

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

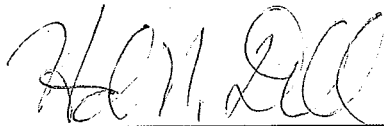
The Mendocino County Department of Transportation (MCDOT) owner of Little River Airport and Round Valley Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. MCDOT has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, MCDOT has signed an assurance that it will comply with 49 CFR Part 26.

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

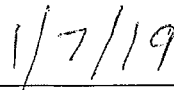
1. To ensure nondiscrimination in the award and administration of DOT- assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms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

Amber Munoz, Deputy Director of Transportation, has been delegated as the DBE Liaison Officer. In that capacity, Amber Munoz 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 MCDOT in its financial assistance agreements with the Department of Transportation.

MCDOT has disseminated this policy statement to the Mendocino County Board of Supervisors and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. The distribution was accomplished by publishing this on the MCDOT website.



Howard Dashiell, Director of Transportation



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

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

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

MCDOT 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, MCDOT 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 DOT/FAA as follows:

We will transmit to FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form, found in Appendix B to this part. We will also report the DBE contractor firm information either on the FAA DBE Contractor's Form or other similar format.

Bidders List: 26.11(c)

MCDOT 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 DOT-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 asking bidders to provide the information as part of their bid proposals.

Section 26.13 Federal Financial Assistance Agreement

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

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

The Mendocino County Department of Transportation (MCDOT) 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. MCDOT 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 MCDOT DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to MCDOT of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance: 26.13b – MCDOT 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 MCDOT deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

MCDOT is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. We are not eligible to receive DOT financial assistance unless DOT has approved 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. We do not have to submit regular updates of our program, as long as we remain in compliance. However, we will submit significant changes in the program for approval.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Amber Munoz
Deputy Director of Transportation – Land Improvement
340 Lake Mendocino Drive
Ukiah, CA 95482
707-234-2838 phone
707-463-5474 fax
munoz@co.mendocino.ca.us

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that MCDOT complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to Carmel Angelo, Chief Executive Officer, concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 4 to this program.

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 to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall 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) and monitors results.
6. Analyzes MCDOT's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Determines contractor compliance with good faith efforts.
10. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

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

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This will be done by referring DBE and Small Business Enterprise to the Northern California Procurement Technical Assistance Center (<http://norcalptac.org/>). The NCPTAC assists businesses to:

- Navigate entry into the procurement marketplace
- Determine whether federal, state, or local contracting is right for the business
- Complete necessary registrations and certifications
- Identify the agencies that the business should target for contracts
- Meet requirements necessary to compete for contracts
- Interpret complex regulations
- Review and improve bids and proposals

Section 26.29 Prompt Payment Mechanisms

MCDOT has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 7 days from receipt of each payment you make to the prime contractor.

We will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. We will use the following method to comply with this requirement:

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 your payment to the prime contractor.

MCDOT will consider a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by MCDOT. When MCDOT has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

MCDOT will provide appropriate means to enforce the requirements of this section. These means include:

Retention of the Final Payment and full Bond Amount.

MCDOT will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 7 days from the receipt of each payment the prime contractor receives from Mendocino County Department of Transportation (MCDOT). The prime contractor agrees further to return retainage payments to each subcontractor within 30 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 MCDOT. This clause applies to both DBE and non-DBE subcontractors.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

MCDOT will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any one or more of the reporting fiscal years within the three-year goal period.

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

Step 1. The first step is to determine the relative availability of DBEs in the market area, "base figure". We will use DBE Directories and Census Bureau data as a method to determine our base figure. MCDOT understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of paragraph (c)(2) of this section (above), is not an acceptable alternative means of determining the availability of DBEs.

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

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

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 6 to this program.

Section 26.45 (e) - Project Goals

If permitted or required by the FAA Administrator we will express our overall goals as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project

Section 26.27 Directory

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

The Directory may be found at http://www.dot.ca.gov/hq/bep/find_certified.htm

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

MCDOT has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

Section 26.39 Fostering small business participation.

MCDOT takes all reasonable steps to eliminate obstacles to Small Business participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The small business element is incorporated as Attachment 11 to this DBE Program. The program elements will be actively implemented to foster small business participation.

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to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.45(f) - Prior Operating Administration Concurrence

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

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 6 to this program.

Section 26.47 Failure to meet overall goals.

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

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

- (1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems we have identified in our analysis and to enable us to meet fully your 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 6 to this program.

Section 26.51(d-g) Contract Goals

MCDOT 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.

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

MCDOT will establish contract goals only on those DOT-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).

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

Section 26.53 Good Faith Efforts Procedures

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

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

The Resident Engineer or Project Manager 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*. MCDOT will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

In our solicitations for DOT/FAA-assisted contracts for which a contract goal has been established, we will require the following:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (b)(3) of this section:
 - (i) The names and addresses of DBE firms that will participate in the contract;
 - (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - (iii) The dollar amount of the participation of each DBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and

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- (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of this part). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
- (3) We will require that the bidder/offeror present the information required by paragraph (b)(2) of this section: Under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals, under contract negotiation procedures;

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

We will include in each prime contract a provision stating:

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

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

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

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

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

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

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

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- (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.

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

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

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

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the Mendocino County Department of Transportation to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 9.3 percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

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

Section 26.55 Counting DBE Participation

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.

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

MCDOT relies on the California Department of Transportation (Caltrans) DBE program to certify and determine eligibility of firms. To be certified as a DBE, a firm must meet all certification eligibility standards of Subpart D of Part 26.

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

Office of Business and Economic Opportunity
Attn: Certification Unit
1823 14th Street
Sacramento, CA 95811
916-324-1700
dbe.certification@dot.ca.gov

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

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

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

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

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

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

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

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

ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26
Attachment 2	Bidder's List Collection Form
Attachment 3	Final Report
Attachment 4	Organizational Chart
Attachment 5	DBE Directory or link to DBE Directory
Attachment 6	Overall Goal Calculations
Attachment 7	Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms1&2
Attachment 8	DBE Monitoring and Enforcement Mechanisms
Attachment 9	DBE Certification Application Form
Attachment 10	California's UCP Agreement
Attachment 11	Small Business Element

ATTACHMENT 1

Regulations: 49 CFR Part 26, please refer to website:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

ATTACHMENT 2
Bidder's List Collection Form

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

ATTACHMENT 3 Final Report

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION FINAL REPORT-UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES (DBE), FIRST-TIER SUBCONTRACTORS

CEM-2402F (REV 02/2008)

ADA Notice
For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814

CONTRACT NUMBER		COUNTY	ROUTE	POST MILES	FEDERAL AID PROJECT NO.	ADMINISTERING AGENCY	CONTRACT COMPLETION DATE	
PRIME CONTRACTOR				BUSINESS ADDRESS		ESTIMATED CONTRACT AMOUNT \$		
ITEM NO.	DESCRIPTION OF WORK PERFORMED AND MATERIAL PROVIDED	COMPANY NAME AND BUSINESS ADDRESS	DBE CERT. NUMBER	NON-DBE	DBE	CONTRACT PAYMENTS DATE WORK COMPLETE		DATE OF FINAL PAYMENT
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
				\$	\$			
ORIGINAL COMMITMENT			TOTAL		\$			
\$					\$			

List all First-Tier Subcontractors, Disadvantaged Business Enterprises (DBEs) regardless of tier, whether or not the firms were originally listed for goal credit. If actual DBE utilization (or item of work) was different than that approved at time of award, provide comments on back of form. List actual amount paid to each entity.

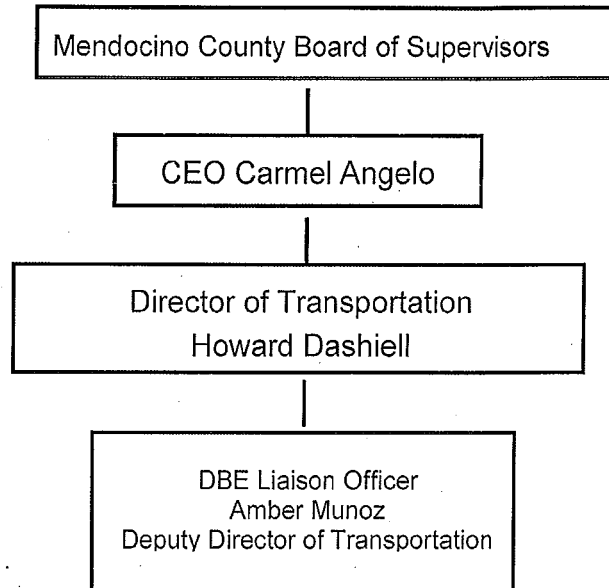
I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT

CONTRACTOR REPRESENTATIVE'S SIGNATURE	BUSINESS PHONE NUMBER	DATE
TO THE BEST OF MY INFORMATION AND BELIEF, THE ABOVE INFORMATION IS COMPLETE AND CORRECT		
RESIDENT ENGINEER'S SIGNATURE	BUSINESS PHONE NUMBER	DATE

Copy Distribution-Caltrans contracts: Original - District Construction Copy- Business Enterprise Program Copy- Contractor Copy Resident Engineer
Copy Distribution-Local Agency contracts: Original - District Local Assistance Engineer Copy- District Local Assistance Engineer Copy- Local Agency file
(submitted with the Report of Expenditure)

ATTACHMENT 4

Organizational Chart



ATTACHMENT 5

State of California DBE Directory please refer to website:

http://www.dot.ca.gov/hq/bep/find_certified.htm

ATTACHMENT 6
DBE Contract Goal Methodology

Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: Mendocino County Department of Transportation (MCDOT), owner of Little River Airport and Round Valley Airport

Goal Period: FY-2019-2020-2021 – October 1, 2018 through September 30, 2021

DOT-assisted contract amount:	FY-2019	\$ 6,000,000
	FY-2020	\$ 0
	FY-2021	\$ 508,500
	Total	\$ 6,508,500

Overall Three-Year Goal: 9.3%, to be accomplished through 9.3% RC and 0% RN

Total dollar amount to be expended on DBE's: \$549,244

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

Contracts Fiscal Year #1

1. Reconstruct Taxiway, South and Main Apron Pavements - \$6,000,000

Contracts Fiscal Year #2

1. None

Contracts Fiscal Year #3

1. Runway & Shoulder Rehabilitation - \$508,500

Market Area: MCDOT's market area includes the California counties of Mendocino, Humboldt, Sonoma, Shasta, Sacramento, Butte and Alameda. This market area represents the counties in which the Department spends the majority of its contracting dollars as well as from which bids have been received for FAA funded projects over the past ten years.

Step 1. 26.45(c) Actual relative availability of DBE's

Determine the base figure for the relative availability of DBEs. The base figure for the relative availability was calculated as follows:

The data source or demonstrable evidence used to derive the numerator was: DBE Databases

The data source or demonstrable evidence used to derive the denominator was: US Census

Fiscal Year #1 (2018/19)**Contract #1 – Reconstruct Taxiway, South and Main Apron Pavements**

NAICS	Type of Work	Total DBE's	Total All Firms
561990	All Other Support Services	3	145
238910	Site Preparation	12	324
237310	Highway & Street Construction	19	152
238210	Electrical Contractors	5	839
561730	Landscaping Services	5	895
Total		43	2,584

To ensure that the Step One base figure is as accurate as possible, the goal has been weighted using a process by which the percentage of dollars spent on each activity (represented by NAICS codes) were multiplied by the percentage of ready, willing and able DBE firms to all relevant firms.

The weighted Step One base figure for Fiscal Year #1 is 9.1%

Fiscal Year #2 (2019/20)**Contract #1 – None**

The weighted Step One base figure for Fiscal Year #2 is N/A

Fiscal Year #3 (2020/21)**Contract #1 - Runway & Shoulder Rehabilitation**

NAICS	Type of Work	Total DBE's	Total All Firms
561990	All Other Support Services	3	145
237310	Highway & Street Construction	19	152
238210	Electrical Contractors	5	895
Total		27	1,192

To ensure that the Step One base figure is as accurate as possible, the goal has been weighted using a process by which the percentage of dollars spent on each activity (represented by NAICS codes) were multiplied by the percentage of ready, willing and able DBE firms to all relevant firms.

The weighted Step One base figure for Fiscal Year #3 is 11.6%

=

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

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.

An examination of the anticipated contracts 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.

Fiscal Year #1

For FY-2018/19, we anticipate the award of the following:

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	DBE Directory	DBE (%)	DBE (\$)
Contract #1 – Reconstruct Taxiway, South and Main Apron Pavements	Airfield safety & traffic control	All Other Support Services	561990	\$16,960	145	3	2.1%	\$351
	Demolition, excavation, earthwork, Pollution Prevention	Site Preparation	238910	\$1,743,559	324	12	3.7%	\$64,576
	Asphalt, Pavement Marking, Taxiway edge retroreflector, tie down anchor & chains	Highway & Street Construction	237310	\$3,392,865	152	19	12.5%	\$424,108
	Relocate existing airfield sign	Electrical Contractors	238210	\$212,696	895	5	0.6%	\$1,188
	Hydroseeding	Landscaping Services	561730	\$33,920	1068	4	0.4%	\$127
Total Contract				\$5,400,000			9.1%	\$490,351
Total FY 2019				\$5,400,000			9.1%	\$490,351

Fiscal Year #2

For FY-2019/20, we anticipate the award of the following:

N/A

Fiscal Year #3

For FY-2020/21, we anticipate the award of the following:

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	Directory	DBE (%)	DBE (\$)
Contract #1 - Runway & Shoulder Rehabilitation	Airfield Traffic & Safety	All Other Support Services	561990	\$20,152	145	3	2.1%	\$417
	Crack Sealing, Pavement Repair, Asphalt Slurry Seal, Pavement Marking	Highway & Street Construction	237310	\$466,853	152	19	12.5%	\$58,357
	Displaced Threshold Lights	Electrical Contractors	238210	\$21,496	895	5	0.6%	\$120
Total Contract				\$508,500			11.6%	\$58,894
Total FY 2021				\$508,500			11.6%	\$58,894

Past History Participation

Other data used to determine the adjustment to the base figure was the median of historical DBE accomplishments as follows:

FY	Total Grant \$ Amount	DBE Goals			Accomplishments			Type of work
		RC	RN	Total	RC	RN	Total	
FY 14								
FY 15	\$306,943	0%	6.22%	6.22%	0%	0%	0%	Beacon, AWOS, Fence
FY 16								
FY 17								
FY 18								

The proposed Overall DBE Goals are as follows:

- Fiscal Year #1 – 9.1%
- Fiscal Year #2 – N/A
- Fiscal Year #3 – 11.6%

Our proposed overall three year goal will be reflected as a weighted percentage. Calculations are as follows:

NAICS Codes	% of DBEs	% of Federal Funds	Weighted %
237310	12.5%	65.3%	8.17%
238210	0.6%	4.0%	0.02%
238910	3.7%	29.5%	1.09%
561730	0.4%	0.6%	0.00%
561990	2.1%	0.6%	0.01%
Weighted Step One Base Figure			9.3%

There is no historical DBE data to reference to make an adjustment to the Step 1 base figure therefore, the MCDOT is adopting its Step 1 base figure as its overall goal for this three-year goal period.

Further, there are no applicable disparity studies for the local market area to show any evidence of barriers to entry or competitiveness of DBEs in Mendocino County.

Breakout of Estimated "Race and Gender Neutral" (RN) and "Race and Gender Conscious" (RC) Participation.

26.51(b) (1-9)

MCDOT will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation. The following race-neutral means will be used to increase DBE participation:

- 1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;*
- 2. Providing technical assistance and other services;*
- 3. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and*

MCDOT estimates that in meeting its overall goal 9.3%, it will obtain 0% from RN participation and 9.3% through RC measures.

MCDOT does not have a history of DBE participation or over-achievement of goals to reference and expects to obtain its DBE participation through the use of DBE contract goals or a conscious effort to obtain DBE participation. Therefore, we are applying the entire goal of 9.3% to race-conscious participation.

MCDOT will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation (see Section 26.51(f)) and track and report RN and RC participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

PUBLIC PARTICIPATION

Consultation: Section 26.45(g)(1).

MCDOT submits its overall DBE three-year goal to DOT as required.

In establishing the overall goal, MCDOT will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and MCDOT's efforts to establish a level playing field for the participation of DBEs. The consultation will include a direct, interactive exchange with as many interested stakeholders as possible focused on obtaining information relevant to MCDOT's goal setting process, and it will occur before we are required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section.

Before establishing the overall goal, the MCDOT will request for consultation with Ukiah Chamber of Commerce, Willits Chamber of Commerce, Redwood Coast Chamber of Commerce, Mendocino Coast Chamber of Commerce, Anderson Valley Chamber of Commerce, Economic Development & Financing Corporation of Mendocino County, Mendocino Private Industry Council, Mendocino Small Business Development Center, Mendocino Women's Business Center, Arcata Economic Development Corporation, National Association of Women Business Owners - Bay Area Chapter, Northern California Minority Business Enterprise Center, Western Regional Minority Supplier Development Council, California Small Business Development Center, Northern California Small Business Development Center, and Women's Business Alliance of Northern California, 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 MCDOT's efforts to establish a level playing field for the participation of DBEs.

On December 17, 2018, an email was sent to the above organizations requesting information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and MCDOT's efforts to establish a level playing field for the participation of DBEs. As of this date, no response has been received.

Following the consultation, we published a notice on the County of Mendocino'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 MCDOT will accept comments on the goals for 45 days from the date of the notice.

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

This notice, along with the DBE program, was posted to the Mendocino County Department of Transportation Website on January 8, 2019. An email which contained the same information was also sent out on that day to the organizations listed above. The 45 day comment period will end February 22, 2019. As of this date, no comments have been received.

PUBLIC NOTICE

The Mendocino County Department of Transportation hereby announces its fiscal years 2019 through 2021 goal of 9.3% for Disadvantaged Business Enterprise (DBE) airport construction Contracts. The proposed goal and rationale are available for inspection between 8:00 a.m. and 4:30 p.m., Monday through Friday at Mendocino County Department of Transportation, 340 Lake Mendocino Drive, Ukiah, California, 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:

Amber Munoz, Deputy Director of Transportation – Land Improvement Division ,
340 Lake Mendocino Drive
Ukiah, CA 95482
munoz@co.mendocino.ca.us

AND

Federal Aviation Administration
Office of Civil Rights
Ofelia Medina
777 S. Aviation Blvd. Suite #150
El Segundo, CA 90245
ofelia.medina@faa.gov

Contract Goals

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

MCDOT will establish contract goals only on those DOT-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).

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

ATTACHMENT 7

Demonstration of Good Faith Efforts - Forms 1 & 2

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

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

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

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

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

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

Affirmation

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

By _____

Date:

(Signature)

(Title)

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

Submit this page for each DBE subcontractor.

ATTACHMENT 8

DBE Monitoring and Enforcement Mechanisms

The Mendocino County Department of Transportation has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to pursuant to Section 7108.5 of the California Business and Professions Code;

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 9
DBE Certification Application Form
(New form October 2, 2014)
Please refer to website:

http://www.dot.ca.gov/hq/bep/business_forms.htm

ATTACHMENT 10
State's UCP Agreement

<http://californiaucp.org/>

<http://www.dot.ca.gov/hq/bep/ucp.htm>

ATTACHMENT 11

Small Business Element

In accordance with the new section added to 49 CFR Part 26, MCDOT's DBE Program includes a Small Business Element which includes ways to facilitate competition by small business enterprises (SBE).

For the purpose of this program, an SBE is defined as a Small Business Concern that does not exceed the Business Size Standard as established by the U.S. Small Business Administration (SBA). MCDOT will rely upon the State's Department of General Services' Office of Small Business & Disabled Veteran Business Enterprise Services (OSDS) database to verify SBE eligibility. MCDOT's DBE program is open to small businesses that meet the program standards contained in this document regardless of their location; there is no geographic or local preference imposed on federally-assisted contracts.

MCDOT is committed to taking all reasonable steps to eliminate obstacles to the participation of DBEs and other small businesses as prime contractors or subcontractors in federally funded airport construction projects.

On a case-by-case basis, MCDOT will use the following strategies to foster small business participation:

1. In multi-year design-build contracts or other large contracts, we will require the bidders on prime contracts to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can easily perform.
2. On prime contracts not having DBE contract goals, we will require 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.

MCDOT will track any race neutral participation by currently certified DBEs and SBEs. To the extent feasible, data on small business participation will be collected and maintained in order to respond to any future questions regarding the results of MCDOT's DBE Program.

MCDOT will fully implement this small business element of its DBE program within nine months of FAA's approval of this DBE Program.