

ROSEAU MUNICIPAL AIRPORT, ROSEAU, MN - DBE PROGRAM**POLICY STATEMENT****Section 26.1, 26.23 Objectives/Policy Statement**

The City of Roseau (the Sponsor) 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 Sponsor has received Federal financial assistance from the Federal Aviation Administration (FAA), and as a condition of receiving this assistance, the Sponsor has signed an assurance that it will comply with 49 CFR Part 26.

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

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

The Sponsor has designated Todd Peterson, Community Development Coordinator as the DBE Liaison Officer (DBELO). In that capacity, the DBELO 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 Sponsor in its financial assistance agreements with the Federal Aviation Administration.

The DBELO has distributed this statement to DBE and non-DBE business communities that perform work on FAA-Assisted contracts by advertising in the construction trades publications and area newspapers.



Todd Peterson, Community Development Coordinator
City of Roseau

2/4/15
Date

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

Section 26.5 Definitions

The Sponsor will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The Sponsor 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 Sponsor 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)

We will report DBE participation to DOT as follows:

We will submit annually DOT Form 4630, as modified for use by FAA recipients. These reports will reflect payments actually made to DBEs on FAA-assisted contracts.

Bidders List: 26.11(c)

The Sponsor will utilize the Minnesota Department of Transportation (MNDOT) Contractors List <http://www.dot.state.mn.us/civilrights/dbe.html>, 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 FAA-assisted contracts for use in helping to set our overall goals. The bidders list (Attachment "9") will include the name, address, DBE/non-DBE status, age of firm and annual gross receipts.

This information shall be gathered in the following ways:

1. All prime bidders will be required to report the names, addresses, telephone numbers and work classifications, of all firms who quote to them on subcontracts.
2. Publish in the Bid request of all solicitations, to all firms planning on quoting any subcontracts, to report DBE information directly to The Sponsor.
3. Utilize the latest certified DBE Contractors list provided by the MNDOT.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

The Sponsor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FAA assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of FAA-assisted contracts. The Sponsor's DBE Program, as required by 49 CFR part 26 and as approved by FAA, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to The Sponsor of its failure to carry out its approved program, the FAA may impose sanction 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.*).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every FAA-assisted contract and subcontract:

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS**Section 26.21 DBE Program Updates**

We will submit an updated goal covering a 3-year period if we plan to award contracts exceeding \$250,000 in FAA funds in a Federal fiscal year. We will provide FAA updates representing significant changes in the program.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer (DBELO): Todd Peterson, Community Development Coordinator, PO Box 307, Roseau, MN 56751; ph: 218-463-5003; fax: 218-463-1252; e-mail: tpetersn@mncable.net

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Sponsor complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Sponsor concerning DBE program matters. The DBELO has full time support from the Airports Engineer and direct access to information supplied by the FAA and the Minnesota Department of Transportation Civil Rights Staff, via internet or telephone service. 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 duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by FAA.
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 goal attainment) and identifies ways to improve progress.
6. Analyzes the Sponsor's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the governing body on DBE matters and achievement.
9. Participates on the DBE Advisory Committee.
10. Participates in DOT DBE training seminars.
11. Provides project information to MNDOT and builders exchanges to advise DBEs and community organizations of opportunities.
12. Has access to MNDOT's updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

There are no such Institutions listed in the MNDOT DBE database at this time for the Sponsor.

Section 26.29 Prompt Payment Mechanisms

The Sponsor will include the following clause in each FAA-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 contract receives from the Sponsor. 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 time frame may occur only for good cause following written approval of the Sponsor. This clause applies to both DBE and non-DBE subcontracts.

Failure on the prime contractors' part to make timely payments will result in the suspension of any further payment to the prime contractor until a lien release form is signed and submitted to the Sponsor by the affected subcontractor. If there are no further payments to be made to the prime contractor, the affected subcontractor shall submit a lien against the prime contractor to the Sponsor, who will present it to the prime contractors bonding company for reimbursement.

Section 26.31 Directory

The Sponsor will maintain a directory supplied by the Minnesota Department of Transportation (MNDOT) Civil Rights Bureau, identifying all firms eligible to participate as DBEs. 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 DBE. We utilize MNDOT's updated Directory to take advantage of new DBE firms entering the field.

We make the Directory available at Roseau City Center, Community Development Office, 121 Center Street East, Suite 202, Roseau, MN 56751.

The MNDOT Directory may be found on the Internet Address: <http://www.dot.state.mn.us/civilrights/dbe.html> and in Attachment "3" to this program document.

Section 26.33 Overconcentration

At this time the Sponsor is unaware of an over concentration of DBE firms in any one-service area.

Section 26.35 Business Development Programs:

- Roseau City Center, Community Development Office (<http://www.city.roseau.mn.us>) 121 Center Street East, Suite 202, Roseau, MN 56751. Phone 218-463-5003; Fax 218-463-1252. The Roseau Planning Department is associated with the City Administration Office and provides long-range planning for physical and economic development activities of the City of Roseau. The Planning Department also reviews current needs for the city and helps to develop a Capital Improvements Plan for the city as well as identifying potential funding sources, timelines, and monitoring progress of projects.

Section 26.37 Monitoring and Enforcement Mechanisms

The Sponsor will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment "6" lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities. Each contract may vary due to the consultants project specifications.
3. We will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism 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.
4. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT reporting form.

Section 26.39 Fostering Small Business Participation

The Sponsor 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 Sponsor's small business program element is incorporated as Attachment 10 to this DBE Program. We will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of our DBE program.

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The Sponsor will establish 3-year overall goals if we anticipate that we will award prime contracts exceeding \$250,000 in FAA funds during any one or more of the reporting fiscal years within the three-year goal period in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Sponsor does not anticipate awarding more than \$250,000 in FAA funds in prime contracts within the Federal fiscal year, we will not develop an overall goal; however the existing DBE program will remain in effect and the Sponsor will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The Sponsor will annually establish overall goals in accordance with the 2-Step process as specified in 49 CFR Part 26.45. 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.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment "4" to this program.

In accordance with Section 26.45(f) the Sponsor will submit its 3-year overall goal to FAA. Before establishing the overall goal, the Sponsor will consult with the MNDOT Directory to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Sponsor efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the Sponsor will publish a notice of the proposed overall goals in local newspapers and construction trade publications, informing the public where the proposed goal and its rationale are available for inspection during normal business hours for 30 days following the date of the notice, and that the Sponsor will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year.

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

The Sponsor will begin using our overall goal on October 1, unless other instructions have been received from the FAA. If the Commission establishes a goal on a project basis, the goal will be in place by the time of the first solicitation for an FAA-assisted contract for the project.

Section 26.47 Failure to Meet Overall Goals

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

1. Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;

2. Establish specific steps and milestones to correct the problems identified in the analysis to enable attainment of the goal in the new fiscal year.

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" to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

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

We will establish contract goals only on those FAA-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.)

We will express our contract goals as a percentage of the Federal share of an FAA-assisted contract.

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. The following actions, by the bidder, are generally considered a sign of good faith effort. This list is not exclusive or exhaustive, but should be used as a guide in determining good faith effort:

1. Attendance at pre-bid meetings scheduled to inform DBE's of the project.
2. Advertisement in general circulation, trade association and minority focus media concerning subcontracting opportunities.
3. Written notice to DBE's allowing sufficient time for reply.
4. Follow up of initial solicitation.
5. Selection of portions of the work likely to be performed by DBE's.
6. Provide interested DBE's adequate information for bidding.
7. Negotiation with interested DBE's.
8. Assist interested DBE's with bonding, insurance or credit.
9. Use of minority contractors' groups and minority business assistance offices.

The 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.

We will ensure that all information is complete and accurate and adequately documents the bidder/offer'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 Sponsor treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information at bid opening (See Attachment 9):

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. If the contract goal is not met, evidence of good faith efforts

To be submitted within 5 working days of the bid opening:

1. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
2. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.

Administrative reconsideration (26.53(d))

Within 5 working days of being informed by the Sponsor that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Mr. Patrick Moren, City Attorney, 309 3rd Street NW, Roseau, MN 56751; phone 218-463-1564. 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 made 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 Sponsor 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, we 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 Sponsor will provide such written consent only if they 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. We have determined that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides to us 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 we have 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 us 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 us, 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 us and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why we should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), we 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.

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 proceeding.

Section 26.55 Counting DBE Participation

We 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 Sponsor has accepted the Unified Certification Program (UCP) developed by the MNDOT to verify the eligibility of DBE subcontractors on our projects. If a subcontractor presented for use as a DBE is not on this listing, we will direct them to apply to MNDOT on the form developed by the MNDOT for certification and included on their web site.

To be certified as a DBE, a firm must meet all certification eligibility standards set down by MNDOT Civil Rights DBE program. The MNDOT will make certification decisions based on the facts presented to them as a whole.

For information about the certification process or to apply for certification, firms should contact the MNDOT office, or on their web site at: <http://www.dot.state.mn.us/civilrights/dbe.html>

Decertification of a DBE contractor will be processed by MNDOT in conformance with their current procedure. Reapplication for certification should follow MNDOT guidelines.

SUBPART E - CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The Sponsor has adopted the MNDOT-UCP program to verify that all contractors or subcontractors have met the requirements as set down by the afore mentioned program.

SUBPART F - COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

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

Monitoring Payments to DBEs

We 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 Sponsor, FAA or MNDOT. This reporting requirement also extends to any certified DBE subcontractor.

We 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.

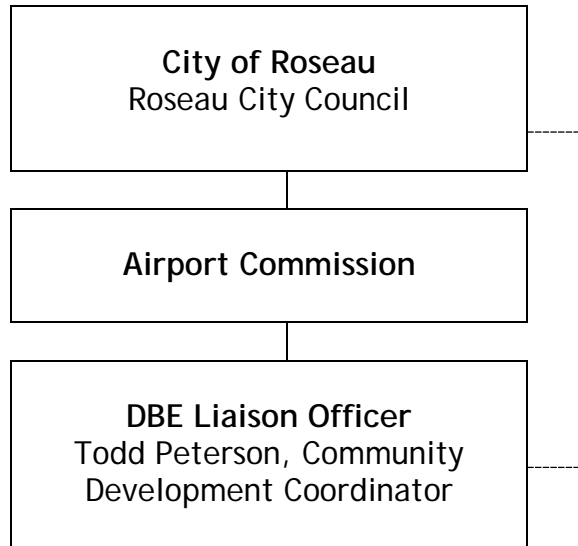
ATTACHMENTS

Attachment 1	Regulations: 49 CFR part 26 (Airport Only); see website: www.gpo.gov
Attachment 2	Organizational Chart
Attachment 3	Minnesota DBE Directory (Sample copy, for Directory, see website: http://www.dot.state.mn.us/civilrights/dbedirectory.html)
Attachment 4	Overall Goal Calculation - DBE 3-Year Goal Methodology
Attachment 5	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 6	Monitoring and Enforcement Mechanisms
Attachment 7	Demonstration of Good Faith Efforts
Attachment 8	Uniform Certification Program (UCP) Agreement
Attachment 9	Bidders List
Attachment 10	Small Business Element Program

Attachment 1

Regulations: 49 CFR part 26
see website: www.gpo.gov

Attachment 2
Organizational Chart



Attachment 3**DBE/WBE Directory (Sample Copy - See Web Site)****DBE INDEX**

Disadvantaged firms appearing in this Directory have been certified in accordance with the U.S. DOT (U.S. Department of Transportation) regulation 49 CFR, Parts 23 and 26. This directory is updated daily. Please go to the Civil Rights Bureau website at <http://www.dot.state.mn.us/civilrights/dbedirectory.html> or call DBE Supportive Services 651-296-3000 for assistance. INCLUSION IN THIS DIRECTORY DOES NOT CONSTITUTE AN ENDORSEMENT OF THE FIRMS LISTED.

Attachment 4 Section 26.45: Overall Goal Calculation - DBE 3-Year Goal Methodology

Name of Recipient: City of Roseau

Goal Period: FY-2014-2015-2016 - October 1, 2013 through September 30, 2016

DOT-assisted contract amount:	FY-2014	\$	577,359
	FY-2015	\$	0
	FY-2016	\$	<u>135,000</u>
	FY 2014 - 2016	\$	712,359

DBE 3-Year Overall Goal: (percentage) 1.96% = 0.00% Race Neutral + 1.96 % Race Conscious.

Total dollar amount to be expended on DBE's: \$13,962.

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

Fiscal Year #1

1. Construct 60' x 70' Aircraft Storage Hangar.
2. Crack Seal/Slurry Seal Apron.

Fiscal Year #2

1. No projects expected for FY 2015.

Fiscal Year #3

2. Update Airport Master Plan.

Market Area: The market area is the area in which the majority of the Airport's contractors and subcontractors that seek to do business with the Airport are located and the area in which the Airport spends the majority of its contracting dollars. This market area consists of counties in Minnesota, North Dakota, South Dakota and Wisconsin.

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

Method: Use DBE Directories <http://www.dot.state.mn.us/civilrights/dbedirectory.html> and Census Bureau Data <http://www.census.gov/econ/cbp/index.html>.

Roseau Municipal Airport KLJ #14513117 - PRELIMINARY OPINION OF COSTS									
Fiscal Year #1 - For FY-2014, we anticipate the award of the following:									
A	B	C	D	E	F	G	H	I	J
Project Name	Trade Description	NAICS Description	NAICS	Federal Funds (\$)	% of Project	Census	DBE Directory	DBE (%) (= H/G)*F	DBE (\$) (=E x I)
Project #1 - Construct 60' x 70' Aircraft Storage Hangar.	Excavate, Topsoil, Earthwork, Traffic Control, Mobilization	Site Preparation	238910	\$ 4,500.00	0.85%	915	26	0.02%	\$ 1.08
	Asphalt, Edge Underdrain, Striping	Hwy & Street Construct.	237310	39,357.00	7.42%	343	13	0.28%	110.67
	Erosion Control: Seed	Landscape Services	561730	4,500.00	0.85%	1,990	2	0.00%	0.04
	Electrical	Electrical	238210	18,000.00	3.39%	1,630	13	0.03%	4.87
	All Other Specialty	All Other Specialty	238990	348,930.00	65.78%	1,262	21	1.09%	3,819.22

	Design/Constr Mgmt	Engineering	541330	115,183.80	21.71%	972	21	0.47%	540.35
TOTAL PROJECT #1				\$530,470.80	100.0%	7,112	96	1.90%	\$4,476.24
A	B	C	D	E	F	G	H	I	J
Project Name	Trade Description	NAICS Description	NAICS	Federal Funds (\$)	% of Project	Census	DBE Directory	DBE (%) (= H/G)*F	DBE (\$) (=E x I)
Project #2 - Crack Seal/Slurry Seal Apron.	Excavate, Topsoil, Earthwork, Traffic Control, Mobilization	Site Preparation	238910	\$ 4,500.00	9.60%	915	26	0.27%	12.27
	Asphalt, Edge Underdrain, Striping, Crack Seal	Hwy & Street Construct.	237310	\$20,248.20	43.18%	343	13	1.64%	\$ 331.40
	All Other Specialty	All Other Specialty	238990	\$6,210.00	13.24%	1,262	21	0.22%	\$ 13.69
	Design/Constr Mgmt	Engineering	541330	\$15,930.00	33.97%	972	21	0.73%	\$ 116.93
TOTAL PROJECT #2				\$ 46,888.20	100.0%	3,492	81	2.86%	\$ 474.29
TOTAL FY - 2014				\$577,359.00		10,604		4.76%	4,950.53

No Projects are anticipated for FY 2015.

Fiscal Year #3 - For FY-2016, we anticipate award of the following:									
A	B	C	D	E	F	G	H	I	J
Project Name	Trade Description	NAICS Description	NAICS	Federal Funds (\$)	% of Project	Census	DBE Directory	DBE (%) (= H/G)*F	DBE (\$) (=E x I)
Project #1 - Update Airport Master Plan (ALP)	Design/Constr Mgmt	Engineering	541330	\$135,000.00	100%	972	21	2.16%	\$ 2,916.67
TOTAL PROJECT #1				\$135,000.00	100%	972	21	2.16%	\$2,916.67
TOTAL FY - 2016				\$135,000.00	100%	972	21	2.16%	\$2,916.67

	DBE	All Contr.	FY2014	FY 2015	FY 2016	FY 2014 - 2016	% of Project	DBE (%)	DBE (\$)
Construction	14	343	\$ 59,605.20	\$ 0	\$ 0	\$ 59,605.20	8.37%	0.34%	\$ 203.57
Site Prep	26	915	9,000.00	\$ 0	\$ 0	9,000.00	1.26%	0.04%	3.23
All Other Specialty	21	1,262	355,140.00	\$ 0	\$ 0	355,140.00	49.85%	0.83%	2,946.19
Electrical	13	1,630	18,000.00	\$ 0	\$ 0	18,000.00	2.53%	0.02%	3.63
Landscape	2	1,990	4,500.00	\$ 0	\$ 0	4,500.00	0.63%	0.00%	0.03
Engineering	22	972	131,113.80	\$ 0	\$135,000.00	266,113.80	37.36%	0.85%	2,250.05
Totals FY 2014 - 2016	98	7,112	\$ 577,359.00	\$ 0	\$135,000.00	\$ 712,359.00	100.00%	2.07%	\$ 5,406.69

2.07%	Weight		
1.38%	Census		
2.44%	Disparity Study		
5.89%	/ 3 =	% Goal =	1.96%

To determine the base figure for each project, we divided the total number of DBE's by the total number of All Firms. To determine the overall base figure for more than one project, add all the project percentages together.

Divide the total number of DBE's by the total number of All Firms = base figure for each project.

To determine the overall base figure for more than one project, add all the project percentages together.

Step 2. Analysis: Adjustment to Step 1 base figure to make it more precise.

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

We don't have past participation amounts on similar projects to adjust our goal.

The State of Minnesota Joint Availability and Disparity Study conducted in 2009 by MGT of America, Inc., (Tallahassee, Florida) for the Metropolitan Sports Facilities Commission showed evidence of barriers to entry or competitiveness of DBEs as 2.44% for the local market area.

To arrive at an overall goal, we added our Step 1 base figure (Census percentage 1.38%) with our Step 2 adjustment figures (Weighting 2.07% and the Disparity Study 2.44%) and then averaged the total (divide by 3) arriving at an overall goal of 1.96%. The Total Base Bid of \$712,359 multiplied by 1.96% equals \$13,962 to be spent on DBE funds. We feel this adjusted goal figure will accurately reflect DBE participation that can be achieved for the type of project work being awarded during FY-2014/15/16.

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

Attachment 5

Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation

The Sponsor will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation.

The MNDOT uses the following race-neutral means of achieving the overall goal:

1. MnDOT DBE & Workforce Collaborative have joined a group of stakeholders committed to developing interconnected strategies that address disparities in the state's transportation construction industry. Project teams, with representation from stakeholder groups, work to develop processes that balance multiple interests to improve participation of DBEs and diverse workers on MnDOT projects.
2. Provide access to MN DBE Certified Directory on the internet: <http://www.dot.state.mn.us/civilrights/dbedirectory.html>. Search is available by business name, NAICS code, business description keyword, contact person or location.
3. Provide one-on-one and group training and technical assistance to enhance DBEs' business skills.
4. Arrange for DBEs to job shadow out-of-state firms to assist DBEs to expand their line of work into a new work category.
5. Conduct business reviews, analyses and recommendations to DBE firms.

For reporting purposes, race-neutral participation includes:

1. DBE prime contract awards.
2. DBE participation on contracts without individual contract goals.
3. DBE achievement on contracts when actual participation exceeded the contract goal.

Race-conscious participation includes the amounts of commitments or awards on contracts with DBE goals.

We 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, RN DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award. DBE participation will be counted towards meeting a goal only after successful completion of their contracted work items. The items used must be bona fide contract work items and actually performed by the DBE and their own work force.

Race/gender neutral steps include: unbundling large contracts, subcontract work the prime contractor may self-perform, provide bonding or financing assistance, provide technical assistance, etc.

1. Once a project is to the bidding stage, we routinely advertise in Minnesota Builders Exchanges. We also advertise in the local official county paper and associated general contractor publications.
2. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
3. Providing assistance in over-coming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
4. Providing technical assistance and other services;

5. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
6. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
7. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
8. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
9. Ensuring distribution of Minnesota's DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
10. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

PUBLIC PARTICIPATION

Consultation: Section 26.45(g)(1).

The Sponsor submits its overall 3-year goal to FAA as required.

The Sponsor follows MNDOT's expertise to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Sponsor's efforts to establish a level playing field for the participation of DBEs.

A public hearing will be held June 18, 2014 during a special Roseau City Council meeting to present the goal methodology. A notice will be published in the local newspaper, Roseau Times-Region; Association of Women Contractors www.awcmn.org; National Association of Minority Contractors Midwest Chapter www.namc-um.org; MnUCP which includes MnDOT, the Metropolitan Airports Commission (MAC), the Metropolitan Council and other state and local transportation authorities that are recipients of federal funds for transportation projects www.dot.state.mn.us/civilrights/mnucp.html; and the dbE-Connect website <https://faa@dbesystem.com> 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 Roseau City Hall, 121 Center Street East, Suite 202, Roseau, MN 56751 until July 13, 2014, and informing the public that the Sponsor will accept comments on the goals until July 28, 2014.

The address to which comments may be sent:

Todd Peterson, Community Development Coordinator, PO Box 307, Roseau, MN 56751; ph: 218-463-5003; fax: 218-463-1252; e-mail: tpetersn@mncable.net

Our overall goal submission to FAA will include a summary of information and comments received during this public participation process and our responses, if any.

No comments have been received.

Contract Goals

The recipient 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 recipient will establish contract goals only on those FAA-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).

We will express our contract goals as a percentage *of the Federal share of an FAA-assisted contract*.

PUBLIC NOTICE

Date: June 14, 2014

The City of Roseau, MN has established its overall Disadvantaged Business Enterprise (DBE) goal for participation by DBEs on aeronautics projects at the Roseau Municipal Airport for Federal Fiscal Years 2014-2016, beginning October 1, 2013. As part of the goal-setting process, The City is required to have public input. We have scheduled a public hearing to seek comment on proposed DBE goal of 1.96% (one point, nine six percent) Race Conscious for Airport Improvement Program (AIP) funded projects.

The hearing will be held at Roseau City Hall, 121 Center Street East, Suite 202, Roseau, MN 56751 at 8:00 AM on June 18, 2014. The type of information sought from participants at this hearing includes: 1) input/comment on Roseau Municipal Airport's overall goal, 2) individual experiences regarding past and current discriminatory practices that place racial and ethnic minorities and women in a position of social and economic disadvantage in successfully participating on Roseau Municipal Airport contracts, and 3) comment on Roseau Municipal Airport DBE goal document. The DBE Plan is available for review between 8:00 a.m. and 4:30 p.m., Monday through Friday at Roseau City Hall, 121 Center Street East, Suite 202, Roseau, MN 56751 until July 13, 2014. Your attendance and participation are important to the process. You are welcome to bring statements to the public hearing or submit comments electronically to Todd Peterson, Community Development Coordinator, PO Box 307, Roseau, MN 56751; ph: 218-463-5003; fax: 218-463-1252; e-mail: tpetersn@mncable.net. The deadline for public comments/input is July 28, 2014.

Attachment 6

Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
2. MNDOT Equal Employment Opportunity Policy;
3. Sexual Harassment Policy;
4. Americans with Disabilities Act Policy;
5. Title VII of the Civil Rights Act of 1964;
6. Title VI of the Civil Rights Act of 1964;
7. Title 49 Minnesota Code Annotated.

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.

Contact:

DBE Compliance Officer
Minnesota Department of Transportation
395 John Ireland Blvd
St Paul, MN 55155
Ph: 800-657-3774
e-mail: dot@state.MN.us

The airport DBELO will complete the following form:

DBE COMMERICALLY USEFUL FUNCTION (CUF) Project Site Review				
Project No.:		Project Name:		
Engineering Project Manager:		Reviewer:		
Prime Contractor:		Review Date:		
DBE Subcontractor:		DBE Foreman/Supt:		
DBE Start Date:		Anticipated DBE Completion Date:		
Work Item	Work Item Description		Approximate % Complete as of this date	Subcontracted Dollar Amount
REGARDING DBE'S FOREMAN/SUPT				
Exclusively employed by the DBE?			YES	NO
Shown on the DBE's payroll?			YES	NO
Shown on any other firm's payroll?			YES	NO
If yes, whose?				
Directly reports to:				
REGARDING DBE'S EMPLOYEES				
Are DBE's employees shown on any other contractor's payrolls?			YES	NO
If yes, whose?				
Do the DBE;s employees receive work assignments from DBE Foreman/Supt?			YES	NO
REGARDING DBE'S EQUIPMENT				
Does the equipment have the DBE's name and/or logo?			YES	NO
If another firm's name or logo is shown identify:				
Does the equipment belong to the DBE?			YES	NO
If leased or rented, is there a copy of the lease or rental agreement in EPM files?			YES	NO
Who is the equipment leased or rented from:				
REGARDING DBE'S WORK PERFORMANCE				
Has any other Contractor performed work that was to be performed by the DBE?			YES	NO
Identify the contractor who performed the work:				
What work items were performed by the identified contractor?				
Were these items on the DBE's subcontract?			YES	NO
Has the DBE owner been present on the job site?			YES	NO
Does the DBE appear to have control over their work and employee's?			YES	NO
Comments: (any comments pertaining to the performance or conduct of the DBE company)				
Has the Civil Rights Bureau, DBE Program been notified of problems identified in this report?			YES	NO
If no, explain why.				

Attachment 7

Form for Demonstration of Good Faith Efforts

LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone (including area code): _____

Description of work to be performed by DBE firm:

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

Affirmation

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

By _____ (Signature) _____ (Title)

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

(Submit this page for each minority subcontractor.)

Attachment 8

The undersigned, a duly appointed representative of the following agency:

City of Roseau, Roseau, Minnesota
(agency name)

agrees to and accepts the Unified Certification Program (UCP), as outlined in the Minnesota Department of Transportation DBE Program, and required by 49 CFR §26.81. By this agreement and acceptance, the above-named agency will ensure that:

- This agency 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 §26 on the basis of race, color, sex or national origin;
- This agency 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;
- Each financial assistance agreement this agency sign with a DOT operating administration (or a primary recipient) will include the following assurance:

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

- Each contract this agency signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) will include the following assurance:

"The contractor, subrecipient, 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 § 26 in the award and administration of FAA-Assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate."

- And this agency will accept all DBEs certified by MNDOT as certified for participation in this agency's DBE Program.



(Signed) Todd Peterson
Community Development Coordinator, City of Roseau

2/4/15

(Dated)

Rev May 2000

UNIFIED CERTIFICATION PROGRAM (UCP)

In accordance with 49 CFR 26.81(b), the Minnesota Department of Transportation will assume the responsibilities as the Unified Certification Program (UCP) Lead Agency for Minnesota. As the UCP Lead Agency, MNDOT will make all certification decisions on behalf of all DOT (FHWA, FTA, and FAA) recipients in the state of Minnesota with respect to participation in the USDOT DBE Program.

MNDOT will ensure that:

- As the UCP Lead Agency, MNDOT will follow all certification procedures outlined in 49 CFR 26, subparts D and E;
- As the UCP Lead Agency, MNDOT will cooperate fully with oversight, review, and monitoring activities of USDOT and its operating administrations; and
- As the UCP Lead Agency, MNDOT will implement DOT directives and guidance concerning certification matters.

Certification decisions by MNDOT will be binding on all DOT recipients in the state and shall provide "one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state.

MNDOT will carry out all obligations with respect to certification and nondiscrimination and ensure that recipients that are party to the UCP establish the same nondiscrimination obligations in their respective DBE Programs.

All certifications by MNDOT shall be pre-certifications; i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE.

As the UCP Lead Agency, MNDOT is not required to process an application for certification from a firm having its principal place of business outside the state in which it maintains its principal place of business.

As the UCP Lead Agency, MNDOT will maintain a unified DBE directory containing, for all firms certified by MNDOT, the information required by 49 CFR 26.31. The DBE directory is available at the following website:

<http://www.dot.state.mn.us/civilrights/dbe.html>

In order to be a party to the UCP, each recipient must complete, sign and forward the UCP agreement to the following address

<http://www.dot.state.mn.us/civilrights/dbe.html>:

Minnesota Department of Transportation
Transportation Building
395 John Ireland Blvd
St Paul, MN 55155

ATTACHMENT 9 BIDDERS LIST

Project Title: _____
Date: _____
Prime Contractor: _____
Address: _____
Phone / Fax: _____

Name of Firm	Address	Type of Work to be Performed on Contract	Licensed in			Contractors		Certified DBE		Certification Number	Bid Amount	Date Firm Established	* GRS
			Yes	No	State	License #	Class	Yes	No				

NOTE: This form is not necessary if the recipient establishes a bidders list using another methodology (e.g., statistically sound survey of firms, widely disseminated request of firms to report information to the recipient, etc.) as defined in the recipient's DBE plan.

* GRS = Annual Gross Receipts

Enter 1 for Less than \$1 Million

Enter 2 for More than \$1 Million, Less than \$5 Million

Enter 3 for More than \$5 Million, Less than \$10 Million

Enter 4 for More than \$10 Million, Less than \$15 Million

Enter 5 for More than \$15 Million

Attachment 10

Small Business Element Program

A. Objective (49 CFR Part 26.39)

The Sponsor has implemented many processes in association with MNDOT to assist DBE and non-DBE small business enterprises. Airport projects are reviewed in the developmental stage to determine the feasibility of unbundling large projects to a size and scope that small businesses can participate. The Sponsor is committed to taking all reasonable steps to eliminate obstacles to small businesses that may limit their participation as prime contractors or subcontractors.

- **Unbundling:** Where feasible, The Sponsor “unbundles” projects or separates large contracts into smaller contracts which are more suitable for small business participation. This determination is made based on the estimated availability of small businesses able to provide specific scopes of work and considers any economic or administrative burdens which may be associated with unbundling. Similarly, The Sponsor will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses.
- MNDOT Supportive Services provides an online newsletter featuring the following:
 - A means by which primes and large subcontractors over \$500,000 solicit participation on both race-conscious and race-neutral projects.
 - The Newsletter contains advertisements by prime contractors and large subcontractors over \$500,000, soliciting quotes, and provided contact information so all subcontractors and suppliers may contact them to provide quotes.
 - Notices of Construction Project Advertisements for Bids sent to the newsletter for publication are also forwarded on to the MNDOT Civil Rights e-mail contact list.
 - Training opportunities to aid small businesses enterprises in all facets of their business.
 - Small business related articles and information.
- On race-conscious projects where a bid differential determines the successful bidder, whichever small business enterprise is selected, DBE or non-DBE, the low bidder must commit to using that firm, by completing DBE Notification of Intent to Subcontract Form 289B, for the quantities, amounts, and conditions specified in the bid differential process, before the project can be awarded. An end of project reporting form is used to verify that the bid items and amounts actually paid are the same as agreed to in the bid differential process.
- MNDOT Training is offered to DBEs and to non-DBE small business enterprises.
- In the bidding process, planholder lists are available to provide small businesses the opportunity to see which prime contractors will be bidding on the project.
- All small business enterprises are covered under the Prompt Payment and Retainage specification (49 CFR Part 26.29)
- The Sponsor will continue to meet its objectives using the unbundling method.

B. Definitions

Small Business:

Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration (SBA) regulations implementing it (13 CFR Part 121). A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Small businesses enterprises typically bid on contracts under \$500,000.

Disadvantaged Business Enterprise (DBE):

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

- That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;

- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) does not exceed the described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a MNDOT DBE in accordance with 49 CFR 26.

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

C. Certification and Verification Procedures

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

- MNDOT DBE Certification - DBE Certification by MNDOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the SDDOT.

D. Implementation Schedule

The Sponsor will continue to implement this small business element upon FAA approval of this document describing the element.

E. Assurances

The Sponsor makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program 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.