

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM



APPROVAL RECOMMENDED:



Director of Airports

APPROVED by the Trustees of the Oklahoma City Airport Trust this 28th day of January 2021.

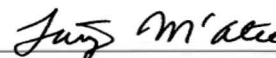
ATTEST:

OKLAHOMA CITY AIRPORT TRUST:



Trust Secretary





Chairman

REVIEWED for form and legality.



Assistant Municipal Counselor/
Attorney for the Trust

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SUBPART A – GENERAL REQUIREMENTS

49 CFR §§ 26.1, 26.23 Policy Statement and Program Objectives

The Oklahoma City Airport Trust (Trust) has established this Disadvantaged Business Enterprise (DBE) Program (Program) in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. The Trust receives federal financial assistance from the USDOT through the Federal Aviation Administration's (FAA) Airport Improvement Program (AIP), and as a condition of receiving this assistance, the Trust has signed assurances that it will comply with 49 CFR Part 26. This Program replaces the program dated December 20, 2018.

It is the policy of the Trust to ensure that all DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and to participate in USDOT-assisted contracts. The objectives of this DBE Program are:

1. To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for USDOT-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 USDOT-assisted contracts; and
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients.

The Federal Program Manager has been designated by the Director of Airports as the DBE Liaison Officer (DBELO). The DBELO is responsible for implementing all aspects of this DBE Program. Implementation of this DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the Trust in its financial assistance agreements with the USDOT.

The DBELO shall disseminate this DBE Program and Policy Statement as appropriate. This DBE Program and Policy Statement shall remain on file in the administrative offices of The City of Oklahoma City Department of Airports, 7100 Terminal Drive, Unit 937, Oklahoma City, Oklahoma, and shall be available for public viewing by accessing a link on Will Rogers World Airport's website at <https://flyokc.com/nondiscrimination-policies>. This DBE Program and Policy Statement will be distributed to members of the business community that perform or are interested in performing work on USDOT-assisted contracts as each contracting opportunity arises.

49 CFR § 26.3 Applicability

The Oklahoma City Airport Trust is the recipient of federal assistance through airport grant funds authorized by 49 U.S.C. § 47101, *et seq.*

49 CFR § 26.5

Definitions

The Trust hereby adopts the definitions contained in 49 CFR § 26.5 for this Program.

49 CFR § 26.7

Non-discrimination Requirements

The Trust will not knowingly 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 Trust 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.

49 CFR § 26.11

Record Keeping Requirements

Reporting to USDOT

The Trust will provide data about its DBE Program to the USDOT as directed by USDOT regulations or the FAA.

The Trust will submit annually, on or before December 1, to the FAA information about participating DBE firms and the information required for the *Uniform Reports of DBE Awards or Commitments and Payments*, as modified for use by FAA recipients, via the FAA Civil Rights Connect system (<https://faa.civilrightsconnect.com/>) or any other format acceptable to the FAA as instructed thereby.

Bidders List

The Trust will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on USDOT-assisted contracts. The purpose of this requirement is to provide accurate data about the universe of DBE and non-DBE contractors who seek to work on USDOT-assisted contracts and for use in setting the Trust's overall goals. The bidders list will include the name, address, DBE/non-DBE status, age of the firm, and annual gross receipts of firms.

Bidders list information will be collected using a Bidders List Collection Form, which shall be substantially similar to the form found in Attachment 7 to this Program, during the time of bid. The Oklahoma Department of Transportation (ODOT) maintains a DBE Directory Database of Certified DBEs available at <https://okdot.gob2g.com/Default.asp>.

Records Retention and Reporting

The Trust will maintain records documenting a firm's compliance with the requirements of this part and will require the prime contractor to maintain a copy of the DBE's Unified Certification Program (UCP) certification on file for a period of three years after the completion of the project. These records will be retained in accordance with all applicable record retention requirements of each financial assistance agreement. Other compliance related records will be retained for a minimum of three years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Grant Assurance

Each financial assistance agreement the Trust signs with a USDOT operating administration (or a primary recipient) will include the following assurance:

"The Oklahoma City Airport Trust shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any [US]DOT-assisted contract; or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The Trust shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of [US]DOT assisted contracts. The Trust's DBE Program, as required by 49 CFR Part 26 and as approved by [US]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 Trust 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

The Trust will ensure that the following clause is placed in every USDOT-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 Trust 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

The Trust is required to have a DBE Program meeting the requirements of 49 CFR Part 26 as it will receive grants for airport planning or development and will award prime contracts, the cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. The Trust is not eligible to receive USDOT financial assistance unless USDOT, by and through the FAA, has approved this DBE Program and the Trust is in compliance with it and 49 CFR Part 26. The Trust will continue to carry out this Program until all funds from USDOT financial assistance have been expended. The Trust does not have to submit regular updates of its DBE Program

document, as long as it remains in compliance. However, significant changes in the Program, including those required by regulatory updates, will be submitted for USDOT approval, by and through the FAA.

49 CFR § 26.23 Policy Statement

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

49 CFR § 26.25 DBE Liaison Officer (DBELO)

The Trust, by and through the Director of Airports, has designated the following individual as its DBE Liaison Officer:

Federal Program Manager
7100 Terminal Drive, Unit 937
Oklahoma City, OK 73159-0937
Telephone Number: (405) 316-3200

In this capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that the Trust complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Director of Airports concerning DBE Program matters. An organizational chart displaying the DBELO's position in the organization is found in Attachment 1 to this Program.

The DBELO is responsible for developing, implementing, and monitoring the DBE Program, in coordination with other appropriate officials. The DBELO will administer the Program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by the USDOT.
2. Reviews third party contracts and purchase requisitions for compliance with this Program.
3. Works with all departments to set overall triennial goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract-specific goals attainment) and identifies ways to improve progress.
6. Analyzes the Trust's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Director of Airports or Trust, when appropriate, on DBE matters and achievement.

9. Participates in pre-construction meetings.
10. Plans and participates in DBE training seminars.
11. Evaluates contractor compliance with good faith efforts.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

49 CFR § 26.27

DBE Financial Institutions

The Trust is required 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 USDOT-assisted contracts to make use of these institutions. In developing this DBE Program, the following institutions were researched and identified.

Bank2, 909 S. Meridian Ave., Oklahoma City, OK 73108

First Security Bank & Trust Co., 1541 N.E. 23rd St., Oklahoma City, OK 73111

The Trust encourages contractors to use the institutions noted above. For each goal update, the DBELO will investigate the availability of other financial institutions owned and controlled by socially and economically disadvantaged individuals.

49 CFR § 26.29

Prompt Payment Mechanisms

The Trust requires that all subcontractors performing work on USDOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR § 26.29, the Trust has established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the Trust.

The Trust will encourage prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to 49 CFR § 26.29, the Trust will include the following contract clause in all USDOT-assisted contracts.

"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 Trust. 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 the Trust's written approval. This clause applies to both DBE and non-DBE subcontracts."

To implement this measure, the Trust includes the following from FAA Advisory Circular 150/5370-10 in each USDOT-assisted prime contract:

“Partial payments will be made to the Contractor at least once each month as the work progresses. Said payments will be based upon estimates, prepared by the Engineer, of the value of the work performed and materials complete and in place, in accordance with the contract, plans, and specifications. Such partial payments may also include the delivered actual cost of those materials stockpiled and stored in accordance with the subsection 90-07 titled PAYMENT FOR MATERIALS ON HAND of this section. No partial payment will be made when the amount due to the Contractor since the last estimate amounts to less than five hundred dollars.”

49 CFR § 26.31 Directory

The Trust is a non-certifying member of the Oklahoma Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all elements required by 49 CFR § 26.31. The UCP updates the Directory monthly, and it is available at <https://okdot.gob2g.com/Default.asp>

49 CFR § 26.33 Overconcentration

The Trust has not identified that overconcentration exists in the types of work that DBEs perform.

49 CFR § 26.35 Business Development Programs

The Trust has not established a DBE Business Development Program (BPE). However, the Oklahoma Department of Transportation (ODOT), Civil Rights Division, conducts and sponsors classes and programs to assist businesses develop their potential and the Trust participates in those classes and programs relevant to the Trust. Information is available at <https://oklahoma.gov/odot/business-center/civil-rights/cr-community-outreach-programs.html>

49 CFR § 26.37 Monitoring and Enforcement Mechanisms

The Trust implements appropriate mechanisms to ensure compliance with 49 CFR Part 26 Program requirements by all Program participants, including prompt payment, and describes and sets forth these mechanisms herein.

The Trust actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs

The Trust undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities are accomplished through requiring prime contractors to report payments to subcontractors monthly. The DBELO or designee will review and verify that payments have been made and retainage has been returned to subcontractors in accordance with 49 CFR § 26.29.

The Trust requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three years unless otherwise provided by

applicable record retention requirements for the Trust's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the Trust or USDOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

The Trust proactively reviews contract payments to subcontractors, including DBEs, to ensure compliance. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to the Trust by the prime contractor.

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled in accordance with the following procedure:

1. The affected subcontractor should file or make a complaint with the prime contractor directly regarding payment. If a subcontractor is not comfortable with contacting the prime contractor directly, the affected subcontractor may contact the DBELO for help in facilitating the filing of the complaint.
2. If filing a complaint with the prime contractor does not resolve the payment dispute, the affected subcontractor may contact the Trust's DBELO to file a complaint.
3. If filing a prompt payment complaint with the DBELO does not resolve the payment dispute, the affected subcontractor may contact the FAA Office of Civil Rights.

Prompt Payment Dispute Resolution

In order to satisfactorily complete the purpose of 49 CFR § 26.29, the Trust will schedule a meeting with the prime contractor, affected subcontractor(s), the DBELO, and other appropriate staff as needed to resolve disputes as to whether work has been satisfactorily completed.

Enforcement Actions for Noncompliance of Participants

The Trust will provide appropriate means to enforce the requirements of 49 CFR § 26.29. These means may consist of:

- Issuing a stop-work order until payments are released to subcontractors and specifying in the contract that such orders constitute unauthorized delays of the prime contractor for the purposes of calculating liquidated damages;
- Making the prime contractor ineligible for all future bids or offers for any applicable contract until it is determined that the contractor is in compliance; and/or
- Canceling the current contract.

Monitoring Contracts and Work Sites

The DBELO reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by the DBELO or a person assigned by the DBELO, with assistance from the resident project representative (if a resident project representative is retained for the subject project). Contracting records are reviewed by the DBELO. The Trust will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

49 CFR § 26.39 Fostering Small Business Participation

The Trust has implemented contracting requirements to facilitate competition by small business concerns and taken 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.

Attachment 2 to this Program contains the Trust's Small Business Participation Plan (SBPP). The Trust will actively implement the SBPP to foster small business participation.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

49 CFR § 26.43 Set-asides or Quotas

The Trust does not use quotas in any way in the administration of this DBE Program.

49 CFR § 26.45 Overall Goals

The Trust will establish an overall DBE goal covering a three-year federal fiscal year period if the Trust anticipates awarding USDOT/FAA funded prime contracts, the cumulative total value of which will exceed \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with 49 CFR § 26.45(f), the Trust will submit its overall three-year DBE goal to the FAA by August 1st as required by the established FAA goal schedule. The Director of Airports, on behalf of the Trust, may approve interim goal updates that occur periodically during the three-year period until the next overall goal is updated or affirmed by the Trust.

The FAA goal submission calendar can be found online at https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/media/Schedule_of_DBE_and_ACDBE_Reporting_Requirements_Dec_2017_Issue.pdf

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

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. The Trust will use a Bidders List, a Disparity Study, the goal of another

USDOT recipient, DBE Directory information and Census Bureau Data, or other alternative method that complies with 49 CFR § 26.45 as a method to determine the base figure. The Trust understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR § 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past competitiveness of DBEs on contracts. The Trust will examine evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

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

In establishing the overall goal, the Trust 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 Trust’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 Trust’s goal setting process, and it will occur before the Trust is required to submit its goal methodology to the FAA for review pursuant to 49 CFR § 26.45(f). The Trust will document in its goal submission the consultation process in which the Trust engaged. Notwithstanding 49 CFR § 26.45(f)(4), the Trust will not implement its proposed goal until the Trust has complied with this requirement.

In addition, the Trust will publish a notice announcing its proposed overall goal before submission to the FAA on August 1st. The notice will be posted on the Trust’s official internet website and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal is changed following review by the FAA, the revised goal will be posted on the Trust’s official internet website (flyokc.com). The Trust will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at its principal office and that the Trust and USDOT/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) and where the proposal may be reviewed. The public comment period will not extend the August 1st deadline.

The Trust’s overall three-year DBE goal submission to USDOT/FAA will include a summary of information and comments received, if any, during this public participation process and its responses.

The Trust will begin using its overall goal on October 1 of the reporting period unless the Trust has received other instructions from USDOT/FAA.

Project Goals

In appropriate cases, the FAA Administrator may permit or require the Trust to express its 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, according to 49 CFR Part 26. 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 Trust's regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If the Trust establishes a goal on a project basis, the Trust will begin using its goal by the time of the first solicitation for a USDOT-assisted contract for the project.

Prior Operating Administration Concurrence

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

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 3 to this Program.

49 CFR § 26.47

Failure to Meet Overall Goals

The Trust cannot be penalized or treated by the USDOT/FAA as being noncompliant with 49 CFR Part 26 because DBE participation falls short of an overall goal unless the Trust fails to administer its DBE Program in good faith. In order for the Trust to be considered in compliance with 49 CFR Part 26, an approved DBE Program and overall DBE goal, if applicable, must be maintained.

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

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (c)(1) and (2) of 49 CFR § 26.47. The Trust will retain a copy of the analysis and corrective actions in its records for a minimum of three years and will make it available to the FAA upon request.

49 CFR § 26.51

Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

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

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under 49 CFR § 26.39.
2. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
3. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses; and
4. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.

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

Contract Goals

If the approved projection under paragraph (c) of 49 CFR § 26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order to meet the overall goal.

The Trust will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The Trust does not need to 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).

The Trust will express its contract goals as a percentage of the federal share of a USDOT-assisted contract.

49 CFR § 26.53

Good Faith Efforts Procedures in Situations Where There Are Contract Goals

Demonstration of Good Faith Efforts (Pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to the lowest and most responsible bidder/offeror that has demonstrated good faith efforts to show how it intends to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26. If the lowest bidder does not demonstrate how it will meet the contract goal or that it has exercised good faith efforts to meet the goal, the bidder may be considered as non-responsible or not the best bidder.

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 responsible. The Trust will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before the Trust commits to the performance of the contract by the bidder/offeror.

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

1. Award of the contract will be conditioned on meeting the requirements of this section;
2. All bidders or offerors will be required to submit the following information to the Trust, 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;
 - 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; and
 - vi. If the contract goal is not met, evidence of good faith efforts (see Appendix A of 49 CFR Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.
3. The Trust will require the bidder/offeror to present the information required by paragraph 2 of this section no later than five days after bid opening as a matter of responsibility. This information will be collected using forms substantially similar to those found in Attachment 4 to this Program.

Administrative Reconsideration

Within seven days of being informed by the DEBELO that the bidder is not responsible because it has not met the contract goal or documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidders should make this request in writing to the following Administrative Reconsideration Official (ARO), Director of Airports, The City of Oklahoma City Department of Airports, 7100 Terminal Drive, Unit 937, Oklahoma City, OK 73159-0937, Telephone Number: (405) 316-3200. The ARO will not have played any role in the original determination that the bidder 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 Trust's ARO to discuss the issue of whether it met the goal or made adequate good faith efforts. The ARO 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 US Department of Transportation.

Good Faith Efforts Procedures (Post-solicitation)

The awarded contractor will be required to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of 49 CFR Part 26.

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of the Trust, by and through the DEBELO. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or another DBE firm.

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

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

5. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215, and 1200 or applicable state law;
6. The Trust determined that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides the Trust 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 the Trust has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to the Trust 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 Trust, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request.

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

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

Each prime contract will include a provision stating:

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

The Trust will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If the Trust requests documentation from the contractor under this provision, the contractor shall submit the documentation within seven days, which may be extended for an

additional seven days if necessary, at the request of the contractor. The Trust shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

49 CFR § 26.55 Counting DBE Participation

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

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in 49 CFR § 26.87(j).

SUBPART D – CERTIFICATION STANDARDS

49 CFR §§ 26.61 – 26.73 Certification Process

The Trust is a non-certifying member of a Unified Certification Program (UCP) administered by the Oklahoma Department of Transportation (ODOT). UCP will use the certification standards of Subpart D of 49 CFR Part 26 to determine the eligibility of firms to participate as DBEs in USDOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. ODOT make all certification decisions based on the facts as a whole.

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

Oklahoma Department of Transportation
Civil Rights Division
200 N.E. 21st Street
Oklahoma City, OK 73105
Telephone Number: (405) 522-8000
(<https://okdot.gob2g.com/Default.asp>).

The certification application forms and documentation requirements are found in Attachment 5 to this Program.

SUBPART E – CERTIFICATION PROCEDURES

49 CFR § 26.81

Unified Certification Programs

The Trust is a member of a Unified Certification Program (UCP) administered by the Oklahoma Department of Transportation (ODOT). The UCP will meet all of the requirements of this section.

SUBPART F – COMPLIANCE AND ENFORCEMENT

49 CFR § 26.101

Compliance Procedures Applicable to the Trust

The Trust understands that if it fails to comply with any requirement of 49 CFR Part 26, the Trust may be subject to formal enforcement action under § 26.103 or § 26.105 or appropriate program sanctions by USDOT through the FAA, such as the suspension or termination of federal funds, or refusal to approve projects, grants, or contracts until deficiencies are remedied. Program sanctions may include actions consistent with 49 U.S.C. §§ 47106(d), 47111(d), and 47122.

49 CFR § 26.109

Information, Confidentiality, Cooperation and Intimidation or Retaliation

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

Notwithstanding the foregoing statement, all information, documentation, and materials submitted to the Trust are subject to the mandates of the Oklahoma Open Records Act, 51 O.S. § 24.A.1., *et seq.* The purpose of this Act is to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power. Almost all "records," as that term is defined in the Act, may be disclosed to the public upon request. Except where specific state or federal statutes create a confidential privilege, persons who submit information to public bodies have no right to keep this information from public access, nor reasonable expectation that this information will be kept from public access.

If a party believes that information submitted to the Trust is confidential under a specific state or federal statute and therefore not subject to public access, the submitting party must comply with the following:

- A. Place said information in a separate file titled "Confidential." If only a portion of a document/record is confidential, please identify specifically the portion of the document/record the submitting party is claiming is confidential. Under the Oklahoma Open Records Act, the Trust is obligated to produce records for public inspection even if the records contain a portion which is confidential but can redact the confidential parts.
- B. For each such record for which a submitting party claims a confidential privilege, identify the federal and/or state law that creates said privilege (e.g., for trade secrets, see 21 O.S. § 1732 (Larceny of Trade Secrets) and the Uniform Trade Secrets Act, 78 O.S. § 85, *et seq.*). The statute or law cited, if any, is not sufficient unless it clearly details the confidential nature of the material and specifically creates the confidential privilege. General exploratory laws are not meaningful.

Should an Oklahoma Open Records Act request be presented to the Trust requesting information a submitting party has identified as "Confidential," the submitting party will be responsible for defending its position in court should a proceeding be filed for the disclosure of any items claimed as confidential. If necessary, the submitting party will be required to indemnify the Trust for any expenses or other costs associated with any court action related to a "Confidential" assertion by the submitting party.

Information that may reasonably be construed as confidential business information and marked by the Contractor as "Confidential" before its submission to the Trust will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information, unless such disclosure is required by law. However, marked confidential information will be transmitted to USDOT in any certification appeal proceeding under 49 CFR § 26.89 or to any other state to which the individual's firm has applied for certification under 49 CFR § 26.85.

All participants in the Trust'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 USDOT 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 Trust, 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. The Trust understands that it is in noncompliance with 49 CFR Part 26 if it violates this prohibition.

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Organizational Chart



ATTACHMENT 2

Small Business Participation Plan

A. Purpose and Objective of Plan

In accordance with 49 CFR § 26.39, this plan is included as an attachment to the Trust's DBE Program and is herein referenced as the Small Business Participation Plan (SBPP). This plan's purpose is "to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation" 49 CFR § 26.39(a).

The Oklahoma City Airport Trust (Trust) hereby sets forth its plan to implement these requirements. The Trust's SBPP is also regarded as a substantial effort toward fulfilling the overall intent of 49 CFR § 26.51, which is to meet the maximum feasible portion of its overall goal by using race-neutral means to obtain DBE participation. Therefore, implementation of the Trust's SBPP will be based on the standard of business size, without regard to race or gender of the business owner.

Further, the Trust perceives the objectives of this section to be consistent with its DBE Program policy statement objectives, which are, in pertinent part:

- To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
- To help remove barriers to the participation of DBEs in USDOT-assisted contracts; and
- To promote the use of DBEs in all types of federally assisted contracts and procurement activities conducted by recipients.

The Trust's DBE Program policy statement and this SBPP are consistent with the mission of creating and encouraging business opportunities at all levels.

B. SBPP Strategy

The Trust intends to carry out the objectives of 49 CFR Part 26 by employing the following strategies and supporting activities:

1. Establishment of a Race-neutral Subcontracting Goal. The Trust proposes, where feasible, on certain prime contracts that do not have a DBE contract goal, that prime contractors will be encouraged to provide subcontracting opportunities to qualified small business concerns (SBCs), as defined herein, and without regard to race or gender of the business owner. The opportunities must be of a size that SBCs, including some which may also happen to be DBEs, can reasonably perform. The Trust, through its DBELO, airport staff, or its consultants, may assess the feasibility for race-neutral subcontracting goals on projects. This will help to establish a reasonable race-neutral subcontracting goal.
2. Consideration of "Unbundling" of Large Contracts. The Trust has given consideration to "unbundling" as a small business strategy and believes that such

a strategy will not be reasonably practical for the Trust at the current time. Because of the limited number of USDOT contracts each year, the increased total number of bid solicitations that would result with “unbundling” could significantly increase both administrative and project costs per bid and reduce the necessary “economy of scale” for the Trust’s airports.

C. Definitions for this Plan

1. Small Business. For purposes of this SBPP, “small business” shall have the same definition as “small business concerns” contained in 49 CFR § 26.5.

Small business concerns must meet the business size standards, as defined by the SBA. The business size standards are based upon the average annual revenues, and they vary according to the type of business. More information can be found at [https://www.sba.gov/sites/default/files/2019-08/SBA%20Table%20of%20Size%20Standards Effective%20Aug%202019%2C%202019 Rev.pdf](https://www.sba.gov/sites/default/files/2019-08/SBA%20Table%20of%20Size%20Standards%20Effective%20Aug%202019%2C%202019%20Rev.pdf)

Further, it is acknowledged that the SBA rules make allowances for the dollar amounts to be adjusted from time to time.

2. Disadvantaged Business Enterprise. Disadvantaged Business Enterprise (DBE) means a for-profit small business concern (defined by SBA rules, above) that meets the standards of 49 CFR Part 26 and as described in the Trust’s DBE Program.

It is understood that, in the implementation of this plan, all of the “small business concerns” may not necessarily be DBE firms. However, small businesses that are also owned and controlled by individuals who meet the DBE standard will certainly be encouraged to seek DBE certification. Only DBE-certified firms who participate as small business concerns, pursuant to this SBPP, will be counted toward DBE race-neutral participation on FAA-assisted contracts in this Program.

D. Verification Standards and Procedures

For purposes of this SBPP, the Trust will require the following verification and/or certification:

1. Unified Certification Program DBE Certification. DBE certification which indicates a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the Oklahoma UCP. The Trust is a non-certifying member of the Oklahoma UCP and relies on certification decisions of the Oklahoma Department of Transportation (ODOT). The ODOT certification staff applies the standards and procedures for DBE certification applicants contained in Subparts D and E of 49 CFR §§ 26.61 – 26.91.
2. Small business status. A non-DBE certified potential small business concern may have to complete a simplified application and/or provide the following information at time of response to a solicitation or a bid submittal, as evidence of the small business status:

- a. Evidence of SBA 8(a) or SBD Certification (as described in 13 CFR Parts 121 and 124);
 - b. A copy of the business tax returns for the most recent three-year period indicating the gross receipts; and/or
 - c. A notarized statement from a Certified Public Accountant indicating the firm's average gross receipts for the past three years.
3. Use of Personal Net Worth. The Trust, in addition to the standards for small business concerns described above, plans to utilize the current personal net worth standards of the DBE Program (49 CFR § 26.67), presently at \$1.32 million.

E. Monitoring and Record Keeping

The Trust will monitor and record SBPP data by requesting that prime contractors report the use of small businesses as subcontractors. The data will be organized in a manner that will track the type of businesses the prime contractors utilize that meet the SBPP requirements. This data will be maintained in accordance with the financial requirements set forth in the grant agreement for the project in which the work is performed.

F. Supportive Services

The Trust does not provide direct supportive services and/or business development programs to DBEs or small businesses. However, the Trust does coordinate and make referrals to other providers of these and similar services. These services, as relevant, will also be made to verified small business concerns. These services may include:

1. The distribution and dissemination of information about the new Small Business Participation Program, as well as bid information to certified DBEs and, by extension, to potential small business concerns.
2. Conducting outreach efforts (e.g., information sessions, open houses, etc.) as part of recruitment efforts for both qualified DBE firms and verifiable small business concerns, without regard to race or gender; and/or
3. Publicizing information to the small business community regarding current, ongoing, and future opportunities at the Trust's airports.

G. Implementation Plan and Timetable

The Trust proposes to have its SBPP fully implemented within 120 days of the FAA final approval of the plan. The Trust will utilize the timeframe to properly set up the Program in order to maximize the potential for ultimate success. These set-up activities will include:

1. Review all upcoming projects to determine which, if any, will be conducive for application of either of the two selected SBPP strategies described in Section B, above.

2. Review, in coordination with the Trust, its consultants, and with legal input, the necessary revisions and modifications to bid solicitation language, etc., prior to implementation of the plan.
3. The Trust, during the pre-implementation period, may also seek consultation with the representative small business community.

H. Principal Responsible Person

The Trust designates the DBELO as the principal responsible person for overseeing and implementing the Trust's SBPP.

I. Assurances

To help insure the successful implementation of the Small Business Participation Plan (SBPP), the Trust, by way of review, accepts the following Assurances:

1. Assurance that the Program is authorized under state 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 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 businesses;
4. Assurance that aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified; and
5. 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 3

Overall Goal Calculation

In fulfillment of the requirements of 49 CFR Part 26, the Oklahoma City Airport Trust (Trust) has developed a proposed overall goal for FY 2021 – FY 2023 Federal Aviation Administration Airport Improvement Program projects for the Trust's airports. The methodology used in establishing this goal is described herein.

Airport Sponsor: Oklahoma City Airport Trust

Airports: Will Rogers World Airport
Wiley Post Airport
Clarence E. Page Airport

DBELO: Federal Program Manager
Oklahoma City Airport Trust
7100 Terminal Drive, Unit 937
Oklahoma City, OK 73159-0937
Phone: (405) 316-3200
E-mail: airports-federalprogram@okc.gov

I. Detailed Methodology: Specific Steps

A. Amount of goal

The Trust's FY 2021-2023 overall goals for the Federal financial assistance it will expend in USDOT-assisted contracts, for each airport, are shown below:

	Will Rogers World Airport		Wiley Post Airport		Clarence E. Page Airport
Overall Goal	8.8%		6.2%		5.8%
Race-Neutral	0.0%		0.0%		0.0%
Race-Conscious	8.8%		6.2%		5.8%
Total Dollars	\$22,892,617		\$7,730,867		\$982,776
DBE Goal in Dollars	\$2,014,550		\$476,489		\$57,001

B. Determination of the market area of the study

The normal market area was based on discussions with Airport staff and an assessment of bidders from similar projects. Specifically, the market area is based on where the substantial majority of bidders, both successful and unsuccessful, are located and where the substantial majority of funding was spent. Also considered was the type of work to be bid during the goal period and the location of potential bidders who do that work. The results of the market area analysis is shown as illustrated in **Table 1** below.

Table 1:
Market Area for Oklahoma City Airport Trust

County	Bidders	Percent of bidders
Cleveland	0	0.0%
Oklahoma	4	36.4%
Market Area Total	4	36.4%
Other	7	63.6%
Total	11	100.0%

C. Determination of relevant NAICS codes

Based on the information available concerning the proposed projects for the goal period, a list of NAICS codes corresponding to these projects was developed and is shown below:

Table 2a:
Will Rogers World Airport
FY 2021–2023 Projects and Activities

Fiscal Year	Project	Activity	NAICS
2021	Reconstruct Runway 13/31 (Design Both Phases and Construction 1 Phase) Phase 1	Highway and Street	237310
		Electrical	238210
		Site Prep	238910
		Landscaping	561730
		Engineering	541330
		Surveying and Mapping	541370
		Testing Laboratories	541380
2022 & 2023	Reconstruct Runway 13/31 Construction Phase 2	Highway and Street	237310
		Electrical	238210
		Site Prep	238910
		Landscaping	561730
		Engineering	541330
		Surveying and Mapping	541370
		Testing Laboratories	541380

SOURCE: Oklahoma City Airport Trust

**Table 2b:
Wiley Post Airport
FY 2021–2023 Projects and Activities**

Fiscal Year	Project	Activity	NAICS
2021	Rehabilitate Runway 13/31 – Design & Construction (Pavement, Lights and Signs and Drainage)	Highway and Street	237310
		Electrical	238210
		Site Prep	238910
		Engineering	541330
2022	No AIP Projects at this time.	N/A	N/A
2023	Widening of 17R/35L from 75 ft. to 100 ft. – Design & Construction (OCAT Funded Drainage)	Highway and Street	237310
		Electrical	238210
		Site Prep	238910
		Lime Manufacturing	327410
		Landscaping	561730
		Engineering	541330
		Testing	541380

SOURCE: Oklahoma City Airport Trust

**Table 2c:
Clarence E. Page Airport
FY 2021–2023 Projects and Activities**

Fiscal Year	Project	Activity	NAICS
2021	Reconstruct Apron – Design & Construction (OCAT Portion of FBO Apron)	Highway and Street	237310
		Site Prep	238910
		Landscaping	561730
		Engineering	541330
		Testing Laboratories	541380
2022	No projects at this time	N/A	N/A
2023	No projects at this time	N/A	N/A

SOURCE: Oklahoma City Airport Trust

D. Determination of relative availability of DBEs in market area, compared to all firms

Table 3a:
DBEs – Will Rogers World Airport by Relevant NAICS Codes – FY 2021
“Reconstruct Runway 13/31 (Design, Both Phases and Construction 1 Phase)
Phase 1”

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway and Street	237310	5	34	14.7%	\$7,346,193	\$1,079,890
Electrical	238210	0	270	0%	\$490,251	\$0
Site Prep	238910	2	76	2.6%	\$694,609	\$18,060
Landscaping	561730	3	288	1.0%	\$121,464	\$1,215
Engineering	541330	10	222	4.5%	\$1,265,077	\$56,928
Surveying and Mapping	541370	1	42	2.4%	\$46,458	\$1,115
Testing Laboratories	541380	0	22	0%	\$184,083	\$0
Total Dollars					\$10,148,135	\$1,157,208
Weighted Step 1 Goal =						11.4%

SOURCES:

1. 2018 County Business Patterns, U.S. Census Bureau.
2. Oklahoma UCP DBE Directory, November 2020.

Table 3b:
DBEs – Will Rogers World Airport by Relevant NAICS Codes – FY 2022-2023
“Reconstruct Runway 13/31 Construction Phase 2”

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway and Street	237310	5	34	14.7%	\$9,225,414	\$1,356,136
Electrical	238210	0	270	0%	\$615,661	\$0
Site Prep	238910	2	76	2.6%	\$872,297	\$22,680
Landscaping	561730	3	288	1.0%	\$152,535	\$1,525
Engineering	541330	10	222	4.5%	\$1,617,911	\$72,806
Surveying and Mapping	541370	1	42	2.4%	\$58,342	\$1,400
Testing Laboratories	541380	0	22	0%	\$202,322	\$0
Total Dollars					\$12,744,482	\$1,454,547
Weighted Step 1 Goal =						11.4%

SOURCES:

1. 2018 County Business Patterns, U.S. Census Bureau.
2. Oklahoma UCP DBE Directory, November 2020.

Table 3c:
DBEs – Wiley Post Airport by Relevant NAICS Codes – FY 2021
“Rehabilitate Runway 13/31 – Design and Construction (Pavement, Lights, and Signs, and Drainage)”

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway and Street	237310	5	34	14.7%	\$577,530	\$84,897
Electrical	238210	0	270	0%	\$267,400	\$0
Site Prep	238910	2	76	2.6%	\$641,815	\$16,687
Engineering	541330	10	222	4.5%	\$148,675	\$6,690
Total Dollars					\$1,635,420	\$108,274
Weighted Step 1 Goal =						6.6%

SOURCES:

1. 2018 County Business Patterns, U.S. Census Bureau.
2. Oklahoma UCP DBE Directory, November 2020.

Table 3d:
DBEs – Wiley Post Airport by Relevant NAICS Codes – FY 2023
“Widening of 17R/35L from 75 ft. to 100 ft. – Design and Construction (OCAT Funded Drainage)”

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway and Street	237310	5	34	14.7%	\$1,689,886	\$248,413
Electrical	238210	0	270	0%	\$87,250	\$0
Site Prep	238910	2	76	2.6%	\$3,384,180	\$87,989
Landscaping	561730	3	288	1.0%	\$180,000	\$1,800
Engineering	541330	10	222	4.5%	\$554,132	\$24,936
Testing Laboratories	541380	0	22	0%	\$200,000	\$0
Total Dollars					\$6,095,447	\$363,138
Weighted Step 1 Goal =						6.0%

SOURCES:

1. 2018 County Business Patterns, U.S. Census Bureau.
2. Oklahoma UCP DBE Directory, November 2020.

Table 3e:
DBEs – Clarence E. Page Airport by Relevant NAICS Codes – FY 2021
“Reconstruct Apron – Design and Construction (OCAT Portion of FBO Apron)”

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway and Street	237310	5	34	14.7%	\$207,000	\$30,429
Site Prep	238910	2	76	2.6%	\$650,960	\$16,925
Landscaping	561730	3	288	1.0%	\$11,200	\$112
Engineering	541330	10	222	4.5%	\$93,616	\$4,213
Testing Laboratories	541380	0	22	0%	\$20,000	\$0
Total Dollars					\$982,776	\$51,679
Weighted Step 1 Goal =						5.3%

SOURCES:

1. 2018 County Business Patterns, U.S. Census Bureau.
2. Oklahoma UCP DBE Directory, November 2020.

NOTE: The County Business Patterns data were used as the source to determine the denominator, or the number of all firms in the market area. The DBE directories listed above were used to determine the numerator, or the number of DBE firms in the market area.

E. Determination of the “weighted” DBE base figure

The Step 1 DBE base figure for each project was derived by multiplying the dollars for each activity by the percentage of relevant DBE firms to all relevant firms.

The total DBE goal in dollars was divided by the total project costs to derive the Step 1 goals. The Step 1 DBE base figures for the Trust are as follows:

Will Rogers World Airport		
Fiscal Year	Project	Step 1
FY 2021	Reconstruct Runway 13/31 (Design, Both Phases and Construction 1 Phase) Phase 1	11.4%
FY 2022 – FY 2023	Reconstruct Runway 13/31 Construction Phase 2	11.4%

Wiley Post Airport		
Fiscal Year	Project	Step 1
FY 2021	Rehabilitate Runway 13/31 – Design and Construction (Pavement, Lights, and Signs, and Drainage)	6.6%
FY 2023	Widening of 17R/35L from 75 ft. to 100 ft. – Design and Construction (OCAT Funded Drainage)	6.0%

Clarence E. Page Airport		
Fiscal Year	Project	Step 1
FY 2021	Reconstruct Apron – Design and Construction (OCAT Portion of FBO Apron)	5.3%

II. Adjustments to the DBE Base Figure

After the DBE base figure has been developed, the regulations (49 CFR Part 26) require that: "...additional evidence in the sponsor's jurisdiction be considered to determine what adjustment, if any, is needed to the base figure to arrive at your overall goal." 49 CFR § 26.45(d).

A. Adjustment factors to consider

The regulations further state that there are several types of evidence that must be considered when adjusting the base figure. These include:

"The current capacity of DBEs to perform work in your USDOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years." 49 CFR § 26.45(d)(1)(i).

The historical overall DBE goals accomplished at the Airport in recent years were examined relative to the above consideration. Notice the annual DBE percent accomplishment indicated in Table 4 below:

Table 4:
Oklahoma City Airport Trust DBE Accomplishment

Airport	Fiscal Year	DBE Goal	DBE Percent Achieved	Achieved Over/Under
Will Rogers World Airport	2017	5.90%	4.52%	-1.38%
Wiley Post Airport	2017	7.80%	0.00%	-7.80%
Will Rogers World Airport	2018	7.70%	7.82%	0.12%
Wiley Post Airport	2018	9.64%	6.2%	-3.44%
Will Rogers World Airport	2019	10.7%	11.8%	1.1%
Wiley Post Airport	2019	4.3%	5.6%	1.3%
Median		7.75%	6.2%	-0.63%

The median DBE accomplishment for the periods as shown above for the Trust is 6.2%.

B. Adjustment to Step 1 DBE base figures: Oklahoma City Airport Trust, FY 2021 – FY 2023

With the adjustment factors considered to this point, the Trust will adjust the Step 1 base figures as calculated above by adding the annual accomplishment factor derived in Table 4 above (6.2%) to the base figures, and averaging the total, for

an adjusted overall DBE goal. Step 1 base figures that were not similar to previous projects were not adjusted.

Table 5a:
Will Rogers World Airport FY 2021 – FY 2023 Overall Goal

Fiscal Year	Project	Step 1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (dollars)
2021	Reconstruct Runway 13/31 (Design, Both Phases and Construction 1 Phase) Phase 1	11.4%	6.2%	8.8%	\$10,148,135	\$893,036
FY 2021 Total				8.8%	\$10,148,135	\$893,036
2022 - 2023	Reconstruct Runway 13/31 Construction Phase 2	11.4%	6.2%	8.8%	\$12,744,482	\$1,121,514
FY 2022 - 2023 Total				8.8%	\$12,744,482	\$1,121,514
FY 2021 - FY 2023 Overall Goal				8.8%	\$22,892,617	\$2,014,550

The total DBE goal in dollars was divided by the total federal portion of project costs to derive the overall DBE goal of 8.8% for FY 2021-FY 2023.

Table 5b:
Wiley Post Airport FY 2021 – FY 2023 Overall Goal

Fiscal Year	Project	Step1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (dollars)
2021	Rehabilitate Runway 13/31 – Design and Construction (Pavement, Lights, and Signs, and Drainage)	6.6%	6.2%	6.4%	\$1,635,420	\$104,667
FY 2021 Total				6.4%	\$1,635,420	\$104,667
2023	Widening of 17R/35L from 75 ft. to 100 ft. – Design and Construction (OCAT Funded Drainage)	6.0%	6.2%	6.1%	\$6,095,447	\$371,822
FY 2023 Total				6.1%	\$6,095,447	\$371,822
FY 2021 - FY 2023 Overall Goal				6.2%	\$7,730,867	\$476,489

The total DBE goal in dollars was divided by the total federal portion of project costs to derive the overall DBE goal of 6.2% for FY 2021-FY 2023.

**Table 5c:
Clarence E. Page Airport FY 2021 – FY 2023 Overall Goal**

Fiscal Year	Project	Step1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (dollars)
2021	Reconstruct Apron – Design and Construction (OCAT Portion of FBO Apron)	5.3%	6.2%	5.8%	\$982,776	\$57,001
FY 2021 Total				5.8%	\$982,776	\$57,001
FY 2021 - FY 2023 Overall Goal				5.8%	\$982,776	\$57,001

The total DBE goal in dollars was divided by the total federal portion of project costs to derive the overall DBE goal of 5.8% for FY 2021-FY 2023.

III. Process

The Trust normally submits its overall goal to the FAA on or before August 1 of each goal period. The Trust will begin using the overall goal on October 1 of each year, unless the Trust has received other instructions from USDOT/FAA (or, if the goal is established on a project basis) by the time of the first solicitation for a USDOT/FAA-assisted contract for the projects.

A. Public Involvement

The Trust held a virtual Microsoft Teams public meeting on December 15, 2020. The purpose of the meeting was to solicit information from interested stakeholders about the draft goal, as well as the availability of potential DBEs, the effects of discrimination on opportunities for DBEs, and the Trust's effort to increase DBE participation. The Trust's overall goal submission to the FAA will include a summary of information and comments received during this public participation process and its responses. The summary and details of the consultation are located in Attachment 8.

IV. Breakout of Estimated Race-Conscious/Race-Neutral Participation

The Trust will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Trust will use a combination of the following race-neutral means to increase DBE participation:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation (e.g., encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces); and
2. Disseminating information on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses,

on recipient mailing lists for bidders, and ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors).

The Trust proposes to meet all of its goals using race-conscious means. The reason for this breakout is that projects from previous years reflect that the median amount by which the past DBE goals were over-achieved is -0.63% (see Table 4).

The Trust will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (49 CFR § 26.51(f)), and the Trust will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

V. Contract Goals

The Trust will use contract goals to meet any portion of the overall goal that it does not anticipate 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 its overall goal that is not projected to be met through the use of race-neutral means.

The Trust will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The Trust does not need to 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, and availability of DBEs to perform the particular type of work).

The Trust will express its contract goals as a percentage of the federal share of a USDOT-assisted contract.

[The remainder of this page is intentionally left blank.]

ATTACHMENT 4

Forms 1 and 2 for DBE Utilization

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner:

☐ Bidder/offeror has met the DBE contract goal.

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

☐ Bidder/offeror has not met the DBE contract goal.

The bidder/offeror is committed to a minimum of ____% DBE utilization on this contract and will submit documentation demonstrating good faith efforts.

Legal name of bidder/offeror's firm: _____

Bidder/Offeror Representative: _____

Name and Title

Signature

Date

FORM 2: LETTER OF INTENT

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

Name of bidder/offeree's firm: _____

Name & title of firm's AR: _____

Phone: _____ Email: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Name & title of firm's AR: _____

Phone: _____ Email: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ DBE Ethnicity & Gender _____ NAICS: _____

Description of work to be performed by DBE firm:

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

Dollar Amount/% _____ Dealer/Manufacturer _____

**Percentage is to be used only in negotiated procurements, including design-build contracts*

***For material suppliers only, indicate whether the DBE is a manufacturer or a regular dealer as defined by 49 CFR § 26.55.*

The undersigned bidder/offeree is committed to utilizing the above-named DBE firm for the work described above. The total expected dollar value of this work is \$ _____. The bidder/offeree understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified above that is representative of the type and amount of work listed. Bidder/offeree understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed above without following the procedures of 49 CFR Part 26, § 26.53.

Date: _____

Signature of Bidder/Offeree's Authorized Representative

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for DBE participation therefore.

Date: _____

Signature of DBE's Authorized Representative

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

Submit this page for each DBE subcontractor. (Submit this page for each DBE subcontractor.)

ATTACHMENT 5

Certification Application Form

The Unified Certification Program (UCP) certification application for the State of Oklahoma may be found at <https://okdot.gob2g.com>.

ATTACHMENT 6

Regulations: 49 CFR Part 26

Relevant federal regulations, Title 49, Code of Federal Regulations, Part 26, may be found at www.ecfr.gov.

ATTACHMENT 7

Bidders List Collection Form

Firm Name	Firm Address and Phone No.	DBE or Non-DBE Status <i>(verify via ODOT DBE Directory)</i>	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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M

ATTACHMENT 8

Stakeholders Meeting Summary

A. Public Participation

Consultation: 49 CFR Section 26.45(g)(1)(i).

Attendees – see attached sign-in sheet

The Oklahoma City Airport Trust (Trust) will submit its overall DBE three-year goal on or before February 1, 2021.

As part of OCAT's on-going effort to encourage public participation, staff members participate in various community outreach initiatives. In addition, OCAT ensures that bid notices and request for proposals are available to DBEs; promote DBE training seminars; and attend events sponsored by the Oklahoma Department of Transportation (ODOT) encouraging DBE participation.

On December 15, 2020, OCAT conducted a DBE Stakeholder Consultation Meeting in compliance with 49 CFR Section 26.45(g)(1)(i). The meeting was held virtually via Microsoft Teams at 2:00 PM CST.

Prior to the meeting, an extensive outreach effort was completed to encourage participation/awareness of the meeting. The draft goals and public notice of the stakeholders meeting were published on the OCAT website under the Nondiscrimination Policies section of the website. In addition, email invitations were sent to all identified stakeholders, including every listed DBE in the ODOT DBE directory and the stakeholder members of the Oklahoma Department of Commerce Minority Business Council and Small and Minority Business members.

During the meeting, participants were provided with an overview of the FAA's DBE program and the proposed FY21 – FY23 DBE goals for Will Rogers World Airport, Wiley Post Airport and Clarence E. Page Airport. The participants were also given an overview of how the proposed DBE goals for FY21 – FY23 were calculated and the Airports' past performance in meeting their DBE goals. Additional information was provided on how to become a certified DBE in the state of Oklahoma and links to resources for certification and small business development were given.

After the presentation, participants were provided opportunities to provide feedback on the proposed goals, the effects of discrimination on opportunities for DBEs, and OCAT's efforts to ensure a level playing field. Most of the questions posed by the participants related to clarifying the methodology for calculating the goals, understanding upcoming projects at the Airport, the DBE certification process/requirements, and how NAICS codes are utilized in the DBE process. No participants provided any questions or objections to the proposed DBE goal for the Airports for FY21 – FY23.

The discussion and related information received during the meeting did not impact the goal or methodology. No specific problems or areas of concern were identified by the attendees.

B. Stakeholder Meeting Questions and Answers

Verbal Questions

- Victor: Testing Labs shows 0% in table
 - Currently does testing work at both OKC and Wiley Post - located in Oklahoma County
 - TSP to research
- Louis: Will OCAT use database for codes they are seeking, or does DBE need to register with trust?
 - How are DBEs recognized by ODOT for specific capabilities?
 - TSP: Will be covered later in presentation

Questions Written in the Virtual Meeting Chat

[2:11 PM] Louis (Guest)

Are DBE firms required to register with airport trust authority or will the airport seek DBE NAICS through ODOT

- TSP: Register with ODOT and OCAT
- Louis: Having trouble with Periscope
- Tara: Will provide info

[2:12 PM] Stephanie Teetes (Guest)

Is the data for the DBE firms based on 2018 DBE data? (See Sources)

- TSP: Uses most current DOT DBE directory
 - County Business Patterns most recent data is 2018

[2:17 PM] Keisha A Rivers (Guest)

Are those NAICS codes the only categories of DBEs you're considering for these projects?

- TSP: Would like any kind of DBE participation

[2:18 PM] Misty Thurman (Guest)

Will you consider DBEs based in Tulsa County?

- TSP: Yes - use past bids to create goals but all encouraged to participate

[2:18 PM] Keisha A Rivers (Guest)

Additional challenge: having the staff and support to respond to RFPs

- TSP: Seek business development assistance from ODOT and/or SBA if submitting as prime

[2:24 PM] Stephanie Teetes (Guest)

Will construction materials be counted towards the DBE goal?

- TSP: Can be. Would need notification from prime that supplier is DBE.

[2:27 PM] Summerlin, Tara S

Bidsync does allow vendors to register for free. That button is in the middle of the screen.

<https://www.periscopeholdings.com/bidsync/the-city-of-oklahoma-city>

[2:29 PM] Keisha A Rivers (Guest)

Will a copy of this recording be made available to us?

- TSP: Yes, in the next couple days

C. Stakeholder Microsoft Teams Virtual Meeting Attendees

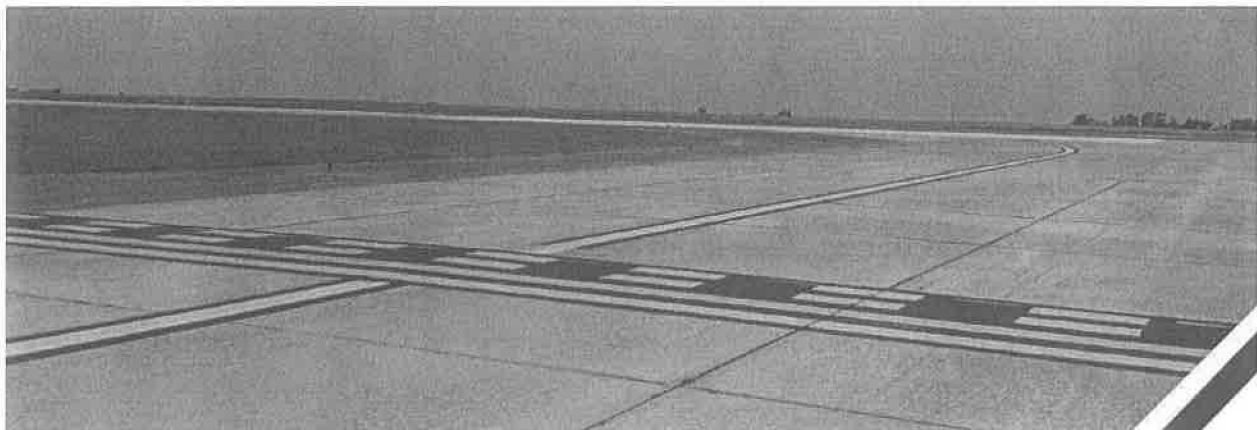
Last Name	First Name
Adoma	Diane
Cabe	Kimberly
Cole	Anthony
Diaz	Mychael
Gabrielson	Neil
Hill	Dwayne
Kozakiewicz	Erin
Kranenburg	Mark D.
Lung-Close	Heather E.
Peyton	Suzanne
Pttrsn	Jime
Rivers	Keisha A
Scarberry	Robert A.
Summerlin	Tara S.
Syreeta	Durham
Teetes	Stephanie
Thurman	Misty
Whitfield	Leah
Wise	Cindi
	Justin
	Victor
	Louis

1-405-227-1880

1-405-209-1252

3 Unknown Users

D. Stakeholder Meeting Presentation



OCCAT DBE Program



Title 49 CFR Part 26

- **Disadvantaged Business Enterprise**
 - Definition: DBEs are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations.
 - Requirements: to participate as a DBE, must be certified by the Oklahoma Unified Certification Program (UCP) through the Oklahoma Department of Transportation (ODOT), Civil Rights Division.



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Title 49 CFR Part 26

- **Recipients of AIP funds**
- **To ensure non-discrimination in DOT contracts**
- **To promote use of DBEs in all types of federally assisted contracts**
- **DBE Program**
- **Draft 3-Year Goals – 2021-2023**



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2021-2023 Draft Goal Development

Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: Oklahoma City Airport Trust

Goal Period: October 1, 2021 through September 30, 2023

	Will Rogers World Airport	Wiley Post Airport	Clarence E. Page Airport
Overall Goal	8.8%	6.2%	5.8%
Race-Neutral	0.0%	0.0%	0.0%
Race-Conscious	8.8%	6.2%	5.8%
Total Dollars	\$22,892,617	\$7,730,867	\$982,776
DBE Goal In Dollars	\$2,014,550	\$476,489	\$57,001



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2021-2023 Draft Goal Development

- **Will Rogers World Airport**
 - FY 2021 – Reconstruct Runway 13/31 (Design, Both Phases and Construction Phase 1) – Total project \$10,148,135 (DBE \$1,157,208)
 - FY 2022-2023 – Reconstruct Runway 12/31 Construction Phase 2 – Total project \$12,744,482 (DBE \$1,454,547)
- **Wiley Post Airport**
 - FY 2021 – Rehabilitate Runway 13/31 – Design and Construction (Pavement, Lights, and Signs, and Drainage) – Total project \$1,635,420 (DBE \$108,274)
 - FY 2023 – Widening of 17R/35L from 75 ft. to 100 ft. – Design and Construction (OCAT Funded Drainage) – Total project \$6,095,447 (DBE \$363,138)
- **Clarence E. Page Airport**
 - FY 2021 – Reconstruct Apron – Design and Construction (OCAT Portion of FBO Apron) – Total project \$982,776 (DBE \$51,679)



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2021-2023 Draft Goal Development

Step 1: Establish Base Figure

- Based upon relative availability of DBE firms
- Based figures ranged depending on type of work:
 - WRWA – 11.4%
 - PWA – 6.0%-6.6%
 - RCE – 5.3%

Will Rogers World Airport by Relevant NAICS Codes – FY 2022-2023
"Reconstruct Runway 13/31 Construction Phase 2"

Activity	NAICS Codes	OBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway and Street	237310	5	34	14.7%	\$9,225,414	\$1,356,136
Electrical	238210	0	270	0%	\$615,661	\$0
Site Prep	238910	2	76	2.6%	\$872,297	\$22,680
Landscaping	561730	3	288	1.0%	\$152,535	\$1,525
Engineering	541330	10	222	4.5%	\$1,617,911	\$72,806
Surveying and Mapping	541370	1	42	2.4%	\$58,342	\$1,400
Testing Laboratories	541380	0	22	0%	\$202,322	\$0
Total Dollars					\$12,744,482	\$1,454,547
Weighted Step 1 Goal =						11.4%

SOURCES:

1. 2010 County Business Patterns, U.S. Census Bureau.



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2021-2023 Draft Goal Development

Step 2: Adjust Goal

- Based upon historic DBE accomplishments
- Overall goals adjusted as shown in table

Will Rogers World Airport FY 2021 – FY 2023 Overall Goal

Fiscal Year	Project	Step 1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (Dollars)
2021	Reconstruct Runway 13/31 (Design, Earth Phases and Construction Phase 1)	11.4%	6.2%	8.8%	\$10,148,135	\$893,036
FY 2021 Total				8.8%	\$10,148,135	\$893,036
2022 - 2023	Reconstruct Runway 13/31 Construction Phase 2	11.4%	6.2%	8.8%	\$12,744,482	\$1,121,514
FY 2022 - 2023 Total				8.8%	\$12,744,482	\$1,121,514
FY 2021 - FY 2023 Overall Goal				8.8%	\$22,892,617	\$2,014,550

Wiley Post Airport FY 2021 – FY 2023 Overall Goal

Fiscal Year	Project	Step 1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (Dollars)
2021	Rehabilitate Runway 13/31 – Design and Construction (Pavement, Lights, and Signs and Drainage)	6.6%	6.2%	6.4%	\$1,635,420	\$104,667
FY 2021 Total				6.4%	\$1,635,420	\$104,667
2023	Widening of IIR/SSL Run 75 ft. to 100 ft. – Design and Construction (OCAT Funded Drainage)	6.0%	6.2%	6.1%	\$6,065,447	\$371,822
FY 2023 Total				6.1%	\$6,065,447	\$371,822
FY 2021 - FY 2023 Overall Goal				6.2%	\$7,700,867	\$476,489

Clarence E. Page Airport FY 2021 – FY 2023 Overall Goal

Fiscal Year	Project	Step 1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (Dollars)
2021	Reconstruct Apron – Design and Construction (OCAT Portion of PBD Apron)	5.3%	6.2%	5.8%	\$582,776	\$57,001
FY 2021 Total				5.8%	\$582,776	\$57,001
FY 2021 - FY 2023 Overall Goal				5.8%	\$582,776	\$57,001





2021-2023 Draft Goal Development

- Questions?
- Input?



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OCAT DBE Goals – Stakeholder Input

- **Relative availability of DBE and Non-DBE Contractors**
 - Any proximity issues?
 - Any trade availability issues?



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OCAT DBE Goals – Stakeholder Input

- What are the challenges for DBEs in the Cleveland and Oklahoma Counties area that should be considered?



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OCAT DBE Goals – Stakeholder Input

- OCAT efforts to establish a level playing field for DBE participation
 - Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation (e.g., encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces); and
 - Disseminating information on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders, and ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors).
 - Make referrals to small business and disadvantaged business support services and business development programs
 - Distributing bid information to certified DBEs
 - Conducting outreach efforts and publicizing opportunities at the Trusts's airports.



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OCAT DBE Goals Development

- **Next Steps - Goals submittal 2/1/2021, implementation 3/1/2021**
- **How to obtain information about future opportunities with OCAT**
- **How to obtain information about certification and business development assistance.**
 - ODOT Certification Website (<https://okdot.gob2g.com/Default.asp>).
 - ODOT Civil Rights Resources <https://oklahoma.gov/odot/business-center/civil-rights/cr-community-outreach-programs.html>



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**For more information
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