Eastport Municipal Airport
Eastport, Maine
Disadvantage Business Enterprise Program

This document is the City of Eastport (Maine) DBE program prepared in compliance with 49 CFR, Part 26. This program covers the period from October 1, 2014 through September 30, 2017.

October 2014

Eastport Municipal Airport
Eastport, Maine
Disadvantage Business Enterprise Program
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EASTPORT, MAINE

EASTPORT MUNICIPAL AIRPORT

DISADVANTAGE BUSINESS ENTERPRISE (DBE) PROGRAM

UPDATE FOR FY-2015-2016-2017

POLICY STATEMENT

Section 26.1, 26.23: Objectives/Policy Statement

The City of Eastport (hereinafter referred to as City) has established a Disadvantage Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26 (see **Attachment 1**). The City has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City has signed an assurance that it will comply with 49 CFR Part 26.

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

1. To ensure nondiscrimination in the award and administration of USDOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in USDOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Interim City Manager has been delegated as the DBE Liaison Officer. In that capacity, Elaine Abbott is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City in its financial assistance agreements with the Department of Transportation.

The City will disseminate this policy statement to the City Council and this statement will be published on the City's Internet website.

Elaine Abbott, Interim City Manager

October 30, 2014

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1: Objectives

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

Section 26.3: Applicability

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

Section 26.5: Definitions

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

Section 26.7: Non-discrimination Requirements

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

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

Section 26.11: Record Keeping Requirements

Reporting to USDOT: 26.11(b)

Since the City may receive an annual grant during the reporting period of $250,000 or more for airport planning or development, we will continue to carry out this program until all funds from USDOT financial assistance have been expended. We will provide to USDOT updates representing significant changes in the program. We will submit an updated goal annually on August 1 if we plan to award contracts exceeding $250,000 in FAA funds in that Federal fiscal year.

We will report DBE participation to USDOT as follows:

We will transmit to FAA annually on December 1, as required the Uniform Report of DBE Awards or Commitments and Payments using the USDOT DBE Office Online Reporting System (DOORS).

Bidders List: 26.11(c)

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

We will collect this information by requesting each primary contractor awarded a contract to submit the details to our DBELO in writing with 14 days of contract award. The requirement to provide this information will be disseminated during bid solicitations and during pre-bid conferences.

Section 26.13: Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

> The City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT assisted contracts. The City's DBE Program, as required by 49 CFR Part 26 and as approved by USDOT, 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 City of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every USDOT-assisted contract and subcontract:

> *The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT assisted contracts. Failure by the contractor to carry out these*

requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21: DBE Program Updates

The City may receive an annual grant for airport planning or development totaling $250,000 during one or more years of the reporting period. We will continue to carry out this program until all funds from USDOT financial assistance have been expended. We will provide to USDOT updates representing significant changes in the program. We will submit an updated goal on August 1 as required, if we plan to award FAA funded contracts exceeding $250,000 annually, during the reporting period.

Section 26.23: Policy Statement

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

Section 26.25: DBE Liaison Officer (DBELO)

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

Elaine Abbott
Interim City Manager
78 High Street
Eastport, Maine 04631
(207) 853-2300
eabbott@eastport-me.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Interim City Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Figure 1.

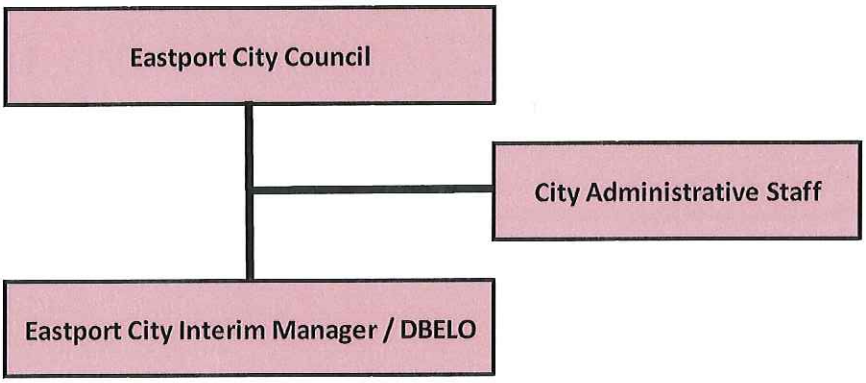

Figure 1: Organizational Chart

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of one, plus the city's aviation consultant 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 USDOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
4. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
5. Analyzes the City's progress toward attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Advises the Interim City Manager and city council on DBE matters and achievement.
8. Determines contractor compliance with good faith efforts.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Plans and participates in DBE training seminars.

Section 26.27: DBE Financial Institutions

The City will investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged persons and make reasonable efforts to use these institutions, within state law.

MaineDOT has identified one minority owned financial institution in Maine, Four Directions Development Corp., which serves the financial needs of all four Maine Indian tribes: Penobscot, Passamaquoddy, Micmac, and Maliseet.

Section 26.29: Prompt Payment Mechanisms

The City will include the following clause in each USDOT-assisted prime contract:

> *The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 14 days from the receipt of each payment the prime contractor receives from City. The prime contractor agrees further to return retainage payments to each subcontractor within 14 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the City. This clause applies to both DBE and non-DBE subcontractors.*

Section 26.31: Directory

The City utilizes the MaineDOT directory. MaineDOT publishes a current directory on the Internet identifying certified DBEs willing to perform as subcontractors on MaineDOT's federal aid projects. All DBE firms listed in the directory are certified as meeting the requirements as outlined in 49 CFR Part 26. The directory contains the DBE firm name, address, phone, fax, owner name, work categories and work area. Copies are available on MaineDOT website at:

http://www.maine.gov/mdot/civilrights/documents/WeeklyDBEVendorList.pdf

The DBE Directory is the responsibility of the MaineDOT DBE Program Administrator.

Section 26.33: Over-concentration

The City relies on MaineDOT, who has not determined an over concentration in any areas. When evidence is noted, MaineDOT will take specific remedial steps. These may include but are not limited to:

- reduced/no contractual credit for Contractors/Consultants who utilize businesses in over concentrated areas;

- some "incentive" benefit to Contractors/Consultants who expand/initiate new contracting arrangements with DBEs in non over concentrated areas;

- and public relations or marketing campaign to promote "other" business opportunities in the DBE program than those more traditionally known.

Current areas of possible over concentration which are of concern include: landscaping, trucking, striping, flagging and guardrail.

MaineDOT may adjust the Program in response to the level of utilization of non-DBE firms in any area MaineDOT determines as being over concentrated. This is accomplished via periodic reviews conducted.

Contractors and consultants are encouraged to promote DBE relationships which reflect the array of businesses represented in MaineDOT's Directory of DBE Certified Businesses.

Section 26.35: Business Development Programs

The City has not established a business development program.

Section 26.37: Monitoring and Enforcement Mechanisms

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

1. We will bring to the attention of the United States Department of Transportation (USDOT) any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.

2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

3. We will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. This mechanism will include a written certification that we have reviewed contracting records and monitored work sites for this purpose. (The monitoring to which this paragraph refers may be conducted in conjunction with monitoring of contract performance for other purposes (e.g., close-out reviews for a contract). This will be accomplished by requiring each prime contractor submit detailed payment data to each DBE, including copies of DBE invoices,

payment records, including dates, amounts, check numbers, and other information deemed necessary to support contract performance

4. In our reports of DBE participation to USDOT, we will show both commitments and attainments, as required by the USDOT uniform reporting form.

Section 26.39: Fostering small business participation.

The City has created an element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. For clarification purposes, 49 CFR Part 26.5 states, "Small business concern means, with respect to firms seeking to participate as DBEs in USDOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b)." 13 CFR 121.402 defines "What size standards are applicable to Federal Government Contracting programs?"

In compliance with this policy, the City's DBE Program in regard to §26.39 Fostering Small Business Participation may include, but is not limited to, the following strategies:

- Establishing a race-neutral small business set aside for prime contracts that exceed $500,000 of grant funding awarded during the goal reporting period.
- On prime contracts exceeding $250,000 not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
- Identifying alternative acquisition strategies and structuring procurements to facility the ability of consortia or businesses, including DBEs, to compete for and perform prime contracts.

To meet the portion of your overall goal you project to meet through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

In order to actively implement the City's program elements to foster small business participation and to comply with the requirement of good faith implementation of our DBE program, the City will require that the Prime Contractor(s) for Construction Work Items and for Professional Services Work Items complete the form entitled, Fostering Small Business Participation, located in **Attachment 2** of this DBE program.

The Special Conditions of the Contract will indicate the amount of small business participation as determined by the City.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43: Set-asides or Quotas

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

Section 26.45: Overall Goals

The City will establish 3-year overall goals if we anticipate awarding FAA funded prime contracts exceeding $250,000 annually within one or more of the reporting years within the 3-year goal period. Goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City does not anticipate awarding more than $250,000 in FAA funding annually during the 3-year reporting period, we will not develop an overall goal; however the existing DBE program will remain in effect and the City will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step is to determine the relative availability of DBEs in the market area, "base figure". The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

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

In accordance with Section 26.45(f) the City will submit its overall goal to USDOT on August 1 as required by the goal submittal timeline. In establishing the overall goal, the City will consult with the Maine Department of Transportation, Office of Civil Rights, community organizations, such as the Chamber of Commerce, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection on the City's website for 30 calendar days following the date of the notice, and informing the public that the City and USDOT will accept comments on the goals for 45 calendar days from the date of the notice. Notice will be issued in general circulation media and available minority- focus media and trade publications, websites. Normally, we will issue this notice by June 1 of the reporting period of

the goal. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to USDOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

We will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from USDOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a USDOT-assisted contract for the project.

Section 26.47: Failure to meet overall goals.

If the City awards and commitments are less than the goal for that year, we will:

- Analyze the reasons for difference; and
- Establish specific steps and milestones to fully meet the goal for the new fiscal year.

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

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

Section 26.51(d-g): Contract Goals

If it is determined by the City that the annual DBE goal will not be met through race and gender neutral means, the Department may implement race and gender conscious contract goals on some projects. Race-conscious contract goals are goals that are enforceable by the Department and require that the prime contractor use good faith effort to achieve the goal set by the Department for that particular project and document those efforts. If race conscious means are implemented on a project, the Prime must comply with the requirements of 49 CFR.

Section 26.53: Good Faith Efforts Procedures

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

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

Elaine Abbott, 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.

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

Information to be submitted (26.53(b))

The City treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsibility and only the apparent successful bidder will submit the DBE information.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information within 14 business days of being notified that they are the successful bidder, but before the contract is executed:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 14 business days of being informed by the City that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Elaine Abbott, Interim City Manager, (207) 853-2300, eabbott@eastport-me.gov. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

The City will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

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

We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the DBE firm.

Section 26.55: Counting DBE Participation

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73: Certification Process

The City will rely on MaineDOT who uses the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in USDOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards.

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

Maine Department of Transportation
SHS 16
Augusta, Maine 04333
Tel: (207)624-3042

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81: Unified Certification Programs

MaineDOT is the certifying agency for all USDOT recipients in Maine for the DBE program, which was approved by USDOT in 2000. All recipients are required to have signed the UCP Agreements in order to participate in USDOT assisted programs. MaineDOT has a list of all participating recipients and has signed copies of agreements on file at the MaineDOT.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109: Information, Confidentiality, Cooperation

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

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

Monitoring Payments to DBEs

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

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

ATTACHMENT 1 - REGULATIONS: 49 CFR PART 26

49 CFR Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*, is available on the Internet at http://www.access.gpo.gov/nara/cfr/waisidx_02/49cfr26_02.html

ATTACHMENT 2 – DBE/WBE & SMALL BUSINESS PARTICIPATION

City of Eastport
Eastport Municipal Airport
Eastport, Maine
DBE/WBE and Small Business Participation Form

Project: _____

Prime Contractor: _____

INSTRUCTIONS

Contractors must make a good faith effort to include Certified DBE or Small Business (SB) firms in all aspects of the project. If no DBE firms are to be part of this project, a detailed explanation is required. Attach supporting evidence to the maximum participation of DBEs and/or SB on this project. This is a requirement. This evidence must include name of firm(s) contacted, date contacted, and outcome of solicitation.

Complete the following information. Indicate if DBE, WBE, or small business (SB). Name of company/firm, brief description of work, and their contract amount . Total and submit to the Eastport Interim City Manager.

Small Business Firms to be utilized		Work to be Performed
Name		
Address		
City, St, Zip		
Telephone		
Certified DBE?	☐ No ☐ Yes (State: _____)	
Total Estimated Contract	$	

(Duplicate form as necessary.)

Sponsor Use:
AIP #: _____
Accepted by: _____
Date: _____

ATTACHMENT 3 - METHODOLOGY

Section 26.45: Overall DBE 3-Year Goal Methodology

NAME OF RECIPIENT: City of Eastport, Eastport Municipal Airport

GOAL PERIOD: FY-2015-2016-2017 – October 1, 2014 through September 30, 2017

USDOT-ASSISTED CONTRACT AMOUNT:

FY-2015	$ 0
FY-2016	$547,000
FY-2017	$150,000
Total	**$697,000**

DBE 3-YEAR OVERALL GOAL: 1.5%

TOTAL DOLLAR AMOUNT TO BE EXPENDED ON DBE'S: $10,455.00

NUMBER AND TYPE OF PROJECTS THAT THE AIRPORT ANTICIPATES AWARDING:

1. Snow Removal Equipment / Terminal Building
2. Master Plan Update

MARKET AREA

The 16 counties in Maine are considered the market area for the City. They are Androscoggin, Aroostook, Cumberland, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo, Washington, and York.

NAICS	Description	Total DBEs	Total All Firms
541330	Engineering Services	14	295
238210	Electrical Contractors & Other Wiring Installation Contractors	2	537
2381	Foundation, Structure, and Building Exterior Contractors	3	523
236210	Industrial Building Construction	1	5
	Total	**20**	**1360**
	Percent DBEs	**1.5%**	

STEP 1 - ANALYSIS: ACTUAL RELATIVE AVAILABILITY OF DBE'S

The following table lists the North American Industry Classification System (NAICS), type of work, total DBE's within the market area, and the total of all firms (also within the market area) for each of the projects listed above.

We then divided the total number of DBE's by the total number of All Firms to arrive at the base figure of 1.5%.

STEP 2 - ANALYSIS: ADJUSTMENT TO STEP 1 BASE FIGURE TO MAKE IT MORE PRECISE

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment (if any) was needed to the base figure in order to arrive at the overall goal.

There is no historical DBE data to reference to make an adjustment to the Step 1 base figure; therefore, the City of Eastport is adopting its Step 1 base figure as its overall goal for FY-2015, 2016 and 2017.

In addition, there are no applicable disparity studies for the local market area or recent legal case information available from the state of Maine, Office of Civil Rights to show any evidence of barriers to entry or competitiveness of DBEs in any of the counties within the market area.

[1] Obtained from MaineDOT DBE Directory
http://www.maine.gov/mdot/civilrights/documents/WeeklyDBEVendorList.pdf

[2] Obtained from US Census, County Business Patterns (http://censtats.census.gov/cgi-bin/cbpnaic/cbpdetl.pl)

RACE NEUTRAL (RN) AND RACE CONSCIOUS (RC) PARTICIPATION

The City will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation. We will do this by:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing; and
- Providing technical assistance and other services.

The recipient estimates that in meeting its overall goal 1.5%, it will obtain 1.5% from RN participation and 0% through RC measures.

The City will not attempt to adjust the base figure based upon the effects of the DBE program. The City advocates for the DBEs on each federally funded contract and provides assistance in locating DBEs to the prime contractors. We do not have data to compare the effect of the program to the results we would get without the program. Thus, we do not have a logical way to make an adjustment.

PUBLIC PARTICIPATION

Consultation: Section 26.45(g)(1).

The City submits its overall 3-year goal to USDOT on August 1 as required.

Before establishing the overall goal, the City will consult with MaineDOT, the Eastport Chamber of Commerce, and Maine DBE Supportive Services, without limiting consultation to these persons or groups, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City's efforts to establish a level playing field for the participation of DBEs.

Following the consultation, we will publish a notice in the Quoddy Times, as well as on the City's website, of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the airport administration building for 30 days following the date of the notice, and informing the public that the City and USDOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses where the proposal may be reviewed.

Our overall goal submission to USDOT will include a summary of information and comments received during this public participation process and our responses, if any.

Comments received will be noted and an adjustment, if necessary will be made to our Plan.

PUBLIC NOTICE

The City of Eastport hereby announces its fiscal year 2015, 2016, and 2017 goal of 1.5% for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goals and rationale is available for inspection on the City's website at http://www.eastport-me.gov/Public_Documents/index or in the Municipal Office between 7:30 a.m. and 4:30 p.m., Monday through Friday at 78 High Street, Eastport, ME for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 45 days from the date of this publication and can be sent to the following: Elaine Abbott, Interim City Manager, 78 High Street, Eastport Maine 04631, eabbott@eastport-me.gov.

CONTRACT GOALS

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

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

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