



City of McCall

RESOLUTION NO. 20-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCCALL, IDAHO RELATING TO THE REQUIREMENTS OF TITLE 49 CODE OF FEDERAL REGULATIONS PART 26 (49 CFR 26).; ADOPTING A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR THE MCCALL MUNICIPAL AIRPORT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, "Fixing America's Surface Transportation Act" or the "FAST-ACT," (P.L. 114-94, December 4, 2015) reauthorized The Disadvantaged Business Enterprise (DBE) program; and

WHEREAS, the DBE program is designed to remedy ongoing discrimination and the continuing effects of past discrimination in federally assisted highway, transit, airport, and highway safety financial assistance transportation contracting markets nationwide; and

WHEREAS, the primary remedial goal and objective of the DBE program is to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for federally funded transportation contracts; and

WHEREAS, at the June 24, 2010, City Council Meeting, the McCall City Council approved an Affirmative Action Plan and a Limited English Proficiency plan; and

WHEREAS, at the December 2, 2010 City Council Meeting, the McCall City Council approved Resolution 10- 26 adopting a Non -Discrimination Policy Statement in compliance with Title VI of the Civil Rights Act of 1964; and

WHEREAS, at the October 20, 2011 City Council Meeting, the McCall City Council approved Resolution 11- 18 adopting a Fair Housing Policy; and

WHEREAS, at the December 15, 2011 City Council Meeting, the McCall City Council approved the 504 Transition Plan for the City of McCall.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCALL, Valley County, Idaho that:

Section 1: The City of McCall adopts the Disadvantaged Business Enterprise (DBE) program attached hereto as Attachment A.

Section 2: This resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED BY THE COUNCIL AND MAYOR OF THE CITY OF MCCALL
THIS 19 DAY OF NOVEMBER 2020.

CITY OF MCCALL
Valley County, Idaho



Robert S. Giles
Robert Giles, Mayor

ATTEST:
BessieJo Wagner
BessieJo Wagner, City Clerk

ATTACHMENT A TO RESOLUTION NO. 20-24

Section 26.1, 26.23 Objectives/Policy Statement

The City of McCall, owner of McCall Municipal 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. McCall Municipal Airport has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, McCall Municipal Airport has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

It is the policy of the McCall Municipal 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 McCall Municipal Airport policy to engage in the following actions on a continuing basis:

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

The McCall Municipal Airport Manager 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 McCall Municipal Airport in its financial assistance agreements with the Department of Transportation.

McCall Municipal Airport has disseminated this policy statement to the City of McCall and all of the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on McCall DOT-assisted contracts. The distribution was accomplished by inclusion in solicitations of bids or requests for qualifications.

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

McCall Municipal Airport is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

McCall Municipal Airport will use terms in this program that have their meanings defined in Part 26, §26.5.

Section 26.7 Non-discrimination Requirements

McCall Municipal 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, McCall Municipal 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

McCall Municipal Airport will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to the City of McCall as follows:

McCall Municipal Airport will transmit to the City of McCall annually, by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Appendix B to Part 26. McCall Municipal Airport will similarly report the required information about participating DBE firms. All reporting will be done through the City of McCall official reporting system, or another format acceptable to City of McCall as instructed thereby.

Bidders List

McCall Municipal Airport 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 McCall Municipal Airport DOT-assisted contracts, for use in helping to set overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

This information will be collected in the following way(s): A copy of the "Bidders List Information" form used to collect this information is found in Attachment 3 to this program. This information is collected from all bidders at the time bids are due.

Records retention and reporting:

McCall Municipal Airport will maintain records documenting a firm's compliance with the requirements of this part. At a minimum, McCall Municipal Airport will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records will be retained in accordance with all applicable record retention requirements of McCall Municipal Airport financial assistance agreement. Other certification or compliance related records will be retained 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

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

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

McCall Municipal 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 McCall Municipal Airport 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 McCall Municipal Airport 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 McCall Municipal Airport 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.*).

Contract Assurance: McCall Municipal Airport will ensure that the following clause is included in each DOT-funded contract it signs 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 recipient 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.

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

McCall Municipal Airport is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a Federal fiscal year. McCall Municipal Airport is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and McCall Municipal Airport is in compliance with it and Part 26. McCall Municipal Airport will continue to carry out this program until all funds from DOT financial assistance have been expended. McCall Municipal Airport does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT 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)

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

Richard M. Stein, Airport Manager, McCall Municipal Airport
336 Deinhard Lane, Hangar 100
McCall, ID 83638
Phone: (208) 634-1488
Email: rstein@mccall.id.us

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the McCall Municipal Airport complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Mayor, City Council, and the City Manager, concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other City of McCall officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Works with all departments to set overall annual goals.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
4. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
5. Evaluates McCall Municipal Airport progress toward attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Advises the governing body on DBE matters and achievement.
8. Participates with the City of McCall City Attorney to determine contractor compliance with good faith efforts.
9. Refers all DBE Uniform Certification Process certification/decertification to Idaho Transportation Department (UCP in Idaho) for determination pursuant to the criteria set by DOT.
10. Obtains the Idaho Transportation Department certified DBE directory that is updated monthly.

Section 26.27 DBE Financial Institutions

It is the policy of the McCall Municipal Airport 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.

The list of financial institutions available from the Department of Finance, State of Idaho, was reviewed to determine if any of the financial institutions are owned and controlled by socially or economically disadvantaged individuals. No financial institutions in the State of Idaho owned and controlled by socially or economically disadvantaged individuals were identified. The McCall Municipal Airport will investigate the availability of DBE financial institutions on an annual basis.

Section 26.29 Prompt Payment Mechanisms

McCall Municipal 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 McCall Municipal 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 McCall Municipal Airport.

McCall Municipal 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, McCall Municipal Airport has selected the following method to comply with this requirement:

McCall Municipal Airport holds retainage from prime contractors and provides for prompt and regular incremental acceptances of portions of the prime contract, pays 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 the McCall Municipal Airport makes payment to the prime contractor.

To implement this measure, McCall Municipal Airport includes the following clause from FAA Advisory Circular 150/5370-10H in each DOT-assisted prime contract:

The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the Contractor has received a partial payment. Contractor must provide the Owner evidence of prompt and full payment of retainage held by the prime Contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Owner. When the Owner has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

Section 26.31 Directory

McCall Municipal Airport is a member of the Idaho Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31.

The directory maintained by the State of Idaho, Idaho Transportation Department 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 Directory may be found at: <https://itd.dbesystem.com/Default.asp?>

Section 26.33 Over-concentration

McCall Municipal Airport has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

McCall Municipal Airport has not established a Business Development Program. The McCall Municipal Airport will rely upon the program in place at the Idaho Transportation Department, Office of Civil Rights, P.O. Box 7129, Boise, Idaho 83707-1129, by telephone at (208) 334-8884, on the internet at:

<http://apps.itd.idaho.gov/apps/ocr/ocrBUSINESS.aspx>

Section 26.37 Monitoring Responsibilities

McCall Municipal 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 McCall Municipal Airport DBE program.

McCall Municipal 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

McCall Municipal Airport undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

- The McCall Municipal Airport shall require prime contractors to submit with each pay request a certification of subcontractor payment signed by a company official. The prime contractor shall certify that: (1) payment has been made to subcontractors for the subcontracted work items identified; (2) payment to subcontractors for satisfactory performance of their work was made no later than 30 days from receipt of each payment the prime contractor received from the McCall Municipal Airport.

McCall Municipal 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 McCall Municipal Airport financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of McCall Municipal Airport or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

- McCall Municipal Airport proactively reviews contract payments to subcontractors including DBEs every 90 days. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to McCall Municipal Airport by the prime contractor.

Prompt Payment Dispute Resolution

McCall Municipal Airport will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

- When a dispute has occurred the resident project representative will have an informal meeting with the on-site personnel representing the prime contractor and affected subcontractor. If the resident project representative is unable to resolve the issue, a meeting will be conducted with the Owner, Engineer's project manager, prime contractor's project manager and affected subcontractor.
- The Engineer shall then decide questions as to the acceptability of work performed and payments made.

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure:

- The McCall Municipal Airport will verify if the work has been accepted and payment made to the prime contractor. The subcontractor will be informed of the status of the work and payment.
- The McCall Municipal Airport will investigate all prompt payment discrepancy complaints made by subcontractors and provide a response to the complainant within 30 days of when the complaint was received.
- The subcontractor will be informed that if the McCall Municipal Airport has not responded, or payment has not been received within 30 days of the complaint, the subcontractor may contact the FAA Western-Pacific Regional Office, Office of Civil Rights AWP-9, P.O. Box 92007, Los Angeles, CA 90009-2002.

- 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

McCall Municipal Airport will provide appropriate means to enforce the requirements of §26.29. These means include:

1. The McCall Municipal 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 McCall Municipal Airport will implement similar action under our own legal authorities, including responsibility determinations in future contracts. The McCall Municipal Airport has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:
 - Breach of contract, action, pursuant to the terms of the contract;
 - Suspension or debarment proceedings pursuant to 49 CFR Part 26;
 - Enforcement action pursuant to 49 CFR Part 31;
 - Prosecution pursuant to 18 USC 1001.

McCall Municipal Airport will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

McCall Municipal 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 and consultants. Contracting records are reviewed by the DBELO and consultant. McCall Municipal Airport will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering small business participation

McCall Municipal 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 12 to this DBE Program. The program elements will be actively implemented 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

McCall Municipal Airport does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

McCall Municipal Airport will establish an overall DBE goal covering a three-year Federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), McCall Municipal Airport will submit its Overall Three-year DBE Goal to the FAA by August 1st of the year in which the goal is due, as required by the schedule established by the schedule established 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, 2020 (2021/2022/2023)	August 1, 2023 (2024/2025/2026)

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

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. McCall Municipal Airport will use DBE Directory information and Census Bureau Data as a method to determine the base figure. McCall Municipal Airport understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, 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. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or

information about barriers to entry to past competitiveness of DBEs on contracts. McCall Municipal Airport will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the McCall Municipal Airport market.

In establishing the overall goal, McCall Municipal Airport will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by McCall Municipal Airport to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before McCall Municipal Airport is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which McCall Municipal Airport engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, McCall Municipal Airport will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on McCall Municipal Airport official internet web site and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by FAA, the revised goal will be posted on the official internet web site.

The Overall Three-Year DBE Goal submission to the FAA will include a summary of information and comments received, if any, during this public participation process and McCall Municipal Airport responses.

McCall Municipal Airport will begin using the overall goal on October 1 of the relevant period, unless other instructions from the FAA have been received.

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

McCall Municipal 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 McCall Municipal Airport for calculating goals is inadequate, FAA may, after consulting with McCall Municipal Airport, adjust the overall goal or require that the goal be adjusted by McCall Municipal 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 5 to this program.

Section 26.47 Failure to meet overall goals

McCall Municipal 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 McCall Municipal Airport fails to administer its DBE program in good faith.

McCall Municipal 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.

McCall Municipal 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:

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;

(3) McCall Municipal Airport will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to FAA upon request.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

Race-neutral means include, but are not limited to the following:

- (1) Arranging 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.
- (2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
- (3) Providing technical assistance and other services;
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- (5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;(6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- (7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;

(8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and

(9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

The McCall Municipal Airport 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.

Contract Goals

If the approved projection under paragraph (c) of §26.51 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 Federal share 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)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

Richard Stein, McCall Municipal Airport DBE Liaison Officer is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as Responsive.

McCall Municipal Airport will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing to the performance of the contract by the bidder/offeror.

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeror:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:
 - (i) The names and addresses of DBE firms that will participate in the contract;
 - (ii) 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;
 - (iii) The dollar amount of the participation of each DBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - (v) 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.
 - (vi) If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). 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; and
- (3) The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section:

Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures;

Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (2) of this section before the final selection for the contract is made by the McCall Municipal Airport DBELO.

Administrative reconsideration

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

Bob Giles, Mayor

216 E. Park Street
McCall, ID 83638
Phone: (208) 634-1003
Email: bgiles@mccall.id.us

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 the reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do so. The bidder/offeror will be sent 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 procedural requirements (post-solicitation)

The awarded contractor will be required to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of McCall Municipal Airport. This includes, but is 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 another DBE firm.

Such written consent will be provided only if McCall Municipal Airport agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;

- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements;
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) McCall Municipal Airport determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides McCall Municipal Airport 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 McCall Municipal Airport has 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 McCall Municipal Airport a 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 McCall Municipal Airport, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request.

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

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.

Each prime contract will include a provision stating:

The contractor shall utilize the specific DBEs listed in the contractor's solicitation response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of McCall Municipal Airport as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

McCall Municipal 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 was established for the procurement. The good faith efforts shall be documented by the contractor. If McCall Municipal Airport requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary, at the request of the contractor. McCall Municipal Airport shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

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

Section 26.55 Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in §26.55. The participation of a DBE subcontractor will not be counted 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, DBE firms certified with NAICS code 237310 that exceed the business size standard in § 26.65(b) will remain eligible for DBE credit for work in that category as long as they do not exceed the small business size standard for that category, as adjusted by the United States Small Business Administration.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

McCall Municipal Airport will use the certification standards of Subpart D of Part 26, as applied by the Idaho Transportation Department, to determine the eligibility of firms to meet all certification eligibility standards. The Idaho Transportation Department performs all DBE certification for the McCall Municipal Airport and will make certification decisions based on the facts as a whole.

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

Russ Rivera, Civil Rights Program Manager
Idaho Transportation Department
3311 W. State Street
Boise, ID 83707
Telephone Number: (208) 334-8884
Russ.rivera@itd.idaho.gov

The Uniform Certification Application form and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

McCall Municipal Airport is the member of a Unified Certification Program (UCP) administered by the Idaho Transportation Department. The UCP will meet all of the requirements of this section. Attachment 10 lists the airports who have signed the statement of agreement with ITD.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to McCall Municipal Airport

McCall Municipal Airport understands that if it fails to comply with any requirement of this part, McCall Municipal 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 FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122.

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

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

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, 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).

McCall Municipal 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. McCall Municipal Airport understands that it is in noncompliance with Part 26 if it violates this prohibition.

ATTACHMENTS

- Attachment 1 Regulations 49 Part 26
- Attachment 2 Organizational Chart.
- Attachment 3 Bidders List Collection Form Information (Subcontractor Bidders list)
- Attachment 4 ITD DBE Directory.
- Attachment 5 DBE Goal Methodology.
- Attachment 6 Forms for Demonstration of Good Faith Efforts
- Attachment 7 Monitoring and Enforcement Mechanisms
- Attachment 8 DBE Uniform Certification Application
- Attachment 9 Procedures for Removal of DBE's Eligibility
- Attachment 10 Evidence of Signed Statement of Agreement with ITD for DBE Certification
- Attachment 11 Reporting Forms, "FAA Civil Rights Connect" reporting system
- Attachment 12 Small Business Element



ATTACHMENT 1

REGULATIONS 49 PART 26

The regulation may be accessed via the following web-link:

49 CFR PART 26 can be found at the following website address

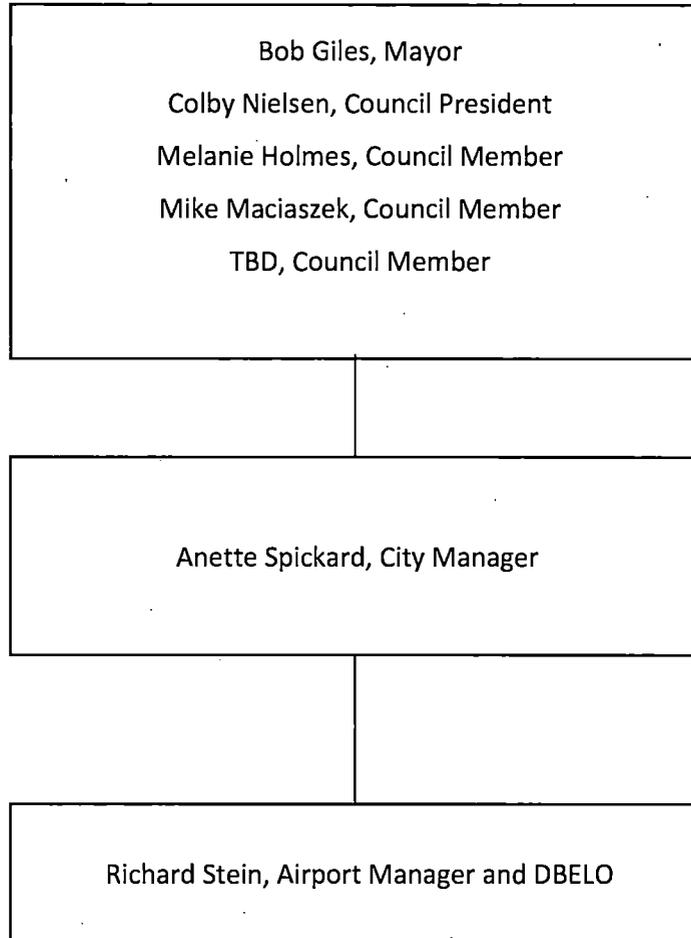
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl



ATTACHMENT 2

ORGANIZATIONAL CHART

CITY OF MCCALL





ATTACHMENT 3
Bidder's List Collection Form



**PROJECT:
AIRPORT:**

FAA/AIP PROJECT NO.

- The OWNER is required to create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts.
- The bidders list is used to determine the number of firms that are participating or attempting to participate on DOT-assisted contracts.
- The bidders list must include all firms that bid on prime contracts or bid or quote subcontracts on DOT-assisted projects, including both DBE and non-DBE firms.
- The bidders list provides a valuable measure of available DBE subcontractors and will be used to set realistic overall DBE goals.

Provide the following information for ALL firms from which you received a bid or quote. Copy the form as needed to provide data for ALL firms. Submit with Bid Documents.

Firm Name:	DBE: Yes <input type="checkbox"/> No <input type="checkbox"/>
Address:	
Contact Name and Title:	
Year Firm Was Established:	
Annual Gross Receipts (check one): ___ less than \$500,000; ___ \$500,000 to \$1 Million; ___ \$1 to \$2 Million; ___ \$2 to \$5 Million; ___ \$5 to \$10 Million; ___ more than \$10 Million	
Work Items Represented in the Quote:	

Firm Name:	DBE: Yes <input type="checkbox"/> No <input type="checkbox"/>
Address:	
Contact Name and Title:	
Year Firm Was Established:	
Annual Gross Receipts (check one): ___ less than \$500,000; ___ \$500,000 to \$1 Million; ___ \$1 to \$2 Million; ___ \$2 to \$5 Million; ___ \$5 to \$10 Million; ___ more than \$10 Million	
Work Items Represented in the Quote:	

Firm Name:	DBE: Yes <input type="checkbox"/> No <input type="checkbox"/>
Address:	
Contact Name and Title:	
Year Firm Was Established:	
Annual Gross Receipts (check one): ___ less than \$500,000; ___ \$500,000 to \$1 Million; ___ \$1 to \$2 Million; ___ \$2 to \$5 Million; ___ \$5 to \$10 Million; ___ more than \$10 Million	
Work Items Represented in the Quote:	

Firm Name:	DBE: Yes <input type="checkbox"/> No <input type="checkbox"/>
Address:	
Contact Name and Title:	
Year Firm Was Established:	
Annual Gross Receipts (check one): ___ less than \$500,000; ___ \$500,000 to \$1 Million; ___ \$1 to \$2 Million; ___ \$2 to \$5 Million; ___ \$5 to \$10 Million; ___ more than \$10 Million	
Work Items Represented in the Quote:	

ATTACHMENT 4

IDAHO TRANSPORTATION DEPARTMENT DBE DIRECTORY

The DBE Directory may be found at the following link:

<https://itd.dbesystem.com/Default.asp?>

Or contact the Idaho Transportation Department



ATTACHMENT 5

DBE GOAL METHODOLOGY

DBE Goal Methodology submitted separately.



ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2



FORM 1
DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION

The undersigned bidder/offerer has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____The bidder/offerer is committed to a minimum _____% DBE utilization on this contract.

_____The bidder/offerer (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract and agrees to submit documentation demonstrating good faith efforts.

Name of bidder/offerer's firm _____

State Registration No. _____

By

(Signature)

(Name and Title)

Address _____

Phone No. _____



**FORM 2
LETTER OF INTENT**

(Provide a separate Letter of Intent for each DBE subcontractor.)

Name of Bidder's Firm: _____

Bidder's Address: _____

City: _____ State: _____ Zip: _____

Name of DBE Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Attach a copy of most recent letter from DBE certifying agency confirming DBE certification and listing in an approved DBE Directory for each DBE subcontractor.

Description of work to be performed by DBE firm by Bid Item and Bid Schedule.

<u>BID SCHEDULE</u>	<u>BID ITEMS</u>	<u>\$ VALUE</u>

Bidder intends to utilize the above-named minority firm for the work described above. The estimated total value of work is \$ _____

DBE Confirmation for Participation in the Contract as Stated above for the Amount Indicated.

<u>Authorized Signature</u>	<u>Name of DBE Firm</u>	<u>Date</u>

If the above-named bidder is not determined to be the successful bidder, the Letter of Intent shall be null and void.

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The McCall Municipal Airport 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 Idaho State Code;

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 8

DBE UNIFORM CERTIFICATION APPLICATION

The Uniform Certification Application can be completed online through the Idaho Transportation Department at the following link:

<https://itd.dbesystem.com/FrontEnd/StartCertification.asp?TN=itd&XID=2648>

A copy of the Uniform Certification Application can be obtained online from the DOT at the following link:

<https://www.transportation.gov/sites/dot.gov/files/docs/New%20DBE%20Certification%20Application%2011-18-2014.pdf>



ATTACHMENT 9

PROCEDURES FOR REMOVAL OF DBE'S ELIGIBILITY

The Idaho Transportation Department, ITD, Certifies and has a process in place to decertify DBE's. Decertification is accomplished through the Signed Statement of Agreement with ITD, which is on file at the office of DBE at ITD headquarters.



ATTACHMENT 10

EVIDENCE OF SIGNED STATEMENT OF AGREEMENT With Idaho Transportation Department

The Idaho Transportation Department, ITD, maintains a Master List of airports in Idaho who have a signed Statement of Agreement with ITD, DBE Office. The McCall Municipal Airport is the member of a Unified Certification Program (UCP) administered by the Idaho Transportation Department. Attachment 10 is a list of airports in Idaho who have signed the statement of agreement with ITD.

<https://apps.itd.idaho.gov/apps/ocr/civil/pdf/UCP.pdf>

ATTACHMENT 11

UNIFORM REPORT of DBE AWARDS or COMMITMENTS and PAYMENTS FORM

The Airport will use the FAA Civil Rights Connect reporting system. Web access:

<https://faa.civilrightsconnect.com/>

ATTACHMENT 12

SMALL BUSINESS ELEMENT McCall Municipal Airport

The McCall Municipal Airport's Small Business Element is intended to provide fair opportunities for participation by small businesses in Federally-assisted contracting and procurement opportunities.

1. Objective/Strategies

- (1) The McCall Municipal Airport considers on a case by case basis establishing a race-neutral small business set aside for contracts valued up to \$500,000.
- (2) The McCall Municipal Airport, when feasible, "unbundles" projects by separating large contracts into smaller contracts which may be suitable for small business participation. The McCall Municipal Airport conducts a review of each Federally-assisted contract to determine whether portions of the project could be unbundled and bid separately.
- (3) The McCall Municipal Airport arranges solicitations, bid schedules, quantities, specifications, and delivery schedules in ways that facilitate participation by small businesses and DBEs.
- (4) The McCall Municipal Airport identifies procurements structured to facilitate the ability of joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- (5) The McCall Municipal Airport monitors consultant-design projects for possible small business participation and encourages consultants to use small businesses in projects.

2. Definition

Certified DBEs that meet the size criteria established under the DBE Program are eligible to participate in the small business element of the DBE Program.

Small businesses must meet the size standards of the Small Business Administration, must be consistent with the requirements of 49 CFR 26.5, and must be no larger than the size of firms eligible to be certified as a DBE.

3. Verification

DBEs participating in the small business element of the DBE Program shall be certified by the Idaho Transportation Department.

The McCall Municipal Airport is diligent in its efforts to minimize fraud and abuse in the small business element of its DBE program by verifying program eligibility of firms. DBEs participating in the small business element of the DBE Program shall be certified by the Idaho Transportation Department. A firm not certified as a DBE that wishes to participate in the small business element of the DBE Program shall demonstrate to the McCall Municipal Airport that it meets the applicable Small Business Administration small business size standard by submitting information on gross revenues, ownership, legal structure and principal activity.

4. Monitoring/Record Keeping

The McCall Municipal Airport will maintain a contact list comprised of businesses, partners and economic development contacts established through various educational opportunities as well as partners. Through this contact list, the McCall Municipal Airport will be able to communicate to small businesses about upcoming opportunities to grow small businesses.

The McCall Municipal Airport reviews contracting records and engages in active monitoring of work sites to ensure that work committed to small businesses at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the small business to which the work was committed. This is accomplished by requiring Prime Contractors to provide documentation certifying that payments to subcontractors (including DBEs and small businesses) have been made within the time limit stated in their contract. The contract is solely between the McCall Municipal Airport and the Prime Contractor.

The McCall Municipal Airport keeps a running tally of actual payments to small businesses for work committed to them at the time of contract award.

5. Assurance

The McCall Municipal Airport makes the following assurances:

- (1) The DBE Program, including the small business element is not prohibited under state law;
- (2) Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
- (3) There are no limits 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
- (4) Minority and women owned firms that are eligible for DBE certification will be encouraged to become certified.
- (5) The program is open to all small businesses regardless of their location (there is no local or geographic preference).