ALBERT WHITTED AIRPORT
ST. PETERSBURG, FLORIDA

US DOT 49 CFR PART 26
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM
FISCAL YEARS 2018-2020

CITY OF ST. PETERSBURG
Albert Whitted Airport
107 8th Avenue S.E.
St. Petersburg, Florida 33701
(727) 893-7657
(727) 822-4767 (FAX)

Revised By: American Infrastructure Development, Inc.
November 2017
INTRODUCTION

The City of St. Petersburg 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) 2018-2020 DBE Goal based upon anticipated engineering design, construction, and professional service contracts in accordance with the United States Department of Transportation (DOT) 49 CFR Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs."

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.

DEFINITIONS OF TERMS

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

POLICY STATEMENT

Section 26.1, 26.23  Objectives/Policy Statement

The City of St. Petersburg (CITY) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The CITY 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 CITY’s policy:

(1) To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
(2) To create a level playing field on which 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 assist the development of firms that can compete successfully in the market place outside the DBE Program.

Mr. Richard Lesniak, Airport Manager has been delegated as the DBE Liaison Officer. 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 Development, and Downtown 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’s Midtown Economic Development Business Assistance Center:

- Work with prime contractors to identify DBE participation opportunities;
- Distribute the CITY’s policy statement to DBE and non-DBE business communities that historically performed work for the CITY on DOT-assisted contracts; and
- Publish notices of the CITY’s policy in local and minority related publications, and through the CITY’s website.

This distribution will be accomplished by:
- PUBLICATION IN LOCAL NEWS MEDIA: The Weekly Challenger and Tampa Bay Times
- PUBLICATION ON INTERNET WEB SITE: http://www.albertwhittedairport.com/
- MAIL NOTIFICATION OF ORGANIZATIONS ON BIDDERS LIST
- OTHER: Information provided through City’s Midtown Economic Development Business Assistance Division.

No other notification or distribution method is planned.

Mr. Clay Smith, Director
Downtown Enterprise Facilities Department
SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

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

Section 26.5 Definitions

The CITY will use terms in this program that have the meaning defined in Section 26.5.

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 report DBE participation to DOT/FAA as follows:

The CITY will transmit to FAA annually on December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form, found in Appendix B to this part. Appendix B to Part 26 can be found via the link provided in Attachment 1 of this document. The CITY will also report the DBE Contractor firms contact information either on the FAA DBE Contractor’s Form or other similar format.

The CITY or its duly appointed representative will transmit the information electronically via DOT’s electronic web-based DBE/ACDBE program information system at https://eog.fdot.gov/.
Bidders List: 26.11(c)

The CITY 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 CITY DOT-assisted contracts for use in helping to set the CITY’s overall goals. The bidders list will include the names, addresses, DBE and non-DBE status, age of firms, and annual gross receipts of firms.

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 you sign with a DOT operating administration (or a primary recipient) must 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 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.

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 Officer (DBELO)

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

Mr. Richard Lesniak
Airport Manager
107 8th Avenue S.E.
St. Petersburg, Florida 33701
(727) 893-7657
(727) 822-4767
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 provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Mayor of the CITY concerning DBE program matters. An organization chart displaying the DBELO’s position in the organization is found 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’s 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 the CITY’s Engineering Department to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the CITY’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) Plans and participates in DBE training seminars.
(12) Acts as liaison to the Uniform Certification Process in Florida.
(13) Provides outreach to DBEs and community organizations to advise them of opportunities.
(14) Consults with the CITY’s Economic Development Coordinator-SBE 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.

Information on the availability of such institutions can be obtained from the DBELO. The Florida Department of Transportation Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

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 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 may be found at:


Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

The CITY has not established a business development program, as described in 49 CFR Part 26.

Section 26.37 Monitoring and Enforcement Mechanisms

The CITY will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.
(1) Bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.

(2) Consider similar action under the CITY’s own legal authorities. Such action may include, 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.

(3) Implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.

(4) Implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In the CITY’s reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

Section 26.39 Fostering Small Business Participation

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

The CITY Small Business Enterprise Program element is incorporated as Attachment 9 to this DBE Program. We will actively implement the program elements to foster small business participation and doing so is a requirement of good faith implementation of the CITY’s DBE program. DOT and FAA funded projects will not be subject to the percentage goals developed by the CITY’s SBE Program due to limitations to companies outside the defined program parameters, which includes DOT certified DBE companies that do not participate in the CITY’s SBE Program.

SUBPART C – GOALS, 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. Three-year overall goals if we anticipate awarding FAA funded prime contracts 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 DOT-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 DOT-assisted prime contracts during any of the years within the three-year reporting period, not 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’s 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.

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 Airport Administrative Offices and the Greenhouse, (440 Second Avenue North, St. Petersburg, Florida 33701, (727) 893-7146) for 30 days following the date of the notice, and informing the public that the Airport, CITY and DOT/FAA will accept comments on the goals for 45 days from the date of the notice. The notice will be issued in general circulation media and available minority-focus media and trade publications, websites. 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 DOT/FAA will include a summary of information and comments received, if any, during this public participation process and the CITY’s responses.

The CITY will begin using the overall goal on October 1 of the reporting period, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using the goal by the time of the first solicitation for a 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 to this program.
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 considered to be in compliance with this part.

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, we will do the following in order to be regarded by the Department as implementing your 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 our analysis and to enable the CITY to meet fully your goal for the new fiscal year;
3. 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 and Race-Conscious Participation

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

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. We 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 DOT-assisted contract, 7.53%.
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. Appendix A can be found via the link provided in Attachment 1 of this document.

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

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

Information to be Submitted (26.53(b))

The CITY treats bidder/offeror’s compliance with good faith effort requirements as a matter of responsiveness.

Responsiveness - Each solicitation for which a contract goal has been established will require all bidders/offerors to submit the following information at the time of bid:

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

Administrative Reconsideration (26.53(d))

Within 7 business days of being informed by the CITY 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:

Barbara Grilli, CPPO, C.P.M., CPPB, FCCM,
Purchasing Manager
Procurement & Supply Management
Municipal Services Center, 5th Floor
One 4th Street North
St. Petersburg, FL 33701
barbara.grilli@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 the CITY’s 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 when a DBE is Replaced on a Contract (26.53(f))

The CITY will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. 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.

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

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 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.

If the contractor fails or refuses to comply in the time specified, the CITY’s 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 proceeding.

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/offerees, including those who qualify as a DBE. A DBE contract goal of 7.53 percent (as determined in the goal calculation Attachment 5) has been established for this contract. The bidder/offeree 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/offeree 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/offeree’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/offerees of the requirements to make good faith efforts. The forms found in Attachment 6 can be used to collect information necessary to determine whether the bidder/offeree 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 26.61 – 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. We 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:

Mr. Sammy Febres
DBE & Small Business Development Programs Manager
Florida Department of Transportation, Equal Opportunity Office
605 Suwannee Street, M.S. 65
Tallahassee, FL 32399
(850) 414-4745
sammy.smith@dot.state.fl.us

The certification application forms and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The CITY is a non-certifying member of a Unified Certification Program (UCP) administered by the Florida Department of Transportation. The UCP will meet all the requirements of this section.
SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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, we 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.

Monitoring Payments to DBEs

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

The CITY 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.
ATTACHMENTS

Attachment 1  Regulations: 49 CFR Part 26
Attachment 2  Organizational Chart
Attachment 3  Bidder’s List Collection Form
Attachment 4  Florida Unified DBE Directory
Attachment 5  Overall Goal Calculations
Attachment 6  Demonstration of Good Faith Efforts - 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
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:

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

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Title 49: Transportation

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

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Organizational Chart

City of St. Petersburg

- Mayor
- Deputy Mayor
- City Administrator
- City Development Senior Administrator
- Downtown Enterprise Facilities Director
- Airport Manager (DBE Liaison Officer)
ATTACHMENT 3
Bidders List Collection Form

The CITY is required to create and maintain a bidders list since the CITY is subject to competitive bidding requirements. The purpose of a bidders list is to provide the funding recipients who conduct competitive bidding with as accurate a database as possible about the universe of potential DBE and non-DBE prime and subcontractors. The list must include all firms that bid or quote on prime contracts, or bid or quote subcontracts on DOT/FAA assisted projects, including both DBEs and non-DBEs.
City of St. Petersburg, Florida
Bidders List Collection Form

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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/
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: October 1, 2017 through September 30, 2020

DOT-assisted contract amount:

- FY-2018: $350,000
- FY-2019: $0
- FY-2020: $250,000

Total: $600,000

Overall Three-Year Goal: 7.53%, to be accomplished through 0% RC and 7.53% RN

Total dollar amount to be expended on DBE’s: $45,180

Describe the Number and Type of Projects that the airport anticipates awarding:

Projects Fiscal Year 2018
1. Construct Southwest Hangar Development Phase 4 (No FAA Funding – Not included in DBE Goal Calculation)
2. Airport Master Plan Update

Projects Fiscal Year 2019 (No DBE goal calculated)
1. Construct Southwest Hangar Development Phase 5 (No FAA Funding – Not included in DBE Goal Calculation)

Projects Fiscal Year 2020
1. Design PAPI/REILS Runway 18-36 (Below DBE Reporting Threshold - Not included in DBE Goal Calculation)
2. Design Rehabilitation of Runway 18-36

Market Area: Hillsborough, Manatee, and Pinellas Counties, Florida

The market area for 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. For Professional Services requiring specific aviation related design and planning services, the entire state of Florida was used as the market area. The number of firms specializing in aviation related professional services was taken from the Florida Airports Council Membership Directory.
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 Business Patterns Database. The base figure for each project was determined by dividing the total number of DBE’s by the total number of All Firms. The overall base figure for more than one project was determined by adding all the project percentages together.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBEs</th>
<th>Hillsborough</th>
<th>Manatee</th>
<th>Pinellas</th>
<th>Total All Firms</th>
<th>Hillsborough</th>
<th>Manatee</th>
<th>Pinellas</th>
<th>Base Figure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Master Plan Update</td>
<td>541330</td>
<td>Aviation Engineering &amp; Planning Services</td>
<td>3</td>
<td>3</td>
<td>38</td>
<td>38</td>
<td>38</td>
<td>38</td>
<td>38</td>
<td>7.89</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>3</td>
<td>3</td>
<td>38</td>
<td></td>
<td>38</td>
<td></td>
<td></td>
<td></td>
<td>7.89%</td>
</tr>
</tbody>
</table>

Sources:
Florida DOT - Business Directory, October 2017
US Census Bureau, 2015 County Business Patterns
Florida Airport Council – Member Directory, 2017
**FISCAL YEAR 2020**

<table>
<thead>
<tr>
<th>Project Name</th>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBEs</th>
<th>Hillsborough</th>
<th>Manatee</th>
<th>Pinellas</th>
<th>Total All Firms</th>
<th>Hillsborough</th>
<th>Manatee</th>
<th>Pinellas</th>
<th>Base Figure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Rehabilitation of RWY 18-36</td>
<td>541330</td>
<td>Aviation Engineering &amp; Planning Services</td>
<td>3</td>
<td>3</td>
<td></td>
<td></td>
<td>38</td>
<td>38</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>541330</td>
<td>Geotechnical Services/Lab Testing</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>70</td>
<td>41</td>
<td>2</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>6</strong></td>
<td><strong>108</strong></td>
<td><strong>5.56%</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sources: Florida DOT - Business Directory, October 2017  
US Census Bureau, 2015 County Business Patterns  
Florida Airport Council – Member Directory, 2017
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.

### FISCAL YEAR 2018

<table>
<thead>
<tr>
<th>A Project Name</th>
<th>B NAICS</th>
<th>C Type of Work</th>
<th>D Contract ($)</th>
<th>E % of Dollars (Weight)</th>
<th>F DBE Directory</th>
<th>G Census</th>
<th>H Weighted % (E*F/G)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Master Plan Update</td>
<td>541330</td>
<td>Aviation Engineering &amp; Planning Services</td>
<td>$350,000</td>
<td>100%</td>
<td>3</td>
<td>38</td>
<td>7.89%</td>
</tr>
<tr>
<td>Project Total</td>
<td></td>
<td></td>
<td>$350,000</td>
<td>100%</td>
<td>3</td>
<td>38</td>
<td>7.89%</td>
</tr>
<tr>
<td>Total FY 2018</td>
<td></td>
<td></td>
<td>$350,000</td>
<td></td>
<td></td>
<td></td>
<td>7.89%</td>
</tr>
</tbody>
</table>

Sources: Florida DOT - Business Directory, October 2017  
US Census Bureau, 2015 County Business Patterns  
Florida Airport Council – Member Directory, 2017

### FISCAL YEAR 2020

<table>
<thead>
<tr>
<th>A Project Name</th>
<th>B NAICS</th>
<th>C Type of Work</th>
<th>D Trade ($)</th>
<th>E % of Dollars (Weight)</th>
<th>F DBE Directory</th>
<th>G Census</th>
<th>H Weighted % (E*F/G)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Rehabilitation of RWY 18-36</td>
<td>541330</td>
<td>Aviation Engineering &amp; Planning Services</td>
<td>$200,000</td>
<td>80%</td>
<td>3</td>
<td>38</td>
<td>6.32%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Geotechnical Services/Lab Testing</td>
<td>$50,000</td>
<td>20%</td>
<td>3</td>
<td>70</td>
<td>0.86%</td>
</tr>
<tr>
<td>Project Total</td>
<td></td>
<td></td>
<td>$250,000</td>
<td>100%</td>
<td>6</td>
<td>108</td>
<td>7.17%</td>
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<tr>
<td>Total FY 2020</td>
<td></td>
<td></td>
<td>$250,000</td>
<td></td>
<td></td>
<td></td>
<td>7.17%</td>
</tr>
</tbody>
</table>

Sources: Florida DOT - Business Directory, October 2017  
US Census Bureau, 2011 County Business Patterns  
Florida Airport Council – Member Directory, 2017
The proposed Overall DBE Goals are as follows:

- Fiscal Year 2018 – 7.89%
- Fiscal Year 2019 – 0%
- Fiscal Year 2020 – 7.17%

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

- Proposed 3-Year Goal – 7.53% = (7.89+7.17)/2

To arrive at an overall goal, we used the detailed DBE results for the projects anticipated during each fiscal year and then averaged the total arriving at an overall goal of 7.53%. The projects anticipated for FYs 2018 and 2020 fall below the DBE reporting threshold and were not included in this calculation. After evaluating the base figure calculation, we feel this adjusted goal figure will most accurately reflect DBE participation that can be achieved for the type of project work being awarded during this three-year period.

Further, there are no applicable disparity studies for the local market area or recent legal case information available from the State of Florida Department of Transportation Equal Opportunity Office to show any evidence of barriers to entry or competitiveness of DBEs at Albert Whitted Airport.

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 the Albert Whitted Airport using various race/gender neutral means of facilitating DBE participation. The following list 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, the following:

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; and

(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 order to determine the RC/RN split, we take the adjusted step 2 figure and subtract the MEDIAN difference in past goals vs. past actual participation.

**Past Participation Variance:**

<table>
<thead>
<tr>
<th>Year</th>
<th>DBE Goal %</th>
<th>Actual DBE %</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>2015</td>
<td>12.63%</td>
<td>9.18%</td>
<td>3.45%</td>
</tr>
<tr>
<td>2016</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Median</td>
<td></td>
<td></td>
<td>0%</td>
</tr>
</tbody>
</table>

**Race Neutral = Step 2 Number – Race Conscious**

7.53% = 7.53% – 0%

The CITY estimates that, in meeting the overall goal of 7.53% for Fiscal Years 2018-2020, the airport will obtain 7.53% for from race-neutral participation and 0% through race-conscious measures.

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; and
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, an e-mail was sent to various minority, women, state and business development organizations listed below 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 letter and e-mail is provided in **Attachment 10, Public Participation** of this report.
### SMALL AND DISADVANTAGED BUSINESS ORGANIZATIONS

<table>
<thead>
<tr>
<th>Type of Organization</th>
<th>Name of Organization</th>
<th>Contact Information</th>
</tr>
</thead>
</table>
| Business/Community Organization | The Greenhouse | Jessica Eilerman  
Greenhouse Manager, Small Business Liaison, Mayor’s Office  
440 2nd Ave., North  
St. Petersburg, FL 33701  
727-893-7146  
jessica.eilerman@stpete.org |
| Small Business Association | SCORE  
Counselors to America’s Small Business | Pinellas County SCORE  
4707 140th Ave., North, Suite 311  
Clearwater, Florida 33762  
727-437-0990  
score@scorepinellas.org  
https://pinellascounty.score.org/ |
| Business/Community Organization | Greater Tampa Chamber of Commerce | LaKendria Robinson  
Director, Minority Business Accelerator & Economic Inclusion  
201 N Franklin St. Tampa, FL 33602  
813-276-9408  
lrobinson@tampachamber.com  
www.tampachamber.com |
| Business/Community Organization | St. Petersburg Chamber of Commerce | Sean Kennedy Economic Development Manager  
The Chamber Building  
100 2nd Ave., North, Suite #150  
St. Petersburg, Florida 33701  
727-388.2907  
skennedy@stpete.com  
www.stpete.com |
| Business/Community Organization | Pinellas County Economic Development | Suzanne Christman, CEd  
Senior Manager of Business Development  
The EpiCenter  
13805 58th Street North, STE 1-200  
Clearwater, Florida 33760  
727-464-8122  
schristman@pinellascounty.org  
http://www.pced.org/ |
## SMALL AND DISADVANTAGED BUSINESS ORGANIZATIONS

<table>
<thead>
<tr>
<th>Type of Organization</th>
<th>Name of Organization</th>
<th>Contact Information</th>
</tr>
</thead>
</table>
| Minority Business Development Organization - Non-Profit | Florida Women’s Business Center | Victoria A Hughes, Director  
401 W. Atlantic Avenue, Suite O9  
Delray Beach, FL 33444  
561-265-3790 x111  
victoria@flwbc.org  
www.flwbc.org |
| Social Services | NAACP Branch | Mr. Norman Brown, President  
P.O. Box 12402  
St. Petersburg, FL 33733  
727-898-3310  
Unit5130@naacp.org  
www.stpetersburg.naacp-fl.org |
| Chamber of Commerce/Economic Development | Florida Chamber of Commerce | Carolyn Johnson, Director of Business, Economic Development  
P.O. Box 11309  
Tallahassee, FL 32302-3309  
850-521-1200  
cjohnson@flchamber.com  
www.flchamber.com |
| Minority Business Development Organization - Non-Profit | Florida Black Chamber of Commerce | Gene Franklin, President/CEO  
314 North Devilliers Street  
Pensacola, Florida 32501  
850-525-7916  
gene.franklin@floridabcc.com  
www.floridabcc.com |
| Minority Business Development Organization - Non-Profit | Tampa Bay Black Chamber of Commerce | Willis K.C. Bowick, President  
12421 N. Florida Ave., Ste. 210  
Tampa, Florida 33612  
813-252-6693  
kcbowick@hotmail.com  
www.tampabayblackchamberofcommerce.com |
| Minority Business Development Organization - Non-Profit | Florida State Hispanic Chamber of Commerce | 4095 State Road 7, Ste. L#151  
Wellington, FL 33449  
561-513-8096  
info@fshcc.com  
http://www.fshcc.com |
| Government | 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  
thad@mbdaorlandocenter.com  
https://www.mbda.gov/businesscenters/orlando |
<table>
<thead>
<tr>
<th>Type of Organization</th>
<th>Name of Organization</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business/Community Organization</td>
<td>Hillsborough County Economic Development Department</td>
<td>Lindsey K. Kimball, Department Director County Center, 20th Floor 601 E. Kennedy Blvd. Tampa, FL 33602 813-272-7232 <a href="mailto:SanabriaT@HCFLGov.net">SanabriaT@HCFLGov.net</a> <a href="http://www.hillsboroughcounty.org/en/businesses/economic-development">www.hillsboroughcounty.org/en/businesses/economic-development</a></td>
</tr>
<tr>
<td>Minority/Women’s Organization</td>
<td>Network of Executive Women</td>
<td>Sarah Alter, President &amp; CEO P.O. Box 270595 Tampa FL 33688 813-601-1992 <a href="mailto:salter@newonline.org">salter@newonline.org</a> <a href="http://www.newonline.org">www.newonline.org</a></td>
</tr>
<tr>
<td>Contracting</td>
<td>National Association of Minority Contractors (NAMC)</td>
<td>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></td>
</tr>
<tr>
<td>Contracting</td>
<td>National Association of Women in Construction (NAWIC)</td>
<td>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></td>
</tr>
<tr>
<td>Government</td>
<td>Small Business Administration</td>
<td>Robert Chavarria, SBA Senior Area Manager 501 East Kennedy Blvd., Suite 1210 Tampa, FL 33602 P: 813-228-2100 ext. 24 <a href="mailto:robert.chavarria@sba.gov">robert.chavarria@sba.gov</a> <a href="http://www.sba.gov/southflorida">www.sba.gov/southflorida</a></td>
</tr>
</tbody>
</table>
Following the consultation, the CITY will publish a notice in the Weekly Challenger and Tampa Bay Times 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 Offices and The Greenhouse for 30 days following the date of the notice, and informing the public that the CITY and DOT will accept comments on the goals for 45 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 DBE’s to perform the particular type of work).

The CITY will express contract goals as a percentage of the total amount of a DOT-assisted contract.
ATTACHMENT 6
Demonstration of Good Faith Efforts - Forms 1 & 2

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE ASSURANCE FORM

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.)

Name of bidder/offeror's firm: ________________________________

State Registration No. __________________________

By __________________________________________________________
(Signature)* (Title) (Date)

*Must be same signature of Bid Proposal.
FORM 2: LETTER OF INTENT

Name of Bidder firm: __________________________________________________________

The undersigned is certified as (check one):

An Individual ___________ A Corporation ___________
A Partnership ___________ A Joint Venture __________

Date of DBE Certification: ________________

DBE Type*: ________________

Note: *Women, Black American, Hispanic American, Native American, Asian-Pacific, Subcontinent Asian American, Other (Specify)

The undersigned is prepared to perform the following described work. (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 OWNER.

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 provisions of this form to prime bidder does not prevent subcontractor from providing quotations to other bidders.

By ________________________________________________________________
(Signature) (Title) (Date)
ATTACHMENT 7
DBE Monitoring and Enforcement Mechanisms

The City of St. Petersburg (CITY) 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;

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.

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
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:

Mr. Sammy Febres
DBE & Small Business Development Programs Manager
605 Suwannee St. MS 65
Tallahassee, FL 32399
(850) 414-4745
sammy.smith@dot.state.fl.us

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

http://www.dot.state.fl.us/equalopportunityoffice/dbecertification.shtm
ATTACHMENT 9
Small Business Enterprise Program

Section 26.39 Fostering Small Business Participation

The City of St. Petersburg, Florida has created a Small Business Enterprise Program\(^1\) to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation. The CITY is committed to assisting Small Business Enterprises (SBEs), in accordance with the Municipal Code as defined by Section 2-269 to 2-298 of Division 4, Article 5, Chapter 2. The purpose of the SBE Program is to foster growth in the economy and provide opportunities for small business. The CITY certifies SBE’s for contracting and procurement opportunities in construction, goods and services, professional services and supplies.

Eligibility and Criteria

To be eligible to participate in the SBE Program, a business must be independently owned, operated and controlled; not dominant in its field of operation; and meet the following criteria:

- Serve a commercially useful function
- Have been in operation for at least one year
- Have 25 employees or less
- Have an annual sales volume (averaged over the previous three years) of:
  - Goods/Services/Supplies: $3 million or less
  - Construction: $5 million or less
- Have a physical business address located within the limits of Pinellas, Hillsborough, Pasco, Manatee or Polk counties. (A post office box is not acceptable as a business address.)
- Be certified by the CITY’s Business Assistance Division.

Additional information pertaining to CITY’s SBE Program may be found at the following address: http://www.stpete.org/greenhouse/small_business_enterprise_program.asp

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\(1\) State (DOT) and Federally (FAA) funded projects will not be subject to the goals developed by the CITY’s Small Business Enterprise Program (SBE).
ATTACHMENT 10
Public Participation Email

RE: Fiscal Years 2018-2020 Disadvantaged Business Enterprise Goal
City of St. Petersburg
Albert Whitted Airport, St. Petersburg, Florida

Dear «Title» «LastName»:

The City of St. Petersburg is in the process of establishing a three-year Disadvantaged Business Enterprise Goal for fiscal years 2018 through 2020 as required under 49 CFR Part 26, "Participation by Disadvantaged Business Enterprise in Department of Transportation 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 7.53% 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 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 percent 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 your replying with any information you could offer. Should you have any comments or questions, do not hesitate to contact me at (561) 2017-2010 or tcarter@aidinc.us within two weeks of receipt of this e-mail. The DBE Goal report will be available for review and comment for a period of 45 days at the Airport Administration Offices and the Greenhouse (440 Second Avenue North, St. Petersburg, Florida 33701) following advertisement in the local newspaper. Any comments received will be included in the Airport'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
SAMPLE PUBLIC NOTICE

Notice of Publication of Overall Goal

The City of St. Petersburg (CITY) hereby announces its fiscal years 2018-2020 goal of **7.53%** for Disadvantaged Business Enterprise (DBE) participation on airport construction projects at the Albert Whitted Airport. The proposed goals and rationale is 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) for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 45 days from the date of this publication and can be sent to the following:

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or

Ms. Keturah Pristell  
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Federal Aviation Administration  
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1701 Columbia Avenue  
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