

DBE Program

for

**Yeager Airport (CRW)
100 Airport Road, Suite 175
Charleston, WV 25311**



prepared for

Central West Virginia Regional Airport Authority

100 Airport Road, Suite 175
Charleston, WV 25311

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Central West Virginia Regional Airport Authority DBE Program

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Central West Virginia Regional Airport Authority (operator of the West Virginia International Yeager 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 Central West Virginia Regional Airport Authority has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Central West Virginia Regional Airport Authority has signed an assurance that it will comply with 49 CFR Part 26.

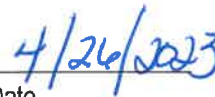
It is the policy of the Central West Virginia Regional Airport Authority to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

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.

The Airport Director has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the Airport Director 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 Central West Virginia Regional Airport Authority in its financial assistance agreements with the Department of Transportation.

The Central West Virginia Regional Airport Authority has disseminated this policy statement to all Authority members and 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. This has been disseminated to the public by publishing it on our web site.


R. Edison Hill, Chairman
Central West Virginia Regional Airport Authority


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 Central West Virginia Regional Airport Authority is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 Definitions

The Central West Virginia Regional Airport Authority will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

The Central West Virginia Regional Airport Authority 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 Central West Virginia Regional Airport Authority 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

The Central West Virginia Regional Airport Authority will report DBE participation to DOT/FAA as follows:

We will transmit to FAA annually on December 1st, the “Uniform Report of DBE Awards or Commitments and Payments” form electronically via the FAA DBE-Connect (<https://faa.civilrightsconnect.com/FAA/login.asp>). We will also report the DBE Contractor firms contact information either on the FAA DBE Contractors Form or other similar format.

Bidders List: 26.11(c)

The Central West Virginia Regional Airport Authority 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 in the following ways:

1. Contractor information will be obtained from the West Virginia Department of Transportation (WVDOT) Unified Certification Program (UCP) (<https://transportation.wv.gov/crc/DBE/Pages/default.aspx>) website and any other state programs that have counties that border the Airport County location.
2. Having a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts.

3. A notice in all solicitations to request firms quoting on subcontracts to report this information directly to the recipient.

Section 26.13 Federal Financial Assistance Agreement

The Central West Virginia Regional Airport Authority has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

Each financial assistance agreement the Authority signs with a DOT operating administration (or a primary recipient) must include the following assurance:

The Central West Virginia Regional Airport Authority 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 Central West Virginia Regional Airport Authority 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 Central West Virginia Regional Airport Authority'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 Central West Virginia Regional Airport Authority 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: 26.13b

The Central West Virginia Regional Airport Authority 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 Central West Virginia Regional Airport Authority 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

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Name	Dominique Ranieri
Title	Airport Director & CEO
Address	100 Airport Road, Suite 175, Charleston, WV 25311
Telephone Number	(304) 344-8033
Fax Number	(304) 344-8034
E-mail Address	Dominique@yeagerairport.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Central West Virginia Regional Airport Authority complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Airport Authority's Chairman concerning DBE program matters. An organization chart displaying the DBELOs position in the organization is found in **Attachment 2** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has staff from both the Airport Management and Administrative Departments, as well as an independent 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 the Central West Virginia Regional Airport Authority's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Authority/Airport Management on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Acts as liaison to the Uniform Certification Process in West Virginia.

Section 26.27 DBE Financial Institutions

The Central West Virginia Regional Airport Authority shall continuously monitor the nature and type of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community. When appropriate, it shall make reasonable efforts to use these institutions and encourage prime contractors on DOT-assisted contracts to make use of these institutions, however, no such financial institutions have yet been identified.

While the Central West Virginia Regional Airport Authority is not currently aware for any financial institutions owned and controlled by socially and economically disadvantaged individuals, the Central West Virginia Regional Airport Authority will inquire with the West Virginia Bankers and Community Bankers of West Virginia associations for such institutions on a yearly basis.

Section 26.29 Prompt Payment Mechanisms

The Central West Virginia Regional Airport Authority has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment you make to the prime contractor.

The Central West Virginia Regional Airport Authority will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. The Central West Virginia Regional Airport Authority will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor. This clause applies to both DBE and non-DBE subcontracts.

To implement this measure, the Central West Virginia Regional Airport Authority will include the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime construction contract:

a. From the total of the amount determined to be payable on a partial payment, 10% percent of such total amount will be deducted and retained by the Owner for protection of the Owner's interests. Unless otherwise instructed by the Owner, the amount retained by the Owner will be in effect until the final payment is made except as follows:

(1) Contractor may request release of retainage on work that has been partially accepted by the Owner in accordance with Section 50-14. Contractor must provide a certified invoice to the RPR that supports the value of retainage held by the Owner for partially accepted work.

(2) In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account per paragraph 90-08.

b. 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.

c. When at least 95% of the work has been completed to the satisfaction of the RPR, the RPR shall, at the Owner's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done. The Owner may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

The Central West Virginia Regional Airport Authority will consider 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 Central West Virginia Regional Airport Authority. When the Central West Virginia Regional Airport Authority 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.

The Central West Virginia Regional Airport Authority 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 30 days from the receipt of each payment the prime contractor receives from Central West Virginia Regional Airport Authority. The prime contractor agrees further to return retainage payments to each subcontractor within 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 Central West Virginia Regional Airport Authority. 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 Central West Virginia Regional Airport Authority 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 Central West Virginia Regional Airport Authority will utilize the West Virginia Department of Transportation (WVDOT) Unified Certification Program (UCP) DBE Directory to the fullest extent for identifying all firms certified as DBE's. This directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The UCP Directory is routinely updated (more than once a year). The website directory is available as follows:

WVDOT UCP web site: <https://transportation.wv.gov/crc/DBE/Pages/default.aspx>

Section 26.33 Over-concentration

The Central West Virginia Regional Airport Authority has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The Central West Virginia Regional Airport Authority has not established a business development program; however, the West Virginia Department of Commerce has established the West Virginia Small Business Development Center (SBDC) which is a statewide network that provides essential information for successfully starting, expanding and growing a business. SBDC programs are designed to provide high-quality business and economic development assistance to promote growth, expansion, innovation, increased productivity and management improvement. More information about the programs and services offered can be found here: <https://wvsbdc.com/>

Section 26.37 Monitoring and Enforcement Mechanisms

The Central West Virginia Regional Airport Authority 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 implement similar action under our own legal authorities, including responsibility determinations in future contracts. **Attachment 1** 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 monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose. For most projects, our engineering consultant(s) provides on-site construction inspection. They will be familiar with our DBE goals and accomplishment reporting requirements. They will confirm the participation of DBE's on the project and accumulate the DBE information on a monthly or quarterly basis.
5. 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. The forms are provided in **Attachment 3**.
6. We will require prime contractors to maintain records and documents of payments to subcontractors, including DBE's, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the Central West Virginia Regional Airport Authority's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request. This reporting requirement extends to all subcontractors, both DBE and non-DBE.
7. We will ensure compliance with prompt payment and retainage requirements in accordance with 49 CFR 26.37. The Central West Virginia Regional Airport Authority will require prime contractors to provide information concerning payments to subcontractors and release of retainage in accordance with 49 CFR 26.109.
8. 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.

The Central West Virginia Airport Authority will provide appropriate means to enforce the requirements of this section. These means include, but, are not limited to: Delay or postponement of payment among the parties; provided, that any such delay or postponement may take place only for good cause, with prior written approval by the DBELO.

Section 26.39 Fostering small business participation.

The Central West Virginia Regional Airport Authority has incorporated the following non-discriminatory element to its DBE program in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE

small businesses. To the extent feasible, the Authority will require bidders/offeror's to large contract opportunities to specify elements of the contract or specific sub-contracts that small business, including DBEs, can perform.

To the extent feasible, for contracts that do not have DBE goals, the Authority will require the prime contractor to provide subcontracting opportunities.

To the extent feasible, the Authority will utilize acquisition strategies and structure normal procurements to facilitate bids by and awards to small business concerns.

The Authority will work with the entities to continue to promote small business participations to identify and support the development of small business opportunities to participate in the Authority's DOT-assisted contracts:

West Virginia Department of Commerce
WV SBDC Lead Center
State Capitol Complex
1900 Kanawha Boulevard, East
Building 3, Suite 600
Charleston, West Virginia 2530
Phone: (304) 558-2960 or (888) 982-7232
Email: Steve.D.Johnson@wv.gov
<https://wvsbdc.com/>

Definition of Small Business

For this program, the Authority will define "Small Business" utilizing the small business size standards developed by the U.S. Small Business Administration and promulgated at 13 CFR, Part 121.201 Small Business Size Regulations – Table of Small Business Size Standards Matched to North American Industry Classification System Codes.

Implementation

This small business provision will be an active part of the Authority's DBE program, but will not act as a substitute for other critical elements of this DBE program, including use of contract goals (as appropriate), good faith efforts and outreach activities. The Authority will continue to incorporate small business participation elements into the structure of its contracting opportunity documents, specific contract language and procurement processes.

The Central West Virginia Regional Airport Authority small business program element is incorporated as **Attachment 10** 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 Central West Virginia Regional Airport Authority does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The Central West Virginia Regional Airport Authority 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 Central West Virginia Regional Airport Authority will submit its Overall Three-year DBE Goal to FAA by August 1st as required.

DBE goals will be established for those fiscal years we anticipate awarding DOT-assisted prime contracts exceeding \$250,000 during the three-year period. The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Central West Virginia Regional Airport Authority does not anticipate awarding more than \$250,000 in DOT-assisted prime contracts 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 Central West Virginia Regional Airport Authority will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step is to determine the relative availability of DBEs in the market area, “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 projects.

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. The Central West Virginia Regional Airport Authority 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 Central West Virginia Regional Airport Authority market.

In establishing the overall goal, the Central West Virginia Regional Airport Authority will review information available on the certifying organizations websites, WVDOT UCP at <https://transportation.wv.gov/crc/DBE/Pages/default.aspx>, and consult with minority, women’s and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Central West Virginia Regional Airport Authority efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Authority’s office located at 100 Airport Road, Suite 175, Charleston, WV 25311 for thirty (30) days following the date of the notice, and informing the public that the Central West Virginia Regional Airport Authority and DOT / FAA will accept comments on the goals for forty-five (45) days from the date of the notice. Notice will be issued in general circulation and will be published on the airport’s web site at <https://yeagerairport.com/>. Additional public notices may be used on occasion depending on the airport location and the complexity of the project. Normally,

we will issue this notice by June 1st of the reporting period of the goal. The notice will include addresses to which comments may be sent and addresses (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 1st of the reporting period, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project. (A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.)

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.

The Central West Virginia Regional Airport Authority 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 Central West Virginia Regional Airport Authority 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 our DBE Program in good faith:

1. Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
2. Establish specific steps and milestones to correct the problems we have identified in our analysis and to enable us to meet fully our goal for the new fiscal year;
3. The Central West Virginia Regional Airport Authority will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under (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 available upon request.

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

The Central West Virginia Regional Airport Authority 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 goal.

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

Section 26.51(d-g) Contract Goals

The Central West Virginia Regional Airport Authority will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBE's and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39.

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

Contract goals will be established only 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.

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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

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

Dominique Ranieri, Airport Director & DBELO, or her duly designated representative is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

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

Information to be submitted (26.53(b))

The Central West Virginia Regional Airport Authority treats bidder / offeror compliance with good faith efforts' requirements as a matter of responsiveness – all bidders submit DBE information at the time of bid.

Each solicitation for which a contract goal has been established will require all bidders/offeror's to submit the following information at the time of bid:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment; and,
6. 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.

Administrative reconsideration (26.53(d))

Within 14 business days of being informed by the Central West Virginia Regional Airport Authority that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Andrew Gunnoe, Chief Development Officer, 100 Airport Road, Suite 175, Charleston, WV 25311, andrew@yeagerairport.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 when a DBE is replaced on a contract (26.53(f))

The Central West Virginia Regional Airport Authority will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE inability or unwillingness to perform and provide reasonable documentation.

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

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

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

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

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

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

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

As stated previously, the Central West Virginia Regional Airport Authority 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 the Central West Virginia Regional Airport Authority 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. The Central West Virginia Regional Airport Authority 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 the Central West Virginia Regional Airport Authority 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.

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 Central West Virginia Regional Airport Authority to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders / offerors, including those who qualify as a DBE. A DBE contract goal of __ percent has been established for this contract. The bidder / offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (**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; (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; (5) written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

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



SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The Central West Virginia Regional Airport Authority will use the certification standards established by the West Virginia Department of Transportation (WVDOT) Unified Certification Program (UCP) which follows Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole. We will allow the WVDOT UCP to make certification decisions based on the facts as a whole. Once a Contractor is certified as a DBE by the WVDOT UCP and then becomes WVDOT prequalified, they will be shown on the WVDOT website.

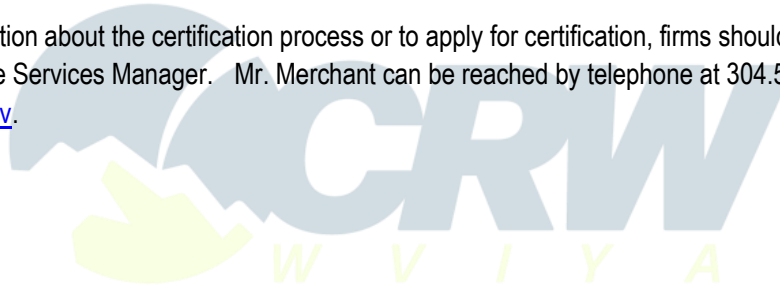
The following is the contact information of all certifying WVDOT UCP participants.

Contact Information

Organization	Address	Phone	Fax	Email
West Virginia Department of Transportation Equal Employment Opportunity Division	1900 Kanawha Boulevard East, Building Five, Room 948, Charleston, West Virginia 25305-0430	(304) 558- 3931	(304) 558- 4236	Kevin.D.Merchant@wv.gov

Register on-line at: <https://transportation.wv.gov/crc/DBE/Documents/Uniform%20Certification%20Application%20Revised.pdf>

For any additional information about the certification process or to apply for certification, firms should contact: K. David Merchant, DBE Supportive Services Manager. Mr. Merchant can be reached by telephone at 304.558.3931, or by email at Kevin.D.Merchant@wv.gov.



SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The Central West Virginia Regional Airport Authority is the member of a Unified Certification Program (UCP) administered by the West Virginia Department of Transportation (WVDOT). The UCP will meet all of the requirements of this section.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to Central West Virginia Regional Airport Authority

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

Section 26.109 Information, Confidentiality, Cooperation

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

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

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Central West Virginia Regional Airport Authority or DOT. This reporting requirement also extends to any certified DBE subcontractor.

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



ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26 or website link
Attachment 2	Organizational Chart
Attachment 3	Bidder's List Collection Form
Attachment 4	DBE Directory
Attachment 5	Overall Goal Calculations
Attachment 6	Demonstration of Good Faith Efforts or Good Faith Effort Plan - Form 1 & 2
Attachment 7	DBE Monitoring and Enforcement Mechanisms
Attachment 8	DBE Certification Application Form
Attachment 9	State's UCP Agreement
Attachment 10	Small Business Element Program



Attachment 1

Regulations: 49 CFR Part 26

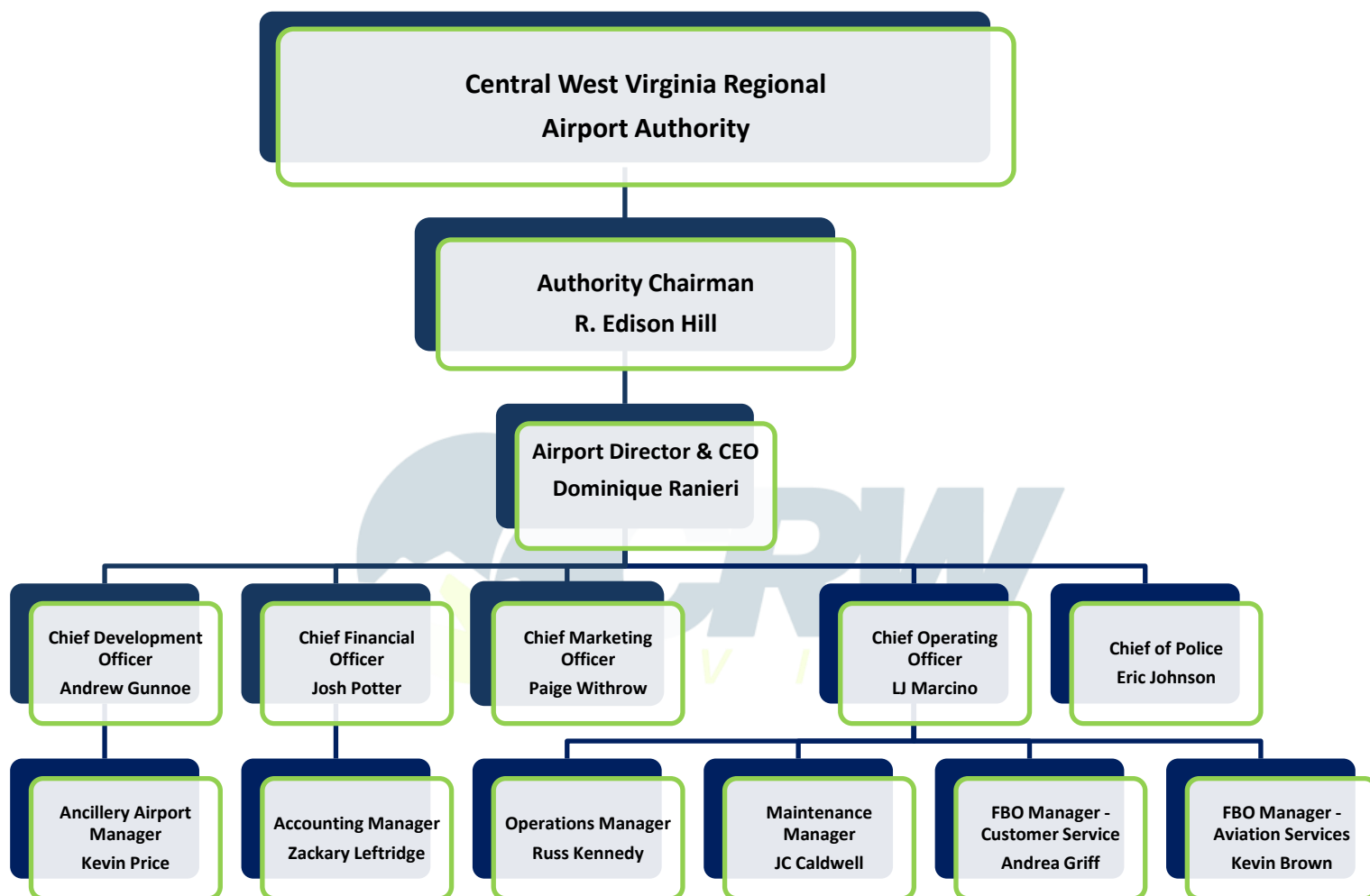
To conserve paper, Title 49: Transportation PART 26—Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs is available online for review at the following website:

<https://www.ecfr.gov/current/title-49/part-26>



Attachment 2

Organizational Chart



ATTACHMENT 3

Bidder's List Collection Form

(1) BIDDER'S FIRM NAME	(2) PROJECT NAME
ADDRESS	BID OPENING DATE
TELEPHONE NUMBER	CONTACT PERSON

(8) **NOTE:** List those certified small, minority and/or women owned businesses from which you solicited quotes or which contacted you and gave you quotes in regard to this Invitation for bid. Bidder's contact with subcontractors and suppliers should be prior to the bid opening date.

(3) COMPANY NAME, PERSON CONTACTED & TELEPHONE NUMBER	(4)		(4A) CERTIFIED DBE NUMBER & NAICS CODE	(5) TYPE OF WORK TO BE PERFORMED AND/OR MATERIAL TO BE SUPPLIED	(6) TOTAL DOLLAR AMOUNT OF QUOTE RECEIVED	(7) TOTAL COMMITMENT DOLLAR AMOUNT
	DBE (✓)	SBE (✓)				

(9) **NOTE:** Minimum Participation Levels; ____% DBE; ____% SBE

A presumption of responsibility may be made if the dollar commitment to DBE/SBE's reflects these minimum participation levels.

SIGNATURE (BIDDER):	TITLE/PHONE NUMBER:
SIGNATURE (DBE/SBE):	TITLE/PHONE NUMBER:

ATTACHMENT 4

WVDOT UCP DBE Directory

The Directory can be obtained from the West Virginia Unified Certification Program website and can be accessed at <https://transportation.wv.gov/crc/DBE/Pages/default.aspx>



Attachment 5

Section 26.45: Overall DBE Three-Year Goal Methodology*

Name of Recipient: Central West Virginia Regional Airport Authority

Goal Period: FY-2023-2024 – October 1, 2022 through September 30, 2024

*The Airport Authority continued to use their previous three year goal set for 2019-2021 for 2022, this updated goal is revised for 2 years instead of the typically 3 three to stay in line with the FAA reporting periods.

DOT-assisted contract amount:

Table 1 – Anticipated DOT/FAA Contract Amounts

Federal Fiscal Year	Estimated Dollar Value (\$)
	Yeager Airport (CRW)
2023	\$13,700,000.00
2024	\$22,750,000.00
Total	\$36,450,000.00

Overall Two-Year Goal: 9.88%, to be accomplished through 9.522% RC and 0.358% RN

Total dollar amount to be expended on DBE's: \$3,601,260.00

Describe the Number and Type of Projects that the airport anticipates awarding:

Table 2 – Anticipated DOT/FAA Assisted Projects

Project Description/Category Description	Estimated Project Amount (\$)
Federal Fiscal Year 2023	\$13,700,000.00
1. Professional Services/Construction: Runway Safety Area EIS Phase 2	\$1,050,000.00
2. Professional Services/Construction: Snow Removal Equipment Acquisition	\$1,200,000.00
3. Professional Services/Construction: General Aviation North Apron - Phase 1	\$5,000,000.00
4. Professional Services: RW 23 & Maint. Slip Repairs - Phase 1 (Concept and NEPA)	\$350,000.00
5. Professional Services/Construction: Existing Terminal Improvements	\$6,100,000.00
Federal Fiscal Year 2024	\$22,750,000.00
1. Professional Services/Construction: Runway Safety Area EIS Phase 3	\$250,000.00
2. Professional Services: Terminal Relocation Phase 1 (Construction)	\$9,100,000.00
3. Professional Services: SRE Storage & Public Safety Building (Phase 1)	\$2,100,000.00
4. Professional Services: General Aviation North Apron - Phase 2	\$5,400,000.00
5. Professional Services/Construction: RW 23 & Maint. Slip Repairs - Phase 2 (Design/Construction)	\$5,900,000.00

Market Area

Based on discussions with Airport Staff, Contractors and reviewing recent project accomplishments bid at the Airport, the normal market area for the Airport consists of the following counties in south central and western West Virginia Counties.

Table 3 – Counties in the Airport's Local Market Area

Airport	Location County	Bordering Counties
Yeager (CRW)	Kanawana County	Boone, Clay, Fayette, Jackson, Lincoln, Nicholas, Putnam, Raleigh, Roane



Over the past three (3) years a majority of contracting dollars, over 75%, have been expended on firms from this area.

Step 1. Analysis: Actual relative availability of DBE's (Part 26.45)

The Central West Virginia Regional Airport Authority, in developing its overall goal and methodology, utilized the suggested procedures contained in Part 26.45 C-1, (i.e. using DBE directories and census data/NAICS Codes to establish a base figure for Step 1. Also, the suggestions in Part 26.45 D-1 (i)(ii), regarding consideration of additional adjustment factors, including the possibility of information from disparity studies and/or "the current capacity of DBEs to perform work in your DOT/FAA assisted contracting program, as measured by the volume of work DBEs have performed in recent years" were used as part of this methodology. Details of the application of this methodology approach are presented below.

Determination of Relevant NAICS Codes

Work classifications for all Ready, Willing and Able (RWA) enterprises were obtained from the North American Industry Classification System (NAICS) prepared by the U.S. Census Bureau at the following website:

<https://www.census.gov/naics/>

Table 4 – Anticipated NAICS Codes

Project Description/Category Description	NAICS Code
Federal Fiscal Year 2023	
1. Professional Services/Construction: Runway Safety Area EIS Phase 2	
Engineering Services	541330
Land Surveying Services	541370
Testing Laboratories	541380
Environmental Consulting Services	541620
2. Professional Services: Snow Removal Equipment Acquisition	
Engineering Services	541330
3. Professional Services/Construction: General Aviation North Apron - Phase 1	
Engineering Services	541330
Land Surveying Services	541370
Testing Laboratories	541380
Highway, Street, and Bridge Construction	237310
Construction Material Wholesalers	423390
Electrical Contractors	238210
Electrical Equipment Wholesalers	423610
4. Professional Services: RW 23 & Maint. Slip Repairs - Phase 1 (Concept and NEPA)	
Engineering Services	541330
Land Surveying Services	541370
Testing Laboratories	541380
Environmental Consulting Services	541620
5. Professional Services/Construction: Existing Terminal Improvements	
Commercial and Institutional Building Construction	236220
Highway, Street, and Bridge Construction	237310
Electrical Contractors	238210
Plumbing, Heating, and Air-Conditioning Contractors	238220
Site Preparation Contractors	238910
All Other Specialty Trade Contractors	238990
Construction Material Wholesalers	423390
Electrical Equipment Wholesalers	423610
Offices of Real Estate Appraisers	531320
Engineering Services	541330
Land Surveying Services	541370
Testing Laboratories	541380
Federal Fiscal Year 2024	
1. Professional Services: Runway Safety Area EIS Phase 3	
Engineering Services	541330
Land Surveying Services	541370
Testing Laboratories	541380
Environmental Consulting Services	541620
2. Professional Services: Terminal Relocation Phase 1 (Construction)	

Commercial and Institutional Building Construction	236220
Highway, Street, and Bridge Construction	237310
Electrical Contractors	238210
Plumbing, Heating, and Air-Conditioning Contractors	238220
Site Preparation Contractors	238910
All Other Specialty Trade Contractors	238990
Construction Material Wholesalers	423390
Electrical Equipment Wholesalers	423610
Offices of Real Estate Appraisers	531320
Engineering Services	541330
Land Surveying Services	541370
Testing Laboratories	541380
3. Professional Services: SRE Storage & Public Safety Building (Phase 1)	
Commercial and Institutional Building Construction	236220
Highway, Street, and Bridge Construction	237310
Electrical Contractors	238210
Plumbing, Heating, and Air-Conditioning Contractors	238220
Site Preparation Contractors	238910
All Other Specialty Trade Contractors	238990
Construction Material Wholesalers	423390
Electrical Equipment Wholesalers	423610
Offices of Real Estate Appraisers	531320
Engineering Services	541330
Land Surveying Services	541370
Testing Laboratories	541380
4. Professional Services: General Aviation North Apron - Phase 2	
Engineering Services	541330
Land Surveying Services	541370
Testing Laboratories	541380
Highway, Street, and Bridge Construction	237310
Construction Material Wholesalers	423390
Electrical Contractors	238210
Electrical Equipment Wholesalers	423610
5. Professional Services/Construction: RW 23 & Maint. Slip Repairs - Phase 2 (Design/Construction)	
Engineering Services	541330
Land Surveying Services	541370
Testing Laboratories	541380
Highway, Street, and Bridge Construction	237310
Construction Material Wholesalers	423390
Electrical Contractors	238210
Electrical Equipment Wholesalers	423610
*Work Categories depicted are those anticipated, based on experience, with each project type. Some NAICS Codes have been excluded from the table that had zero CBP and DBE Firms in the market area.	

Determination of Relative Availability of DBEs in Market Area compared to All Firms

Availability of DBEs, for the NAICS Codes anticipated, was obtained from the West Virginia DOT Unified Certification Program at the following website: <https://transportation.wv.gov/crc/DBE/Pages/default.aspx>.

Determine the Step 1 DBE Base Figure

The method used to calculate the relative availability of DBE's is in accordance with 26.45(c) (1) utilizing DBE Directories and Census Bureau Data to calculate the ratio of Ready, Willing and Able (RWA) DBE's in the market to all RWA CBP enterprises in the market produces the base figures. An examination of the anticipated projects for each fiscal year, the availability of the DBE firms by trade classification and the volume of work performed by DBE firms over previous years. Using the NAICS code methodology the DBE Base Figures are as follows:

Table 5 – Available DBEs and CBPs by Anticipated NAICS Codes

Project Description/Category Description	NAICS Code	Trade (\$)	CBPs ¹	DBEs ²	DBE (%)	DBE (\$)
Federal Fiscal Year 2023		\$13,700,000.00				
1. Professional Services/Construction: Runway Safety Area EIS Phase 2 (\$1,050,000.00)						
Engineering Services	541330	\$650,000.00	84	4	4.76%	\$30,952.38
Land Surveying Services	541370	\$100,000.00	6	0	0.00%	\$0.00
Testing Laboratories	541380	\$50,000.00	16	0	0.00%	\$0.00
Environmental Consulting Services	541620	\$250,000.00	10	2	20.00%	\$50,000.00
2. Professional Services: Snow Removal Equipment Acquisition (\$1,200,000.00)³						
Engineering Services	541330	\$30,000.00	84	4	4.76%	\$1,428.57
3. Professional Services/Construction: General Aviation North Apron - Phase 1 (\$5,000,000.00)						
Engineering Services	541330	\$620,000.00	84	4	4.76%	\$29,523.81
Land Surveying Services	541370	\$50,000.00	6	0	0.00%	\$0.00
Testing Laboratories	541380	\$30,000.00	16	0	0.00%	\$0.00
Highway, Street, and Bridge Construction	237310	\$3,000,000.00	13	8	61.54%	\$1,846,153.85
Construction Material Wholesalers	423390	\$500,000.00	5	0	0.00%	\$0.00
Electrical Contractors	238210	\$500,000.00	81	1	1.23%	\$6,172.84
Electrical Equipment Wholesalers	423610	\$300,000.00	12	0	0.00%	\$0.00
4. Professional Services: RW 23 & Maint. Slip Repairs - Phase 1 (Concept and NEPA) (\$350,000.00)						
Engineering Services	541330	\$150,000.00	84	4	4.76%	\$7,142.86
Land Surveying Services	541370	\$50,000.00	6	0	0.00%	\$0.00
Testing Laboratories	541380	\$50,000.00	16	0	0.00%	\$0.00
Environmental Consulting Services	541620	\$100,000.00	10	2	20.00%	\$20,000.00
5. Professional Services/Construction: Existing Terminal Improvements (\$6,100,000.00)						
Commercial and Institutional Building Construction	236220	\$2,000,000.00	38	1	2.63%	\$52,631.58
Highway, Street, and Bridge Construction	237310	\$400,000.00	13	8	61.54%	\$246,153.85
Electrical Contractors	238210	\$1,000,000.00	81	1	1.23%	\$12,345.68
Plumbing, Heating, and Air-Conditioning Contractors	238220	\$1,000,000.00	87	1	1.15%	\$11,494.25
Site Preparation Contractors	238910	\$500,000.00	91	3	3.30%	\$16,483.52
All Other Specialty Trade Contractors	238990	\$95,000.00	29	4	13.79%	\$13,103.45

Construction Material Wholesalers	423390	\$500,000.00	5	0	0.00%	\$0.00
Electrical Equipment Wholesalers	423610	\$100,000.00	12	0	0.00%	\$0.00
Offices of Real Estate Appraisers	531320	\$5,000.00	26	0	0.00%	\$0.00
Engineering Services	541330	\$450,000.00	84	4	4.76%	\$21,428.57
Land Surveying Services	541370	\$25,000.00	6	0	0.00%	\$0.00
Testing Laboratories	541380	\$25,000.00	16	0	0.00%	\$0.00
Federal Fiscal Year 2024		\$22,750,000.00				
1. Professional Services: Runway Safety Area EIS Phase 3 (\$250,000.00)						
Engineering Services	541330	\$100,000.00	84	4	4.76%	\$4,761.90
Land Surveying Services	541370	\$25,000.00	6	0	0.00%	\$0.00
Testing Laboratories	541380	\$25,000.00	16	0	0.00%	\$0.00
Environmental Consulting Services	541620	\$100,000.00	10	2	20.00%	\$20,000.00
2. Professional Services: Terminal Relocation Phase 1 (Construction) (\$9,100,000.00)						
Commercial and Institutional Building Construction	236220	\$3,000,000.00	38	1	2.63%	\$78,947.37
Highway, Street, and Bridge Construction	237310	\$650,000.00	13	8	61.54%	\$400,000.00
Electrical Contractors	238210	\$1,600,000.00	81	1	1.23%	\$19,753.09
Plumbing, Heating, and Air-Conditioning Contractors	238220	\$1,500,000.00	87	1	1.15%	\$17,241.38
Site Preparation Contractors	238910	\$1,000,000.00	91	3	3.30%	\$32,967.03
All Other Specialty Trade Contractors	238990	\$95,000.00	29	4	13.79%	\$13,103.45
Construction Material Wholesalers	423390	\$500,000.00	5	0	0.00%	\$0.00
Electrical Equipment Wholesalers	423610	\$100,000.00	12	0	0.00%	\$0.00
Offices of Real Estate Appraisers	531320	\$5,000.00	26	0	0.00%	\$0.00
Engineering Services	541330	\$600,000.00	84	4	4.76%	\$28,571.43
Land Surveying Services	541370	\$25,000.00	6	0	0.00%	\$0.00
Testing Laboratories	541380	\$25,000.00	16	0	0.00%	\$0.00
3. Professional Services: SRE Storage & Public Safety Building (Phase 1) (\$2,100,000.00)						
Commercial and Institutional Building Construction	236220	\$250,000.00	38	1	2.63%	\$6,578.95
Highway, Street, and Bridge Construction	237310	\$750,000.00	13	8	61.54%	\$461,538.46
Electrical Contractors	238210	\$200,000.00	81	1	1.23%	\$2,469.14
Plumbing, Heating, and Air-Conditioning Contractors	238220	\$250,000.00	87	1	1.15%	\$2,873.56
Site Preparation Contractors	238910	\$150,000.00	91	3	3.30%	\$4,945.05
All Other Specialty Trade Contractors	238990	\$75,000.00	29	4	13.79%	\$10,344.83
Construction Material Wholesalers	423390	\$75,000.00	5	0	0.00%	\$0.00
Electrical Equipment Wholesalers	423610	\$45,000.00	12	0	0.00%	\$0.00
Offices of Real Estate Appraisers	531320	\$5,000.00	26	0	0.00%	\$0.00
Engineering Services	541330	\$250,000.00	84	4	4.76%	\$11,904.76
Land Surveying Services	541370	\$25,000.00	6	0	0.00%	\$0.00
Testing Laboratories	541380	\$25,000.00	16	0	0.00%	\$0.00
4. Professional Services: General Aviation North Apron - Phase 2 (\$5,400,000.00)						
Engineering Services	541330	\$500,000.00	84	4	4.76%	\$23,809.52
Land Surveying Services	541370	\$75,000.00	6	0	0.00%	\$0.00
Testing Laboratories	541380	\$75,000.00	16	0	0.00%	\$0.00
Highway, Street, and Bridge Construction	237310	\$2,500,000.00	13	8	61.54%	\$1,538,461.54

Construction Material Wholesalers	423390	\$500,000.00	5	0	0.00%	\$0.00
Electrical Contractors	238210	\$1,500,000.00	81	1	1.23%	\$18,518.52
Electrical Equipment Wholesalers	423610	\$250,000.00	12	0	0.00%	\$0.00
5. Professional Services/Construction: RW 23 & Maint. Slip Repairs - Phase 2 (Design/Construction) (\$5,900,000.00)						
Engineering Services	541330	\$700,000.00	84	4	4.76%	\$33,333.33
Land Surveying Services	541370	\$50,000.00	6	0	0.00%	\$0.00
Testing Laboratories	541380	\$50,000.00	16	0	0.00%	\$0.00
Highway, Street, and Bridge Construction	237310	\$3,500,000.00	13	8	61.54%	\$2,153,846.15
Construction Material Wholesalers	423390	\$500,000.00	5	0	0.00%	\$0.00
Electrical Contractors	238210	\$1,000,000.00	81	1	1.23%	\$12,345.68
Electrical Equipment Wholesalers	423610	\$100,000.00	12	0	0.00%	\$0.00
<p>*Work Categories depicted are those anticipated, based on experience, with each project type. Some NAICS Codes have been excluded from the table that had zero CBP and DBE Firms in the market area.</p> <p>1 CBPs in NAICS Code from U.S. Census Bureau 2020 County Business Patterns for identified Counties obtained from Census Bureau website on 12/01/22.</p> <p>2 DBEs in description of services from West Virginia DOT UCP Directory as obtained from website on 12/01/22.</p> <p>3 Remaining of money will be used for equipment in a non-NAICS Code.</p>						

Step 2. Analysis: Adjustments to Step 1 base figure. (Part 26.45(d))

After the Step 1 DBE Base Figures have been developed, the regulations (49 CFR Part 26(d)) require that additional evidence in the jurisdiction of the Airport be examined to determine what adjustment, if any, is needed to the base figure in order to arrive at the overall goal.

The next step in our goal setting process is intended to adjust the participation the recipient would expect in the absence of discrimination. Our history of DBE achievements was based on information for the three (3) years prior to the current fiscal year. The DBE participation accomplishment during this period is presented below and represents the total for all projects based on actual completed grant close-outs during the fiscal period noted.

Table 6 – Previous Six (6) Years Accomplishments

Report Period	Approved DBE Goal	Total DBE % Achieved	Achieved Over/Under
2016	8.95%	0.00%	-8.95%
2017	8.95%	0.70%	-8.25%
2018	8.95%	0.40%	8.55%
2019	5.59%	0.00%	-5.59%
2020	5.59%	20.35%	14.76%
2021	5.59%	0.00%	-5.59%
Median	7.27%	3.575%	-3.695%
Source: https://faa.civilrightsconnect.com			

Adjusted Goal (Average of Base Figure with three-year accomplishment median):

Arranging the historical data from high to low, the Median of previous seven (7) years accomplishments is as follows:

$$20.35\%, 0.70\%, 0.40\%, 0.00\%, 0.00\%, 0.00\% = 0.358\%$$

The adjusted proposed DBE Goals by fiscal year are as follows:

$$\text{FFY 2023 Adj. Goal.} = \frac{17.26 + 0.358}{2} = 8.81\%$$

$$\text{FFY 2024 Adj. Goal.} = \frac{21.52 + 0.358}{2} = 10.94\%$$

$$\text{Our proposed Overall Two year goal will be reflected as } \frac{8.81 + 10.94}{2} = 9.88\%$$

To arrive at an overall goal, we added our Step 1 base figure with our Step 2 adjustment figure and then averaged the total arriving at an overall goal of 9.88%. We feel this adjusted goal figure will accurately reflect DBE participation that can be achieved for the type of project work being awarded during this three-year period.

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

The Central West Virginia Regional Airport Authority will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Airport Authority will use a combination of the following Race Neutral (RN)-means to increase DBE participation:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.
2. Disseminating information on contracting procedures and specific contract opportunities by including DBE organizations, such as the West Virginia DOT DBE Supportive Services Office, on the mailing lists for bidders to increase their awareness of upcoming contracting opportunities at the Airport.
3. Ensuring distribution of the WV UCP DBE directory, through electronic means, to the widest feasible universe of potential prime contractors.

The Central West Virginia Regional Airport Authority estimates that, in meeting the overall goal of 9.88% we will obtain 0.358% from race-neutral participation and 9.522% through race-conscious measures.

The following is a summary of the basis of our estimated breakout for race-neutral and race-conscious DBE participation:

The Central West Virginia Regional Airport Authority proposes the race-neutral and race-conscious split based on historical information regarding the ability to meet the established goals. As presented in Table 6, the median annual DBE participation for FAA-AIP funded projects for FFY 2016, 2017, 2018, 2019, 2020, and 2021 was 3.575% versus a goal of 7.27%. This suggests that 0.0% was achieved through race-neutral means due to the actual DBE participation not .

The Central West Virginia Regional Airport Authority will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a

prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Consultation and Public Participation: Section 26.45(g)(1)

The Central West Virginia Regional Airport Authority submits its overall goal to DOT on August 1st of each three year reporting period as required by the FAA, except in cases where the FTA or FAA recipient submits a project goal.

Before establishing the overall goal each year, the Airport will consult with state and local organization representing various contractors, minority contractors and women contractors that are interested in the DBE program to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and the Airport's efforts to establish a level playing field for the participation of DBE's. The following minority serving groups were consulted:

Organization	Consultation / Remarks
American Civil Liberties Union of West Virginia P.O. Box 3952 Charleston, WV 25339 Joseph Cohen, Executive Director Tel: (304) 345-9246 Email: mail@acluwv.org Website: www.acluwv.org	E-mail released January 19, 2023 – No response received at this time, this report will be updated as needed, if comments are received.
National Association for the Advancement of Colored People (NAACP) - West Virginia George Rutherford, President Jefferson County Branch PO Box 411 Ranson, WV 25438 Tel: 304-725-9610 Fax: 304-728-2767 E-mail: gruther1@msn.com Kenneth L. Hale Sr., President P.O. Box 20304 Charleston, WV 25362 Tel: 304-542-5898	E-mail released January 19, 2023– No response received at this time, this report will be updated as needed, if comments are received.
West Virginia Department of Transportation Equal Employment Opportunity Division 1900 Kanawha Boulevard East, Building Five, Room 618 Charleston, West Virginia 25305-0430 K. David Merchant, DBE Supportive Services Manager Tel: (304) 558-3931 Fax: (304) 558-4236 Email: Kevin.D.Merchant@wv.gov	E-mail released January 19, 2023– No response received at this time, this report will be updated as needed, if comments are received.
West Virginia Purchasing Division Vendor Registration 2019 Washington Street, E., P.O. Box 50130 Charleston, WV 25305 Terra Oliver, Vendor Registration Coordinator Tel: (304) 558-2311 Email: Purchasing.VendorRegistration@wv.gov	E-mail released January 19, 2023 – No response received at this time, this report will be updated as needed, if comments are received.

As part of the outreach effort, an e-mail was sent out in January 2023 to these organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the impacts, if any, of discrimination on opportunities for DBEs and the Airport Sponsor's continuing efforts to establish a level playing field for the participation of DBEs. A copy of this e-mail follows. Note that the anticipated projects from Tables 1 and 2 above were also provided but not referenced below.

Copy of Outreach Email:

The Central West Virginia Regional Airport Authority is in the process of establishing its DBE goal participation related to planned projects for Federal Fiscal Year 2023 thru 2024 at the Yeager Airport owned by our Authority. Those projects are detailed below by Year. Anticipated DBE participation is required for DOT funded projects equal to or greater than \$250,000 in accordance to 49 CFR Part 26, "Participation by Disadvantaged Business Enterprise in DOT Programs", current edition located at <http://www.ecfr.gov/>. Thus based upon planned projects and the type of work anticipated (engineering, construction, materials supply, etc.), an overall disadvantaged business goal of 9.88 percent was determined. A listing of the projects anticipated during this reporting period are provided in the table below.

Comparing this to the Statewide goal, the West Virginia Department of Transportation currently has an overall DBE goal for fiscal years 2023-2024 of 9.88 percent (9.522 percent of which will be obtained by race-conscious means and 0.358 percent by race-neutral means) for all FAA Sub-recipients, and the national aspirational goal for DOT funded projects is 10 percent. Therefore, do you or members of your organization have any documentation of existing social or economic barriers which may be currently preventing minorities and/or women from applying for and winning engineering and construction related services at the Airports owned by the Central West Virginia Regional Airport Authority?

Further, do you know of any other impediments which have or may impact minorities and/or women from effectively competing on transportation related projects?

We would appreciate your replying with any information you would be willing to offer. If you have any comments or questions, do not hesitate to contact Bernard Dunegan, EIT, at (814) 419-7968 or bjdunegan@transystems.com within two weeks of receipt of this e-mail/letter. The DBE Goal report will be available for review and comment for a period of 45 days at the offices of the Central West Virginia Regional Airport Authority located at the Yeager Airport. Any and all information provided will be incorporated into the Airport's DBE goal report and submitted to the Federal Aviation Administration as required by federal regulations (49 CFR Part 26).

A teams conference has been scheduled for January 26, 2023 at 11 a.m. to provide a direct and interactive exchange of interested stakeholders to focus on obtaining information relevant to the goal setting process. To participate in the teams, please utilize the following call-in information:

Dial: 816-652-0298 Participant Passcode: 724733080#

[https://teams.microsoft.com/j/teamsup-](https://teams.microsoft.com/j/teamsup-join/19%3ameeting_NjZiMGJIMjYtNzNIZi00MjlzLWlzNTQtdAwZGI3MWYwNGRi%40thread.v2/0?context=%7b%22Tid%22%3a%222a9109e7-37cc-4ee5-9b29-5a6bb05cd31d%22%2c%22Oid%22%3a%2279eb3eb5-6467-4055-b56b-e0c25b43b58d%22%7d)

[join/19%3ameeting_NjZiMGJIMjYtNzNIZi00MjlzLWlzNTQtdAwZGI3MWYwNGRi%40thread.v2/0?context=%7b%22Tid%22%3a%222a9109e7-37cc-4ee5-9b29-5a6bb05cd31d%22%2c%22Oid%22%3a%2279eb3eb5-6467-4055-b56b-e0c25b43b58d%22%7d](https://teams.microsoft.com/j/teamsup-join/19%3ameeting_NjZiMGJIMjYtNzNIZi00MjlzLWlzNTQtdAwZGI3MWYwNGRi%40thread.v2/0?context=%7b%22Tid%22%3a%222a9109e7-37cc-4ee5-9b29-5a6bb05cd31d%22%2c%22Oid%22%3a%2279eb3eb5-6467-4055-b56b-e0c25b43b58d%22%7d)

Following this consultation, we have published in the airport's website, a notice of the proposed overall goal informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the office of the DBE Liaison Officer for thirty (30) days following the date of the notice, and informing the public that the Airport and DOT will accept comments on the goals for (45) days from the date of notice. Normally, we will issue this notice by June 1st of the reporting period.

The Public Notice was advertised on January 19, 2023 and the 30 day public comment period ends on February 19, 2023. No Comments have been currently been received at this time, this report will be updated as needed, if comments are received.

The Sponsor received comments from these individuals or organizations:

No Comments received at this time, this report will be updated as needed, if comments are received.

Summaries of these comments are as follows:

No Comments received at this time, this report will be updated as needed, if comments are received.

The Sponsor's response to these comments is as follows:

No Comments received at this time, this report will be updated as needed, if comments are received.

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

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

The Airport is unaware of any disparity studies relative to our market area. Nor have we identified any other evidence relating to discrimination specific to our market area. We are continuing to monitor and investigate information that is related to goal setting and barriers confronting DBE's. This market area is based upon the fact that the substantial majority of bidders come from this area (75%) and the substantial majority of contracting dollars (75%) have been expended with firms from this area.

Prior to letting construction and non-construction contracts, the Airport will conduct Pre-Bid/Pre-Proposal Meetings that will identify the DBE requirements for participating in AIP Funded Projects. These meetings will include dates, times, and locations of the meetings, as well as meeting descriptions.

All advertisement for construction and non-construction projects will be listed on our website (<https://yeagerairport.com/business-at-crw/>) and/or in geographically appropriate publication based on needs of the project such as:

- Charleston Gazette-Mail (<http://www.gazettemailclassifieds.com/>).

Contract Goals (Part 26.51)

The Central West Virginia Regional Airport Authority will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using RN means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the recipient's overall goal that is not projected to be met through the use of RN means.

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

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

PUBLIC NOTICE

Disadvantaged Business Enterprise (DBE) Goal for Yeager Airport, Charleston, WV

The Central West Virginia Regional Airport Authority hereby announces its federal fiscal years 2023 through 2024 goal of 9.88% for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goal and rationale are available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at the Central West Virginia Regional Airport Authority Office, 100 Airport Road, Suite 175, Charleston, WV 25311 or on the Internet at www.yeagerairport.com for thirty (30) days from the date of this publication.

Comments on the DBE goal will be accepted for forty-five (45) days from the date of this publication and can be sent to the following:

Name	Bernard Dunegan
Title	TranSystems, Independent Aviation Consultant
Address	615 West Highland Avenue, Ebensburg, PA 15931
Telephone Number	(814) 419-7968
E-mail Address	bjdunegan@transystems.com



ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2

Forms 1 and 2 should be provided as part of the solicitation documents.



FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) COMPLIANCE STATEMENT

EQUAL EMPLOYMENT OPPORTUNITY

COMPLIANCE STATEMENT

To meet the requirements of Department of Transportation Regulation, Part 26, as stated in Division ___ of this specification, all bidders will provide evidence of the methods they have used to meet the Disadvantaged Business Enterprises/Joint Venture goals as published in the Sponsor's Minority/Women Business Enterprises Plan and approved by the Department of Transportation. The DBE participation goal for this project is _____ percent (____ %).

All bidders must submit an assurance stating the percentage of Disadvantaged Businesses they intend to employ on this project.

Within a reasonable time after the opening of bids and before the award of a contract, all bidders or proposers wishing to remain in competition for the contract shall submit:

1. Name(s) of Disadvantaged Business Enterprise/Joint Venture Subcontractor(s).
2. The DOT Certification Number
3. Description of work each is to perform.
4. Dollar value of each proposed Disadvantaged Business/Joint Venture Subcontract.

The Contractor shall use the DBE CONTRACTOR/SOLICITATION AND COMMITMENT STATEMENT form contained on page 9 to submit this information.

REQUIRED ASSURANCE TO BE INCLUDED IN ALL BID PROPOSALS

This firm assures that it will utilize not less than _____ percent (____ %) of Disadvantaged Business Enterprise participation.

CERTIFICATION OF BIDDER for the above:

Bidder's Name _____

Address _____

Internal Revenue Service Employer Identification Number _____

NOTE: The penalty for making false statements in offers is prescribed in 18 USC 1001.

FORM 2: DBE CONTACT/SOLICITATION AND COMMITMENT STATEMENT

(1) BIDDER'S FIRM NAME	(2) PROJECT NAME
ADDRESS	BID OPENING DATE
TELEPHONE NUMBER	CONTACT PERSON

(8) **NOTE:** List those certified small, minority and/or women owned businesses from which you solicited quotes or which contacted you and gave you quotes in regard to this Invitation for bid. Bidder's contact with subcontractors and suppliers should be prior to the bid opening date.

(3) COMPANY NAME, PERSON CONTACTED & TELEPHONE NUMBER	(4)		(4A) CERTIFIED DBE NUMBER & NAICS CODE	(5) TYPE OF WORK TO BE PERFORMED AND/OR MATERIAL TO BE SUPPLIED	(6) TOTAL DOLLAR AMOUNT OF QUOTE RECEIVED	(7) TOTAL COMMITMENT DOLLAR AMOUNT
	DBE (✓)	SBE (✓)				

(9) **NOTE:** Minimum Participation Levels; ____% DBE; ____% SBE
A presumption of responsibility may be made if the dollar commitment to DBE/SBE's reflects these minimum participation levels.

SIGNATURE (BIDDER):	TITLE/PHONE NUMBER:
SIGNATURE (DBE/SBE):	TITLE/PHONE NUMBER:

IF THE BIDDER/OFFEROR DOES NOT RECEIVE AWARD OF THE PRIME CONTRACT, ANY AND ALL REPRESENTATIONS SHALL BE NULL AND VOID.

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The Central West Virginia Regional Airport Authority 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 the West Virginia Code, §5A-3-1 et seq.

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

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 Certification Application Form

The Central West Virginia Regional Airport Authority does not directly certify DBE Firms. The Authority obtains DBE information from the West Virginia DOT UCP. Application forms for certification can be accessed at the following link:
<https://transportation.wv.gov/crc/DBE/Documents/PersonalFinancialStatement.pdf>



ATTACHMENT 9

State's UCP Agreement

All U.S. DOT recipients who receive funds from the FAA, FHWA, and FTA and who have over \$250,000 in federally assisted contracting opportunities must comply with the 49 CFR Part 26 requirements. Based on funding, entities may or may not participate from year to year. The WV UCP Agreement outlines how West Virginia's UCP will operate and function. A copy of the UCP Agreement may be obtained at <https://transportation.wv.gov/crc/DBE/Pages/default.aspx> or by contacting K. David Merchant, DBE Supportive Services Manager, by telephone at 304.558.3931, or by email at Kevin.D.Merchant@wv.gov.



ATTACHMENT 10

Small Business Element Program

Section 26.39 Fostering Small Business Participation

The Central West Virginia Regional Airport Authority (Authority) has created an 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. For clarification purposes, 49 CFR Part 26.5 states, "Small business concern means, with respect to firms seeking to participate as DBEs in DOT -assisted contracts, a small business concern as defined pursuant to Section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b)." 13 CFR 121.402 defines "What size standards are applicable to Federal Government Contracting programs?"

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

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

Definitions

1. Small Business: A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).
2. Disadvantaged Business Enterprise: A for-profit small business (as defined by the Small Business Administration)
 - That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;

- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) does not exceed the described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE by one of the West Virginia DOT Unified Certification Program (UCP) certifying agencies in accordance with 49 CFR 26.

For the purposes of the small business element of the Authority's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

Certification and Verification Procedures

The Authority will accept the following certifications for participation in the small business element of the Authority's DBE Program with applicable stipulations:

1. WVDOT DBE Certification (through the Unified Certification Program) - DBE Certification by the WVDOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by listing in the DBE Directory by the WVDOT. (Website: <https://transportation.wv.gov/crc/DBE/Pages/default.aspx>)
2. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) – will require submittal of three years of business tax returns. (Website: <http://www.sba.gov/content/8a-business-development/>)

Implementation Schedule

In order to actively implement the Authority's program elements to foster small business participation and to comply with the requirement of good faith implementation of our DBE program, the Authority will require that the Prime Contractor(s) for Construction Work Items and for Professional Services Work Items complete the form entitled, SBE Contact/Solicitation and Commitment Statement (sample attached). The Special Conditions of the Contract will indicate the amount of small business participation as determined by the Authority.

Assurances

The Authority makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of their location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Aggressive steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.