

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

2024 - 2026



DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

49 CFR Part 26

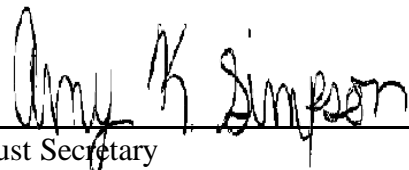


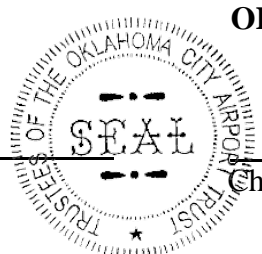
APPROVAL RECOMMENDED:


_____ For
Director of Airports

APPROVED by the Oklahoma City Airport Trust and signed by the Chairman this 23RD day of
_____ JANUARY _____, 2025 _____.

ATTEST:


_____ Trust Secretary



OKLAHOMA CITY AIRPORT TRUST


_____ Chairman

REVIEWED for form and legality.


_____ Assistant Municipal Counselor/
Attorney for the Trust

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POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Oklahoma City Airport Trust (Trust) owner of OKC Will Rogers International Airport, Wiley Post Airport and Clarence E. Page Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Trust has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, the Trust has signed an assurance that it will comply with 49 CFR Part 26 (hereinafter referred to as “Part 26”). This DBE Program replaces the prior DBE Program dated October 26, 2023.

It is the policy of the Trust to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also the Trust’s policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the marketplace outside the DBE Program (NOTE – This is performed by the State of Oklahoma, Department of Commerce, and the Trust); and
8. Make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The Senior Financial Services Manager has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the Senior Financial Services Manager 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 Trust in its financial assistance agreements with the Department of Transportation.

The DBELO shall disseminate this DBE Program and Policy Statement to the Trust and others, 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 OKC Will Rogers International Airport's website at <https://flyokc.com/nondiscrimination-policies>. This Program and Policy Statement will be distributed to DBE and non-DBE business communities that may perform work or are interested in performing work on the Trust's DOT-assisted contracts as each contracting opportunity arises. This distribution will be accomplished by publishing the DBE Program on the Airport's website and distributing through various outreach events hosted or attended by Airport Staff.



Jeff Mulder

12/30/24

Date

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 result in timely and meaningful action by the Trust to resolve the payment dispute, the affected subcontractor may contact the FAA Office of Civil Rights.
4. Pursuant to Sec. 157(b) of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

The Trust provides appropriate means to enforce the requirements of § 26.29. These means may consist of:

- Issuing a stop-work order until payments are made 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 future bids or offers for any applicable contract until it is determined that the contractor is in compliance; and/or
- Terminating the current prime contract.

The Trust will actively implement the enforcement action detailed above.

Section 26.31 Directory of Certified Firms

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 and/or ACDBEs, and it contains all the elements required by §26.31. The directory lists all firms eligible to participate as a DBE and/or ACDBE in the Program. In the listing for each firm, the UCP directory includes the following details about the firm:

- Business address
- Business phone number
- Firm website(s)
- The types of work the firm has been certified to perform as a DBE and/or ACDBE.
- The type of work a DBE and/or ACDBE is eligible to perform is listed by using the most specific NAICS code available to describe each type of work the firm performs. Pursuant to § 26.81(n)(1) and (3), the UCP directory allows for NAICS codes to be supplemented with specific descriptions of the type(s) of work the firm performs.
- The UCP directory may include additional data fields of other items readily verifiable in State or locally maintained databases, such as State licenses held, Pre-qualifications, and Bonding capacity.
- The UCP directory is an online system that permits the public to search and/or filter for

GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

The Trust is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 Definitions

The Trust will use terms in this Program that have their meanings defined in Part 26, § 26.5.

Section 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 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.

Section 26.11 Data Collection and Reporting Requirements

Reporting to DOT

The Trust will provide data about its DBE Program to the Department as directed by DOT and its operating administrations.

DBE participation will be reported to the Federal Aviation Administration (FAA) as follows:

The Trust will transmit to FAA annually, by or before December 1, the information required for the “Uniform Reports of DBE Awards or Commitments and Payments”, as described in Part 26. The Trust will similarly report the required information about participating DBE firms. All reporting for this purpose will be done through the FAA’s designated reporting system.

Bidders List

The Trust will collect bidders list information as described in § 26.11 (c)(2) and enter it into the system designated by DOT. The purpose of the bidders list is to compile as accurate data as possible about the universe of DBE and non-DBE contractors who seek to work on our federally assisted contracts for use in helping the Trust set its overall goals, and to provide the Department with data for evaluating the extent to which the objectives of § 26.1 are being achieved.

The Trust will obtain the following bidders list information about all DBE and non-DBEs who bid as prime contractors and subcontractors on each of our federally assisted contracts:

- Firm name
- Firm Address including Zip code
- Firm's status as a DBE or non-DBE
- Race and gender information for the firm's majority owner
- NAICS code applicable to each scope of work the firm sought to perform in its bid
- Age of the firm
- Annual gross receipts of the firm. The gross receipts can be obtained by asking each firm to indicate into what gross receipts bracket they fit (e.g. less than \$1 million; \$1-3 million; \$3-6 million; \$6-10 million, etc.) rather than requesting an exact figure from the firm.

The Trust will collect the data from all bidders for our federally assisted contracts by requiring the information in paragraph (c)(2) of this section to be submitted with their bids or initial response to negotiated procurements.

Trust will enter this data in the Department's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded.

In the case of a "design-build" contracting situation where subcontracts will be solicited throughout the contract period as defined in a DBE Performance Plan pursuant to § 26.53(e), Trust will enter the data no later than December 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).

The Trust will maintain records documenting a firm's compliance with the requirements of this part. Other certification or compliance-related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Assurances Recipients and Contractors Must Make

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

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

The Trust 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 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 [DOT assisted contracts. The Trust's 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 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 included in each DOT-funded contract it signs 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 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.

ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The Trust is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year.

The Trust is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and the Trust is in compliance with it and Part 26. The Trust will continue to carry out this Program until all funds from DOT financial assistance have been expended. The Trust does not have to submit regular updates of the 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 to the relevant operating administration 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)

The following individual has been designated as the DBE Liaison Officer for the Trust:

Pam Martindale
Senior Financial Services Manager
7100 Terminal Drive, Unit 937
Oklahoma City, OK 73159-0937
(405) 316-3200
airports-federalprogram@okc.gov

In that 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 included in Attachment 2 to this Program.

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall 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) and monitors results.
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.

Section 26.27

DBE Financial Institutions

It is the policy of the Trust 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 availability of such institutions will be investigated on an annual basis.

In developing this Program, the following institutions were researched and identified.

Chickasaw Community Bank, 115 Park Ave., Oklahoma City, OK 73102
First National Bank and Trust Co., 3030 NW Expressway Ste 1, Oklahoma City, OK 73112
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.

Section 26.29 Prompt Payment Mechanisms

The Trust requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law. Prompt payment and return of retainage requirements also apply to lower-tier subcontractors.

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 ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 10 days after the subcontractor's work is satisfactorily completed. Pursuant to § 26.29, the Trust has selected the following method to comply with this requirement:

The Trust will include the following contract clause in all DOT-assisted contracts.

“The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten (10) 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 ten (10) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above-mentioned time frame may occur only for good cause following the Trust's written approval. This clause applies to both DBE and non-DBE subcontracts.”

For every airport construction project funded under Federal grant assistance programs, the Trust includes the applicable clause from FAA Advisory Circular 150/5370-10 (Section 90-06) pertaining to the selected retainage method. The applicable clause will be included verbatim. However, if state or local prompt payment laws provide for payment in less than 30 days, any reference to “30 days” will be revised accordingly.

“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.”

Prompt Payment Monitoring for DBEs and Non-DBEs

The Trust clearly understands and acknowledges that reliance on complaints or notifications from subcontractors about a contractor’s failure to comply with prompt payment and retainage requirements is not sufficient monitoring and oversight of prime contractors’ compliance with subcontractor prompt payment and return of retainage requirements of 49 CFR Part 26. Such monitoring activities will be accomplished through the following methods(s):

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.

The Trust requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) 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 DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

- The Trust proactively reviews contract payments to subcontractors, including DBEs, no less than quarterly 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 Dispute Resolution

The Trust will take the following steps to resolve disputes as to whether timely prompt payment and retainage releases are being made as required by § 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.

The Trust has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage:

A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

“The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten (10) 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 ten (10) days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of payment from the above-mentioned time frame may occur only for good cause following the Trust’s written approval. This clause applies to both DBE and non-DBE subcontracts.”

DBEs by:

1. Physical location
2. NAICS code(s)
3. Work descriptions
4. All additional data fields of readily verifiable optional information described above.

The directory includes a prominently displayed disclaimer that states the information within the directory is not a guarantee of the DBE's capacity and ability to perform work.

Section 26.33 Over-concentration

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

Section 26.35 Business Development and Mentor-Protégé Programs

The Trust has not established a Business Development Program or a Mentor-Protégé Program as described by 49 CFR Part 26.

Section 26.37 Monitoring Responsibilities

The Trust implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all Program participants, and describes and sets forth these mechanisms in this Program.

The Trust actively monitors attainment toward overall goals by maintaining a running tally that provides for a frequent comparison of cumulative DBE awards/commitments to DOT-assisted prime contract awards to determine whether our implementation of contract goals is projected to be sufficient to meet the annual goal. The running tally for overall goal monitoring will be maintained by utilizing electronic software where all DBE awards/commitments are entered and compared to the associated prime contracts to ensure the overall goal will be met. This mechanism to maintain a running tally of overall goal attainment will be used to inform the Trust's decisions to implement goals on contracts to be advertised, according to our established contract goal-setting process.

The Trust actively monitors participation with respect to each DBE commitment by using a running tally that provides for a frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor. 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 § 26.53(g). These contract-specific running tallies will be used to determine whether the contractor is on track with meeting its DBE commitment and whether any projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to § 26.53(g).

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 DOT. This reporting requirement extends to all

subcontractors, both DBE and non-DBE.

The Trust proactively reviews contract payments to subcontractors, including DBEs, no less than quarterly 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.

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, and such work is counted according to the requirements of § 26.55. Work site monitoring is performed by the DBELO or staff assigned by the DBELO, with assistance from the resident project representative (if a resident project representative is retained for the subject project). The monitoring of work sites to assess commercially useful functions will include interviews with staff members and supervisors at the job site, photographic documentation of people and equipment performing the work, review of invoices and supply payments, vehicle and equipment ownership or lease verification (such as registration or lease agreements), and any other supporting documents necessary to determine the business is performing a commercially useful function.

Contracting records are reviewed by the DBELO. The Trust will require prime contractors to provide copies of subcontracts for review. Reviews of contracting records will include verifying mandatory contract language is included in prime and subcontracts, verifying prohibited terms and conditions are not present, and to confirm the type and amount of work described in a subcontract aligns with representations made by the prime and subcontractor in any related letters of intent. The Trust will maintain written certification that contracting records have been reviewed and work sites have been monitored to ensure the counting of each DBE's participation is consistent with its function on the contract.

Section 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.

The measures are incorporated as Attachment 10 to this DBE Program. The program elements will be actively implemented to foster small business participation. The Trust acknowledges that implementation of the small business element is required for us to be considered by DOT as implementing our DBE Program in good faith.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The Trust does not use quotas or race-conscious set -asides in any way in the administration of this Program.

Section 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 DOT- funded prime contracts, the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), the Trust will submit its Overall Three-year DBE goal to the FAA by August 1st of the year in which the goal is due, as required by the schedule established by the FAA. 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 DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Trust does not anticipate awarding prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However, this DBE program will remain in effect and the Trust will seek to fulfill the objectives outlined in 49 CFR Part 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 DOT recipient, DBE Directory information and Census Bureau Data, or other alternative method that complies with §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 Part 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.

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 the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which the Trust engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition, to the consultation described above, the Trust will publish a notice announcing the 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 changes following review by the FAA, the revised goal will be posted on the Trust's official internet website.

The public will also be informed that the proposed overall goal and its rationale are available for inspection during normal business hours at the principal office of the Trust. This notice will provide that the Trust 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 the location(s) where the proposed goal may be reviewed. **The public comment period will not extend the August 1st deadline.**

The Overall Three-Year DBE Goal submission to the FAA will include any information and comments received, who provided the comment, and how the Trust considered and responded to any comments and the information received before finalizing the goal.

The Trust will begin using the overall goal on October 1 of the relevant period, unless other instructions from the FAA have been received.

Project Goals

If permitted or required by the FAA an overall goal may be expressed 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 it must meet all the substantive and procedural requirements pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will 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.

Prior Operating Administration Concurrence

The Trust understands that prior FAA concurrence with the overall goal is not required. However, if the FAA's review suggests that the overall goal has not been correctly calculated or that the method employed by the Trust for calculating goals is inadequate, the FAA may, after consulting with the Trust, adjust the overall goal or require that the goal be adjusted by the Trust. 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 Trust cannot be penalized or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless the Trust fails to administer its DBE program in good faith.

The Trust understands that 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 must be taken in order to be regarded by the Department as implementing this DBE program in good faith:

1. Analyze in detail the reason 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 identified in the analysis to enable the goal for the new fiscal year to be fully met;
3. The Trust 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. We 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.

Section 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 §26.39; and
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); and
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 5 to this Program.

The Trust 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.

Contract Goals

If the approved projection under paragraph (c) of §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.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (*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 DOT-assisted contract.

Section 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 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 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 responsible.

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

In all solicitations for DOT-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 (3) of this section:
 - a. The names and addresses of DBE firms that will participate in the contract;
 - b. 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;
 - c. The dollar amount of the participation of each DBE firm participating;
 - d. Written documentation of the bidder/offeror's commitment to use a DBE

- e. subcontractor whose participation it submits to meet a contract goal; and
 - e. 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. Each DBE listed to perform work as a regular dealer or distributor must confirm its participation according to the requirements of § 26.53 (c)(1).
 - f. If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract;
- (3) The bidder/offeror will be required to present the information stipulated in paragraph (2):
 - (4) No later than five days after bid opening as a matter of responsibility.

Provided that, in a negotiated procurement, such as a procurement for professional services, 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 provided the information required by paragraph (b)(2) of this section before the final selection for the contract is made by the Trust. This paragraph (b)(3)(ii) does not apply to a design-build procurement, which must follow the provisions in paragraph (e) of 49 CFR §26.53.

For each DBE listed as a regular dealer or distributor the Trust will make a preliminary counting determination to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in §26.55(e)(2)(iv)(A), (B), (C), and (3) under the contract at issue. The preliminary determination will be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. Where the DBE supplier does not affirm that its participation will meet the specific requirements of either a regular dealer or distributor, the Trust will make appropriate adjustments in counting such participation toward the bidder's good faith efforts to meet the contract goal. The bidder is responsible for verifying that the information provided by the DBE supplier is consistent with the counting of such participation toward the contract goal.

In a design-build contracting situation, in which the Trust solicits proposals to design and build a project with minimal project details at time of letting, the Trust may set a DBE goal that proposers must meet by submitting a DBE Open-Ended DBE Performance Plan (OEPP) with the proposal. The OEPP replaces the requirement to provide the information required in paragraph (b) of § 26.53(b). To be considered responsive, the OEPP must include a commitment to meet the goal and provide details of the types of subcontracting work or services (with projected dollar amounts) that the proposer will solicit DBEs to perform. The OEPP must include an estimated time frame in which actual DBE subcontracts would be executed. Once the design-build contract is awarded, the Trust will provide ongoing monitoring and oversight to evaluate whether the design-builder is using good faith efforts to comply with the OEPP and schedule. The Trust and the design-builder may agree to make written revisions of the OEPP throughout the life of the project, e.g., replacing the type of work items the design-builder will solicit DBEs to perform and/or adjusting the proposed schedule, as long as the design-builder continues to use good faith efforts to meet the goal.

The Trust will apply the requirements of this section to DBE bidders/offerors for prime contracts. In determining whether a DBE bidder/offeror for a prime contract has met a contract goal, the Trust will count the work the DBE has committed to performing with its own forces as well as the work that it has committed to be performed by DBE subcontractors and DBE suppliers.

Administrative Reconsideration of Good Faith Efforts determination

Within seven days of being informed by the DBELO that the bidder is not responsible because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: 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 reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

The Trust will include in each prime contract the contract 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 the Trust deems appropriate if the prime contractor fails to comply with the requirement of this section.

The Trust will require the awarded contractor 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 Part 26.

The Trust will require that prime contractors not terminate a DBE or any portion of its work listed in response to § 26.53(b)(2) (or an approved substitute DBE firm per § 26.53(g)) without our prior written consent, unless Trust causes the termination or reduction. A termination includes any reduction or underrun in work listed for a DBE not caused by a material change to the prime contract by the recipient. This requirement applies to instances that include but are not limited to: when 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.

The Trust will include in each prime contract a provision stating that:

- (1) The contractor must utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the Trust written consent as provided in § 26.53(f); and

(2) Unless the Trust consent is provided under § 26.53(f), the prime contractor must not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The Trust may provide such written consent only if it agrees, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the listed DBE or any portion of its work.

Good cause does not exist if the prime contractor seeks to terminate a DBE or any portion of its work that is 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. For purposes of § 26.53(f)(3), 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; and
10. Other documented good cause that the Trust determines compels the termination of the DBE subcontractor.

Before transmitting to the Trust a request to terminate and/or substitute a DBE subcontractor or any portion of its work, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the Trust sent concurrently, of its intent to request to terminate and the reason(s) for the proposed request.

The prime contractor's written notice must give the DBE five (5) days to respond, advising the Trust and the prime contractor of the reasons, if any, why it objects to the proposed termination of its subcontract or portion thereof and why the Trust should not approve the prime contractor's request. If required in a particular case as a matter of public necessity (*e.g.*, safety), the Trust may provide a response period shorter than five (5) days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions or changes to DBEs or their listed work put forward by offerors in negotiated

procurements.

When a DBE subcontractor or a portion of its work is terminated by the prime contractor as provided in § 26.53(f), or if work committed to a DBE is reduced due to overestimations made prior to award, the prime contractor must use good faith efforts to include additional DBE participation to the extent needed to meet the contract goal. The good faith efforts shall be documented by the contractor. If the Trust requests documentation under this provision, the contractor shall submit the documentation within seven (7) days, which may be extended for an additional seven (7) days, if necessary, at the request of the contractor. The Trust shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

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 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 good faith efforts have been demonstrated.

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

Section 26.55 Counting DBE Participation

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

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

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The Trust is a **non-certifying member** of the Oklahoma Unified Certification Program (UCP) and relies upon the UCP's determination of certification eligibility. Oklahoma UCP 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. Certifying Oklahoma UCP members makes 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 Uniform Certification Application form, Personal Net Worth statement, and documentation requirements can be reviewed in Attachment 8 to this DBE program.

SUBPART E – CERTIFICATION PROCEDURES

Any procedures included here are highlights only. Detailed certification procedures are enumerated in the full State of Oklahoma's UCP agreement. The full UCP agreement can be found at:

<https://oklahoma.gov/odot/business-center/contract-compliance/dbe/dbe-acdbe-certification-process.html>

Section 26.81 Unified Certification Programs

The Trust is a member of a Unified Certification Program (UCP) administered by Oklahoma Department of Transportation. The UCP will meet all certification standards and procedures requirements of Subparts D and E of Part 26.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to the Trust

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

The Trust understands that, as provided in statute, it will not be subject to compliance actions

or sanctions for failing to carry out any requirement of this part because it has been prevented from complying because a Federal court has issued a final order in which the court found that the requirement is unconstitutional.

Section 26.105 Enforcement Actions Applicable to FAA Programs

Compliance with all requirements of this part by airport sponsors and other recipients of FAA financial assistance is enforced through the procedures of Title 49 of the United States Code, including 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

The provisions of § 26.103(b) and this section apply to enforcement actions in FAA programs.

Any person who knows of a violation of this part by a recipient of FAA funds may file a complaint under 14 CFR part 16 with the Federal Aviation Administration Office of Chief Counsel.

Section 26.107 Enforcement Actions Applicable to Participating Firms

If a firm that does not meet the eligibility criteria of subpart D of this part attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.

If a firm, in order to meet DBE contract goals or other Program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, the Department may initiate suspension or debarment proceedings against you under 2 CFR parts 180 and 1200.

In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the concerned operating administration may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude the Department from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.

The Department may take enforcement action under [49 CFR Part 31](#), Program Fraud and Civil Remedies, against any participant in the Program whose conduct is subject to such action under [49 CFR part 31](#).

The Department may refer to the Department of Justice, for prosecution under [18 U.S.C. 1001](#) or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

Section 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:

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.

- A. 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 DOT 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 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 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 Part 26 if it violates this prohibition.

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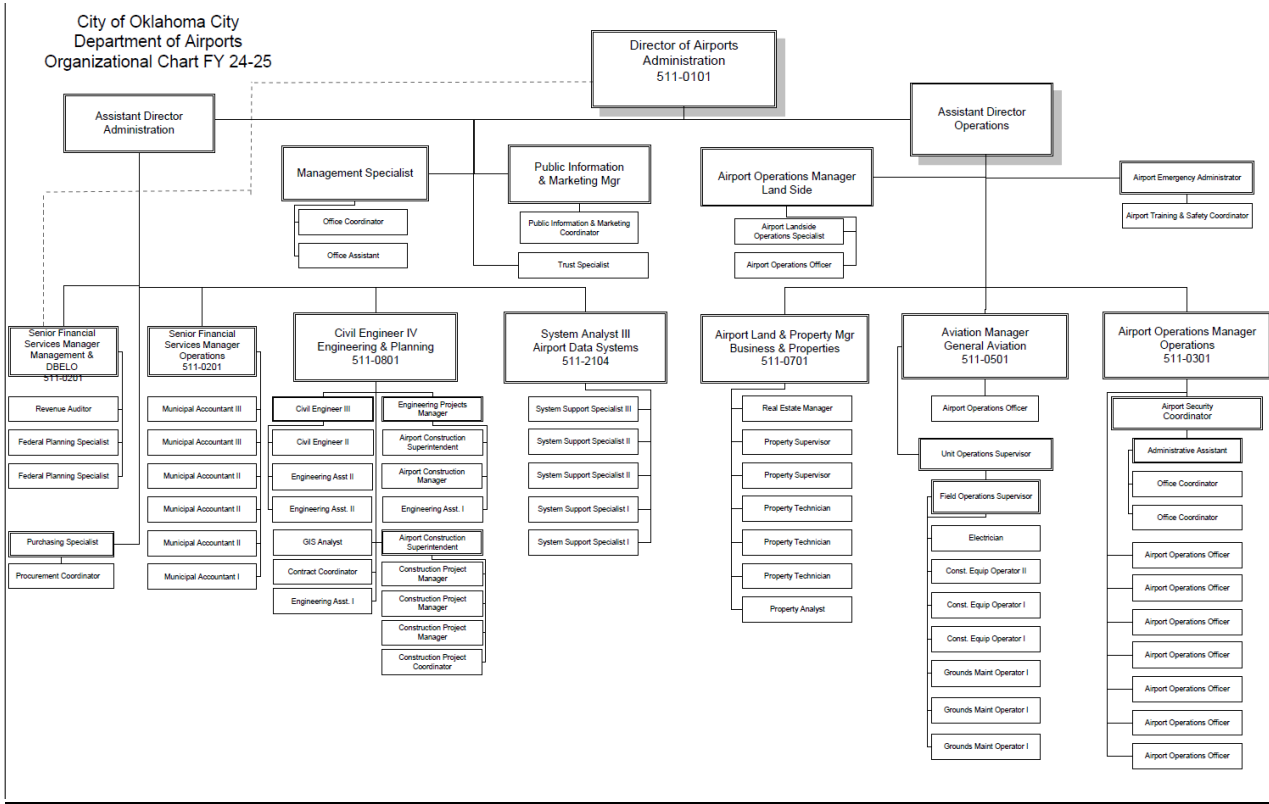
ATTACHMENT 1

The DBE Program regulations are codified in Title 49 of the Code of Federal Regulations, Part 26. They can be retrieved using the following link to the Electronic Code of Federal Regulations:

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

ATTACHMENT 2

ORGANIZATIONAL CHART



ATTACHMENT 3

BIDDERS LIST COLLECTION FORM

The following information is collected in furtherance of the Oklahoma City Airport Trust's compliance with 49 CFR §26.11. Please provide the requested information for the Bidder and for every potential subcontractor that has submitted a quote/bid to the Bidder for the subject Project. Please upload your completed form (with as many copies of this form as necessary) into the Electronic Bidding System with your Bid.

Firm Name	Street Address	City	State	ZIP Code	DBE or Non-DBE Status	NAICS Code(s) of Scope(s) Bid	Race of Majority Owner	Gender of Majority Owner	Age of Firm	Annual Gross Receipts

ATTACHMENT4
UCP Directory of Certified Firms

Oklahoma Unified Certification Program (UCP) may be found here:

<https://okdot.gob2g.com/>

ATTACHMENT 5

Overall Goal Calculation

In fulfillment of the requirements of Part 26, the Trust has developed a proposed overall goal for FY 2024 – FY 2026 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: OKC Will Rogers International Airport
Wiley Post Airport
Clarence E. Page Airport

DBELO: Senior Financial Services 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 goals

The Trust’s FY 2024-2026 overall goals for the Federal financial assistance it will expend in DOT-assisted contracts, for each airport, are shown below:

	OKC Will Rogers International Airport		Wiley Post Airport		Clarence E. Page Airport
Overall Goal	5.4%		7.2%		12.0%
Race-Neutral	0.0%		0.0%		0.0%
Race-Conscious	5.4%		7.2%		12.0%
Total Dollars	\$63,203,073		\$12,495,580		\$964,992
DBE Goal in Dollars	\$3,398,954		\$897,157		\$116,079

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 are 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:
OKC Will Rogers International Airport
FY 2024–2026 Projects and Activities**

Fiscal Year	Project	Activity	NAICS
2024	Baggage Claim Units Replacement	Electrical Contractors	238210
		Drywall & Insulation Contractors	238310
		Painting & Wall Covering Contractors	238320
		Flooring Contractors	238330
		Site Preparation Contractors	238910
		Construction, Mining, Forestry Machinery and Equipment Rental and Leasing	532412
		Other Waste Collection	562119
		Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	423610
		Home Furnishing Merchant Wholesalers	423220
		Brick, Stone, and Related Construction Material Merchant Wholesalers	423320
		Paint, Varnish, and Supplies Merchant Wholesalers	424950
		Engineering Services	541330
		Conveying and Conveying Equipment and Manufacturing	333922

Fiscal Year	Project	Activity	NAICS
2024	Terminal Building Energy Assessment	Building Inspection Services	541350
2024	Reconstruct Terminal Apron South Gates – Phase I	Site Preparation Contractors	238910
		Highway, Street & Bridge Construction	237310
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Other Waste Collection	562119
		Brick, stone, and related construction material merchant wholesalers	423320
		Engineering Services	541330
2024	Walkway Modernization	Site Preparation Contractors	238910
		Electrical Contractors	238210
		Tile & Terrazzo Contractors	238340
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Other Waste Collection	562119
		Brick, stone, and related construction material merchant wholesalers	423320
		Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	423610
		Engineering Services	541330
		Elevator and Moving Stairway Manufacturing	333921

Fiscal Year	Project	Activity	NAICS
2024	Terminal Restrooms Renovations – Phase I	Commercial & Institutional Building Construction	236220
		Framing Contractors	238130
		Tile & Terrazzo Contractors	238340
		Drywall & Insulation Contractors	238310
		Finish Carpentry Contractors	238350
		Electrical Contractors	238210
		Specialized Freight (except Used Goods) Trucking, Local	484220
		General Freight Trucking, Local	484110
		Plumbing, heating, and air-conditioning contractors	238220
		Other commercial and industrial machinery and equipment rental and leasing	532490
		Engineering Services	541330
		Brick, stone, and related construction material merchant wholesalers	423320
		Showcase, partition, shelving, and locker manufacturing	337215
		Pottery, ceramics, and plumbing fixture manufacturing	327110
Plumbing and heating equipment and supplies (Hydronics) merchant wholesalers	423720		

Fiscal Year	Project	Activity	NAICS
2024	Passenger Boarding Bridges – Phase II	Site Preparation Contractors	238910
		Electrical Contractors	238210
		Plumbing, Heating, & Air-Conditioning Contractors	238220
		Commercial & Industrial Machinery & Equipment Repair & Maintenance	811310
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Other Waste Collection	562119
		Engineering Services	541330
		Other Building Equipment Contractors	238290
		Prefabricated metal building and component manufacturing	332311
		Motor and generator manufacturing	335312
		Water and irrigation systems	221310
		Air-conditioning and warm air heating equipment and commercial and industrial refrigeration equipment manufacturing	333415
2025	Reconstruct Runway 17R/35L North End	Site Preparation Contractors	238910
		Highway, Street & Bridge Construction	237310
		All Other Specialty Trade Contractors	238990
		Construction, Mining, and Forestry Machinery and	532412
		Equipment Rental and Leasing	532490
		Other Waste Collection	562119
		Asphalt Paving Mixture and Block Manufacturing	324121
		Brick, stone, and related construction material merchant wholesalers	423320
		Engineering Services	541330

Fiscal Year	Project	Activity	NAICS
2025	Reconstruct Terminal Apron South Gates – Phase II	Site Preparation Contractors	238910
		Highway, Street & Bridge Construction	237310
		Engineering Services	541330
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Specialized Freight (except Used Goods) Trucking, Local	484220
		Brick, Stone, and Related Construction Material Merchant Wholesalers	423320
2025	Rehabilitate Terminal Access Roadways– Phase III	Site Preparation Contractors	238910
		Poured Concrete Foundation & Structure Contractors	238110
		Asphalt Paving Mixture & Block Manufacturing	324121
		Highway, Street, & Bridge Construction	237310
		Painting & Wall Covering Contractors	238320
		Geophysical Surveying & Mapping Services	541360
		Electrical Contractors	238210
		Landscaping Services	561730
		Engineering Services	541330
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Other Commercial and Industrial Machinery and Equipment Rental and Leasing	532490
		Specialized Freight (except Used Goods) Trucking, Local	484220
		Ready-Mix Concrete Manufacturing	327320
Brick, Stone, and Related Construction Material Merchant Wholesalers	423320		

Fiscal Year	Project	Activity	NAICS
2025	Terminal Building Flooring Replacement – Phase I	Flooring Contractors	238330
		Tile & Terrazzo Contractors	238340
		Other Waste Collection	562119
		General Freight Trucking, Long-Distance, Truckload	484121
		Engineering Services	541330
		Other Concrete Product Manufacturing	327390
		Other Commercial and Industrial Machinery and Equipment Rental and Leasing	532490
2025	Passenger Boarding Bridges – Phase III	Site Preparation Contractors	238910
		Electrical Contractors	238210
		Plumbing, Heating & Air-Conditioning Contractors	238220
		Commercial & Industrial Machinery & Equipment Repair & Maintenance	811310
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Other Waste Collection	562119
		Engineering Services	541330
		Water and irrigation systems	221310
		Prefabricated metal building and component manufacturing	332311
		Other Building Equipment Contractors	238290
		Air-conditioning and warm air heating equipment and commercial and industrial refrigeration	333415
		Motor and Generator Manufacturing	335312

Fiscal Year	Project	Activity	NAICS
2026	Rehabilitate Runway 17R/35L Pavement, Shoulders, and Lighting	Site Preparation Contractors	238910
		Highway, Street & Bridge Construction	237310
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Landscaping Services	561730
		Other Waste Collection	562119
		Ready-mix concrete manufacturing	327320
		Poured Concrete Foundation & Structure Contractors	238110
		Electrical Contractors	238210
		Brick, Stone, and Related Construction Material Merchant Wholesalers	423320
		Engineering Services	541330
2026	Rehabilitate Terminal Access Roadways – Phase IV	Site Preparation Contractors	238910
		Poured Concrete Foundation & Structure Contractors	238110
		Asphalt Paving Mixture & Block Manufacturing	324121
		Highway, Street & Bridge Construction	237310
		Painting & Wall Covering Contractors	238320
		Geophysical Surveying & Mapping Services	541360
		Landscaping Services	561730
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Electrical Contractors	238210
		Specialized Freight (except Used Goods) Trucking, Local	484220
		Ready-Mix Concrete Manufacturing	327320
		Brick, Stone, and Related Construction Material Merchant Wholesalers	423320
		Other Commercial and Industrial Machinery and Equipment Rental and Leasing	532490
Engineering Services	541330		

Fiscal Year	Project	Activity	NAICS
2026	Terminal Building Flooring Replacement – Phase II	Flooring Contractors	238330
		Tile & Terrazzo Contractors	238340
		Other Waste Collection	562119
		General Freight Trucking, Long-Distance, Truckload	484121
		Engineering Services	541330
		Other Concrete Product Manufacturing	327390
		Other Commercial and Industrial Machinery and Equipment Rental and Leasing	532490
2026	Terminal Restrooms Renovations – Phase II	Commercial & Institutional Building Construction	236220
		Framing Contractors	238130
		Tile & Terrazzo Contractors	238340
		Drywall & Insulation Contractors	238310
		Finish Carpentry Contractors	238350
		Electrical Contractors	238210
		Specialized Freight (except Used Goods) Trucking, Local	484220
		General Freight Trucking, Local	484110
		Plumbing, heating, and air-conditioning contractors	238220
		Other commercial and industrial machinery and equipment rental and leasing	532490
		Engineering Services	541330
		Brick, stone, and related construction material merchant wholesalers	423320
		Showcase, partition, shelving, and locker manufacturing	337215
		Pottery, ceramics, and plumbing fixture manufacturing	327110
Plumbing and heating equipment and supplies (Hydronics) merchant wholesalers	423720		

Fiscal Year	Project	Activity	NAICS
2026	Passenger Boarding Bridges – Phase IV	Site Preparation Contractors	238910
		Electrical Contractors	238210
		Plumbing, Heating & Air-Conditioning Contractors	238220
		Commercial & Industrial Machinery & Equipment Repair & Maintenance	811310
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Other Waste Collection	562119
		Engineering Services	541330
		Water and irrigation systems	221310
		Prefabricated metal building and component manufacturing	332311
		Other Building Equipment Contractors	238290
		Air-conditioning and warm air heating equipment and commercial and industrial refrigeration	333415
		Motor and Generator Manufacturing	335312

SOURCE: Oklahoma City Airport Trust

**Table 2b:
Wiley Post Airport
FY 2024–2026 Projects and Activities**

Fiscal Year	Project	Activity	NAICS
2025	Construct New Air Traffic Control Tower	Site Preparation Contractors	238910
		Structural Steel & Precast Concrete Contractors	238120
		Masonry Contractors	238140
		Roofing Contractors	238160
		Drywall & Insulation Contractors	238310
		Electrical Contractors	238210
		Plumbing, Heating, & Air-Conditioning Contractors	238220
		Other Building Equipment Contractors	238290
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Engineering Services	541330
		Other Waste Collection	562119
		Ready-Mix Concrete Manufacturing	327320
		Metal Service Centers and Other Metal Merchant Wholesalers	423510
		Brick, Stone, and Related Construction Material Merchant Wholesalers	423320
		Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	423720
Elevator and Moving Stairway Manufacturing	333921		
2025	Terminal Apron Pavement Rehabilitation	Engineering Services	541330
		Highway, Street & Bridge Construction	237310
		Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	811310
		Specialized Freight (except Used Goods) Trucking, Local	484220

Fiscal Year	Project	Activity	NAICS
2026	Perimeter Fence and Gates	All Other Specialty Trade Contractors	238990
		Site Preparation Contractors	238910
		Landscaping Services	561730
		Other Waste Collection	562119
		Other Construction Material Merchant Wholesalers	423390
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Engineering Services	541330

SOURCE: Oklahoma City Airport Trust

**Table 2c:
Clarence E. Page Airport
FY 2024–2026 Projects and Activities**

Fiscal Year	Project	Activity	NAICS
2025	Extend Future Hangar Development Taxilane	All Other Specialty Trade Contractors	238990
		Site Preparation Contractors	238910
		Highway, Street & Bridge Construction	237310
		Landscaping Services	561730
		Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412
		Other Waste Collection	562119
		Engineering Services	541330
2026	Design and Rehabilitation of Taxiway A	Engineering Services	541330
		Highway, Street & Bridge Construction	237310
		Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	811310
		Specialized Freight (except Used Goods) Trucking, Local	484220

SOURCE: Oklahoma City Airport Trust

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

**Table 3a:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2024
“Baggage Claim Units Replacement”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Electrical Contractors	238210	0	402	0.0%	\$4,859	\$0
Drywall & Insulation Contractors	238310	0	87	0.0%	\$182	\$0
Painting & Wall Covering Contractors	238320	0	131	0.0%	\$101	\$0
Flooring Contractors	238330	1	56	1.8%	\$147	\$3
Site Preparation Contractors	238910	1	140	0.7%	\$741,000	\$5,187
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$19,500	\$0
Other Waste Collection	562119	0	6	0.0%	\$19,500	\$0
Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	423610	0	50	0.0%	\$3,240	\$0
Home Furnishing Merchant Wholesalers	423220	0	25	0.0%	\$98	\$0
Brick, Stone, and Related Construction Material Merchant Wholesalers	423320	0	17	0.0%	\$121	\$0
Paint, Varnish, and Supplies Merchant Wholesalers	424950	0	8	0.0%	\$67	\$0
Engineering Services	541330	5	239	2.1%	\$493,000	\$10,353
Conveyor and Conveying Equipment Manufacturing	333922	0	0	0.0%	\$2,652,000	\$0
Total Dollars					\$3,933,811	\$15,543
Weighted Step 1 Goal =						0.4%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3b:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2024
“Terminal Building Energy Assessment”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Building Inspection Services	541350	2	41	4.8%	\$500,000	\$24,000
Total Dollars					\$500,000	\$24,000
Weighted Step 1 Goal =						4.8%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3c:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2024
“Reconstruct Terminal Apron South Gates – Ph I”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$276,500	\$1,936
Highway, Street & Bridge Construction	237310	10	43	23.3%	\$1,757,340	\$409,460
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$632,499	\$0
Other Waste Collection	562119	0	6	0.0%	\$636,839	\$0
Brick, stone, and related construction material merchant wholesalers	423320	0	17	0.0%	\$609,882	\$0
Engineering Services	541330	5	239	2.1%	\$723,000	\$15,183
Total Dollars					\$4,636,060	\$426,579
Weighted Step 1 Goal =						9.2%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3d:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2024
“Walkway Modernization”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$128,000	\$896
Electrical Contractors	238210	0	402	0.0%	\$4,216	\$0
Tile & Terrazzo Contractors	238340	0	46	0.0%	\$3,135	\$0
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$16,000	\$0
Other Waste Collection	562119	0	6	0.0%	\$16,000	\$0
Engineering Services	541330	5	239	2.1%	\$103,874	\$2,181
Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	423610	0	50	0.0%	\$2,811	\$0
Brick, Stone, and Related Construction Material Merchant Wholesalers	423320	0	17	0.0%	\$165	\$0
Elevator and Moving Stairway Manufacturing	333921	0	0	0.0%	\$660,000	\$0
Total Dollars					\$934,202	\$3,077
Weighted Step 1 Goal =						0.3%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3e:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2024
“Terminal Building Restrooms – Phase I”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Framing Contractors	238130	1	40	2.5%	\$395,491	\$9,887
Tile & Terrazzo Contractors	238340	0	46	0.0%	\$128,532	\$0
Drywall & Insulation Contractors	238310	0	87	0.0%	\$35,196	\$0
Commercial & Institutional Building Construction	236220	3	350	0.9%	\$509,070	\$4,582
Finish Carpentry Contractors	238350	0	154	0.0%	\$11,286	\$0
Electrical Contractors	238210	0	402	0.0%	\$73,483	\$0
Specialized Freight (except Used Goods) Trucking, Local	484220	5	115	4.3%	\$20,451	\$879
General Freight Trucking, Local	484110	4	84	4.8%	\$72,572	\$3,483
Plumbing, heating, and air-conditioning manufacturers	238220	0	307	0.0%	\$383,868	\$0
Other commercial and industrial machinery and equipment rental and leasing	532490	0	55	0.0%	\$72,104	\$0
Engineering Services	541330	5	239	2.1%	\$292,786	\$6,149
Brick, stone, and related construction material merchants' wholesalers	423320	0	17	0.0%	\$130,572	\$0
Showcase, partition, shelving, and locker manufacturing	337215	0	5	0.0%	\$71,571	\$0
Pottery, ceramics, and plumbing fixture manufacturing	327110	0	0	0.0%	\$22,523	\$0
Plumbing and heating equipment and supplies (Hydronics) merchant wholesalers	423720	0	42	0.0%	\$195,175	\$0
Total Dollars					\$2,414,680	\$24,980
Weighted Step 1 Goal =						1.0%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3f:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2025
“Passenger Boarding Bridges– Phase II”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$307,652	\$2,154
Other Building Equipment Contractors	238290	0	23	0.0%	\$450,367	\$0
Electrical Contractors	238210	0	402	0.0%	\$50,400	\$0
Plumbing, Heating, & Air- Conditioning Contractors	238220	0	307	0.0%	\$137,550	\$0
Commercial & Industrial Machinery & Equipment Repair & Maintenance	811310	0	129	0.0%	\$22,500	\$0
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$254,192	\$0
Other Waste Collection	562119	0	6	0.0%	\$70,800	\$0
Engineering Services	541330	5	239	2.1%	\$271,100	\$5,693
Prefabricated metal building and component manufacturing	332311	0	5	0.0%	\$1,500,000	\$0
Motor and generator manufacturing	335312	0	0	0.0%	\$189,000	\$0
Water and irrigation systems	221310	0	8	0.0%	\$156,000	\$0
Air-conditioning and warm air heating equipment and commercial and industrial refrigeration equipment manufacturing	333415	0	18	0.0%	\$225,000	\$0
Total Dollars					\$3,634,561	\$7,847
Weighted Step 1 Goal =						0.2%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3g:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2025
“Reconstruct Runway 17R/35L – North End”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$628,412	\$4,399
Highway, Street & Bridge Construction	237310	10	43	23.3%	\$3,225,985	\$751,655
All Other Specialty Trade Contractors	238990	2	158	1.3%	\$30,651	\$398
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$306,651	\$0
Other Waste Collection	562119	0	6	0.0%	\$324,261	\$0
Asphalt Paving Mixture and Block Manufacturing	324121	0	0	0.0%	\$129	\$0
Brick, Stone, and Related Construction Material Merchant Wholesalers	423320	0	17	0.0%	\$571,049	\$0
Engineering Services	541330	5	239	2.1%	\$822,000.00	\$17,262
Total Dollars					\$5,909,138	\$773,714
Weighted Step 1 Goal =						13.1%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3h:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2025
“Reconstruct Terminal Apron South Gates – Phase II”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$337,941	\$2,366
Highway, Street & Bridge Construction	237310	10	43	23.3%	\$2,147,860	\$500,451
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$773,053	\$0
Engineering Services	541330	5	239	2.1%	\$883,000	\$18,543
Specialized Freight (except UsedGoods) Trucking, Local	484220	5	115	4.3%	\$778,357	\$33,469
Brick, Stone, and Related Construction Material Merchant Wholesalers	423320	0	17	0.0%	\$745,410	\$0
Total Dollars					\$5,665,622	\$554,829
Weighted Step 1 Goal =						9.8%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3i:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2025
“Rehabilitate Terminal Access Roadways – Phase III”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$89,944	\$630
Poured Concrete Foundation & Structure Contractors	238110	0	137	0.0%	\$309,475	\$0
Asphalt Paving Mixture & Block Manufacturing	324121	0	0	0.0%	\$96,389	\$0
Highway, Street & Bridge Construction	237310	10	43	23.3%	\$370,879	\$86,415
Painting & Wall Covering Contractors	238320	0	131	0.0%	\$7,490	\$0
Geophysical Surveying & Mapping Services	541360	0	97	0.0%	\$49,500	\$0
Electrical Contractors	238210	0	402	0.0%	\$24,000	\$0
Landscaping Services	561730	2	414	0.5%	\$91,359	\$457
Engineering Services	541330	5	239	2.1%	\$232,200	\$4,876
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$261,368	\$0
Other Commercial and Industrial Machinery and Equipment Rental and Leasing	532490	0	55	0.0%	\$2,069	\$0
Specialized Freight (except Used Goods) Trucking, Local	484220	5	115	4.3%	\$106,384	\$4,575
Ready-Mix Concrete Manufacturing	327320	0	35	0.0%	\$23,102	\$0
Brick, Stone, and Related Construction Material Merchant Wholesalers	423320	0	17	0.0%	\$73,941	\$0
Total Dollars					\$1,738,100	\$96,953
Weighted Step 1 Goal =						5.6%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

Table 3j:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2025
“Terminal Building Flooring Replacement – Phase I”

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Flooring Contractors	238330	1	56	1.8%	\$416,604	\$7,499
Tile & Terrazzo Contractors	238340	0	46	0.0%	\$1,007,985	\$0
Other Waste Collection	562119	0	6	0.0%	\$26,038	\$0
General Freight Trucking, Long-Distance, Truckload	484121	4	254	1.6%	\$87,880	\$1,406
Other Commercial and Industrial Machinery and Equipment Rental and Leasing	532490	0	55	0.0%	\$364,551	\$0
Other Concrete Product Manufacturing	327390	0	11	0.0%	\$527,281	\$0
Carpet and Rug Mills	314110	0	0	0.0%	\$114,250	\$2,399
Engineering Services	541330	5	239	2.1%	\$416,604	\$7,499
Total Dollars					\$2,544,589	\$11,304
Weighted Step 1 Goal =						0.4%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3k:
DBEs – Will Rogers World Airport by Relevant NAICS Codes – FY 2025
“Passenger Boarding Bridges – Phase III”**

	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$410,203	\$2,871
Other Building Equipment Contractors	238290	0	23	0.0%	\$600,490	\$0
Electrical Contractors	238210	0	402	0.0%	\$67,200	\$0
Plumbing, Heating, & Air-Conditioning Contractors	238220	0	307	0.0%	\$183,400	\$0
Commercial & Industrial Machinery & Equipment Repair & Maintenance	811310	0	129	0.0%	\$30,000	\$0
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$338,923	\$0
Other Waste Collection	562119	0	6	0.0%	\$94,400	\$0
Engineering Services	541330	5	239	2.1%	\$361,464	\$7,591
Prefabricated metal building and component manufacturing	332311	0	5	0.0%	\$2,000,000	\$0
Motor and generator manufacturing	335312	0	0	0.0%	\$252,000	\$0
Water and irrigation systems	221310	0	8	0.0%	\$208,000	\$0
Air-conditioning and warm air heating equipment and commercial and industrial refrigeration	333415	0	18	0.0%	\$300,000	\$0
Total Dollars					\$4,846,080	\$10,462
Weighted Step 1 Goal =						0.2%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3l:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2026
“Rehabilitate Runway 17R/35L Pavement, Shoulder, and Lighting”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$305,021	\$2,135
Highway, Street & Bridge Construction	237310	10	43	23.3%	\$4,153,347	\$967,730
Landscaping Services	561730	2	414	0.5%	\$32,000	\$160
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$960,010	\$0
Other Waste Collection	562119	0	6	0.0%	\$278,634	\$0
Electrical Contractors	238210	0	402	0.0%	\$1,251,765	\$0
Engineering Services	541330	5	239	2.1%	\$1,286,813	\$27,023
Poured Concrete Foundation & Structure Contractors	238110	0	137	0.0%	\$64,555	\$0
Ready-Mix Concrete Manufacturing	327320	0	35	0.0%	\$558,695	\$0
Brick, Stone, and Related Construction Material Merchant Wholesalers	423320	0	17	0.0%	\$1,074,397	\$0
Total Dollars					\$9,965,237	\$997,048
Weighted Step 1 Goal =						10.0%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3m:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2026
“Passenger Boarding Bridges – Phase IV”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$410,203	\$2,871
Other Building Equipment Contractors	238290	0	23	0.0%	\$600,490	\$0
Electrical Contractors	238210	0	402	0.0%	\$67,200	\$0
Plumbing, Heating, & Air-Conditioning Contractors	238220	0	307	0.0%	\$183,400	\$0
Commercial & Industrial Machinery & Equipment Repair & Maintenance	811310	0	129	0.0%	\$30,000	\$0
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$338,923	\$0
Other Waste Collection	562119	0	6	0.0%	\$94,400	\$0
Engineering Services	541330	5	239	2.1%	\$361,466	\$7,591
Prefabricated metal building and component manufacturing	332311	0	5	0.0%	\$2,000,000	\$0
Motor and generator manufacturing	335312	0	0	0.0%	\$252,000	\$0
Water and irrigation systems	221310	0	8	0.0%	\$208,000	\$0
Air-conditioning and warm air heating equipment and commercial and industrial refrigeration	333415	0	18	0.0%	\$300,000	\$0
Total Dollars					\$4,846,080	\$10,462
Weighted Step 1 Goal =						0.2%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3n:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2026
“Rehabilitate Terminal Access Roadways – Phase IV”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$362,784	\$2,539
Poured Concrete Foundation & Structure Contractors	238110	0	137	0.0%	\$1,527,138	\$0
Asphalt Paving Mixture & Block Manufacturing	324121	0	0	0.0%	\$450,771	\$0
Highway, Street & Bridge Construction	237310	10	43	23.3%	\$1,489,245	\$346,994
Painting & Wall Covering Contractors	238320	0	131	0.0%	\$33,928	\$0
Geophysical Surveying & Mapping Services	541360	0	97	0.0%	\$99,000	\$0
Landscaping Services	561730	2	414	0.5%	\$387,074	\$1,935
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$1,209,875	\$0
Specialized Freight (except Used Goods) Trucking, Local	484220	5	115	4.3%	\$504,190	\$21,680
Ready-Mix Concrete Manufacturing	327320	0	35	0.0%	\$122,279	\$0
Engineering Services	541330	5	239	2.1%	\$823,000	\$17,283
Electrical Contractors	238210	0	402	0.0%	\$114,000	\$0
Other Commercial and Industrial Machinery and Equipment Rental and Leasing	532490	0	55	0.0%	\$9,414	\$0
Brick, Stone, and Related Construction Material Merchant Wholesalers	423320	0	17	0.0%	\$374,312	\$0
Total Dollars					\$7,507,010	\$390,431
Weighted Step 1 Goal =						5.2%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3o:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2026
“Terminal Building Flooring Replacement – Phase II”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Flooring Contractors	238330	1	56	1.8%	\$298,018	\$5,365
Tile & Terrazzo Contractors	238340	0	46	0.0%	\$635,910	\$0
Other Waste Collection	562119	0	6	0.0%	\$18,626	\$0
General Freight Trucking, Long- Distance, Truckload	484121	4	254	1.6%	\$55,441	\$887
Other Commercial and Industrial Machinery and Equipment Rental and Leasing	532490	0	55	0.0%	\$236,584	\$0
Other Concrete Product Manufacturing	327390	0	11	0.0%	\$332,647	\$0
Engineering Services	541330	5	239	2.1%	\$114,250	\$2,399
Total Dollars					\$1,691,476	\$8,651
Weighted Step 1 Goal =						0.5%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3p:
DBEs – OKC Will Rogers International Airport by Relevant NAICS Codes – FY 2026
“Terminal Restrooms Renovations – Phase II”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Framing Contractors	238130	1	40	2.5%	\$399,711	\$9,993
Tile & Terrazzo Contractors	238340	0	46	0.0%	\$130,116	\$0
Drywall & Insulation Contractors	238310	0	87	0.0%	\$50,385	\$0
Commercial & Institutional Building Construction	236220	3	350	0.9%	\$511,985	\$4,608
Finish Carpentry Contractors	238350	0	154	0.0%	\$11,286	\$0
Electrical Contractors	238210	0	402	0.0%	\$74,387	\$0
Specialized Freight (except Used Goods) Trucking, Local	484220	5	115	4.3%	\$20,648	\$888
General Freight Trucking, Local	484110	4	84	4.8%	\$73,795	\$3,542
Plumbing, heating, and air-conditioning manufacturers	238220	0	307	0.0%	\$384,408	\$0
Other commercial and industrial machinery and equipment rental and leasing	532490	0	55	0.0%	\$74,657	\$0
Engineering Services	541330	5	239	2.1%	\$283,249	\$5,948
Brick, stone, and related construction material merchants' wholesalers	423320	0	17	0.0%	\$132,182	\$0
Showcase, partition, shelving, and locker manufacturing	337215	0	5	0.0%	\$71,602	\$0
Pottery, ceramics, and plumbing fixture manufacturing	327110	0	0	0.0%	\$22,837	\$0
Plumbing and heating equipment and supplies (Hydronics) merchant wholesalers	423720	0	42	0.0%	\$195,175	\$0
Total Dollars					\$2,436,423	\$24,979
Weighted Step 1 Goal =						1.0%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3q:
DBEs – Wiley Post Airport by Relevant NAICS Codes – FY 2025
“Construct New Air Traffic Control Tower”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$968,234	\$6,778
Structural Steel & Precast Concrete Contractors	238120	2	21	9.5%	\$1,658,800	\$157,586
Masonry Contractors	238140	0	54	0.0%	\$1,217,868	\$0
Roofing Contractors	238160	0	206	0.0%	\$62,500	\$0
Drywall & Insulation Contractors	238310	0	87	0.0%	\$122,500	\$0
Electrical Contractors	238210	0	402	0.0%	\$871,200	\$0
Plumbing, Heating, & Air- Conditioning Contractors	238220	0	307	0.0%	\$472,125	\$0
Other Building Equipment Contractors	238290	0	23	0.0%	\$284,700	\$0
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$271,260	\$0
Other Waste Collection	562119	0	6	0.0%	\$320,760	\$0
Metal Service Centers and Other Metal Merchant Wholesalers	423510	0	50	0.0%	\$1,327,040	\$0
Brick, Stone, and Related Construction Material Merchant Wholesalers	423320	0	17	0.0%	\$310,878	\$0
Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	423720	0	42	0.0%	\$39,910	\$0
Elevator and Moving Stairway Manufacturing	333921	0	0	0.0%	\$227,760	\$0
Roofing, Siding, and Insulation Material Merchant Wholesalers	423330	0	23	0.0%	\$50,000	\$0
Ready-mix concrete manufacturing	327320	0	35	0.0%	\$94,800	\$0
Engineering Services	541330	5	239	2.1%	\$1,157,197	\$24,301
Total Dollars					\$9,457,532	\$188,665
Weighted Step 1 Goal =						2.0%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3r:
DBEs – Wiley Post Airport by Relevant NAICS Codes – FY 2025
“Terminal Apron Pavement Rehabilitation”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway, Street & Bridge Construction	237310	10	43	23.3%	\$652,603	\$152,056
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	811310	0	129	0.0%	\$55,545	\$0
Specialized Freight (except Used Goods) Trucking, Local	484220	5	115	4.3%	\$1,008	\$43
Engineering Services	541330	5	239	2.1%	\$74,290	\$1,560
Total Dollars					\$783,446	\$153,659
Weighted Step 1 Goal =						19.6%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

**Table 3s:
DBEs – Wiley Post Airport by Relevant NAICS Codes – FY 2026
“Perimeter Fence & Gates”**

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
All Other Specialty Trade Contractors	238990	2	158	1.3%	\$612,904	\$7,968
Site Preparation Contractors	238910	1	140	0.7%	\$132,307	\$926
Landscaping Services	561730	2	414	0.5%	\$62,087	\$310
Other Waste Collection	562119	0	6	0.0%	\$20,049	\$0
Other Construction Material Merchant Wholesalers	423390	0	15	0.0%	\$1,186,512	\$0
Construction, mining, and forestry machinery and equipment rental and leasing	532412	0	60	0.0%	\$13,150	\$0
Engineering Services	541330	5	239	2.1%	\$227,593	\$4,779
Total Dollars					\$2,254,602	\$13,983
Weighted Step 1 Goal =						0.6%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

Table 3t:
DBEs – Clarence E. Page Airport by Relevant NAICS Codes – FY 2025
“Extend Future Hangar Development Taxilane”

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
All Other Specialty Trade Contractors	238990	2	158	1.3%	\$20,000	\$260
Site Preparation Contractors	238910	1	140	0.7%	\$17,607	\$123
Highway, Street & Bridge Construction	237310	10	43	23.3%	\$113,622	\$26,474
Landscaping Services	561730	2	414	0.5%	\$10,200	\$51
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$2,221	\$0
Other Waste Collection	562119	0	6	0.0%	\$8,693	\$0
Engineering Services	541330	5	239	2.1%	\$30,000	\$630
Total Dollars					\$202,343	\$27,538
Weighted Step 1 Goal =						13.6%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

Table 3u:
DBEs – Clarence E. Page Airport by Relevant NAICS Codes – FY 2026
“Design and Rehabilitation of Taxiway A”

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway, Street & Bridge Construction	237310	10	43	23.3%	\$644,480	\$150,164
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	811310	0	129	0.0%	\$33,313	\$0
Specialized Freight (except Used Goods) Trucking, Local	484220	5	115	4.3%	\$10,856	\$467
Engineering Services	541330	5	239	2.1%	\$74,000	\$1,554
Total Dollars					\$762,649	\$152,185
Weighted Step 1 Goal =						20.0%

SOURCES: 1. 2021 County Business Patterns, U.S. Census Bureau; 2. Oklahoma UCP DBE Directory, March 2023.

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:

OKC Will Rogers International Airport		
Fiscal Year	Project	Step 1
FY 2024	Baggage Claim Units Replacement	0.4%
FY 2024	Terminal Building Energy Assessment	4.8%
FY 2024	Reconstruct Terminal Apron South Gates – Phase I	9.2%
FY 2024	Walkway Modernization	0.3%
FY 2024	Terminal Restrooms Renovations – Phase I	1.0%
FY 2024	Passenger Boarding Bridges – Phase II	0.2%
FY 2025	Reconstruct Runway 17R/35L – North End	13.1%
FY 2025	Reconstruct Terminal Apron South Gates – Phase II	9.8%
FY 2025	Rehabilitate Terminal Access Roadways – Phase III	5.6%
FY 2025	Terminal Building Flooring Replacement – Phase I	0.4%
FY 2025	Passenger Boarding Bridges – Phase III	0.2%
FY 2026	Rehabilitate Runway 17R/35L Pavement, Shoulder, and Lighting	10.0%
FY 2026	Passenger Boarding Bridges – Phase IV	0.2%
FY 2026	Rehabilitate Terminal Access Roadways – Phase IV	5.2%
FY 2026	Terminal Building Flooring Replacement – Phase II	0.5%
FY 2026	Terminal Restrooms Renovations – Phase II	1.0%

Wiley Post Airport		
Fiscal Year	Project	Step 1
FY 2025	Construct New Air Traffic Control Tower	2.0%
FY 2025	Terminal Apron Pavement Rehabilitation	19.6%
FY 2026	Perimeter Fence & Gates	0.6%

Clarence E. Page Airport		
Fiscal Year	Project	Step 1
FY 2025	Extend Future Hangar Development Taxilane	13.6%
FY 2026	Design and Rehabilitation of Taxiway A	20.0%

II. Adjustments to the DBE Base Figure

After the DBE base figure has been developed, the regulations (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 DOT-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 To Date	Achieved Over/Under
OKC Will Rogers International Airport	2020	7.4%	2.8%	-4.6%
Wiley Post Airport	2020	0.0%	0.0%	0.0%
Clarence E. Page Airport	2020	0.0%	0.0%	0.0%
<hr/>				
OKC Will Rogers International Airport	2021	8.8%	7.3%	-1.5%
Wiley Post Airport	2021	6.4%	5.7%	-0.7%
Clarence E. Page Airport	2021	5.8%	6.1%	0.3%
<hr/>				
OKC Will Rogers International Airport	2022	8.8%	9.7%	0.9%
Wiley Post Airport	2022	0.0%	5.4%	5.4%
Clarence E. Page Airport	2022	0.0%	0.0%	0.0%
Median			5.4%	

The median DBE accomplishment for the periods as shown above for the Trust is 5.4%.

B. Adjustment to Step 1 DBE base figures: Oklahoma City Airport Trust, FY 2024 – FY 2026

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 (5.4%) 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:
OKC Will Rogers International Airport FY 2024 – FY 2026 Overall Goal**

Fiscal Year	Project	Step 1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (dollars)
2024	Baggage Claim Units Replacement	0.4%	5.4%	2.9%	\$3,933,815	\$114,081
2024	Terminal Building Energy Assessment	4.8%	5.4%	5.1%	\$500,000	\$25,500
2024	Reconstruct Terminal Apron South Gates – Phase I	9.2%	5.4%	7.3%	\$4,636,060	\$338,432
2024	Walkway Modernization	0.3%	5.4%	2.9%	\$934,202	\$27,092
2024	Terminal Restrooms Renovations – Phase I	1.0%	5.4%	3.2%	\$2,414,680	\$77,270
2024	Passenger Boarding Bridges – Phase II	0.2%	5.4%	2.8%	\$3,634,561	\$101,768
FY 2024 Total				4.0%	\$16,053,318	\$684,143
2025	Reconstruct Runway 17R/35L – North End	13.1%	5.4%	9.3%	\$5,909,138	\$549,550
2025	Reconstruct Terminal Apron South Gates – Phase II	9.8%	5.4%	7.6%	\$5,665,622	\$430,587
2025	Rehabilitate Terminal Access Roadways – Phase III	5.6%	5.4%	5.5%	\$1,738,100	\$95,596
2025	Terminal Building Flooring Replacement – Phase I	0.4%	5.4%	2.9%	\$2,544,589	\$73,793
2025	Passenger Boarding Bridges – Phase III	0.2%	5.4%	2.8%	\$4,846,080	\$135,690

FY 2025 Total				5.6%	\$20,703,529	\$1,285,216
2026	Rehabilitate Runway 17R/35L Pavement, Shoulder, and Lighting	10.0%	5.4%	7.7%	\$9,965,237	\$767,323
2026	Passenger Boarding Bridges – Phase IV	0.2%	5.4%	2.8%	\$4,846,080	\$135,690
2026	Rehabilitate Terminal Access Roadways – Phase IV	5.2%	5.4%	5.3%	\$7,507,010	\$397,872
2026	Terminal Building Flooring Replacement - Phase II	0.5%	5.4%	3.0%	\$1,691,476	50,744
2026	Terminal Restrooms Renovations – Phase II	1.0%	5.4%	3.2%	\$2,436,423	77,966
FY 2026 Total				4.4%	\$26,446,226	\$1,429,595
FY 2024 - FY 2026 Overall Goal				5.4%	\$63,203,073	\$3,398,954

The total DBE goal in dollars was divided by the total federal portion of project costs to derive the overall DBE goal of 5.2% for FY 2024-2026.

**Table 5b:
Wiley Post Airport FY 2024 – FY 2026 Overall Goal**

Fiscal Year	Project	Step1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (dollars)
2025	Construct New Air Traffic Control Tower	2.0%	5.4%	3.7%	\$9,457,532	\$349,929
2025	Terminal Apron Pavement Rehabilitation	19.6%	5.4%	12.5%	\$783,446	\$97,931
FY 2025 Total				8.1%	\$10,240,978	\$829,519
2026	Perimeter Fence & Gates	0.6%	5.4%	3.0%	\$2,254,602	\$67,638
FY 2026 Total				3.0%	\$2,254,602	\$67,638
FY 2024 - FY 2026 Overall Goal				7.2%	\$12,495,580	\$897,157

The total DBE goal in dollars was divided by the total federal portion of project costs to derive the overall DBE goal of 7.2% for FY 2024-2026.

**Table 5c:
Clarence E. Page Airport FY 2024 – FY 2026 Overall Goal**

Fiscal Year	Project	Step1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (dollars)
2025	Extend Future Hangar Development Taxilane	13.6%	5.4%	9.5%	\$202,343	\$19,223
FY 2025 Total				9.5%	\$202,343	\$19,223
2026	Design and Rehabilitation of Taxiway A	20.0%	5.4%	12.7%	\$762,649	\$96,856
FY 2026 Total				12.7%	\$762,649	\$96,856
FY 2024 - FY 2026 Overall Goal				12.0%	\$964,992	\$116,079

The total DBE goal in dollars was divided by the total federal portion of project costs to derive the overall DBE goal of 12.0% for FY 2024-2026.

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 DOT/FAA (or, if the goal is established on a project basis) by the time of the first solicitation for a DOT/FAA-assisted contract for the projects.

A. Public Involvement

The Trust will hold a public meeting on September 8, 2023. The purpose of the meeting is 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 will be 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 -0.10% (*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 DOT-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 DOT-assisted contract.

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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 November 1, 2023.

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 September 8, 2023, OCAT conducted a DBE Stakeholder Consultation Meeting in compliance with 49 CFR Section 26.45(g)(1)(i). The meeting was held in person and 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 FY24 – FY26 DBE goals for OKC Will Rogers International Airport, Wiley Post Airport and Clarence E. Page Airport. The participants were also given an overview of how the proposed DBE goals for FY24 – FY26 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 FY24 – FY26.

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.

**Will Rogers World Airport Disadvantaged Business Enterprise (DBE)
 Fiscal Years 2024-2026
 Stakeholder's Consultation Meeting
 September 8, 2023; 2:00 p.m.
 Sign-In Sheet**

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 Phone



Will Rogers World Airport Disadvantaged Business Enterprise (DBE)

Fiscal Years 2024-2026

Stakeholder's Consultation Meeting

September 8, 2023; 2:00 p.m.

Sign-In Sheet

TRACI WALTON
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405.535.1428
Phone

Pam Martindale
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OKC
Company

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Phone



**Will Rogers World Airport Disadvantaged Business Enterprise (DBE)
 Fiscal Years 2024-2026
 Stakeholder's Consultation Meeting
 September 8, 2023; 2:00 p.m.
 Sign-In Sheet**

<p><u>EVAN LEON</u> Name</p> <p><u>ALVA ROOFING CO</u> Company</p> <p><u>evanleon@alvuroofing.com</u> Email</p> <p><u>(405) 677-8733</u> Phone</p>	<p><u>Leandra Blair</u> Name</p> <p><u>OKC</u> Company</p> <p><u>Blake Green</u> Email</p> <p><u>OKC</u> Phone</p>
<p><u>Denim Reed</u> Name</p> <p><u>Alva Roofing</u> Company</p> <p><u>denimreed@alvuroofing.com denimreed@alvuroofing.com</u> Email</p> <p><u>405-677-8733</u> Phone</p>	<p><u>Brandon Pieger</u> Name</p> <p><u>OKC</u> Company</p> <p><u>Jarvis Carter</u> Email</p> <p><u>OKC</u> Phone</p>

<p><u>Josh Peterson</u> Name</p> <p><u>Native Star</u> Company</p> <p><u>josh@nativestargroup.com</u> Email</p> <p><u>405 361 5982</u> Phone</p>	<p><u>John Storms</u> Name</p> <p><u>OKC</u> Company</p> <p><u>Veronica Owings</u> Email</p> <p><u>Garver</u> Phone</p>
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<p><u>Chad Jantz</u> Name</p> <p><u>Heartstone Inc</u> Company</p> <p><u>chad@heartstoneinc.com</u> Email</p> <p><u>316 761 3185</u> Phone</p>	<p><u>Nathan Polsgrove</u> Name</p> <p><u>Garver</u> Company</p> <p><u>Matthew Hanck</u> Email</p> <p><u>Garver</u> Phone</p>
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A. Stakeholder Meeting Questions and Answers

Question: Can you elaborate on the walkway modernization?

Answer: We have automated walkways in the tunnel and 3-4 years ago we refurbished 2 of them. This project will be a complete reconstruction on the remaining 4 automated walkways.

Question: Are any of the preliminary plans for the Will Rogers World Airport (OKC) projects available online?

Answer: No, not currently.

Question: The slide is showing in 2025 the estimated cost for DBE is \$19,223. Can you explain that?

Answer: If you go back to what the goals are there's a percentage. So, for example if the project is \$100,000 and the DBE goal is 5% then your good faith effort on the amount for DBE is \$5,000.

Question: Are you allowed to contribute more in DBE than the set goal amount?

Answer: Absolutely! The goal is the minimum amount.

Question: Is the DBE goal only for the construction phase or is it for design as well?

Answer: It can be both.

Question: Is the historical data that was used available online?

Answer: No, not currently.

Question: I am seeking something in the food and beverage as an ACDBE firm. Are there any plans to extend the invitation into the food and beverage industry?

Answer: That is a separate program known as the ACDBE program. There is more information on this program on the airport's website. You can also contact Pam Martindale and she can get you in contact with the right person.

Question: Is there a need for IT services within the projects listed?

Answer: Not with the projects listed but there are many other projects within the airport. Reach out to Pam Martindale and she can get you in contact with the right person.

Question: Will you send out the contact in an email?

Answer: Contact information is on the last slide.

Question: If a bid comes out and we put in a bid and say we aren't the lowest bidder, but we are the only one in the group that has a DBE. How is that considered?

Answer: I'm going to assume you are a DBE operating as a Prime consultant. If you are not the lowest bidder then we would have to assess the good faith effort of the lowest bidder to see if they were able to meet the goal. If you are a subconsultant and your Prime consultant is not lowest bidder, then we would have to do the same assessment.

Question: Is there an incentive to the airport for exceeding the DBE goal?

Answer: They are encouraged to gain as much participation they can but there is no incentive.

Question: Does the airport get penalized for not meeting the DBE goal?

Answer: No there is no penalty, but the airport does have to show that there was good faith effort on achieving the goal.

Question: Are the bid tabulations for past projects available online?

Answer: They are on the city clerk's website.

Question: When you are doing competitive bidding are you only looking at the price or are you looking at the technical side as well?

Answer: We mainly look at the price for the low bidder. Also, you need to make sure you are a qualified contractor with the City of Oklahoma City if you are a Prime contractor.

Question: Where can I find bid information?

Answer: All bids can be found through the City of Oklahoma City website. You will want to make sure you are registered as a vendor with the City of Oklahoma City whether you are a Prime consultant or a Subconsultant. It will appear you have to pay but the City of Oklahoma City covers these costs.

B. Stakeholder Microsoft Teams Virtual Meeting Attendees

Last Name	First Name	Email
Ali	Raza	Raza.ali@zprosolutions.com
Meyr	Aaron	ameyr@supremeroofting.com
Campbell	Mary	mcampbell@olsson.com
Hashmi	Anish	Anish.hashmi@zprosolutions.com
Scovel	Steve	Steve.scovel@guernsey.us
Vuono	Maggie	MaggieVuono@traconceptsllc.com
Allen	LaRonda	Simplechoice.vending@gmail.com
Ali	Mubasher	Mubasher.ali@zprosolutions.com
Hughes	CeCe	admin@sugarorsaltlounge.com

C. Stakeholder Meeting Presentation



Title 49 CFR Part 26

- **Disadvantaged Business Enterprise (DBE)**
 - Definition: DBEs are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest, 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 – 2024-2026



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2024-2026 Draft Goal Development

Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: Oklahoma City Airport Trust

Goal Period: October 1, 2023 through September 30, 2026

	Will Rogers World Airport	Wiley Post Airport	Clarence E. Page Airport
Overall Goal	5.2%	7.2%	12.0%
Race-Neutral	0.0%	0.0%	0.0%
Race-Conscious	5.2%	7.2%	12.0%
Total Dollars	\$63,437,391	\$12,495,580	\$964,992
DBE Goal in Dollars	\$ 3,273,472	\$897,157	\$116,079



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2024-2026 Draft Goal Development

- **Will Rogers World Airport (OKC)**
 - **2024** – Estimated cost \$14,281,799 (DBE \$584,126)
 - **2025** – Estimated cost \$26,837,263 (DBE \$1,510,938)
 - **2026** – Estimated cost \$22,318,329 (DBE \$1,178,408)



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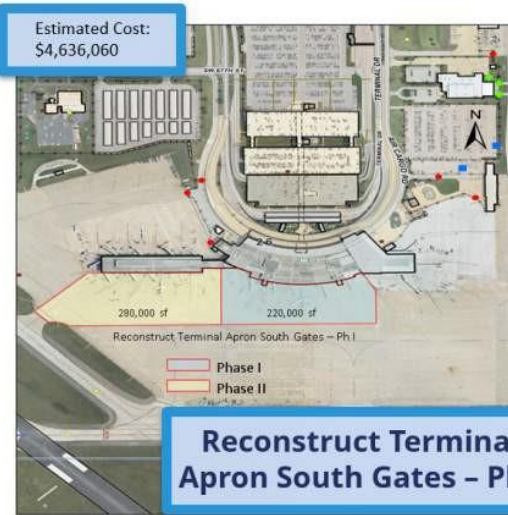


2024 Will Rogers World Airport (OKC)

Baggage Claim Units Replacement



Estimated Cost:
\$3,933,811

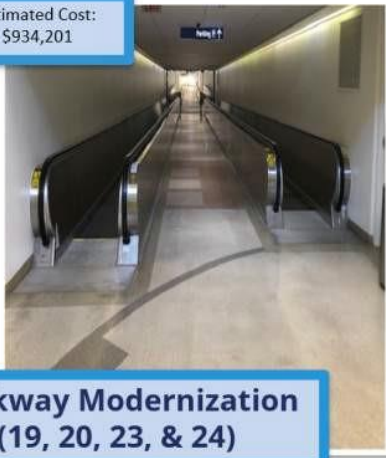


Reconstruct Terminal Apron South Gates - Ph I

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2024 Will Rogers World Airport (OKC)

Estimated Cost:
\$934,201



**Walkway Modernization
(19, 20, 23, & 24)**



Estimated Cost:
\$4,777,727



**Terminal Building
Restrooms ADA Mods**

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2025 Will Rogers World Airport (OKC)

**Passenger Boarding
Bridges (7) - Ph II**



Estimated Cost:
\$8,480,643



Estimated Cost:
\$5,909,138



**Reconstruct Runway
17R/35L (Partial)**

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2025 Will Rogers World Airport (OKC)

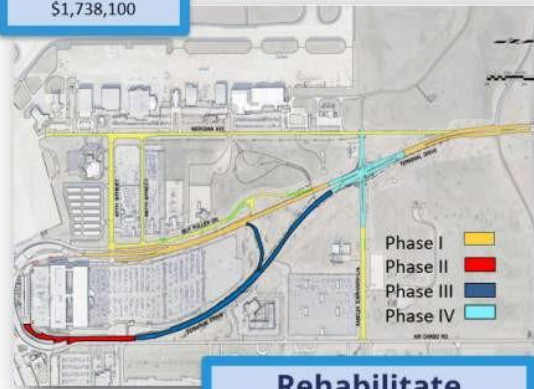
Estimated Cost:
\$5,665,621



Reconstruct Terminal Apron South Gates - Ph II



Estimated Cost:
\$1,738,100

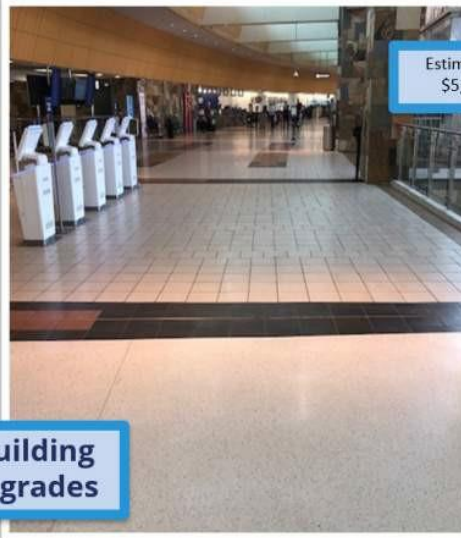


Rehabilitate Terminal Access Roadways - Ph III

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2025 Will Rogers World Airport (OKC)

Estimated Cost:
\$5,043,761



Terminal Building Flooring Upgrades

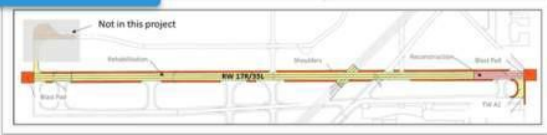


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2026 Will Rogers World Airport (OKC)

Rehabilitate Runway
17R/35L Pavement,
Shoulders, & Lighting

Estimated Cost:
\$9,965,237



Passenger Boarding
Bridges (4) - Ph IV



Estimated Cost:
\$4,846,082

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2026 Will Rogers World Airport (OKC)

Estimated Cost:
\$7,507,010



Rehabilitate
Terminal Access
Roadways - Ph IV



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2024-2026 Draft Goal Development

- **Wiley Post Airport (PWA)**
 - **2024** – No projects planned at this time.
 - **2025** – Estimated cost \$10,240,978 (DBE \$829,519)
 - **2026** – Estimated cost \$2,254,602 (DBE \$67,638)



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2025 Wiley Post Airport (PWA)

Construct New Air Traffic Control Tower



Estimated Cost:
\$9,457,532



Estimated Cost:
\$783,446



Terminal Apron Pavement Rehabilitation

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2026 Wiley Post Airport (PWA)

Perimeter Fence & Gates



Estimated Cost:
\$2,254,602



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2024-2026 Draft Goal Development

- **Clarence E. Page Airport (RCE)**
 - **2024** – No projects planned at this time.
 - **2025** – Estimated cost \$202,343 (DBE \$19,223)
 - **2026** – Estimated cost \$762,649 (DBE \$96,856)



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Clarence E. Page Airport (RCE)

Extend Future Hangar Development Taxilane
Estimated Cost: \$202,343
2025

Design & Rehabilitation of Taxiway A
Estimated Cost: \$762,649
2026

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2024-2026 Draft Goal Development

Step 1: Establish Base Figure

- Based upon relative availability of DBE firms
- Based figures ranged depending on type of work:
 - OKC - 0.2% - 13.1%
 - PWA - 0.6% - 19.6%
 - RCE - 13.6% - 20.0%



EXAMPLE

Table 3b:
DBE's - Will Rogers World Airport by Relevant NAICS Codes - FY2024
"Reconstruct Terminal Apron South Gates - Ph I"

Activity	NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Site Preparation Contractors	238910	1	140	0.7%	\$276,500	\$1,936
Highway, Street & Bridge Construction	237310	10	43	23.3%	\$1,757,340	\$409,460
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412	0	60	0.0%	\$632,499	\$0
Other Waste Collection	562119	0	6	0.0%	\$636,839	\$0
Brick, stone, and related construction material merchant wholesalers	423320	0	17	0.0%	\$609,882	\$0
Engineering Services	541330	5	239	2.1%	\$723,000	\$15,183
Total Dollars					\$4,636,060	\$426,579
Weighted Step 1 Goal =						9.2%

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2024-2026 Draft Goal Development

Step 2: Adjust Goal

- Based upon historic DBE accomplishments the median DBE is 5.4%.



EXAMPLE

Table 4:
Oklahoma City Airport Trust DBE Accomplishment

Airport	Fiscal Year	DBE Goal	DBE Percent Achieved To Date	Achieved Over/Under
Will Rogers World Airport	2020	7.4%	2.8%	-4.6%
Wiley Post Airport	2020	0.0%	0.0%	0.0%
Clarence E. Page Airport	2020	0.0%	0.0%	0.0%
Will Rogers World Airport	2021	8.8%	7.3%	-1.5%
Wiley Post Airport	2021	6.4%	5.7%	-0.7%
Clarence E. Page Airport	2021	5.8%	6.1%	0.3%
Will Rogers World Airport	2022	8.8%	9.7%	0.9%
Wiley Post Airport	2022	0.0%	5.4%	5.4%
Clarence E. Page Airport	2022	0.0%	0.0%	0.0%
Median			5.4%	

The median DBE accomplishment for the periods as shown above for the Trust is 5.4%.

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2024-2026 Draft Goal Development

Overall goals are adjusted as shown in table by adding the median of 5.4% to the base figure and averaging the total for an adjusted overall DBE Goal.



Table 5a:
Will Rogers World Airport FY 2024 – FY 2026 Overall Goal

Fiscal Year	Project	Step 1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (dollars)
2024	Baggage Claim Units Replacement	0.4%	5.4%	2.9%	\$3,933,811	\$114,081
2024	Reconstruct Terminal Apron South Gates – Ph 1	9.4%	5.4%	7.4%	\$4,636,080	\$343,088
2024	Walkway Modernization (19, 20, 23, & 24)	0.3%	5.4%	2.9%	\$934,201	\$26,625
2024	Terminal Building Restrooms ADA Mods	1.0%	5.4%	3.2%	\$4,777,727	\$152,887
FY 2024 Total				4.1%	\$14,281,799	\$585,554

Table 5b:
Wiley Post Airport FY 2024 – FY 2026 Overall Goal

Fiscal Year	Project	Step 1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (dollars)
2025	Construct New Air Traffic Control Tower	2.0%	5.4%	3.7%	\$9,457,532	\$349,920
2025	Terminal Apron Pavement Rehabilitation	19.0%	5.4%	12.5%	\$783,446	\$97,931
FY 2025 Total				8.1%	\$10,240,978	\$829,519

Table 5c:
Clarence E. Page Airport FY 2024 – FY 2026 Overall Goal

Fiscal Year	Project	Step 1	Step 2 Adjustment	Overall Goal	Total project costs	DBE Goal (dollars)
2025	Extend Future Hangar Development Taxilane	13.6%	5.4%	9.5%	\$202,343	\$19,223
FY 2025 Total				9.5%	\$202,343	\$19,223

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2024-2026 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 Canadian, Cleveland, Grady, Lincoln, Logan, McClain, 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).



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OCAT DBE Goals – Stakeholder Input

- **OCAT efforts to establish a level playing field for DBE participation (continued)**
 - 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 Trust's airports.



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OCAT DBE Goals Development

- **Next Steps - Goals submittal 10/31/2023, implementation 11/1/2023**
- **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/contract-compliance/cr-community-outreach-programs.html>).



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ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1, 2 and 3

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/offeror's firm: _____

Name & title of firm's AR: _____

Phone: _____ Email: _____

Name of DBE firm: _____

Name & title of DBE firm's AR: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Work to be performed by DBE firm:

<i>Description of Work</i>	<i>NAICS</i>	<i>Dollar Amount / %*</i>	<i>Manufacturer/Regular Dealer/Distributor/Broker**</i>

**Percentage is to be used only in negotiated procurements*

***For DBE suppliers only, state how the DBE will perform. For dealer/distributor/broker, Form 3 must be included.*

The undersigned bidder/offeror 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/offeror 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/offeror 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.

Signature of Bidder/Offeror's Authorized Representative

Date: _____

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.

Signature of DBE's Authorized Representative

Date: _____

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

Submit this page for each DBE subcontractor.

Form 3: DBE Regular Dealer/Distributor Affirmation Form

OMB Approval Pending 04/17/2024



U.S. Department of
Transportation

**DBE Regular Dealer/Distributor
Affirmation Form**

Bidder Name:

Contract Name/Number:

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The U.S. Department of Transportation is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan.

DISCLAIMER: This form has not yet received OMB/PRA approval and is subject to change. We are making it available for your voluntary use.

DBE Name:

Total Subcontract/Purchase Order Amount:

Authorized DBE Representative (Name and Title):

NAICS Code(s) Related to the Items to be Sold/Leased:

1. Will **all** items sold or leased be provided from the on-hand inventory at your establishment? YES NO

(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.** If "NO" Continue.)

a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)? YES NO (If "YES," Go to Question 2. If "NO" Continue.)

b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory?

YES NO* (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.**

*If 1., 1.a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. to determine if the items delivered from and by other sources are eligible for Distributor credit.)

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate?

YES NO¹

(If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)

¹ If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacture's facility)? YES² NO³

a) Will you be using sources **other than** the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased? YES² NO³

² If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

³ If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of DBE Owner/Authorized Representative:

The bidder acknowledges its responsibility for verifying the information provided by the DBE named above and ensuring that the counting of the DBE's participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative:

ATTACHMENT 7

Administrative Enforcement Mechanisms

The Trust 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 (exact terms of each contract may vary);
2. Breach of contract action, pursuant to 74 Oklahoma Statutes §5010.1 et seq;

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

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

ATTACHMENT 8

DBE Certification Application Form and Personal Net Worth Statement:

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>

ATTACHMENT 9

Oklahoma UCP Agreement can be found here:

<https://www.odot.org/regserv/dbeinfo/pdfs/uca.pdf>

ATTACHMENT 10

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 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 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 Program policy statement objectives, which are, in pertinent part:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To help remove barriers to the participation of DBEs in DOT-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 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 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 DOT 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/federal-contracting/contracting-guide/size-standards>

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 Part 26 and as described in the Trust’s 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 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 DOT. 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 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 ensure 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

Assurance that the Program is open to small businesses regardless of their location (*i.e.*, that there is no local or other geographic preference)