

**US DOT 49 CFR Part 26  
Disadvantaged Business Enterprise (DBE) Program Update  
Fiscal Years 2021 – 2023**



**CITY OF ST. PETERSBURG**

**Albert Whitted Airport**

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## Introduction

The City of St. Petersburg (CITY), a political subdivision of Florida, is the owner and operator of the Albert Whitted Airport (SPG) and, as such, contracted American Infrastructure Development, Inc. (the Consultant) to prepare the Fiscal Years (FY) 2021-2023 Disadvantaged Business Enterprise (DBE) Goal based upon anticipated engineering design, construction, and professional service contracts. In order to maintain compliance with federal grant assurances and remain eligible for federal and state funding in the amount of \$250,000 or greater, the CITY, as the Sponsor of the SPG, must comply with all requirements as outlined in the United States Department of Transportation (DOT) 49 CFR Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs."

The objective of this program update is to obtain full compliance with DOT established rules and regulations regarding the DBE program outlined in 49 CFR Part 26 in order to remain eligible for Federal Aviation Administration (FAA) Airport Improvement Program (AIP) and Florida Department of Transportation (FDOT) grant funding for airport related projects. The purpose of the DBE Program is to ensure that DBEs, as defined in 49 CFR Part 26 have an equal opportunity to receive and participate in FAA and DOT-assisted contracts. As such, the DBE Program for the Albert Whitted Airport, will accomplish the following:

- Ensure nondiscrimination in the award and administration of FAA and DOT assisted contracts.
- Create opportunities in which DBEs can compete fairly for FAA and DOT assisted contracts.
- Ensure the DBE program is narrowly tailored in accordance with applicable law.
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
- Help remove barriers to participation of DBEs in FAA and DOT assisted contracts.
- Provide post award oversight and increased recipient accountability regarding DBE participation.
- Assist in the development of firms that can compete successfully in the marketplace outside the DBE program.

## Section 26.1, 26.23: Objectives / Policy Statement

The CITY, a political subdivision of Florida, owner of the Albert Whitted Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The CITY has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the CITY has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the CITY to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
2. To create a level playing field 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.
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Mr. Richard Lesniak, Airport Manager for Albert Whitted Airport, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Mr. Lesniak is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by The CITY in its financial assistance agreements with the Department of Transportation.

The CITY has disseminated this policy statement to the Albert Whitted Airport, the CITY's Purchasing, Engineering, Small Business Enterprise (SBE) Development, and Enterprise Facilities Departments within the CITY's organization. The CITY also participates as a non-certifying member in the State of Florida's Unified Certification Program (UCP). In addition, both the Airport and the CITY are committed to equal opportunity and representation for DBE/SBE through the Greenhouse, Business Assistance Center:

- Work to identify SBE participation opportunities;
- Provide outreach prior to solicitation to determine DBE/SBE goals on non-federally funded projects; and
- Publish notices of the CITY's policy in local and minority related publications, and through the CITY's website.

The distribution will be accomplished by publishing a DBE Program goal statement on the FAA Matchmaker System <https://faa.dbesystem.com/>.

  
Richard Lesniak, Airport Manager

8/3/21  
Date

## SUBPART A – GENERAL REQUIREMENTS

### Section 26.3: Applicability

SPG is the recipient of FAA funds (e.g. Airport Improvement Plan Funding (AIP)), entitlement, and discretionary, authorized under 49 U.S.C. 47101, et seq.

### Section 26.5: Definitions

The terms used in this program have the meanings defined in 49 CFR 26.5 (appended).

### Section 26.7: Non-discrimination Requirements

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

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

### Section 26.11: Record Keeping Requirements

#### Reporting to DOT: 26.11 (b)

You must continue to provide data about your DBE Program to the Department as directed by DOT operating administrations.

The CITY will transmit to FAA annually on the first of December, the “Uniform Report of DBE Awards or Commitments and Payments” form, found in Appendix B to Part 26 via DOT Form 4630, as modified for use by FAA recipients or via the FAA Civil Rights Connect website. Appendix B to Part 26 can be found via the link provided in **Attachment 1** of this document. DBE contractor firm information will be reported via the FAA DBE Contractor’s Form or other similar format.

#### Bidders List: 26.11(c)

The CITY will create and maintain a bidders list (**Attachment 3**), consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

Firm information will be collected by utilizing a contract clause requiring prime bidders to report the names/addresses of all firms who quote for subcontracts.

### Section 26.13: Federal Financial Assistance Agreement

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

Assurance: 26.13(a) - Each financial assistance agreement the CITY signs with a DOT operating administration (or a primary recipient) will include the following assurance:

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

Contract Assurance: 26.13(b) – The CITY will ensure that the following clause is included in each contract signed with a contractor and each subcontract the prime contractor signs with a subcontractor:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the CITY deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible.

## SUBPART B – ADMINISTRATIVE REQUIREMENTS

### Section 26.21: DBE Program Updates

The CITY will receive grant(s) for airport planning or development totaling \$250,000 or more in a Federal fiscal year. The CITY will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. The CITY will provide to DOT updates representing significant changes in the program for approval.

The CITY is not eligible to receive DOT financial assistance unless DOT has approved the CITY's DBE Program and found the program to be in compliance. The CITY will continue to carry out the program until all funds from DOT financial assistance have been expended.

### Section 26.23: Policy Statement

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

### Section 26.25: DBE Liaison Office (DBELO)

The CITY has designated the following individual as the DBE Liaison Officer (DBELO):

Mr. Richard Lesniak  
Airport Manager  
107 8th Avenue S.E.  
St. Petersburg, Florida 33701  
Phone: (727) 893-7657  
Email: [Richard.lesniak@stpete.org](mailto:Richard.lesniak@stpete.org)

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

The Greenhouse and/or the CITY Contracts Compliance Department are responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information, as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes [Recipient's] progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding, and insurance.
11. Acts as liaison to the Uniform Certification Process.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains the agency's updated directory on certified DBEs.
14. Consults with the CITY's Purchasing and Contracts Department to foster small business participation on DOT-funded airport projects.

## Section 26.27: DBE Financial Institutions

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

One financial institution registered by the Greenhouse Small Business Enterprise Program. The financial institution supported by the Greenhouse program is Shelton Financial Services, Inc. 1308 S. Collins Street, Plant City, Florida 33563, (813)708-9595. The Greenhouse database indicated that Shelton Financial specializes in insurance and financial services.



## Section 26.29: Prompt Payment Mechanisms

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

The CITY will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. The CITY will use the following method to comply with this requirement:

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.

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

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

"If the contractor fails to make timely payments to the subcontractor as outlined above, the contractor shall pay the subcontractor an interest penalty in the amount of one-and- one-half percent per month beginning on the day after the required payment date and ending on the date on which the contractor makes the payment due to the subcontractor."

"The subcontractor must provide in all contracts with lower tier subcontractors or suppliers clauses requiring that the subcontractor shall pay the lower tier subcontractors and suppliers in accordance with the provisions above."

The CITY 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 CITY. When the CITY has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

The CITY will provide appropriate means to enforce the requirements of this section. These means include, but are not limited to:

Delay or postponement of payment among the parties; provided, that any such delay or postponement may take place only for good cause, with prior written approval by the DBELO.

## Section 26.31: Directory

The CITY uses the State of Florida Department of Transportation Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory, maintained by the State. The directory (**Attachment 4**) is the single source for establishing DBE eligibility. The directory lists the firm's name,

address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a UCP-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 State of Florida revises the Directory on a real-time annual basis. The Directory is found:

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

### Section 26.33: Over-concentration

The CITY has not identified an overconcentration of DBE firms in the required service specialty areas.

### Section 26.35: Business Development Programs

The CITY has established a business development program, as described in 49 CFR Part 26. The program has been implemented through the Greenhouse program and is further discussed in Section 26.39 and **Attachment 9**.

### Section 26.37: Monitoring and Enforcement Mechanisms

The CITY will monitor DBE contracts, DBE scheduled work and payments to DBE contractors as part of all federally assisted projects to ensure compliance with this DBE Program. Non-compliance could be considered as a breach of contract and may result in the suspension or termination of the contract or such other remedy as deemed appropriate by the CITY and the FAA.

The CITY will bring to the attention of DOT any false, fraudulent, or dishonest conduct in connection with the program as provided in Part 26.107. The CITY will also consider actions including, but not be limited to, the following: (a) Responsibility determinations in future contracts; and (b) Breach of contract action, pursuant to the terms of the contract. 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.

As part of the Rule's prompt payment clause requirement, specifically regarding retainage, the CITY requires prime contractors to provide information concerning payments to subcontractors. This will include obtaining and verifying receipts and payments, stamped with the payment date, to subcontractors. Participation in the program is credited toward overall and contract goals only when payments are actually made to DBE firms. The CITY will create a process for contract and DBE worksite reviews that includes completing a written certification that the reviews were completed. All items and the following items below will be monitored/conducted by the DBELO, Consultant or project manager.

1. The CITY will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps provided in 26.107.
2. The CITY will consider similar action under the CITY's own legal authorities, including, determinations in future contracts. In the event of non-compliance with the DBE regulation by a

participant in our procurement activities, the CITY's Legal Department would take action in light of the CITY Procurement, Purchasing and Contracting Policies.

3. The CITY will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBE's. This will be accomplished by the DBELO, the Consultant or the project manager through site visits, participating in pre-contract meetings, contract progress meetings, punch list inspection meetings, and final contract meetings. In addition, contractors will be required to report on DBE participation (including any payments to DBEs in all contract reports). DBE staff or project manager will use **Attachment 7** as written certification and monitoring. This will occur for each contract/project on which DBE's are participating. Using this form the CITY will document a running tally of actual payments to DBE firms.
4. All contracts shall contain the appropriate provisions to the effect that failure by the contractor to comply with the CITY DBE program shall constitute a breach of contract, exposing the contractor to potential termination of contract, withholding payments, assessed sanctions, liquidated damages and/or disqualification of the contractor from future bidding.

#### Monitoring Payments to DBEs

The CITY will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract unless financial assistance / grant compliances indicated otherwise. These records will be made available for inspection upon request by any authorized representative of the CITY, the FAA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The Consultant will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation. Participation in the program is credited toward overall and contract goals only when payments are actually made to DBE firms.

### Section 26.39: Fostering Small Business Participation

The CITY is including this element to facilitate competition and expand opportunities for small businesses. The CITY is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or as subcontractors. The CITY will meet objectives by using the following methods and / or strategies:

1. **Unbundling:** The CITY, where feasible, may "unbundle" projects, or separate large contracts into smaller contracts, which may be more suitable for small business participation. The CITY will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be unbundled or bid separately. This determination will be made based upon the estimated availability of small businesses that are able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling.
2. **Small Business Enterprise Program:** The CITY Small Business Enterprise Program element is incorporated as **Attachment 9** to this DBE Program. We are actively implementing a program which fosters the development of small businesses in the City of St. Petersburg. Information can be found at [http://www.stpete.org/greenhouse/small\\_business\\_enterprise\\_program.asp](http://www.stpete.org/greenhouse/small_business_enterprise_program.asp)

## Definitions

1. **Small Business:** Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121). A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period.
2. **Disadvantaged Business Enterprise:** A for-profit small business (as defined by the Small Business Administration)
  - a. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals.
  - b. Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) as described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
  - c. Whose average annual gross receipts, as defined by SBA regulations over the firm's previous three fiscal years are less than \$22.41 million.
  - d. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
  - e. Has been certified as a DBE by the Department of Transportation (DOT) in accordance with 49 CFR 26.

## Certification and Verification Procedures

The CITY will accept the following certifications for participation in the small business element of this DBE Program with applicable stipulations:

1. DOT DBE Certification – DBE Certification by the DOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26 as evidenced by a letter of DBE certification issued by DOT.
2. SBA 8(a) Business Development Certification as described in 13 CFR Parts 121 and 124 will require submittal of three years of business tax returns.

## Assurances

The CITY 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.

6. Reasonable efforts will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

## SUBPART C – GOAL, GOOD FAITH EFFORTS, AND COUNTING

### Section 26.43: Set-asides or Quotas

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

### Section 26.45: Overall Goals

The CITY will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding FAA-assisted prime contracts the cumulative value of which exceeding \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f), the CITY will submit its Overall Three-Year DBE Goal to FAA.

DBE goals will be established for those fiscal years the CITY anticipates awarding FAA-assisted prime contracts exceeding \$250,000 during the three-year period. The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the CITY does not anticipate awarding more than \$250,000 in FAA-assisted prime contracts during any of the years within the three-year reporting period, no overall goal will be developed; however, this DBE Program will remain in effect and the CITY will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step is to determine the relative availability of DBEs in the market area, “base figure”. The second step is to adjust 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 based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

In establishing the overall goal, the CITY will consult with minority, women’s and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the CITY efforts to establish a level playing field for the participation of DBEs. The list of organizations in which the airport, via the Consultant, contacted is listed in the Public Participation section of **Attachment 5**, Overall Goal Calculations, of this document.

Following this consultation, the CITY will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Albert Whitted Airport Administration Office (107 8th Avenue S.E., St. Petersburg, Florida 33701 Phone: (727) 893-7657) for 30 days following the date of the notice and informing the public that the CITY will accept comments on the goals for 30 days from the date of the notice. The notice will be issued via the FAA Matchmaker System. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed.

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

begin using the overall goal on the first day of October of the reporting period unless other instructions from FAA/DOT are received. If a goal is established on a project basis, then the CITY will begin using the goal by the time of the first solicitation for a FAA/DOT-assisted contract for the project. A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 5** of this document.

### Section 26.47: Failure to Meet Overall Goals

The CITY will maintain an approved DBE Program and overall DBE goal, if applicable, as well as administer the DBE Program in good faith to be in compliance with this portion.

If the CITY awards and commitments shown on the CITY's 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, then the CITY will do the following in order to be regarded by the Department as implementing [Recipient's] DBE Program in good faith:

1. Analyze in detail the reasons for the difference between the overall goal and the CITY's awards and commitments in that fiscal year.
2. Establish specific steps and milestones to correct the problems we have identified in the Consultant's analysis and to enable the CITY to meet fully [Recipient] goal for the new fiscal year.
3. The CITY will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. The CITY will retain the analysis and corrective actions developed under paragraphs (c) (1) and (2) of this section for three years and make it available to FAA on request.

### Section 26.51 (a-c): Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

### Section 26.51 (d-g): Contract Goals

The CITY 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.

If the approved projection under paragraph (c) of this section estimates that we can meet the entire overall goal for a given year through race-neutral means, we will implement the program without setting contract goals during that year, unless it becomes necessary in order meet the overall goal.

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

The CITY will express contract goals as a percentage of the total amount of a Federal share of a DOT-assisted contract, **6.92%**.

## Section 26.53: Good Faith Efforts Procedures

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

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 following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded:

Ms. Stephanie Swinson  
Contracts Compliance Manager  
P.O. Box 2842  
St. Petersburg, Florida 33731-2842  
Phone: (727) 893-4109  
Email: [Stephanie.Swinson@stpete.org](mailto:Stephanie.Swinson@stpete.org)

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

### Information to be Submitted (26.53(b))

The CITY treats bidder/offerors' compliance with good faith efforts requirements as a matter of responsibility. As such, the bidder must submit the required information at any time before the CITY commits itself to the performance of the contract by the bidder/offeror. Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information.

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

The bidder/offeror must present the information in the format required under sealed bid procedures, as a matter of responsiveness, or initial proposals, under contract negotiations procedures.

The response time for the above-mentioned items is limited to seven (7) days per Part 26.53(b)(3)(B).

### Administrative Reconsideration (26.53(d))

Within seven (7) business days of being informed by the CITY that it is not responsible 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. Frederick Ross, Purchasing & Supply Management Director  
P.O. Box 2842

St. Petersburg, FL 33731-2842  
Email: [Frederick.Ross@stpete.org](mailto:Frederick.Ross@stpete.org)

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

### Good Faith Efforts Procedures When There are Contract Goals (26.53(f))

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

1. The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the contractors written consent as provided in this paragraph 26.53(f); and
2. That, unless the CITY's consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The CITY will require the contractor that is awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this part's provisions.

In this situation, the CITY will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

The CITY will require that a prime contractor not terminate a DBE subcontractor listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm) without the CITY's prior written consent. 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 with another DBE firm.

The CITY will provide such written consent only if we agree, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

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



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

Before transmitting to the CITY its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the CITY, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five (5) days to respond to the prime contractor's notice and advise the CITY and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the CITY should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the CITY may provide a response period shorter than five (5) days.

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

The CITY will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete the work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. The CITY will ensure that the Prime contractor firm gives the subcontractor-DBE firm a minimum of seven (7) days to respond prior to actual termination. Stephanie Swinson, Contracts Compliance Manager, will act as the mediator between parties, if needed.

In this situation, the CITY will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceedings.

SAMPLE Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the CITY to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offers, including those who qualify as a DBE. A DBE contract goal of **6.92%** (as determined in the goal calculation **Attachment 5**) has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (**Attachment 1**), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

Note: When a contract goal is established pursuant to the recipient's DBE program, the sample bid specification can be used to notify bidders/offers of the requirements to make good faith efforts. The forms are found in **Attachment 6** and can be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both non-construction and construction contracts for which a contract goal has been established. Thus, it can be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.

## Section 26.55: Counting DBE Participation

The CITY will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We 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.

### SUBPART D – CERTIFICATION STANDARDS

## Section 26.62-26.73: Certification Process

The CITY will use 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 CITY will make certification decisions based on the facts as a whole.

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

Dwayne Moore  
DBE & Small Business Development Programs Manager  
Florida Department of Transportation, Equal Opportunity Office  
605 Suwannee Street, M.S. 65  
Tallahassee, FL 32399  
Telephone: (850) 414-4925  
Email: dwayne.moore@dot.state.fl.us

The certification application forms, and documentation requirements are found in **Attachment 8** of this document.

## SUBPART E – CERTIFICATION PROCEDURES

### Section 26.81: Unified Certification Program

The CITY will use the FDOT Unified Certification Program Directory as its source for information regarding certified DBE participants through the following website:

[https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/dbeprogram/unified-certification-program-members.pdf?sfvrsn=bb4de58\\_0](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/dbeprogram/unified-certification-program-members.pdf?sfvrsn=bb4de58_0)

## SUBPART F – COMPLIANCE AND ENFORCEMENT

### Section 26.109: Information, Confidentiality, Cooperation, and Intimidation of Retaliation

The CITY will safeguard from disclosure to third party's information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

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

## ATTACHMENTS

Attachment 1: Regulations: 49 CFR Part 26 Website Link

Attachment 2: The City of St. Petersburg Organizational Chart

Attachment 3: Bidder's List Collection Form

Attachment 4: Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (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: DBE Certification Application Form

Attachment 9: Small Business Enterprise Program

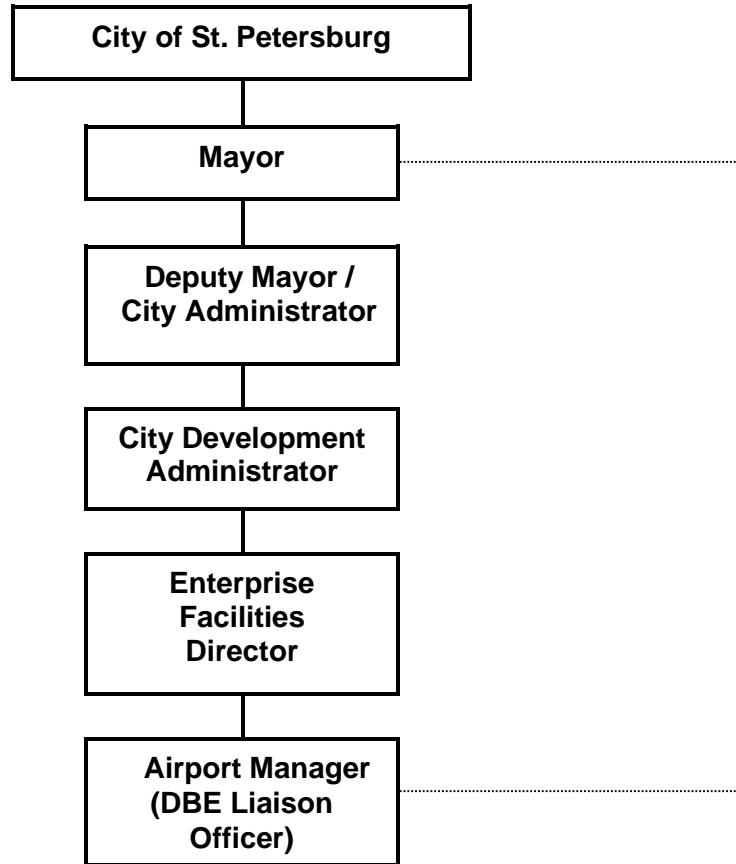
Attachment 10: Public Participation Email and Public Notice

## Attachment 1: Regulations: 49 CFR Part 26

49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, may be found on the United States Government Printing Office website:

<https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=b0c56517500d3c5b1458783ad1c7e717&ty=HTML&h=L&mp;n=pt49.1.26&r=PART>

## Attachment 2: City of St. Petersburg Organizational Chart



### Attachment 3: Bidder’s List Collection Form

Project Name \_\_\_\_\_ Project Number \_\_\_\_\_

Firm Name	Prime or Subcontractor	Address, City, State, Zip	Phone	Fax	Email	Bid Date	Certified UCP-DBE (Y/N)	Gender (M/F)	Annual Gross Receipts	Years in Business

## Attachment 4: Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory

The Florida Department of Transportation's Unified Certification Program Disadvantaged Business Enterprise Directory may be found at the following address:

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

The screenshot displays the FDOT website interface for the UCP DBE Directory. At the top left is the FDOT logo and the text "Florida Department of TRANSPORTATION". A search bar is located at the top right. Below the logo is a navigation menu with links: Home, About FDOT, Contact Us, Offices, Maps & Data, Performance, and Projects. The main heading is "Florida Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory". Below this are tabs for "Welcome", "DBE Directory", "Standard Reports", "UCP Member Contacts", and "Help". The "Standard Reports" tab is active, showing a "Report Type" section with "Report Format" options: HTML (selected), PDF, and Excel, along with a "Risk Report" button. Below this is a "Standard Reports" table with columns for "Report Name", "# of Vendors", and "Parameter".

Report Name	# of Vendors	Parameter
<input checked="" type="radio"/> DBE/ACDBE Certified Vendors	3,015	--
<input type="radio"/> ACDBE Certified Vendors	258	--
<input type="radio"/> DBE/ACDBE Vendors Newly Certified or Re-Certified Within One Year	428	--
<input type="radio"/> ACDBE Vendors Newly Certified or Re-Certified Within One Year	45	--
<input type="radio"/> Highway DBE Certified Vendors	2,113	--
<input type="radio"/> Transit DBE Certified Vendors	1,133	--
<input type="radio"/> Aviation DBE Certified Vendors	1,366	--
<input type="radio"/> DBE or ACDBE Vendors by Work District	--	Available Work Districts: 01, 02, 03, 04

At the bottom of the page, there is a footer with social media icons (Facebook, Twitter, YouTube, LinkedIn, Instagram) and the text "Florida Department of Transportation" and "Equal Opportunity Office".



## Attachment 5: Overall Goal Calculations

### Section 26.45 Overall DBE Three-Year Goal Methodology

**Name of Recipient:** Albert Whitted Airport, City of St. Petersburg, Florida

**Goal Period:** Fiscal Years 2021 through 2023

**Describe the Number and Type of FAA-assisted Projects that the airport anticipates awarding:**

#### *Projects Fiscal Year 2021*

- Runway 18-36 and Stub Connectors A, B, B-1, C, D Pavement Rehabilitation - Construction: \$3,063,869
- Runway 18/36 PAPI/REIL Replacement – Construction: \$200,000
- Runway 18-36 & Taxiway Stub Connector Lighting Replacement – Construction: \$1,000,000

*Projects Fiscal Year 2022 (2022 projects not included in goal calculation as the cumulative total is less than \$250,000)*

- Airfield Electrical Vault Rehabilitation - Design: \$120,000
- Replace Airport Fuel Farm – Design: \$120,000

#### *Projects Fiscal Year 2023*

- Airfield Electrical Vault Rehabilitation - Construction: \$600,000
- Taxiway A Rehabilitation – Design: \$120,000

#### **Estimated FAA funding amount:**

FY-2021:	<u>\$4,263,869</u>
FY-2022:	<u>\$0</u>
FY-2023:	<u>\$720,000</u>

**Total \$4,983,869**

**Overall Three-Year Goal:** 6.92%, to be accomplished through 6.92% Race-Conscious (RC) and 0% Race-Neutral (RN)

**Total dollar amount to be expended on DBE's:** \$344,884

**DBE Market Areas:** Hillsborough, Manatee, and Pinellas Counties, Florida

The market area for Professional and Construction Services presented above was determined based on discussions with the CITY's Engineering Department. The market area is where the substantial majority of the Airport's contractors and subcontractors that seek to do business with the Airport are located and the area where the Airport spends the substantial majority of its contracting dollars.

**Step 1. Analysis:** Actual relative availability of DBE's

DBE data used in this analysis was obtained from the current Florida Department of Transportation UCP DBE Directory. Information pertaining to the total availability of all firms was obtained from the US Census Bureau County 2018 Business Patterns Database. The base figure for each fiscal year's projects

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was determined by dividing the total number of DBEs by the total number of All Firms. **Table 1** provides the available DBE firms and total firms available in the Market Area by NAICS codes correlating with services to be used over the FY 2021-2023 period. **Tables 2 and 3** provides the base DBE goals for each fiscal year using the weighted methodology. No table is provided for FY 2022 as federally funded projects are below the \$250,000 cumulative threshold.

**Table 1: DBE and Total Firms Available, by NAICS**

NAICS	Type of Work	Total DBEs	Hillsborough	Manatee	Pinellas	Total All Firms	Hillsborough	Manatee	Pinellas
541330	Civil Engineering Services	33	24	1	8	713	471	58	184
238210	Electrical Contractor	6	3	1	2	682	318	104	260
238910	Earthwork/Site Preparation	7	5	1	1	153	87	28	38
561730	Landscaping Services	3	2	1	0	1187	516	246	425
541370	Land Surveying Services	5	4	1	0	81	39	16	26
237310	General Construction Highway, Street & Bridge	9	5	1	3	67	27	12	28
236220	Commercial Building Construction	12	9	2	1	366	191	29	146
541380	Testing & Laboratories (Geotech)	4	3	1	0	61	29	3	29
<b>Total</b>		<b>79</b>				<b>3310</b>			

**Table 2: 2021 Base DBE Goal**

NAICS	Type of Work	Contract (\$)	% of Dollars (weight)	DBEs	Non-DBEs	Weighted %
541330	Civil Engineering Services	\$120,000	3%	33	713	0.13%
238910	Earthwork/Site Preparation	\$428,942	10%	7	153	0.46%
561730	Landscaping Services	\$183,832	4%	3	1187	0.01%
238210	Electrical Contractor	\$2,305,548	54%	6	682	0.48%
237310	General Construction Highway, Street & Bridge	\$1,225,548	29%	9	67	3.86%
<b>Project Total</b>		<b>\$4,263,869</b>	<b>100%</b>	<b>58</b>	<b>2802</b>	<b>4.94%</b>

**Table 3: 2023 Base DBE Goal**

NAICS	Type of Work	Contract (\$)	% of Dollars (weight)	DBEs	Non-DBEs	Weighted %
541330	Civil Engineering Services	\$141,600	20%	33	713	0.91%
238910	Earthwork/Site Preparation	\$120,000	17%	7	153	0.76%

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541380	Testing & Laboratories	\$24,000	3%	4	61	0.22%
238210	Electrical Contractor	\$180,000	25%	6	682	0.22%
236220	Commercial Building Construction	\$240,000	33%	12	366	1.09%
541370	Land Surveying Services	\$14,400	2%	5	81	0.12%
<b>Project Total</b>		<b>\$720,000</b>	<b>100%</b>	<b>67</b>	<b>2056</b>	<b>3.33%</b>

**Step 2. Analysis:** Adjustments to Step 1 base figure

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment (if any) was needed to the base figure in order to arrive at the overall goal. The examination included, anticipated projects for each fiscal year, the availability of the DBE firms by trade classification and the volume of work performed by DBE firms over previous years.

The Step 1 base DBE goals are as follows:

- Fiscal Year 2021 – 4.94%
- Fiscal Year 2022 – 0.00%
- Fiscal Year 2023 – 3.33%

The Step 1 base overall three-year goal will be reflected as an average of the three years.

- Proposed Three-Year Goal –  $(4.94\% + 3.33\%)/2 = 4.13\%$

**Adjustment Factors Considered**

Historical past DBE participation was available for one federally funded project completed in Fiscal Year 2018. The projects accomplished DBE participation percentage did not meet or exceed to the established DBE goal resulting in a median of 0.00% which was not included in the adjustment calculation below. No disparity studies have been conducted by the CITY or local organizations; therefore, the base goal was also adjusted using FDOT District 7 participation. The total involvement of DBE firms in Federal funded projects for the State of Florida for Professional and Construction/Maintenance Services within District 7 can be used as an adjustment factor. District 7 includes Hernando, Hillsborough, Pasco, and Pinellas Counties. The DBE participation in District 7 projects averaged 9.70%<sup>1</sup> over the last four fiscal years.

The adjustment for past participation and FDOT District 7 participation:

- Weighted Step 1 Base Figure: 4.13%
- FDOT District 7 Overall DBE Participation: 9.70%
- Adjusted DBE Requirement:  $(4.13\% + 9.70\%)/2 = 6.92\%$

**Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation 26.51(b) (1-9)**

The CITY attempts to meet the maximum feasible portion of its overall DBE goal for Albert Whitted Airport using various race/gender neutral means of facilitating DBE participation. The following list

<sup>1</sup> Florida Department of Transportation: Disadvantaged Business Enterprise Participation Reports FY 2016-2020, by District and Type of Work.

represents a sample of race/gender neutral measures used to facilitate DBE participation on airport related projects.

Race/Gender-Neutral means include, but are not limited to:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation (e.g., unbundling large contracts to make them more accessible to small businesses, encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces).
2. Provide assistance in overcoming limitations, such as inability to obtain bonding or financing.
3. Providing technical assistance and other services.
4. Carrying out information and communication 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).
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping and financial and accounting responsibility.
6. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of work, handle increasingly significant projects and achieve self-sufficiency.
7. Ensure distribution of the airport’s DBE (Florida Department of Transportation) directory through print and electronic means to the widest feasible audience of potential prime contractors.

In Fiscal Year 2018, the CITY did not meet the established goal, which may be construed as evidence of race-neutral participation. Therefore, **0.00%** of the 6.92% goal is expected through race-neutral means and leaving the entire **6.92%** is to be obtained by race-conscious measures.

<b>Year</b>	<b>DBE Goal %</b>	<b>Actual DBE %</b>	<b>Variance</b>
2017	0%	0%	0%
2018	7.53%	5.00%	-2.53%
2019	0%	0%	0%
<b>Median</b>		<b>0%</b>	<b>0%</b>

**Race Conscious = Adjusted Goal – Past Variance Median**  
**6.92% = 6.92% – 0.00%**

The CITY will adjust the estimated breakout of RN and RC DBE participation, as needed, to reflect actual DBE participation (see Section 26.51(f)) and track and report RN and RC participation separately. For reporting purposes, race/gender-neutral DBE participation includes, but is not limited to, the following:

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

## **PUBLIC PARTICIPATION**

**Consultation:** Section 26.45(g)(1).

The CITY will submit its overall DBE three-year goal to DOT as required by the set schedule. As part of the outreach effort phone calls were made and e-mails were sent to various minority, women, state, and business development organizations listed below on October 22, 2020 to obtain information regarding the availability of disadvantaged and small businesses, potential social or economic barriers, historic or current discriminatory practices, or general lack of opportunities, which may prevent disadvantaged, women, or small businesses from participating on airport related projects, as well as, the CITY's efforts to establish a level playing field for DBE and non-DBE participation on airport contracts. A copy of the e-mail is provided in **Attachment 10**, *Public Participation* of this report.

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<b>SMALL AND DISADVANTAGED BUSINESS ORGANIZATIONS</b>		
<b>Type of Organization</b>	<b>Name of Organization</b>	<b>Contact Information</b>
<b>Business/Community Organization</b>	The Greenhouse	Lowell Atkinson, Economic Development Specialist 440 2nd Ave., North St. Petersburg, FL 33701 727-893-7146 <a href="mailto:lowell.atkinson@stpete.org">lowell.atkinson@stpete.org</a>
<b>Minority/Women's Organization</b>	Florida Executive Women	Verbelee Nielsen-Swanson, President P.O. Box 149404 Orlando, Florida 32814 407-896-1015 <a href="mailto:verbelee@oxfordeyes.com">verbelee@oxfordeyes.com</a> <a href="http://www.fewcfl.org/">www.fewcfl.org/</a>
<b>Business/Community Organization</b>	Greater Tampa Chamber of Commerce	Avril Stinson, Director Minority Business Accelerator & Economic Inclusion 201 N Franklin St. Tampa, FL 33602 813-276-9408 <a href="mailto:astinson@tampachamber.com">astinson@tampachamber.com</a> <a href="http://www.tampachamber.com">www.tampachamber.com</a>
<b>Business/Community Organization</b>	St. Petersburg Chamber of Commerce	Chris Steinocher, President & CEO The Chamber Building 100 2 <sup>nd</sup> Ave., North, Suite #150 St. Petersburg, Florida 33701 727-388.2907 <a href="mailto:ceo@stpete.com">ceo@stpete.com</a> <a href="http://www.stpete.com">www.stpete.com</a>
<b>Business/Community Organization</b>	Pinellas County Economic Development	Suzanne Christman, Senior Manager of Business Development 13805 58th Street North, STE 1-200 Clearwater, Florida 33760 727-464-8122 <a href="mailto:schristman@pinellascounty.org">schristman@pinellascounty.org</a> <a href="http://www.pced.org/">www.pced.org/</a>
<b>Social Services</b>	NAACP Branch	Esther Eugene, President P.O. Box 12402 St. Petersburg, FL 33733 727- 898-3310 <a href="mailto:President@naacpstpetersburg.org">President@naacpstpetersburg.org</a> <a href="https://naacpstpetersburg.org/">https://naacpstpetersburg.org/</a>

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<b>SMALL AND DISADVANTAGED BUSINESS ORGANIZATIONS</b>		
<b>Type of Organization</b>	<b>Name of Organization</b>	<b>Contact Information</b>
<b>Minority Business Development Organization - Non-Profit</b>	Florida Women's Business Center	Victoria A Hughes, Director 401 W. Atlantic Avenue, Suite O9 Delray Beach, Florida 33444 561-265-3790 x111 <a href="mailto:victoria@flwbc.org">victoria@flwbc.org</a> <a href="http://www.flwbc.org">www.flwbc.org</a>
<b>Minority Business Development Organization - Non-Profit</b>	Tampa Bay Black Chamber of Commerce	Willis K.C. Bowick, President 12421 N. Florida Ave., Ste. 210 Tampa, Florida 33612 813-377-9346 <a href="mailto:willis@tampabayblackchamber.com">willis@tampabayblackchamber.com</a> <a href="https://tampabayblackchamber.com/#primary">https://tampabayblackchamber.com/#primary</a>
<b>Chamber of Commerce/Economic Development</b>	Florida Chamber of Commerce	Carolyn Johnson, Director of Business, Economic Development P.O. Box 11309 Tallahassee, Florida 32302 850-521-1200 <a href="mailto:cjohnson@flchamber.com">cjohnson@flchamber.com</a> <a href="http://www.flchamber.com">www.flchamber.com</a>
<b>Minority Business Development Organization - Non-Profit</b>	Florida Black Chamber of Commerce	Gene Franklin, President/CEO 314 North Devilliers Street Pensacola, Florida 32501 850-525-7916 <a href="mailto:gene.franklin@floridabcc.com">gene.franklin@floridabcc.com</a> <a href="http://www.floridabcc.com">www.floridabcc.com</a>
<b>Government</b>	Minority Business Development Agency Department of Commerce Orlando Business Center	Thad Joseph, Project Director 8251 Presidents Dr., Ste. 155 Orlando, FL 32809 407-251-7021 <a href="mailto:thad@mbdaorlandocenter.com">thad@mbdaorlandocenter.com</a> <a href="https://www.mbd.gov/businesscenters/orlando">https://www.mbd.gov/businesscenters/orlando</a>
<b>Minority Business Development Organization - Non-Profit</b>	Florida State Hispanic Chamber of Commerce	4095 State Road 7, Ste. L#151 Wellington, FL 33449 561-513-8096 <a href="mailto:info@fshcc.com">info@fshcc.com</a> <a href="http://www.fshcc.com">http://www.fshcc.com</a>

<b>SMALL AND DISADVANTAGED BUSINESS ORGANIZATIONS</b>		
<b>Type of Organization</b>	<b>Name of Organization</b>	<b>Contact Information</b>
<b>Contracting</b>	National Association of Minority Contractors (NAMC)	The Barr Building 910 17th Street, NW, Suite 413 Washington, DC 20006 202-296-1600 <a href="mailto:info@namcnational.org">info@namcnational.org</a> <a href="http://www.namcnational.org">www.namcnational.org</a>
<b>Contracting</b>	National Association of Women in Construction (NAWIC)	Jill Hanson, President Tampa Chapter #36 P. O. Box 152955, Tampa, FL 33684 817-877-5551 <a href="mailto:nawic.jillhanson@gmail.com">nawic.jillhanson@gmail.com</a> <a href="http://www.nawictampa.org/">www.nawictampa.org/</a>
<b>Small Business Administration</b>	Pinellas County SCORE	Pinellas SCORE 4707 140 <sup>th</sup> Ave., North, Suite 311 Clearwater, Florida 33762 727-437-0990 <a href="mailto:pinellas.county@scorevolunteer.org">pinellas.county@scorevolunteer.org</a> <a href="http://www.pinellascounty.score.org">www.pinellascounty.score.org</a>
<b>Business/Community Organization</b>	Hillsborough County Economic Development Department	Lindsey K. Kimball, Department Director County Center 601 E. Kennedy Blvd. Tampa, FL 33602 813-272-3684 <a href="mailto:KimballL@hcflgov.net">KimballL@hcflgov.net</a> <a href="https://www.hillsboroughcounty.org/en">https://www.hillsboroughcounty.org/en</a>
<b>Government</b>	Small Business Administration	Hipolito Castro, SBA Senior Area Manager 501 East Kennedy Blvd., Suite 1210 Tampa, FL 33602 P: 813-228-2100 ext. 24 <a href="mailto:Hipolito.castro@sba.gov">Hipolito.castro@sba.gov</a> <a href="http://www.sba.gov/southflorida">www.sba.gov/southflorida</a>



Following the consultation, the CITY will publish a notice on the FAA Match Maker System of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Airport Administration Office for 30 days following the date of the notice, and informing the public that the CITY will accept comments on the goals for 30 days from the date of the notice.

As part of this DBE goal submission, a summary of information and comments received from contacted organizations, as well as the general public is provided in the following sections. A copy of the public notice and all comments received are included in **Attachment 10, Public Participation**, of this document.

### **Contract Goals**

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

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

The CITY will express contract goals as a percentage of the total amount of a FAA-assisted contract.

## Attachment 6: Demonstration of Good Faith Efforts – Forms 1 & 2

### FORM 1: DISADVANTAGED BUSINESS ENTERPRISE ASSURANCE FORM

Project Name: \_\_\_\_\_

The Bidder shall complete the following statement by checking the appropriate box (check on one). Failure to complete this statement shall be grounds for rejection of Bid.

\_\_\_\_\_ The Bidder is able to assure meeting the requirements of the DBE Provisions, included under the DISADVANTAGED BUSINESS ENTERPRISE PROGRAM, and shall utilize not less than the prescribed Contract Goal of \_\_\_\_\_% DBE participation.

\_\_\_\_\_ The Bidder is unable to assure DBE participation of \_\_\_\_\_% in this Contract but shall provide for a minimum of \_\_\_\_\_% DBE participation. (If this box is checked, Bidder shall fill-in the percentage blank and document on a separate attachment to this Assurance of Good Faith Efforts undertaken in attempting to meet the Contract Goals as instructed under the DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.)

\_\_\_\_\_  
(Company Name of Bidder)  
(Printed or Typed)

\_\_\_\_\_  
IRS FEI Number

\_\_\_\_\_  
(Printed Name of Person Signing)

By: \_\_\_\_\_  
(Signature)\*

Title: \_\_\_\_\_

Date: \_\_\_\_\_

\* Must be same signature of Bid Proposal.

**FORM 2: LETTER OF INTENT**

Project Name: \_\_\_\_\_

To: \_\_\_\_\_  
Bidder's Name

The undersigned is certified as (check one):

An Individual \_\_\_\_\_ A Corporation \_\_\_\_\_

A Partnership \_\_\_\_\_ A Joint Venture \_\_\_\_\_

Date of DBE Certification: \_\_\_\_\_

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail particular work items or parts thereof to be performed):

\_\_\_\_\_  
\_\_\_\_\_

at the price of \$ \_\_\_\_\_ (Subcontractor's quote),  
and will enter into a formal agreement for work with you conditioned upon your execution of a contract with the City of St, Petersburg, Florida.

If undersigned intends to sub-subcontract any portion of this subcontract to a non-minority subcontractor or supplier, the amount of any such subcontract must be stated: \$ \_\_\_\_.

The undersigned subcontractor understands that the provision of this form to prime bidder does not prevent subcontractor from providing quotations to other bidders.

\_\_\_\_\_  
DBE Subcontractor

\_\_\_\_\_  
Name of Authorized Individual

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

## Attachment 7: Written Certification Example for Tracking DBE Commitments

City of St. Petersburg tracking of DBE Commitments (internal use only)

This document is written certification that the DBELO, the Consultant or the project manager has reviewed contracting records and monitored work sites for compliance with 49 CFR Part 26, specifically Section 26.37 – Monitoring and Enforcement Mechanisms requirements.

Date: \_\_\_\_\_ Project Name: \_\_\_\_\_

Prime Contractor Name: \_\_\_\_\_ DBE Project Goal: \_\_\_\_\_

- A. \_\_\_\_\_ Primary bidder is a registered FBE.
- B. \_\_\_\_\_ Subcontract \_\_\_\_\_ % of the contract work to the below registered DBE(s).
- C. \_\_\_\_\_ The prime bidder/offeror (if unable to meet the DBE goal of \_\_\_\_\_%) is committed to a minimum of \_\_\_\_\_% DBE utilization on this contract and submits documentation of good faith efforts within six business days after the bid opening,

Summary of participating DBE and non-DBE firms (please list all contractors and subcontractors)

Trade/Description of Work	Firm Name	Firm Contract Amount (\$)	Estimate % of Contract	DBE Certified (Y/N)	Actual Payments to DBE	Date of Actual Payment	Check # for Actual Payment

False, fraudulent, or dishonest conduct has been identified in connection with this contract. (YES or NO)  
If yes, attach additional records and documentation.

**Contracting records reviewed:**

Date: \_\_\_\_\_ Initials: \_\_\_\_ Name of records reviewer: \_\_\_\_\_

**Scheduled meetings:**

Date: \_\_\_\_\_ Initials: \_\_\_\_ Description: - \_\_\_\_\_

**Pre-contract meeting:**

Date: \_\_\_\_\_ Initials: \_\_\_\_ Description: - \_\_\_\_\_

**Contract progress meetings:**

Date: \_\_\_\_\_ Initials: \_\_\_\_ Description: - \_\_\_\_\_

**Punchlist inspection meeting:**

Date: \_\_\_\_\_ Initials: \_\_\_\_ Description: - \_\_\_\_\_

**Final contract meeting:**

Date: \_\_\_\_\_ Initials: \_\_\_\_ Description: - \_\_\_\_\_

**Contract reports:**

Date: \_\_\_\_\_ Initials: \_\_\_\_ Description: - \_\_\_\_\_

Date: \_\_\_\_\_ Initials: \_\_\_\_ Description: - \_\_\_\_\_

Date: \_\_\_\_\_ Initials: \_\_\_\_ Description: - \_\_\_\_\_

**Random work site visits:**

Date: \_\_\_\_\_ Initials: \_\_\_\_ Description: - \_\_\_\_\_

Date: \_\_\_\_\_ Initials: \_\_\_\_ Description: - \_\_\_\_\_

## Attachment 8: DBE Certification Application Form

The DBE Certification Program is a Federal Program designed for business owners deemed "socially and economically disadvantaged." To achieve DBE status, a business:

- Must be an existing "for-profit" business that is currently operational.
- Must meet the federal definition of a small business concern.
- Must be an independent business, which does not depend on its relationships with another firm or firms. If it is a subsidiary of a corporation, the business must still operate in a self-sufficient manner.
- The qualifying owner(s) must meet the federal definition of "socially and economically disadvantaged" individuals.
- The qualifying owner(s) must own a minimum of 51% of the company; and have an investment in their company.
- The qualifying owner(s) cannot have a net worth that exceeds \$1.32 million (excluding the owner's business and primary residence).
- The qualifying owner(s) must have day-to-day control of operations and possess an expertise in their work specialty.

Firms that engage or intend to engage in airport related goods and services, including concessions, must submit the attached DBE application to their local certifying entity or:

Dwayne Moore  
DBE & Small Business Development Programs Manager  
605 Suwannee St. MS 65  
Tallahassee, FL 32399  
(850) 414-4925  
dwayne.moore@dot.state.fl.us

An electronic copy of the attached DBE application may be obtained from the Florida Department of Transportation website.

<https://www.fdot.gov/equalopportunity/dbecertification.shtm>

## Attachment 9: Small Business Enterprise Program

The City of St. Petersburg, Florida is committed to assisting Small Business Enterprises (SBE) Program, through the Greenhouse team, to foster growth in the economy and provide opportunities for small business through the established Greenhouse Program. The SBE program gives smaller businesses a chance to gain exposure to large-scale projects and experience working alongside big firms. The 3-year certification is free with required training, covers a 5-county area and is race and gender neutral. For clarification purposes, 49 CFR Part 26.5 states, "Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b)." 13 CFR 121.402 defines "What size standards are applicable to Federal Government Contracting programs?"

In compliance with this policy, the CITY's DBE Program in regard to §26.39 Fostering Small Business Participation may include, but is not limited to, the following strategies:

1. Establishing a race-neutral small business set aside for prime contracts under a stated amount, depending on the amount of grant funding awarded during the goal reporting period. (e.g., \$1 million).
2. In multi-year design-build contracts or other large contracts (e.g., for "megaprojects") requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
3. On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
4. Identifying alternative acquisition strategies and structuring procurements to facility the ability of consortia or businesses, including DBEs, to compete for and perform prime contracts.
5. To meet the portion of the overall goal the CITY projects to meet through race- neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

In order to actively implement the CITY's program elements to foster small business participation and to comply with the requirement of good faith implementation of our DBE program, the CITY will require that the Prime Contractor(s) for Construction Work Items and for Professional Services Work Items complete the attached form entitled, Fostering Small Business Participation.

The Special Conditions of the Contract will indicate the amount of small business participation as determined by the CITY.

Fostering Small Business Participation	
<b>Sponsor's Name:</b>	
<b>Airport Name:</b>	
<b>City, State:</b>	
<b>AIP Number:</b>	
<b>Federal Fiscal Year:</b>	

In accordance with Section 26.39 the following detailed list shall be completed by Prime Contractor(s) for Construction Work Items as well as by Prime Contractor(s) for Professional Services Work Items. Note: The firms listed below may or may not be certified DBEs.

Small Business Firms to be Utilized (Name, Address, Phone)	Work to be Performed	Total Estimate
Name		
Address		
City, St, Zip		
Telephone		
Is the firm a Certified DBE?		
Name		
Address		
City, St, Zip		
Telephone		
Is the firm a Certified DBE?		
Name		
Address		
City, St, Zip		
Telephone		
Is the firm a Certified DBE?		

(Duplicate form as necessary.)

**The following notation is for Sponsor Use Only:**

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



## Attachment 10: Public Participation

**RE: Fiscal Years 2021-2023 Disadvantaged Business Enterprise Goal,  
Albert Whitted Airport (SPG)**

Dear «Title» «Last Name»:

The City of St. Petersburg is in the process of establishing a three-year Disadvantaged Business Enterprise Goal for fiscal years 2021 through 2023 as required under 49 CFR Part 26, "Participation by Disadvantaged Business Enterprise in Department of Transportation (DOT) Financial Assistance Programs" for the Albert Whitted Airport (SPG). For planned airport projects, which are anticipated to receive United States Department of Transportation funding, through Federal Aviation Administration Airport Improvement Plan, a goal of **6.92%** was determined. This was based on the type of bid opportunities available to DBE and Non-DBE contractors, including professional, construction and transportation services.

The Florida Department of Transportation (FDOT) currently has an overall DBE goal of 10.65% for all transportation projects (rail, highway, airports, etc.). Furthermore, the national aspirational goal for US DOT funded projects of 10% was set by the Department of Transportation.

Do you or members of your organization have any documentation of existing social or economic barriers, which may be currently preventing minorities and/or women from offering professional, environmental or construction related services at the airport? In addition, do you know of any other impediments which have or may impact minorities, women, and/or small businesses from effectively competing on transportation related projects?

We would appreciate replying with any information you could offer. Should you have any comments or questions, do not hesitate to contact me at (321) 223-8504 or [tcarter@aidinc.us](mailto:tcarter@aidinc.us) within two weeks of receipt of this e-mail. The DBE Goal report will be available for review upon request for a period of 30-days. Any comments received will be included in the CITY's DBE Program and three-year Goal Determination and submitted to the Federal Aviation Administration as required by federal regulations (49 CFR Part 26).

Respectfully,  
AMERICAN INFRASTRUCTURE DEVELOPMENT, INC.

Timeka Carter  
Airport Planner

**FAA MATCHMAKER SYSTEM PUBLIC NOTICE**

**Notice to the Public – Disadvantaged Business Enterprise (DBE) Goal for Albert Whitted Airport**

The City of St. Petersburg hereby publishes a proposed overall three year goal for Fiscal Years 2021-2023 of **6.92%** for Disadvantaged Business Enterprise (DBE) participation on airport construction projects at the Albert Whitted Airport (SPG). The proposed goals and methodology by which the goal was established are available for inspection between normal business hours (8:00 a.m. and 4:30 p.m., Monday through Friday) at the Airport Administration Offices and the Greenhouse (440 Second Avenue North, St. Petersburg, Florida, (727) 893-7146). The City of St. Petersburg and the Federal Aviation Administration will receive and consider public comments on the proposed goal for 30 days from the date of this advertisement. Written comments may be submitted to the address below:

Mr. Richard Lesniak DBELO/Airport Manager  
107 8th Avenue S.E.  
St. Petersburg, Florida 33701 (727) 893-7657  
(727) 822-4767  
[richard.lesniak@stpete.org](mailto:richard.lesniak@stpete.org)

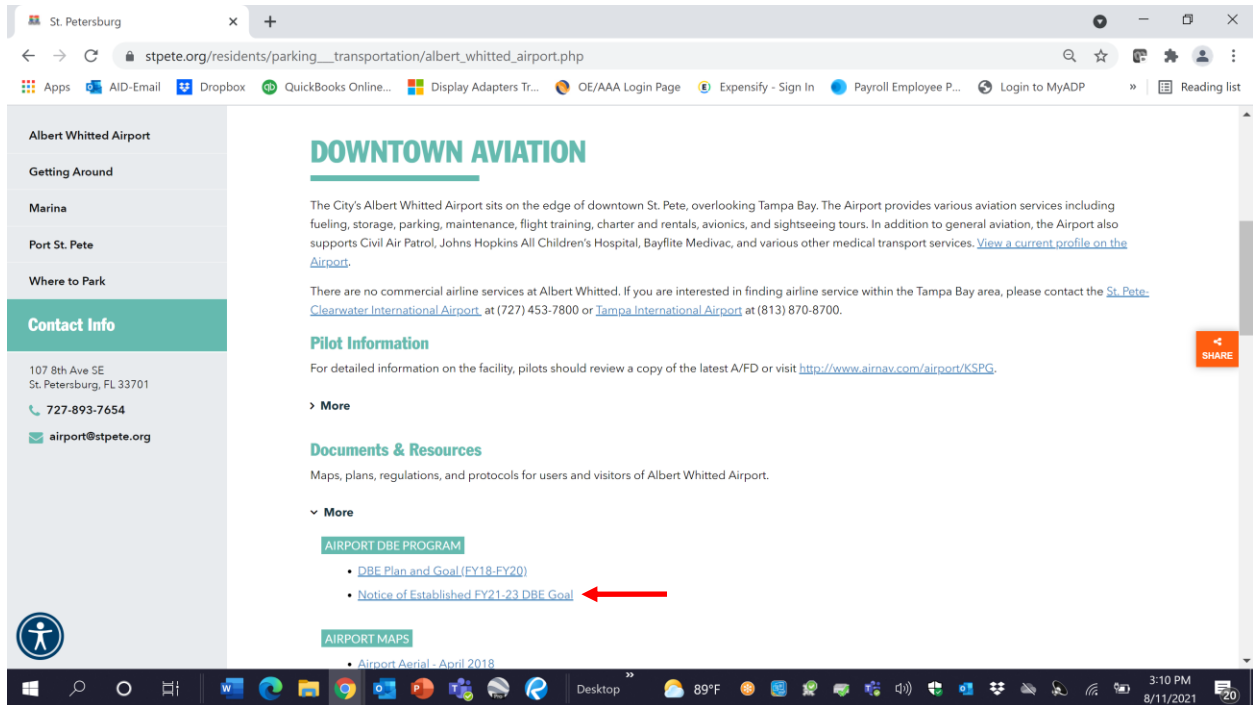
or

Alexander Horton  
DBE/ACDBE Program Compliance Specialist  
Federal Aviation Administration  
Southern Regional Office (ASO-9)  
1701 Columbia Avenue  
College Park, Georgia 30337  
(954) 641-6637  
[alexander.horton@faa.gov](mailto:alexander.horton@faa.gov)

**No public comments were received.**

# Albert Whitted Airport Disadvantaged Business Enterprise (DBE) Program, FY 2021-2023

The public notice for the proposed DBE goal was published on the Albert Whitted Airport webpage.



The screenshot shows a web browser window with the URL [stpete.org/residents/parking\\_transportation/albert\\_whitted\\_airport.php](http://stpete.org/residents/parking_transportation/albert_whitted_airport.php). The page title is "DOWNTOWN AVIATION". The main content includes sections for "Getting Around", "Marina", "Port St. Pete", "Where to Park", and "Contact Info". The "Contact Info" section lists the address (107 8th Ave SE, St. Petersburg, FL 33701), phone number (727-893-7654), and email (airport@stpete.org). The "DOWNTOWN AVIATION" section provides information about the airport's location and services, including fueling, storage, parking, maintenance, flight training, charter and rentals, avionics, and sightseeing tours. It also mentions that there are no commercial airline services at Albert Whitted and provides contact information for Clearwater International Airport and Tampa International Airport. The "Pilot Information" section states that pilots should review a copy of the latest A/FD or visit <http://www.airnav.com/airport/KSPG>. The "Documents & Resources" section lists maps, plans, regulations, and protocols for users and visitors of Albert Whitted Airport. Under the "AIRPORT DBE PROGRAM" sub-section, there are two links: "DBE Plan and Goal (FY18-FY20)" and "Notice of Established FY21-23 DBE Goal", with a red arrow pointing to the latter. The "AIRPORT MAPS" sub-section lists "Airport Aerial - April 2018".

Additionally, the proposed DBE goal notice was published on the FAA's Matchmaker webpage.

## Timeka Carter

**From:** FAA Matchmaker <faa@dbesystem.com>  
**Sent:** Friday, July 2, 2021 12:28 PM  
**To:** Timeka Carter  
**Subject:** RE: Albert Whitted Airport - DBE Goal Public Notice



RE: Albert Whitted Airport - DBE Goal Public Notice

Timeka,

Thank you for the information. Your goal information has been posted on the Airport Goals Board. You can view your posting at: <https://faa.dbesystem.com/FrontEnd/OutreachSearchPublic.asp?TN=faa&XID=1073> If you have any questions regarding your goal notice, please respond to this email.

Regards,

Brittany  
Customer Support