

DEPARTMENT OF TRANSPORTATION

DBE PROGRAM – 49 CFR PART 26

CITY OF EASTPORT, MAINE



EASTPORT MUNICIPAL AIRPORT



DBE PROGRAM FOR FFY 2021, 2022, 2023

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POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The **City of Eastport / Eastport Municipal 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 **City of Eastport / Eastport Municipal Airport** has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the **City of Eastport / Eastport Municipal Airport** has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the **City of Eastport / Eastport Municipal Airport** to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

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

The **City Manager, Thomas L. Hoskins II**, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO 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 of Eastport / Eastport Municipal Airport** in its financial assistance agreements with the Department of Transportation.

City of Eastport / Eastport Municipal Airport has disseminated this policy statement to the **City Council of Eastport and all the components of the airport organization**. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts **as part of bid packages and contract documents**.

As detailed in ATTACHMENT 5 – OVERALL GOAL CALCULATIONS, we estimate that, in meeting our overall goal of **2.72%**, we will obtain 100% from race-neutral participation and 0% through race-conscious measures.



Thomas L. Hoskins II, City Manager



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

Section 26.5 Definitions

The **City of Eastport / Eastport Municipal Airport** will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

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

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

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11

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

We will report DBE participation to USDOT/FAA as follows:

We will transmit to FAA annually on December 1, the “Uniform Report of DBE Commitments / Awards and Payments” form, found in Appendix B to this part. We will also report the DBE Contractor contact information on the FAA DBE Contractor’s Form or other similar format. Information will be transmitted electronically via dbE-Connect (<https://faa.dbeconnect.com/faa/login.asp>).]

Bidders List: 26.11(c)

The **City of Eastport / Eastport Municipal Airport** will create and maintain a bidders list. The purpose of the list is to assist in providing data about contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals.

We will collect this information during the process of selling plans and specifications to prospective bidders via a manual process of requesting data from contractors and subcontractors purchasing these bid sets. Additionally, more detailed information is obtained at the time of bid through completion of required documentation in the bid package.

Section 26.13 Federal Financial Assistance Agreement

The **City of Eastport / Eastport Municipal Airport** has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

The **City of Eastport / Eastport Municipal Airport** shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient 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 recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification of its failure to carry out its approved program, the Department may impose sanction 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: 26.13(b)

The **City of Eastport / Eastport Municipal Airport** will ensure that the following clause is included in each contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The **City of Eastport / Eastport Municipal Airport** will receive grant(s) for airport planning or development exceeding \$250,000 in a Federal fiscal year. We will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. We will provide updates representing significant changes in the program for approval.

The **City of Eastport / Eastport Municipal Airport** is not eligible to receive DOT financial assistance unless DOT has approved our DBE Program and we are in compliance with it and this part. We will continue to carry out our program until all funds from DOT financial assistance have been expended.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

| | |
|-----------------|--|
| Name: | Thomas L. Hoskins II |
| Title: | City Manager |
| Email: | CityManager@eastport-me.gov |
| Address: | Eastport City Hall 22 Washington Street Eastport, ME 04631 |

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

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The 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 annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and monitors results.
6. Analyzes progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the **Eastport City Council** on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.

10. Acts as referral liaison to the Uniform Certification Process in **the State of Maine**.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

Through the State of Maine, the **City of Eastport / Eastport Municipal Airport** conducted an investigation into the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged persons in order to make reasonable efforts to use these institutions, within state law. No such financial institutions have been identified.

Section 26.29 Prompt Payment Mechanisms

The **City of Eastport / Eastport Municipal Airport** 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.

In accordance with 49 CFR § 26.29, the **City of Eastport / Eastport Municipal Airport** 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 **City of Eastport / Eastport Municipal Airport**.

The **City of Eastport / Eastport Municipal Airport** ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to § 26.29, **City of Eastport / Eastport Municipal Airport** has selected the following method to comply with this requirement:

We will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after our payment to the prime contractor.

Section 26.31 Directory

The **City of Eastport / Eastport Municipal Airport** uses the **State of Maine** DBE directory, maintained by the State. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The **State of Maine** constantly updates the Directory. In addition, they provide technical and management assistance to certified businesses through their DBE Supportive Service Program. More information can be found at the **EMDC Website** <http://www.mainedbe.com/>. The DBE Directory may be found at <https://www.maine.gov/mdot/civilrights/docs/dbe/WeeklyDBEVendorList.pdf>.

Section 26.33 Over-concentration

City of Eastport / Eastport Municipal Airport has not identified that over-concentration exists in the types

of work that DBEs perform.

Section 26.35 Business Development Programs

City of Eastport / Eastport Municipal Airport has not established a business development program, however, the **State of Maine** DBE Program provides certified DBE companies with substantial benefits, including being listed in the MaineDOT and DBE Supportive Services Directories which are distributed among prime contractors and consultants throughout New England. Certified Maine DBEs receive information regarding upcoming MaineDOT projects and have access to the Maine DBE Supportive Services program.

Section 26.37 Monitoring and Enforcement Mechanisms

The **City of Eastport / Eastport Municipal Airport** will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will implement similar action under our own legal authorities, including responsibility determinations in future contracts.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.
4. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to.

Section 26.39 Fostering small business participation.

*The **City of Eastport / Eastport Municipal Airport** has created a Small Business 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.*

The **City of Eastport / Eastport Municipal Airport's** small business program element is incorporated as Attachment 10 to this DBE Program. We will actively implement the program elements to foster small business participation, doing so is a requirement of good faith implementation of our DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The **City of Eastport / Eastport Municipal Airport** does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

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

| Airport Type | Region | Date Due (Goal Period) | Next Goal Due (Goal Period) |
|--|--|--|--|
| Large & Medium Hub Primary | All Regions | August 1, 2019 (2020/2021/2022) | August 1, 2022 (2023/2024/2025) |
| Small Hub Primary | All Regions | August 1, 2020 (2021/2022/2023) | August 1, 2023 (2024/2025/2026) |
| Non-Hub Primary | All Regions | August 1, 2021 (2022/2023/2024) | August 1, 2024 (2025/2026/2027) |
| Non-Primary (GAs, Relievers and State DOTs) | Alaskan, Eastern, & Great Lakes | August 1, 2019 (2020/2021/2022) | August 1, 2022 (2023/2024/2025) |
| Non-Primary (GAs, Relievers and State DOTs) | New England, Northwest Mountain, & Southern | August 1, 2020 (2021/2022/2023) | August 1, 2023 (2024/2025/2026) |
| Non-Primary (GAs, Relievers and State DOTs) | Central, Southwest, and Western-Pacific | August 1, 2021 (2022/2023/2024) | August 1, 2024 (2025/2026/2027) |

DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45.

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.

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

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

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 **City of Eastport / Eastport Municipal Airport** will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

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

The **City of Eastport / Eastport Municipal Airport** will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The **City of Eastport / Eastport Municipal Airport** follows the State of Maine DBE methodology and the State of Maine aims for 100% race neutral participation.

Section 26.51(d-g) Contract Goals

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

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

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

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures**Demonstration of good faith efforts (26.53(a) & (c))**

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

The City of Eastport / Eastport Municipal Airport is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

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

Information to be submitted (26.53(b))

City of Eastport / Eastport Municipal Airport treats bidder/offers' compliance with good faith efforts' requirements as a matter of **responsiveness** – *all bidders submit DBE information at the time of bid.*

Responsiveness - Each solicitation for which a contract goal has been established will require all bidders/offers to submit the following information at the time of bid:

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 7 business days of being informed by the **City of Eastport / Eastport Municipal Airport** that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offers should make this request in writing to the **City of Eastport / Eastport Municipal Airport**, as designated on the "Ad for Bids".

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 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 when a DBE is replaced on a contract (26.53(f))

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

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

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

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

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

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

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

Sample Bid Specification:

See form to be included in bid specification packages included as Attachment 6.

Section 26.55 Counting DBE Participation

We 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**

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

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

Sherry Tompkins at 207-624-3066
or
sherry.tompkins@maine.gov

Our certification application forms and documentation requirements are found in Attachment 9 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Disadvantaged Business Enterprises

MaineDOT is committed to engaging small disadvantaged, minority and women-owned business enterprises as defined herein in all contracts to the maximum feasible extent, and will continue working to ensure the maximum feasible opportunity for these businesses to participate in contracts financed in whole or in part with federal funds.

As a recipient of federal USDOT funding, MaineDOT is required to develop and administer the DBE Program. MaineDOT administers the DBE Program and certifies all DBEs in Maine in compliance with federal regulations under 49 CFR Part 26. This Program is intended to remedy past and current discrimination against disadvantaged business enterprises, ensure a “level playing field”, and foster equal opportunity in USDOT-assisted contracts; improve the flexibility and efficiency of the DBE Program; and reduce burdens on small businesses.

DBE Certification does not mean the Contractor has the ability to work in the State of Maine - it is up to the Contractor to verify eligibility.

DBE Information found at <http://www.maine.gov/mdot/civilrights/dbe/>

MaineDOT is committed to engaging small disadvantaged, minority and women-owned business enterprises as defined herein in all contracts to the maximum feasible extent, and will continue working to ensure the maximum feasible opportunity for these businesses to participate in contracts financed in whole or in part with federal funds.

As a recipient of federal USDOT funding, MaineDOT is required to develop and administer the DBE Program. MaineDOT administers the DBE Program and certifies all DBEs in Maine in compliance with federal regulations under 49 CFR Part 26. This program is intended to remedy past and current discrimination against disadvantaged business enterprises, ensure a “level playing field,” and foster equal opportunity in USDOT-assisted contracts; improve the flexibility and efficiency of the DBE Program; and reduce burdens on small businesses.

DBE Certification does not mean the contractor has the ability to work in the state of Maine - it is up to the contractor to verify eligibility.

General Information/DBE Documents

- DBE Supportive Services - [EMDC](#) (Off site)
- [MaineDOT DBE Program](#) (Word)
- [2014 US DOT Interstate Certification Guidance](#) (PDF)

D/WBE Directory of Businesses

- **Listing of Businesses ([Excel](#)) ([PDF](#)) - updated every Friday at 4:00 p.m**
- Description of Creditable Services for DBE's ([Word](#))

Contractor and Consultant CUF and Utilization Forms

- Contractor DBE Utilization Form ([Word](#)) ([PDF](#))
- Commercially Useful Function Form ([PDF](#))
- Certification of Final DBE payment ([PDF](#))
- Consultant Forms
 - Consultants DBE Utilization Form ([Word](#)) ([PDF](#))
 - Certification of Final DBE Payment ([PDF](#))
 - Certification of Final Subconsultant Payment ([Word](#)) ([PDF](#))

Subrecipient DBE Instructions and Reporting Forms

Instructions

- MaineDOT Subrecipient DBE Program Instructions and Forms ([Word](#)) ([PDF](#))

Forms

- Subrecipient DBE Utilization Form ([Word](#)) ([PDF](#))
- DBE Quarterly Forms
 - Quarterly Contract Awarded ([Word](#)) ([PDF](#))
 - FAA Payments on Ongoing Contracts ([Word](#)) ([PDF](#))
 - Contract Completed ([Word](#)) ([PDF](#))

DBE Application Information

The following is a list of application forms and Instructions for applying as a Disadvantaged Business Enterprise (DBE). Please forward completed applications to the following address:

Maine Department of Transportation
 Attn: Sherry Y. Tompkins, Civil Rights Office
 #16 State House Station
 Augusta, ME 04333-0016

MaineDOT In-State DBE Documents

- DBE Application - **Required** ([Word](#)) ([PDF](#))
- Personal Net Worth Statement ([Word](#)) ([PDF](#))
- [Personal Financial Statement](#) - Required (PDF)
- [Supporting Documents Checklist](#) - Required (PDF)

MaineDOT Out-Of-State DBE Documents

As of January 1, 2013, the Maine Department of Transportation (MaineDOT) will require any out-of-state firm certified in the federal DBE program in its home state to submit the following for consideration for certification in Maine:

- [Interstate Certification Request Form](#) (Word)
- Copy of the Latest Letter of Certification from the DBE's Home State
- [Current Personal Net Worth Statement \(if more than 90 days since the date of the last certification renewal\)](#) (PDF)
- [Interstate Affidavit of Disclosure](#) (Word)

Certification in Maine will be determined by the MaineDOT and the Department reserves the right to ask for further documentation before it renders its decision to certify in the Maine DBE Program.

For more information on the MaineDOT DBE Program, please contact:

Sherry Tompkins, DBE Program Administrator

Tel: 207-624-3066

E-mail: sherry.tompkins@maine.gov

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.

Monitoring Payments to DBEs

We 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 of Eastport / Eastport Municipal Airport**. 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, link to website:

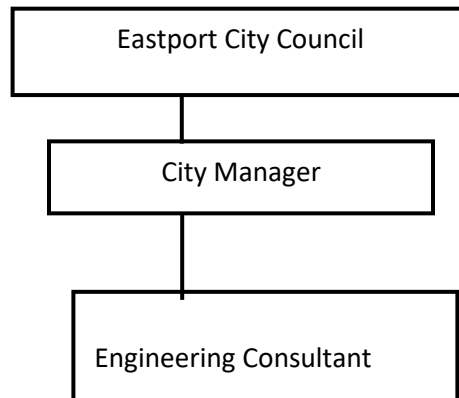
<http://www.gpo.gov/fdsys/pkg/CFR-2010-title49-vol1/pdf/CFR-2010-title49-vol1-part26.pdf>

ATTACHMENT 2

Organizational Chart

City of Eastport, Maine

Eastport Municipal Airport



ATTACHMENT 3

Bidder's List Collection Form

PLAN HOLDERS LIST

PROJECT TITLE:

BID DUE DATE:

PLACE:

PLAN FEE:

PRE-BID MEETING DATE

| Set No. | Name & Address | DBE? | Telephone Fax No. Email | Deposit | Date Sent | Addenda | |
|---------|----------------|------|-------------------------------|---------|-----------|---------|-----------|
| | | | | | | No. | Date Sent |
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |

ATTACHMENT 4

State of Maine DBE Directory

<https://www.maine.gov/mdot/civilrights/docs/dbe/WeeklyDBEVendorList.pdf>

ATTACHMENT 5 – OVERALL GOAL CALCULATIONS

Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: City of Eastport / Eastport Municipal Airport

Goal Period: FY-2021-2022-2023 – October 1, 2020 through September 30, 2023

Overall Three-Year Goal: City of Eastport / Eastport Municipal Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The City of Eastport / Eastport Municipal Airport follows the State of Maine DBE methodology and the State of Maine aims for 100% race neutral participation.

We estimate that, in meeting our overall goal of **2.72%**, we will obtain 100% from race-neutral participation and 0% through race-conscious measures.

Projects expected over the three-year period covered by this DBE Plan:

| | | Total Project | Federal Share |
|------|---|---------------|---------------|
| 2021 | Master Plan Update and Wildlife Hazard Site Visit | \$250,000 | \$225,000 |
| 2022 | PAPI/Segmented Circle | \$175,000 | \$157,500 |
| 2023 | No Project Planned | \$0 | \$0 |

Total dollar amount anticipated to be expended on DBE's is \$11,560 (2.72% of Total Project Dollars).

Step 1. Analysis: Actual relative availability of DBE's

The City of Eastport / Eastport Municipal Airport has elected to use the STEP 1 Methodology as produced by the State of Maine Department of Transportation. The following narrative is reprinted from the DOT's Final Goal document. **Thomas Hoskins, City Manager, and the City of Eastport / Eastport Municipal Airport DBE Liaison Officer**, understands the commitment of the MaineDOT to comply with federal regulations and is prepared to take the steps necessary to ensure that every effort is made to attain the DBE Goal as identified in the STEP 2 Methodology.

MaineDOT's Annual DBE Goal for FFY 2020-2022

Pursuant to 49 CFR 26 MaineDOT has researched upcoming potential contracts for our agency and Federal Aviation Administration (FAA) subrecipients, analyzed census data, reviewed bidding and DBE attainment history and has determined that the overall annual Disadvantaged Business Enterprise (DBE) attainment on FAA funded projects for FFY 2020-22 (October 1, 2019 through September 30, 2022) is 1.2%

METHOD OF ESTABLISHING GOAL

Step 1 – Determining a base figure

49 CFR 45 (b) states "Your overall goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on your DOT-assisted contracts (hereafter, the "relative availability of DBEs"). The goal must reflect your determination

of the level of DBE participation you would expect absent the effects of discrimination. You cannot simply rely on either the 10 percent national goal, your previous overall goal or past DBE participation rates in your program without reference to the relative availability of DBEs in your market.”

MaineDOT will calculate the overall goal using the criteria based in 49 CFR § 26.45(c) “Step 1. You must begin your goal setting process by determining a base figure for the relative availability of DBEs.”

The determination will be based on a level of DBE participation relative to all businesses ready, willing and able to participate on FAA-assisted contracts and reflect a level MaineDOT would expect in the absence of discrimination. The overall goal setting procedure is based on the following:

(1) Use DBE Directories and Census Bureau Data. Determine the number of ready, willing and able DBEs in your market from your DBE directory. Using the Census Bureau's County Business Pattern (CBP) data base, determine the number of all ready, willing and able businesses available in your market that perform work in the same NAICS codes. Divide the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in your market.

Market Area:

The market area was determined to be Statewide, since the substantial majority of the contractors and subcontractors with which MaineDOT does business are located in Maine, and the entire state is the area in which MaineDOT spends the substantial majority of its contracting dollars.

Data Sources:

MaineDOT got information from the 2016 County Business Patterns:

<https://www.census.gov/programs-surveys/cbp.html>

And from the Maine DBE Directory:

<https://www.maine.gov/mdot/civilrights/docs/dbe/WeeklyDBEVendorList.pdf>

To determine the number of certified DBE firms that are ready, willing and able to work on a given FAA-assisted project, we looked at the Maine DBE directory for firms that offer transit-related services. We also looked for NAICS codes based on anticipated contracts specified by our subrecipients where DBEs are eligible for work. (See Future Participation, P. 5)

Economic Census 2016, Maine Data for various NAICS codes related to transit contracts/subcontracts:

| NAICS Code | Description | Year | Maine Firms | Maine DBEs |
|-------------------|--|-------------|--------------------|-------------------|
| 236220 | Commercial and institutional building construction | 2016 | 142 | 4 |
| 237310 | Highway, street and bridge construction | 2016 | 81 | 3 |
| 237990 | Construction management, mass transit | 2016 | 41 | 3 |
| 238150 | Glass and glazing contractors | 2016 | 17 | 1 |
| 238220 | Plumbing heating and air conditioning contractors | 2016 | 619 | 2 |
| 238910 | Site preparation contractors | 2016 | 514 | 5 |
| 454310 | Fuel dealers | 2016 | 276 | 0 |

| | | | | |
|--|---|------|------------------|-----------|
| 483114 | Coastal passenger transp to and from domestic ports | 2016 | 6 | 0 |
| 485111 | Commuter transit systems, mixed mode | 2016 | 2 | 1 |
| 485991 | Paratransit transportation services | 2016 | 15 | 1 |
| 541320 | Urban planning services | 2016 | 21 | 3 |
| 541330 | Engineering services | 2016 | 302 | 11 |
| 541380 | Testing laboratories | 2016 | 28 | 1 |
| 541511 | Computer programming services | 2016 | 225 | 1 |
| 541611 | Admin mgmt and consulting services | 2016 | 249 | 1 |
| 541618 | Management consulting services | 2016 | 11 | 2 |
| 541810 | Advertising agencies | 2016 | 39 | 1 |
| 541850 | Transit advertising services | 2016 | 7 | 1 |
| 541990 | All other professional, scientific and technical services | 2016 | 45 | 1 |
| 561720 | Janitorial services | 2016 | 369 | 1 |
| 811111 | General automotive repair | 2016 | 622 | 0 |
| 811118 | Other automotive repair (mech. and elec.) | 2016 | 22 | 1 |
| TOTALS: | | | 3653 | 44 |
| BASE FIGURE: Total RWA DBES/TOTAL MAINE FIRMS | | | 0.0120449 | |

Therefore, the denominator would be 3653 to represent all potential transit firms and transit related firms for potential contracts and subcontracts in Maine for the upcoming 3 fiscal years.

The numerator would be 44, the number of DBE's under these categories available to perform the identified support work in Maine.

Maine chooses not to use weighting in the determination of the base goal because of the similarity in the types of DBEs that participate on FAA projects and because of the limited number of NAICS codes that DBEs work under in the market area.

The base goal based upon the 2016 County Business Patterns (NAICS) and DBE Directory data would be:
 $44/3653=1.20\%$

(3) Use data from a disparity study. Use a percentage figure derived from data in a valid, applicable disparity study.

Maine has not conducted any disparity studies that would apply to the calculation of this goal.

(4) Use the goal of another DOT recipient. If another DOT recipient in the same, or substantially similar, market has set an overall goal in compliance with this rule; you may use that goal as a base figure for your goal.

This method was not used for goal calculation.

(5) Alternative methods. You may use other methods to determine a base figure for your overall goal.

Any methodology you choose must 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 your market.

MaineDOT does not propose any alternative method for base goal calculation.

MaineDOT – Funded DBE BASE GOAL = **1.20%**.

PUBLIC PARTICIPATION

As Maine's only Unified Certification Program entity, MaineDOT has done extensive public outreach to ensure that eligible businesses are aware of the DBE Program. For many years, MaineDOT has hired Eastern Maine Development Corporation, a community development and small business development agency, to administer its DBE Supportive Services Program. EMDC's contract with MaineDOT includes a recruitment component that requires the consultant to promote the DBE program to businesses at trade shows, networking and matchmaker events.

Below is the complete list of events, and workshops that the DBESS Specialist and/or the DBE Administrator attended and participated in from January, 2018 through June, 2019 for the purpose of networking with small businesses and other resources that work with small businesses in order to promote the DBE Program gather input on how best to promote the program and work with groups to bring prime contractors and providers together with small business groups.

1. 4/11/18 – National Association of Women in Construction (NAWIC), Augusta, ME
2. 9/6/18 – Business2Business Trade Show, Lewiston, ME
3. 9/12/18 – Tri-state (ME, NH, VT), North Conway, NH
4. 9/17/18 - Piscataquis County Economic Development Council Quarterly (PCEDC) meeting, Dover Foxcroft, ME
5. 6/7/18 – Business2Business Expo, Lewiston, ME
6. 10/11/18 - Grow Smart Maine annual event, Bangor, ME
7. 11/14/18 – Maine Business Expo & Next4ME, Portland, ME
8. 11/29/18 – Piscataquis County Public Transit Forum, Dover Foxcroft, ME
9. 11/29/18 - PCEDC Quarterly meeting, Dover Foxcroft, ME
10. 12/3/18 – EMDC Annual Meeting, Bangor, ME
11. 12/6/18 – Maine Transportation Conference, Augusta, ME
12. 12/10/18 – PCEDC Annual Meeting, Dover Foxcroft, ME
13. 12/10/18 - PCEDC Dover Foxcroft, ME
14. 2/26/19 - Big Gig: Innovation & Entrepreneurs Meeting, Brewer, ME
15. 3/7/19 – 2019 Maine Better Transportation Meeting, South Portland, ME
16. 4/3/19 – Portland DBE Conference, Portland, ME
17. 4/25/19-4/26/19 – 2019 New England Matchmaker Event, Portland, ME
18. 6/6/19 – 2019 Build Maine Event, Lewiston, ME
19. 6/20/19 – Maine Business2Business Trade Show, Auburn, ME

Public Notification of Goal Methodology

The public was notified of the proposed goal on July 15, 2019 by a Notice placed on MaineDOT Civil Rights

website. Public comments were solicited for 30 days; no comments were received.

Additionally, the draft goal methodology was posted on the MaineDOT website: <https://www.maine.gov/mdot/civilrights/dbe/>

Several interested stakeholders were notified directly by e-mail of the goal publication, including current service providers, contracting groups, women business organizations and the entire DBE directory. These individuals were also invited to participate in a conference call to discuss the methodology and the DBE program. E-mails were sent out to interested parties.

Goal Methodology Conference Call

MaineDOT held a conference call to inform the DBE, providers and business community on the proposed Goal and methodology and to get input and take questions on that and on the DBE Program. Conference call invitations were sent to all DBE's in Maine, transit providers, Associated General Contractors of Maine, Municipal Planning Organizations and others.

Outcomes: One transit provider attended, along with three Maine Civil Rights Office and Transit staff.

Comments and Feedback: Although some points of clarification were discussed during the conference call, there were no comments or feedback concerning the substance of the Goal Methodology. No written comments or feedback have been received.

Step 2. Analysis: Adjustments to Step 1 base figure.

After determining a base figure of the relative availability of DBEs of **1.2%**, evidence was examined to determine what adjustment (if any) was needed to the base figure in order to arrive at the overall goal.

An examination of the anticipated projects for each fiscal year, the availability of the DBE firms by trade classification and the volume of work performed by DBE firms over previous years.

Past History Participation

As evidenced below, 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 FFY21-22-23.

City of Eastport / Eastport Municipal Airport, Maine

| Year | Project | Value | DBE | % |
|--------------------------------|-------------------------------------|------------------|------------|------------|
| 2014 | Install Weather Reporting Equipment | \$162,000 | \$0 | .0% |
| 2015 | No federally funded projects | \$0 | \$0 | 0% |
| 2016 | No federally funded projects | \$0 | \$0 | .0% |
| 2017 | No federally funded projects | \$0 | \$0 | .0% |
| 2018 | No federally funded projects | \$0 | \$0 | .0% |
| 2019 | No federally funded projects | \$0 | \$0 | .0% |
| Total DBE Participation | | \$162,000 | \$0 | .0% |

Next, we examined the anticipated projects for each fiscal year, the availability of the DBE firms by trade classification and the volume of work performed by DBE firms over previous years:

| DBE GOAL CALCULATION FOR FAA ASSISTED CAPITAL IMPROVEMENT PROJECTS: EASTPORT MUNICIPAL AIRPORT | | | | | | |
|--|--------|--|--------------|-----------------|-----------|-------|
| FFY 2021 PROJECTS | | | | 3 year average: | | 4.24% |
| Project Name | NAICS | NAICS Description | ALL ME Firms | DBE Firms | | |
| Master Plan Update and Wildlife Hazard Assessment | 813312 | Environment, Conservation and Wildlife Organizations | 146 | 1 | | |
| | 541330 | Engineering Services | 298 | 23 | | |
| | 924120 | Administration of Conservation Programs | 0 | 0 | | |
| | 925120 | Administration of Urban Planning and Community and Rural Development | 0 | 0 | | |
| | | | 444 | 24 | | 5.41% |
| FFY 2022 PROJECTS | | | | ALL ME Firms | DBE Firms | |
| PAPI/Segmented Circle | 335129 | Other Lighting Equipment Manufacturing | 0 | 0 | | |
| | 238210 | Electrical Contractors and other Wiring Installation | 549 | 3 | | |
| | 541330 | Engineering Services | 298 | 23 | | |
| | | | 847 | 26 | | 3.07% |
| FFY 2023 PROJECTS | | | | ALL ME Firms | DBE Firms | |
| No Projects in FFY 2023 | | | 0 | 0 | | 0.00% |

To arrive at an overall goal, we added our Step 1 base figure of **1.2%** with our Step 2 adjustments figure of **4.24%**. Since there is no recent historical DBE data to reference to make a further adjustment to the Step 1 base figure; we averaged these two figures to arrive at an overall goal of **2.72%**. We feel this adjusted goal figure will most accurately reflect DBE participation that can be achieved for the type of project work being awarded during this three-year period.

Further, there are no applicable disparity studies for the local market area or recent legal case information available to show any evidence of barriers to entry or competitiveness of DBEs in Maine.

The **City of Eastport / Eastport Municipal Airport** will submit its overall DBE three-year goal to DOT on August 1 as required by the set schedule.

PUBLIC NOTICE

The **City of Eastport / Eastport Municipal Airport** hereby announces its fiscal year 2021-2023 goal of **1.2%** for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goals and rationale is available for inspection during normal business hours at **the City of Eastport / Eastport Municipal Airport, 22 Washington Street, Eastport, ME 04631** 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:

Thomas L. Hoskins II
City Manager
CityManager@eastport-me.gov
Eastport City Hall
22 Washington Street
Eastport, ME 04631

or

Thomas L. Knox, Jr.
DBE/ACDBE Compliance Specialist
- New England Region -
FAA Office of Civil Rights, AWP-9
thomas.knox@faa.gov
Phone: 424-405-7208 - Fax: 424-405-7215
Cell: 951.489.8674
Physical Location: 777 S. Aviation Blvd. Suite 150, El Segundo, CA 90245

ATTACHMENT 6**Demonstration of Good Faith Efforts****Sample From Bid Package**

The DBE goal for this project is xx.x percent.

All Bidders must submit an Assurance stating the percentages of minority business and women-owned businesses they intend to employ on this project.

Within 4 days of the opening of Bids and before the award of a contract, the apparent successful competitor shall submit the following:

1. Name(s) of DBE subcontractor(s).
2. Description of work each is to perform.
3. Dollar value of each proposed minority business subcontract(s).

If Bidders wish, they may submit the above information, in a separate, sealed envelope marked "D.B.E. Participation Information" with their Bid.

REQUIRED ASSURANCE TO BE INCLUDED IN ALL PROPOSALS

This firm assures that it will utilize no less than ____% DBE participation.

CERTIFICATION OF BIDDER for the above:

BIDDER'S NAME _____

ADDRESS _____

IRS NUMBER _____

If the apparent successful competitor does not meet the goal, it shall submit a statement showing that a good faith effort was made by the competitor to meet the goal.

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

ATTACHMENT 7*DBE Monitoring and Enforcement Mechanisms*

The **City of Eastport / Eastport Municipal Airport** has a breach of contract action, pursuant to the terms of the contract, option available to enforce the DBE requirements contained in its contracts.

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

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

ATTACHMENT 8

DBE Certification Application

For forms required to initiate the DBE Certification process, visit the State of Maine website:

<https://www.maine.gov/mdot/civilrights/dbe/>

MaineDOT In-State DBE Documents

- Affidavit - **Required** ([Word](#)) ([PDF](#))
- [DBE Application - Required](#) ([PDF](#))
- Instructions ([Word](#)) ([PDF](#))
- [Personal Net Worth Statement - Required](#) ([PDF](#))
- Personal Financial Statement - **Required** ([Word](#)) ([PDF](#))
- Supporting Documents Checklist - **Required** ([Word](#)) ([PDF](#))

MaineDOT Out-Of-State DBE Documents

As of January 1, 2013, the Maine Department of Transportation (MaineDOT) will require any out-of-state firm certified in the federal DBE program in its home state to submit the following for consideration for certification in Maine:

- [Interstate Certification Request Form](#) (Word)
- Copy of the Latest Letter of Certification from the DBE's Home State
- [Interstate Affidavit of Disclosure](#) (Word)

Certification in Maine will be determined by the MaineDOT and the Department reserves the right to ask for further documentation before it renders its decision to certify in the Maine DBE Program.

ATTACHMENT 9**Uniform Certification Program**

For information on the DBE Uniform Certification Program and an application, visit the website at:

<https://www.maine.gov/mdot/civilrights/dbe/>

Unified Certification Program (UCP) Annual MAP 21 Report

Each year, Maine DOT, as Maine's Unified Certification Program (UCP), must submit to the US DOT Departmental Office of Civil Rights, information on its participating DBE firms. MaineDOT goes through its statewide unified DBE directory and counts the number of firms controlled, respectively, by: (1) White women, (2) minority or other men, and (3) minority women, and then convert the numbers to percentages, showing the calculations. The information reported includes the location of the firms in the State; per USDOT request, it does not include Airport Concessionaire DBEs (ACDBEs) in the numbers. The location of the DBE firm is annotated as the total firms in-state and total firms out-of-state.

ATTACHMENT 10

Small Business Element Program

SMALL BUSINESS PARTICIPATION

A. Objective (49 CFR Part 26.39)

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses, the **City of Eastport / Eastport Municipal Airport** will implement a small business element into its DBE policy in accordance with applicable law. **City of Eastport / Eastport Municipal Airport** is including this element to facilitate competition by and expand opportunities for small businesses. **City of Eastport / Eastport Municipal Airport** is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. **City of Eastport / Eastport Municipal Airport** will meet its objectives using a combination of the following methods and strategies:

1. Set asides:

Where feasible, **City of Eastport / Eastport Municipal Airport** will establish a percentage of the total value of all prime contract and subcontract awards to be set aside for participation by small businesses on FAA-assisted contracts. A “set-aside” is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that **City of Eastport / Eastport Municipal Airport** and its prime contractors/ consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner’s gender, race or geographic location. The project manager and DBELO will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set aside percentage. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA-assisted contract, the project manager and small business officer will document why a small business set-aside is inappropriate.

2. Unbundling:

The **City of Eastport / Eastport Municipal Airport**, where feasible, may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. **City of Eastport / Eastport Municipal Airport** will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be “unbundled” or bid separately. Similarly, **City of Eastport / Eastport Municipal Airport** will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses.

B. Definitions

1. Small Business:

A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average

number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

2. Disadvantaged Business Enterprise:

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

- That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE by the State Department of Transportation (MaineDOT) in accordance with 49 CFR 26.

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

C. Certification and Verification Procedures

City of Eastport / Eastport Municipal Airport will accept the following certifications for participation in the small business element of their DBE Program with applicable stipulations:

1. State DOT DBE Certification – DBE Certification by the State DOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the State DOT.
2. State DOT Small Business Enterprise (SBE) – Will require submittal of three years of business tax returns and page 2 of the State DOT DBE Certification application after contract award.
3. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of three years of business tax returns.

Special Note: Minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation.

D. Implementation Schedule

City of Eastport / Eastport Municipal Airport will implement this small business element within nine months of the FAA's approval of this document describing the element.

E. Assurances

The **City of Eastport / Eastport Municipal Airport** makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of their location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Aggressive steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.