

KILLEEN-FORT HOOD REGIONAL AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM POLICY STATEMENT

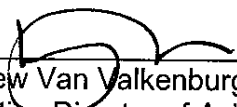
1. The Killeen-Fort Hood Regional Airport (GRK) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Airport has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Airport has signed an assurance that it will comply with 49 CFR Part 26.

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

- a) To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
- b) To create a level playing field on which DBEs, can compete fairly for DOT-assisted contracts;
- c) To ensure the DBE Program is narrowly tailored in accordance with applicable law;
- d) To ensure only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- e) To help remove barriers to the participation of DBEs in DOT assisted contracts;
- f) To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
- g) To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
- h) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

3. Brian C. Eaton Sr. has been delegated as the DBE Liaison Officer. In that capacity, he 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 City in its financial assistance agreements with the Department of Transportation.

4. The Airport has disseminated this policy statement to all components of our organization, and has distributed this statement to DBE and non-DBE business communities that perform work for the Airport on DOT-assisted contracts. The distribution was, and will be, accomplished by posting on the Airport website and publishing a public notice of all goals as well as listing where to find the goals and policy statement in the local newspaper.



Matthew Van Valkenburgh, A.A.E
Executive Director of Aviation

08.01.15

Date

GENERAL REQUIREMENTS

A. Objectives

The objectives are found in the policy statement in the document.

B. Applicability

The Killeen-Fort Hood Regional Airport is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, et seq.

C. Non-discrimination Requirements

1. The Airport will never exclude any person from participation in, deny any person the benefits of, nor 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.

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

D. Record Keeping Requirements

1. The Airport will report DBE participation to the Department of Transportation (DOT) and Federal Aviation Administration (FAA) as follows:

The Airport will transmit to the FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form, found in CFR 49, Part 26, Appendix B. The Airport will report the DBE contractor firm information either on the FAA DBE Contractor's Form or other similar format, and will begin using the revised Uniform Report of DBE Awards or Commitments and Payments for reporting FY 2015 reports due December 1, 2015.

2. The Airport will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms. This data will be collected using Attachment 1 of this document.

E. Federal Financial Assistance Agreement

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

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

The Killeen-Fort Hood Regional Airport shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The Killeen-Fort Hood Regional Airport shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The Killeen-Fort Hood Regional Airport's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Killeen-Fort Hood Regional Airport of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

2. Contract Assurance: The Airport will ensure the following clause is included in each contract signed 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 Killeen-Fort Hood Regional Airport 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.

ADMINISTRATIVE REQUIREMENTS

A. DBE Program Updates

The Airport is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. The Airport is not eligible to receive DOT financial assistance unless DOT has approved the Airport's DBE program and the Airport is in compliance with it and 49 CFR Part 26. The Airport will continue to carry out its program until all funds from DOT financial assistance have been expended. The Airport does not have to submit regular updates of the program, as long as it remains in compliance; however, the Airport will submit significant changes in the program for approval.

B. Policy Statement

The Policy Statement is elaborated in this DBE Program.

C. DBE Liaison Officer (DBELO)

1. The Airport has designated the following individual as its DBE Liaison Officer:

Brian C. Eaton Sr.
Airport Operations Supervisor
8101 S Clear Creek Rd, Box C, Killeen, TX 76549
Phone: 254-501-8705
Fax: 254-501-8744
Email: beaton@killeentexas.gov

2. The DBELO is responsible for implementing all aspects of the DBE program and ensuring the Airport complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director of Aviation, concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

3. The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has access to the Airport's FAA Grant Administrator to assist in the administration of the program. The duties and responsibilities include the following:

- a) Gathers and reports statistical data and other information as required by DOT;
- b) Works with all departments to set annual goals;
- c) Ensures that bid notices and requests for proposals are available to DBEs in a timely manner;
- d) Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results;
- e) Analyzes the Airport's progress toward attainment and identifies ways to improve progress;
- f) Participates in pre-bid meetings;
- g) Advises the Executive Director of Aviation on DBE matters and achievement;
- h) Provides outreach to DBEs and community organizations to advise them of opportunities.

2. DBE Financial Institutions

It is the policy of the Airport to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

3. Prompt Payment Mechanisms

1. The Airport 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 made to the prime contractor.

2. The Airport will attempt to 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 Airport may use the following method to comply with this requirement:

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 Airport payment to the prime contractor.

3. The Airport will consider a subcontractor's work satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Airport. When the Airport 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.

4. The Airport will include the following clause in each DOT-assisted prime contract:

The prime contractor will agree 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 Killeen-Fort Hood Regional Airport. 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 Airport.

4. Monitoring Payments to DBEs

The Airport 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 Killeen-Fort Hood Regional Airport or DOT. This reporting requirement also extends to any certified DBE subcontractor.

5. Directory

1. The Airport uses the State of Texas DBE directory, maintained by the State. Web address provided in Attachment 3.

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

3. The state UCP revises the Directory *annually*. The Directory may be found at the following website: <http://www.txdot.gov/business/partnerships/tucp.html>

6. Over-concentration

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

7. Business Development Programs

The Airport has not established a business development program.

8. Monitoring and Enforcement Mechanisms

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

1. The Airport will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so 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 49 CFR Part 26.107.

2. The Airport will implement similar action under our own legal authorities, including responsibility determinations in future contracts.

3. The Airport will implement a monitoring 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.

3. GOALS, GOOD FAITH EFFORTS, AND COUNTING

A. Set-asides or Quotas

The Airport does not use quotas in the administration of this DBE program.

B. Goals

1. The Airport will establish a DBE goal covering a three-year federal fiscal year period in anticipation of DOT/FAA funded prime contracts in which the cumulative total value exceeds \$250,000 during any one or more of the reporting fiscal years within the

three-year goal period. The Airport will submit its three-year DBE Goal to the FAA by August 1st as required by the following schedule:

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Non-Hub Primary	All Regions	August 1, 2015 (2016/2017/2018)	August 1, 2018 (2019/2020/2021)

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

3. Any methodology chosen 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 local market. It is understood that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26, is not an acceptable alternative means of determining the availability of DBEs.

4. In establishing the goal, the Airport will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the Airport goal setting process, and it will occur before the Airport is required to submit its goal methodology to the operating administration for review. The goal submission consultation process will be documented.

5. Additionally, the Airport will publish a notice announcing the proposed goal before submission to the operating administration on August 1st. The notice will be posted on the Airport web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal will be posted on the Airport web site. The Airport will inform the public that the proposed goal and its rationale are available for inspection during normal business hours and that the Airport and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. The public comment period will not extend the August 1st deadline.

6. The 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 all responses.

7. The Airport will begin using the goal on October 1 of the reporting period, unless other instructions from DOT have been received.

C. Project Goals

1. The Airport will express its goal as a percentage for a particular grant or project or group of grants and/or projects, including entire projects, which may be adjusted to reflect changed circumstances.

2. If a goal is established on a project basis, the Airport will use this goal by the time of the first solicitation for a DOT-assisted contract for the project.

D. Prior Operating Administration Concurrent

1. The Airport understands it is not required to obtain prior operating administration concurrence with the goal. However, if the operating administration's review suggests the goal has not been correctly calculated or the method for calculating goals is inadequate, the operating administration may, after consulting with the Airport, adjust the goal or require that the goal is adjusted. The adjusted goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to 49 CFR Part 26.9.

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

E. Failure to meet goals

1. The Airport will maintain an approved DBE Program and DBE goal, if applicable, as well as administer a DBE Program in good faith to be considered to be in compliance with this part.

2. If the Airport awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the goal applicable to that fiscal year, the Airport will do the following to be regarded by the Department as implementing the DBE Program in good faith:

a) Analyze the reasons for the difference between the goal and the awards and commitments in that fiscal year;

b) Establish specific steps and milestones to correct the problems identified in the analysis, and to meet fully the goal for the new fiscal year;

c) The Airport will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed and retain a copy of the analysis and

corrective actions for a minimum of three years, and will make it available to FAA upon request.

F. Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

2. Race-neutral means include those listed in CFR 49 Part 26.51.

3. The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program.

G. Contract Goals

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

2. If the Airport approved projection estimates the Airport can meet its goal for a given year through race-neutral means, the Airport will implement the program without setting contract goals during that year, unless it becomes necessary to meet the goal.

3. The Airport will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. The Airport need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work). Contract goals will be expressed as a percentage of the total amount of a DOT-assisted contract.

H. Good Faith Efforts Procedures

1. Demonstration of good faith efforts

a) The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26.

b) Brian C. Eaton SR, DBE Liaison, is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible.

c) The DBE Liaison will ensure all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing to the performance of the contract by the bidder/offeror.

2. The following information is required to be submitted in solicitations for DOT/FAA-assisted contracts for which a contract goal has been established:

a) Award of the contract will be conditioned on meeting the requirements of this section;

b) All bidders or offerors will be required to submit the following information to the recipient:

(1) The names and addresses of DBE firms that will participate in the contract;

(2) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;

(3) The dollar amount of the participation of each DBE firm participating;

(4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and

(5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.

(6) If the contract goal is not met, evidence of good faith efforts must be provided. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and

c) The bidder/offeror must present the information required no later than seven (7) days after bid opening as a matter of responsibility. The seven days shall be reduced to five (5) days beginning January 1, 2017.

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

3. Administrative reconsideration

a) Within seven (7) business days of being informed by the Airport that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Mike Wilson, 8101 S. Clear Creek Rd, Box C, Killeen TX 76549, phone: 254-501-8704, email: mwilson@killeentexas.gov. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

b) 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. He 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.

4. Good Faith Efforts procedures in situations when there are contract goals

a) Included in each prime contract will be a provision stating:

The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains written consent and that, unless consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

b) The Airport will require the contractor awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure all subcontracts or an agreement with DBEs to supply labor or materials require the subcontract and all lower tier subcontractors be performed in accordance with 49 CFR Part 26 provisions.

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

d) The Airport will require a prime contractor not terminate a DBE subcontractor without prior written consent. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

e) Written consent will be provided if the Airport agrees the prime contractor has good cause to terminate the DBE firm. For purposes of this policy, 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) It is determined the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides 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 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.

f) Before transmitting 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 the Airport, of its intent to request to terminate and/or substitute, and the reason for the request.

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

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

i) The Airport will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal established for the procurement. The good faith efforts shall be documented by the contractor. If the Airport requests documentation from the contractor under this provision, the contractor shall submit the documentation within seven (7) days, which may be extended for an additional seven (7) days if necessary at the request of the contractor, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

j) Each prime contract will include the contract clause required by 49 CFR Part 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section as appropriate if the prime contractor fails to comply with the requirements of this section.

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

5. Sample Bid Specification

a) 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 Killeen-Fort Hood Regional Airport to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 12.87 percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

b) The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; and (5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; (6) if the contract goal is not met, evidence of good faith efforts.

I. Counting DBE Participation

1. DBE participation will be counted toward overall and contract goals as provided in 49 CFR 26.55. Final compliance with DBE obligations on a contract will not be counted until the DBE has completed their work and been paid.

2. If the firm is not currently certified as a DBE at the time of the execution of the contract, the Airport will not count that firm's participation toward any DBE goals, except as provided for in 49 CFR Part 26.87(j).

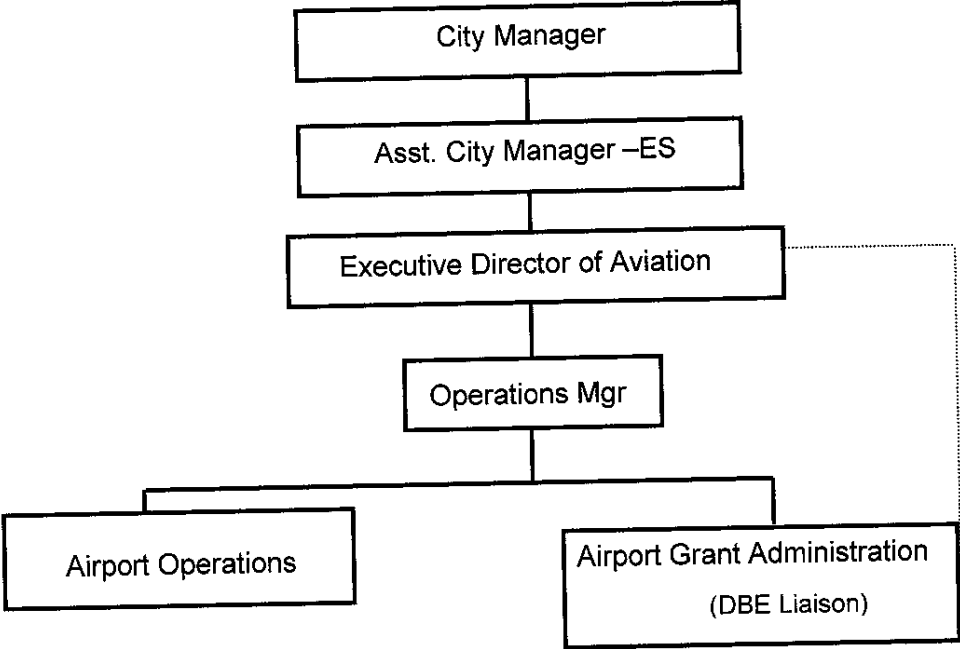
ATTACHMENTS

- Attachment 1 Bidder's List Collection Form
- Attachment 2 Organizational Chart
- Attachment 3 DBE Directory or link to DBE Directory
- Attachment 4 Goal Calculations

ATTACHMENT 1
Bidder's List Collection Form

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

ATTACHMENT 2
Organizational Chart



August 1, 2015

ATTACHMENT 3

Texas DBE Directory web link

The Texas DBE/ Unified Certification Program Directory can be found at the following web address:

<http://www.txdot.gov/business/partnerships/tucp.html>

ATTACHMENT 4

Section 26.45: DBE Three-Year Goal Methodology

1. Amount of goal

City of Killeen Department of Aviation DBE goal for FY 2016/2017/2018 (October 1, 2015 to September 30 2018) is: 12.87%.

The total dollar amount of DOT-assisted AIP Funded contracts the City of Killeen expects to have ongoing during the three year period is \$8,840,000.00:

2016 fiscal year has three projects planned totaling \$1,300,000.00; resulting in the estimated DBE dollar expenditure goal of \$167,310.00.

2017 fiscal year has two projects planned totaling \$3,770,000.00; resulting in the estimated DBE dollar expenditure goal of \$485,199.00.

2018 fiscal year has two projects planned totaling \$3,770,000.00; resulting in the estimated DBE dollar expenditure goal of \$485,199.00.

2. Methodology used to Calculate Goal

The following is a summary of the method used to calculate this goal:

Step 1: Obtain relative data from the DBE Directories and Census Bureau Data. The base figure was determined by dividing the total DBE firms in the local market area by the total of all firms (both compiled according to the relevant NAICS project codes). For these projects, the market area was determined to be state wide. A substantial majority (more than 75% of the bidders, contracts and subcontractors) come from this area and a substantial majority (more than 75% of the contracting dollars will be spent in this area).

Project No. 1: Master Plan Update

NAICS	Work Item	DBEs in Market Area	All Available Firms
541611	Management Service	156	5444
Totals		156	5444

$156 / 5444 = 2.9\%$

Project No. 2: Security System Enhancements

NAICS	Work Item	DBEs in Market Area	All Available Firms
541611	Management Service	156	5444

561621	Security Systems Services	2	604
Totals		158	6048

$$158 / 6048 = 2.6\%$$

Project No. 3: Terminal Building Boarding Bridges (Phase 1)

NAICS	Work Item	DBEs in Market Area	All Available Firms
541611	Management Service	156	5444
54131	Architectural Service	97	1352
Totals		253	6796

$$253 / 6796 = 3.7\%$$

Project No. 4: Land Acquisition

NAICS	Work Item	DBEs in Market Area	All Available Firms
541611	Management Service	156	5444
Totals		156	5444

$$156 / 5444 = 2.9\%$$

Project No. 5: Terminal Building Boarding Bridges (Phase 2)

NAICS	Work Item	DBEs in Market Area	All Available Firms
541611	Management Service	156	5444
54131	Architectural Service	97	1352
488119	Other Airport Operations	7	168
238290	Other Building Equipment Contractors	7	524
Totals		267	7488

$$267 / 7488 = 3.6\%$$

Project No. 6: Terminal Building Boarding Bridges (Phase 3)

NAICS	Work Item	DBEs in Market Area	All Available Firms
541611	Management Service	156	5444
54131	Architectural Service	97	1352
488119	Other Airport Operations	7	168
238290	Other Building Equipment Contractors	7	524
Totals		267	7488

$267 / 7488 = 3.6\%$

Project No. 7: Land Acquisition

NAICS	Work Item	DBEs in Market Area	All Available Firms
541611	Management Service	156	5444
Totals		156	5444

$156 / 5444 = 2.9\%$

Data Source: Texas Department of Transportation (DBEs in local market area) and the Census Data (All available firms).

Base figure is calculated by adding each project (contract) base figure and dividing by the number of projects (contracts).

$2.9 + 2.6 + 3.7 + 2.9 + 3.9 + 3.9 + 2.9 = 22.8 / 7 \text{ projects} = 3.3\%$

Following the procedure to add weight factors based on the construction estimate, an additional weight factor will be applied to each project's base figure goals, based on preliminary project budget estimates.

Project	Amount of Estimate	% of Total Estimate/ Weight Factor
Project No. 1	\$750,000.00	8%
Project No. 2	\$100,000.00	1%
Project No. 3	\$450,000.00	5%
Project No. 4	\$1,500,000.00	17%
Project No. 5	\$2,270,000.00	26%
Project No. 6	\$2,270,000.00	26%
Project No. 7	\$1,500,000.00	17%
TOTAL	\$8,840,000.00	100%

The base figure is calculated by multiplying each project's (contract) base figure by it's weight factor, and adding together.

Base figure = $(2.9 \times .8) + (2.6 \times .1) + (3.7 \times .5) + (2.9 \times .17) + (3.9 \times .26) + (3.9 \times .26) + (2.9 \times .17) = 7.44\%$

Data Source: Texas Department of Transportation (DBEs in local market area) and the Census Data.

Step 2: This step is intended to adjust the "base figure" percentage from Step 1 so it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination.

Not aware of a disparity study in this area nor knowing of any other factors which would warrant consideration in the adjustment, past year achievements for the past three (3) years were reviewed.

Fiscal Year	Goal	Accomplishment	Type of Work
FY 2015	0%	No Projects	
FY 2014	10%	18.29%	Prof. Services
FY 2013	0%	No Projects	

The averaged percentage of accomplishment over the past three years is 18.29%. When comparing this average with the proposed base figure for FY 2016/17/18, the adjusted goal is: 12.87%. Thus using the calculated base figure and the average percentage for the previous three years, the new goal maybe determined:

$$\frac{\text{base figure} + \text{avg percentage for last three (3) years}}{\text{\# of variables in numerator}} = \text{Annual Goal}$$

Therefore, $\frac{7.44 \% + 18.29 \%}{2} = 12.87\%$

3. Breakout of Estimated Race-Neutral and Race-Conscious Participation

It is estimated that, in meeting the goal of 12.87%, 10.22% from race-neutral participation and 2.65% from race-conscious measures will be obtained.

The following is a summary of the basis of the estimated breakout of race-neutral and race-conscious DBE participation. In FY 2013 no projects were accomplished, in FY 2014 the goal was surpassed by 10.22%. In FY 2015 no projects were accomplished. The average percentage to which the goal has been surpassed is 10.22%, which will be used as the race-neutral participation measure.

For the race-conscious measure, the difference between the goal (12.87%) and the average percentage of surpassed goals for the last three (3) years (10.22%) will be used, which is 2.65%.

4. PUBLIC PARTICIPATION

A. Consultation

In establishing the goal, the Airport will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the Airport's goal setting process, this will occur before submitting our goal methodology to the operating administration

August 1, 2015

for review. The Airport will document in its goal submission the consultation process that was engaged; this goal will not be implemented until this requirement has been complied with.

The Airport submits its DBE three-year goal to the FAA/DOT on a three (3) year cycle, due the 1st of August every three (3) years containing the goal for the next three(3) years.

Before establishing the goal, the Airport will consult with Killeen Chamber of Commerce, Central Texas Business Resource Center, Copperas Cove Chamber of Commerce and the Harker Heights Chamber of Commerce, without limiting consultation to these persons or groups, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs

Following the consultation, a notice will be published in the Killeen Daily Herald newspaper of the proposed goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the airport administration building for 30 days following the date of the notice, and, informing the public, the Airport and FAA/DOT will accept comments on the goals for 30 days from the date of the notice

The goal submission to the FAA/DOT will include a summary of information and comments received during this public participation process and responses, if any.

No comments have been received.

Sample Public Notice Language:

PUBLIC NOTICE

The Killeen-Fort Hood Regional Airport hereby announces its fiscal years 2016 through 2018 goal of 12.87% for Disadvantaged Business Enterprise (DBE) airport construction contracts. The proposed goal and rationale are available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at the Killeen-Fort Hood Regional Airport, 8101 S. Clear Creek Rd, Killeen, TX 76549 for 30 days from the date of this publication.

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

Brian C. Eaton Sr,
8101 S. Clear Creek Rd
Box C
Killeen, TX 76549
beaton@killeentexas.gov

AND

Federal Aviation Administration
Office of Civil Rights Staff
ATTN: Dolores P. Leyva
P.O. Box 92007, Los Angeles, CA 90009-2007
Dolores.leyva@faa.gov

B. Contract Goals

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

The will establish contract goals only on those FAA/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).

The Airport will express our contract goals as a percentage of the total amount of a FAA/DOT-assisted contract.