

FAA AIRPORT IMPROVEMENT PROGRAM (AIP)
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
PLAN IN ACCORDANCE WITH 49 CFR PART 26

For

CAPE COD GATEWAY AIRPORT
HYANNIS, MASSACHUSETTS

FFY2022-2024

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The Cape Cod Gateway Airport (the Airport) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Airport has received federal financial assistance from the Department of Transportation for airport projects through the Federal Aviation Administration's (FAA) Airport Improvement Program (AIP), and as a condition of receiving this assistance, the Airport has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the 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:

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

The Airport Manager and/or designee at the Airport has been delegated as the DBE Liaison Officer. In that capacity, the Airport Manager 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 Cape Cod Gateway Airport in its financial assistance agreements with the Department of Transportation.

The Airport has distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through a legal notice announcement and by publishing notice of DBE participation in all legal notices for letting of contracts for federally funded projects.

Katie R. Servis Digitally signed by Katie R. Servis
DN: cn=Katie R. Servis
Date: 2022.02.03 17:14:27 -05'00'

Airport Manager
Cape Cod Gateway Airport

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 Airport is the recipient of Federal airport funds authorized by 49 U.S.C. 47101.

Section 26.5 Definitions

The Airport will use terms in this program that have the meaning defined in 49 CFR Part 26.5.

Section 26.7 Non-discrimination Requirements

The Airport 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 Airport 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(a)

The Airport will submit annually, by or before December 1, the information required for the Uniform Report of DBE Awards or Commitments and Payment. All reporting will be done through the FAA Civil Rights Connect operating system.

Bidders List: 26.11(c)

The Airport will create and maintain a bidders list by and through the Town of Barnstable's Procurement Office. 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 federally-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. Annual gross receipts data will be collected by asking the firm to indicate into what gross receipts bracket they fit (e.g., less than \$500,000; \$500,000-\$1 million; \$1-2 million; \$2-5 million; etc.) rather than requesting an exact figure from the firm. The collection form is attached as Attachment 9.

Records Retention and Reporting:

The Airport will maintain certification or compliance related records and will retain for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

The Airport 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 Airport'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 Airport 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.).

This language appears in the Airport Sponsors (grant) Assurances.

Contract Assurance: 26.13b

The Airport will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of 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, which may include, but is not limited to: withholding monthly progress payments; assessing sanctions; liquidated damages; and/or disqualifying the contractor from future bidding as non-responsible.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the Airport has received a grant of \$250,000 or more for airport planning and development, we will continue to carry out this program until all funds from DOT financial assistance have been expended. The Airport will provide to the DOT updates representing significant changes in the program. In addition, the Airport will submit an updated goal every three years prior to August 1 if the Airport plans to award contracts exceeding \$250,000 in FAA funds in the next 3-year period.

Section 26.23 Policy Statement

The Policy Statement is provided in Section 26.1 of this plan.

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer for the Airport:

Katie R. Servis, Airport Manager
Cape Cod Gateway Airport
480 Barnstable Road
Hyannis, Massachusetts 02601
Tel. 508-775-2020
kservis@flyhya.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that Airport complies with all provisions of 49 CFR Part 26. An organization chart for Airport positions of the organization is found in Attachment 2.

The responsibility for overseeing the DBE Plan is fulfilled by the DBELO on a part-time basis. To assist in monitoring the Plan, the DBELO works in coordination with the Town of Barnstable's Chief Procurement Officer.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials and representatives of the Town of Barnstable. Duties and responsibilities of the DBELO and/or designee include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner through the open public bid process.
3. Identifies contracts and procurements so that DBE goals are included in solicitations (both race- neutral methods and contract specific goals) and monitors results.
4. Analyzes the Airport's progress toward goal attainment and identifies ways to improve progress.
5. Participates in pre-bid meetings.
6. Advises the Airport Manager and Airport staff on DBE matters and achievement.
7. Determines contractor's compliance with good faith efforts.
8. Participates in DBE training seminars.
9. Acts as liaison to the Uniform Certification Program (UCP) managed by the Massachusetts Department of Transportation – Aeronautics Division (MassDOT).

Section 26.27 DBE Financial Institutions

The Airport will thoroughly investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the Town of Barnstable and will make reasonable efforts to use the institutions. The Airport will encourage prime contractors on DOT-assisted contracts to make use of these institutions. The Airport will investigate availability on an annual basis.

Section 26.29 Prompt Payment Mechanisms

The Airport requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR §26.29, the Airport established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the Airport.

The Airport ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, the Airport *will 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.

Section 26.31 Directory

The Airport is a non-certifying member of the Massachusetts Unified Certification Program (UCP). The Airport is required to maintain a directory that identifies firms eligible to participate as DBEs. The Airport utilizes the Massachusetts UCP DBE Directory. The directory lists the firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. The Directory is revised annually. The Directory is available online at [SDO \(state.ma.us\)](https://www.sdo.state.ma.us)

Section 26.33 Over-concentration

The Airport has not identified an over-concentration of DBEs pursuant to 49 CFR Section 26.33 in any type of work that would unduly burden the opportunity of non-DBE firms to participate in that type of work.

Section 26.35 Business Development Programs

The Airport has not established a business development or mentor-protégé program.

Section 26.37 Monitoring Responsibilities

The Airport implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in the Airport's DBE program.

The Airport actively monitors participation by maintaining a running tally of actual DBE attainments (*e.g.*, payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs

The Airport undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished by performing interim audits of contract payments to DBE's. 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. The Airport proactively reviews contract payments to subcontractors including DBEs quarterly to ensure compliance.

The Airport requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the Airport's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the Airport or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

Prompt Payment Dispute Resolution

The Airport will make prompt determinations regarding contractor's compliance. Documentation of noncompliance will include the specific areas in which the contractor failed to comply. Appropriate actions consistent with the program and other contract provisions will be taken, and may include withholding future payments, suspension of the contract, notification to stop contract work until the contractor comes into compliance, refusal to award the contract or cancellation of the contract and declaration of forfeiture of the performance bond. A decision to invoice sanctions will be issued in writing by registered mail. The contractor shall have ten days from receipt of the decision to appeal the decision. Both sides of the dispute shall have the opportunity to be heard at a hearing and the final deal decision will be issued to both sides by registered mail.

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled by contacting the DBELO. The DBELO will work with the Airport Manager to resolve disputes.

Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

The Airport Manager, upon advice from the DBELO, will make prompt determinations regarding contractor's compliance with the program. Documentation of noncompliance will include appropriate actions consistent with the DBE Program and other contract provisions will be taken, and may include withholding future payments, suspension of the contract, notification to stop contract work until the contractor comes into compliance, refusal to award the contract or cancellation of the contract and declaration of forfeiture of the performance bond.

The Airport will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

The Airport reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (*e.g.*, as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by the DBELO, along with the Project Manager. Contracting records are reviewed by the DBELO. The Airport will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

DBE Monitoring and Enforcement Mechanisms

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

1. The Airport will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (*e.g.*, referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.107.

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

- a. Breach of contract action, pursuant to the terms of the contract;
- b. Breach of contract action, pursuant to Section 26.109;

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:

- a. Suspension or debarment proceedings pursuant to 49 CFR Part 26.
- b. Enforcement action pursuant to 49 CFR Part 31.
- c. Prosecution pursuant to 18 US 1001.

3. We will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments.

4. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT reporting form.

Section 26.39 Fostering Small Business Participation

The Airport 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. The program elements will be actively implemented to foster small business participation. Implementation of the small business element is required in order for the Airport to be considered by DOT as implementing this DBE program in good faith.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The Airport is not permitted to use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The Airport will establish the overall goal every three years. The overall goal is established in accordance with the 2-Step process as specified in 49 CFR Part 26.45. The Airport will begin using our overall goal on October 1 of the 3-year goal period, unless we have received other instructions from the DOT. A description of the methodology, the goal calculations and break out of race-neutral and race-conscious participation can be found in Attachment 4.

Process

The Airport submits its overall goal to DOT on or about August 1st of the year in which the goal is due, as required by the schedule established by and posted to the website of the FAA:

https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/media/Schedule_of_DBE_and_ACDBE_Reporting_Requirements_Dec_2017_Issue.pdf

Before establishing the overall goal each year, the Airport will consult with the Massachusetts DOT's Civil Rights Office, minority, woman's and general contractor groups, community organizations and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs. The following groups and organizations were notified in writing of the annual goal determination process and were invited to attend a consultation on February 14, 2022 at 10:30 a.m.-11:30 a.m.:

Workforce Development Department
1 Ashburton Place
Boston, MA 02108
(617) 626-7100, Fax: (617) 727-1090

Massachusetts Small Business Development Center Network
University of Massachusetts
23 Tillson Farm Road
Amherst, MA 01003
(413) 545-6301, Fax (413) 545-1273

Associated Builders and Contractors, Inc.
1000 Unicorn Park Drive, Suite 1
Woburn, MA 01801
(781) 273-0123

Greater New England Minority Supplier Development Council
101 Huntington Avenue, 17th Floor
Boston, MA 02199
(617) 578-8902

Massachusetts Minority Contractors Association
1452 Dorchester Avenue
Dorchester, MA 02124
(617) 287-2400

Massachusetts Department of Transportation
Executive Office for Administration & Finance
State House, Room 373
Boston MA, 02133
(617) 727-2040

Economic Development Office of Small Business Development
26 Court Street, 7th Floor
Boston, MA 02108
(617) 635-0355

Town of Barnstable Contract Compliance Officer
230 South Street
Hyannis, MA 02601
(508) 862-4741

To date, no comments have been received.

Following this consultation, the Airport will publish a legal notice of the proposed overall goal in *The Cape Cod Times*, informing the public that the proposed plan, which includes the proposed goal and its rationale, are available for inspection during normal business hours at the airport engineering office and on the airport's website for 30 days following the date of the notice, and informing the public that the airport and DOT will accept comments on the goals for 30 days from the date of the notice. Normally, the Airport will issue this notice on or about June 1 of each year. The notice will include addresses to

which comments may be sent and addresses where the proposal may be reviewed. A sample notice is included in Attachment 3.

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

The Airport will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT or, if the goal is established on a project basis, by the time of the first solicitation for a DOT-assisted contract for the project.

Project Goals

If permitted or required by the FAA Administrator, an overall goal may be expressed 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 will 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 the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

Prior Operating Administration Concurrence

The Airport understands that prior FAA concurrence with the overall goal is not required. However, if the FAA review suggests that the overall goal has not been correctly calculated or that the method employed by the Airport for calculating goals is inadequate, the FAA may, after consulting with the Airport, adjust the overall goal or require that the goal be adjusted by the Airport. 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 3 to this program.

Section 26.47 Failure to Meet Overall Goals

The Airport cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless the Airport fails to administer its DBE program in good faith.

The Airport understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

The Airport understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

The Airport will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to [*operating administration*] upon request.

Section 26.51 Means Recipients Use to Meet Overall Goals

This information is noted in Attachment 4.

Contract Goals

If the approved projection estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order meet the overall goal.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established 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).

Contract goals will be expressed as a percentage of [*the total amount of a DOT-assisted contract*].

Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract Goals

Demonstration of good faith efforts (pre-award)

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, or his representative, 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 responsible.

The Airport 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 Airport treats bidder/offerors' compliance with good faith efforts requirements as a matter of responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit prior to contract award the following:

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.
7. The firms to be used are registered as DBE firms with MassDOT.

We will require that the bidder/offeror present the information no later than five (5) days after bid opening as a matter of responsibility.

Administrative Reconsideration (26.53(d))

Within 7 days of being informed by the Airport that it is not a responsible bidder/offeror because it has not documented sufficient good faith efforts, a bidder/offeror is entitled to administrative reconsideration rights. Bidder/offerors should make this request in writing to the following reconsideration official:

Ruth Weil Town, Attorney
367 Main Street, Town Hall
Hyannis, MA 02601
Phone: 508-862-4620

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 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 U.S. Department of Transportation.

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

The Airport 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 or

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

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

The Airport 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 seven (7) days, which may be extended for an additional seven (7) days if necessary at the request of the contractor, and the Airport 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 Section 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 Airport 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 ___ percent 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.

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

The Airport 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. Administrative remedies for noncompliance executed in accordance with 49 CFR Part 26.53: If the contractor fails or refuses to comply in the time specified, the Airport 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 Airport may terminate the contract.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

In the case of post-award substitutions or additions, if a 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, the firm's participation will not be counted toward any DBE goals, except as provided for in §26.87(j).

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE certification and credit on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The Airport is a non-certifying member of the MassDOT Unified Certification

Program (UCP) and utilizes the program as a basis to determine certification of a DBE firm.

For information about the certification process or to apply for certification, firms should call, write, or browse to the following:

Ms. Nedra White
MassUCP/DBE Certification Office
10 Park Plaza, Suite 2600-B, State Transportation Building
Boston, MA 02116
(857) 368-8656

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

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The Airport is a non-certifying partner of the Massachusetts Department of Transportation (MassDOT) Unified Certification Program (UCP).

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to Airport

The Airport understands that if it fails to comply with any requirement of this part, the Airport may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

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, information that may

reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to DOT in any certification appeal proceeding under §26.89 or to any other state to which the individual's firm has applied for certification under §26.85.

All participants in the Department's DBE program (including, but not limited to, the Airport, 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 Airport, 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. The Airport understands that it is in noncompliance with Part 26 if it violates this prohibition.

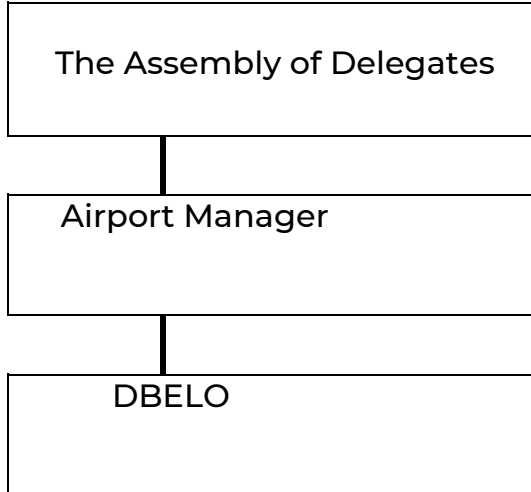
Attachment 1
Regulations: 49 CFR Part 26

Available by internet connection at the following:

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

Attachment 2

Organizational Chart



Projects - \$525,000

Contract 2 - Design & Implement Airport Security Camera Upgrades to meet TSA requirements - \$650,000

Contract 3 - Electric Aircraft Support Vehicle (Note that because the electric aviation program is new, funding is earmarked for FY2024 but the amount of funding and project type needs to be flexible until we have an understanding of needs for HYA and our Tenants) - \$450,000

Methodology used to Calculate Overall DBE Goal

The Airport has established the overall DBE goal in accordance with the 2-Step process as specified in 49 CFR Part 26.45. The first step determined the relative availability of DBEs in the market area, the “base figure”. The second step considered an adjustment to the “base figure” percentage from Step 1 so that it reflects, as accurately as possible, the DBE participation expected in the absence of discrimination based on past participation and local data.

Market Area

The market area is considered the State of Massachusetts. Based on past contracts, the substantial majority of contractors and subcontractors have been located in Massachusetts.

Step 1 Goal Calculation:

(See Goal Calculation Worksheet at the end of this attachment)

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

2022 – 8.72

2023 – 5.17

2024 – 6.01

Base figure (weighted) = 6.63% of all firms ready, willing and able.

Table 2 – Weighted Average Goal Calculation

Step 2: 26.45(d) Base Figure Adjustment

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

The first evidence for basis of adjustment considers the current capacity of DBEs to perform work, as measured by the volume of work DBEs have performed in

recent years (ref. 26.45(d)(1)(i)). DBE firms have had equal opportunity to perform work on airport projects in recent years through normal contracting procedures.

However, the volume of work performed in recent years has been lower in comparison to both the overall goal and previous years' participation in work conducted. Based on this evidence, an adjustment to the "base figure" has been made.

The second evidence for basis of adjustment considers any existing disparity studies within the airport's jurisdiction (ref. 26.45(d)(1)(ii)). By comparing historic years with the most recent three years, a disparity in DBE participation is evident while the work remains relatively the same. Based on this evidence, an adjustment to the "base figure" has been made.

The third evidence that must be evaluated is the evidence from related fields that affect the opportunities for DBEs to form, grow and compete (ref. 26.45(d)(2)). This evaluation is conducted in 2 parts.

- 1) This includes evaluating statistical disparity in the abilities of DBEs to get the financing, bonding and insurance required perform work (ref. 26.45(d)(2)(i)). As noted previously, studies of historical performance prove a declining ability for DBEs to participate and fulfill necessary contract work. Based on this evidence, an adjustment to the "base figure" has been made.
- 2) Additionally, this includes evaluation of data on employment, self-employment, education, training and union apprenticeship programs as these relate to opportunities for DBEs to perform (ref. 26.45(d)(2)(ii)). Our effort to evaluate this information included contacting the MassDOT DBE coordinator in with regard to effects of financing, bonding, insurance, employment, education and/or training on women and minorities in MA. MassDOT had no evidence in the form of reports and studies to offer that studies these items. At the same time, we also called the local chapters of the NAACP and the National Association of Women in Construction (NAWIC). After initial contact, neither organization produced evidence of negative evidence relative to a DBE's ability to conduct business in MA. We also consulted, in writing, with MA Department of Employment Security, the MA Commission on the Status of Women, and the Associated General Contractors of MA seeking feed back on the goal methodology and the evidence of data related to opportunities for DBE's to perform work in MA. The feedback, if any, is/will be noted in the Consultation section of this goal methodology. Based on this evidence, an adjustment to the "base figure" has been made.

Past History Participation

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

<i>FY</i>	<i>Total Grant \$ Amount</i>	<i>DBE Goals</i>			<i>Accomplishments</i>			<i>Type of work</i>
		<i>RC</i>	<i>RN</i>	<i>Total</i>	<i>RC</i>	<i>RN</i>	<i>Total</i>	
FY 18	0	3.70%	0	3.70%	0	0	0	N/A
FY 19	\$904,015	3.70%	0	3.70%	0	0	0	Engineering
FY 20	\$1,649,457	3.70%	0	3.20%	0	0	0	Equipment & Const
Total	\$10,299,235							

To arrive at an overall goal, we added our Step 1 base figure (6.63%) with our Step 2 adjustment figure (0%) and then averaged the total arriving at an overall goal of 3.32%. We feel this goal figure will accurately reflect DBE participation and is inline with past DBE goals.

Further, there are no applicable disparity studies for the local market area or recent legal case information available from the Massachusetts Department of Transportation office to show any evidence of barriers to entry or competitiveness of DBEs in the market area.

PUBLIC PARTICIPATION

The following notice will be posted on the Airport's website <https://www.town.barnstable.ma.us/airport/> and in the local paper, the Cape Cod Times.

PUBLIC NOTICE

The Cape Cod Gateway Airport hereby announces its federal fiscal years 2022-2024 49 CFR Part 26 Disadvantaged Business Enterprise (DBE) participation goal of 3.32%. The proposed plan, which includes the 3-year goal and rationale, is available for inspection between 8:30 a.m. and 4:00 p.m., Monday through Friday at Airport Administration Office, Cape Cod Gateway Airport, 480 Barnstable Road, Hyannis, MA 02601 or on the Airport's website flyhya.com for 30 days from the date of this publication.

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

Ms. Katie Servis
Airport Manager
Cape Cod Gateway Airport
kservis@flyhya.com

Mr. Thomas L. Knox, Jr.
DBE & ACDBE Compliance Specialist
New England (ANE) Region
Thomas.Knox@faa.gov

CONSULTATION

The Airport consulted in writing with the agencies listed in Section 26.45 of the plan.

Attachment 4

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

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

1. Arranging solicitations, times for the presentation of bids, specifications, and delivery schedules in ways that facilitate DBE participation (e.g., encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
2. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors);
3. Ensuring distribution of the MassDOT DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
4. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.
5. Ensuring the DBE goals are published in all bid and contract documents.

In meeting the overall DBE goal of 3.32%, the Airport estimates it will obtain 3.32% from race-neutral participation and 0% through race conscious measures.

Historically, DBE goals for airport projects in Massachusetts have only been met through implementing contract goals. In order to ensure that our DBE Program will be narrowly tailored to overcome the effects of discrimination, the Airport anticipates using contract goals. The Airport will monitor the DBE participation and adjust contract goals as required.

The Airport will also adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and the Airport 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 that a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry 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.

The Airport will maintain data separately on DBE achievements in those contracts with and without contract goals.

Attachment 5
Fostering Small Business Participation Form

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

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

Small Business Firms to be Utilized (Name, Address, Phone)	Work to be Performed	Total Estimated Cost of Work
Name		
Address		
City, St, Zip		
Telephone		
Is the firm a Certified DBE? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Name		
Address		
City, St, Zip		
Telephone		
Is the firm a Certified DBE? Yes <input type="checkbox"/> No <input type="checkbox"/>		

(Duplicate form as necessary.)

The following notation is for Sponsor Use Only:

Accepted by: _____ Date: _____

Attachment 6
Revision Log

The following revisions were made (note date of revision):

Attachment 7

Small Business Participation

The Airport is required to create and implement a race-neutral small business element as part of their DBE programs, in compliance with §26.39.

1. Objective/Strategies

This practice consists of the follow strategies:

- a. Track contract awards to determine baseline conditions. That is, the Airport will determine the number of small business typically participating. This will be completed by having Prime Contractor(s) for Construction Work Items and for Professional Services Work Items complete the form entitled, Fostering Small Business Participation, located in Attachment5.
- b. Structure contracts 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.

2. Definitions

For clarification purposes, 49 CFR Part 26.5 states, Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b). The Table of Small Business Size Standards matched to North American Industry Classification Codes as compiled by the U. S. Small Business Administration (found at www.sba.gov) will be used to implement strategy 1a.

3. Verification

The Airport must diligently attempt to minimize fraud and abuse in the small business element of its DBE program by verifying program eligibility of firms. Verification does not necessarily involve creating a new certification category, though that is one option. Any verification

procedure must allow for participation of all small businesses (relying exclusively on local/state M/WBE certification, SBA 8(a) certification, or other programs that include race/gender/geographical considerations as a condition of the certification is not an acceptable means of verifying eligibility, and is not compliant with the race-neutral requirements of §26.39).

4. Assurance

The Airport should include the following assurances in their small business programs:

- a. The program is authorized under state law;
- b. Certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;
- c. No limits are placed on the number of contracts awarded to firms participating in the program, but every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
- d. Aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.
- e. The program is open to small businesses regardless of their location (i.e., there is no local or other geographic preference).

Attachment 8

DBE Certification Application Form

<https://www.mass.gov/how-to/apply-for-disadvantaged-business-enterprise-dbe-certification>

Attachment 9

Bidder's List Collection Form

The information below must be collected from every bidder who submits a quote/bid to the recipient and every potential subcontractor who submitted a quote/bid to each bidder. §26.11(c) requires recipients to collect information from all bidders and subcontractors, including unsuccessful ones.

Firm Name	Firm Address/ Phone #	DBE or Non-DBE Status (verify via State's UCP Directory)	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Attachment 10

UCP Directory

The UCP directory can be found at:

<https://www.sdo.osd.state.ma.us/BusinessDirectory/BusinessDirectory.aspx>

Attachment 11

Demonstration of Good Faith Efforts - Forms 1 & 2

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner:

- Bidder/offeror has met the DBE contract goal
The bidder/offeror is committed to a minimum of ____ % DBE utilization on this contract.

- Bidder/offeror has not met the DBE contract goal
The bidder/offeror is committed to a minimum of ____% DBE utilization on this contract and has submitted [*or "will submit," if recipient made compliance a matter of responsibility*] documentation demonstrating good faith efforts.

Legal name of bidder/offeror's firm: _____

Bidder/Offeror Representative:

Name & Title

Signature

Date

FORM 2: LETTER OF INTENT

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

Name of bidder/offeror's firm: _____

Name & title of firm's AR: _____

Phone: _____ Email: _____

Name of DBE firm: _____

Name & title of DBE firm's AR: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Work to be performed by DBE firm:

Description of Work	NAICS	Dollar Amount / %*	Dealer/Manufacturer**

*Percentage is to be used only in negotiated procurements, including design-build contracts

**For material suppliers only, indicate whether the DBE is a manufacturer or a regular dealer as defined by §26.55.

The undersigned bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The total expected dollar value of this work is \$ _____. The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified above that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed above without following the procedures of 49 CFR Part 26, §26.53.

Signature of Bidder/Offeror's Authorized Representative

Date: _____

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for DBE participation therefore.

Signature of DBE's Authorized Representative

Date: _____

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

Submit this page for each DBE subcontractor.

Attachment 12
State's UCP Agreement



The Official Website of the Executive Office for Administration and Finance

Administration and Finance

Home > Budget, Taxes, Procurement & Regulations > Procurement Information > Procurement Programs and Services > Supplier Diversity Office (SDO)
> Unified Certification Program (UCP) (DBE) > Massachusetts Recipients

Massachusetts Recipients and Subrecipients

Primary Recipients:

Executive Office of Transportation and Construction
Massachusetts Highway Department
Massachusetts Bay Transportation Authority
Massachusetts Port Authority



Regional Transit Authorities:

Berkshire Regional Transit Authority	Lowell Regional Transit Authority
Brockton Area Transit Authority	Martha's Vineyard Transit Authority
Cape Ann Transportation Authority	Merrimack Valley Regional Transit Authority
Cape Cod Regional Transit Authority	Montachusett Regional Transit Authority
Franklin Regional Transit Authority	Nantucket Regional Transit Authority
Greater Attleboro-Taunton Regional Transit Authority	Pioneer Valley Regional Transit Authority
Greenfield- Montague Transportation Area	Southeastern Regional Transit Authority
	Worcester Regional Transit Authority

Municipal/Regional Airports:

Barnstable Municipal Airport	Orange Municipal Airport
Beverly Municipal Airport	Pittsfield Municipal Airport
Chatham Municipal Airport	Plum Island - Newburyport
Edgartown - Katama Airpark	Plymouth Municipal Airport
Fitchburg Municipal Airport	Provincetown Municipal Airport
Gardner Municipal Airport	Southbridge Municipal Airport
Lawrence Municipal Airport	Stow - Minute Man Air Field
Mansfield Municipal Airport	Taunton Municipal Airport
Marshfield Municipal Airport	Turners Falls Airport
Martha's Vineyard Airport	Westfield-Barnes Municipal Airport
Nantucket Memorial Airport	Westover Metropolitan Airport
New Bedford Regional Airport	Massachusetts Turnpike Authority
North Adams Airport	As manager of CAT Project
Norwood Memorial Airport	

Did you find the information you were looking for on this page? *

- Yes
- No

Send Feedback

Goal Calculation Worksheet

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	DBE (%) (=G/F)	DBE (\$) (= E x H)
Design, Construct and Replace Runway 24 Departure End Safety Area Engineered Material Arresting System (EMAS) (EMAS/Runway SAFE System type system) including Inspection and Field Strength Test.	Engineering	Engineering	541330	\$ 616,100.00	1509	126	8.35%	\$ 51,443.74
	Paving	All other specialty	238990	\$ 700,000.00	826	73	8.84%	\$ 61,864.41
	EMAS	Transportation	485999	\$ 6,178,900.00	67	3	4.48%	\$ 276,667.16
	Admin			\$ 5,000.00				\$ -
Total Contract #1				\$ 7,500,000				\$389,975
Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	DBE (%) (= G/F)	DBE (\$) (= E x H)
Design & Reconstruct RWY 6-24 (Approx. 4,700ft x 150ft.)	Engineering	Engineering	541330	\$1,265,000.00	1509	126	8.35%	\$105,626.24
	Paving	All other specialty	238990	\$9,000,000.00	826	73	8.84%	\$795,399.52
	Electrical	Electrical	238210	\$700,000.00	2450	46	1.88%	\$13,142.86
	Drainage	Heavy & Eng const	237990	\$150,000.00	94	34	36.17%	\$54,255.32
	Site Work	Site Preparation	238910	\$3,450,000.00	1171	73	6.23%	\$215,072.59
	Landscaping	Landscaping	561730	\$800,000.00	4162	31	0.74%	\$5,958.67
	Pave Markings	Construction	237310	\$400,000.00	225	79	35.11%	\$140,444.44
	Admin			\$5,000.00			0.00%	\$0.00
Total Contract #2				\$ 15,770,000				\$1,329,900
Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	DBE (%) (= G/F)	DBE (\$) (= E x H)
Construct Extension of Mary Dunn Way to Limit of Future Development including drainage, utilities and sanitary sewer. Including permit requirements. (Combined into one phase versus two in previous years)(CARES Act Funding) - This includes a 15 - 25% contingency - Potential need to add contingency for PFAS Soils.	Engineering	Engineering	541330	\$693,400.00	1509	126	8.35%	\$ 57,898.21
	Electrical	Electrical	238210	\$300,000.00	2450	46	1.88%	\$ 5,632.65
	Paving	All other specialty	238990	\$1,100,000.00	826	73	8.84%	\$ 97,215.50
	Drainage	Heavy & Eng const	237990	\$1,400,000.00	94	34	36.17%	\$ 506,382.98
	Landscaping	Landscaping	561730	\$350,000.00	4162	31	0.74%	\$ 2,606.92
	Fencing&Gates	All other specialty	238990	\$70,000.00	826	73	8.84%	\$ 6,186.44
	Pave Markings	Construction	237310	\$120,000.00	225	79	35.11%	\$ 42,133.33
	Site Work	Site Preparation	238910	\$1,740,000.00	1171	73	6.23%	\$ 108,471.39
	Admin			\$5,000.00				
Total Contract #3				\$ 5,778,400				\$826,527
Replace Airfield Mowing Equipment - Airport #29 (New Holland Tractor circa 2000)(State ASMP or CARES Act if funds remain)	Vehicle			\$165,000.00			0.00%	\$0.00
Total Contract #4				\$165,000.00				\$0.00
Total FY-2022				\$29,213,400			8.72%	\$2,546,402
Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	DBE (%) (= G/F)	DBE (\$) (= E x H)
Replace 1992 ARFF Equipment (ARFF Class IV Vehicle with High Reach Extendable Turret (HRET)) - Airport #820 (ARFF Truck and Equipment)	Engineering	Engineering	541330	\$50,000.00	1509	126	8.35%	\$4,174.95
	Vehicle			\$925,000.00	0	0	0.00%	\$0.00
	Admin			\$3,000.00	0	0	0.00%	\$0.00
Total Contract #1				\$ 978,000				\$4,175
Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	DBE (%) (= G/F)	DBE (\$) (= E x H)
Reporting, Testing, Mitigation, Monitoring (PFOS Soils) Phase IV Report and Remedial Design plus cap monitoring	Engineering	Engineering	541330	\$80,000.00	1509	126	8.35%	\$6,679.92
	Analytical Testing	Analytical Testing	541380	\$25,000.00	140	17	12.14%	\$3,035.71
Total Contract #2				\$105,000				\$9,716
Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	DBE (%) (= G/F)	DBE (\$) (= E x H)
PFAS Mitigation Design and Implementation (Worse Case Estimate - Working on Final Plans)	Engineering	Engineering	541330	\$250,000.00	1509	126	8.35%	\$20,874.75
	Analytical Testing	Analytical Testing	541380	\$50,000.00	140	17	12.14%	\$6,071.43
	Grading/Sitework	Site Preparation	238910	\$550,000.00	1171	73	6.23%	\$34,286.93
	Paving	Paving	238990	\$150,400.00	826	73	8.84%	\$13,292.01
Total Contract #3				\$1,000,400				\$74,525

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	DBE (%)	DBE (\$)
							(= G/F)	(= E x H)
Design & Construct Replacement of Circa 1997 Mo-Gas and Diesel Fuel Con-Vault, Gas Boy & Alarm (Deferred from FY2018)	Engineering	Engineering	541330	\$350,000.00	1509	126	8.35%	\$29,224.65
	Land Surveying	Land Surveying	541370	\$10,000.00	142	27	19.01%	\$1,901.41
	Analytical Testing	Analytical Testing	541380	\$40,000.00	140	17	12.14%	\$4,857.14
	Site Work	Site Preparation	238910	\$700,000.00	1171	73	6.23%	\$43,637.92
	Electrical	Electrical	238210	\$40,000.00	2450	46	1.88%	\$751.02
	Paving	All other specialty	238990	\$10,000.00	826	73	8.84%	\$883.78
	Admin			\$50,000.00				
Total Contract #4				\$1,200,000				\$81,256
Total FY-2023				\$3,283,400			5.17%	\$169,672
Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	(= G/F)	(= E x H)
Permitting (TOB, preparing local paperwork, any updates and submission requirements) - Airport Master Plan for Short-Term Airport Master Plan Update Projects	Engineering	Engineering	541330	\$520,000.00	1509	126	8.35%	\$43,419.48
	Land Surveying	Land Surveying	541370	\$5,000.00	142	27	19.01%	\$950.70
Total Contract #1				\$525,000				\$44,370
Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	(= G/F)	(= E x H)
Design & Implement Airport Security Camera Upgrades to meet TSA requirements	Engineering	Engineering	541330	\$338,000	1509	126	8.35%	\$28,222.66
	General Contractor	Comm bldg Const	236220	\$312,000	733	49	6.68%	\$20,856.75
Total Contract #2				\$650,000				\$49,079
Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	(= G/F)	(= E x H)
Electric Aircraft Support Vehicle (Note that because the electric aviation program is new, funding is earmarked for FY2024 but the amount of funding and project type needs to be flexible until we have an understanding of needs for HYA and our Tenants).	Engineering	Engineering	541330	\$50,000.00	1509	126	8.35%	\$4,174.95
	Equipment	Equipment		\$400,000.00				
Total Contract #3				\$450,000				\$4,175
Total FY-2024				\$1,625,000.00			6.01%	\$97,624.55