Dubuque Regional Airport (DBQ)

Disadvantaged Business Enterprise (DBE) Program
49 CFR Part 26

Created: August 29, 2022
POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Dubuque Regional Airport Commission 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 Dubuque Regional Airport Commission has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, DBQ has signed a grant assurance that it will comply with 49 CFR part 26 (hereinafter referred to as "Part 26").

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

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

Cheryl Sheldon, Accountant has been delegated as the DBE Liaison Officer. In that capacity, the Accountant 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 Dubuque Regional Airport Commission in its financial assistance agreements with the Department of Transportation.

The Dubuque Regional Airport Accountant has disseminated this policy statement to the Dubuque Regional Airport Commission and all the components of our organization. We have distributed this statement to the DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. The distribution was accomplished by publishing this statement on the Dubuque Regional Airport website.

Cheryl Sheldon, Accountant 8-29-22
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 Dubuque Regional Airport Commission is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 Definitions

The Dubuque Regional Airport Commission will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

The Dubuque Regional Airport Commission 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 Dubuque Regional Airport Commission 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.

We will report DBE participation to DOT/FAA as follows:

We 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. We will also report the DBE contractor firm information either on the FAA DBE Contractor’s Form or other similar format. We will begin using the revised Uniform Report of DBE Awards or Commitments and Payments for reporting FY2022 reports due December 1, 2022.
Bidders List: 26.11(c)

The Dubuque Regional Airport Commission will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information by use of an attachment on the bid proposal. A copy of the bid form is included as Attachment 2 to this DBE program.

Section 26.13 Federal Financial Assistance Agreement

The Dubuque Regional Airport Commission has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

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

The Dubuque Regional Airport Commission 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 Dubuque Regional Airport Commission 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 Dubuque Regional Airport Commission 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 Dubuque Regional Airport Commission of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

[Note: This language is to be used verbatim, as it is stated in 26.13(a).]

Contract Assurance: 26.13b – The Dubuque Regional Airport Commission will ensure that the following clause is included in each contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:

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 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 Dubuque Regional Airport Commission deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible.

[Note: This language is to be used verbatim, as it is stated in 26.13(b)]
SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21  DBE Program Updates

The Dubuque Regional Airport Commission is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds $250,000 in FAA funds in a federal fiscal year. We are not eligible to receive DOT financial assistance unless DOT has approved our DBE program and we are in compliance with it and this part. We will continue to carry out our program until all funds from DOT financial assistance have been expended. We do not have to submit regular updates of our program, as long as we remain in compliance. However, we will submit significant changes in the program for approval.

Section 26.23  Policy Statement

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

Section 26.25  DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Cheryl Sheldon
Accountant
11000 Airport Road
Dubuque, Iowa 52003
563-589-4234
csheldon@cityofdubuque.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Dubuque Regional Airport Commission complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Airport Commission concerning DBE program matters. An organization chart displaying the DBELO’s position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has access to legal counsel and consultant engineers to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.

3. Works with all internal divisions 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 progress toward attainment and identifies ways to improve progress.

7. Participates in pre-bid meetings.

8. Advises the Airport Commission on DBE matters and achievement.


Section 26.27 DBE Financial Institutions

It is the policy of the Dubuque Regional Airport Commission 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. At this time, we have not identified any financial institutions in the Dubuque area which are owned and operated by socially and economically disadvantaged individuals.

Information on the availability of such institutions can be obtained electronically at http://www.fms.treas.gov/mbdp/index.html.

Section 26.29 Prompt Payment Mechanisms

The Dubuque Regional Airport Commission 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.

We 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. We 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 Dubuque Regional Airport Commission will consider a subcontractor’s work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented. When the Dubuque Regional Airport Commission 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.

We will provide appropriate means to enforce the requirements of this section by including the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 7 days from the receipt of each payment the prime contractor receives from Airport Commission.

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 Dubuque Regional Airport Commission. This clause applies to both DBE and non-DBE subcontractors.

Prime contractors found to be in non-compliance with the prompt payment clause will be subject to sanctions by the Dubuque Regional Airport Commission. These sanctions include issuing two-party checks for the payment of the prime contractor’s application for payment. The two-party check will be made out to the prime contractor and the subcontractor from whom payment is being withheld. The Dubuque Regional Airport Commission may notify and request corrective action from the prime contractor’s surety company, issuer of the payment bond for the project.

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 Dubuque Regional Airport Commission or DOT. 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.

Section 26.31 Directory

The Dubuque Regional Airport Commission uses the State of Iowa DBE directory, State of Wisconsin DBE directory and the State of Illinois DBE directory.

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

The State UCP revises the Directory and is updated in real time, with additions, removals and changes occurring as they are approved. The Directories may be found at:

https://secure.iowadot.gov/DBE/Home/Index/
http://wisconsindot.gov/Pages/doing-business/civil-rights/dbe/default.aspx
http://www.idot.illinois.gov/doing-business/certifications/disadvantaged-business-enterprise-certification/il-ucp-directory/index

Section 26.33 Over-concentration

The Dubuque Regional Airport Commission has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The Dubuque Regional Airport Commission has not established a business development program. The Iowa DOT offers three business development programs, the emerging small business program, the small business development contracts, and the supportive services program.

Section 26.37 Monitoring and Enforcement Mechanisms

The Dubuque Regional Airport Commission 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 Iowa, Illinois and Wisconsin Department of Transportation any false, fraudulent, or dishonest conduct in connection with their programs, so that the 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 implement similar action under our own legal authorities, including responsibility determinations in future contracts.

3. We will 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 performed by the DBEs to which the work was committed.

4. We will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished by including in our contract agreement with consulting engineers to perform this work as part of their contractual obligations.

5. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment made to DBE firms), including a means of comparing these attainments to commitments. In our 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 Dubuque Regional Airport Commission 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 small business element is incorporated as Attachment 7 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 Dubuque Regional Airport Commission does not use quotas in any way in the administration of this DBE program.

Section 26.45  Overall Goals

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

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

26.45 (g)(1) In establishing the overall goal, the Dubuque Regional Airport Commission will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Dubuque Regional Airport Commission efforts to establish a level playing field for the participation of DBEs.

In addition, the Dubuque Regional Airport Commission will publish a notice announcing our proposed overall goal before submission to the operating administration on August 1st. The notice will be posted on our official website and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes, following review by the operating administration, the revised goal will be posted on our official website. We will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at our principal office and that the Dubuque Regional Airport Commission and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. The public comment period will not extend the August 1st deadline.
Our 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 our responses.

We will begin using our overall goal on October 1st of the reporting period unless we have received other instructions from DOT.

Section 26.45 (e) - Project Goals

If permitted or required by the FAA Administrator, we will express our overall goals as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.45(f) - Prior Operating Administration Concurrent

The Dubuque Regional Airport Commission understands that we are not required to obtain prior operating administration concurrence with our overall goal. However, if the operating administration’s review suggests that our overall goal has not been correctly calculated or that our method for calculating goals is inadequate, the operating administration may, after consulting with us, adjust our overall goal or require that we do so. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.9.

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

Section 26.47 Failure to Meet Overall Goals

The Dubuque Regional Airport Commission will maintain an approved DBE Program and overall DBE goal, if applicable, as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

If the Dubuque Regional Airport Commission awards and commitments shown on our 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 our 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 us to meet fully your goal for the new fiscal year.

3. Dubuque Regional Airport Commission will submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (c) (1) and (2) of this section to the FAA for approval.

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

The Dubuque Regional Airport Commission will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

The Airport has a history of race-conscious DBE participation on these types of projects and expects to obtain its DBE participation using DBE contract goals or a conscious effort to obtain DBE participation.

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program.

Section 26.51(d-g) Contract Goals

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

We 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).

We will express our contract goals as a percentage of the total amount of a DOT 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. Examples of good faith efforts are found in Appendix A to Part 26.

The DBE Liaison Officer 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/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 Dubuque Regional Airport Commission treats bidder/offers’ compliance with good faith efforts’ requirements as a matter of responsiveness – all bidders submit DBE information at the time of bid. 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. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract.

3. The dollar amount of the participation of each DBE firm participating.

4. Written documentation of the bidder’s/offeror’s commitment to use a DBE subcontractor whose participation it submits to meet a contract goal.

5. Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor’s commitment; and

6. If the contract goal is not met, evidence of good faith efforts (see Appendix A of this part). The documentation of good faith efforts must include copies of each
DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

Administrative reconsideration (26.53(d))

Within five business days of being informed by the Dubuque Regional Airport Commission 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:

Dubuque Regional Airport Commission Chairperson
11000 Airport Rd
Dubuque, Iowa 52003

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g))

We will include in each prime contract a provision stating:

The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains your written consent as provided in this paragraph 26.53(f); and

That, unless our consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

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

In this situation, 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.

We will require that a prime contractor not terminate a DBE subcontractor listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm) without our prior written consent. This includes, but not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

We will provide such written consent only if we agree, for reasons stated in our 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 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 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.

[Note: Include the administrative remedies you will use for noncompliance (see 26.53(f)(3)). The following two sentences are examples of such remedies.]

The Dubuque Regional Airport Commission will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that we established for the procurement. The good faith efforts shall be documented by the contractor. If we request documentation from the contractor under this provision, the contractor shall submit the documentation to us within 7 days, which may be extended for an additional 7 days, if necessary, at the request of the contractor and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

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

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.
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 Dubuque Regional Airport Commission 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/offerors, including those who qualify as a DBE. A DBE contract goal of .6 percent (as determined in the goal calculationAttachment 4) has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract; and

2. A description of the work that each DBE firm will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract; and

3. The dollar amount of the participation of each DBE firm participating; and

4. Written documentation of the bidder/offeror’s commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; and

5. Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor’s commitment; and

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

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 been paid to the DBE. If the firm is not currently certified as a DBE in accordance with the standards of Subpart D of this part at the time of the execution of
the contract, we will not count the firm’s participation toward any DBE goals, except as provided for in 26.87(j).
SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The Dubuque Regional Airport Commission 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 our certification decisions based on the facts as a whole.

To receive a copy of the Unified Certification Application Form or to obtain information about the certification process, firms should contact:

External Civil Rights Administrator
Iowa DOT
Office of Employee Services
800 Lincoln Way
Ames, Iowa 50010

Phone number: 515-239-1427

Website: https://iowadot.gov/civilrights/disadvantaged-business-enterprise-program-dbe/dbe-program
Section 26.81 Unified Certification Programs

The Dubuque Regional Airport Commission is the member of a Unified Certification Program (UCP) administered by the Iowa DOT. The UCP will meet all the requirements of this section. Refer to Attachment 6 for a copy of the current UCP with the Iowa DOT.
SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation and Intimidation or Retaliation

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 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, we will 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.

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The Dubuque Regional Airport Commission, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. If we violate this prohibition, we are in noncompliance with this part.
ATTACHMENTS

Attachment 1: Organizational Chart
Attachment 2: Bidder’s List Collection Form
Attachment 3: DBE Directories Link
Attachment 4: Overall Goal Calculations
Attachment 5: Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2
Attachment 6: State’s UCP Agreement
Attachment 7: Small Business Element Program
Attachment 8: Regulations: 49 CFR Part 26 Website Link
ATTACHMENT 1

Organizational Chart

Dubuque Regional Airport Commission

Airport Director

Accountant/DBE Liaison Officer
FBO Supervisor
Assistant Airport Director
ATTACHMENT 2
BIDDER’S LIST COLLECTION FORM

BIDDERS LIST (Must be submitted with Bid Proposal)

In all instances in which the Bidder intends to assign, sublet, or subcontract any portion of the work on this project, the Bidder shall provide the information requested below. If the Bidder does not intend to utilize any subcontractors or assignees, the Bidder shall so indicate by marking “none” in the Subcontractor column below:

<table>
<thead>
<tr>
<th>FIRM NAME/ADDRESS/PHONE</th>
<th>DESCRIPTION OF WORK</th>
<th>SUBCONTRACT AMOUNT</th>
<th>DBE Y OR N</th>
<th>ANNUAL GROSS RECEIPTS*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Insert one of the following designations into the gross annual receipts’ column for each firm:

A. Less than $1,000,000
B. Less than $4,000,000
C. Less than $14,000,000
D. Less than $33,500,000
E. More than $33,500,000
The State of Iowa DBE Directory may be found at:
https://secure.iowadot.gov/DBE/Home/Index/

The State of Wisconsin DBE Directory may be found at:
http://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/default.aspx

The State of Illinois DBE Directory may be found at:
http://www.idot.illinois.gov/doing-business/certifications/disadvantaged-business-enterprise-certification/il-ucp-directory/index
Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: Dubuque Regional Airport Commission.

Goal Period: FY2022-2023-2024 – October 1, 2021, through September 30, 2024

DOT-assisted Contract Amount:  
- FY-2022 $ 315,000
- FY-2023 $ 5,090,112
- FY-2024 $ 9,331,200
- Total $14,736,312

Overall Three-Year Goal: 0.94%, to be accomplished through 0.94% RC and 0% RN

Total Dollar Amount to be Expended on DBE's: $130,131

Describe the Number and Type of Contracts That the Airport Anticipates Awarding:

1. Relocate Taxiway A Phase 1 – Design - $315,000
2. Relocate Taxiway A Phase 2 – Construction - $3,744,000
3. Install Solar Photovoltaic System – 1,346,112
4. Relocate Taxiway A Phase 3 – Construction - $9,331,200

Market Area: The Dubuque Regional Airport is located within Dubuque County, in eastern Iowa. For purposes of establishing the market area for construction projects, we consider the following counties as containing contractors who may potentially bid on work at the Dubuque Regional Airport (all the adjacent contiguous counties within 75 miles of DBQ):

1. Counties in the state of Illinois of Carroll, Jo Daviess, and Stephenson; and
2. Counties in the state of Wisconsin of Grant, Iowa, and Lafayette; and
3. Counties in the state of Iowa of Buchanan, Cedar, Clayton, Clinton, Delaware, Dubuque, Fayette, Jackson, Linn, and Scott.

Bidders’ lists on past projects show that most Contractors and Subcontractors are based within Dubuque County and the surrounding counties.

Step 1. 26.45(c) Actual Relative Availability of DBE's:

Determine the base figure for the relative availability of DBEs. The base figure for the relative availability was calculated as follows:
We Anticipate for FY2022 – Relocate Taxiway A Phase 1 Design

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBE’s</th>
<th>Total All Firms</th>
<th>% of Work Anticipated</th>
<th>Federal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>541330</td>
<td>Engineering Design Services</td>
<td>0</td>
<td>115</td>
<td>75%</td>
<td>$236,250</td>
</tr>
<tr>
<td>541370</td>
<td>Survey and Mapping</td>
<td>0</td>
<td>14</td>
<td>25%</td>
<td>$78,750</td>
</tr>
<tr>
<td></td>
<td>Total Project</td>
<td>0</td>
<td>129</td>
<td>100%</td>
<td>$315,000</td>
</tr>
</tbody>
</table>

Weighting is used to establish the base figure:

\[
(0/115) \times 75\% + (0/14) \times 25\% = 0\%
\]

Base figure = 0% of all firms ready, willing, and able.

We Anticipate for FY2023 – Relocate Taxiway A Phase 2 Construction

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBE’s</th>
<th>Total All Firms</th>
<th>% of Work Anticipated</th>
<th>Federal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>237310</td>
<td>Highway Contractors</td>
<td>0</td>
<td>218</td>
<td>66%</td>
<td>$2,471,040</td>
</tr>
<tr>
<td>238910</td>
<td>Site Prep Contractors</td>
<td>5</td>
<td>139</td>
<td>17%</td>
<td>$ 636,480</td>
</tr>
<tr>
<td>541330</td>
<td>Design Construction Engineering Services</td>
<td>0</td>
<td>115</td>
<td>15%</td>
<td>$ 561,600</td>
</tr>
<tr>
<td>561990</td>
<td>Traffic Control/Other Support Services</td>
<td>1</td>
<td>54</td>
<td>2%</td>
<td>$ 74,880</td>
</tr>
<tr>
<td></td>
<td>Total Project</td>
<td>6</td>
<td>526</td>
<td>100%</td>
<td>$3,744,000</td>
</tr>
</tbody>
</table>

Weighting is used to establish the base figure:

\[
(0/218) \times 66\% + (5/139) \times 17\% + (0/115) \times 15\% + (1/54) \times 2\% = .63\%
\]

Base figure = .63% of all firms ready, willing, and able.

We Anticipate for FY2023 – Install Solar Photovoltaic System

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBE’s</th>
<th>Total All Firms</th>
<th>% of Work Anticipated</th>
<th>Federal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>238210</td>
<td>Electrical Contractors &amp; Other Wiring Installation Contractors</td>
<td>0</td>
<td>218</td>
<td>75%</td>
<td>$1,009,584</td>
</tr>
<tr>
<td>238910</td>
<td>Site Prep Contractors</td>
<td>5</td>
<td>139</td>
<td>6%</td>
<td>$ 80,767</td>
</tr>
<tr>
<td>541330</td>
<td>Design Construction Engineering Services</td>
<td>0</td>
<td>115</td>
<td>17%</td>
<td>$ 228,839</td>
</tr>
<tr>
<td>561990</td>
<td>Traffic Control/Other Support Services</td>
<td>1</td>
<td>54</td>
<td>2%</td>
<td>$ 26,922</td>
</tr>
<tr>
<td></td>
<td>Total Project</td>
<td>6</td>
<td>526</td>
<td>100%</td>
<td>$1,346,112</td>
</tr>
</tbody>
</table>
Weighting is used to establish the base figure:

\[(0/218) \times 75\% + (5/139) \times 6\% + (0/115) \times 17\% + (1/54) \times 2\% = .23\%\]

Base figure = .23\% of all firms ready, willing, and able.

**We Anticipate for FY2024 – Relocate Taxiway A Phase 3 – Construction**

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBE’s</th>
<th>Total All Firms</th>
<th>% of Work Anticipated</th>
<th>Federal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>237310</td>
<td>General Contractors</td>
<td>0</td>
<td>218</td>
<td>80%</td>
<td>$7,464,960</td>
</tr>
<tr>
<td>238910</td>
<td>Site Prep Contractors</td>
<td>5</td>
<td>139</td>
<td>4%</td>
<td>$ 373,248</td>
</tr>
<tr>
<td>541330</td>
<td>Design Construction Engineering Services</td>
<td>0</td>
<td>115</td>
<td>14%</td>
<td>$1,306,368</td>
</tr>
<tr>
<td>561990</td>
<td>Traffic Control/Other Support Services</td>
<td>1</td>
<td>54</td>
<td>2%</td>
<td>$ 186,624</td>
</tr>
<tr>
<td></td>
<td><strong>Total Project</strong></td>
<td><strong>6</strong></td>
<td><strong>526</strong></td>
<td><strong>100%</strong></td>
<td><strong>$9,331,200</strong></td>
</tr>
</tbody>
</table>

Weighting is used to establish the base figure:

\[(0/218) \times 80\% + (5/139) \times 4\% + (0/115) \times 14\% + (1/54) \times 2\% = .14\%\]

Base figure = .14\% of all firms ready, willing, and able.

The data sources or demonstrable evidence used to derive the numerator was:

- [https://secure.iowadot.gov/DBE/Home/Index/](https://secure.iowadot.gov/DBE/Home/Index/) (Iowa DBE’s)

The data source or demonstrable evidence used to derive the denominator was:

- [http://www.census.gov/data.html](http://www.census.gov/data.html)

**Step 2. 26.45(d): 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 to arrive at the overall goal.

**Statewide DBE Goal – Iowa DOT**

The Iowa Department of Transportation administers a DBE program for work completed statewide. The current DBE goal is 6.03%, with an accomplishment rate of 6.14% year-to-date.
**Dubuque Regional Airport prior 3-year Goal**

The approved DBE program for FY2019 through FY2021 has an established goal of .92%.

**Past History Participation**

Other data used to determine the adjustment to the base figure was the median of historical DBE accomplishments as follows:

<table>
<thead>
<tr>
<th>FY</th>
<th>Total Grant Amount</th>
<th>DBQ DBE Goal RC %</th>
<th>Bids Received</th>
<th>Accomplishments</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Bid %</td>
<td>$ Amt Bid</td>
<td>Total RC %</td>
</tr>
<tr>
<td>FY12</td>
<td>$7,082,854</td>
<td>1.2%</td>
<td>0.2%</td>
<td>$20,000</td>
<td>0.4%</td>
</tr>
<tr>
<td>FY12</td>
<td>$2,803,094</td>
<td>1.2%</td>
<td>1.5%</td>
<td>$42,000</td>
<td>2.3%</td>
</tr>
<tr>
<td>FY13</td>
<td>$1,987,313</td>
<td>1.2%</td>
<td>1.3%</td>
<td>$24,000</td>
<td>1.4%</td>
</tr>
<tr>
<td>FY15/FY16</td>
<td>$5,585,738</td>
<td>1.2%</td>
<td>1.5%</td>
<td>$74,000</td>
<td>1.5%</td>
</tr>
<tr>
<td>FY15</td>
<td>$2,161,223</td>
<td>0.0%</td>
<td>0.0%</td>
<td>$0</td>
<td>0.0%</td>
</tr>
<tr>
<td>FY16</td>
<td>$923,643</td>
<td>1.2%</td>
<td>2.1%</td>
<td>$15,860</td>
<td>2.3%</td>
</tr>
<tr>
<td>FY17</td>
<td>$45,180</td>
<td>0.0%</td>
<td>0.0%</td>
<td>$0</td>
<td>0.0%</td>
</tr>
<tr>
<td>FY17</td>
<td>$788,866</td>
<td>0.0%</td>
<td>0.0%</td>
<td>$0</td>
<td>0.0%</td>
</tr>
<tr>
<td>FY18</td>
<td>$660,101</td>
<td>0.0%</td>
<td>0.0%</td>
<td>$0</td>
<td>0.0%</td>
</tr>
<tr>
<td>FY19</td>
<td>$535,515</td>
<td>0.0%</td>
<td>0.0%</td>
<td>$0</td>
<td>0.0%</td>
</tr>
<tr>
<td>FY20</td>
<td>$2,033,515</td>
<td>0.0%</td>
<td>0.0%</td>
<td>$0</td>
<td>0.0%</td>
</tr>
<tr>
<td>FY21</td>
<td>$77,363</td>
<td>0.0%</td>
<td>0.0%</td>
<td>$0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Totals</td>
<td>$24,684,405</td>
<td></td>
<td>0.0%</td>
<td>$0</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Arranging this historical data from low to high, the median is **1.5%**, and the average is **1.58%**.

The review of the historical data provides some insight into the DBE market as it pertains to recent work at the Dubuque Regional Airport. With all the projects that had a DBE goal requirement, the contractor was able to slightly exceed the DBE goal.

With the above information in mind, the Dubuque Regional Airport Commission proposes the following DBE goals for the upcoming three years:

- **Fiscal Year 2022 = 0.0%** - No change to the Step 1 base figure
- **Fiscal Year 2023 = 0.98%** - Adjusted goal with Step 2 historical average
- **Fiscal Year 2024 = 0.86%** - Adjusted goal with Step 2 historical average

To arrive at a goal for FY2023, we averaged our Step 1 base figures (.63% + .14%) and added them with the average of the last 6 years of accomplishments (1.58%), and then averaged the total arriving at an overall goal of .98%. We feel this adjusted goal figure is still higher than what
was established, but with expected Race Neutral accomplishments, this DBE participation goal can be achieved for the type of work being awarded during FY2023.

To arrive at a goal for FY2024, we averaged our Step 1 base figure (.14%) and added that with the average of the last 6 years of accomplishments (1.58%), and then averaged the total arriving at an overall goal of .86%. We felt this adjusted goal figure is still higher than what was established but can be achieved for the type of work being awarded during FY2024.

**FY22 through FY24 Goal**

<table>
<thead>
<tr>
<th>FFY</th>
<th>Project</th>
<th>Project Goal</th>
<th>Project Budget</th>
<th>Project Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>Relocate Taxiway A Design</td>
<td>0.0%</td>
<td>$315,000</td>
<td>$0</td>
</tr>
<tr>
<td>2023</td>
<td>Relocate Taxiway A Construction – Phase 2</td>
<td>0.98%</td>
<td>$3,744,000</td>
<td>$36,691</td>
</tr>
<tr>
<td>2023</td>
<td>Install Solar PV System</td>
<td>0.98%</td>
<td>$1,346,112</td>
<td>$13,192</td>
</tr>
<tr>
<td>2024</td>
<td>Relocate Taxiway A Construction – Phase 3</td>
<td>0.86%</td>
<td>$9,331,200</td>
<td>$80,248</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>0.94%</td>
<td>$2,226,537</td>
<td>$130,131</td>
</tr>
</tbody>
</table>

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

The recipient will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation. Most of the measures listed below will be carried out by the Iowa DOT as part of their DBE program, and in turn through the UCP agreement supported by the Dubuque Regional Airport Commission.

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation; and

2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing; and

3. Providing technical assistance and other services; and

4. Carrying out information and communications programs on contracting procedures and specific contract opportunities; and

5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBE’s and other small businesses; and

6. Providing services to help DBE’s 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; and
7. **Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and**

8. **Assist DBE’s and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media; and**

The recipient estimates that in meeting its overall goal of 0.98% in FY23, it will obtain 0.0% from RN participation and 0.98% through RC measures.

**This breakout is based on:**

_Historically the Contractors slightly exceeded the project goal, which is evidence of race neutral participation, however, we anticipate that the entire 0.98% will be race conscious participation by the contractor._

The Dubuque Regional Airport 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.

**PUBLIC PARTICIPATION**

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

In establishing the overall goal, the Dubuque Regional Airport Commission will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Dubuque Regional Airport Commission’s efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the Dubuque Regional Airport Commission’s goal setting process, and it will occur before we are required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. We will document in our goal submission the consultation process that we engaged in. Notwithstanding paragraph (f)(4) of this section, we will not implement our proposed goal until we have complied with this requirement.

We will publish a notice on the Dubuque Regional Airport website of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Airport Administration Office for 30 days following the date of the notice, and informing the public that the Dubuque Regional Airport Commission and DOT will accept comments on the goals for 30 days from the date of the notice.
Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses, if any.
PUBLIC NOTICE

The Dubuque Regional Airport Commission hereby announces its fiscal years 2022 through 2024 goal of 0.94% for Disadvantaged Business Enterprise (DBE) airport construction contracts. The proposed goals and rationale are available for inspection between 8:30 a.m. and 4:30 p.m., Monday through Friday at the office of the Airport Accountant, for 30 days from the date of this publication.

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

Cheryl Sheldon
Accountant
11000 Airport Rd
Dubuque, Iowa 52003
563-589-4234
csheldon@cityofdubuque.org

AND

Ofelia Medina
Compliance Specialist
Disadvantaged Business Enterprise Program
FAA Office of Civil Rights
P.O. Box 92007, AWP-9
Los Angeles, CA 90009-2007
310-725-3945
ofelia.medina@faa.gov
**Contract Goals**

The Dubuque Regional Airport Commission 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 using RN means.

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

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.
ATTACHMENT 5
Demonstration of Good Faith Efforts - Forms 1 & 2

UTILIZATION STATEMENT
Disadvantage Business Enterprise

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

☐ The bidder/offeror is committed to a minimum of 0.94% DBE utilization on this contract.

☐ The bidder/offeror, while unable to meet the DBE goal of 0.94%, hereby commits to a minimum of _____% DBE utilization on this contract and also submits documentation, as an attachment demonstrating good faith efforts (GFE).

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

________________________________________________________________________
Bidder's/Offeror's Firm Name

________________________________________________________________________
Signature                                      Date

DBE UTILIZATION SUMMARY

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Contract Amount</th>
<th>DBE Amount</th>
<th>Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>DBE Prime Contractor</td>
<td>$</td>
<td>$</td>
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<td></td>
<td>x 1.00 =</td>
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<tr>
<td>DBE Subcontractor</td>
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<tr>
<td>DBE Supplier</td>
<td>$</td>
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<tr>
<td>DBE Manufacturer</td>
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<td>x 1.00 =</td>
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<tr>
<td>Total Amount DBE</td>
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<tr>
<td>DBE Goal</td>
<td>$</td>
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<td>_______%</td>
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Note: If the total proposed DBE participation is less than the established DBE goal, Bidder must provide written documentation of the good faith efforts as required by 49 CFR Part 26.
LETTER OF INTENT
Disadvantage Business Enterprise
(This page shall be submitted for each DBE firm)

Bidder/Offer
Name: _______________________
Address: _______________________

DBE Firm:
DBE Firm: _______________________
Address: _______________________

DBE Contact Person:
Name: _______________________
Phone: (___) _______

DBE Certifying Agency: _______________________
Expiration Date: _______

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

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

<table>
<thead>
<tr>
<th>Work item(s) to be performed by DBE</th>
<th>Description of Work Item</th>
<th>Quantity</th>
<th>Total</th>
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</table>

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

DBE contract amount: $_________________________ Percent of total contract: _______%

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

By: __________________________________________
(Signature) (Title)

Note: In the event the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.
January 23, 2002

Ref. No.: 424

To: All U.S. DOT Recipients,

Subject: Unified Certification Program

As stated in my December 6, 2001 letter, this office would be sending you a copy of our UCP program as soon as it had been finalized. The approved program is enclosed for your review. Please obtain the appropriate signatures on the final page, then return that page only to this office.

By your signatures, you are agreeing to the establishment of our UCP Program, and any “local” list of DBEs will become obsolete. As I mentioned in my earlier letter, if you want a hardcopy of the current Directory let this office know. It is also available online at www.ia.bidx.com/lettings.

Please bring this to your immediate attention. This part of the process needs to be completed by the end of February.

If you have questions feel free to call this office at 515-239-1422. Thank you for your cooperation in this new unified program.

Sincerely,

Craig J. Russell
EEO Administrator

CJR:mmm
Enclosure
IOWA DEPARTMENT OF TRANSPORTATION (Iowa DOT) 
UNIFIED CERTIFICATION PROGRAM (UCP) AGREEMENT

Development & Proposal

The new Disadvantaged Business Enterprise (DBE) requirements contained in 49 CFR Part 26 included a provision for a “one-stop” certification process. The process must be defined and submitted to the Secretary of Transportation for approval within 3 years of publication of the regulations, February 2002. (Attachment A) Failure to develop and execute a UCP agreement will result in a loss of USDOT funding.

Impact on Recipient Programs

Federal regulations, 49 CFR Part 26, require all USDOT fund recipients implement a UCP within three years. The statewide UCP must establish a single uniform process or “one stop-shopping” for DBE applications, certifications, and development of a single point DBE Directory. All USDOT recipients will be required to ratify the UCP agreement and all DBE certifications by the Iowa DOT will be binding.

The UCP will not establish, recommend or alter any agencies’ overall DBE Program, other than to supplement an approved program submittal, DBE goal, or goal methodology. DBE goal development, administration, monitoring, and reporting remains the sole responsibility of the agency with a USDOT approved DBE Program in accordance with 49 CFR Part 26, subject to any oversight requirements of the lead agency. Any agency that elects not to establish a DBE Program as set forth in 49 CFR Part 26 will be required to adopt and implement the lead agency’s program. The lead agency in Iowa is the Iowa DOT for the majority of the recipient’s USDOT federal funds.

Reciprocity

The Iowa DOT may elect to enter into a written reciprocity agreement; with UCPS in other states or regions.

Process Review

The Iowa DOT has developed an application letter, approval letter, and certificate of approval. (Attachments B, C, & D) The current DBE application will be used due to the impending application under development by the USDOT.

Ratification Process

All recipients of federal funds administered by the USDOT, either directly or indirectly, must ratify and comply with the UCP agreement. Failure to ratify the agreement may result in the loss of federal funds from the Iowa DOT and/or the USDOT.
Initial Consolidation

The Iowa DOT will review all firms that make a written request to determine eligibility under 49 CFR Part 26. The Iowa DOT will review any investigative information, the certification file, and any other documentation provided. The Iowa DOT will then make a determination as to whether or not the firm meets the eligibility requirements. The firm may appeal this decision to the Appeals Committee.

After the effective date of this Agreement, only firms certified based on guidelines prescribed in 49 CFR Part 26 and provisions of this agreement, shall be recognized as certified by the Iowa DOT.

Appeals Process

The Appeals Committee will consist of 5 members. The Appeals Committee will give the firm the opportunity for administrative re-consideration of the eligibility determination. As required in the DBE regulations, a firm may appeal directly to the USDOT, however, if they choose to appeal to the Iowa DOT Appeals Committee, they do not forfeit the right to appeal to the USDOT, within the time frame provided in 49 CFR Part 26.

Initial Certification Applicant Denials - When a firm is denied certification, a certified letter is sent in which they are given the opportunity to appeal that decision, to an internal DBE Appeals Committee. To do this, they must request an appeal, in writing, within 15 days of their receipt of the letter. If an appeal is requested the firm is contacted within 3 days to schedule the appeal. If the denial is upheld by the Committee, the DBE firm has the right to appeal to the USDOT within 180 days of the notice.

Denial of Re-Certification and De-Certifications - When a certified firm is decertified or denied recertification, they are sent a certified letter in which they are given the opportunity to appeal that decision, to an internal DBE Appeals Committee. To do this, they must request an appeal, in writing, within 15 days of their receipt of the letter.

Administrative Removal of Eligibility - In circumstances where a certified firm, or a new applicant firm, has failed to submit required documentation or exceeded Personal Net Worth thresholds, there will be no administrative re-consideration. Those circumstances include:

- Any certified firm that does not submit the annual update required in 49 CFR Part 26 will have certification removed for failure to comply after 45 days from the date the update was due. The update is due March 1st of every year. Failure to submit the update is not appealable.
- Any firm previously certified and denied certification due to exceeding the Personal Net Worth cap by the disadvantaged owner is not appealable.
- If any certified firm’s disadvantaged owner’s Personal Net Worth exceeds the cap within the 3 year period of certification, the eligibility of the firm will be removed. Removal of certification for exceeding Personal Net Worth is not appealable.
SIC/NAIC Codes

The Iowa DOT agrees to certify all firms in compliance with 49 CFR Part 26, including designating specific work types. The Iowa DOT agrees to use the SIC/NAIC codes for those designations.

Any firm may request modification and/or additions to their approved codes by making a written request to the Iowa DOT. The request must include the equipment and experience indicating the firm’s ability to perform the particular work type. In addition, the firm must submit documentation of past contracts on which the firm has performed the specific type of work. A sample request application is set out in Attachment E.

3rd Party Challenges

The Iowa DOT shall accept written complaints from any person alleging that a certified firm is ineligible. The complaint must state specific reasons for ineligibility and submit any documentation in support of the complaint. The firm being challenged will be notified by the Iowa DOT, in writing, of the challenge, the basic grounds, and relevant regulations. The Iowa DOT shall thoroughly investigate the complaint, within a reasonable time, not to exceed 60 days. The agency shall notify the DBE in writing, by certified mail, of the preliminary findings. If reasonable cause to remove certification eligibility is found, the Iowa DOT will notify the complainant of the specific grounds and inform the firm of the right to appeal the preliminary finding to the Iowa DOT.

The Appeals Committee will be the hearing board for all challenges to currently certified firms. This does not include denial of re-certifications or new certification requests.

The firm may request an appeal to the Iowa DOT, in writing, of the intent to remove certification within 15 days of the date of the notice.

The USDOT may notify the Iowa DOT of reasonable cause to find a certified DBE firm to be ineligible and the Iowa DOT shall immediately removed the certification eligibility of that firm.

Supportive Services

Assistance is provided to all DBE certified firms in the following areas.

- preparation of the certification application
- information about how to obtain bidding documents and plans
- plan reading
- dealing with contractors
- information about dealing with the Iowa DOT
- assistance in developing loan packages and financial statements
ATTACHMENTS

Attachment A

49 CFR Part 26
§26.81 What are the requirements for Unified Certification Programs?

(a) You and all other DOT recipients in your state must participate in a Unified Certification Program (UCP).

(1) Within three years of [insert date 30 days after date of publication in Federal Register], you and the other recipients in your state must sign an agreement establishing the UCP for that state and submit the agreement to the Secretary for approval. The Secretary may, on the basis of extenuating circumstances shown by the recipients in the state, extend this deadline for no more than one additional year.

(2) The agreement must provide for the establishment of a UCP meeting all the requirements of this section. The agreement must specify that the UCP will follow all certification procedures and standards of this part, on the same basis as recipients; that the UCP shall cooperate fully with oversight, review, and monitoring activities of DOT and its operating administrations; and that the UCP shall implement DOT directives and guidance concerning certification matters. The agreement shall also commit recipients to ensuring that the UCP has sufficient resources and expertise to carry out the requirements of this part. The agreement shall include an implementation schedule ensuring that the UCP is fully operational no later than 18 months following the approval of the agreement by the Secretary.

(3) Subject to approval by the Secretary, the UCP in each state may take any form acceptable to the recipients in that state.

(4) The Secretary shall review the UCP and approve it, disapprove it, or remand it to the recipients in the state for revisions. A complete agreement which is not disapproved or remanded within 180 days of its receipt is deemed to be accepted.

(5) If you and the other recipients in your state fail to meet the deadlines set forth in this paragraph (a), you shall have the opportunity to make an explanation to the Secretary why a deadline could not be met and why meeting the deadline was beyond your control. If you fail to make such an explanation, or the explanation does not justify the failure to meet the deadline, the Secretary shall direct you to complete the required action by a date certain. If you and the other recipients fail to carry out this direction in a timely manner, you are collectively in noncompliance with this part.

(b) The UCP shall make all certification decisions on behalf of all DOT recipients in the state with respect to participation in the DOT DBE Program.
(1) Certification decisions by the UCP shall be binding on all DOT recipients within the state.

(2) The UCP 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.

(3) All obligations of recipients with respect to certification and nondiscrimination must be carried out by UCPs, and recipients may use only UCPs that comply with the certification and nondiscrimination requirements of this part.

(c) All certifications by UCPs 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.

(d) A UCP is not required to process an application for certification from a firm having its principal place of business outside the state if the firm is not certified by the UCP in the state in which it maintains its principal place of business. The "home state" UCP shall share its information and documents concerning the firm with other UCPs that are considering the firm's application.

(e) Subject to DOT approval as provided in this section, the recipients in two or more states may form a regional UCP. UCPs may also enter into written reciprocity agreements with other UCPs. Such an agreement shall outline the specific responsibilities of each participant. A UCP may accept the certification of any other UCP or DOT recipient.

(f) Pending the establishment of UCPs meeting the requirements of this section, you may enter into agreements with other recipients, on a regional or inter-jurisdictional basis, to perform certification functions required by this part. You may also grant reciprocity to other recipient's certification decisions.

(g) Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this section), the information required by §26.31. The UCP shall make the directory available to the public electronically, on the internet, as well as in print. The UCP shall update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made.

(h) Except as otherwise specified in this section, all provisions of this subpart and subpart D of this part pertaining to recipients also apply to UCPs.
Attachment B

Thank you for your interest in the Iowa Department of Transportation’s Disadvantaged Business Enterprise Program.

The certification process is perhaps the most critical single element of DBE program administration, since it is to determine eligibility for participation in the program. As such, it is a state’s first line of protection against program abuse.

In order to be certified, a firm must be:

- A small business as defined by Section 8(d) of the Small Business Act and as amended by TEA-21 of 1998. (13 CFR, paragraph 121.3-8, lists definitions for small businesses by industry type.). TEA-21 of 1998 restricts the size of small businesses to $17.42 million three-year average gross income.

- Owned (at least 51 percent) by a socially and economically disadvantaged person or persons; and

- Controlled by a socially and economically disadvantaged person or persons.

To qualify as a Disadvantaged Business Enterprise (DBE) your firm must meet the eligibility standards established in Part 26, Title 49 of the Code of Federal Regulations, published February 2, 1999. Additional requirements were also passed in the Transportation Equity Act for the 21st Century (TEA-21). The Congress directed the U.S. Secretary of Transportation to establish minimum uniform criteria for state governments to use in certifying that a firm qualifies for participation in the DBE program. As a minimum, according to the Act, the criteria include on-site visits, field interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resumes of principal owners, financial capacity, type of work performed, and notarized statement of personal net worth and that each DBE owner is, in fact, socially and economically disadvantaged. A copy of the rules are available upon request from the Iowa Department of Transportation’s Office of Contracts.

Upon receipt of the completed Certification Application, the Department will evaluate the information submitted to determine compliance with the above criteria. It is, therefore, imperative that your application and any attached documentation provide evidence of the ownership and control of your firm. You shall also show that your firm has the resources necessary to perform the work you indicated. Only those firms which have been certified under this process can be considered for participation in the Department’s DBE Program.

To ensure a timely review of your application, you must answer all questions and submit all requested documentation. If yours is a recently established firm, and portions of the application do not seem applicable, please place (NA) on the questions that do not apply. Failure to complete portions of the application and to submit the requested documentation will delay the certification process.

Sincerely,

EEO Administrator
Disadvantage Business Enterprise Certification

This Certifies That

Has met the requirements under the rules promulgated by the U.S. Department of Transportation pursuant to 49 Code of Federal Regulations, Part 26, and is eligible to participate as a Disadvantaged Business Enterprise in the Iowa Department of Transportation DBE Program

Issue Date: Expiration Date:

Craig J. Russell, EEO Administrator Roger E. Bierbaum, P.E., Contracts Engineer

This certification may be revoked by the department upon finding of ineligibility and said company is subject to examination at any time and maybe required to supply additional information for review notwithstanding the issuance of this certificate.
Attachment D

Date

Co. Name
Address
City, ST Zip

Dear:

The Iowa Department of Transportation (Iowa DOT) has approved the eligibility of COMPANY NAME for credit on Iowa DOT contracts performing a commercially useful function in the area(s) of: WORK TYPES CERTIFIED FOR. For record-keeping purposes Iowa DOT is counting COMPANY NAME as a Woman/Disadvantaged Business Enterprise (W/DBE). If the firm should develop the resources, including equipment and personnel, to become involved in other areas, you should notify our office before quoting contracts in those other areas.

The certification of eligibility is valid for three years from Month Day, 200? to March 1, 200?. Enclosed with this approval letter is your DBE Certification Certificate. Your firm’s name will be retained on our list of certified DBE’s.

This determination is based on information provided to the Iowa DOT on the Schedule A Form Application for Determining Disadvantaged Business Enterprise, and the Social and Economic Disadvantaged Forms. Should this information change, you must complete a new application within 10 days of the change. In addition, Iowa DOT reserves the right to rescind this certification, should the information upon which it is based is proven false, inaccurate, or misleading.

You will be required to submit a Recertification Form to renew certification every three years, with Personal Financial Statements each year. These forms will be supplied by the Office of Contracts, EEO Section.

Iowa DOT has the responsibility for providing technical assistance to DBE firms for our highway projects. These services are currently being provided by the Office of Contracts at 515-239-1422. Certified firms are encouraged to utilize this office for assistance.

If you have any questions, please feel free to contact this office.

Sincerely,

Compliance Officer
Attachment E

DISADVANTAGED BUSINESS ENTERPRISE
Request for Standard Industry Classification (SIC) Code Review

<table>
<thead>
<tr>
<th>Name of Firm:</th>
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<tbody>
<tr>
<td>Street Address:</td>
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<tr>
<td>City:</td>
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<tr>
<td>Description of SIC Code Addition Requested</td>
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</tbody>
</table>

List and attach documentation of the 5 largest contracts or supply invoices completed for the SIC code requested.

<table>
<thead>
<tr>
<th>Owner/Contractor</th>
<th>Phone</th>
<th>Contract Amount</th>
<th>Project Name/Location</th>
<th>Type of Work Performed</th>
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List all equipment you own or lease used to perform the work for the SIC code requested. Copies of current lease agreements or proof of payment must be attached.

<table>
<thead>
<tr>
<th>Type of Equipment</th>
<th>Make</th>
<th>Model</th>
<th>Year</th>
<th>Date Acquired</th>
<th>Present Value</th>
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Please attach any other documentation or information relevant to the review of the SIC code your firm requested. This can include documentation of technical licenses, leases of property or facilities, training or expertise.

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State of Iowa Recipients

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AIRPORT

| Ames | Ankeny | Atlantic | Audubon | Belle Plaine | Bloomfield | Boone | Burlington | Carroll | Cedar Rapids | Centerville | Chariton | Charles City | Cherokee | Clarinda | Clarion | Clinton | Council Bluffs | Creston | Davenport | Connell Flying Service | Denison | Des Moines | Dubuque | Emmetsburg | Estherville | Fairfield | Forest City | Fort Dodge | Fort Madison | Greenwood | Grinnell | Guthrie County | Hampton | Harlan | Humboldt | Independence | Knoxville | Iowa City | Iowa Falls | Jefferson | Keokuk | Lamoni | LeMars | Mapleton | Maquoketa | Marshalltown | Mason City | Monticello | Mount Pleasant | Muscatine | Newton | Oelwein | Orange City | Osceola | Oskaloosa | Ottumwa | Pella | Perry | Pocahontas | Red Oak | Rockwell City | Sac City | Sheldon | Shenandoah | Sioux City | Spencer | Spirit Lake | Storm Lake | Vinton | Washington | Waterloo | Waverly | Webster City | West Union |
TRANSITS
Ames Transit Agency
City of Bettendorf
Burlington Urban Service
Five Seasons Transportation
(Continued...)
Clinton Municipal Transit
City of Council Bluffs
Davenport CitiBus
Des Moines METRO
Keyline Transit
Iowa City Transit
U of I, Dept. of Parking & Transportation
City of Mason City
Muscatine City Transit
Ottumwa Transit Authority
Northeast Iowa Community Action Corp. (Decorah)
Spencer Regional Transit
Siouxland Regional Transit (Sioux City)
MIDAS (Fort Dodge)
Region 6 Planning Comm. (Marshalltown)
Iowa Northland Regional Transit (Waterloo)
Dubuque Regional Transit
Great River Bend Service (Davenport)
East Central Iowa Council of Governments (Cedar Rapids)
Region 12 Council of Governments (Carroll)
SW Iowa Planning Council
(Continued...)
Area XIV Agency on Aging (Creston)
SE Iowa Community Action Org. (Burlington)
Sioux City Transit
Heart of Iowa Regional Transit (Des Moines)
Dart - City of Fort Dodge
Coralville Transit System
Marshalltown Municipal Transit
Metropolitan Transit (Waterloo)
U of I - Transit Manager
City of Albia
City of Algona

COUNTIES
Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Davis
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O’Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Ringgold
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Van Buren
Wapello
Warren
Washington
Wayne
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

Page 11
Recipient Signature(s)

Federal Regulations 49 CFR Part 26 requires all recipients in the state to sign this agreement establishing this document as the UCP for the State of Iowa.

By your signatures, you are completing that agreement. Please obtain all necessary signatures and return this page only to the Iowa Department of Transportation, Office of Contracts, 800 Lincoln Way, Ames, Iowa 50010.

Dubuque Regional Airport
Recipient Name (i.e. City/County/Transit)

(Name & Title) Andrew Perry, Airport Manager

(Name & Title) John Markham
Airport Commissioner

(Name & Title) Teri Hawks Goodmann
Airport Commissioner

(Name & Title) Doug Brotherton
Airport Commissioner

(Name & Title) Rick Goodin
Airport Commission Chair

(Name & Title) Jim O'Neill
Airport Commissioner
ATTACHMENT 7
DUBUQUE REGIONAL AIRPORT
SMALL BUSINESS ELEMENT

The Dubuque Regional Airport DBELO is responsible for developing, implementing, and monitoring the Airport’s DBE program and will analyze the Airport’s progress towards its’ goal attainment and will identify ways to improve this attainment, if necessary.

In accordance with 49 CFR Part 26.39, the Dubuque Regional Airport Commission 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, such as unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

Small Business Definition
The United States Small Business Administration defines a small business concern as one that is independently owned and operated, has a place of business in the U.S., is organized for profit, and is not dominant in its field on a national basis. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Based on current guidelines, small business completing heavy construction are limited to $36.5 million gross annual receipts.

The Dubuque Regional Airport Commission has elected to use a small business definition that is consistent with 13 CFR Part 121.

Project Set Asides
Projects at the Dubuque Regional Airport are historically of the size and magnitude that accommodate small business participation; therefore, the Airport will not use small business set asides to facilitate small business participation.

Regional Collaboration to Develop Small Businesses
The Dubuque Regional Airport Commission participates in the Unified Certification Program administered by the Iowa DOT. The Iowa DOT utilizes two programs to develop and foster small business participation within the State of Iowa, including the Emerging Small Business (ESB) program, administering Small Business Development Contracts, and the Supportive Services program. The Dubuque Regional Airport Commission supports the Iowa DOT in their efforts to develop and grow small businesses.
ATTACHMENT 8
Regulations: 49 CFR Part 26 Link to Website:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl