

Disadvantaged Business Enterprise (DBE) Program

Under 49 C.F.R. Part 26

For

Snohomish County Airport (Paine Field)

Everett, Washington

March 2018

Preface

Snohomish County, Washington is the owner and the Snohomish County Airport Administration (the Administration) is the operator of the Snohomish County Airport (the Airport). The Administration has established the following Disadvantaged Business Enterprise (DBE) program for the Airport in accordance with the Code of Federal Regulations (CFR) of the U. S. Department of Transportation (DOT) 49 CFR Part 26. All reference to Subparts and Section numbers through this DBE policy are to the 49 CFR Part 26 regulations.

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

Snohomish County Airport/Paine Field Administration (Administration) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Administration has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Administration has signed an assurance that it will comply with 49 CFR Part 26.

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

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

Bruce Fisher, Airport Deputy Director has been delegated as the DBE Liaison Officer. In that capacity, Mr. Fisher is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Administration in its financial assistance agreements with the Department of Transportation.

The Administration has disseminated this policy statement to all components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for the Administration on DOT-assisted contracts. The distribution will be accomplished by publishing this statement on the Snohomish County website.



Arif Ghose, Snohomish County Airport Director

03-06-2018

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

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

Section 26.5 Definitions

The Administration will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

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

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

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11

(b) You must continue to provide data about your DBE Program to the Department as directed by DOT operating administrations.

The Administration will report, via DOORs, DBE participation to the FAA annually by December 1, utilizing the “Uniform Report of DBE Awards or Commitments and Payments” form. The Administration will also report the DBE contractor firm information.

Bidders List: 26.11(c)

The Administration will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on DOT-assisted contracts for use in helping to set the Administration’s overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of each firm.

The Administration will collect this information by requesting all firms bidding on DOT/FAA-assisted Airport contracts and subcontracts submit a bidders list along with their bid directly to the Snohomish Purchasing Manager.

Section 26.13 Federal Financial Assistance Agreement

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

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

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

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

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as The Administration deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The Administration is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. We are not eligible to receive DOT financial assistance unless DOT has

approved the Administration's DBE program and we are in compliance with it and this part. We will continue to carry out the program until all funds from DOT financial assistance have been expended. We do not have to submit regular updates of the Administration's program, as long as we remain in compliance. However, we will submit significant changes in the program for approval.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Bruce Fisher
Airport Deputy Director
Snohomish County Airport/Paine Field
3220 100th Street SW, Suite A
Everett, WA 98204
Phone: 425-388-5110
Email: bruce.fisher@snoco.org

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

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has Airport Administration staff and assigned project engineers to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Works with County purchasing division to review contracts and purchase orders for compliance with this program.
3. Works with all departments to set overall annual goals for the Airport.
4. Works with County purchasing division to ensure that bid and requests for proposals are available to DBEs in a timely manner.
5. Works with County purchasing division to identify contracts and procurements that are applicable to DBE goals, includes DBE goals in those contracts, and monitors DBE results.
6. Analyzes the Airport projects reporting progress toward attainment and works with County purchasing to identify ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the County on Airport DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Works with the County purchasing division to provide DBEs with assistance in

- preparing bids and provide information on where to obtaining bonding and insurance.
11. Works with the County purchasing division to plan and participate in DBE training seminars.
 12. Works with the County purchasing division to act as liaison to the Uniform Certification Process.
 13. Works with the County purchasing division to provide outreach to DBEs and community organizations to advise DBEs of opportunities.

Section 26.27 DBE Financial Institutions

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

For the investigations, the Administration will utilize their County purchasing records, the U. S. Department of the Treasury's website for lists of Washington minority financial institutions, local community organizations and the State of Washington's DBE Directory. To date, there are no known minority owned financial institutions in the State of Washington.

Section 26.29 Prompt Payment Mechanisms

The Administration has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment the Administration makes to the prime contractor.

The Administration will require a retainage bond from the prime contractor on FAA funded contracts to meet State Prevailing Wage Requirements. A contract clause will be included to indicate:

"Retainage bond will be released after all construction is finished; all L&I documents approved; all punch list items completed; all certified payrolls, apprentice, and DBE reports finalize; and upon State approval of the "Notice of Completion" documentation (30-90 days). The Administration will utilize all applicable State, local and Federal laws to enforce the requirements of this section."

The Administration will provide appropriate means to enforce the requirements of this section. Washington's Prompt Payment Law (RWC 39.04.250), requires the contractor to pay all subcontractors within ten calendar days of receipt of payment from a public entity, providing the subcontractor complies with the requirements of the law. The Administration 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 10 days from the receipt of each payment the prime contractor receives from the Administration. Any delay or

postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Administration. This clause applies to both DBE and non-DBE subcontractors. If the prime contractor withholds payment from the subcontractor without a bona fide reason or without providing prompt written documentation to the Administration, sanctions may be imposed upon the prime contractor. The Administration will determine if the prime is withholding payment without just cause, and interest may accrue on the unpaid amount owed to the subcontractor(s). However, if a determination of just cause is made, then no interest will accrue. If interest accrues on the amount due to the subcontractor, the prime is responsible for including the total amount to the subcontractor at the time of the payment. If necessary, direct payments will be made to subcontractors, and deducted from the amount due to the prime contractor.”

Monitoring Payments to DBEs

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

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

Section 26.31 Directory

The Administration pays a bi-annual fee to belong to the Washington State Office of Minority and Women’s Enterprises (OMWBE). The OMWBE maintains the State of Washington DBE directory.

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

The state of Washington DBE Directory can be found online at:

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

or by contacting:

Office of Minority and Women’s Business Enterprises

PO Box 41160

Olympia, WA 98504-1160

Main Line: 360-664-9750

Section 26.33 Over-concentration

The Administration has not identified that over-concentration exists in the types of work

that DBEs perform.

Section 26.35 Business Development Programs

The Administration has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will implement similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 7 lists the regulation, provisions, and contract remedies available to the Administration in the events of non-compliance with the DBE regulation by a participant in our DBE Program.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.
4. We will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished by reviews during project close-out.
5. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

Section 26.39 Fostering small business participation.

The Administration will utilize the Snohomish County's annual Title VI Plan that includes a Small Business element. This Plan has contracting requirements to facilitate competition by small business concerns, takes all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The Snohomish County's small business element is incorporated as Attachment 10 to this DBE program. The Administration will actively implement the program elements to foster

small business participation; doing so is a requirement of good faith implementation of our DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The Administration will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the Administration will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the established schedule below.

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Non-Primary (GAs, Relievers and State DOTs)	Northwest Mountain	August 1, 2017 (2018/2019/2020)	August 1, 2020 (2021/2022/2023)

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

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

If we use a bidders list, we will do the following: Determine the number of DBEs that have bid or quoted (successful and unsuccessful) on the Airport’s DOT-assisted prime contracts or subcontracts in the past three years. Determine the number of all businesses that have bid or quoted (successful and unsuccessful) on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number of all businesses to derive a base figure for the relative availability of DBEs in the Airport’s market. When using this approach, the Administration will establish a mechanism (documented in our

goal submission) to directly capture data on DBE and non-DBE prime and subcontractors that submitted bids or quotes on our DOT-assisted contracts.

Any methodology we choose will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in our market. We understand that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of paragraph (c)(2) of this section (above), is not an acceptable alternative means of determining the availability of DBEs.

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

26.45 (g)(1) In establishing the overall goal, the Administration will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Administration's efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to The Administration's goal setting process, and it will occur before we are required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. We will document in our goal submission the consultation process that we engaged in. Notwithstanding paragraph (f) (4) of this section, we will not implement our proposed goal until we have complied with this requirement.

In addition, the Administration will publish a notice announcing our proposed overall goal before submission to the operating administration on August 1st. The notice will be posted on our official internet web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal will be posted on our official internet web site. We will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at our principal office and that the Administration and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed.

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

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

Information on the consultation and public notice is included in the goal calculation outlined in Attachment 5.

Section 26.45 (e) - Project Goals

If permitted or required by the FAA Administrator we will express our overall goals as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the Administration's regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

We 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.

Section 26.45(f) - Prior Operating Administration Concurrent

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

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

Section 26.47 Failure to meet overall goals.

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

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

1. Analyze in detail the reasons for the difference between the overall goal and the

awards and commitments in that fiscal year;

2. Establish specific steps and milestones to correct the problems the Administration has identified in our analysis and to enable the Administration to fully meet its goal for the new fiscal year;
3. The Administration will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (c) (1) and (2) of this section to the FAA for approval.

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

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

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

1. Arranging solicitations, times for the submittal of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39 of this part.
2. Providing information on resources in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors);
5. Working with a supportive services program (PTAC- Procurement Technical Assistance Center) to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Working with PTAC to provide services to help DBEs, and other small businesses, improve long- term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Working with PTAC to establish a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;

8. Distribute the State's DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
9. Working with PTAC to assist DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

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

Section 26.51(d-g) Contract Goals

The Administration will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39.

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

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

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

Section 26.53 Good Faith Efforts Procedures

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

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

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as *Responsive*.

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

Information to be submitted (26.53(b))

In our solicitations for DOT/FAA-assisted contracts for which a contract goal has been

established, we will require the following:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (b)(3) of this section:
 - (i) The names and addresses of DBE firms that will participate in the contract;
 - (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - (iii) The dollar amount of the participation of each DBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of this part). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
- (3) We will require that the bidder/offeror present the information required by paragraph (b)(2) of this section: Under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals as a matter of responsiveness;

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

Administrative reconsideration (26.53(d))

Within 5 business days of being informed by 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:

Bramby Tollen
Purchasing Manager
Snohomish County Purchasing Division
3000 Rockefeller Avenue, M/S 507
Everett, Washington 98201

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

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

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

The Administration will include in each prime contract a provision stating:

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

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

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

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

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

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

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

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

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

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

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

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

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

forth in that section that we deem appropriate if the prime contractor fails to comply with the requirements of this section.

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

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the Administration to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

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

Section 26.55 Counting DBE Participation

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

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

Airport will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

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

State of Washington
Office of Minority and Women's Business Enterprises
P.O. Box 41160
Olympia, WA 98504-1160
Phone: 360-664-9750

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The Administration is the member of a Unified Certification Program (UCP) administered by the State of Washington. The UCP will meet all of the requirements of this section.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

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

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

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

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

ATTACHMENTS

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

ATTACHMENT 1

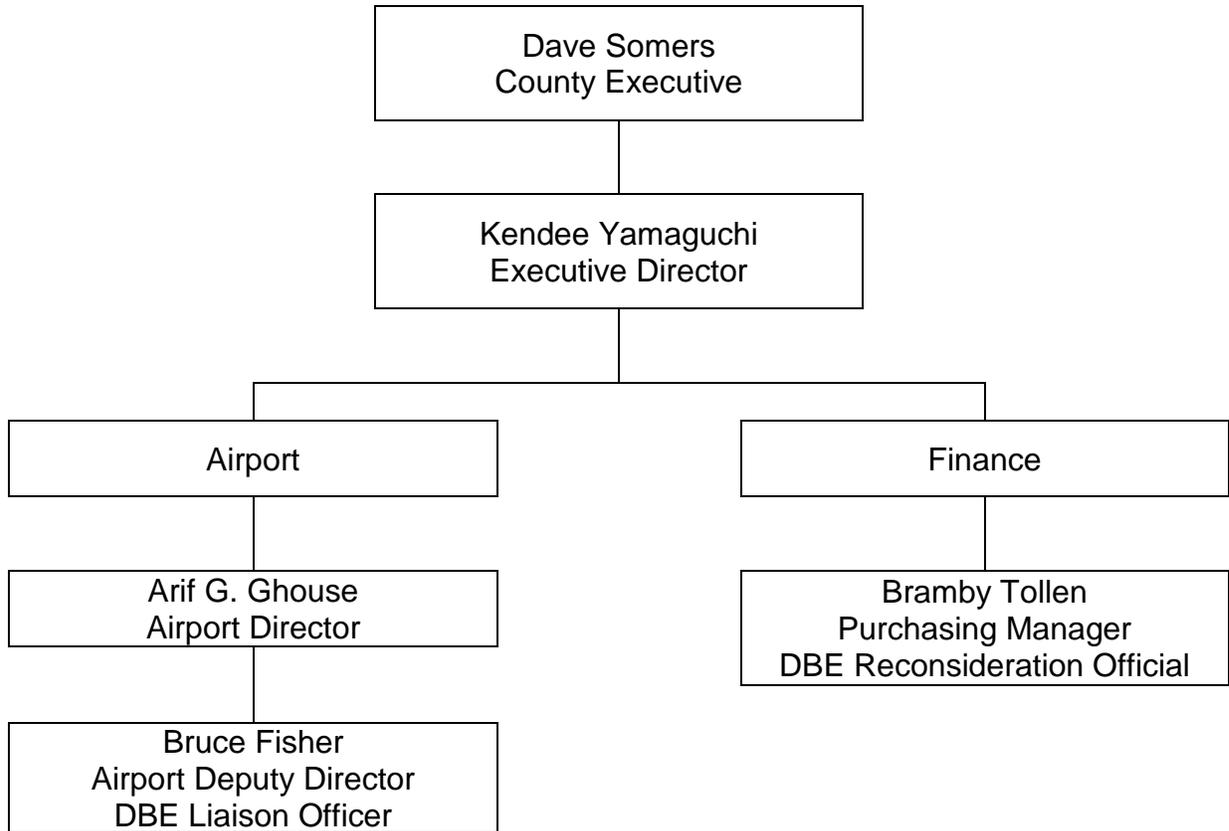
Regulations: 49 CFR Part 26, or link to website

49 CFR Part 26 may be found at the following website:

<https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=baf8d2509e338573be1c046bbbaa3ec6&mc=true&n=pt49.1.26&r=PART&ty=HTML>

ATTACHMENT 2

Organizational Chart



ATTACHMENT 3

Bidders shall include in a bidder’s collection form in their bid or contract packet where the hired consultant will accept and keep with the project documents.

Bidder’s List Collection Form

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

ATTACHMENT 4

The State of Washington DBE Directory can be found at:

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

ATTACHMENT 5

Section 26.45: Overall DBE Three-Year Goal Methodology

Submitted as a separate document.

ATTACHMENT 6

Form 1 and 2, Demonstration of Good Faith Efforts and Form of Intent, shown below shall be attached by the bidders to bid specs or included with the contract.

Demonstration of Good Faith Efforts - Forms 1 & 2

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

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

_____ The bidder/offeror is committed to a minimum of_% DBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the DBE goal of_%) is committed to a minimum of_% DBE utilization on this contract and should submit documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature)

Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above and that the firm is DBE certified to perform the specific trades.

By _____
(Signature)

Date:

(Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

Submit this page for each DBE subcontractor.

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to Colorado Law, including C.R.S. section 18-8-504 (false swearing)

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

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

ATTACHMENT 8

DBE Certification Application Form

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

Office of Minority and Women's Business Enterprises
P.O. Box 41160
Olympia, WA 98504-1160
Phone: 360-664-9750

Or Online at:

<http://omwbe.wa.gov/certification/>

ATTACHMENT 9

State's UCP Agreement

The State of Washington's UCP Program can be found online at:

<http://omwbe.wa.gov/>

For the past 30 years, the Office of Minority and Women's Business Enterprises (OMWBE) has been the sole certifying entity of minority and women owned businesses for the State of Washington. The agency, created in 1983 by Senate Bill 3230 (enacted as RCW Chapter 39.19), was designed to improve the participation of minority and women owned businesses in state contracting. In addition, OMWBE has been determining the eligibility of minority and women businesses for DBE federal certification under 49 Code of Federal Regulations (CFR), Part 26 and State certifications under Revised Code of Washington (RCW) Chapter 39.19.

ATTACHMENT 10

Small Business Element

1. Objectives/Strategies

Snohomish County Airport's DBE Program goals will meet the DBE requirements using race-neutral methods. Recognizing that by definition, DBE firms are small businesses; the Administration will include these small businesses element into the DBE Program. This small business element is intended to facilitate competition by and expand opportunities for small businesses. The Administration is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participated in procurements as contractor or subcontractors. The Administration will meet its objectives using a combination of the following methods and strategies:

1. Consulting with Snohomish County Purchasing and applicable departments on the Snohomish County Federally Funded Transportation Program/Title VI Plan.
2. In large contracts (e.g., for "megaprojects") requesting bidders on the prime contract specify elements of the contract of specific subcontracts that are of a size that small businesses, including DBEs, can reasonable performs.
3. On prime contracts not having DBE contract goals, requesting 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. The Administration projects to meet their overall goals through race-neutral methods. The Snohomish County code as follows is implemented to increase race-neutral small business participation on DOT/FAA-assisted contracts:

3.04.137 Small business outreach activities.

As authorized by RCW [39.04.155](#)(5), the division shall develop and implement small business outreach activities to encourage small businesses that are registered contractors with gross revenues under \$250,000 to submit quotations or bids on small works roster contracts awarded under SCC [3.04.135](#). The outreach activities may be developed in consultation with the Snohomish County Economic Development Council, Inc., or other appropriate governmental or non-governmental entities and shall include procedures for identifying projects appropriate for the limited public works process established under SCC [3.04.135](#), notifying small businesses of quotation or bid opportunities, and educating small businesses regarding the existence, requirements, and potential benefits of the small works roster process. In May and November of each year the division shall submit a written report to the executive and council detailing the practical results of the division's outreach activities since the previous report.

5. The Administration also utilizes King County and City of Seattle, WA lists to recruit small and DBE contractors.

2. Definition

Small Business:

A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

Size standard will be consistent with 49 CFR 26.5 and must be no larger than the Small Business Administration's size standards. DBE firms and small firms eligible for the program should be similarly sized to reduce competitive conflict between DBE and non-DBE firms.

Personal Net Worth standards will be consistent with 49 CFR Part 26 thresholds.

Disadvantaged Business Enterprise:

A for-profit small business (as defined by the Small Business Administration) –

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;
2. Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) as described in 49 CFR Part 26.
3. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
4. Has been certified as a DBE by the State of Washington in accordance with 49 CFR Part 26.

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

3. Verification

The Snohomish County Airport Administration will diligently attempt to minimize fraud and abuse in the Small Business element of its DBE program by verifying program eligibility of firms with the State of Washington.

4. Monitoring/Record Keeping

The Snohomish County Airport Administration will monitor and retain documentation of the small business element of the Program organized (for counting purposes) and updated on an annual basis and on file with the Snohomish County Purchasing Division.

5. Implementation Timeline

The Snohomish County Snohomish County Federally Funded Transportation Program/Title VI Plan is updated annually and will fulfill this DBE Program Small Business element.

6. Assurance

The Snohomish County Airport Administration makes the following assurances for this small business element for our DBE Program:

1. assurance that the program is authorized under state and local law;
2. assurance that certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;
3. assurance that there are no geographic preferences or limitations imposed on any federally assisted procurement included in the program;
4. assurance that there are no limits on the number of contracts awarded to firms participating in the program but that every effort will be made to avoid creating barriers to the use of new, emerging, or untried business; and
5. assurance that aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.
6. assurance that the program is open to small businesses regardless of their location (i.e., that there is no local or other geographic preference).

ATTACHMENT 5

Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: Snohomish County Airport (PAE)/Paine Field Administration

Goal Period: FY-2018-2019-2020 – October 1, 2017 through September 30, 2020

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

Table 1				
Proposed Projects – FY2018 through FY2020				
Fiscal Year	Proposed Project Description	NPE*/Cargo	STI/DI	Total
2018	Update Airport Master Plan	\$209,995	\$800,000	\$1,009,995
2018	Rehabilitate RWY 16R/34L (Design & Construction)	\$150,000	\$5,000,000	\$5,150,000
2019	Carryover	\$0		\$0
2020	Rehabilitate Central Ramp Apron and Taxiways C, D and L (Design & Construction)	\$509,995	\$8,500,000	\$9,009,995
	Total	\$869,990	\$14,300,000	\$15,169,990

1) As stated in section 26.51 of plan, we will express our contract goals as a percentage of the total amount of a DOT assisted contract, not just the federal share of the DOT assisted contract. The DOT contract amount includes federal entitlements, discretionary funds, and local funds

Overall Three-Year Goal: 4.73%, to be accomplished through 0% RC and 4.73% RN.

Total dollar amount to be expended on DBE's: \$717,541

Market Area: Snohomish County Airport's Market Area is defined as the area in which the substantial majority (generally, at least 75%) of the contractors and subcontractors with whom the airport does business are located and the area in which the airport spends the substantial majority of its contracting dollars and able to perform the work. Based on reasonable proximity to perform work at the airport in addition to historical participation on projects at airport the market area will consist of Pierce, King, Whatcom, Skagit and Snohomish Counties.

Step 1. 26.45(c) Step 1: Determine a Base Figure for the Overall Goal - The Administration calculated a base figure using the criteria suggested in 49 CFR Part 26.45. The determination was based on a level of DBE participation relative to all businesses ready, willing and able to participate on federally assisted contracts, and reflected a level the Administration would expect in the absence of discrimination.

Determining a base figure was based on the following steps:

Step 1a: The Administration identified the number of DBE businesses in Snohomish County Airport's Market Area that were classified under the following 2017 North American Industry Classification System (NAICS) codes.

- 237110 - Utility Construction
- 237310 - Prime Contractors
- 237310 - Pavement Marking
- 238110 – Minor Concrete Structures
- 238210 - Electrical Contractors
- 238910 - Site Preparation and Earthwork
- 238990 - Other Minor Construction Services
- 423320 - Petroleum Suppliers
- 423510 – Pipe Supplier
- 423610 – Electrical Supplier
- 484220 - General Freight Trucking
- 488490 - Sweeping
- 541370 - Surveying and Mapping
- 541380 - Testing Laboratories
- 561730 - Seeding and Erosion Control
- 561990 - Traffic Control

Using these codes, the DBEs for the Market area was compiled from WSDOT Certified Firms Directory (<http://omwbe.wa.gov/directory-of-certified-firms/>). This resulted in 157 DBE firms in Snohomish County Airport's Market Area.

Step 1b: Using the Census Bureau data (<https://factfinder.census.gov/>). The Administration determined 1573 non-DBE and DBE businesses corresponding to the selected work areas that were in the airport's market area. Because the Census Data compiles all the available firms for each NAICS code that classifies in that code, the total number of firms was then reduced to 75% to represent the total number of firms that can reasonably do the work. The total number of reasonable firms able to do the work used for calculations is 1179. A base figure for the overall goal was determined by weighting. A weighted percentage was calculated by multiplying the approximate total percentage of the contract dollars for the upcoming future projects allocated for each work area classification by the divided the number of DBE firms over the total number of reasonable firms that can perform the work. The base figure, calculated by adding the individual weighted percentages, is 8.53%. This data is shown in Table 2 below.

Table 2

2018-2020 Determination of Base Figure

NAICS Work Codes	Description	Number of DBE Firms in Airport Market Area	Number of All Firms in Airport Market Area	Reasonable Number of Firms Able to Perform the Work in Market Area (75% of Total Number of Firms)	Approx. % of Contract Dollars	Weighted %
237310	Prime Contractors	10	130	97	50.00%	5.15%
237110	Utility Construction	15	144	108	10.00%	1.39%
238910	Site Preparation and Earthwork	22	534	400	8.00%	0.44%
238110	Minor Concrete Structures	10	308	231	8.00%	0.35%
238210	Electrical Contractors	13	1083	812	8.00%	0.13%
238990	Other Minor Construction Services	9	369	276	5.00%	0.16%
423320	Construction Materials	2	67	50	2.00%	0.08%
423510	Pipe Supplier	0	145	108	1.00%	0.00%
423610	Electrical Supplier	2	207	155	0.50%	0.01%
484220	General Freight Trucking	39	261	195	1.00%	0.20%
488490	Sweeping	3	36	27	0.50%	0.06%
541370	Surveying and Mapping	11	83	62	2.00%	0.35%
541380	Testing Laboratories	4	114	85	2.00%	0.09%
561730	Seeding and Erosion Control	2	1573	1179	1.00%	0.00%
561990	Traffic Control	15	176	132	1.00%	0.11%
	TOTAL	157	5230	3917	100%	8.53%

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

In determining if an adjustment to the base figure was needed, the airport reviewed past participation levels and sought out disparity studies.

Step 2a. Review Past Participation. The Administration reviewed its DBE past participation levels to determine if an adjustment to the base figure was required. A summary of past participation levels is shown in Table 3. Of these, projects from 2014, 2015, and 2016 were chosen as similar past projects within the past 4 years as a basis for adjusting the goal for the upcoming future projects. The DBE achievements for these projects were 0.92, 1.53, and 0 percent, respectively. The median for the past participation is 0.92%. To adjust the goal for past participation, the base figure (8.53%) was averaged with the median past DBE achievement $[(8.53+0.92)/2 = 4.73\%]$. **The adjusted goal accounting for past participation is then 4.73%.**

Year	Brief Description	Overall Goal	Race Neutral Goal	Race Conscious Goal	Actual DBE Achievement	Actual Race Neutral
2014	Pavement Rehabilitation	6.73	6.73	0	0.92	0.92
2015	16R-34L & Taxiway Alpha Electrical Improvements (Pavement Rehabilitation)	4.87	4.87	0	1.53	1.53
2016	Rehabilitation of Taxiway Hotspots 1 & 2 Improvements	4.87	4.87	0	0	0
2017	Rehabilitation of Taxiway Hotspot 1 & 2 Improvements	4.87	4.87	0	2.88	2.88
2017	Taxiway Bravo	4.87	4.87	0	Ongoing	Ongoing

Step 2b. Identify Disparity Studies.

The State of Washington completed a disparity study in 2014 titled 2012 DBE Program Disparity Study, BBC Research and Consulting. The study mainly pertained to projects in which were funded by the U.S. Department of Transportation (US DOT) through the Federal Highway Administration (FHWA) and other U.S. DOT agencies that are required to implement the federal DBE Program. Although airport projects are not specifically addressed in the study, the types of work on those projects are similar to those found on many airport projects (i.e. paving, electrical, traffic control, etc.). The study shows a decline in not only the computed goal over the period 2009 to 2011 but it also shows a decline in the utilization of certified DBE over the same period. The median goal for the study period was 14.2% while the utilization was 4.9%. The conclusion of comparing this study with the proposed goal is that the calculated base goal in Step 1 is reasonable for PAE to obtain as the anticipated airport projects will be similar to previous work at the airport.

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

The Administration will meet the maximum feasible portion of its overall goal by using

RN means of facilitating DBE participation on Airport DOT/FAA-assisted projects. Snohomish County has adopted a Snohomish County Federally Funded Transportation Program/Title VI Plan, updated March 26, 2015 that will be used for applicable portions of this CFR 49 Part 26 DBE Program. In addition, the following RN measures may be used to increase DBE participation:

- 1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39 of this part.
- 2) Providing technical assistance and other services;
- 3) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors.
- 4) Provide information on the County website with contact information for the DBE directory.

As Washington and Snohomish County Airport is located in the 9th Circuit Court of Appeals decision in the Western States Paving Company vs. Washington State Transportation which affects the breakout of the race-neutral/race-conscious portions of the goal and in accordance with the recommendations of the disparity study available. **The Administration has determined that in meeting its overall goal 4.73% from RN participation and 0% through RC measures.**

The Administration will adjust the estimated breakout of RN and RC DBE participation as needed on future DBE goal updates to reflect actual DBE participation, and will track and report RN and RC to the DOT/FAA as required.

For reporting purposes, RN DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract obtained 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.

Public Participation

Consultation: Section 26.45(g)(1).

The Administration submits its overall DBE three-year-goal to the FAA on August 1 as required by the set schedule.

Before establishing the overall goal, the Administration consulted with the Snohomish County Department of Finance Purchasing Division. The Snohomish County Department of Finance Purchasing Division is very active in the small business community and conducts numerous outreach efforts through the year to involve

minority and woman's organizations and contractor groups. These efforts include:

- In-person meetings with small business subcontractors to discuss opportunities, barriers, and provide information on where to obtain resources needed (list of meetings in Attachment 5a)
- Attended over 20 face-to-face outreach events involving minority and woman's organizations (list of outreach events associated with the airport are listed in Attachment 5b).
- Quarterly email distribution of project opportunities to small, minority, and woman businesses
- Conducts DBE training seminars

Additionally, the Snohomish County Department of Finance Purchasing Division works closely with the Snohomish County Procurement Technical Assistance Center (PTAC). PTAC offers webinars, one-on-one counseling, workshops, and other support for local based businesses. PTAC and the County co-sponsor several outreach events each year. In June 2017, PTAC and the County co-sponsored a roundtable event. This event allowed suppliers to meet directly with buyers in either a small group or one-on-one. The Snohomish County Department of Finance Purchasing Division is in the process of scheduling another roundtable event for Feb 2018 with PTAC.

The Snohomish County Department of Finance Purchasing Division also works closely with the Snohomish County Economic Alliance. The Alliance holds several meetings a month to promote local business and provide network opportunities. The County attends at least one event each quarter.

The following comments were received by the Snohomish County Department of Finance Purchasing Division during these outreach events and consultations:

1. DBE, minority, and woman organizations face difficulty and discrimination in contracting. Often, they are not aware of project opportunities. Additionally, they are not aware of certain resources available to them. The purchasing division works to help provide assistance in preparing bids and provides information on where to obtain bonding and insurance.
2. Another factor in contracting with DBEs and contractors in general, is the large number of ongoing projects in area. Community Transit (bus) and Sound Transit (light rail) have both recently passed tax increases. The County and the Airport competes with these agencies and others for the local DBE/MBE contractors. Although studies may show there are contractors in the area, the studies do not provide data on capacity/availability.

Public Notice

The Administration published a notice of the proposed overall goal on the County website, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the airport for 30 days following the date of the notice. This notice will also inform the public that the Snohomish County Airport and the DOT/FAA will accept comments on the goals for 45 days from the date of the

notice.

Snohomish County Airport/Paine Field Administration has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26. For Fiscal Year 2018 through 2020, the Administration has established an overall goal of 4.73% of the Federal financial assistance it will receive for improvements to the airport. The Administration estimates it will meet this goal through 4.73% race neutral means. The proposed DBE goal and its rationale will be available for review between 8:00 a.m. and 5:00 p.m. at Snohomish County Airport, 3220 100th Street SW, Everett, WA 98204. Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

Bruce Fisher
Airport Deputy Director
3220 100th Street SW, Suite A
Everett, WA 98204
Phone: 425-388-5110
Email: bruce.fisher@snoco.org

AND

Sonia Cruz
Compliance Specialist
Office of Civil Rights – ACR-4
Federal Aviation Administration
15000 Aviation Blvd.
Room 3025
Lawndale, CA 90261
310-725-3940
Email: sonia.cruz@faa.gov

No comments were received.

Attachment 5a

Airport One-on-One Meetings with Potential Contractors

Date	Event	Location	Contractor	Met with	Title	NAICS
4/17/2017	Regional Contracting Forum	Seattle, WA	All City Fence	Gene Claiborne	Project Manager	238990
			Bartlett Tree Experts	Robert Case	Arborist Representative	561730
			KBA, Inc.	K. Wendell Adams	Principal	237310
			Miller Fabrication Inc	Bob Hardy		238990
			Northsound Utility & Construction	Marcus Woodland	General Contractor	237310
			Pacific CM	Mike Monteleone	Construction Manager	237310
			Reid Middleton	Lisa Eagle	Coordinator	541370
			Obec	Marissa Madsen	Asst Construct Proj Manager	237310
4/27/2017	Tulalip Tribe Outreach Event	Tulalip, WA	Green Project Solutions	Larry Adeyemi	Managing Principal	238990
			Great Floors	Kristin Helberg	Ed & Gov Services	423320
			McCarthy Construction & Remodel	Rick McCarthy	President	237310
			Engineering/Remediation Resources Group	Melissa Grasso	Client Relations	561730
			Red Cedar Electrical Construction	Cecilia Tavoliero	Principal	238210
10/4/2017	NW Mtn States Minority MBE Showcase	Bellevue, WA	Apollo Mechanical Contractors	Ken Phillips	Spec Projects Manager	237310
			PlanLED	Michael Gunaca	Bus Dev Manager	423610
			Vulcan Products Company	Mike Russell		423320
			TokuSaku Consulting	Alicia Gootherts	Program Manager	238990
10/12/2017	Astra Women's Outreach Event	Univ of WA	Cochran	Leslie Cochran	CEO	238210
			RHD Enterprises	Rozanne Garman	President	237310
			Norton Corrosion Limited	Philip Goodwin	Technical	238990
11/1/2017	No Puget Sound Small Business Summit	Lynnwood Conv Center	Acme Environmental	Matt Luxom	Ecologist	561730
			Cascade Industrial & Hydraulic	Roger Huynh	Manager	238910
			Fain Environmental	Annika Fain	Restoration Specialist	561730
			Global Construction Supply	DJ		237310
			kpff	Mick Monken	SR Civil Engineer	237310
			Nash Creek Environmental	Tim Adamson	Truck Driver	484220
			Red Cedar Construction	Jacob Cabuag	Project Manager	237310
			Seahurst Electrical	Bo Kendall	Electrical Svcs Specialist	238210
			Stoneway Construction Supply	Erik Hoogerwerf	Sales Representative	237310
			T&T Traffic Control	Tracey Freeman	Owner	561990
			Tunista Construction Inc	Chris Parshall	Civil Manager	541370
			Washington Tractor	Ryan Ostrom	Govt Sales	238910
			WSP USA	Yingle Jiang	Civil Engineer	237310

Attachment 5b

2017 Training Events with Potential Contractors for the Airport

Date	Event	Location	Contractor	Met with	NAICS
Port & County Outreach & Training Event specific to Contractors and subcontractors interested in working with the Port and the County					
Presentations made by the Port & County Purchasing Managers, panel discussions & questions & answer phase. Over 275 contractors participated, the list below are those that meet the Airport's NAICS codes.					
3/16/2017	P2 Business Outreach Event Port & County	Everett, WA	Pro Light LED	Rick Allen	238990
			American Construction Co	Niclas Arvberger	237310
			Kane Environmental	Vance Atkins	541380
			Magnum Crane	David Baggott	238910
			Sequoyah Electric	Gary Belanger	238210
			Burton Construction	Evan Benjamin	237310
			Altus Traffic	Dennis Brewer	561990
			Akana	Matt Cadicamo	237310
			Everett Steel	Leslie Dunn	423510
			Salinas Concrete	Dawn Ellis	238110
			Axis Roof & Gutter	Casey Groves	238990
			Seahurst	Jeffrey Herrmann	238210
			IPI Pipe	Rusty Howell	423510
			Electric West	Isaac Huth	423610
			Laukhart Painting	Curt Lauckhart	238990
			Dickson Electric	Rosanna Licon	238210
			William Scotsman	Skip Locke	423320
			Manson Construction	David Machata	237310
			KLB Construction	Jane Mason	237310
			Bayshore Concrete	Mike McCrae	238110
			AMNW Construction Partners	Anthony Modugno II	237310
			Pacific CM	Mike Moteleone	237310
			Holocene Drilling Inc	John Murnane	238910
			NW Environmental	Kristin Noreen	541380
			JMS Masonry Restoration	Stan Phair	238990
			Rainier Asphalt	Rob Rothwell	238990
			Alba Prop Painting	Klodian Sokoli	238990
			Preferred Roof	Nickolas Thompson	238990
			Forma Construction	Jesse Trujillo	237310
Small group training based on type of business. Training offered by several local agencies and the Procurement Technical Asst Center (PTAC)					
6/27/2017	SnoCo Buyer Roundtable Event	SnoCo Campus	Napa Valley Mining Company	Karry Friendly	238910
			McCarthy Remodel	Rick McCarthy	237310
			Trondak, Inc.	Dan Metcalf	423320
			Lumenal Lighting	Bobbi McLeod	423320
			Alpha and Omega Electric	Nathan Turner	238210

Date	Event	Location	Contractor	Met with	NAICS
			Matvey Foundation Repair	Jim Wideraenders	238110
7/18/2017	PTAC/SBA/SnoCo Outreach Event	SnoCo Campus	Small group training for small business. Training offered by Small Business Administration (SBA), County, and the Procurement Technical Asst Center (PTAC)	Nathan Turner	238210
			Alpha & Omega Electric	Vincent Allende	423320
			Ballard Industrial	Steve Crecelius	238990
			SRC Private Security		