DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM
Central Nebraska Regional Airport
Grand Island, Nebraska

POLICY STATEMENT

1. Definitions of Terms (26.5)
The Hall County Airport Authority, Central Nebraska Regional Airport, Grand Island, Nebraska is hereinafter referred to as Sponsor. The terms used in this program have been adopted by the Sponsor and have the meanings as defined in 49 CFR 26.5.

2. Objectives /Policy Statement (26.1, 26.23)
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 Department of Transportation, 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 DOT-assisted contracts. It is also our policy:

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

Debra K. Potratz, Administrative Assistant, has been delegated as the DBE Liaison Officer. In that capacity, the DBE Liaison Officer 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 Department of Transportation.

The Sponsor has disseminated this policy statement to the governing board of the airport and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. Distribution is included in the bid specification.

Executive Director

Date: 3-14-19

SUBPART A – GENERAL REQUIREMENTS

1. Objective (26.1). The objectives are found in the policy statement on page 1 of this program.

2. Applicability (26.3). The Sponsor is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

3. Definitions (26.5). The definitions are found in the policy statement on page 1 of this program.

4. Nondiscrimination Requirements (26.7). 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.

5. Record Keeping Requirements (26.11).

Reporting to DOT: 26.11(b)

We will report DBE participation to DOT by submitting annually through the "Uniform Report of DBE Awards or Commitments and Payments form, found in Appendix B to Part 26. We will also report the DBE Contractor firms contact information.

Bidders List: 26.11(c)

The Nebraska Department of Transportation Aeronautics Division, acting as agent for the Sponsor, will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement may allow use of the bidder's list approach to calculate overall goals. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

We will collect this information by requesting that prime bidders report the names and addresses of all firms who quote to them on subcontracts. We will collect this information using forms included in Appendix E.

6. Federal Financial Assistance Agreement. The Sponsor has signed the following assurance, applicable to all DOT-assisted contracts and their administration:

Assurance (26.13a)

The Sponsor 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 recipient 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 recipient's 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 Sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement

under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance (26.13b)
We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

> The contractor 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 recipient deems appropriate.

END - SUBPART A

SUBPART B – ADMINISTRATIVE REQUIREMENTS

1. DBE Program Updates (26.21). The Sponsor will receive grant(s) for airport planning or development totaling $250,000 in a Federal fiscal year. We will continue to carry this DBE Program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program approval.

The Sponsor is 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.

2. Policy Statement (26.23). The policy statement is elaborated on the first page of this program.

3. DBE Liaison Officer (DBELO) (26.25). We have designated the following individual as our DBE Liaison Officer:

Name:	Debra K. Potratz, Administrative Assistant
Address:	3855 Sky Park Road
City:	Grand Island, Nebraska 68801
Telephone:	(308) 385-5170
Email:	debra@flygrandisland.com

In that capacity, the DBE Liaison Officer (DBELO) is responsible for implementing all aspects of the DBE program and ensuring that the Sponsor complies with all provisions of 49 CFR Part 26. The Liaison Officer is the Administrative Assistant and has direct, independent access to the airport's governing board concerning DBE program matters. The Sponsor does not have a dedicated civil rights department. The Sponsor uses the Nebraska Department of Transportation civil rights staff for guidance on matters concerning the DBE program. An organization chart displaying the DBELO's position in the organization is found in Appendix A to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

a) Gathers and reports statistical data and other information as required by DOT.
b) Works with others to set overall annual goals.

c) Ensures that bid notices and requests for proposals are available to DBE's in a timely manner.
d) Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
e) Analyzes the Sponsor's progress toward goal attainment and identifies ways to improve progress.
f) Participates in pre-bid meetings.
g) Determine contractor compliance with good faith efforts.
h) Advises the governing body on DBE matters and achievement.
i) Plans and participates in DBE training seminars.
j) Participates with the legal counsel and project director to determine contractor compliance with good faith efforts.
k) Acts or will act as liaison to the Uniform Certification Process in Nebraska.
l) Maintains the Sponsor's updated directory on certified DBEs as published by the Nebraska Department of Transportation.

4. DBE Financial Institutions (26.27). It is the policy of the Sponsor 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.

There are fourteen (14) banks in Grand Island:
Bank of Doniphan, Bank of the West, Conerstone Bank, Equitable Bank, Exchange Bank, First National Bank of Omaha, Five Points Bank, Heritage Bank, Great Western Bank, Home Federal Savings and Loan Association of Grand Island, Pathway Bank, U.S. Bank National Association, Union Bank and Trust Company, and Well Fargo Bank (National Association). Each of these banks was contacted and none are owned and controlled by socially and economically disadvantaged individuals. In addition, three statewide organizations were contacted and asked to identify institutions owned and controlled by socially and economically disadvantaged individuals in Nebraska: the Nebraska Department of Banking & Finance, the Nebraska Bankers Association, and the Nebraska Department of Transportation Minority Business Coordinator. Again, no such institutions were identified. The Sponsor will continue to search for institutions of this type within their geographical area. Information on the availability of such institutions will be available from the DBE Liaison Officer.

According to Part 26.27, the Sponsor is required to "thoroughly investigate ... financial institutions ... in your community." Grand Island is a city with a population of less than 52,000. It is located in a rural area with no suburbs. The city of Grand Island constitutes the Sponsor's community. The Sponsor has investigated all financial institutions within their community and thus met the requirements of Part 26.27.

The Sponsor's community under 26.27 and the Sponsor's market area under 26.45 are not the same areas. Due to the area's low population density, contractors typically travel hundreds of miles to participate on DOT-assisted contracts. Therefore, the Sponsor's market area that was used to establish their overall DBE goal is discussed in Appendix B. It would be impractical, infeasible and unreasonable for the Sponsor to use a financial institution outside of their community.

5. Required Contract Clauses (26.13b, 26.29)

Prompt Payment: We will include the following clauses in each DOT-assisted prime contract:

(a) The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance no later than 30 days from receipt of payment 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 subcontractors.

(b) In the event of noncompliance with this provision, the Sponsor may impose appropriate penalties in accordance with terms and conditions of this contract.

(c) The prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor has paid for work performed by such subcontractors in accordance with this provision and contract terms.

6. Directory (26.31). The Sponsor maintains a directory prepared and furnished by the Nebraska Department of Transportation (NDOT) identifying all firms eligible to participate as DBEs. The NDOT directory is prepared using the standards and procedures conforming to 49 CFR Part 26. The directory is available from the Minority Business Coordinator, Nebraska Department of Transportation, P.O. Box 94759, Lincoln, NE 68509-4759. It is available on the Internet at:

https://dot.nebraska.gov/media/6723/list-of-dbes-certified-in-nebraska-listed-by-work-types.pdf

The directory lists firms that have passed NDOT's certification process. The listing includes the firm's name, address, phone number and the type of work the firm has been certified to perform as a DBE. NDOT updates the directory at least quarterly.

7. Overconcentration and Business Development Programs (26.33) (26.35). The sponsor has not identified overconcentration of DBEs in any field of work and has not implemented a Business Development Program.

8. Business Development Programs (26.35). We have not established a business development program.

9. Monitoring and Enforcement Mechanisms (26.37). 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 26.109. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

The Sponsor will provide a monitoring and enforcement mechanism to verify that the work committed to DBE's at the contract award is performed by the DBE's. This will be accomplished by the Sponsor entering into an agreement for construction observation services, which will include reviewing compliance with Labor and Civil Rights provisions in accordance with FAA AIP Sponsor Guide No. 1070 and keeping a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

In the event of non-compliance with the DBE regulation by a participant in our procurement activities, the Sponsor has available several remedies to enforce the DBE requirements contained in its contract, including, but not limited to, the following:

- Breach of contract action, pursuant to the terms of the contract.
- Breach of contract action, pursuant to Nebraska Statute
  - 3-613 county airport authority
  - 3-116, 3-120, 3-125 NDA
- Other sections of Nebraska Statues that may be applicable and could be used to enforce DBE requirements include unemployment compensation fund contributors and interest due under the provisions of Nebraska Statue 48-601 to 48-669 on wages paid to individuals employed. Conditions regarding fair employment practices as contained in Nebraska Statutes 48-1101 through 48-225 and to comply with minimum wage scale and nondiscrimination as defined in Nebraska Statutes 48-1201 through 48-1277.

In addition the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including, but not limited to, the following:

- Suspension or debarment proceedings pursuant to 49 CFR Part 26.
- Enforcement action pursuant to 49 CFR Part 31.
- Prosecution pursuant to 18 USC 1001.

END - SUBPART B

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

1. Quotas (26.43). We do not use quotas in any way in the administration of this DBE program.

2. Overall Goals (26.45)

The Sponsor's methodology to calculate the overall goal and goal calculations are attached as Appendix B and described below. This section of the program will be updated annually for each year that DOT-assisted contracts are let.

Method: The following is a summary of the method we used to calculate this goal:
We consulted with the Nebraska Department of Transportation Aeronautics Division to establish the geographical area from which we could reasonably expect ready, willing and able prime contractors and subcontractors to be obtained. After identifying the geographical area, we search the US Census Bureau's data base to obtain the total number of businesses that correspond to the NAICS code related to the prime scope of work for the project. We review the Nebraska Department of Transportation (NDOT) data base to identify the number of certified DBE's in the geographical area with work codes similar to the NAICS codes.

"Step 1" of the process (Section 26.45(c)) is base figure determination. The base figure was determined by dividing the number of DBE firms on this list by the total number of firms. See Appendix B, Step 1: Goal Setting Process for details.

"Step 2" of the process (Section 26.45(d)) allows for adjustments to the base figure. We have been unable to find evidence of past discrimination and have not identified any barriers in our local market area research. In addition, the Nebraska Department of Transportation (NDOT) is not aware of past discrimination and has not identified any barriers in our local market area

research to adjust their base figure for over utilization or under utilization to warrant adjustments to their base figure. Therefore, we have not adjusted our base figure due to discrimination.

In addition, our past history of DBE participation (See Appendix B) will be considered and may be used to adjust the base figure if applicable. Information on our history will be updated for each year that DOT-assisted contracts are let.

Process: Before establishing the overall goal each year, the Sponsor will consult with the Nebraska Department of Transportation 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. The Sponsor may also consult with United Minority Contractors Association of Nebraska and the Urban League of Nebraska 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.

Following this consultation, Nebraska Department of Transportation Division of Aeronautics, as agent for the Sponsor, will post the airport DBE program and its overall goal on the NDOT website and mail letters to following agencies and organizations, indicating that the Sponsor is interested in obtaining relevant information regarding goal setting and goal methodology. The link to the airport's program and its overall goal online and the list of agencies and organizations selected are available in Appendix B, under Public Participation. Each letter contained an explicit invitation to meet with the NDOT Division of Aeronautics face-to-face or via conference call (i.e., a "scheduled, direct, interactive exchange") to discuss any questions or comments on DBE participation goal-setting.

Besides that, we will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at our principal office for 30 days following the date of the notice. The notice will also inform the public that the Sponsor and U.S. DOT will accept comments on the goals for 30 days from the date of the notice. The notice will be published in the legal newspaper that is used for legal notices and notifications to contractors. The notice will include addresses to which comments may be sent and addresses (including offices and websites, if applicable) where the proposal may be reviewed.

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

The Sponsor will establish its overall goal based on one or more projects. Our overall goal will be submitted to FAA at least 30 days prior to the first solicitation for a DOT-assisted contract for a project that contains a goal, including professional services, construction, or other contracts. Unless we have received other instructions from DOT, we will establish a goal on a project basis and begin using our overall goal by the time of the first solicitation for a contract that contains a goal.

3. Failure To Meet Overall Goals (26.47)

The Sponsor will maintain an approved DBE Program and overall DBE goal. In addition, the Sponsor will maintain the DBE Program in good faith to be considered to be in compliance with this part.

If the 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 our goal for the new fiscal year;
3. The Sponsor will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (1) and (2) of this section. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to FAA upon request.

4. Vehicle Manufacturers or Specialized Equipment Goals (26.49)
The Sponsor will establish project-specific goals for DBE participation in the procurement of vehicles and specialized airport equipment. The project-specific goal will be submitted to the Federal Aviation Administration for approval prior to procurement.

5. Breakout of Estimated Race-Neutral and Race-Conscious Participation (26.51 a-c)
The Sponsor's breakout of Race-Neutral and Race-Conscious participation and details on the calculation are attached in Appendix B. The breakout participation will be updated annually for each year that DOT-assisted contracts are let.

The Sponsor will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Sponsor uses the following race-neutral means to increase DBE participation:

1. Arranging solicitations in ways that facilitate DBE, and other small business, participation.
2. Ensuring that DBEs are notified on DOT-assisted contract lettings. This is accomplished through a mailing prepared by the Nebraska Department of Transportation Aeronautics Division.
3. Ensuring distribution of the DBE directory to potential prime contractors.

The historical data included in Appendix B summarizes the race-neutral and race-conscious DBE participation. The historical data will continually be evaluated and used to provide base line data for DOT-assisted contracts.

We will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains 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.

6. Contract Goals (26.51) The Sponsor will use contract goals to meet any portion of the overall goal that 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 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 Federal share of a DOT-assisted contract.

7. Good Faith Efforts (26.53)

Demonstration of good faith efforts (26.53a & 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 49 CFR Part 26.

The DBE Liaison Officer (identified on page 3) 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 (26.53b)

The Sponsor treats bidder/offerors' 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 within five (5) days of the bid opening:

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

Administrative reconsideration

Within three 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 Ron Depue, Airport's Attorney, 3855 Sky Park Road, Grand Island, Nebraska 68801. The reconsideration official will

not have played any role in the original determination that the bidder/offeror did not make 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. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract (26.53f)

We 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.

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.

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 Sponsor to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offers, including those who qualify as a DBE. A DBE contract goal is established for this contract and is included in the bid documents. The bidders/offers shall make good faith efforts, as defined in Appendix A of 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

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

8. Counting DBE Participation (26.55). 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.
END - SUBPART C

SUBPART D – CERTIFICATION STANDARDS

1. Certification Process With Unified Certification Program. (26.61 - 26.91) A Nebraska Unified Certification Program (NUCP) agreement has been approved by the U.S. Department of Transportation. The NUCP consists of other recipients of DOT financial assistance including the Federal Highway Administration (FHWA), Federal Aviation Administration (FAA) and the Federal

Transit Authority (FTA). The Nebraska Department of Transportation Aeronautics Division is the Sponsor's representative on the NUCP.

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

Minority Business Coordinator, Nebraska Department of Transportation
P.O. Box 94759, Lincoln, NE 68509-4759.

Our certification application forms and documentation requirements are found in Attachment D to this program
END - SUBPART D

SUBPART E – CERTIFICATION PROCEDURES

1. Unified Certification Programs. (26.81). The sponsor accepts the certification procedures adopted by the NUCP for DBE contractors. The NUCP uses the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. If a contractor is certified on NUCP's current list, that contractor will be acceptable to the sponsor.

2. Procedures for Certification Decisions. (26.83).
Recertifications
The NUCP is responsible for all recertifications. The NUCP reviews the eligibility of DBE's to make sure that they will meet the standards of Subpart E of Part 26. The NUCP completes this review no later than three years from the most recent certification date of each firm.

For firms that have been certified or reviewed and found eligible under Part 26, the NUCP will review their eligibility at least every ten years. The components of these reviews will be determined on a case-by-case basis.

"No Change" Affidavits and Notices of Change
The NUCP requires all DBEs to inform them with a sworn and notarized affidavit affirming that there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership or control eligibility requirements of 49 CFR Part 26 or of any material changes in the information provided with the DBE's application for certification, except for changes of which the firm has already informed the Office. The disadvantaged owners of the DBE firms are also required to provide a Personal Financial Statement and copies of their most recent personal and company Federal Income Tax Returns.

3. Denials of Initial Requests for Certification (26.85).
The NDOT decisions to deny a firm DBE certification are administratively final on the day of the decision. There are no provisions for appeal of a decision to deny DBE certification to NDOT. A firm denied DBE certification by NDOT may make a formal appeal of the decision to DOT.

4. Removal of DBE's Eligibility (26.87).
In the event it is proposed to remove a DBE's certification, an investigation or audit by NDOT DBE Office will be conducted. If the results reveal undisclosed or erroneous information which affects a firm's DBE eligibility status, the firm will be notified in writing by certified mail. The notice will

cite the undisclosed or erroneous information, and the firm will be given 15 days from the date of the notice to respond in writing. The response must contain information sufficient to permit an evaluation of eligibility.

The DBE Office will investigate and evaluate all available information. If the firm's eligibility status remains in question; the Office will present their recommendation to an appointed Committee. The Committee will then evaluate the available information and make a determination.

If the determination is that the firm should be decertified, the DBE Office will send the firm and Intent to Decertify Letter within five (5) days of the determination stating the reasons(s) for the determination.

After a firm is notified of the Intent to Decertify, the firm has the opportunity to request an informal hearing. A request for a hearing must be made within 15 days of the date of the intent to Decertify Letter. If no timely request for a hearing is made, the DBE firm's certification will be revoked the day the decision is administratively final on the 16th day after the letter.

5. Certification Appeals (26.89).
Any firm or complainant may appeal a decision in a certification matter to DOT. Such appeals may be sent to:

US Department of Transportation
Departmental Office of Civil Rights
External Civil Rights Program Division (S-33)
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: 202-366-4754
FAX: 202-366-5575

A firm will remain eligible as a DBE during the pendency of the proceedings to remove its eligibility and until the date of the issuance of the notice.

We will promptly implement any DOT certification appeal decisions affecting the eligibility of the DBEs.
END - SUBPART E

SUBPART F – COMPLIANCE AND ENFORCEMENT

1. Information, Compliance, Cooperation (26.109).
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 must transmit this information to DOT in any certification appeal proceeding under § 26.89 of this part or to any other state to which the individual's firm has applied for certification under § 26.85 of this part.

Monitoring Payments to DBEs

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 or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will keep a tally of actual payments to DBE firms for work committed to them at the time of contract award. We will require prime contractors to submit information on actual payments made to DBE subcontractors. We will require DBE subcontractors to certify that they have received these payments. If there is a discrepancy in the prime and subcontractor reports, we will perform audits of contract payments to DBEs. The purpose of the audits will be to 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 participations.

END - SUBPART F

SUBPART G – FOSTERING SMALL BUSINESS PARTICIPATION

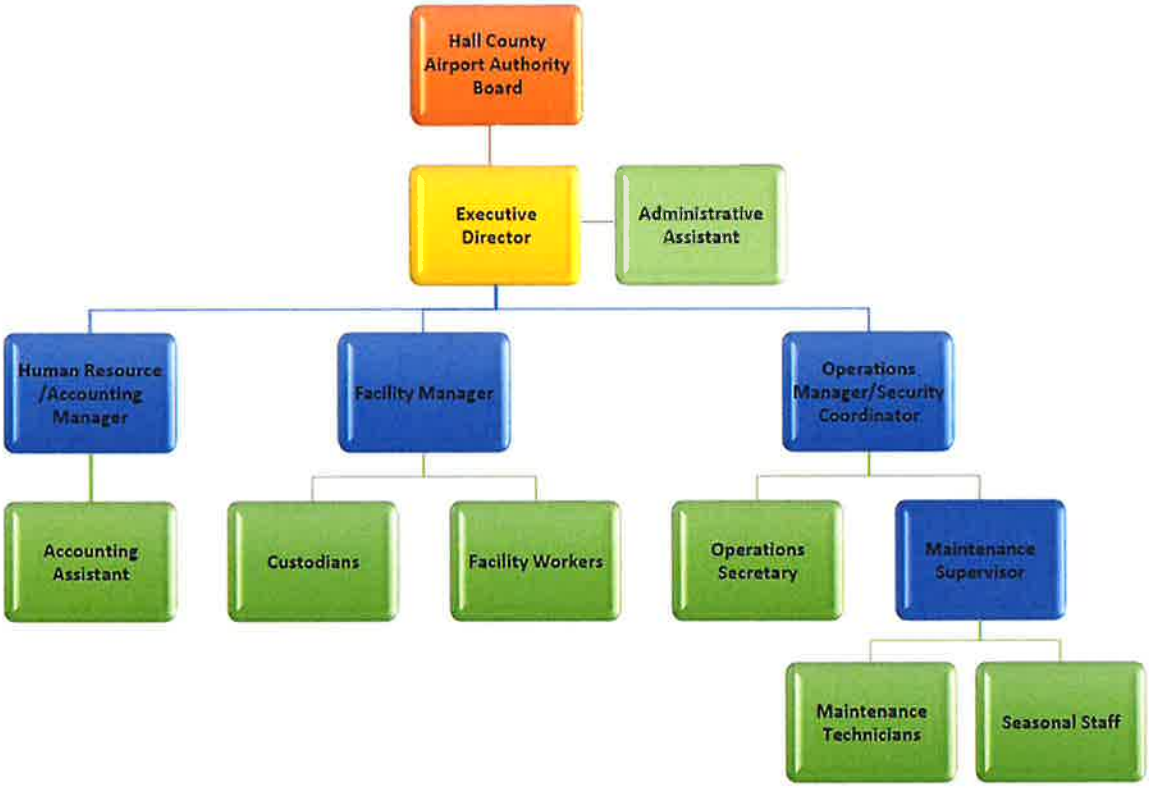
See Appendix C

END - SUBPART G

ATTACHMENTS

Appendix A	**Organizational Chart**
Appendix B	**DBE Goal Methodology**
Appendix C	**Fostering Small Business**
Appendix D	**Regulations, State Directory, Certification Application & Unified Certification Program**
Appendix E	**Bidder's List Collection Form**
Appendix F	**DBE Monitoring and Enforcement Mechanisms**
Appendix G	**Demonstration of Good Faith Efforts**
Appendix H	**49 CFR Part 26, Appendix A**

Appendix A
Organizational Chart



Debra K. Potratz, Administrative Assistant, is the designated Liaison Officer. Thus, Ms. Potratz, has frequent contact and direct, independent access to the Hall County Airport Authority Board, Executive Director, Human Resource/Accounting Manager, Facility Manager, and the Operation Manager/Security Coordinator.

Appendix B
DBE Goal Methodology
For FY 2019, 2020, 2021

Airport: Central Nebraska Regional Airport, Grand Island, Nebraska
Sponsor: Hall County Airport Authority

Goal Period: Fiscal Years 2019, 2020, 2021; October 1, 2018 through September 30, 2021

Anticipated DOT-Assisted Contracts:

	Contract Amount	Project Name	Type of Work
FY2019:	$65,000	ARFF Equipment	Engineering / Equipment
FY2019:	$860,000	ARFF Equipment	Equipment Cost / Equipment
Subtotal FY2019	**$925,000**		
FY2019:	$465,000	New Fire Station	Engineering / Building
FY2019:	$2,540,000	New Fire Station	Construction / Building
Subtotal FY2019	**$3,005,000**		
FY2020:	$185,000	Perimeter Fence	Engineering / Fencing
FY2020:	$1,415,000	Perimeter Fence	Construction / Fencing
Subtotal FY2020	**$1,600,000**		
FY2021:	$60,000	SRE	Engineering / Equipment
FY2021:	$440,000	SRE	Equipment Cost / Equipment
Subtotal FY2021	**$500,000**		
TOTAL	**$6,030,000**		

The Sponsor's overall 3-year DBE goal is: 0.6 %

On DOT assisted contracts, the goal is to expend 0.6% of the Federal financial assistance on DBE's. It is anticipated that our overall DBE goal will be achieved through 0% race-neutral participation and 0.6% being achieved through race-conscious participation.

Total amount to be expended on DBE's: $36,073

The following is a summary of our DBE expenditures for each fiscal year by contract:

Fiscal Year	Contract Type	Contract Amount	DBE Amount	Total DBE Participation	Race Neutral	Race Conscious
2019	Consulting/Engineering Services – ARFF	$65,000	$0	0%	0%	0%
2019	Construction – ARFF	$860,000	$0	0%	0%	0%
2019	Consulting/Engineering Services – Fire Station	$465,000	$0	0%	0%	0%
2019	Construction – Fire Station	$2,540,000	$13,716	0.54%	0%	0.54%
2020	Consulting/Engineering Services – Fence	$185,000	$0	0%	0%	0%
2020	Construction – Fence	$1,415,000	$22,357	1.58%	0%	1.58%
2021	Consulting/Engineering Services – SRE	$60,000	$0	0%	0%	0%
2021	Construction – SRE	$440,000	$0	0%	0%	0%
	FY2019, 2020 & 2021 TOTALS	**$6,030,000**	**$36,073**	**0.6%**	**0%**	**0.6%**

Step 1: Goal Setting Process (26.45 c)

The goal was calculated using the method described in our DBE program. We selected the following geographical areas (counties) that will be used to seek contractors for the projects during the various years. The specific geographical areas were selected based on information from Nebraska Department of Transportation Aeronautics Division. Specifically, we selected those contractors within the following Counties for the projects for the various years:

FY2019	FY2020	FY2021
Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow, Brown, Rock, Blaine, Loup, Custer, Dawson, Gosper, Furnas, Phelps, Harlan, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, Howard, Buffalo, Hall, Kearney, Adams, Franklin, Webster, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Pierce, Madison, Platte, Polk, York, Fillmore, Thayer, Wayne, Stanton, Colfax, Butler, Seward, Saline, Jefferson, Thurston, Cuming, Burt, Dodge, Washington, Saunders, Douglas, Sarpy, Lancaster, Cass, Otoe, Gage, Johnson, Nemaha, Pawnee, Richardson	Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow, Brown, Rock, Blaine, Loup, Custer, Dawson, Gosper, Furnas, Phelps, Harlan, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, Howard, Buffalo, Hall, Kearney, Adams, Franklin, Webster, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Pierce, Madison, Platte, Polk, York, Fillmore, Thayer, Wayne, Stanton, Colfax, Butler, Seward, Saline, Jefferson, Thurston, Cuming, Burt, Dodge, Washington, Saunders, Douglas, Sarpy, Lancaster, Cass, Otoe, Gage, Johnson, Nemaha, Pawnee, Richardson	Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow, Brown, Rock, Blaine, Loup, Custer, Dawson, Gosper, Furnas, Phelps, Harlan, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, Howard, Buffalo, Hall, Kearney, Adams, Franklin, Webster, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Pierce, Madison, Platte, Polk, York, Fillmore, Thayer, Wayne, Stanton, Colfax, Butler, Seward, Saline, Jefferson, Thurston, Cuming, Burt, Dodge, Washington, Saunders, Douglas, Sarpy, Lancaster, Cass, Otoe, Gage, Johnson, Nemaha, Pawnee, Richardson

In addition to construction contracts, we anticipate contracts for consulting/engineering services. In establishing DBE participation by DBE consulting/engineering firms, we were unable to locate certified DBE's that provide consulting/engineering services. Based on our past experience and information from the Nebraska Department of Transportation Aeronautics Division, we anticipate 4 to 6 consulting/engineering firms submitting qualification packets for providing services at our airport. It should be noted that our engineering selection will be a qualification based selection and we do not anticipate DBE consulting/engineering firms submitting qualifications during the selection process. Therefore, during this 3-year period, we anticipate no DBE participation on consulting/engineering services contracts. We will continually review/evaluate DBE participation by consulting/engineering firms and update as necessary.

FY2019

ARFF Equipment

We anticipate one contract for ARFF equipment consulting/engineering services in the total amount of $65,000 and we anticipate no DBE participation on consulting/engineering services contracts, as previously discussed. The DBE participation for consulting/engineering service contracts is calculated as follows:

FY2019 Engineering Services – ARFF Contract Goal
(0 DBE Firms/ 6 total firms) = 0% DBE Participation for Consulting/Engineering Services
0% x $65,000 Contract Amount = $0 DBE Participation for Consulting/Engineering Services

We anticipate contracts related to ARFF equipment purchase. These services are exempt from DBE participation; therefore, there will be no DBE participation. The DBE participation for snow remover equipment is calculated as follows:

FY2019 ARFF Equipment Purchase Contract Goal
0% x $860,000 Contract Amount = $0 DBE Participation for Purchasing Contract

Fire Station Building

We anticipate one contract for new building construction consulting/engineering services in the total amount of $465,000 and we anticipate no DBE participation on consulting/engineering services contracts, as previously discussed. The DBE participation for consulting/engineering service contracts is calculated as follows:

FY2019 Engineering Services – Fire Station Building Contract Goal
(0 DBE Firms/ 6 total firms) = 0% DBE Participation for Consulting/Engineering Services
0% x $465,000 Contract Amount = $0 DBE Participation for Consulting/Engineering Services

We anticipate a prime contract for the major work item that involves new building construction. We identified 305 firms in our selected geographical area from the US Census Bureau that included NACIS code 2362-Nonresidential Building Construction. In addition, we identified 3 certified DBE's in our selected geographical area with NDOT category D12-Traffic Control. The DBE participation for this contract is calculated as follows:

FY2019 Fire Station Building Construction Contract Goal
(3 DBE Firms/ 305 total firms) = 0.98% DBE Participation for Construction Contract
0.98% x $2,540,000 Contract Amount = $24,892 DBE Participation for Construction Contract

Based on the above discussions, our overall FY2019 DBE goal is as follows:

FY2019 Overall DBE Goal
$24,892 Total DBE Participation / $3,930,000 Total Contract Amount = 0.63% DBE Participation for FY2019

FY2020

Perimeter Fence

We anticipate one contract for fencing consulting/engineering services in the total amount of $185,000 and we anticipate no DBE participation on consulting/engineering services contracts, as previously discussed. The DBE participation for consulting/engineering service contracts is calculated as follows:

FY2020 Engineering Services – Fencing Contract Goal
(0 DBE Firms/ 6 total firms) = 0% DBE Participation for Consulting/Engineering Services
0% x $185,000 Contract Amount = $0 DBE Participation for Consulting/Engineering Services

We anticipate a prime contract for the major work item that involves fencing. We identified 248 firms in our selected geographical area from the US Census Bureau that included NACIS code 238990-All Other Specialty Trade Contractors. In addition, we identified 5 certified DBE's in our selected geographical area with NDOT categories D12-Traffic Control and D7-Guardrail and Fence. The DBE participation for this contract is calculated as follows:

FY2020 Fencing Construction Contract Goal
(5 DBE Firms/ 248 total firms) = 2.02% DBE Participation for Construction Contract
2.02% x $1,415,000 Contract Amount = $28,583 DBE Participation for Construction Contract

Based on the above discussions, our overall FY2020 DBE goal is as follows:

FY2020 Overall DBE Goal
$28,583 Total DBE Participation / $1,600,000 Total Contract Amount = 1.79% DBE Participation for FY2020

FY2021

SRE Equipment

We anticipate one contract for SRE equipment consulting/engineering services in the total amount of $60,000 and we anticipate no DBE participation on consulting/engineering services contracts, as previously discussed. The DBE participation for consulting/engineering service contracts is calculated as follows:

FY2021 Engineering Services – SRE Contract Goal
(0 DBE Firms/ 6 total firms) = 0% DBE Participation for Consulting/Engineering Services
0% x $60,000 Contract Amount = $0 DBE Participation for Consulting/Engineering Services

We anticipate contracts related to SRE equipment purchase. These services are exempt from DBE participation; therefore, there will be no DBE participation. The DBE participation for snow remover equipment is calculated as follows:

FY2021 SRE Equipment Purchase Contract Goal
0% x $440,000 Contract Amount = $0 DBE Participation for Purchasing Contract

Based on the above discussions, our overall FY2021 DBE goal is as follows:

FY2021 Overall DBE Goal
$0 Total DBE Participation / $500,000 Total Contract Amount = 0% DBE Participation for FY2021

Summary of FY2019, 2020 and 2021 DBE Participation

The following is a summary of our anticipated work with DBE participation by fiscal year:

Fiscal Year	Contract type	Contract Amount	DBE Amount
2019	Consulting/Engineering Services – ARFF	$65,000	$0
2019	Construction – ARFF	$860,000	$0
2019	Consulting/Engineering Services – Fire Station	$465,000	$0
2019	Construction – Fire Station	$2,540,000	$24,892
2020	Consulting/Engineering Services – Fence	$185,000	$0

2020	Construction – Fence		$1,415,000	$28,583
2021	Consulting/Engineering Services – SRE		$60,000	$0
2021	Construction – SRE		$440,000	$0
		TOTALS	**$6,030,000**	**$53,475**

The calculation for our 3-year base figure is as follows:
($53,475 Total DBE Contact Amount)/ ($6,030,000 Total Contract Amount) = 0.89%

Step 2: Adjustments to Base Figure (26.45(d))
Our historical data is summarized as follows:

FY	AIP Project	Description of Work	CONTRACT GOAL Race Neutral	CONTRACT GOAL Race Consc.	CONTRACT ACHIEVE Race Neutral	CONTRACT ACHIEVE Race Consc.	GOAL Overall Goal	GOAL Overall Achieve	ACHEIVE Over/Under Achievement
96	13	Electrical	0%	11.7%	3.5%	11.7	11.7%	15.2%	+3.5%
96	13	Seal Coat	0%	11.7%	0.6%	11.7%	11.7%	12.3%	+0.6%
98	14	Master Plan	-	-	-	-	-	-	-
98	15	Snow Removal Equipment	-	-	-	-	-	-	-
99	16	Sweeper Broom Truck	-	-	-	-	-	-	-
99	17	Electrical Rwy 13/31	0%	7.1%	0%	2.8%	7.1%	2.8%	-4.3%
00	18	Engineering Services	0%	0%	0%	0%	0%	0%	0%
01	19/20	Phase II & III AIP Project 18	0%	5.9%	0.7%	5.9%	5.9%	6.6%	+0.7%
02	21	Engineering-Rehab Commercial	0%	3.9%	0.8%	3.9%	3.9%	4.7%	+0.8%
		Apron, Twys A,B,D,E, &G	**	**	0%	0%	**	0%	0%
03	22	PH II Construction-Commercial Apron, Twys A,B,D,E, &G	0%	3.9%	0.8%	3.9%	3.9%	4.7%	+0.8%
03	23	Engineering Design Rehab 17/35 & Twy C	0%	0%	0%	0%	0%	0%	0%
04	24	ARFF Vehicle	-	-	-	-	-	-	-
04	25	Rehab 17/35 & Twy C	0%	3.9%	1.1%	3.9%	3.9%	5.0	+1.1%
05	26	Security Improvements	**	**	0%	0%	**	0%	0%
05	27	Rehab North Apron	0%	4.4%	0.4%	4.4%	3.9%	4.3%	+0.4%
06	28	Master Plan Update	-	-	-	-	-	-	-
07	29	Snow Removal Equipment	-	-	-	-	-	-	-
08	30	Snow Removal Equipment	-	-	-	-	-	-	-
10	31/32	Pavement Rehab	0.8%	5.3%	0%	4.0%	4.4%	4.0%	-0.4%
10	33	Wildlife Fence	0%	0%	0%	0%	0%	0%	0%
11	34	Terminal Master Plan Study	-	-	-	-	-	-	-
11	35	Prelim Eng.–Rwy Extension	0%	0%	0%	0%	0%	0%	0%
	36	NO GRANT							
14	37/38	Terminal Building	0%	0.36%	0%	0%	0.36%	0%	-0.36%
DBE Summary for FY16-17-18 three year plan							3.68%	24.25%	+20.57%
The following is summary by FY									
16	-	No Project	-	-	-	-	-	-	-
17	39	Crack and Joint Seal (95%)	0%	3.68%	32.73%	3.68%	3.68%	36.41%	+32.73%
18	40	Snow Removal Equipment	-	-	-	-	-	-	-

**Project less than $250,000; therefore no goal required.

Based on our history over the past 10 years (FY2008 through FY2018), our overall DBE achievements have ranged from 0% to 24.25% with our median DBE achievement percentage being 0%. Using our previous 10 year median DBE achievement percentage of 0%, we added 0% (median) to our previously determined base figure (0.89%) and divided by 2 to obtain an average of 0.45%., which is a 0.44% decrease of our previously determined base figure (i.e., 0.89%) Therefore, we intend adjust all our previously determined contract goals with a 0.44% decrease.

FY2019 Contract Goals With Historical Data Adjustment
Based on the above discussions, our overall adjusted FY2019 DBE goal is as follows:

ARFF Equipment

FY2019 Consulting/Engineering Services – ARFF Equipment Contract Goal
With Historical Data Adjustment
Original DBE Participation for Engineering Services = 0%
DBE Participation for Engineering Services With Historical Data Adjustment= 0%
0% x $65,000 Contract Amount = $0 DBE Participation for Engineering Services

FY2019 ARFF Equipment Construction Contract Goal
With Historical Data Adjustment
Original DBE Participation for Construction Contract = 0%
DBE Participation for Construction Contract With Historical Data Adjustment = 0 %
0% x $860,000 Contract Amount = $0 DBE Participation for Construction Contract

Fire Station Building

FY2019 Consulting/Engineering Services – Fire Station Building Contract Goal
With Historical Data Adjustment
Original DBE Participation for Engineering Services = 0%
DBE Participation for Engineering Services With Historical Data Adjustment= 0%
0% x $465,000 Contract Amount = $0 DBE Participation for Engineering Services

FY2019 Fire Station Building Construction Contract Goal
With Historical Data Adjustment
Original DBE Participation for Construction Contract = 0.98%
DBE Participation for Construction Contract With Historical Data Adjustment = 0.54%
0.54% x $2,540,000 Contract Amount = $13,716 DBE Participation for Construction Contract

FY2019 Overall DBE Goal
With Historical Data Adjustment
$13,716 Total DBE Participation / $3,930,000 Total Contract Amount = 0.35% DBE Participation for FY2019

FY2020 Contract Goals With Historical Data Adjustment

Based on the above discussions, our overall adjusted FY2020 DBE goal is as follows:

Perimeter Fence

FY2020 Consulting/Engineering Services – Fencing Contract Goal
With Historical Data Adjustment
Original DBE Participation for Engineering Services = 0%
DBE Participation for Engineering Services With Historical Data Adjustment = 0%
0% x $185,000 Contract Amount = $0 DBE Participation for Engineering Services

FY2020 Fencing Construction Contract Goal
With Historical Data Adjustment
Original DBE Participation for Construction Contract = 2.02%
DBE Participation for Construction Contract With Historical Data Adjustment = 1.58%
1.58% x $1,415,000 Contract Amount = $22,357 DBE Participation for Construction Contract

FY2020 Overall DBE Goal
With Historical Data Adjustment
$22,357 Total DBE Participation / $1,600,000 Total Contract Amount = 1.40% DBE Participation for FY2020

FY2021 Contract Goals With Historical Adjustment

Based on the above discussions, our overall adjusted FY2021 DBE goal is as follows:

SRE Equipment

FY2021 Consulting/Engineering Services – SRE Equipment Contract Goal
With Historical Data Adjustment
Original DBE Participation for Engineering Services = 0%
DBE Participation for Engineering Services With Historical Data Adjustment= 0%
0% x $60,000 Contract Amount = $0 DBE Participation for Engineering Services

FY2021 SRE Equipment Construction Contract Goal
With Historical Data Adjustment
Original DBE Participation for Construction Contract = 0%

DBE Participation for Construction Contract With Historical Data Adjustment = 0 %
0% x $440,000 Contract Amount = $0 DBE Participation for Construction Contract

FY2021 Overall DBE Goal
With Historical Data Adjustment
$0 Total DBE Participation / $500,000 Total Contract Amount = 0% DBE Participation for FY2021

Summary of FY2019, 2020 and 2021 DBE Participation With Historical Adjustment
The following is a summary of our anticipated work with DBE participation, which includes historical adjustments, by fiscal year:

Fiscal Year	Contract type	Contract Amount	DBE Amount
2019	Consulting/Engineering Services – ARFF	$65,000	$0
2019	Construction – ARFF	$860,000	$0
2019	Consulting/Engineering Services – Fire Station	$465,000	$0
2019	Construction – Fire Station	$2,540,000	$13,716
2020	Consulting/Engineering Services – Fence	$185,000	$0
2020	Construction – Fence	$1,415,000	$22,357
2021	Consulting/Engineering Services – SRE	$60,000	$0
2021	Construction – SRE	$440,000	$0
	TOTALS	**$6,030,000**	**$36,073**

The calculation for our 3-year base figure is as follows:
($36,073 Total DBE Contact Amount)/ ($6,030,000 Total Contract Amount) = 0.6%

Step 3: Breakout of Estimated Race-Neutral and Race-Conscious Participation (26.51 a-c)
We estimate that, in meeting our overall goal of 0.6% (Base Figure with Historical Data Adjustment), we will obtain 0% from race-neutral participation and 0.6% from race-conscious measures. The race-neutral and race-conscious participation is based on the historical data that indicates our accomplishments have not exceeded our goal by a median difference of 0%. This median difference (0%) is evidence of under running race neutral participation; therefore, to account for the lack of race neutral participation, we will use 0.6% as our race conscious participation and 0% race neutral participation in meeting our overall goal of 0.6%.

PUBLIC PARTICIPATION

Consultation:
In establishing the overall goal, Nebraska Department of Transportation Division of Aeronautics, as agent for the Sponsor, and The Sponsor will provide consultation/outreach services and publication. The consultation/outreach services included posting the airport's DBE program and its overall goal on the NDOT website at:

https://dot.nebraska.gov/business-center/civil-rights/airport-dbe/

Besides that, Nebraska Department of Transportation Division of Aeronautics would mail letters to following agencies and organizations indicating that the Sponsor is interested in obtaining relevant information regarding goal setting and goal methodology. These organizations include 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 Sponsor efforts to establish a level playing field for the participation of DBEs.

South Omaha Business Association
Associated General Contractors of America, Nebraska Chapter
Nebraska Center for Rural Affairs
Nebraska Hispanic Chamber of Commerce
Greater Omaha Economic Development Partnership
Nebraska Business Development Center
Nebraska Concrete Paving Association
City of Omaha – Department of Human Rights and Relations
City of Lincoln – Commission on Human Rights
Urban League of Nebraska
Metro Omaha Women's Business Center
Omaha Opportunities Industrialization Center

These agencies and organizations were selected because of the likelihood that they could provide information concerning the availability of disadvantaged and non-disadvantaged businesses; the effects of discrimination on opportunities for DBEs; and efforts to establish a level playing field for the participation of DBEs. Each letter contained an explicit invitation to meet with the NDOT Division of Aeronautics face-to-face or via conference call (i.e., a "scheduled, direct, interactive exchange") to discuss any questions or comments on DBE participation goal-setting.

If the proposed goal changes following review by FAA Civil Rights, the revised goal will be updated and a revised Public Notice will be issued.

Notwithstanding paragraph (f)(4) of §26.45, Sponsor's proposed goals will not be implemented until this requirement has been met.

PUBLIC NOTICE

Below is the public notice which the Hall County Airport Authority will publish in the local newspapers and will be posted on the Nebraska Department of Transportation (NDOT) webpage:

Public Notice
DBE Program

The Hall County Airport Authority, Central Nebraska Regional Airport, Grand Island Nebraska hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 0.6% for Federal Aviation Administration (FAA) funded contracts/agreements. The proposed goal pertains to federal fiscal years 2019 through 2021.

The DBE goal and methodology is available for inspection until 30 days following the date of the notice. These items may be seen at the Central Nebraska Regional Airport Office, 3855 Sky Park Road, Grand Island, Nebraska 68801, during regular office hours.

A meeting could be arranged with the Nebraska Department of Transportation Division of Aeronautics (NDOT) office for the purpose of obtaining information relevant to the goal-setting process through the phone number (402-471-2371). Comments will be accepted until 30 days following the date of the notice and can be sent to the followings:

The Hall County Airport Authority,
Central Nebraska Regional Airport,
3855 Sky Park Road,
Grand Island, Nebraska 68801.

OR

Compliance Specialist,
Disadvantaged Business Enterprise Program,
FAA Office of Civil Rights,
777 S. Aviation Blvd, Suite #150,
El Segundo, CA 90245.

Appendix C
Fostering Small Business Participation

A. Objective (49 CFR Part 26.39)

Recognizing that the DBE Program goals are met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses; the Airport Sponsor seeks to implement a small business element into its current DBE policy. The Airport Sponsor is including this element to facilitate competition by and expand opportunities for small businesses. The Sponsor is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. If necessary, the Sponsor will meet its objectives using a combination of the following methods and strategies:

1. Set asides: Where feasible, the Sponsor will establish a percentage of the total value of all prime contract and subcontract awards to be set aside for participation by small businesses on FAA-assisted contracts. A "set-aside" is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that the Sponsor and its prime contractors/ consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner's gender, race or geographic location. The project manager and DBELO will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set aside percentage. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA-assisted contract, the project manager and small business officer will document why a small business set-aside is inappropriate.
2. Unbundling: The Sponsor, where feasible, may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Sponsor will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be "unbundled" or bid separately. Similarly, the Sponsor will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses.

However, based on data from the Nebraska Department of Transportation (NDOT), current procedures utilized to structure contracting requirements not only facilitate competition by small business concerns, but have enabled small business concerns to be very successful in securing work both as prime contractors and subcontractors. Because of the high level of success small businesses have had in competing for and performing prime contracts, the sponsor does not feel it is necessary at this time to alter or restructure its contracting requirements in order to foster small business participation.

It has been determined that contractors (primes and sub) doing airport projects in Nebraska are included in NDOT contractor lists. The Nebraska Department of Transportation Aeronautics Division and airport sponsors will continue to monitor DBE and small business participation.

The sponsor, NDOT will continue to ensure that prime contracts are available for small businesses. The assessment will be conducted by personnel from the NDOT. If an assessment shows that the level of participation by small businesses has decreased significantly, the sponsor and NDOT will promptly take all reasonable steps to increase the level of participation.

NDOT currently requires all firms (prime and subcontractors) that participate on NDOT projects to provide average annual gross receipts information. The NDOT requires firms to indicate if their average annual gross receipts exceed $22.41 million to better verify that only eligible firms are identified as small businesses.

The sponsor will continue to actively conduct outreach with organizations in accordance with procedures of the DBE program.

B. Definitions

1. Small Business:
   A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

C. Implementation Schedule

The Sponsor will implement this small business element on January 1, 2013

D. 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, and;
5. Outreach to those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

Appendix D

Regulations: 49 CFR Part 26,

The DOT published 49 CFR Part 26 is available at the following website.
http://www.gpo.gov/fdsys/pkg/CFR-2012-title49-vol1/pdf/CFR-2012-title49-vol1-part26

State of Nebraska DBE Directory,

A directory of Nebraska DBE's is available at the following website.
http://www.transportation.nebraska.gov.letting.dbeinfo

State of Nebraska DBE Certification Application

The DBE Certification Application is available at the following website.
http://www.transportation.nebraska.gov.letting.dbeinfo

State of Nebraska DBE Unified Certification Program

The DBE Unified Certification Program is available at the following website.
http://www.transportation.nebraska.gov.letting.dbeinfo

Appendix E
Bidder's List Collection Form

The following form is to be completed with the executed contract.

LIST OF SUBCONTRACTORS

(To Be Completed With Execution of Contract)

AIP Project: _____

Airport: _____

Location: _____

The Airport Sponsor is required to submit subcontract information about DBE and non-DBE subcontractors who perform work on their federally-assisted contracts. Therefore the Airport Sponsor requires that the prime contractor submit the following information related to this project. The DBE rules described in the Information to Bidders and Special Provisions must be followed in regards to the firms listed on the DBE Participation Statement.

PROPOSED SUBCONTRACTORS

SUBCONTRACTOR	WORK TO BE PERFORMED	APPROXIMATE DOLLAR VALUE
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

SIGNED_____ **COMPANY**_____

BY_____ **DATE**_____
(Printed name)

Appendix F
DBE Monitoring and Enforcement Mechanisms

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

- Breach of contract action, pursuant to the terms of the contract.
- Breach of contract action, pursuant to Nebraska Statute
  - 3-613 county airport authority
  - 3-116, 3-120, 3-125 NDA
- Other sections of Nebraska Statues that may be applicable and could be used to enforce DBE requirements include unemployment compensation fund contributors and interest due under the provisions of Nebraska Statue 48-601 to 48-669 on wages paid to individuals employed. Conditions regarding fair employment practices as contained in Nebraska Statutes 48-1101 through 48-225 and to comply with minimum wage scale and nondiscrimination as defined in Nebraska Statutes 48-1201 through 48-1277.

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:

- Suspension or debarment proceedings pursuant to 49 CFR Part 26
- Enforcement action pursuant to 49 CGR Part 31
- Prosecution pursuant to 18 USC 101.

Appendix G
Demonstration of Good Faith Efforts – Forms 1 &2

FORM 1: Disadvantaged Business Enterprise (DBE) Utilization

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 _____% DBE utilization on this contract.**
- ❑ **The bidder/offeror, while unable to meet the DBE goal of _____%, 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

	Contract Amount		DBE Amount	Contract Percentage
DBE Prime Contractor	$_____	x 1.00 =	$_____	_____%
DBE Subcontractor	$_____	x 1.00 =	$_____	_____%
DBE Supplier	$_____	x 0.60 =	$_____	_____%
DBE Manufacturer	$_____	x 1.00 =	$_____	_____%
Total Amount DBE			$_____	_____%
DBE Goal			$_____	_____%

* 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.

END FORM 1

FORM 2: Disadvantaged Business Enterprise (DBE) Letter of Intent

LETTER OF INTENT
Disadvantage Business Enterprise

Bidder/Offer

Name of Firm: _____

Firm Address: _____

Contact person: Name:_____ Phone: (___) _____

DBE Firm

Name of DBE Firm: _____

DBE Firm Address: _____

DBE contact person: Name:_____ Phone: (___) _____

DBE certification 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

Category of DBE: ☐Native American ☐Hispanic ☐Asian Pacific ☐Black ☐Non-Minority Woman ☐Other

Work items to be performed by DBE	Description	Quantity	Total

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

DBE contract amount: $_____ Percent of total contract:_____%

AFFIRMATION

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

BY: _____
(Signature) (Title)

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

Appendix H
49 CFR Part 26, Appendix A

APPENDIX A TO PART 26—GUIDANCE CONCERNING GOOD FAITH EFFORTS

I. When, as a recipient, you establish a contract goal on a DOT-assisted contract for procuring construction, equipment, services, or any other purpose, a bidder must, in order to be responsible and/or responsive, make sufficient good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

II. In any situation in which you have established a contract goal, Part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, you have the responsibility to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made, based on the regulations and the guidance in this Appendix.

The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call. Determinations should not be made using quantitative formulas.

III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (*i.e.*, obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.

IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. (1) Conducing market research to identify small business contractors and suppliers and soliciting through all reasonable and available means the interest of all certified DBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events, advertising and/or written notices, posting of Notices of Sources Sought and/or Requests for Proposals, written notices or emails to all DBEs listed in the State's directory of transportation firms that specialize in the areas of work desired (as noted in the DBE directory) and which are located in the area or surrounding areas of the project.

(2) The bidder should solicit this interest as early in the acquisition process as practicable to allow the DBEs to respond to the solicitation and submit a timely offer for the subcontract. The bidder should determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even

when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their offer for the subcontract.

D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. (1) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.

(2) A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

V. In determining whether a bidder has made good faith efforts, it is essential to scrutinize its documented efforts. At a minimum, you must review the performance of other bidders in meeting the contract

goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts. As provided in §26.53(b)(2)((vi), you must also require the contractor to submit 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 to review whether DBE prices were substantially higher; and contact the DBEs listed on a contractor's solicitation to inquire as to whether they were contacted by the prime. Pro forma mailings to DBEs requesting bids are not alone sufficient to satisfy good faith efforts under the rule.

VI. A promise to use DBEs after contract award is not considered to be responsive to the contract solicitation or to constitute good faith efforts.