

The Port of Benton

Disadvantaged Business Enterprise (DBE) Program Plan



POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

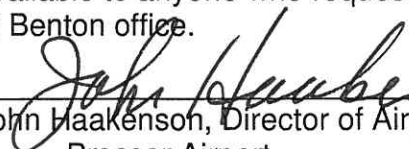
The Port of Benton, which oversees the Prosser Airport and the Richland Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Port of Benton has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Port of Benton has signed an assurance that it will comply with 49 CFR Part 26. The website for 49 CFR Part 26 is shown in Attachment 5.

It is the policy of the Port of Benton 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:

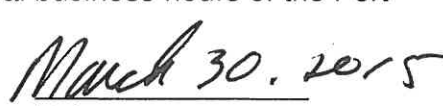
1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only 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 promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

John Haakenson has been delegated as the DBE Liaison Officer. In that capacity, Mr. Haakenson 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 Port of Benton in its financial assistance agreements with the Department of Transportation.

The Port of Benton Commissioners have disseminated this policy statement to all of 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. Through advertising mediums, we have communicated with DBE and non-DBE business communities to let them know that a copy of this document was available for review and comment during a forty-five day period. Additionally, this document is made available to anyone who requests to see it during the normal business hours of the Port of Benton office.



John Haakenson, Director of Airports and Operations
Prosser Airport
Richland Airport



Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

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

Section 26.5 Definitions

The Port of Benton will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

The Port of Benton 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 Port of Benton will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

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

The Port of Benton will transmit to FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form, found in Appendix B to this part. We will also report the DBE contractor firm information either on the FAA DBE Contractor's Form or other similar format. We will begin using the revised Uniform Report of DBE Awards or Commitments and Payments for reporting FY 2015 reports due December 1, 2015.

Bidders List: 26.11(c)

The Port of Benton will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use

in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information as follows:

The Port of Benton will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that were part of the winning bid on DOT-assisted contracts. We will collect this information from bid documents of the prime contractor who is awarded the project. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a) - Each financial assistance agreement the Port of Benton signs with a DOT operating administration (or a primary recipient) will include the following assurance:

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

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

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

The contractor, 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 Port of Benton

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

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Name	John Haakenson
Title	Director of Airports and Operations
Address	3250 Port of Benton Blvd. Richland, WA 99354
Telephone Number	509-375-3060
Fax Number	509-375-5287
E-mail Address	johnh@portofbenton.com

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

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO may retain a

consultant to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes Port of Benton's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Plans and participates in DBE training seminars.
11. Provide outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the Port of Benton 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.

To date, no DBE financial institutions have been identified in the market area for the Prosser Airport or the Richland Airport.

Section 26.29 Prompt Payment Mechanisms

The Port of Benton will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contractor receives from Port of Benton. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may

occur only for good cause following written approval of the Port of Benton.
This clause applies to both DBE and non-DBE subcontractors.

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

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Section 26.31 Directory

The Port of Benton uses the State of Washington DBE directory, maintained by the State.

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

The State of Washington revises the Directory as additions, deletions and other changes occur. The Directory may be found at: <http://omwbe.wa.gov/directory-of-certified-firms/>

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

The Port of Benton has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can

take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.

2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 2 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our DBE Program.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.
4. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

Section 26.39 Fostering small business participation.

The Port of Benton 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 Port of Benton's small business element is incorporated as Attachment 3 to this DBE Program. We will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of our DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The Port of Benton will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section

26.45(f) the Port of Benton will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the established schedule below.

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Non-Primary (GAs, Relievers and State DOTs)	New England, Northwest Mountain, & Southern	August 1, 2014 (2015/2016/2017)	August 1, 2017 (2018/2019/2020)

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

(c) Step 1. The first step is to determine the relative availability of DBEs in the market area, "base figure". We will use DBE Directories and Census Bureau Data as a method to determine our base figure. The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts.

(d) Step 2. Once we have calculated a base figure, we will examine all of the evidence available in our jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at our overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

In establishing the overall goal, the Port of Benton will consult with state organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on opportunities for DBEs.

Following this consultation, the Port of Benton will publish a notice of the proposed overall goal, informing the public that the proposed overall goal and its rationale are available for inspection during normal business hours at 3250 Port of Benton Blvd., Benton, WA and that the Port of Benton and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed.

Our Overall Three-Year DBE Goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

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

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

Section 26.47 Failure to meet overall goals.

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

If the Port of Benton 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 the reasons for the difference;
- (2) Establish specific steps and milestones to meet fully our goal for the new fiscal year;
- (3) The Port of Benton will retain a copy of the analysis and corrective actions in records for a minimum of three years, and will make it available to FAA upon request.

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

The use of race-conscious goals in the State of Washington has been restricted and is contingent upon the existence of published data identifying disparities and availability of specific race and gender groups in each industry. So far, no such data has been made available in Washington State pertaining to FAA funding and airport construction industries. The Port of Benton cannot, at this time, use a race-conscious goal. They would, however, like to reserve the right to use one in the future, should the opportunity arise, and if necessary to meet the overall goal.

Section 26.51(d-g) Contract Goals (applicable for race-conscious participation)

The Port of Benton will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small

businesses, by means such as those provided under § 26.39. Our approved plan projects meeting DBE goals through race-neutral means, and we will therefore not set contract goals.

Section 26.53 Good Faith Efforts Procedures (applicable for race-conscious participation)

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The Port of Benton 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.

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

Information to be submitted (26.53(b))

In our solicitations for DOT/FAA-assisted contracts for which a contract goal has been established, we will require 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. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
- (3) The dollar amount of the participation of each DBE firm participating;
- (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
- (5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
- (6) If the contract goal is not met, evidence of good faith efforts. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

Administrative reconsideration (26.53(d))

Within 5 business days of being informed by Port of Benton that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to

the following reconsideration official: Tom Cowan, Port Legal Counsel, 503 Knight Street, Ste A, Richland, WA 99352, 509-943-2676, tcowan@cowanmoore.com. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

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

We will include in each prime contract a provision stating:

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

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

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

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

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

We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements;
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) We have determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to us written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (10) Other documented good cause that we have determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to us its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to us, of its intent to request to terminate and/or substitute, and the reason for the request.

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

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

The Port of Benton will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to

perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that we established for the procurement. The good faith efforts shall be documented by the contractor. If we request documentation from the contractor under this provision, the contractor shall submit the documentation to us within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

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

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the Port of Benton 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 xx% (1.47% for the Prosser Airport, 4.01% for the Richland Airport) (as determined in the goal calculation in Attachment 4) has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror 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. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; and (5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation (applicable for race-conscious 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.

If the firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, we will not count the firm's participation toward any DBE goals, except as provided for in 26.87(j).

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The Port of Benton will rely upon the Washington State Office of Minority and Women Owned Business Enterprises (OMWBE) for certification and to determine the eligibility of firms to participate as DBEs in DOT – assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards.

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

Sarah Erdmann (Certification Supervisor of OMWBE) at sarahe@omwbe.wa.gov

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The Port of Benton relies upon the OMWBE to meet all of the requirements of this section.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

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

Notwithstanding any provision of Federal or state law, we will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, we will transmit this information to DOT in any certification appeal proceeding under § 26.89 of this part or to any other state to which the individual's firm has applied for certification under § 26.85 of this part.

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

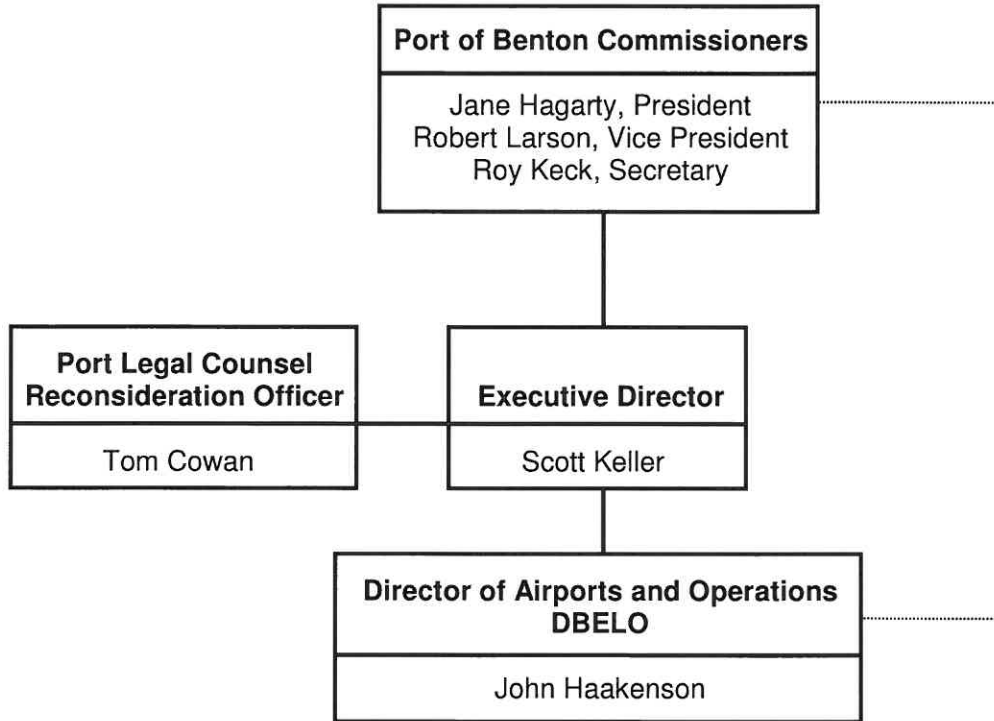
The Port of Benton, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified,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

ATTACHMENTS

- Attachment 1 Organizational Chart
- Attachment 2 DBE Monitoring and Enforcement Mechanisms
- Attachment 3 Small Business Element Program
- Attachment 4 Overall Goal Calculations – Prosser Airport, Richland Airport
- Attachment 5: 49 CFR Part 26 Website
- Attachment 6: Washington State DBE Directory Website

ATTACHMENT 1

Organizational Chart



ATTACHMENT 2

DBE Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to [*insert State Code Section No.*];

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

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

ATTACHMENT 3

Small Business Element

The Requirement:

On February 28, 2011, the U.S. Department of Transportation (DOT) issued a final rule amending Title 49 Code of Federal Regulations (CFR) Part 26 to include a new requirement concerning the fostering of small business opportunities. By this rule, recipients of DOT funds would be required to include a Small Business Element as a portion of their Disadvantaged Business Enterprise (DBE) Program.

Suggested Action:

The amendment to Part 26 did not require specific actions to garner small businesses. Instead, several suggestions were identified. Suggestions included, but were not limited to:

- 1) Establishing a small business set-aside program for small contracts,
- 2) Requiring that bidders on large and multi-year design-build contracts specify elements of the contract or specific subcontracts that will be sized for small business participation,
- 3) Requiring contractors to provide subcontracting opportunities, rather than self-performing all work, on contracts without DBE goals,
- 4) Identifying alternative acquisition strategies that promote consortia and joint ventures consisting of small businesses,
- 5) Sizing a portion of all prime contracts for small businesses. That portion was suggested to be large enough that the race-neutral DBE goal could be met if the small businesses happened to be DBE's.

Our Response:

The Port of Benton, along with the Prosser Airport and the Richland Airport, are dedicated to the creation of a contracting environment that is welcoming to small businesses, including DBE's. Small businesses have long seen subcontracting opportunities on construction jobs at the Prosser Airport and the Richland Airport. The structure of the local economy is such that for many trades, only small businesses are available to perform this work.

Because of our past success in the promotion of small business, our plan for a small business element of the DBE Program is to continue with the contracting practices in place at these airports.

Our Plan:

Prime contracts and subcontracts are available to small businesses as a result of the Airport Improvement Program. The Port of Benton believes that it is currently meeting the objectives of its construction contracting activities by ensuring that a reasonable number of prime contracts and subcontracts are of a size that small businesses, including DBEs, can reasonably perform. Quantities, specifications, and delivery schedules are arranged to facilitate small business participation. Large contracts are divided into multiple bid schedules and bid items to make it easier to define portions of the work to subcontract. The Port of Benton will put into place monitoring of consultant-design projects for possible small business participation and encouraging use of small businesses in projects. The Port of Benton seeks ways to include all available contractors in its contracts; this may include bundling or unbundling jobs or limiting the

size of its contracts so that smaller businesses may be awarded contracts. In some cases jobs usually performed by subcontractors can be performed as an unbundled contract as a prime contract, especially if the outcome of the overall project will not be effected by the unbundled contracting opportunity.

We propose, as an added requirement for this small business element, to impose upon ourselves the burden of collecting evidence that small businesses are performing work on FAA-funded construction projects.

Information on small businesses will be tracked much in the same way that DBE's are currently tracked. For future FAA-funded projects, construction contract language would be modified to require subcontractors meeting the small business thresholds set by the Small Business Administration (SBA) to submit accounting proving their small business status and records of how much they earned via the subcontract on the project. The Port would collect and maintain records showing what percentage of each project, in terms of dollars, was completed by small businesses.

ATTACHMENT 4

Prosser Airport DBE 2015-2017 Overall Goals

Richland Airport DBE 2015-2017 Overall Goals

The Port of Benton

Prosser Airport

FY 2015-2017

**Overall Goal Amendment to the
Disadvantaged Business Enterprise (DBE)
Program**



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FY 2015-2017 Overall Goal Amendment

Overall Goals (\$26.45)

Amount of Goal – FY 2015-2017 Improvements

This document proposes an overall goal for the next three years, beginning on October 1, 2014, and ending on September 30, 2017. The projects referred to in this report appear on the most recent Capital Improvement Plan (CIP) for the Prosser Airport. If, for any reason, a project scheduled for the next three years is not initiated, this report will have to be amended to reflect the actual projects expected to be completed.

The purpose of establishing a DBE goal is to promote the use of disadvantaged and women-owned businesses in our geographical area, and to assure FAA grant eligibility for projects at the Prosser Airport.

The overall goal for FY 2015-2017 is 1.47%

Method

Determining Types of Work

The FY 2015-2017 capital improvements at Prosser Airport include three (3) projects. One (1) project is scheduled for each fiscal year. The projects and estimated costs are listed below in Table 1. The projects planned for this period create subcontracting in an estimated eight (8) different disciplines, as listed in Table 2, below, paired with their respective NAICS codes.

Table 1: FY 2015-2017 Capital Improvement Projects

FY 2015 Projects		FY 2016 Projects		FY 2017 Projects	
Planning – Master Plan Update and ALP	\$200,000	Taxilane - Construction	\$205,000	None – NTE will be carried forward into 2018	\$0

Table 2: Disciplines Employed in FY 2015-2017 Projects

Discipline	NAICS	Discipline	NAICS	Discipline	NAICS
Storm Drainage	237110	Airport Electrical	238210	Land Surveying	541370
Pavement Marking	237310	Engineering	541330	Material Testing	541380
Asphalt Paving	237310	Fence Installation	238990		

Determining the Geographical Area

Based on past federally funded airport projects, the prime contractors that generally bid on projects are predominately from a specific geographic region. That region is hereafter referred to as our Market Area. Using the Port of Benton as the reference point, the Market Area includes Yakima County to the west, Walla Walla County to the east, Franklin County to the north and Benton County to the south.

This information was derived using records of recent construction projects for the Port of Benton and other nearby ports, cities, and municipalities, and the "U.S. Census Bureau, 2012 County Business Patterns, Benton, Washington Major Industry Group."

Federal grant authorities prohibit recipients from using geographic preference in the evaluation of bids or proposals for DOT-assisted contracts, including contracts funded with AIP grants. The specific regulation outlining this requirement is 49 CFR, Part 18, "Uniform Administration Requirements for Grants and Cooperative Agreements to State and Local Governments."

Determining the Common Opportunities in the FY 2015-2017 Projects

Table 3 below summarizes the total available businesses, total DBE businesses, and estimated available DBE contract dollars for each aspect of the projects planned for the three year period. Table 4 lists the individual DBE contractors available, per the OMWBE Directory, in the Market Area. A two-step process is conducted to determine the opportunities for DBE: (1) Analysis and (2) Adjustment.

Step 1 – Analysis

Table 3 is used to determine the percentage of the total estimated project costs which is available to DBE Contractors. The number of total contractors and the number of DBE contractors available for each relevant category of work are listed. A rough estimate of the combined project costs is tabulated along with a breakdown of costs by construction category. From these figures, a weighted percentage of contract dollars available to DBE's in the Market Area can be calculated. First, the percent of DBE firms in each category is calculated. The estimated cost of construction for each category is multiplied by this percentage to determine a reasonable amount that could be paid to DBE firms. Next, the amounts available for DBE firms in each category are totaled. Finally, the dollar value reasonably available to DBE firms is divided by the estimated combined project total. The result is the percentage of contract work reasonably available to DBE firms. For FY 2015-2017, that percentage is 1.47%. This is higher than the 0.35% goal over the previous three years. This is explained by the change in disciplines that will be provided opportunities on these upcoming projects.

Table 3: Determination of DBE Opportunities

NAICS Code	Classification	Total Businesses	Total DBE Businesses	% DBE Business	Contract Dollars FY 2015-2017 ¹	Contract Dollars DBE ¹
237110	Storm Drainage	12	0	0.0%	\$8,333.35	\$0.00
237310	Pavement Marking	2	1	50.0%	\$8,333.35	\$4,166.68
237310	Asphalt Paving	4	0	0.0%	\$100,000.20	\$0.00
238210	Airport Electrical	6	0	0.0%	\$33,333.40	\$0.00
541330	Engineering ²	1	0	0.0%	\$196,666.70	\$0.00
238990	Fence Installation	4	0	0.0%	\$141,666.95	\$0.00
541370	Land Surveying	10	1	10.0%	\$36,666.95	\$3,666.67
541380	Material Testing	6	0	0.0%	\$8,333.35	\$0.00
Total					\$533,334.00	\$7,833.35
Contract Work Available to DBE Firms:						1.47%
¹ Dollar figures include 8.6% Washington State Sales Tax. ² In 2015, the Port of Benton awarded a 5 year engineering services contract to J-U-B Engineers, Inc. for design and construction engineering services. The Contract will expire in 2019.						

Table 4 lists the DBE firms in the Market Area that are available for the types of services required in the construction of the FY 2015-2017 projects.

Table 4: Disadvantaged Business Enterprises in the Market Area

	Business Name	Type of Work
1	Pavement Surface Control (Kennewick)	Pavement Marking
2	White Shield, Inc. (Pasco)	Construction Surveying

Step 2 – Adjustment

The regulations allow for an adjustment to the base figure percentage (derived above) for circumstances or issues that might impact the availability.

Step 2(a) – Past Participation

The need for an adjustment to the base figure can be determined through an evaluation of past DBE goals and participation. Table 5 shows there have been no DBE contractors that participated in the airport contracts recently. Consequently, no adjustment of the goal is made for past participation.

Table 5: Actual Historical DBE Participation

Type of Work	No. of Contracts ¹	Total \$ Awarded	Actual \$ to DBE	% DBE
2009 Construction	2	\$2,621,050.00	\$0.00	0.00%
2010 Construction	1	\$646,208.00	\$0.00	0.00%
2012 Construction	1	\$164,966.00	\$0.00	0.00%
Totals	6	\$7,473,211.73	\$0.00	0.00%

¹ The number of contracts applies only to those awarded to construction contractors. Engineering services were completed under a 5 year Engineering Service Agreement in place with the Port of Benton/Prosser Airport.
 Note: The Prosser Airport did not contract for federally funded airport improvements in FY 2011.

Step 2(b) – Disparity Studies

WSDOT conducted a disparity study that became available in 2012. This study focused mainly on state highway construction projects. The aviation projects were not included in this study due to the low number of projects available for analysis.

Step 2(c) – Consultation

Jackie Bayne of the WSDOT Civil Rights Department stated that FAA projects were not included in the disparity study; therefore race-neutral goals should continue to be used. Ms. Bayne recommended using the census information in the geographical location of the project when determining the availability of DBE companies.

Based on the limited number of DBE companies available with adequate prior experience to do airport work in the market area, and the type of work expected at the Airport, no adjustment to the goal is needed on the basis of Consultation.

Step 2(d) – Adjusted DBE Goal

Since no adjustments were made to the calculated goal from Step 1, the overall DBE Goal is set 1.47%.

Breakout of Race Neutral and Race Conscious Participation

Considerations for Race Neutral

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

- Holding pre-bid meetings when necessary to introduce DBEs and other small businesses.
- Providing referrals to organizations that cover DBEs and other small businesses in bonding, financing, certification, business plans, bidding, estimating and day-to-day operations of construct and design projects.
- Advertising opportunities in publications that reach the DBEs and other small businesses in the contracting. This includes publishing the DBE Program Public Notice inside and outside

the Market Area. By doing so, this may bring the awareness to DBE firms of potential participation.

Through the bid and award process of past projects there appears to be no prejudices shown towards those DBE Contractors wishing to participate. DBE Contractors within the Port's "market" area have participated consistently on projects awarded by the Port.

Considerations for Race Conscious

Race conscious participation has not been considered.

Process

The Port of Benton will submit this DBE goal to the FAA by March 10, 2015, and will update the goal on a three year cycle. Before establishing the overall goal each term, the Port of Benton will consult with the WSDOT OMWBE Directory and local DBE firms, trade associations, DBE Economic development groups, and DBE contractor associations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Port of Benton's efforts to establish a level playing field for the participation of DBEs.

Public Notice

The Port will publish a notice of the proposed overall goal in the main daily newspaper in the Market Area informing the public that the proposed goal and its rationale are available for inspection and comment during normal business hours at the Port's principal office for 30 days following the date of the notice. We will accept comments on the goals for 45 days from the date of notice.

The main Market Area newspapers are the Tri-City Herald. It should be noted that this newspaper has a subscriber base reaching beyond the Market Area. In addition, the notice will be advertised in Washington's DBE Supportive Services newsletter.

Each opportunity is advertised, with the project specific goal, 21-30 days before the project is to bid. The goal and the process are available for inspection during normal business hours through the public disclosure process.

Each opportunity will be incorporated into the Invitation for Bids advertisement and issued in general circulation newspaper(s), regional plan centers, trade association publications and associated websites.

Our overall goal submission to the FAA will include a summary of information and comments received and the Port's responses during the public participation process. We will begin applying our overall goal effective October 1st of each year if possible. In all cases the overall goal will be effective prior to the publication of the Invitation for Bids of the construction projects.

The Port of Benton

Richland Airport

FY 2015-2017

Overall Goal Amendment to the Disadvantaged Business Enterprise (DBE) Program



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FY 2015-2017 Overall Goal Amendment

Overall Goals (\$26.45)

Amount of Goal – FY 2015-2017 Improvements

This document proposes an overall goal for the next three years, beginning on October 1, 2014, and ending on September 30, 2017. The projects referred to in this report appear on the most recent Capital Improvement Plan (CIP) for the Richland Airport. If, for any reason, a project scheduled for the next three years is not initiated, this report will have to be amended to reflect the actual projects expected to be completed.

The purpose of establishing a DBE goal is to promote the use of disadvantaged and women-owned businesses in our geographical area, and to assure FAA grant eligibility for projects at the Richland Airport.

The overall goal for FY 2015-2017 is 4.01%

Method

Determining Types of Work

The FY 2015-2017 capital improvements at Richland Airport include two (2) projects. One (1) is scheduled for FY 2015 and one (1) for FY 2016. No project is scheduled for 2017. Non-primary entitlement funds for 2017 will be carried over into 2018. The projects and estimated costs are listed below in Table 1. The projects planned for this period create subcontracting in an estimated seven (7) different disciplines, as listed in Table 2, below, paired with their respective NAICS codes.

Table 1: FY 2015-2017 Capital Improvement Projects

FY 2015 Projects		FY 2016 Projects		FY 2017 Projects	
Design – Taxilanes, TWs, FBO Apron Rehab – TWs, RW, FBO Apron	\$247,407	Construction – Taxilanes Rehab – RW, TWs, FBO Apron	\$1,456,667	None – NTE will be carried forward into 2018	\$0

Table 2: Disciplines Employed in FY 2015-2017 Projects

Discipline	NAICS	Discipline	NAICS	Discipline	NAICS
Storm Drainage	237110	Airport Electrical	238210	Engineering	541330
Pavement Marking	237310	Land Surveying	541370	Hydroseeding	561730
Asphalt Paving & Rehab	237310	Material Testing	541380		

Determining the Geographical Area

Based on past federally funded airport projects, the prime contractors that generally bid on projects are predominately from a specific geographic region. That region is hereafter referred to as our Market Area. Using the Port of Benton as the reference point, the Market Area includes Yakima County to the west, Walla Walla County to the east, Franklin County to the north and Benton County to the south.

This information was derived using records of recent construction projects for the Port of Benton and other nearby ports, cities, and municipalities, and the "U.S. Census Bureau, 2012 County Business Patterns, Benton, Washington Major Industry Group."

Federal grant authorities prohibit recipients from using geographic preference in the evaluation of bids or proposals for DOT-assisted contracts, including contracts funded with AIP grants. The specific regulation outlining this requirement is 49 CFR, Part 18, "Uniform Administration Requirements for Grants and Cooperative Agreements to State and Local Governments."

Determining the Common Opportunities in the FY 2015-2017 Projects

Table 3 below summarizes the total available businesses, total DBE businesses, and estimated available DBE contract dollars for each aspect of the projects planned for the three year period. Table 4 lists the individual DBE contractors available, per the OMWBE Directory, in the Market Area. A two-step process is conducted to determine the opportunities for DBE: (1) Analysis and (2) Adjustment.

Step 1 – Analysis

Table 3 is used to determine the percentage of the total estimated project costs which is available to DBE Contractors. The number of total contractors and the number of DBE contractors available for each relevant category of work are listed. A rough estimate of the combined project costs is tabulated along with a breakdown of costs by construction category. From these figures, a weighted percentage of contract dollars available to DBE's in the Market Area can be calculated. First, the percent of DBE firms in each category is calculated. The estimated cost of construction for each category is multiplied by this percentage to determine a reasonable amount that could be paid to DBE firms. Next, the amounts available for DBE firms in each category are totaled. Finally, the dollar value reasonably available to DBE firms is divided by the estimated combined project total. The result is the percentage of contract work reasonably available to DBE firms. For FY 2015-2017, that percentage is 3.36%. This is almost exactly the same as the latest approved goal of 3.48%.

Table 3: Determination of DBE Opportunities

NAICS Code	Classification	Total Businesses	Total DBE Businesses	% DBE Business	Contract Dollars FY 2015-2017 ¹	Contract Dollars DBE ¹
237110	Storm Drainage	12	0	0.0%	\$72,833.35	\$0.00
237310	Pavement Marking	2	1	50.0%	\$97,574.05	\$48,787.03
237310	Asphalt Paving	4	0	0.0%	\$980,940.71	\$0.00
561730	Hydroseeding	3	0	0.0%	\$41,503.69	\$0.00
238210	Airport Electrical	6	0	0.0%	\$145,666.70	\$0.00
541330	Engineering ²	1	0	0.0%	\$195,148.10	\$0.00
541370	Land Surveying	10	1	7.1%	\$85,203.70	\$8,520.37
541380	Material Testing	6	0	0.0%	\$85,203.70	\$0.00
Total					\$1,704,074.00	\$57,307.40
Contract Work Available to DBE Firms:						3.36%
¹ Dollar figures include 8.6% Washington State Sales Tax. ² In 2015, the Port of Benton awarded a 5 year engineering services contract to J-U-B Engineers, Inc. for design and construction engineering services. The Contract will expire in 2019.						

Table 4 lists the DBE firms in the Market Area that are available for the types of services required in the construction of the FY 2015-2017 projects.

Table 4: Disadvantaged Business Enterprises in the Market Area

	Business Name	Type of Work
1	Pavement Surface Control	Pavement Marking, Crack Sealing, Seal Coating
2	White Shield, Inc. (Pasco)	Construction Surveying

Step 2 – Adjustment

The regulations allow for an adjustment to the base figure percentage (derived above) for circumstances or issues that might impact the availability.

Step 2(a) – Past Participation

The need for an adjustment to the base figure can be determined through an evaluation of past DBE goals and participation. Table 5 below averages the actual DBE participation during past AIP projects. Previous to FY 2000, goals were not set under 49 CFR Part 26 and are not considered in this analysis.

Table 5: Actual Historical DBE Participation

Type of Work	No. of Contracts ¹	Total \$ Awarded	Actual \$ to DBE	% DBE
2001 Construction	1	\$670,481.89	\$68,937.85	10.29%
2003 Construction	1	\$2,382,599.52	\$255,217.46	10.72%
2004 Construction	1	\$238,256.42	\$0.00	0.00%
2007 Construction	1	\$413,407.53	\$0.00	0.00%
2008 Construction	1	\$1,913,159.57	\$0.00	0.00%
2009-2010 Construction	1	\$1,855,307.00	\$22,447.00	1.10%
2011 Design	1	\$94,995.00	\$0.00	0.00%
2012 Construction	2	\$746,085.00	\$1,280.00	0.15%
2013 Construction	2	\$264,935.97	\$0.00	0.00%
2014 Construction	2	\$151,918	\$0.00	0.00%
Totals	6	\$7,473,211.73	\$347882.31	4.66%

¹ The number of contracts applies only to those awarded to construction contractors. Engineering services were completed under a 5 year Engineering Service Agreement in place with the Port of Benton/Richland Airport.
 Note: The Richland Airport did not contract for federally funded airport improvements in FY 2002, 2005, 2008 .

The weighted average percentage of work for DBE’s of 3.36% from Table 3 is then adjusted by incorporating past participation. The method for adjustment is taken from the “Tips for Goal-Setting in the Disadvantaged Business Enterprise (DBE) Program,” which was issued by the U.S. Department of Transportation Office of Small and Disadvantage Business Utilization.

The adjustment is made by averaging the Historical DBE Participation percentage from Table 5 with the weighed percentage from Table 1. The adjusted percentage is 4.06%

$$\frac{3.36\% + 4.66\%}{2} = 4.01\%$$

Step 2(b) – Disparity Studies

WSDOT conducted a disparity study that became available in 2012. This study focused mainly on state highway construction projects. The aviation projects were not included in this study due to the low number of projects available for analysis.

Step 2(c) – Consultation

Jackie Bayne of the WSDOT Civil Rights Department stated that FAA projects were not included in the disparity study; therefore race-neutral goals should continue to be used. Ms. Bayne recommended using the census information in the geographical location of the project when determining the availability of DBE companies.

Based on the limited number of DBE companies available with adequate prior experience to do airport work in the market area, and the type of work expected at the Airport, no adjustment to the goal is needed on the basis of Consultation.

Step 2(d) – Adjusted DBE Goal

After considering adjustments, the adjusted overall DBE Goal is set at 4.01%.

Breakout of Race Neutral and Race Conscious Participation**Considerations for Race Neutral**

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

- Holding pre-bid meetings when necessary to introduce DBEs and other small businesses.
- Providing referrals to organizations that cover DBEs and other small businesses in bonding, financing, certification, business plans, bidding, estimating and day-to-day operations of construction and design projects.
- Advertising opportunities in publications that reach the DBEs and other small businesses. This includes publishing the DBE Program Public Notice inside and outside the Market Area. By doing so, this may bring the awareness to DBE firms of potential participation.

Through the bid and award process of past projects there appears to be no prejudices shown towards those DBE Contractors wishing to participate. DBE Contractors within the Port's "market" area have participated consistently on projects awarded by the Port.

Considerations for Race Conscious

Race conscious participation has not been considered.

Process

The Port of Benton will submit this DBE goal to the FAA by March 10, 2015, and will update the goal on a three year cycle. Before establishing the overall goal each term, the Port of Benton will consult with the WSDOT OMWBE Directory and local DBE firms, trade associations, DBE Economic development groups, and DBE contractor associations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Port of Benton's efforts to establish a level playing field for the participation of DBEs.

Public Notice

The Port will publish a notice of the proposed overall goal in the main daily newspaper in the Market Area informing the public that the proposed goal and its rationale are available for inspection and comment during normal business hours at the Port's principal office for 30 days following the date of the notice. We will accept comments on the goals for 45 days from the date of notice.

The main Market Area newspaper is the Tri-City Herald. It should be noted that this newspaper has a subscriber base reaching beyond the Market Area. In addition, the notice will be advertised in Washington's DBE Supportive Services newsletter.

Each opportunity is advertised, with the project specific goal, 21-30 days before the project is to bid. The goal and the process are available for inspection during normal business hours through the public disclosure process.

Each opportunity will be incorporated into the Invitation for Bids advertisement and issued in general circulation newspaper(s), regional plan centers, trade association publications and associated websites.

Our overall goal submission to FAA will include a summary of information and comments received and the Port's responses during the public participation process. We will begin applying our overall goal effective October 1 of each year if possible. In all cases the overall goal will be effective prior to the publication of the Invitation for Bids of the construction projects.

ATTACHMENT 5

The 49 CFR Part 26 website is:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=a53e961ae3acce24a8640655bbdd783&node=pt49.1.26&rgn=div5>

ATTACHMENT 6

Washington State DBE Directory is found at:

<http://omwbe.wa.gov/directory-of-certified-firms/>

DBE/Part 26 Achievement Report for Prosser Airport (S40)

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Print Page

FAA Help Desk

Logoff

System Status:

v0.96, 5/11/2014

Main **DBE/Part 26**

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 The report has been marked as not required.

This report is not required. No further action is required.

Reporting Period	FY-2014 (10/1/2013 to 9/30/2014)
Report Required	No - Other: Grant issued for \$544,412, however only \$43,523 was expended in FY2014. Remaining grant funds to be used in FY2015
Report Due	12/1/2014

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DBE/Part 26 Achievement Report for Richland/Port of Benton Airport (RLD)

Dashboard

Airports

Account Profile

Print Page

FAA Help Desk

Logoff

System Status:

v0.96, 5/11/2014

Main **DBE/Part 26**

[Return to Report List](#)

 The report has been marked as not required.

This report is not required. No further action is required.

Reporting Period	FY-2014 (10/1/2013 to 9/30/2014)
Report Required	No - The airport did not award prime contracts in excess of \$250,000 and was not required to submit a DBE goal for the year.
Report Due	12/1/2014

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