



CITY OF BOISE  
DEPARTMENT OF AVIATION  
**DBE Program**

*Revised January 1, 2018*

**City of Boise, Department of Aviation (Boise Airport)  
Disadvantaged Business Enterprise (DBE) Program  
49 CFR Part 26**

**Table of Contents**

POLICY STATEMENT (26.1, 26.23).....3

**SUBPART A - GENERAL REQUIREMENTS .....4**

OBJECTIVES (26.1) .....4

APPLICABILITY (26.3) .....4

DEFINITIONS (26.5).....4

NONDISCRIMINATION REQUIREMENTS (26.7).....4

RECORD KEEPING REQUIREMENTS (26.11) .....4

FEDERAL FINANCIAL ASSISTANCE AGREEMENT (26.13).....5

**SUBPART B - ADMINISTRATIVE REQUIREMENTS.....6**

DBE PROGRAM UPDATES (26.21).....5

POLICY STATEMENT (26.23) .....6

DBE LIAISON OFFICER (DBELO) (26.25) .....6

DBE FINANCIAL INSTITUTIONS (26.27).....7

PROMPT PAYMENT TO SUBCONTRACTORS (26.29).....7

DIRECTORY (26.31) .....7

OVER CONCENTRATION (26.33) .....8

BUSINESS DEVELOPMENT PROGRAMS (26.35) .....7

MONITORING AND ENFORCEMENT MECHANISMS (26.37) .....8

FOSTERING SMALL BUSINESS PARTICIPATION (26.39).....8

**SUBPART C - GOALS, GOOD FAITH EFFORT AND COUNTING .....8**

SET-ASIDES OR QUOTAS (26.43).....8

OVERALL GOALS (26.45) .....9

FAILURE TO MEET OVERALL GOALS (26.47) .....10

MEANS FOR MEETING OVERALL GOALS (26.51) .....11

GOOD FAITH EFFORTS (26.53).....	12
COUNTING DBE PARTICIPATION (26.55) .....	16
<b>SUBPART D - CERTIFICATION STANDARDS</b> .....	16
CERTIFICATION (26.61 - 26.73).....	16
<b>SUBPART E - CERTIFICATION PROCEDURES</b> .....	16
UNIFIED CERTIFICATION PROGRAMS (26.81-26.91) .....	16
<b>SUBPART F - COMPLIANCE AND ENFORCEMENT</b> .....	17
INFORMATION, CONFIDENTIALITY, COOPERATION (26.109).....	17

**Attachments**

- Attachment 1: 49 CFR part 26
- Attachment 2: Bidder’s List Survey
- Attachment 3: Organization Chart
- Attachment 4: Agreement Establishing the Idaho Unified Certification Program
- Attachment 5: Monitoring and Enforcement Mechanisms
- Attachment 6: Small Business Element
- Attachment 7: Report of Overall Goals (FY 2017 – 2019)
- Attachment 8: Uniform Certification Application and Other Certification Forms

**City of Boise, Department of Aviation (Boise Airport)  
Disadvantaged Business Enterprise (DBE) Program  
49 CFR Part 26**

**Policy Statement (26.1, 26.23)**

The City of Boise, Department of Aviation, hereafter referred to as Boise Airport or the Airport, has established a Disadvantaged Business Enterprise Program in accordance with U.S. Department of Transportation (DOT), regulations 49 CFR Part 26. Boise Airport receives Federal financial assistance from the DOT, and as a condition of receiving this assistance, Boise Airport signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of Boise Airport to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also the Airport's 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 meet the 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; and
6. To assist in the development of firms that can compete successfully in the marketplace outside the DBE Program.

The Deputy Director of Facilities and Engineering has been designated as Boise Airport's Liaison Officer for the DBE Program. The DBE Liaison Officer is responsible for implementing all aspects of the DBE program. Implementation of the program is accorded the same priority as compliance with all other legal obligations incurred by Boise Airport in its financial assistance agreements with the Department of Transportation.

Boise Airport has distributed this policy statement to the Mayor and City Council and all of the relevant components of our organization. Boise Airport has also distributed this statement to DBE and non-DBE businesses that perform work for Boise Airport on DOT-assisted contracts. Copies of this statement and the DBE Plan are also available on Boise Airport website.

  
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Rebecca L. Hupp  
Airport Director

  
\_\_\_\_\_

Date

## **SUBPART A - GENERAL REQUIREMENTS**

### **Objectives (26.1)**

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

### **Applicability (26.3)**

Boise Airport is the recipient of federal airport funds authorized by 49 U.S.C. 47101, et seq.

### **Definitions (26.5)**

The terms used in this program have the meanings as defined in 49 CFR 26.5.

### **Nondiscrimination Requirements (26.7)**

Boise Airport will never exclude any person from participation in, deny any person the benefits of or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, Boise 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.

### **Record Keeping Requirements (26.11)**

#### **Reporting to DOT (26.11(a and b))**

Boise Airport will report DBE participation to DOT/FAA as follows:

- Boise Airport will transmit to FAA annually on December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form. This information will be transmitted electronically via the Civil Rights Online Reporting System (Civil Rights Connect).
- Boise Airport will also report the DBE Contractor firms contact information online through the Civil Rights Connect System.

#### **Bidders List (26.11(c))**

Boise 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 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 and a range of annual gross receipts of firms.

Bidders for all DOT-assisted contracts will be asked to submit information listing this information through surveys conducted post-contract-award. The Bidder’s List Survey is included in the document as Attachment 2.

## **Federal Financial Assistance Agreement (26.13)**

Boise Airport has signed the following assurance, applicable to all DOT-assisted contracts:

### Assurance (26.13(a))

Each financial assistance agreement with FAA will include the following assurance:

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

This language will also appear in any financial assistance agreement with sub-recipients.

### Contract Assurance (26.13(b))

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

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (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**

### **DBE Program Updates (26.21)**

As long as Boise Airport receives FAA grants for airport planning or development and awards prime contracts exceeding \$250,000 in FAA funds each Federal fiscal year, Boise Airport will utilize this

approved program. Boise Airport will provide to DOT updates representing significant changes in the program for approval.

### **Policy Statement (26.23)**

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

### **DBE Liaison Officer (DBELO) (26.25)**

Boise Airport's DBE Liaison Officer is:

Matt Petaja  
Deputy Airport Director  
3201 Airport Way, Suite 1000  
Boise, ID 83705  
Phone - (208) 972-8392  
Email: mpetaja@cityofboise.org

The DBE Liaison Officer ("DBELO") is responsible for implementing all aspects of the DBE program and ensuring compliance with all provisions of 49 CFR Part 26. The DBE Liaison Officer has direct, independent access to the Airport Director concerning DBE program matters.

An organization chart may be found in Attachment 3 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program in coordination with other appropriate staff and consultants. Duties and responsibilities include the following:

1. Report DBE related data and other information as required by DOT/FAA.
2. Review contracts and purchase requisitions for compliance with this program.
3. Set overall annual goals and contract-specific goals.
4. Ensure that notices and requests for bids/proposals are available to DBEs in a timely manner.
5. Identify federally assisted contracts and solicitations, so that DBE goals are included in these documents (both race-neutral methods and contract specific goals) and monitor the results.
6. Analyze Boise Airport's progress toward goal attainment.
7. Participate in pre-bid/proposal meetings.
8. Advise Boise Airport's Director of DBE matters and achievements.
9. Determine/monitor contractor compliance with good faith efforts.
10. Provide DBEs with information for obtaining bonding and insurance.
11. Verify DBE certification with the Idaho Unified Certification Program.
12. Provide outreach to DBEs to advise them of opportunities.
13. Conduct periodic compliance reviews.

### **DBE Financial Institutions (26.27)**

Boise Airport will periodically investigate the 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. Boise Airport has made the following efforts to identify and use such institutions:

Boise Airport has identified, through the Federal Reserve Board, that there are no minority and/or women owned banks located in the State of Idaho. Boise Airport will check the Federal Reserve Board list annually. If available, Information on any such institutions will be made available at pre-bid conferences.

### **Prompt Payment to Subcontractors (26.29)**

Boise Airport will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contract receives from the Airport. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Boise Airport. This clause applies to both DBE and non-DBE subcontracts.

The failure of contractors to pay subcontractors as stated in this clause will be considered a breach of contract subject to any and all remedies available to the Airport.

### **Directory (26.31)**

Boise Airport is a member of the Idaho Unified Certification Program's ("IUCP") Review Board. The Idaho Transportation Department ("ITD") maintains the DBE/ACDBE Directory on behalf of the IUCP. For each certified DBE or ACDBE, 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 or ACDBE. The IUCP Directory is available online and contains a searchable database. The IUCP Directory website is included in bid specifications for DOT-assisted contracts. The website address is: <https://itd.dbesystem.com>.

### **Over Concentration (26.33)**

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

### **Business Development Programs (26.35)**

Boise Airport has not established a business development program.



## **Monitoring and Enforcement Mechanisms (26.37)**

Boise Airport will implement the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

The following specific procedures are established to monitor compliance after contract award:

1. Boise Airport will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. Boise Airport will consider similar action under our own legal authorities. [Attachment 5](#) 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 procurement activities.
3. Boise Airport will monitor contract work to ensure that work committed to DBEs at contract award is actually performed by the DBEs. The Contractor shall report DBE participation on a quarterly basis with their progress payment request. This mechanism will provide for a running tally of actual DBE attainment (e.g., the payment actually made to DBE firms), including a means of comparing these attainments to commitments. The DBELO or the Project Manager will verify with the DBE at minimum on a quarterly basis the contract amount and payment to the DBE reported by the contractor. . The DBELO or the Project Manager will also conduct periodic site visits to ensure that work committed to DBEs is actually performed by DBEs. Each site visit will be documented.
4. In reports of DBE participation to DOT, Boise Airport will show both commitments and attainments, as required by the DOT reporting form.
5. When the contractor is found to be in non-compliance, and informal resolution procedures have failed to demonstrate that the contractor has made every effort to resolve the issues(s) of non-compliance, Boise Airport will employ necessary and reasonable actions under its authority to ensure that the DBE requirements are enforced.

## **Fostering Small Business Participation (26.39)**

Boise Airport has established a Small Business Element designed to structure contracting requirements to facilitate competition by small business concerns. The Small Business Element has been developed as part of the DBE Program. The Small Business Element will operate in a race-neutral manner and will not replace the DBE Program, but will provide an additional race neutral method for achieving DBE participation. The Small Business Element is attached hereto as [Attachment 6](#).

## **SUBPART C - GOALS, GOOD FAITH EFFORT AND COUNTING**

### **Set-Asides or Quotas (26.43)**

Boise Airport will not use set asides or quotas in any way in the administration of this DBE Program.

## Overall Goals (26.45)

Boise Airport will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding FAA funded prime contracts exceeding \$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) Boise Airport will submit its Overall Three-year DBE Goal to FAA by August 1 as required by the established schedule below.

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Large & Medium Hub Primary	All Regions	August 1, 2016 (2017/2018/2019)	August 1, 2019 (2020/2021/2022)
<b>Small Hub Primary</b>	<b>All Regions</b>	<b>August 1, 2020 (2021/2022/2023)</b>	<b>August 1, 2023 (2024/2025/2026)</b>
Non-Hub Primary	All Regions	August 1, 2018 (2019/2020/2021)	August 1, 2021 (2022/2023/2024)
Non-Primary (GAs, Relievers and State DOTs)	Central, Southwest, and Western-Pacific	August 1, 2018 (2019/2020/2021)	August 1, 2021 (2022/2023/2024)

Boise Airport establishes an overall triennial goal if we anticipate that we will award prime contracts exceeding \$250,000 in FAA funds in any Federal fiscal year during the goal period. If Boise Airport does not anticipate awarding more than \$250,000 in FAA funds in prime contracts within any Federal fiscal year covered by the goal period, we will not develop an overall goal; however, the existing DBE Program will remain in effect and Boise Airport will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Boise Airport will establish goals in accordance with 49 CFR Part 26.45. A description of the methodology to calculate the overall goal and the goal calculations can be found in [Attachment 7](#) to this program.

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.

In establishing the overall goal, Boise Airport will 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 Boise Airport’s efforts to establish a level playing field for the participation of DBEs. The consultation will must include a scheduled, direct, interactive exchange with as many interested stakeholders focused on obtaining information relevant to the goal setting process. Consultation will occur before submitting our methodology and goals to the FAA for review. We will document in our goal submission the consultation process we engaged in. We will not implement our proposed goal until we have complied with this requirement. We will publish a notice announcing our proposed overall goal before submission to the FAA. The notice will be posted on our

official Internet Website. If the proposed goal changes following review by the operating administration, the revised goal will be posted on our official Internet Website.

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. Boise Airport will begin using our overall goal on October 1 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 description of the methodology used to calculate the overall goal and the goal calculations can be found in Attachment 7.

### **Failure to Meet Overall Goals (26.47)**

Boise Airport will maintain an approved DBE Program and overall DBE goal and will administer the DBE Program in good faith to be considered to be in compliance with this part.

If the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, Boise Airport will:

1. Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
2. Establish specific steps and milestones to correct any problems identified in the analysis and to enable the goal for the new fiscal year to be met;
3. Boise Airport will maintain the analysis and corrective actions developed as a result of any such shortfall on file for a period of not less than three (3) years and will provide the analysis and corrective actions to the FAA upon request.

### **Means for Meeting Overall Goals (26.51)**

#### **Breakout of Estimated Race-Neutral and Race-Conscious Participation (26.51 (a-c))**

Boise Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. Race-neutral means used by Boise Airport include:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses;
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);

3. Providing technical assistance and other services, including: offering instructions and clarification on bid specifications, procurement policy, procedures, and general bidding requirements; maintaining a file of successful bid documents from past procurements and permitting potential participants to review and evaluate such documents; and conducting debriefing, to explain why certain bids were unsuccessful.
4. Provide information on contracting procedures and specific contract opportunities including: routinely issuing projected procurement information; providing instructions and clarification on job performance requirements; providing information and assistance on certification procedures, subcontracting practices, bonding requirements; and providing information on the Airport organization, functions and its full range of contractual needs;
5. Ensuring distribution of the IUCP DBE directory to the widest feasible universe of potential prime contractors;
6. Conducting outreach to DBE firms on Boise Airport's web site, and dissemination at ITD business promotions.
7. Implementation of the Small Business Element under Section 26.39.

The breakout of estimated race-neutral and race conscious participation can be found in Attachment 7.

The estimated breakout of race-neutral and race-conscious participation will be adjusted as needed to meet DBE participation goals. Race-neutral and race-conscious participation will be tracked and reported 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.

### Contract Goals (26.51 (d - e))

Boise Airport will arrange solicitations in ways that provide opportunities for participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39.

Boise Airport will use contract goals to meet any portion of the overall goal that Boise Airport does not project being able to meet using race-neutral 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 Boise Airport's overall goal that is not projected to be met through the use of race-neutral means.

Boise Airport may establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. It need not establish a contract goal at the same percentage level as the overall goal. The goal for a specific contract may be higher or lower than that percentage level of the

overall goal, depending on such factors as the type of work involved, the size of the contract and the availability of DBEs to perform the particular type of work.

Boise Airport will calculate goals based on the Federal share of DOT-assisted contracts but will express its contract goals as a percentage of the total amount of a DOT-assisted contract (i.e. an adjustment will be made to apply the calculated goal to the entire project). Boise Airport understands that DBE goals apply only to the federally funded portion of the contract.

### Adjusting the Use of Contract Goals (26.51 (f))

To ensure that the DBE program continues to be narrowly tailored to overcome the effects of discrimination, Boise Airport will adjust the use of contract goals as follows:

1. If the approved projection of the portion of the goal to be met through race-neutral means estimates that the entire overall goal for a given year can be met through race-neutral means, Boise Airport will implement the program without setting contract goals during that year, unless it becomes necessary in order meet the overall goal.
2. If, during the course of any year in which contract goals are being used, Boise Airport determines that the overall goal will be exceeded, the use of contract goals will be reduced or eliminated to the extent necessary to ensure that the use of contract goals does not result in exceeding the overall goal. If it is determined that there will be a short fall of the overall goal, then Boise Airport will make appropriate modifications in the use of race-neutral and/or race-conscious measures to allow the overall goal to be met.
3. If the DBE participation obtained by race-neutral means alone meets or exceeds the overall goals for two consecutive years, contract goals will not be set on any contracts in the next year. Only race-neutral means will be used to meet the overall goals unless and until the overall goal is not met.
4. If DBE participation exceeds the overall goal in two consecutive years through the use of contract goals (*i.e.* not through the use of race-neutral means alone), Boise Airport will reduce the use of contract goals proportionately in the following year.

### **Good Faith Efforts (26.53)**

#### Demonstration of Good Faith Efforts (26.53 (a) & (c))

It is the obligation of the bidder/offeror to make good faith efforts to meet an established DBE contract goal, if any. 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 Attachment A to 49 CFR Part 26.

Boise Airport's DBE Liaison Officer is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

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

### Information To Be Submitted (26.53(b))

Boise Airport treats bidder/offeror's compliance with good faith effort requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established requires the offeror to submit the following information at the time of bid with the bid/proposal:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm 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 contractor's commitment and,
6. If the contract goal is not met, evidence of good faith efforts.

### Administrative Reconsideration (26.53(d))

Within 7 business days of being informed by Boise Airport 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:

Colin Milar  
Boise City Purchasing Manager  
150 North Capital Blvd  
Boise, ID 83702  
Phone - (208) 972-8385  
Email: [cmilar@cityofboise.org](mailto:cmilar@cityofboise.org)

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. 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 will be sent to the bidder/offeror. 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 and g))

Boise Airport requires that a prime contractor not terminate a DBE subcontractor listed in its bid, or a previously approved substituted DBE, without the prior written consent of Boise Airport. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. 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, nondiscriminatory 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 lack of public works license or suspension and debarment proceedings pursuant 2 CFR Parts 180, 215 and 1,200 or applicable state law;
6. Boise Airport has determined that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides Boise Airport written notice of its withdrawal;
8. The listed DBE is ineligible to receive DBE credit for the type of work required;

9. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
10. Other documented good cause that Boise Airport determines 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 seeking approval to terminate and/or substitute a DBE, Boise Airport will require the prime Contractor to give notice in writing to the DBE subcontractor, with a copy to Boise Airport, of its intent to request to terminate and/or substitute, and the reason for the request.

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

Boise Airport will require a Contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal.

Boise Airport requires 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 to obtain a DBE replacement contractor. The Contractor shall request administrative approval of the substitution prior to making a change in the contract.

If a Contractor fails or refuses to comply with the contract's DBE provisions, Boise Airport shall impose (in accordance with Part 26) appropriate sanctions, including, but not limited to, withholding all or part of payments/work or terminating the contract, if corrective action is not taken within forty-eight (48) hours after notification by Boise Airport. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

If a contract goal is established for a project, the following language will be included in the bid specifications:

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



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.

### **Counting DBE Participation (26.55)**

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

## **SUBPART D - CERTIFICATION STANDARDS**

### **Certification (26.61 - 26.73)**

Boise Airport is not a certifying agency. Boise Airport accepts the certification of the Idaho Unified Certification Program, administered by the Idaho Transportation Department ("ITD"). ITD uses the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts.

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

Idaho Transportation Department  
Civil Rights Office, DBE Certification  
PO Box 7129  
Boise, ID 83707  
Phone - (208) 334-8884

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

ITD utilizes the Uniform Certification Application for DBE/ACDBE certification applications. The link to ITD certification application forms and documentation requirements are found in Attachment 8 to this program.

## **SUBPART E - CERTIFICATION PROCEDURES**

### **Unified Certification Programs (26.81-26.91)**

#### Unified Certification Programs (26.81)

Boise Airport is a member of the Idaho Unified Certification Program managed by ITD. The UCP will meet all of the requirements of this section. The UCP Agreement is included as Attachment 4.

## **SUBPART F - COMPLIANCE AND ENFORCEMENT**

### **Information, Confidentiality, Cooperation (26.109)**

Boise Airport will safeguard from disclosure to third parties information that may reasonably be regarded and/or is designated as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any provision of Federal or state law, Boise Airport 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.

The identity of complainants shall be kept confidential, at their election. If such confidentiality will hinder the investigation, proceeding or hearing, or result in a denial of appropriate administrative due process to other parties, the complainant must be advised for the purpose of waiving the privilege. Complainants are advised that, in some circumstances, failure to waive the privilege may result in the closure of the investigation or dismissal of the proceeding or hearing.

### **Monitoring Payments to DBEs**

Boise 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 Boise Airport or DOT. This reporting requirement also extends to any certified DBE subcontractor.

Boise Airport may perform 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.

**49 CFR Part 26**

The Department of Transportation (DOT) Disadvantaged Business Enterprise Program (DBE) is administered under 49 CFR part 26, PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS. The regulation is available at:

[http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl)

**Bidder's Survey**

Please complete the following information for each firm that submitted a bid to your firm in connection with Project Number \_\_\_\_\_.

Name of Firm: \_\_\_\_\_

Street Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Primary NAICS Code: \_\_\_\_\_

Year firm started Business in Idaho: \_\_\_\_\_

Select from the following options, the job that demonstrates your primary business emphasis.

Please select only one.

- |   |                                     |
|---|-------------------------------------|
| <input type="checkbox"/> Primary Bidder | <input type="checkbox"/> Consultant |
| <input type="checkbox"/> Sub Contractor | <input type="checkbox"/> Supplier   |
| <input type="checkbox"/> Manufacturer   | <input type="checkbox"/> Trucker    |

Please select from the ranges provided, the firm's annual gross receipts for the most current year available:

- Less than \$1 million
- Between \$1 and \$5 million
- Between \$5 and \$10 million
- Between \$10 and \$15 million
- Over \$15 million

Indicate the most current year: \_\_\_\_\_

Is your firm certified as a DBE by the Idaho Unified Certification Program (ITD)?  Yes  No

**City of Boise, Department of Aviation  
Organizational Chart**

**AGREEMENT ESTABLISHING  
THE IDAHO UNIFIED CERTIFICATION PROGRAM  
FOR THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

THIS AGREEMENT is made and entered into by and between the attached listed Recipients and the Idaho Transportation Department (ITD), each a recipient as that term is defined by 49 CFR Part 26.81 and in accordance with the ITD approved Disadvantaged Business Enterprise (DBE) Program.

WHEREAS, 49 CFR Part 26.81 requires federal transportation fund recipients of a state to create a Unified Certification Program (UCP) as part of each recipient's DBE program; and

WHEREAS, the parties require certification, recertification, and decertification of firms as a DBE; and

WHEREAS, all recipients of federal transportation funds in this state are covered by the requirements of 49 CFR Part 26.81, and are also required to participate in a Unified Certification Program; and

WHEREAS, the parties desire to join together for cooperative action pursuant to carrying out the requirements of 49 CFR Part 26 and to establish an Idaho Unified Certification Program (IUCP); and

WHEREAS, the governing board of each party has by resolution authorized the entering into of the Agreement and the establishment of the IUCP; and

WHEREAS, by that agreement each current recipient and/or future recipients identified by the ITD are bound by the requirements of the IUCP and agree to abide by the requirements of the IUCP which is a continuation of the ITD current and previous process.

NOW, THEREFORE, in consideration of the mutual promises and benefits that each party shall derive therefrom, the parties agree as follows:

**ARTICLE I**

PURPOSES

The parties have entered into this Agreement for the purposes of creating an Idaho Unified Certification Program (IUCP) to be administered by the Idaho Transportation Department Equal Employment Opportunity Office (ITD/EEEO). The ITD/EEEO will oversee the process for designation of a Certification Committee as stated in the approved ITD DBE Program under section III DBE Certification Process, A. Certification Committee. This Certification Committee will perform DBE certification, recertification, and decertification for Idaho recipients.

**ARTICLE II**

SERVICES

Section 2.1. Idaho Unified Certification Program

The IUCP is hereby created and implemented in accordance with 49 CFR Part 26.81, as amended.

- a. The IUCP will follow all certification, recertification, and decertification procedures in accordance with the certification standards of CFR 49, Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 as applied by the ITD in its DBE Program. This is addressed in the DBE Program Plan in Section III. DBE Certification Process C. Application Procedure for Certification as follows:
- i. Applications are available from the ITD DBE Coordinator in the ITD Equal Employment Opportunity Office, the EEO Safety Training Coordinators (EST) in the ITD District Offices, or on the ITD Equal Employment Opportunity Website.
  - ii. Applications with backup documentation are submitted to the ITD DBE Coordinator in the ITD Equal Employment Opportunity Office at 3311 W. State Street, Boise, Idaho 83703-1129.
  - iii. The DBE Coordinator reviews the application and documentation to verify that the information is complete and then requests that the appropriate EST perform an on-site review.
  - iv. The Certification Committee will meet every thirty (30) days or sooner if necessary. The Certification Committee will make eligibility decisions within 90 days of receipt of all required information.
  - v. Out of state firms applying for certification must be certified within their home state to qualify for the Idaho program. On-site-reviews from the out-of-state applicant will be accepted from the home state certification entity. All other functions of the certification process for an out-of-state firm are the same as identified above.
  - vi. A firm that believes that they have been wrongly denied certification may appeal in writing to the United States Department of Transportation, Office of Civil Rights, 400 7<sup>th</sup> Street, S.W., Room 2401, Washington, D.C. 20590. Appeals must be submitted within ninety (90) days after certification has been denied.
  - vii. A firm that receives a Notice of Intent to Decertify may request an informal hearing by the selected Hearing Officer. Requests for an oral hearing need be submitted within 10 days of the notification and will be conducted within 30 days of receipt of the request. A hearing request for written arguments must be submitted within 30 days and then the selected Hearing Officer will make a decision within 30 days from receipt of the request. Any request for a hearing must be directed to the Equal Employment Opportunity Manager (EEOM) at the Idaho Transportation Department, 3311 West State Street, Boise, Idaho 83703-1129.
  - viii. The Idaho electronic DBE Directory located on the ITD website will be updated with additions, deletions, and other changes as they occur. In addition to this update interested members of the IUCP will be notified of changes as they occur.

- b. The IUCP will cooperate fully with oversight, review and monitoring activities of the United States Department of Transportation (USDOT) and its operating administrations.
- c. The IUCP will implement USDOT directives and guidance concerning certification, recertification, and decertification procedures in accordance with the certification standards of CFR 49, Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 as applied by the approved ITD DBE Program Plan.
- d. Each recipient party to this Agreement shall ensure that the IUCP has sufficient resources and expertise to carry out the requirements of 49 CFR Part 26. The ITD/CRO currently is receiving appropriate resources to provide the needed actions to meet the requirements of 49 CFR Part 26 in the establishment and implementation of the IUCP.
- e. The IUCP will be fully implemented within 120 days of the Secretary's approval of the IUCP on the following schedule:
  - i. Within 90 days of the Secretary's approval of the IUCP, each party to this agreement will begin to utilize the unified procedures set forth in the IUCP Agreement.
  - ii. Within 120 days after the Secretary's approval of the IUCP, the Committee will begin to meet on a regular basis as required to certify DBE applicants.
  - iii. Within 60 days after the Secretary's approval the IUCP will post the unified DBE Directory on it's website.

#### Section 2.2. Idaho Unified Certification Committee

The ITD/EEOM is identified as the administrator of the IUCP and responsible for the process for designation of the Certification Committee (Committee) which is established to administer the IUCP certifications as required by the approved ITD DBE Program Plan and CFR 49 Part 26, Subpart D and Subpart E.

#### Section 2.3. DBE Directory

The DBE Directory will be maintained in electronic format by the Idaho Transportation Department, DBE Supportive Services Office. The Directory will be available to the public through the ITD website. Each recipient will provide a link on its website to the ITD website. Upon a written request the ITD will distribute a printed copy to any recipient to be made available to the public upon request. In addition to this update interested members of the IUCP will be notified of changes as they occur.

#### Section 2.4. Classification of Business and Financial Information

Each recipient under this Agreement shall safeguard from disclosure to unauthorized person information that may reasonably be considered confidential business information consistent with Federal, State and local law.



**ARTICLE III**

**TERM AND SCOPE OF AGREEMENT**

Section 3.1. Term

This agreement shall be effective immediately upon its execution by all the parties hereto and the approval of the IUCP by the Secretary of the USDOT. This Agreement and the IUCP shall continue in force as long as required by federal laws and regulations, unless terminated pursuant to Section 3.2. of the Agreement.

Section 3.2. Early Termination

Any party to this Agreement may terminate its relationship to the IUCP upon a showing of non-recipient status, provided approval is given by USDOT for such termination.

Section 3.3. Limited Agreement

This Agreement is limited in scope and nothing contained in this Agreement shall imply any relationship between any of the signing parties beyond the creation and implementation of the IUCP.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below and attached:

**IDAHO TRANSPORTATION DEPARTMENT**

BY: \_\_\_\_\_  
DAVID S. EKERN, P.E., Director

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Legal Counsel

## **Monitoring and Enforcement Mechanisms**

Boise Airport has available remedies to enforce the DBE requirements contained in its contracts, including, but not limited to:

Breach of contract action, pursuant to the terms of the contract.

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

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

City of Boise  
Department of Aviation

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Small Business Element

## I. SMALL BUSINESS ELEMENT

The City of Boise (“Boise Airport”) is committed to ensuring that small businesses are offered an equitable opportunity to participate in the contracting and procurement process. Boise Airport has a long history of supporting small businesses, including DBEs for projects that include federal funding. This Small Business Element was created as part of the DBE Program to provide additional opportunities for small businesses to participate in contracting at airports operated by Boise Airport.

Boise Airport’s Small Business Element as described herein, applies to federally funded contracts and expenditures. The Small Business Element does not replace the DBE Program. It operates as a race-and gender-neutral tool that may assist small businesses, including DBEs, in contracting opportunities on federally funded airport projects.

This Small Business Element is not intended to discriminate against any company or groups of companies. The Small Business Element is open to participation without regard to race, color, sex, religion, national or ethnic origin, age, disability or geographic location and is designed to foster small businesses while maintaining race and gender neutral measures in their operations.

## II. AUTHORIZATION

In accordance with the regulations governing the U.S. Department of Transportation (DOT) Disadvantaged Business Enterprise (DBE) Program, Boise Airport is required to set triennial overall DBE goals for contracts that are funded in whole or in part with federal funds. Boise Airport is obligated to meet the maximum feasible portion of its overall goal through race and gender neutral means of facilitating DBE participation (49 CFR § 26.51). In January 2011, 49 CFR part 26 was amended and the following section entitled “Fostering Small Business Participation” was added:

**§ 26.39 Fostering small business participation.**

- (a) Your DBE program must include 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.*
- (b) This element must be submitted to the appropriate DOT operating administration for approval as a part of your DBE program by February 28, 2012. As part of this program element you may include, but are not limited to, the following strategies:*
- (1) Establishing a race-neutral small business set-aside for prime contracts under a stated amount ( e.g., \$1 million).*
  - (2) In multi-year design-build contracts or other large contracts ( e.g., for “megaprojects”) requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.*
  - (3) On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.*
  - (4) Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.*
  - (5) To meet the portion of your overall goal you project to meet through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.*
- (c) You must actively implement your program elements to foster small business participation. Doing so is a requirement of good faith implementation of your DBE program.*

This Small Business Element has been developed in compliance with the above stated sections of 49 CFR part 26 and further guidance issued by DOT in December 2011.

### III. NON-DISCRIMINATION

It is the policy of Boise Airport, that their contractors and subcontractors shall not discriminate on the basis of race, color, religion, national origin, or sex in the award and performance of contracts and subcontracts and to remove barriers for small businesses, including businesses owned by minority, women and disadvantaged individuals, to compete for contracts and subcontracts awarded by the Airport.

It is the policy of Boise Airport to support the growth and development of small businesses, including those owned by minority, women and disadvantaged individuals that can successfully compete for prime contracting opportunities at the Airports.

This Small Business Element has been developed in furtherance of these policies.

### IV. SMALL BUSINESS ENTERPRISE DEFINITION

A Small Business Enterprise (SBE) shall be defined as follows:

An SBE, is 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 49 CFR part 26, §26.65(b).

CFR Part 26, §26.65(b) states as follows:

*Even if it meets the requirements of paragraph (a) of this section, a firm is not an eligible DBE in any Federal fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by SBA regulations (see 13 CFR 121.402), over the firm's previous three fiscal years, in excess of \$23.98 million.*

The SBA size standards may be found at:

[www.sbaonline.sba.gov/contractingopportunities/officials/size/table/index.html](http://www.sbaonline.sba.gov/contractingopportunities/officials/size/table/index.html)

### V. SMALL BUSINESS ENTERPRISE VERIFICATION

A firm who wishes to participate as an SBE on a Boise Airport project and has not been certified as a DBE or verified as an SBE within the preceding 12 months may apply for verification as an SBE by filing a SMALL BUSINESS ENTERPRISE (SBE) VERIFICATION FORM and submitting the form along with all required attachments at the time of bid.

Firms applying for verification as an SBE must provide all required information and documentation necessary to verify that they meet the definition of a Small Business Enterprise.

## VI. SCOPE

The intent of Boise Airport's Small Business Element is to provide fair opportunities for equal participation by small businesses in federally-funded Airport contracting and procurement opportunities.

The Small Business Element requires contractors to make good faith efforts to use small businesses in certain contracting and procurement opportunities. Good faith efforts will be measured utilizing guidance provided in 49 CFR part 26, Appendix A.

All construction, professional services, goods and general services solicitations that include federal funding shall be reviewed by the DBE Liaison Officer to determine opportunities for Small Business Enterprise (SBE) participation, when a race conscious contract goal is not set and a race neutral measure is used.

A decision to use race-neutral goals will be made in accordance with 49 CFR part 26.51, including a determination that race neutral methods are sufficient to meet Boise Airport's overall DBE goal. Boise Airport may determine that an SBE goal is an appropriate race neutral measure to be used for certain contracts. The criteria used to set a race neutral SBE goal shall include small business capacity, small business availability, nature of the contract, past experiences with small business participation with similar contracts, price competitiveness, and subcontracting opportunities. Procedures for implementation, including good faith efforts requirements and information submitted with bid and reporting procedures shall be consistent with procedures utilized in Boise Airport's DBE Program under a race neutral environment. Good faith efforts to achieve a race neutral goal shall apply only when an SBE goal has been set for a project. Other race neutral methods, including those listed in 49 CFR part 26, §26.51, are not subject to good faith efforts on the part of the bidder.

The program also requires airport staff to consider unbundling of contracts when feasible. Boise Airport seeks to avoid unnecessary and unjustified bundling of contract requirements that preclude small business participation in procurements as prime contractors. To achieve this, multi-trade projects estimated to exceed \$5 million will be reviewed for potential unbundling to provide for a reasonable number of opportunities available to facilitate participation by small businesses. The DBE Liaison Officer, in coordination with project management, will provide a recommendation for unbundling based on a determination that there are a sufficient number of qualified SBE firms available to perform the contract(s) which would result from unbundling. The Project Manager will have the opportunity to review the recommendation for unbundling to validate that the recommendation provides a viable economic opportunity for potential bidders and to assess the impact on the overall project cost. If the recommendation is determined to be cost prohibitive, does not represent viable opportunities to potential bidders, or cannot be unbundled for other reasons, the Project Manager will document the reasons for not implementing the recommendation.

## VII. TRACKING SBE PARTICIPATION

Boise Airport will monitor and track participation by SBEs in federally-funded projects. Only small businesses that are also certified as DBEs will be counted, as race-neutral participation,

towards the Airport's overall DBE goal. Participation by SBEs who are not certified as DBEs will be tracked, but not reported to the FAA. Race- and gender- neutral DBE participation obtained through the Small Business Program will be included in the Airport's Annual Report of Accomplishments and will be calculated by dividing the total dollars to DBEs achieved through the small business program by the total federal dollars.

### VIII. COMPLIANCE PROCEDURES

Monitoring and enforcement procedures applicable to a race neutral environment for this element of the DBE Program will be implemented as indicated in the Airport's DBE Program as they pertain to a race neutral environment.

### IX. TECHNICAL ASSISTANCE/BUSINESS DEVELOPMENT RESOURCES

ITD provides technical assistance and business development resources to assist small businesses under its technical assistance program. In addition, the following resources are available to assist small businesses in Idaho:

1. Idaho Small Business Development Center  
<http://idahosbdc.org>
2. U.S. Small Business Administration Idaho Office  
<https://www.sba.gov/offices/district/id/boise>



## X. ASSURANCES

Boise Airport provides the following assurances regarding the development and implementation of the Small Business Element described herein:

1. The development of this Small Business Element is not prohibited by Idaho state law.
2. Certified DBEs are presumptively eligible to participate on any federally assisted procurement.
3. There will be no geographic preferences or limitations imposed on any federally assisted procurement.
4. There will be no limits on the number of contracts awarded to firms participating.
5. The Airport's Small Business Element is open to small businesses regardless of their location. There will be no local or other geographic preference.

**CITY OF BOISE  
BOISE AIRPORT  
PROPOSED DISADVANTAGED BUSINESS ENTERPRISE (“DBE”) GOALS  
FFY 2018 - FFY 2020**

***Airport Sponsor:*** City of Boise

***Airport:*** Boise Airport

***Name of Preparer:*** Cindy Olivares, Airport Concession Consultants

***Telephone Number:*** (818) 888-4634

***Goal Period:*** October 1, 2017 - September 30, 2020

**Overall DBE Goal for FAA-Assisted Projects:** Overall Goal – 2.4%  
Race-Conscious Goal – 0.0%  
Race-Neutral Goal – 2.4%

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## **DBE GOAL METHODOLOGY**

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This overall goal period for the City of Boise, Boise Airport (the “Airport”) Disadvantaged Business Enterprise (“DBE”) Program covers Federal Fiscal Years 2018 through 2020, a three-year period, beginning October 1, 2017 and ending September 30, 2020. The Overall DBE Goal for the three-year period has been set in compliance with the methodologies described in CFR 49 Part 26 and subsequent guidance. FAA funding for AIP projects is anticipated to be approximately \$44.6 million over the three-year period.

### **Geographic Region**

The relevant geographic market for contractors for Boise Airport projects is defined as the Idaho Transportation Department, District 3 because more than 75% of the companies performing projects (including federally-funded contracts) at the Airport over the last five years are based in this area. The Idaho Transportation Department, District 3 includes the following counties: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington. The methodology for determining the DBE goal is described below.

### **STEP 1 - DETERMINE A BASE FIGURE REPRESENTING THE RELATIVE AVAILABILITY OF DBEs.**

For Federal fiscal years 2018 through 2020, we anticipate the following projects to be awarded:

#### **FFY 2018**

- Taxiways M, C, G, D, E Rehabilitation and 10L Lights (Design, CA, and Construction)
- Taxi-lane F Rehabilitation and Relocate Vehicle Service Road Outside OFA
- Taxi-lane S Extension
- Taxiway S (phase 2) and Taxiway P (phase 1) (Design)
- SE Cargo Apron (Design)
- Sustainability Plan
- VALE, PC-Air Units

#### **FFY 2019**

- De-icing and Cargo Aprons Rehabilitation
- Acquire ARFF Vehicle
- Taxiway B Rehabilitation
- Improve Taxiway S to TDG 5
- Taxiway S Extension, FAA reimbursable agreement to relocate NAVAIDs
- Construct Taxiway P (phase 1) to SE Cargo Area, Construction (single user)
- SE Cargo Apron; Construction (single user)
- Part 150 Property Acquisition
- VALE Project

#### **FFY 2020**

- Taxiways J and H Rehabilitation
- Acquire Snow Removal Equipment
- Taxiway G Extension
- VALE
- Part 150 Noise Land Purchase

Each project was broken down by trade classification using the North American Industry Classification System (NAICS). The trade breakdown for the projects listed above is shown on Table 1.

Table 1 – AIP Projects/Trade Classifications			
Project	Trade	NAICS	Trade \$
Taxiways M, C, G, D, E Rehabilitation and 10L Lights (Design, CA, and Construction)	Engineering	541330	\$585,000
	General Contractor	237310	\$2,023,125
	Site Preparation	238910	\$585,000
	Paving	237310	\$1,218,750
	Electrical	238210	\$48,750
	Pipe Installation	237110	\$48,750
	Painting/Striping	237310	\$48,750
	Security	561612	\$73,125
	Storm Drains	237110	\$243,750
<b>Total Project</b>			<b>\$4,875,000</b>
Taxi-lane F Rehabilitation and Relocate Vehicle Service Road Outside OFA	General Contractor	237310	\$311,250
	Site Preparation	238910	\$90,000
	Paving	237310	\$187,500
	Electrical	238210	\$7,500
	Pipe Installation	237110	\$7,500
	Painting	237310	\$7,500
	Security	561612	\$11,250
	Storm Drains	237110	\$37,500
<b>Total Project</b>			<b>\$750,000</b>
Taxi-lane S Extension	Engineering	541330	\$135,000
	General Contractor	237310	\$213,750
	Site Preparation	238910	\$61,875
	Paving	237310	\$112,500
	Electrical	238210	\$5,625
	Pipe Installation	237110	\$5,625
	Painting/Striping	237310	\$2,813
	Security	561612	\$8,438
	Storm Drains	237110	\$16,875
<b>Total Project</b>			<b>\$562,500</b>

Table 1 – AIP Projects/Trade Classifications			
Project	Trade	NAICS	Trade \$
Taxiway S (phase 2) and Taxiway P (phase 1) (Design)	Engineering	541330	\$750,000
Total Project			\$750,000
SE Cargo Apron (Design)	Engineering	541330	\$438,281
	Surveying	541370	\$38,672
	Geotechnical	541380	\$36,094
Total Project			\$515,625
Sustainability Plan	Environmental Consultant	541620	\$281,000
Total Project			\$281,000
VALE, PC-Air Units	Engineering	541330	\$20,000
	Equipment Purchase	*N/A	\$100,000
	Concrete Foundation	238110	\$10,760
	Electrical	238210	\$63,600
	Framing	238130	\$3,600
	Masonry	238140	\$2,040
Total Project			\$200,000
Total FFY 2018			\$7,934,125
De-icing and Cargo Aprons Rehabilitation	General Contractor	237310	\$1,089,000
	Site Preparation	238910	\$363,000
	Paving	237310	\$641,300
	Electrical	238210	\$72,600
	Pipe Installation	237110	\$72,600
	Painting/Striping	237310	\$24,200
	Security	561612	\$36,300
	Storm Drains	237110	\$121,000
Total Project			\$2,420,000
Acquire ARFF Vehicle	Vehicle Purchase	*N/A	\$830,000
Total Project			\$830,000
Taxiway B Rehabilitation	General Contractor	237310	\$526,950
	Site Preparation	238910	\$175,650
	Paving	237310	\$310,315
	Electrical	238210	\$35,130
	Pipe Installation	237110	\$35,130
	Painting/Striping	237310	\$11,710
	Security	561612	\$17,565
	Storm Drains	237110	\$58,550
Total Project			\$1,171,000

Table 1 – AIP Projects/Trade Classifications			
Project	Trade	NAICS	Trade \$
Improve Taxiway S to TDG 5	General Contractor	237310	\$1,265,400
	Site Preparation	238910	\$421,800
	Paving	237310	\$745,180
	Electrical	238210	\$84,360
	Pipe Installation	237110	\$84,360
	Painting/Striping	237310	\$28,120
	Security	561612	\$42,180
	Storm Drains	237110	\$140,600
<b>Total Project</b>			<b>\$2,812,000</b>
Taxiway S Extension, FAA reimbursable agreement to relocate NAVAIDs	FAA Reimbursable	N/A	\$866,000
<b>Total Project</b>			<b>\$866,000</b>
Construct Taxiway P (phase 1) to SE Cargo Area, Construction (single user)	General Contractor	237310	\$2,109,150
	Site Preparation	238910	\$703,050
	Paving	237310	\$1,242,055
	Electrical	238210	\$140,610
	Pipe Installation	237110	\$140,610
	Painting/Striping	237310	\$46,870
	Security	561612	\$70,305
	Storm Drains	237110	\$234,350
<b>Total Project</b>			<b>\$4,687,000</b>
SE Cargo Apron; Construction (single user)	General Contractor	237310	\$2,299,050
	Site Preparation	238910	\$766,350
	Paving	237310	\$1,353,885
	Electrical	238210	\$153,270
	Pipe Installation	237110	\$153,270
	Painting/Striping	237310	\$51,090
	Security	561612	\$76,635
	Storm Drains	237110	\$255,450
<b>Total Project</b>			<b>\$5,109,000</b>
Part 150 Property Acquisition	Real Estate	531210	\$360,000
	Real Estate Appraiser	531320	\$120,000
	Surveying	541370	\$120,000
	Land Acquisition	N/A	\$5,400,000
<b>Total Project</b>			<b>\$6,000,000</b>
VALE Project	Engineering	541330	\$100,000
	Equipment Purchase	*N/A	\$200,000

Table 1 – AIP Projects/Trade Classifications			
Project	Trade	NAICS	Trade \$
	Concrete Foundation	238110	\$26,900
	Electrical	238210	\$159,000
	Framing	238130	\$9,000
	Masonry	238140	\$5,100
Total Project			\$500,000
Total FFY 2019			\$24,395,000
Taxiways J and H Rehabilitation	General Contractor	237310	\$1,800,000
	Site Preparation	238910	\$600,000
	Paving	237310	\$1,060,000
	Electrical	238210	\$120,000
	Pipe Installation	237110	\$120,000
	Painting/Striping	237310	\$40,000
	Security	561612	\$60,000
	Storm Drains	237110	\$200,000
Total Project			\$4,000,000
Acquire Snow Removal Equipment	Engineering	541330	\$67,500
	Equipment Purchase	*N/A	\$675,000
Total Project			\$750,000
Taxiways J and H Rehabilitation	General Contractor	237310	\$1,054,350
	Site Preparation	238910	\$351,450
	Paving	237310	\$620,895
	Electrical	238210	\$70,290
	Pipe Installation	237110	\$70,290
	Painting/Striping	237310	\$23,430
	Security	561612	\$35,145
	Storm Drains	237110	\$117,150
Total Project			\$2,343,000
VALE Project	Engineering	541330	\$93,600
	Equipment Purchase	*N/A	\$187,200
	Concrete Foundation	238110	\$25,272
	Electrical	238210	\$148,824
	Framing	238130	\$8,424
	Masonry	238140	\$4,680
Total Project			\$468,000
Part 150 Property Acquisition	Real Estate	531210	\$281,220
	Real Estate Appraiser	531320	\$93,740
	Surveying	541370	\$93,740

Table 1 – AIP Projects/Trade Classifications			
Project	Trade	NAICS	Trade \$
	Land Acquisition	N/A	\$4,218,300
Total Project			\$4,687,000
Total FFY 2020			\$12,248,000
Total FFY 2018-2020			\$44,577,125

\*No subcontracting opportunities for equipment purchase

DBE Availability for the trades included above has been calculated using Census Bureau Data (2015 County Business Patterns Data) and the DBE Directory published by the Idaho Unified Certification Program (“UCP”).

Table 2 - DBE Availability Percentages				
% OF DBE FIRMS VS. ALL FIRMS				
Trade	NAICS	Census	Directory	%
Water and Sewer Line and Related Structures Construction	237110	41	2	4.88%
Highway, Street & Bridge Construction	237310	36	3	8.33%
Poured Concrete Foundation and Structure Contractors	238110	101	1	0.99%
Framing Contractors	238130	123	0	0.00%
Masonry Contractors	238140	66	1	1.52%
Electrical Contractors	238210	206	2	0.97%
Site Preparation Contractors	238910	134	2	1.49%
Offices of Real Estate Agents and Brokers	531210	478	0	0.00%
Offices of Real Estate Appraisers	531320	64	1	1.56%
Engineering Services	541330	198	3	1.52%
Surveying and Mapping	541370	26	0	0.00%
Testing Laboratories	541380	16	2	12.50%
Environmental Consulting Services	541620	42	3	7.14%
Security Guards and Patrol Services	561612	16	0	0.00%

Weighting the project trade anticipated expenditures using the availability calculations shown in Table 2 results in the following:



Table 3 - DBE \$ based on Project Expenditures by Trade Classification X DBE Availability					
Project	Trade	NAICS	Trade \$	DBE %	DBE \$
Taxiways M, C, G, D, E Rehabilitation and 10L Lights (Design, CA, and Construction)	Engineering	541330	\$585,000	1.5%	\$8,775
	General Contractor	237310	\$2,023,125	8.3%	\$167,919
	Site Preparation	238910	\$585,000	1.5%	\$8,775
	Paving	237310	\$1,218,750	8.3%	\$101,156
	Electrical	238210	\$48,750	1.0%	\$488
	Pipe Installation	237110	\$48,750	4.9%	\$2,389
	Painting/Striping	237310	\$48,750	8.3%	\$4,046
	Security	561612	\$73,125	0.0%	\$0
	Storm Drains	237110	\$243,750	4.9%	\$11,944
<b>Total Project</b>			<b>\$4,875,000</b>	<b>6.3%</b>	<b>\$305,492</b>
Taxi-lane F Rehabilitation and Relocate Vehicle Service Road Outside OFA	General Contractor	237310	\$311,250	8.3%	\$25,834
	Site Preparation	238910	\$90,000	1.5%	\$1,350
	Paving	237310	\$187,500	8.3%	\$15,563
	Electrical	238210	\$7,500	1.0%	\$75
	Pipe Installation	237110	\$7,500	4.9%	\$368
	Painting/Striping	237310	\$7,500	8.3%	\$623
	Security	561612	\$11,250	0.0%	\$0
	Storm Drains	237110	\$37,500	4.9%	\$1,838
<b>Total Project</b>			<b>\$750,000</b>	<b>6.1%</b>	<b>\$45,649</b>
Taxi-lane S Extension	Engineering	541330	\$135,000	1.5%	\$2,025
	General Contractor	237310	\$213,750	8.3%	\$17,741
	Site Preparation	238910	\$61,875	1.5%	\$928
	Paving	237310	\$112,500	8.3%	\$9,338
	Electrical	238210	\$5,625	1.0%	\$56
	Pipe Installation	237110	\$5,625	4.9%	\$276
	Painting/Striping	237310	\$2,813	8.3%	\$233
	Security	561612	\$8,438	0.0%	\$0
	Storm Drains	237110	\$16,875	4.9%	\$827
<b>Total Project</b>			<b>\$562,500</b>	<b>5.6%</b>	<b>\$31,424</b>
Taxiway S (phase 2) and Taxiway P (phase 1) (Design)	Engineering	541330	\$750,000	1.5%	\$11,250
<b>Total Project</b>			<b>\$750,000</b>	<b>1.5%</b>	<b>\$11,250</b>
SE Cargo Apron (Design)	Engineering	541330	\$438,281	1.5%	\$6,574
	Surveying	541370	\$38,672	0.0%	\$0
	Geotechnical	541380	\$36,094	12.5%	\$4,512
<b>Total Project</b>			<b>\$515,625</b>	<b>2.2%</b>	<b>\$11,086</b>
Sustainability Plan	Environmental Consultant	541620	\$281,000	*N/A	\$0
<b>Total Project</b>			<b>\$281,000</b>	<b>0</b>	<b>\$0</b>
VALE, PC-Air Units	Engineering	541330	\$20,000	1.5%	\$300
	Equipment Purchase	N/A	\$100,000	N/A	\$0

Table 3 - DBE \$ based on Project Expenditures by Trade Classification X DBE Availability					
Project	Trade	NAICS	Trade \$	DBE %	DBE \$
	Concrete Foundation	238110	\$10,760	1.0%	\$108
	Electrical	238210	\$63,600	1.0%	\$636
	Framing	238130	\$3,600	0.0%	\$0
	Masonry	238140	\$2,040	1.5%	\$31
<b>Total Project</b>			<b>\$200,000</b>	<b>0.5%</b>	<b>\$1,074</b>
<b>Total FFY 2018</b>			<b>\$7,934,125</b>	<b>5.1%</b>	<b>\$405,975</b>
De-icing and Cargo Aprons Rehabilitation	General Contractor	237310	\$1,089,000	8.3%	\$90,387
	Site Preparation	238910	\$363,000	1.5%	\$5,445
	Paving	237310	\$641,300	8.3%	\$53,228
	Electrical	238210	\$72,600	1.0%	\$726
	Pipe Installation	237110	\$72,600	4.9%	\$3,557
	Painting/Striping	237310	\$24,200	8.3%	\$2,009
	Security	561612	\$36,300	0.0%	\$0
	Storm Drains	237110	\$121,000	4.9%	\$5,929
<b>Total Project</b>			<b>\$2,420,000</b>	<b>6.7%</b>	<b>\$161,281</b>
Acquire ARFF Vehicle	Vehicle Purchase	N/A	\$830,000	N/A	\$0
<b>Total Project</b>			<b>\$830,000</b>	<b>0.0%</b>	<b>\$0</b>
Taxiway B Rehabilitation	General Contractor	237310	\$526,950	8.3%	\$43,737
	Site Preparation	238910	\$175,650	1.5%	\$2,635
	Paving	237310	\$310,315	8.3%	\$25,756
	Electrical	238210	\$35,130	1.0%	\$351
	Pipe Installation	237110	\$35,130	4.9%	\$1,721
	Painting/Striping	237310	\$11,710	8.3%	\$972
	Security	561612	\$17,565	0.0%	\$0
	Storm Drains	237110	\$58,550	4.9%	\$2,869
<b>Total Project</b>			<b>\$1,171,000</b>	<b>6.7%</b>	<b>\$78,041</b>
Improve Taxiway S to TDG 5	General Contractor	237310	\$1,265,400	8.3%	\$105,028
	Site Preparation	238910	\$421,800	1.5%	\$6,327
	Paving	237310	\$745,180	8.3%	\$61,850
	Electrical	238210	\$84,360	1.0%	\$844
	Pipe Installation	237110	\$84,360	4.9%	\$4,134
	Painting/Striping	237310	\$28,120	8.3%	\$2,334
	Security	561612	\$42,180	0.0%	\$0
	Storm Drains	237110	\$140,600	4.9%	\$6,889
<b>Total Project</b>			<b>\$2,812,000</b>	<b>6.7%</b>	<b>\$187,406</b>
Taxiway S Extension, FAA reimbursable agreement to relocate NAVAIDs	FAA Reimbursable	N/A	\$866,000	N/A	\$0
<b>Total Project</b>			<b>\$866,000</b>	<b>0.0%</b>	<b>\$0</b>
Construct Taxiway P (phase 1) to SE Cargo	General Contractor	237310	\$2,109,150	8.3%	\$175,059
	Site Preparation	238910	\$703,050	1.5%	\$10,546

Table 3 - DBE \$ based on Project Expenditures by Trade Classification X DBE Availability					
Project	Trade	NAICS	Trade \$	DBE %	DBE \$
Area, Construction (single user)	Paving	237310	\$1,242,055	8.3%	\$103,091
	Electrical	238210	\$140,610	1.0%	\$1,406
	Pipe Installation	237110	\$140,610	4.9%	\$6,890
	Painting/Striping	237310	\$46,870	8.3%	\$3,890
	Security	561612	\$70,305	0.0%	\$0
	Storm Drains	237110	\$234,350	4.9%	\$11,483
<b>Total Project</b>			<b>\$4,687,000</b>	<b>6.7%</b>	<b>\$312,365</b>
SE Cargo Apron; Construction (single user)	General Contractor	237310	\$2,299,050	8.3%	\$190,821
	Site Preparation	238910	\$766,350	1.5%	\$11,495
	Paving	237310	\$1,353,885	8.3%	\$112,372
	Electrical	238210	\$153,270	1.0%	\$1,533
	Pipe Installation	237110	\$153,270	4.9%	\$7,510
	Painting/Striping	237310	\$51,090	8.3%	\$4,240
	Security	561612	\$76,635	0.0%	\$0
	Storm Drains	237110	\$255,450	4.9%	\$12,517
<b>Total Project</b>			<b>\$5,109,000</b>	<b>6.7%</b>	<b>\$340,489</b>
Part 150 Property Acquisition	Real Estate	531210	\$360,000	0.0%	\$0
	Real Estate Appraiser	531320	\$120,000	1.6%	\$1,920
	Surveying	541370	\$120,000	0.0%	\$0
	Land Acquisition	N/A	\$5,400,000	N/A	\$0
<b>Total Project</b>			<b>\$6,000,000</b>	<b>0.0%</b>	<b>\$1,920</b>
VALE Project	Engineering	541330	\$100,000	1.5%	\$1,500
	Equipment Purchase	N/A	\$200,000	N/A	\$0
	Concrete Foundation	238110	\$26,900	1.0%	\$269
	Electrical	238210	\$159,000	1.0%	\$1,590
	Framing	238130	\$9,000	0.0%	\$0
	Masonry	238140	\$5,100	1.5%	\$77
<b>Total Project</b>			<b>\$500,000</b>	<b>0.7%</b>	<b>\$3,436</b>
<b>Total FFY 2019</b>			<b>\$24,395,000</b>	<b>4.4%</b>	<b>\$1,084,938</b>
Taxiways J and H Rehabilitation	General Contractor	237310	\$1,800,000	8.3%	\$149,400
	Site Preparation	238910	\$600,000	1.5%	\$9,000
	Paving	237310	\$1,060,000	8.3%	\$87,980
	Electrical	238210	\$120,000	1.0%	\$1,200
	Pipe Installation	237110	\$120,000	4.9%	\$5,880
	Painting/Striping	237310	\$40,000	8.3%	\$3,320
	Security	561612	\$60,000	0.0%	\$0
	Storm Drains	237110	\$200,000	4.9%	\$9,800
<b>Total Project</b>			<b>\$4,000,000</b>	<b>6.7%</b>	<b>\$266,580</b>
Acquire Snow Removal Equipment	Engineering	541330	\$67,500	1.5%	\$1,013
	Equipment Purchase	238910	\$675,000	N/A	\$0

Table 3 - DBE \$ based on Project Expenditures by Trade Classification X DBE Availability					
Project	Trade	NAICS	Trade \$	DBE %	DBE \$
Total Project			\$750,000	0.1%	\$1,013
Taxiways J and H Rehabilitation	General Contractor	237310	\$1,054,350	8.3%	\$87,511
	Site Preparation	238910	\$351,450	1.5%	\$5,272
	Paving	237310	\$620,895	8.3%	\$51,534
	Electrical	238210	\$70,290	1.0%	\$703
	Pipe Installation	237110	\$70,290	4.9%	\$3,444
	Painting/Striping	237310	\$23,430	8.3%	\$1,945
	Security	561612	\$35,145	0.0%	\$0
	Storm Drains	237110	\$117,150	4.9%	\$5,740
Total Project			\$2,343,000	6.7%	\$156,149
VALE Project	Engineering	541330	\$93,600	1.5%	\$1,404
	Equipment Purchase	N/A	\$187,200	N/A	\$0
	Concrete Foundation	238110	\$25,272	1.0%	\$253
	Electrical	238210	\$148,824	1.0%	\$1,488
	Framing	238130	\$8,424	0.0%	\$0
	Masonry	238140	\$4,680	1.5%	\$70
Total Project			\$468,000	0.7%	\$3,215
Part 150 Property Acquisition	Real Estate	531210	\$281,220	0.0%	\$0
	Real Estate Appraiser	531320	\$93,740	1.6%	\$1,500
	Surveying	541370	\$93,740	0.0%	\$0
	Land Acquisition	N/A	\$4,218,300	N/A	\$0
Total Project			\$4,687,000	0.0%	\$1,500
Total FFY 2020			\$12,248,000	3.5%	\$428,457
Total FFY 2018-2020			\$44,577,125	4.3%	\$1,919,369

Based on the above, we recommend a base goal of 4.3% for Boise Airport projects for the three-year period.

## STEP 2 - EXAMINE DATA TO DETERMINE WHAT ADJUSTMENT, IF ANY, IS NEEDED TO THE BASE FIGURE.

1) In accordance with 49 CFR part 26, section 26.45(d)(1)(i) We have reviewed the past history of DBE participation for Boise Airport projects over the last 5 years to determine if an adjustment should be made based on the current capacity of DBEs to perform work in our contracting program, as measured by the volume of work performed in recent years. Based on our analysis, we have determined that an adjustment is warranted as follows:

DBE participation in awarded contracts over the past 5 years is as follows:

Year	Project \$	DBE \$	DBE %
2016	\$1,996,124	\$0	0.0%
2015	\$4,404,844	\$4,574	0.1%
2014	\$4,338,300	\$189,865	4.4%
2013	\$840,675	\$12,917	1.5%
2012	\$6,074,416	\$28,490	0.5%

The median DBE participation accomplishment for the five-year period is 0.5%. Adjusting the base goal by airport for past history results in the following:

$$4.3\% \text{ (base goal)} + 0.5\% \text{ (median goal accomplishment)} = 4.8\%$$

$$4.8\% \div 2 = 2.4\%$$

Therefore, we propose the Overall Goals for FY 2018 – 2020 is 2.4%

We will continue to monitor the project plans during this time period and update the goals as necessary for changes in the planned projects or scopes.

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***Race-Neutral versus Race-Conscious Goal***

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**Race-Neutral versus Race-Conscious Goal**

In light of the fact that Boise Airport does not have sufficient evidence of discrimination, the FFY 2018-2020 goal is proposed as a race-neutral goal. We will monitor the progress towards the meeting the goal on a quarterly basis and determine if an adjustment is necessary.

The following race-neutral methods will be employed:

- a) Provide information on the Boise Airport organization, functions and its full range of contractual needs.
- b) Offer instructions and clarification on bid specifications, procurement policy, procedures, and general bidding requirements.
- c) Maintain a file of successful bid documents from past procurements and permit potential participants to review and evaluate such documents.
- d) Conduct debriefing sessions on awarded contracts as requested.
- e) Routinely issue projected procurement information.
- f) Provide instructions and clarification on job performance requirements.
- g) Provide information and assistance on certification procedures.
- h) Provide information on bonding requirements.
- i) When arranging solicitations, endeavor to allow time for preparation of bids, quantities, specifications and delivery schedules so as to facilitate the participation of DBEs.

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***Public Participation***

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**Public Participation**

In accordance with 49 CFR part 26, section 26.45, the Boise Airport FFY 2018-2020 DBE Goal and Methodology was published on the Boise Airport Website (<http://www.iflyboise.com>). In addition, Boise Airport staff conducted a meeting on November 9, 2017 to consult 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 "Stakeholder Meeting"). Information regarding the Stakeholder Meeting was posted on the Boise Website, the ITD website and in the Idaho Statesman Newspaper. There were five firms in attendance at the meeting. Questions regarding the goals were asked by participants, however no additional information regarding availability was offered. The following documents related to the Stakeholder Meeting are attached:

- Attachment 1 - Website Posting
- Attachment 2 - Newspaper Ad
- Attachment 3 - Stakeholder Meeting Attendance Roster
- Attachment 4 – Stakeholder Meeting PowerPoint Presentation

Attachment 1 - Website Posting



- [Tenant Forms and Badging](#)
- [BOI Operations](#)
- [General Aviation](#)
- [UAS Operation Rules](#)

## BOI DBE

### Disadvantaged Business Enterprise

#### Stakeholder Meeting - November 9, 2017

#### Disadvantaged Business Enterprise (DBE) Goals for Federal Fiscal Years 2018 – 2020

The Boise Airport is in the process of setting an overall DBE goal for Department of Transportation (DOT) funded projects to be awarded during federal fiscal years 2018, 2019, and 2020 (October 1, 2017 – September 30, 2020).

Interested parties are invited to attend a stakeholder meeting to review the proposed goal and methodology and to provide any information that may assist in the development of the final DBE goal for Boise Airport federally-funded projects

**Date:** November 9, 2017

**Time:** 2:15pm - 3:15pm

**Location:** Payette River Room, third floor of the Boise Airport

*Parking will be validated, please bring your parking ticket.*

file:///Users/accine1/Downloads/DBE%20-%20City%20of%20Boise%20Airport%20webpage.htm

1/3

1/10/2018

DBE - City of Boise

The Boise Airport has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Parts 23 and 26. The Boise Airport has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Boise Airport has signed an assurance that it will comply with 49 CFR Parts 23 and 26.

#### Boise Airport DBE Documents

[DBE Program Methodology](#)

[DBE FY 2016-2018](#)

#### Goals Boise Airport ACDBE Documents

[ACDBE Program and FY 2016-2018 Goals](#)

[FAA Approval Letter](#)

#### Upcoming Airport Construction Projects

[See City of Boise Purchasing for bidding information](#)

#### Federal Aviation Administration (FAA) Office of Civil Rights Contact Information

**Amy Snyder**

Concession DBE

Boise Airport DBE Liaison Officer

[ASnyder@cityofboise.org](mailto:ASnyder@cityofboise.org)

208-383-3110



## BOI DBE Participation Overview

11/09/17

Name	Department	Phone	E-Mail
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Jill Singer	BOI	208 972 8394	jsinger@cityofboi
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Sherri Newland	S+C associates	208 861 7543	snewland@
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Ken Stekel			sandassociat
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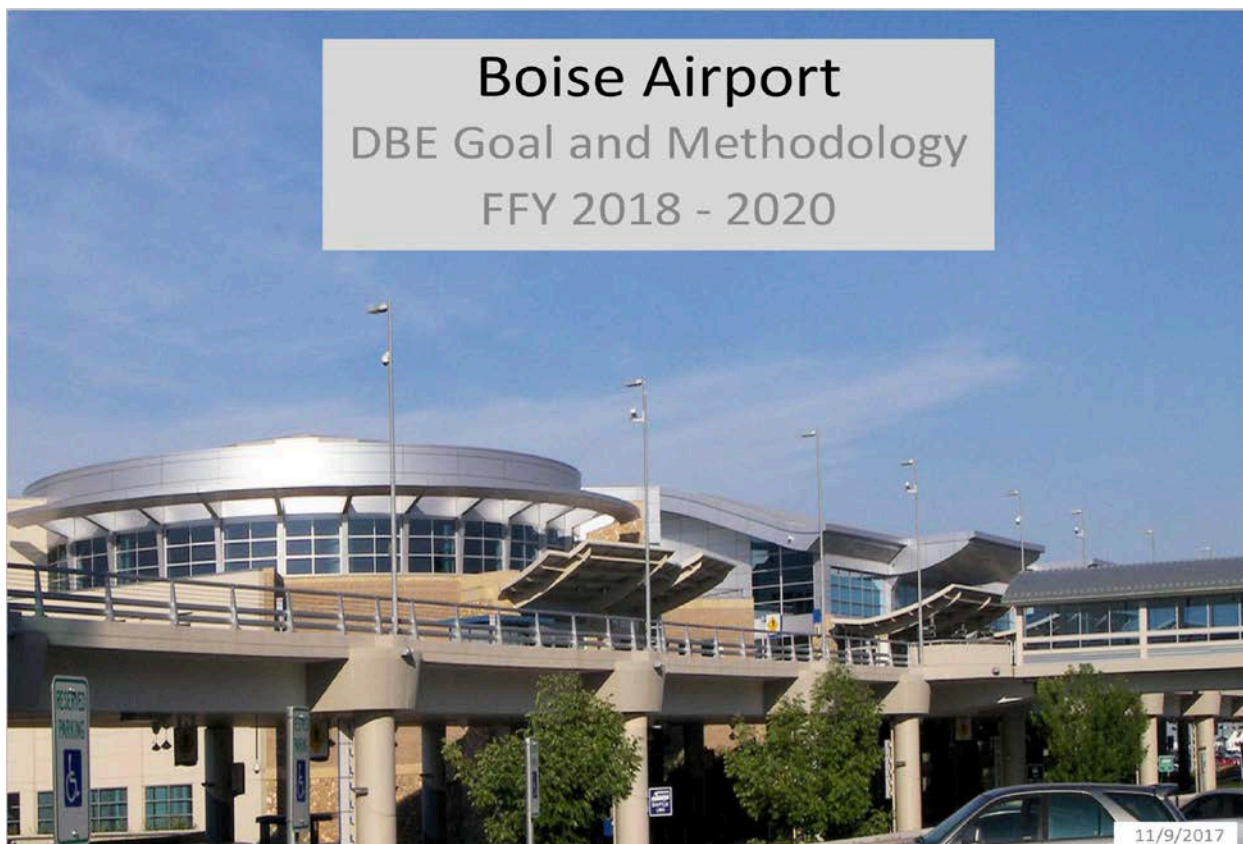
Stelly Uzel-Savage		208 246	snewland@sand
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interested in retail presentation	Moxie	8507	ken@
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	Java		MOXIEJAVA.COM
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Andrew Cortinas	Trucking	(208) 777-9007	Drukings01@gmail.com
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Matt Palaja	BOI	(208) 972-8392	mpalaja@cityofboi.com
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Attachment 4 – Stakeholder Meeting PowerPoint Presentation

## DOT DBE Program Basics

- The DOT DBE Program is a federal program applicable to projects that are funded with federal funds received through grants from the FAA, FHWA or FTA.
- The intent of the Program is to eliminate barriers to participation in contracting for Disadvantaged Business Enterprises.
- The basic underlying idea is that participation by these businesses in contracts funded with federal dollars should approximate what that participation would have been in the absence of discrimination.
- The program is not a quota or set-aside program. The program is goal-based, requiring good faith efforts to meet goals.
- Overall goals are set that are in place for a three-year period (2018-2020).
- Contract goals may be set at varying levels depending upon the nature of the contract, subcontracting opportunities and the availability of DBEs to perform the specific type of work.



## DOT DBE Program Objectives

The program is designed to accomplish the following objectives:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the Department's DBE program is tailored in accordance with applicable law;
- To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts;
- Work with Idaho Transportation Department ("ITD") for the development of firms that can compete successfully in the marketplace outside the DBE program; and
- To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

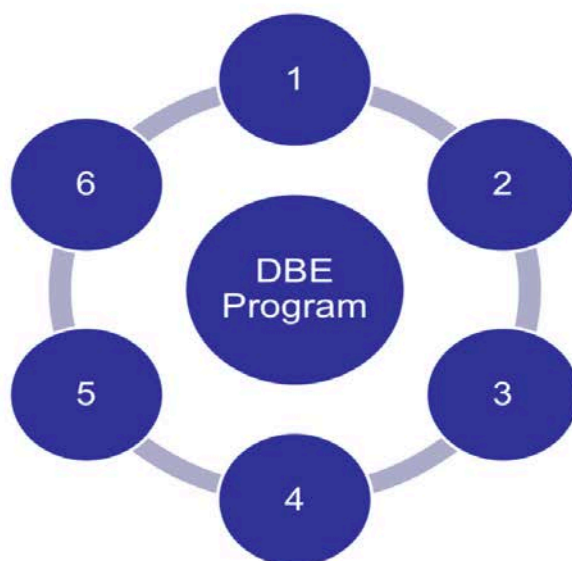
3

## DBE Program Basic Elements

- Establishment of DBE Program
- DBE Goals – overall goals established every three years, contract goals established as contracts are solicited
- Reporting of Accomplishments – annually for airports
- Certification of participating firms (performed by ITD) – ongoing
- Compliance, Monitoring and Enforcement - ongoing

4

## DBE Program – How it Works



5

### Recipient develops **DBE Program** document



- The program must contain content as required by the regulation (49 CFR Part 26).
- The Program is reviewed and approved by the appropriate DOT modal agency (FAA, FHWA or FTA).
- The Program must be updated and resubmitted to reflect significant changes.

6

## Recipient develops **goals** for federally funded projects



- FAA recipients awarding over \$250,000 in FAA funds in prime contracts in a federal fiscal year must set overall goals for DBE participation.
- Overall annual goals are set every three years and are in place for a three-year period. Overall goals must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on the anticipated DOT-assisted contracts, also referred to as the “relative availability of DBEs.” The goal must reflect the determination of what DBE participation would be expected absent the effects of discrimination.

7

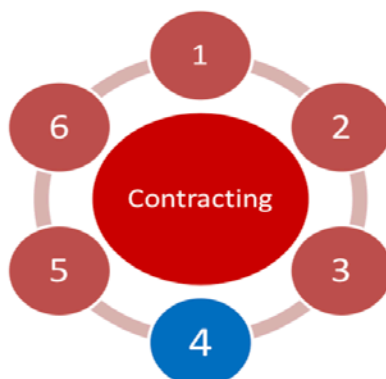
## **Certification** of DBE/ACDBE firms



- The Unified Certification Program (“UCP”), managed by ITD, is responsible for making all certification decisions on behalf of all DOT recipients in its state.
- The UCP is required to maintain a DBE/ACDBE directory containing the names and other information for all DBEs/ACDBEs certified in the state. The directory must be made available electronically, on the Internet and in print.

8

## Contracting Activities



- The DOT DBE Program applies only to contracts funded with federal funds.
- All DOT federally-assisted contracts, whether or not the contract has a DBE goal, must include the required assurance found in 49 CFR Part 26, section 26.13.
- If a federally-assisted contract contains a DBE goal, the contract may only be awarded to a bidder/offeror who makes good faith efforts to meet the goal. Appendix A to Part 26 contains guidance concerning good faith efforts.

9

## Monitoring / Enforcement



- Recipients must monitor the Program to ensure compliance by prime contractors, subcontractors, suppliers, vendors, etc.
- Recipients must implement mechanisms to ensure compliance with the regulations.
- Recipient's must monitor to ensure that work committed to DBEs is actually performed by the DBEs to which the work was committed.
- Recipients must maintain a running tally of actual DBE attainments, and must compare the attainments to commitments.

10



## Reporting



- Recipients are required to report DBE commitments and attainments.
- If the awards and commitments shown on the 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, a recipient must analyze in detail the reasons for the difference and establish steps and milestones to correct the problems identified.

11

## What is a DBE?

*Disadvantaged business enterprise* or *DBE* means a for-profit small business concern—

(1) 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; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

**In order to count as a DBE, firms must be certified by ITD.**

12

## Governing Regulation

### **49 CFR part 26**

Your overall goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on your DOT-assisted contracts (hereafter, the “relative availability of DBEs”). The goal must reflect your determination of the level of DBE participation you would expect absent the effects of discrimination. You cannot simply rely on either the 10 percent national goal, your previous overall goal or past DBE participation rates in your program without reference to the relative availability of DBEs in your market.

13

## Methodology

- *Step 1.* You must begin your goal setting process by determining a base figure for the relative availability of DBEs.
- *Step 2.* Once you have calculated a base figure, you must examine all of the evidence available in your jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at your overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

14



## FFY 2018 – 2020 Anticipated Projects

### **FFY 2019**

- De-icing and Cargo Aprons Rehabilitation
- Acquire ARFF Vehicle
- Taxiway B Rehabilitation
- Improve Taxiway S to TDG 5
- Taxiway S Extension, FAA reimbursable agreement to relocate NAVAIDs
- Construct Taxiway P (phase 1) to SE Cargo Area, Construction (single user)
- SE Cargo Apron; Construction (single user)
- Part 150 Property Acquisition
- VALE Project

17

## FFY 2018 – 2020 Anticipated Projects

### **FFY 2020**

- Taxiways J and H Rehabilitation
- Acquire Snow Removal Equipment
- Taxiway G Extension
- VALE
- Part 150 Noise Land Purchase

18

## FFY 2018 – 2020 Anticipated Trades

- Water and Sewer Line and Related Structures Construction (237110)
- Highway, Street & Bridge Construction (237310)
- Poured Concrete Foundation and Structure Contractors (238110)
- Framing Contractors (238130)
- Masonry Contractors (238140)
- Electrical Contractors (238210)
- Site Preparation Contractors (238910)
- Offices of Real Estate Agents and Brokers (531210)
- Offices of Real Estate Appraisers (531320)
- Engineering Services (541330)
- Surveying and Mapping (541370)
- Testing Laboratories (541380)
- Environmental Consulting Services (541620)
- Security Guards and Patrol Services (561612)

19

## Question and Comment Period

20

**Uniform Certification Application**  
**AND**  
**Associated Certification Forms**

A copy of the Idaho Unified Certification Program DBE Certification Application and other relevant forms may be found at:

<https://itd.dbesystem.com/?TN=itd>