 Mainsail Drive
Suite #1
Naples, Florida 34114
(239) 642-7878, Extension 35
Andrew.Bennett@colliercountyfl.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Authority complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Authority Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the Authority's organization is shown 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 has a staff of one 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 FAA (Form 4630 and Uniform Reports).
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
4. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
5. Analyzes the Authority's progress toward attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Advises the governing body on DBE matters and achievement.
8. Determine contractor compliance with good faith efforts.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Maintains the agency's updated directory on FDOT certified DBEs.

Section 26.27 DBE Financial Institutions

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

As part of this DBE Program, the Authority's DBE consultant has investigated services offered by banks owned and controlled by socially and economically disadvantaged individuals in the local area. The Federal Deposit Insurance Corporation (FDIC) Minority Depository Institutions (MDI) Program supports the Treasury Department's policy of preserving existing minority depository institutions and promoting the creation of new MDIs. A minority depository institution is defined as any Federally insured depository institution where 51 percent or more of the voting stock is owned by minority individuals. The latest FDIC list of MDIs, released September 30, 2021, lists no MDI institutions in Collier or Lee Counties.

Collier County has not identified any minority owned financial institutions in Lee or Collier County. The Authority will continue to monitor any new financial institutions that register with the County and will contact the FDOT bi-annually to update minority financial institutions moving into the area.

Section 26.29 Prompt Payment Mechanisms

The Authority 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, the Authority has established, as part of its DBE Program, the following contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment made by the Authority to the prime contractor.

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the Authority. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is substantially (95 percent) completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Authority. This clause applies to both DBE and non-DBE subcontractors.

The Authority 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, the Authority has selected the following method to comply with this requirement:

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

- a. From the total of the amount determined to be payable on a partial payment, 5 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 Authority in accordance with Section 50-14. Contractor must provide a certified invoice to the Resident Project Representative (RPR) that supports the value of retainage held by the Authority 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 Authority 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 Authority. 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.

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

The Authority will consider 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 Authority. 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.

Section 26.31 Directory

The Authority is not a member of the Florida Unified Certification Program (FUCP) and uses the State of Florida DBE directory, maintained by the State which contains all the elements required by §26.31.

The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The Directory may be found by searching for DBE Certified List at:
<https://www.fdot.gov>

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

The Authority has not established a business development program.

Section 26.37 Monitoring Responsibilities

The Authority 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 the it's DBE program.

The Authority 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

The Authority 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:

- *Use of an automated system that requires real time entry of payments to, and receipts by, prime contractors and subcontractors, and regularly monitoring that system*

In the Authority's reports to the FAA of DBE participation, both commitments and attainments will be shown, as required by the FAA uniform reporting form.

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

- The Authority proactively reviews contract payments to subcontractors, including DBEs, quarterly. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to the Authority by the prime contractor.

Prompt Payment Dispute Resolution

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

Meetings for dispute resolution between contractors and DBE subcontractors will be incorporated into weekly progress meetings as required. The RPR will be present and officials from the contractor and DBE subcontractor capable of binding each party. The Authority will have a representative available to take enforcement action.

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

(1) Alternative dispute resolution (ADR)

- Contractor will be required by contract clause to submit a detailed alternative dispute resolution to the Authority for approval prior to issuance of the Notice to Proceed (NTP).

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

- See clause in Section 26.29 above.

Prompt Payment Complaints

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

- If affected subcontractor is not comfortable contacting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate a complaint.
- If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by the Authority to resolve prompt payment disputes, affected subcontractor may contact the responsible FDOT contact.
- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

The Authority will provide appropriate means to enforce the requirements of §26.29.

The Authority will utilize and actively implement any or all the following enforcement mechanisms to ensure compliance with 49 CFR Part 26.

- *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.*

- *Pay subcontractors directly and deduct this amount from the retainage owed to the prime.*
 - *Issue a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays for the purposes of calculating liquidated damages if milestones not met.*
1. The Authority will bring to the attention of the FAA any false, fraudulent, or dishonest conduct in connection with the program, so that the FAA can take 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. The Authority will implement similar action under our own legal authorities, including responsibility determinations in future contracts.
 3. The Authority will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs to which the work was committed.

Monitoring Contracts and Work Sites

The Authority 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 the RPR. Contracting records are reviewed by the DBELO. The Authority will maintain written certification that contracting records have been reviewed and work sites have been monitored.

Section 26.39 Fostering Small Business Participation

The Authority has created a Small Business element to structure contracting requirements by “unbundling” (see item 1 below) to facilitate competition by small business concerns and to foster small business participation, 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.

1. **Unbundling projects:** Where feasible, the Authority may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Authority will conduct an annual review of the Capital Improvement Plan (CIP) to determine whether portions of FAA-assisted projects 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, the Authority will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The Authority will document the factors used to

determine whether an FAA-assisted contract will be unbundled or bid separately during the annual review of the CIP.

The Authority small business element is incorporated as **Attachment 8** to this DBE Program. The Authority will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of our DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The Authority does not use set-aside contracts or quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculation can be found in **Attachment 5**. The Authority will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f), the Authority was scheduled to submit its overall three-year DBE plan for the period years FY 2021-2023 to the FAA by October 1, 2020. However, the previous DBE plan was developed to cover FY 2019-2021 creating an overlap for FY 2021. This DBE plan will overlap FY 2024 and cover period years FY 2022-2024. The next update will be submitted on schedule by August 1, 2023, covering FY 2024-2026. The required schedule sequence for historical submittal dates can be obtained by searching “DBE Plan Submittal Schedule” in the following link:

<https://www.faa.gov>

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Authority does not anticipate awarding FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any of the years within the three-year reporting period, they will not develop an overall goal; however, this DBE Program will remain in effect and the Authority 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. The Authority will use DBE Directory (**Attachment 4**) information and Census Bureau Data, or other alternative method that complies with §26.45 as a method to determine the base figure. The Authority 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 to determine 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. The Authority will examine all 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 Authority market.

In establishing the overall goal, the Authority 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 the Authority to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process disseminated to all DBEs as part of the public notice procedure for the Authority’s DBE goal methodology before it is submitted to the FAA pursuant to §26.45(f). The goal submission will document the consultation process in which The Authority engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

For this program, consultation was requested from the organizations listed below. Three of the organizations responded and two elected not to respond as shown below. Phone memos of the three organizations who responded responses are included in **Attachment 9**.

- South Florida Associated General Contractors of America - **Responded**
- Florida Diversity Council - **Responded**
- Florida Department of Transportation - **Responded**
- Florida State Minority Supplier Development Council – **No Response**
- Florida Women’s Business Center – **No Response**

In addition to the consultation described above, the Authority will publish a notice announcing the proposed overall goal before submission to the FAA. The notice will be posted on the Authority’s official internet web site and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the FAA, the revised goal will be posted on the Authority’s official internet web site.

The overall three-year DBE Goal submission to the FAA will include a summary of information and comments received, if any, during this public participation process including the Authority responses.

The Authority will begin using the overall goal on October 1 of 2022 unless other instructions from the 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.

Prior Operating Administration Concurrence

The Authority 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 the Authority for calculating goals is inadequate, the FAA may, after consulting with the Authority, adjust the overall goal or require that the goal be adjusted. 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 §26.45.

Section 26.47 Failure to Meet Overall Goals

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

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

The Authority 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 to be regarded by the FAA 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.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

The Collier County Airport Authority will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Authority will use one or more of the following race-neutral means to increase DBE participation:

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

The Authority will meet the overall goal of **4.95%**, using race-neutral participation and will use contract goals to meet any portion of this overall goal where the Authority does not anticipate being able to meet that goal with race-neutral means.

In order to ensure that the DBE Program will be narrowly tailored to overcome the effects of discrimination, the Authority will adjust estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see §26.51(f)) and will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

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

The Authority will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively. The Authority 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.

This section will be updated annually when the Uniform Report (attainment) is reported.

Contract Goals

In accordance with Section 26.51(e)(4), the Authority contract goals must provide for participation by all certified DBEs and must not be subdivided into group-specific 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 FAA-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, etc.).

Contract goals will be expressed as a percentage of the total amount of a FAA-assisted contract or the Federal share of an FAA-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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 obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DEBLO 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.

The Authority 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.

Information to be Submitted

In all solicitations for FAA-assisted contracts for which a contract goal has been established, the following information will be placed in the bid specification **(Attachment 6)** of all projects using FAA funding requiring every bidder/offeror:

- (1) Award of the contract will be conditioned on meeting this section requirements.
- (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.
 - (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work committed by the prime contractor.
- (3) If the contract goal is not met, evidence of good faith efforts will be provided (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.
- (4) The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section under sealed bid procedures, no later than five days after bid opening as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.
- (5) In a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (2) of this section before the final selection for the contract is made by the Authority.

Administrative Reconsideration

Within seven calendar days of being informed by the Authority that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Mr. Gene Shue

Operations Support Director

Growth Management Division

Collier County

2885 S. Horseshoe Drive, Naples, Florida 34104

239-252-5169

Gene.Shue@colliercountyfl.gov

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 it met the goal or made adequate good faith efforts to do. The Authority will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the FDOT.

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 the Authority. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or another DBE firm.

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

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements;
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) The Authority determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides the Authority written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract; and
- (10) Other documented good cause that the Authority has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting a request the Authority to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the Authority, 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 the Authority and the prime contractor of the reasons, if any, why the DBE objects to the proposed termination of its subcontract and why the prime contractor's action should not be approved. If required in a particular case as a matter of public necessity (e.g., safety), a response period shorter than five 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 response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of the Authority as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The Authority will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If the Authority requests documentation from the contractor under this provision, the contractor shall submit the documentation within seven days, which may be extended for an additional seven days, if necessary, at the request of the contractor.

The Authority shall provide a written determination to the contractor stating whether good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the contracting office/representative of the Authority 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.

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

Section 26.55 Counting DBE Participation

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

In the case of post award / substitutions, if the 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 Authority will not count the firm's participation 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

The Authority will gather current DBE certification lists from the Florida Department of Transportation (FDOT) Florida Unified Certification Program (FUCP). FUCP uses the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The Authority will rely on the FDOT FUCP current list to verify DBE's qualified to participate in the fiscal year attainment goals.

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

*Equal Opportunity Office
DBE & Small Business Development Programs
605 Suwannee St. MS 65
Tallahassee, FL 32399
(850) 414-4747*

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Florida Department of Transportation (FDOT) is the member of the FUCP certifying agency utilized for researching qualified DBEs in the State of Florida for the FAA assisted contracts awarded to the Authority.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to the Authority

The Authority understands that if it fails to comply with any requirement of this part, it may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the FAA, 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 Federal Highway Administration (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 Federal Transit Administration (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

Enforcement actions by the Authority are available (**Attachment 7**). 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.

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 FAA'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 the FAA and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

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

ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26 or Website Link
Attachment 2	Organizational Chart
Attachment 3	Bidder's List Collection Form
Attachment 4	DBE Directory or Link to DBE Directory
Attachment 5	Overall Goal Calculations
Attachment 6	Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2
Attachment 7	DBE Monitoring and Enforcement Mechanisms
Attachment 8	Small Business Element Program
Attachment 9	§ 26.45(g) Stakeholder Consultations

Attachment 1

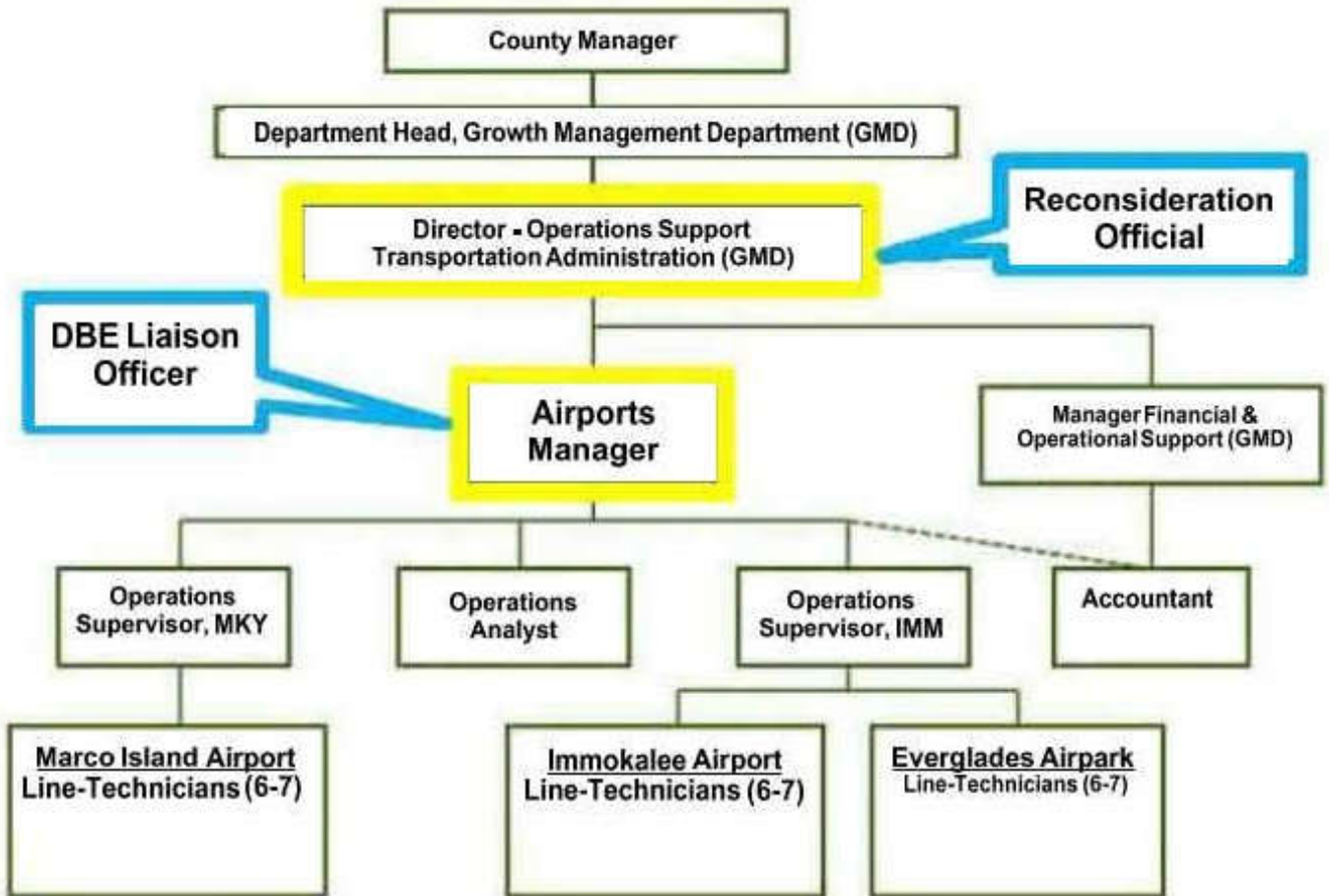
49 CFR Part 26,

<https://www.transportation.gov/osdbu/disadvantaged-business-enterprise/part-26-participation-disadvantaged-business>

Attachment 2

Organizational Chart

COLLIER COUNTY AIRPORT AUTHORITY ORGANIZATIONAL CHART



Attachment 3

BIDDER’S LIST COLLECTION FORM

INSTRUCTIONS

The contractor shall provide all information and reports required by the Authority and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Authority to be pertinent to ascertain compliance with the regulations or directives. Monthly reports of payments to DBE and SBE firms will be required under the contract.

Attached hereto is a list of DBE and SBE firms to be utilized under the contract. Any substitutions of DBE or SBE firms shall comply with provisions of the contract. In the event that the DBE and/or SBE firms listed do not fulfill the goal requirement, the bidder shall attach documentation detailing its good faith efforts to meet the goal.

Firm Name	Firm Address/ Phone #	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

Attachment 4

Florida DOT DBE Directory *web link*

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

Attachment 5

Section 26.45: Overall DBE Three-Year Goal Methodology

Amount of Goal

The Authority's overall goal for Fiscal Years 2022-2024 (October 1, 2021 – September 30, 2024) is the following:

4.95% of FAA-assisted contracts will be expended with DBE contractors through race neutral means.

Given the dollar amount of FAA-assisted contracts, which is estimated at **\$1,500,000** through the Federal Fiscal Year (FFY) 2022-2024 Airports Capital Improvement Plan (ACIP), the Authority has set a goal of expending **\$74,250** with DBEs combined for the three airports during fiscal years 2022-2024. However, the actual dollar amount spent may be more or less depending on the actual DBE goal achieved.

Step 1: Methodology used to Calculate Overall Goal

Section 26.45(c)

The three airports within Collier County are the Immokalee Regional Airport (IMM), Marco Island Executive Airport (MKY), and Everglades Airpark (X01). The DBE goal is calculated as an average of the three airports using historical attainment for previous projects since access to DBE contractors is the same for all three airports. Goal participation dollar amounts is the total of DBE anticipated attainment.

To set the overall goal, the Authority first considered the contract opportunities anticipated for projects under consideration for FFY 2022-2024, which include clearing and grubbing, earthwork, drainage, paving, pavement marking, electrical, engineering and surveying related services, trucking, dump trucking, and transportation arrangement services. Additionally, based on its familiarity with construction and professional services procurement and practices within its operating jurisdiction as well as information contained in its bidders/proposers lists and pre-bid conference attendance history, the Authority determined that the contractors, both DBEs and non-DBEs, qualified to perform the services required for FFY 2022-2024 have traditionally come from within the State of Florida. For the projects being offered, the Authority found no reason to research business patterns beyond the location listed above. The DBE contractors who have traditionally performed contract work on Collier County airport projects are located in Collier and Lee counties, as well as non-DBE contractors awarded contracts on FAA grant projects. Therefore, the Authority established its market area for the State of Florida Counties for Non-DBE Bid Opportunities to come within FDOT District 1 (12 counties), and for DBE Opportunities for Collier County to come from Collier and Lee counties (See table below).

DBE Contractors Historically Performing on FAA Grant Projects

Firm	NAICS Code	City	County
All Ways Electric	238210	Fort Myers	Lee
Tate Transport	238910	Naples	Collier
MJS Trucking	484220	N. Fort Myers	Lee
Kate Environmental	541620	Bonita Springs	Lee
Big Tree Inc	561730	Fort Myers	Lee
GCE Services	238990	Cape Coral	Lee

Source: Collier County Airport Authority

Further, it should be noted that, while the area listed above has been deemed the market area in the goal setting process, DBEs from outside the area will be given the same bid opportunities provided they are appropriately certified by the Florida Department of Transportation (FDOT), Florida Unified Certification Program (UCP) or other approved state DOT certifying agencies.

After confirming its market area, the Authority researched the FDOT Disadvantaged Business Enterprise Database and chose to use it as the data source for the goal calculation numerator, which represents the number of ready, willing, and able DBE firms within the market area as well as specific and applicable North American Industry Classification System (NAICS) codes (NAICS CODE table below) that represent all possible contracting opportunities anticipated in FFY 2022-2024.

The Census Bureau's County Business Patterns Database (CBP) latest data for 2019 was selected to determine the total number of firms within the same NAICS codes and market area as those taken from the above directories, thus creating a denominator.

The contracting needs for work anticipated under FFY 2022-2024 funding include clearing and grubbing, earthwork, drainage, paving, pavement marking, electrical, engineering and surveying related services, trucking, dump trucking, and transportation arrangement services. The analysis was confined to appropriate categories within the same NAICS codes (code table below) and market areas, which were filtered from both data sources (DBE and the CBP database):¹

NAICS CODE TABLE

NAICS Code ²	Census Bureau Classification	Related Work Category
237310	Highway, Street, and Bridge Construction	Asphalt Paving and Related Services
238190	Other Foundation, Structure, and Building Exterior Contractor	Heavy Construction, Concrete Construction
238210	Electrical Contractors and Other Wiring Installation Contractors	Electrical
238910	Site Preparation Contractors	Excavation, Clearing and Grubbing
238990	All Other Specialty Trade Contractors	Building Construction
484220	Specialized Freight	Hauling
541330	Engineering Services	Engineering and Related Services
541370	Surveying and Mapping	Surveying and Mapping Services
541690	Other Scientific and Technical Consulting Services	Testing
541620	Environmental Consulting Services	Environmental, CATEX Consulting
541990	All Other Professional, Scientific, and Technical Services	Drafting, Master Plan, ALP Production
561730	Landscaping Services	Landscaping and Beautification Services

Table from the Census.gov North American Industry Classification System

¹ Firms that are not characterized by the NAICS codes that appear in this document and those that do not reside within the market area illustrated above were not counted as part of the goal calculation data (numerator/denominator). For example, if a firm is certified by FDOT but is not located in the two-county market area, it is not included in the tally of DBE firms.

² NAICS Codes reflect the changes made by the 2019 NAICS Update. Refer to www.census.gov for conversion information.

Based on the Authority's review of the County Business Pattern (CBP) and FDOT DBE directory data pertaining to its market area, the total number of firms represented within the filtered categories for all registered contractors in the 12 County FDOT District 1 area and all DBE registered contractors in the two-county market area are listed in the two tables below:

CONTRACTOR REGISTRATION BY NAICS CODE IN MARKET AREA

NAICS Code	Census Bureau Classification	CBP Total Firms (entire market area)
237310	Highway, Street, and Bridge Construction	19
238190	Other Foundation, Structure, and Building Exterior Contractor	46
238210	Electrical Contractors and Other Wiring Installation Contractors	394
238910	Site Preparation Contractors	112
238990	All Other Specialty Trade Contractors	318
484220	Specialized Freight	52
541330	Engineering Services	202
541370	Surveying and Mapping	39
541690	Other Scientific and Technical Consulting Services	90
541620	Environmental Consulting Services	27
541990	All Other Professional, Scientific, and Technical Services	126
561730	Landscaping Services	805
TOTAL		2230

Table Generated from Census Bureau County Business Patterns Database

DBE FIRMS REGISTERED BY NAICS CODE IN MARKET AREA

NAICS Code	Census Bureau Classification	DBE Total Firms (entire market area)
237310	Highway, Street, and Bridge Construction	4
238190	Other Foundation, Structure, and Building Exterior Contractor	1
238210	Electrical Contractors and Other Wiring Installation Contractors	3
238910	Site Preparation Contractors	5
238990	All Other Specialty Trade Contractors	9
484220	Specialized Freight	4
541330	Engineering Services	15
541370	Surveying and Mapping	6
541690	Other Scientific and Technical Consulting Services	6
541620	Environmental Consulting Services	6
541990	All Other Professional, Scientific, and Technical Services	3
561730	Landscaping Services	6
TOTAL		68

Table Generated from the Florida Department of Transportation Certified DBE List

Information for the number of DBE firms with similar NAICS code listed above is available for download and verification at www.fdot.gov (Search for DBE Directory). This number makes the numerator in determining the base figure. Therefore, the next step is to determine the base figure for FFY 2022-2024.

To determine the relative availability of DBEs within the Authority's market area, the Authority divided the numerator, representing the ratio of ready, willing, and able DBE firms, by the denominator, representing all firms (DBE and Non-DBEs) available for each of the work categories. Application of this formula yielded the following baseline information for the Step 1 percentage figure:

68 (Number of Ready, Willing and Able DBEs with opportunity for Collier County projects)
2230 (Number of All Available Firms) (including DBEs and non-DBEs)
68/2230 = 3.05% (Base Figure)

Based on the calculation above, the Step 1 base figure for FFY 2022-2024 is **3.05%**.

The next step is to prepare a table, as seen below, of ACIP projected FAA-assisted projects for each airport managed by Collier County. The projects have contracting, and subcontracting opportunities as identified in the current ACIP and are anticipated to be awarded and/or expended within FFY 2022-2024. These projects have been reviewed by the Orlando FAA Airports District Office (ADO) and are the basis for the DBE dollar amount derived from the program goal.

ACIP PROJECTED FAA GRANT ASSISTED PROJECTS 2022-2024

PROJECT	Total Estimated Project Costs	Estimated Federal Dollar Share
IMMOKALEE REGIONAL AIRPORT (IMM)		
2022 – Construct Perimeter Road and Taxiway Modifications	\$900,000	\$900,000
2023 – Environmental Assessment for Airport Blvd. Extension	\$300,000	\$0.00
2024 – Construct Airport M&O Bldg.; Environmental Assessment for Airpark Blvd. Ext.	\$2,516,700	\$0,00
IMM TOTAL	\$3,716,700	\$900,000
MARCO ISLAND EXECUTIVE AIRPORT (MKY)		
2022 – Design, Permit & Construct Aircraft Hanger	\$466,700	\$450,000
2023 – Design, Permit & Construct Aircraft Hanger	\$650,000	\$0.00
2024 – Expand Fuel Farm Capacity	\$450,000	\$0,00
MKY TOTAL	\$1,566,700	\$450,000
EVERGLADES AIRPARK (X01)		
2022 – Land Acquisition; Master Plan Update; Reconstruct & Widen Runway	\$1,461,500	\$1,125,000**
2023 – Design, Bid & construct Apron; Land Acquisition	\$262,500	\$150,000
2024 – Permit, Bid & construct Apron; Permit, Bid & Construct T Hanger	\$1,000,000	\$0.00
X01 TOTAL	\$2,724,000	\$1,275,000***
COLLIER COUNTY AIRPORT TOTALS	\$8,007,400	\$2,625,000***

Table from 5-year projected Airport Capital Improvement Program (ACIP) submitted to FAA for each the Collier County airports

** Land Acquisition only

*** \$1,125,000 land acquisition funds included in this amount

Step 2: Adjusting the Base Figure

Section 26.45(d)

After calculating a base figure representing the relative availability of DBEs, evidence was examined to determine what adjustment to the base figure should be made to reflect, as accurately as possible, the DBE participation one would expect in the absence of discrimination.

Evidence considered in making an adjustment to the Base Figure included the Authority’s past DBE goal attainments/commitments (3-year and 11-year periods), disparity studies, Socioeconomic and other evidence. A Summary of these considerations follows:

A. Past 3-Year DBE Goal Attainments

The table below shows the actual use of DBE participation for the three airports over the past 3-years.

DBE Attainments within the last 3 years			
	2019	2020	2021
Immokalee Regional Airport	0.0%	21.19%	0.0%
Marco Island Executive Airport	1.20%	0.0%	0.0%
Everglades Airpark	0.0%	18.70*%	0.0%

*Engineering Design task utilizing DBE firm for environmental permitting services

The historical DBE participation for the Marco Island Executive and Immokalee Regional Airports and Everglades Airpark is averaged for over the 3-year period for each airport for 2019-2021 from the table above as:

$$\text{Immokalee } 21.19\% / 3 \text{ years} = \mathbf{7.06\%}$$

$$\text{Marco Island } 1.20\% / 3 \text{ years} = \mathbf{0.40\%}$$

$$\text{Everglades } 18.70\% / 3 \text{ years} = \mathbf{6.23\%}$$

$$\text{Average DBE attainment over the previous 3-year period} = (7.06 + 0.40 + 6.23) / 3 = \mathbf{4.56\%}$$

This DBE plan goal will represent the three Collier County airports since they are all sponsored by Collier County and the base goal calculated earlier will be adjusted for the three airports using DBE average 3-year attainments over the three-year previous period shown above.

This historical DBE participation representing the previous actual DBE attainment for the three airports will also be used in this Step 2 to apply an adjustment to the DBE base goal of **3.05%** calculated in Step 1.

B. Past 10-Year DBE Goal Attainments

Socioeconomic factors did identify a potential under representation of minority-owned firms in Collier and Lee Counties, however the data did not provide a clear statistical correlation that was not clouded by possible extenuating circumstances. Some adjustment in the Base Figure was appropriate, but it was one that could be clearly linked to the situation in Collier and Lee Counties. In past DBE Programs, a review of DBE participation in past contracts suggested that it might be a better indicator of future DBE participation in Authority projects.

The table on the next page “Historical DBE Participation (AIP Projects)” contains a summary of DBE participation in past projects at airports operated by the Authority and provides a statistical basis for determining an adjustment to the Base Figure. The average value of **7.25%** was calculated as the historical DBE participation level over the past 11 years. The average value was used despite the outliers in 4 of the 11 years to account for the historical DBE attainment value to be applied as adjustment to the base goal value and mitigate any effect due to the Covid pandemic during the past three-year period.

Historical DBE Participation (AIP Projects)

Year	Project Number	Project Description	DBE Participation
2010	33127	MKY Taxiway Construction	3.8%
2011	33227	IMM RW 9-27 Rehab - Design	3.0%
2011	33228	MKY RW 17-35 & Apron Rehab - Design	3.1%
2013	33295	X01 South Taxiway Construction	4.4%
2012	33300	IMM RW 9-27 Rehab - Construction	4.5%
2012	33300	IMM RW 9-27 Rehab - Construction	3.2%
2012	33301	MKY RW 17-35 & Apron Rehab - Construction	5.8%
2012	33301	MKY RW 17-35 & Apron Rehab - Construction	10.5%
2018	33484	MKY Apron Design	15.5%
2017	33485	IMM TW B Rehab - Design	4.2%
2017	33485	IMM TW B Rehab - Construction	2.2%
2019	-----	MKY Apron Improvements	1.2%
2020	-----	IMM Taxiway Extension	21.19%
2020	-----	X01 Runway Rehab Design	18.70%
MEDIAN VALUE			7.25%

Source: Collier County Airport Authority

C. Evidence of Disparity Studies and Socioeconomic Conditions

Disparity Studies

Neither the Authority nor any other agencies in the market area have conducted disparity studies related to minority participation in government contracting such as those activities engaged in by the Collier County Airport Authority. After a thorough internet search, no disparity studies were discovered for Collier or Lee counties. Disparity studies have previously been conducted for southern Florida locations in the past, but after a review of the studies it was determined by the DBE consultant that the results were not applicable to the situation in the market area. Disparity studies identified for southern Florida during the internet search that have been completed in 2015 & 2016 are listed below.

- 1) Solid Waste Authority of Palm Beach County, 2016
- 2) City of West Palm Beach, 2015
- 3) Miami-Dade County School Board, 2015

Socioeconomic Conditions

The U.S. Census Bureau Quick Facts sheets for the State of Florida, Collier County, and Lee County were reviewed to determine if there were any significant differences in the State totals and the totals for each county. The table below “Comparison of Selected Sociodemographic Factors” contains statistics that were straight forward to compare. Collier and Lee Counties exceed the per capita income of the State and have a slightly lower civilian labor force percentage. However, the number of minority-owned firms is significantly lower in Collier and Lee Counties when compared to the overall State number. This lower number indicates the potential for lower participation by minority owned firms in government contracts. However, the State number could be influenced by high concentrations of minorities and minority-owned firms in the State’s highly populated urban areas. There is sufficient cause to determine a logical and equitable adjustment to the Base Figure, but the socioeconomic factors do not provide a clear method for statistically addressing the lower percentage of minority owned firms in the market area.

Comparison of Selected Sociodemographic Factors

Location	Per Capita Income (2019 dollars)	Percent of Population in Civilian Labor Force (2013-2019)	Percent Minority-Owned Firms (2012)
State of Florida	\$31,619	58.5%	44.1%
Collier County	\$45,567	52.5%	26.9%
Lee County	\$33,543	52.6%	27.2%

Source: U.S. Census Bureau Quick Facts

D. Other Evidence

The Authority did not receive any anecdotal evidence nor is it aware of any other factors or adverse considerations that would have a material effect of DBEs availability within the Authority’s market area or on DBEs ability to participate (meeting bonding, insurance, and financial requirements) in the Authority’s FAA-assisted contracting program. Therefore, no further consideration toward goal adjustment was made this fiscal year. However, the Authority will continue to explore and consider all available evidence that materially would affect the opportunities for DBEs to form, grow, and compete in the Authority’s FAA-assisted contracting program.

Overall Goal Adjustment

Therefore, the Authority has elected to make an adjustment to its Step 1 Base Figure for each airport using the previous 11-year Collier County DBE goal attainments. The adjusted figure will be the average of the base figure in Step 1 of **3.05%**, plus the adjustment of the previous 3-year DBE average three-year attainment of **4.56%** for the three airports, plus the average the 11 year historical (all airport) DBE mean participation of **7.25%** (this average will be used to offset any effect that the recent Covid pandemic may have had on DBE ability to operate and provide services to the Authority).

2022 – 2024 DBE Goal Calculation

$$(3.05\% \text{ (base)} + 4.56\% \text{ (Av 3-yr Attainment)} + 7.25\% \text{ (Historical 10-yr Attainment)}) / 3 = 4.95\%$$

Conclusion

The Authority's overall DBE goal for FFY 2022 - 2024 is **4.95%** through race neutral means.

It is estimated that 100% of the federal funding will be provided to the NAICS categories listed in Step 1. Thus, the Authority will expend **4.95%** of the total **\$1,500,000** FAA-assistance towards DBEs; which comes to a total of **\$74,250**.

Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation.

The Authority will meet the maximum feasible portion of the overall goal by using RN means of facilitating DBE participation by:

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. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
6. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

PUBLIC PARTICIPATION

In accordance with Public Participation Regulatory Requirements of 49 CFR Part 26, minority, women, local business chambers, and community organizations within the Authority's market area will be provided an opportunity to review this goal analysis.

The Authority has issued a Public Notice in general circulation media publishing the Authority's Overall Annual DBE Goal for FFY 2022 - 2024 FAA-assisted contracts. Such notice will inform the public that the proposed goal and its rationale is available for inspection at the Collier County Public Works Department during normal business hours for 30 days following the date of the Public Notice and that the Authority will accept comments on the goal analysis for 45 days from the date of the Public Notice. Results of the public participation process will be incorporated as required into the Authority's Overall Annual DBE Goal established for FFY 2022 - 2024.

PUBLIC NOTICE

Collier County has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26.

Collier County has established a goal of 4.95% of the Federal financial assistance it will receive for improvements to the Immokalee Regional Airport, the Marco Island Executive Airport, and the Everglades Airpark. Collier County estimates it will meet this goal through 100% race neutral means.

The DBE Program and the rationale used in developing the goal are available for review in the Public Works Department at the Collier County Offices located at Collier County Government Center 3299 Tamiami Trail East, Naples, FL 34112. The DBE Program will be available for review for 30 days following the date of this publication.

Collier County will take comments on the DBE Program and rationale for 45 days following the date of this publication. Comments should be sent to the Collier County Airport Authority Department at the address listed above.

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 (please check the appropriate space):

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

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

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

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

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above and that the firm is DBE certified to perform the specific trades.

By _____

Date:

(Signature)

(Title)

If 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.

Submit this page for each DBE subcontractor.

Attachment 7

DBE Monitoring and Enforcement Mechanisms

The Authority 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. Breach of contract action, pursuant to NRS Chapter 338.

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

Small Business Element

Part I. Policy Objective

In response to regulatory requirement 49 CFR Part 26.39 Final Rule issued on January 28, 2011, The Authority will implement a Small Business Element into the DBE program to facilitate and foster competition by small business concerns by eliminating obstacles for their participation.

Recognizing that DBEs are small businesses, it is logical that the DBE program provisions that help small businesses can also help DBE's. By facilitating participation for small businesses, recipients can possibly make more DBE participation, and subsequent participation by additional DBE firms. The DOT believes that "a program element that pulls together the various ways that a recipient reaches out to small businesses and make it easier for them to compete for DOT-assisted contracts will foster the objectives of the DBE program."

Part II. Non-Discrimination

The Authority will not discriminate on the basis of race, color, national origin, or sex in FAA-assisted contracts and will remove all barriers and obstacles for small business participation. Fostering small business participation will be done through race-neutral methods.

Part III. Small Business Definition

Small business must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration (SBA) 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.

Part IV. Small Business Verification

The Office of Economic and Small Business Development (OESBD) participates in the Florida Unified Certification Program (UCP) The Authority will verify small businesses using the OESBD database and/or other state/local certification programs, if any, so that small businesses will be considered as eligible for inclusion under this program. The Authority will not establish its own directory.

Part V. Scope of Program

The Authority will meet its objectives for small business inclusion in FAA funded projects by using a combination of the following methods and strategies:

1. Make RFPs/solicitations more attractive to small businesses;
2. Requiring prime contractors to provide subcontracting opportunities of a size that small businesses, including DBE's, can reasonably perform, rather than self-performing all the work involved;
3. Conduct regular reviews of upcoming projects to assess opportunities for unbundling; and
4. Encouraging DBE's and small businesses to attend the pre-solicitation meetings.

Part VI. Tracking SBE Participation

Although there are no reporting requirements for the use of small businesses, upon completion of each FAA-assisted contract, the Authority will document the use of small businesses in the final construction report.

Part VII. Assurances

The Authority makes the following assurances:

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

Attachment 9

§26.45(g) Stakeholder Consultation Documentation

Senn, Samuel

From: Senn, Samuel
Sent: Friday, March 18, 2022 12:44 PM
To: Carlos Carrillo
Cc: MeyerHeather; Suarez Paz, Javier; McCauley, Kevin D; Vanessa Alvarez
Subject: RE: Phone Consultation Meeting to Discuss Collier County Airport authority DBE Plan Development

Carlos,
Thank you for your reply. We will schedule a phone meeting via Microsoft Teams for next Wednesday, March 23rd at 11 AM (EDT). I will forward an agenda for the call to you Monday afternoon next week.
Regards,

Samuel J. Senn, PE

Senior Engineer
North America
Engineering, Design and Project Management
702 551-0372 702 816-9900

Atkins, member of the SNC-Lavalin Group
2270 Corporate Cir., Henderson, NV 89074



From: Carlos Carrillo <Carlos@sfagc.org>
Sent: Friday, March 18, 2022 12:01 PM
To: Senn, Samuel <Samuel.Senn@atkinglobal.com>
Cc: MeyerHeather <Heather.Meyer@colliercountyfl.gov>; Suarez Paz, Javier <Javier.SuarezPaz@atkinglobal.com>; McCauley, Kevin D <Kevin.McCauley@atkinglobal.com>; Vanessa Alvarez <Vanessa@sfagc.org>
Subject: RE: Phone Consultation Meeting to Discuss Collier County Airport authority DBE Plan Development

Samuel,

Thank you for including us in the process. Would Wednesday at 11 am work for your team?



Carlos A. Carrillo
Executive Director
**South Florida Chapter of the Associated
General Contractors of America**
8200 NW 41st Street, Suite 200
Doral, FL 33166
Office: (305)721-3086
Direct: (786)287-3110
Email: carlos@sfagc.com

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From: Senn, Samuel <Samuel.Senn@atkinsglobal.com>
Sent: Friday, March 18, 2022 12:02 PM
To: Carlos Carrillo <Carlos@sfagc.org>
Cc: MeyerHeather <Heather.Meyer@colliercountyfl.gov>; Suarez Paz, Javier <Javier.SuarezPaz@atkinsglobal.com>; McCauley, Kevin D <Kevin.McCauley@atkinsglobal.com>
Subject: Phone Consultation Meeting to Discuss Collier County Airport authority DBE Plan Development

Dear Mr. Carrillo,

The Collier County Airport Authority (CCAA) is preparing to submit the Fiscal Year 2022-2024 Disadvantaged Business Enterprise (DBE) Program Plan to the Federal Aviation Administration (FAA) as required by 49 CFR Part 26. The submittal process, as stated in 49 CFR 26.45(g)(1)(i), requires that CCAA consult with minority, women's and general contractor groups, community organizations, and other officials or organizations (Stakeholders) 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 organization's efforts to establish a level playing field for participation of DBEs.

The CCAA consultant, Atkins, has calculated a DBE goal for 2022-2024 of 4.95% of FAA funded projects using the methodology listed in 49 CFR Part 26 (I have attached a brief explanation of the methodology used for computing the DBE goal for the FY 2022-2024 with references to the Code of Federal Regulations 49 CFR Part 26 for reference and the call). Your organization has been identified for consultation. We wish to schedule a time for a conference call with representatives of your organization about our goal setting process and obtain your comments prior to our finalizing the plan document.

Please let me know if you are available for a call next week (March 21 – March 25, 2022) with any dates and times that fit your schedule, and I will proceed with scheduling the call. The call duration is expected to be less than 30 minutes.

Regards,

Samuel J. Senn, PE

Senior Engineer
North America
Engineering, Design and Project Management

☎ 702 551-0372 📠 702 816-9900

Atkins, member of the SNC-Lavalin Group
2270 Corporate Cir., Henderson, NV 89074



Senn, Samuel

From: Mae Marshall <mae.marshall@nationaldiversitycouncil.org>
Sent: Thursday, March 24, 2022 8:09 AM
To: Senn, Samuel
Cc: angeles.valenciano@nationaldiversitycouncil.org; MeyerHeather; Fahnestock, Gavin; Suarez Paz, Javier; McCauley, Kevin D
Subject: Re: Phone Consultation for Collier County Airport Authority DBE Program

Good morning!

You are welcome, Samuel, and thank you for your reply. It will be shared with our Research & Strategy Team. I

In addition, thank you for your consideration of the National Diversity Council as a possible resource as well as including us in the review of the plan document.

Best Regards,

Mae Marshall, CDP
Executive Liaison to the CEO
and Board of Directors



National Diversity Council
Mobile: 214.690.0541
Mae.Marshall@nationaldiversitycouncil.org
www.NationalDiversityCouncil.org



On Thu, Mar 24, 2022 at 6:44 AM Senn, Samuel <Samuel.Senn@atkinglobal.com> wrote:

Ms. Marshall,

Thank you for your prompt response to my request for input to the Collier County Airport Authority (CCAA) DBE plan development process. I do not anticipate the specialty consultant will be required at this time but we will list the National Diversity Council as a resource for our DBE program if needed. I will pass this information to the CCAA staff and the draft DBE plan will be posted on the CCAA website ([Airport Authority | Collier County, FL \(colliercountyfl.gov\)](http://Airport Authority | Collier County, FL (colliercountyfl.gov))) when completed for your review and comment prior to completion of the plan document.

Regards,

Samuel J. Senn, PE
Senior Engineer
North America
Engineering, Design and Project Management
702 551-0372 702 816-9900

Atkins, member of the SNC-Lavalin Group

2270 Corporate Cir., Henderson, NV 89074



From: Mae Marshall <mae.marshall@nationaldiversitycouncil.org>
Sent: Wednesday, March 23, 2022 3:09 PM
To: Senn, Samuel <Samuel.Senn@atkinglobal.com>
Cc: angeles.valenciano@nationaldiversitycouncil.org; MeyerHeather <Heather.Meyer@colliercountyfl.gov>; Fahnestock, Gavin <Gavin.Fahnestock@atkinglobal.com>; Suarez Paz, Javier <Javier.SuarezPaz@atkinglobal.com>; McCauley, Kevin D <Kevin.McCauley@atkinglobal.com>
Subject: Re: Phone Consultation for Collier County Airport Authority DBE Program

Good afternoon, Samuel,

Members of our Research & Strategy Team have reviewed the information and would like to suggest that the National Diversity Council could be helpful; however, the nature of the request requires unique expertise, and would require providing a specialty consultant for a fee, if interested. If there is interest, please let me know and an e-introduction will be made to members of our Research & Strategy Team for an additional exchange of information.

Again, thank you for your outreach.

Best Regards,



Mae Marshall, CDP

Executive Liaison to the CEO
and Board of Directors



National Diversity Council

Mobile: 214.690.0541

Mae.Marshall@nationaldiversitycouncil.org

www.NationalDiversityCouncil.org



On Wed, Mar 23, 2022 at 11:40 AM Mae Marshall <mae.marshall@nationaldiversitycouncil.org> wrote:

Good morning Samuel,

Thank you for your call, and for sharing the information and details with me. Your correspondence along with the documents has been shared with our Vice President of Research & Strategy for review and feedback. An update will be provided as soon as possible.

Thank you for your outreach to the National Diversity Council.

Best Regards,

Mae Marshall, CDP

Executive Liaison to the CEO
and Board of Directors



National Diversity Council

Mobile: 214.690.0541

Mae.Marshall@nationaldiversitycouncil.org

www.NationalDiversityCouncil.org



On Wed, Mar 23, 2022 at 10:49 AM Senn, Samuel <Samuel.Senn@atkinglobal.com> wrote:

Dear Ms. Marshall,



Thank you for your discussion on scheduling a phone call with the National Diversity Council for reviewing the Collier County Airport Authority DBE program and goals for FY 2022-2024.

I have included a copy of the e mail sent to Ms. Valenciano last week for review in scheduling the call. I have also attached reference documents to familiarize you with the plan development and for preparing for our call.

“The Collier County Airport Authority (CCAA) is preparing to submit the Fiscal Year 2022-2024 Disadvantaged Business Enterprise (DBE) Program Plan to the Federal Aviation Administration (FAA) as required by 49 CFR Part 26. The submittal process, as stated in 49 CFR 26.45(g)(1)(i), requires that CCAA consult with minority, women's and general contractor groups, community organizations, and other officials or organizations (Stakeholders) 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 organization's efforts to establish a level playing field for participation of DBEs.

The CCAA consultant, Atkins, has calculated a DBE goal for 2022-2024 of 4.95% of FAA funded projects using the methodology listed in 49 CFR Part 26 (I have attached a brief explanation of the methodology used for computing the DBE goal for the FY 2022-2024 with references to the Code of Federal Regulations 49 CFR Part 26 for reference and the call). Your organization has been identified for consultation. We wish to schedule a time for a conference call with representatives of your organization about our goal setting process and obtain your comments prior to our finalizing the plan document.”

Please let me know if you are available for a call and send some dates and times convenient to your schedule.

Regards,

Samuel J. Senn, PE

Senior Engineer

North America

Engineering, Design and Project Management

 702 551-0372  702 816-9900

Atkins, member of the SNC-Lavalin Group

2270 Corporate Cir., Henderson, NV 89074

Senn, Samuel

From: Senn, Samuel
Sent: Friday, March 18, 2022 12:32 PM
To: Roberts, Bruce; Watson, Terry
Cc: MeyerHeather; Suarez Paz, Javier; McCauley, Kevin D
Subject: RE: Collier County Airport Authority DBE Plan Development Phone Consultation Meeting

Thank you,
Regards,

Samuel J. Senn, PE

Senior Engineer
North America
Engineering, Design and Project Management
☎ 702 551-0372 📠 702 816-9900

Atkins, member of the SNC-Lavalin Group
2270 Corporate Cir., Henderson, NV 89074



From: Roberts, Bruce <Bruce.Roberts@dms.fl.gov>
Sent: Friday, March 18, 2022 12:19 PM
To: Senn, Samuel <Samuel.Senn@atkinglobal.com>; Watson, Terry <Terry.Watson@dot.state.fl.us>
Cc: MeyerHeather <Heather.Meyer@colliercountyfl.gov>; Suarez Paz, Javier <Javier.SuarezPaz@atkinglobal.com>; McCauley, Kevin D <Kevin.McCauley@atkinglobal.com>
Subject: RE: Collier County Airport Authority DBE Plan Development Phone Consultation Meeting

Good afternoon Samuel,

Thank you for reaching out. The DBE program is under FDOT. I have copied Terry Watson that can help you with that.

OSD Mission:

To connect, engage, and grow Women, Veterans, and Minority small businesses in the State of Florida.

Best Regards,

Bruce Roberts FCCM, FCCN | Executive Director

Division of State Purchasing

Office of Supplier Diversity

Office: (850) 922-4929 Mobile: (850) 545-9194

Florida Department of Management Services

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From: Senn, Samuel <Samuel.Senn@atkingglobal.com>

Sent: Friday, March 18, 2022 12:25 PM

To: Roberts, Bruce <Bruce.Roberts@dms.fl.gov>

Cc: MeyerHeather <Heather.Meyer@colliercountyfl.gov>; Suarez Paz, Javier <Javier.SuarezPaz@atkingglobal.com>;

McCauley, Kevin D <Kevin.McCauley@atkingglobal.com>

Subject: Collier County Airport Authority DBE Plan Development Phone Consultation Meeting

Caution: This email originated from outside of the organization. Please ensure that you recognize the sender and know that the content is safe before clicking on any links or opening attachments.

Dear Mr. Roberts,

The Collier County Airport Authority (CCAA) is preparing to submit the Fiscal Year 2022-2024 Disadvantaged Business Enterprise (DBE) Program Plan to the Federal Aviation Administration (FAA) as required by 49 CFR Part 26. The submittal process, as stated in 49 CFR 26.45(g)(1)(i), requires that CCAA consult with minority, women's and general contractor groups, community organizations, and other officials or organizations (Stakeholders) 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 organization's efforts to establish a level playing field for participation of DBEs.

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Please let me know if you are available for a call next week (March 21 – March 25, 2022) with any dates and times that fit your schedule, and I will proceed with scheduling the call. The call duration is expected to be less than 30 minutes.

Regards,

Samuel J. Senn, PE

Senior Engineer

North America

Engineering, Design and Project Management

☎ 702 551-0372 📠 702 816-9900



Senn, Samuel

From: Senn, Samuel
Sent: Wednesday, March 23, 2022 10:37 AM
To: beatrice@fsmsdc.org
Cc: MeyerHeather; Fahnestock, Gavin; Suarez Paz, Javier; McCauley, Kevin D
Subject: FW: Collier County Airport Authority DBE Plan Development Phone Consultation Meeting
Attachments: Phone Consult Introduction.docx; CCAA DBE Plan TOC.pdf

Good morning Ms. Louissaint,

I sent you an invitation for a phone consult regarding the Collier County Airport Authority's DBE plan and goals for 2022-2024 (CCAA) last week and have not heard back as of today. If your schedule does not allow for the phone consultation, please feel free to respond to this e mail with any comments you may have on the goals and methods for reaching out to the DBE firms with opportunities for participation on federally funded projects. We will use your input in finalizing the plan document before public review and submittal to the FAA.

I have included the table of contents from our draft DBE plan document for reference in addition to the Introduction document for you review.

Thank you for your time.

Regards,

Samuel J. Senn, PE

Senior Engineer
North America
Engineering, Design and Project Management
702 551-0372 702 816-9900

Atkins, member of the SNC-Lavalin Group
2270 Corporate Cir., Henderson, NV 89074



From: Senn, Samuel
Sent: Friday, March 18, 2022 11:11 AM
To: beatrice@fsmsdc.org
Cc: MeyerHeather <Heather.Meyer@colliercountyfl.gov>; Suarez Paz, Javier <Javier.SuarezPaz@atkinglobal.com>; McCauley, Kevin D <Kevin.McCauley@atkinglobal.com>
Subject: Collier County Airport Authority DBE Plan Development Phone Consultation Meeting

Dear Ms. Louissaint,

The Collier County Airport Authority (CCAA) is preparing to submit the Fiscal Year 2022-2024 Disadvantaged Business Enterprise (DBE) Program Plan to the Federal Aviation Administration (FAA) as required by 49 CFR Part 26. The submittal process, as stated in 49 CFR 26.45(g)(1)(i), requires that CCAA consult with minority, women's and general contractor groups, community organizations, and other officials or organizations (Stakeholders) 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 organization's efforts to establish a level playing field for participation of DBEs.

The CCAA consultant, Atkins, has calculated a DBE goal for 2022-2024 of 4.95% of FAA funded projects using the methodology listed in 49 CFR Part 26 (I have attached a brief explanation of the methodology used for computing the DBE goal for the FY 2022-2024 with references to the Code of Federal Regulations 49 CFR Part 26 for reference and the call). Your organization has been identified for consultation. We wish to schedule a time for a conference call with representatives of your organization about our goal setting process and obtain your comments prior to our finalizing the plan document.

Please let me know if you are available for a call next week (March 21 – March 25, 2022) with any dates and times that fit your schedule, and I will proceed with scheduling the call. The call duration is expected to be less than 30 minutes.

Regards,

Samuel J. Senn, PE

Senior Engineer
North America
Engineering, Design and Project Management

702 551-0372 702 816-9900

Atkins, member of the SNC-Lavalin Group
2270 Corporate Cir., Henderson, NV 89074



Senn, Samuel

From: Senn, Samuel
Sent: Wednesday, March 23, 2022 10:32 AM
To: victoria@flwbc.org
Cc: Suarez Paz, Javier; Fahnestock, Gavin; McCauley, Kevin D; MeyerHeather
Subject: FW: Collier County Airport Authority DBE Plan Development Phone Consultation Meeting
Attachments: Phone Consult Introduction.docx; CCAA DBE Plan TOC.pdf

Good morning Ms. Hughes,

I sent you an invitation for a phone consult regarding the Collier County Airport Authority's DBE plan and goals for 2022-2024 (CCA) last week and have not heard back as of today. If your schedule does not allow for the phone consultation, please feel free to respond to this e mail with any comments you may have on the goals and methods for reaching out to the DBE firms with opportunities for participation on federally funded projects. We will use your input in finalizing the plan document before public review and submittal to the FAA.

I have included the table of contents from our draft DBE plan document for reference in addition to the Introduction document for you review.

Thank you for your time.

Regards,

Samuel J. Senn, PE

Senior Engineer
North America
Engineering, Design and Project Management
702 551-0372 702 816-9900

Atkins, member of the SNC-Lavalin Group
2270 Corporate Cir., Henderson, NV 89074



From: Senn, Samuel
Sent: Friday, March 18, 2022 11:28 AM
To: victoria@flwbc.org
Cc: MeyerHeather <Heather.Meyer@colliercountyfl.gov>; Suarez Paz, Javier <Javier.SuarezPaz@atkinglobal.com>; McCauley, Kevin D <Kevin.McCauley@atkinglobal.com>
Subject: Collier County Airport Authority DBE Plan Development Phone Consultation Meeting

Dear Ms. Hughes,

The Collier County Airport Authority (CCAA) is preparing to submit the Fiscal Year 2022-2024 Disadvantaged Business Enterprise (DBE) Program Plan to the Federal Aviation Administration (FAA) as required by 49 CFR Part 26. The submittal process, as stated in 49 CFR 26.45(g)(1)(i), requires that CCAA consult with minority, women's and general contractor groups, community organizations, and other officials or organizations (Stakeholders) 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 organization's efforts to establish a level playing field for participation of DBEs.

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Regards,

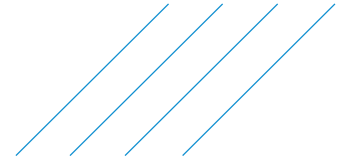
Samuel J. Senn, PE

Senior Engineer
North America
Engineering, Design and Project Management

☎ 702 551-0372 📠 702 816-9900

Atkins, member of the SNC-Lavalin Group
2270 Corporate Cir., Henderson, NV 89074





**COLLIER COUNTY AIRPORT AUTHORITY
DBE PLAN CONSULT MEETING**

Project:
CCAA DBE PROGRAM - 100078813

Subject: Conference call with Carlos Carrillo South Florida Chapter AGC

Meeting place: <input type="text"/> Teams meeting	Meeting no: <input type="text"/> 2002-001
Date and time: <input type="text"/> March 23, 2022 / 11 AM EDT	Minutes by: <input type="text"/> SJ Senn
Present: <input type="text"/> Carlos Carrillo Javier Suraez Paz; Sam Senn; Gavin Fahnestock	Representing: <input type="text"/> South Florida AGC Atkins

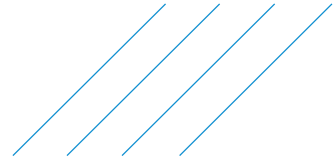
ITEM	DESCRIPTION AND ACTION
1.	INTRODUCTIONS: Mr. Senn indicated Heather Meyer (CCAA Sponsor representative) was unavailable but had some questions for Mr. Carrillo regarding contacting DBE firms prior to bidding opportunities. Mr. Senn introduced himself as Senior Engineer; Mr Fahnestock introduced himself as Project manager; Mr. Suraez Paz introduced himself as Senior Engineer and Project manager for this project. Mr Carrillo introduced himself as SF AGC Executive Director.
2.	DBE GOAL: Senn provided overview of the DBE plan document and the goal calculation method in accordance WITH 49 CFR Part 26 and provided the draft Table of Contents for the DBE plan document. The goal calculation method was described as dividing the number of DBE firms in the CCAA market area (Collier and Lee counties) by the total registered firms in District 1 (12 counties) to get a base goal. The resulting base is 3.05%. This goal was adjusted using the average historical DBE attainment (past 10 years) to mitigate the effect of the recent Covid impacts to DBE contractors. The adjustment raised the goal to 4.95%, Socioeconomic and Diversity studies were also reviewed and considered but had no discernable impact on the goal calculation process.
3.	OTHER ISSUES: Heather Meyer requested assistance on reaching out to other DBE firms to inform them of opportunities for bidding CCAA projects. Mr Carrillo indicated he would be willing to reach out to Ms. Meyer "one-on-one" to discuss different ways to alert DBE and prime contractors to the CCAA program, goals and opportunities. Mr. Senn indicated he would pass that on to Ms. Meyers. Mr. Carrillo indicated his organization was familiar with contractors well versed in the DBE programs and he would be interested in assistance to the CCAA in any way possible including "tapping into" his members to determine DBE qualified firm availability. He indicated his advocacy extends to State and local Aviation agencies giving him an extended base of contacts to assist the CCAA. His primary includes Miami and Dade Counties with assistance to surrounding counties including Collier County. His MCC program allows him to more actively reach out to DBE firms in the South Florida area.

Distribution: DBE Plan Document Attachment 9

Date issued: March 23, 2022 **File Ref:** PN 100078813

NOTE TO RECIPIENTS:

These meeting notes record Atkins understanding of the meeting and intended actions arising therefrom. Your agreement that the notes form a true record of the discussion will be assumed unless adverse comments are received in writing within five days of receipt.



**COLLIER COUNTY AIRPORT AUTHORITY
DBE PLAN CONSULT MEETING**

Project:
CCAA DBE PROGRAM - 100078813

Subject: Conference call request with Angeles Valenciano of National Diversity Council (NDC)

Meeting place: <input type="text"/> Meeting requested but Not Held	Meeting no: <input type="text"/> 2002-002
Date and time: <input type="text"/> March 23, 2022 (Requested)	Minutes by: <input type="text"/> SJ Senn
Present: <input type="text"/> No Meeting	<input type="text"/> NDC Not Able to Respond without speciality consultant

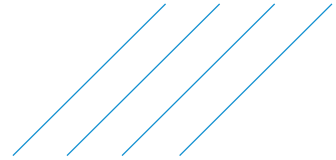
ITEM	DESCRIPTION AND ACTION
1.	INTRODUCTIONS: Mr. Senn sent out an invitation via e mail to Ms. Valenciano of the NDC. A response was made by Ms. Marshall that the NDC could not participate without a speciality consultant for a fee. (See attached e mail string).

Distribution: DBE Plan Document Attachment 9

Date issued: March 24, 2022 **File Ref:** PN 100078813

NOTE TO RECIPIENTS:

These meeting notes record Atkins understanding of the meeting and intended actions arising therefrom. Your agreement that the notes form a true record of the discussion will be assumed unless adverse comments are received in writing within five days of receipt.



**COLLIER COUNTY AIRPORT AUTHORITY
DBE PLAN CONSULT MEETING**

Project:
CCAA DBE PROGRAM - 100078813

Subject: Conference call with

Meeting place: <input type="text"/> Teams meeting	Meeting no: <input type="text"/> 2002-003
Date and time: <input type="text"/> March 25, 2022 / 10 AM EDT	Minutes by: <input type="text"/> SJ Senn
Present: <input type="text"/> Ms. Heather Meyer Terry Watson Javier Suraez Paz; Sam Senn; Kevin McCauley	Representing: <input type="text"/> Collier County Airport Authority Florida DOT Atkins

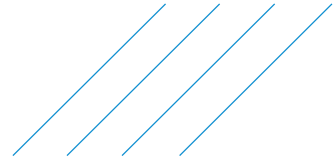
ITEM	DESCRIPTION AND ACTION
1.	INTRODUCTIONS: Mr. Senn Introduced the Collier County Airport Authority sponsor Ms. Heather Meyer and Ms. Meyer added to her introduction with her title and responsibilities and added she has extensive experience with FDOT minority programs. Mr. Senn then introduced the Atkins team members. Mr. Terry Watson introduced himself and gave a brief introduction of his responsibilities with the Florida DOT and using Race Neutral means to maximize DBE participation.
2.	DBE GOAL: Senn provided overview of the DBE plan document and the goal calculation method in accordance WITH 49 CFR Part 26 and provided the draft Table of Contents for the DBE plan document. The goal calculation method was described as dividing the number of DBE firms in the CCAA market area (Collier and Lee counties) by the total registered firms in District 1 (12 counties) to get a base goal. The resulting base is 3.05%. This goal was adjusted using the average historical DBE attainment (past 10 years) to mitigate the effect of the recent Covid impacts to DBE contractors. The adjustment raised the goal to 4.95%, Socioeconomic and Diversity studies were also reviewed and considered but had no discernable impact on the goal calculation process.
3.	OTHER ISSUES: Heather indicated the FAA does not get too involved with monitoring the DBE program and the FDOT has a great DBE program. Terry indicated the key is monitoring the payments to DBE's and working with prime contractors to assure maximum exposure to the DBE registered firms. Contact with Chamber of Commerce with work opportunities is a good way to reach out to DBE firms prior to the bidding process. Heather added we need to contact the potential prime contractors before the bidding process to let them know about potential DBE firms capable of performing project work. Terry indicated pre-bid meetings are also a good idea to discuss include DBE firms prior to bidding projects. Also reach out to minority owner publishing companies to publish the DBE plan and goals for public review. You can find DBE registered firms on one site which gives all DBE firms and get various reports on the firms capabilities, contact information, etc. The Florida Transportation Builders Association is also a good source for reaching DBE firms. Terry indicated that he would be able to assist with the CCAA DBE program in any way he could.

Distribution: DBE Plan Document Attachment 9

Date issued: March 25, 2022 **File Ref:** PN 100078813

NOTE TO RECIPIENTS:

These meeting notes record Atkins understanding of the meeting and intended actions arising therefrom. Your agreement that the notes form a true record of the discussion will be assumed unless adverse comments are received in writing within five days of receipt.



**COLLIER COUNTY AIRPORT AUTHORITY
DBE PLAN CONSULT MEETING**

Project:
CCAA DBE PROGRAM - 100078813

Subject:

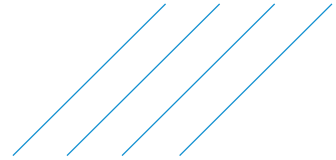
Meeting place: <input type="text" value="Not Held - No Response"/>	Meeting no: <input type="text" value="-----"/>
Date and time: <input type="text" value="No Consult Meeting"/>	Minutes by: <input type="text" value="SJ Senn"/>
Request sent to - Ms. Beatrice Louissaint	No Response

ITEM	DESCRIPTION AND ACTION
1.	A consult meeting was requested two times via e mail to the FSMSDC and no response was received (see associated e mail string).

Distribution:

Date issued: File Ref:

NOTE TO RECIPIENTS:
These meeting notes record Atkins understanding of the meeting and intended actions arising therefrom. Your agreement that the notes form a true record of the discussion will be assumed unless adverse comments are received in writing within five days of receipt.



**COLLIER COUNTY AIRPORT AUTHORITY
DBE PLAN CONSULT MEETING**

Project:
CCAA DBE PROGRAM - 100078813

Subject:

Meeting place: <input type="text" value="Not Held - No Response"/>	Meeting no: <input type="text" value="-----"/>
Date and time: <input type="text" value="No Consult Meeting"/>	Minutes by: <input type="text" value="SJ Senn"/>
Request sent to - Ms. Victoria Hughes	No Response

ITEM	DESCRIPTION AND ACTION
1.	A consult meeting was requested two times via e mail to the FLWBC and no response was received (see associated e mail string).

Distribution:

Date issued: File Ref:

NOTE TO RECIPIENTS:
These meeting notes record Atkins understanding of the meeting and intended actions arising therefrom. Your agreement that the notes form a true record of the discussion will be assumed unless adverse comments are received in writing within five days of receipt.

