DBE PROGRAM POLICY STATEMENT

Phoenix-Mesa Gateway Airport Authority (PMGAA), owner of Phoenix-Mesa Gateway 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. PMGAA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, PMGAA has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as “Part 26”).

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

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

The Engineering and Facilities (ENF) Director has been delegated as the DBE Liaison Officer. In that capacity, the ENF Director 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 PMGAA in its financial assistance agreements with the Department of Transportation.

PMGAA has disseminated this policy statement to the Board of Directors and all the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on PMGAA DOT-assisted contracts. The distribution was accomplished by public notice in the local paper, posting on the Airport website and distributing a link to interested parties by email.

J. Brian O’Neill  
Executive Director/CEO

7/9/2020  
Date
GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

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

Section 26.5 Definitions

PMGAA will use terms in this program that have their meanings defined in Part 26, §26.5.

Section 26.7 Non-discrimination Requirements

PMGAA 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, PMGAA 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

PMGAA will provide data about its DBE Program to DOT as directed by DOT operating administrations.

DBE participation will be reported to FAA as follows:

PMGAA will transmit to the Federal Aviation Administration (FAA) annually, by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Appendix B to Part 26. PMGAA will similarly report the required information about participating DBE firms. All reporting will be done through the FAA official reporting system, https://faa.civilrightsconnect.com.

Bidders List

PMGAA 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 the Airport’s 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. PMGAA will collect this information as part of bid submittal package (see Attachment 3) for DOT-assisted contracts.

Section 26.13 Federal Financial Assistance Agreement

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

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

The Phoenix-Mesa Gateway Airport Authority (PMGAA) 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 PMGAA 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 PMGAA 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 the PMGAA 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: PMGAA will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) verbatim:

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 Phoenix-Mesa Gateway Airport Authority deems appropriate, which may include, but is not limited to: Withholding monthly progress payments; Assessing sanctions; Liquidated damages; and/or Disqualifying the contractor from future bidding as non-responsible.

ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

PMGAA 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. PMGAA is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and PMGAA is in compliance with it
and Part 26. PMGAA will continue to carry out this program until all funds from DOT financial assistance have been expended. PMGAA does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

Section 26.23  Policy Statement

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

Section 26.25  DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer (DBELO) for PMGAA:

Bob Draper, PE  
Engineering and Facilities Director  
Phoenix-Mesa Gateway Airport Authority  
5835 S. Sossaman Road  
Mesa, Arizona 85212-6014  
480 988-7628  
480 988-2315 (fax)  
bdraper@gatewayairport.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the PMGAA complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director of PMGAA concerning DBE program matters. An organizational chart displaying the DBELO’s position in the organization is included in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has staff and access to consulting and legal staff as needed in the administration of the program. The duties and responsibilities include overseeing the following staff/duties:

**Procurement Coordinator**

1. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.  
2. Identifies contracts and procurements so that DBE requirements are included in solicitations.  
3. Participates in pre-bid meetings.  
4. Provides DBEs with information in preparing bids.  
5. Participates in DBE training seminars.  
6. Maintains the PMGAA updated Bidders List.  
7. Determines contractor compliance with Outreach requirements.  
8. Reviews Prime’s subcontracts for compliance with this program.

**Grants Manager**

1. Gathers and reports statistical data and other information as required by DOT.  
2. Analyzes progress toward attainment and identifies ways to improve progress.
3. Coordinates Open House for DBEs, non-DBEs and community organizations to advise them of opportunities.
4. Submits annual report of DBE utilization.
5. Works with all departments and DBELO to set overall annual goals.
6. Participates in DBE training seminars.
7. Administers the monitoring and enforcement procedures

Section 26.27  DBE Financial Institutions

It is the policy of the PMGAA 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. PMGAA searched the Arizona Department of Financial Institutions website, contacted the Arizona Department of Transportation, and searched the FDIC listing of Minority Depository Institutions (12/31/2019). In preparing this triennial DBE Program, PMGAA has not identified any in our market that meet the DBE Financial Institution requirements. Furthermore, there are no documented DBE-owned financial institutions in the State of Arizona at this time.

Section 26.29  Prompt Payment Mechanisms

PMGAA 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 PMGAA 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 PMGAA.

PMGAA 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 complete. To ensure compliance with this requirement, PMGAA 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 PMGAA payment to the prime contractor.

PMGAA will consider a subcontractor's work satisfactorily complete when all the tasks called for in the subcontract have been accomplished and documented as required by the PMGAA. When PMGAA 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 complete.

PMGAA will provide appropriate means to enforce the requirements of this section. These means include contract terms requiring compliance with Arizona Revised Statute Title 32 and that postponement of payment may only be for good cause following written approval of PMGAA. Prompt Payment certifications must also be submitted by Prime and each subcontractor for all payments.
To implement this measure, PMGAA includes the following clause from FAA Advisory Circular 150/5370-10 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 seven (7) days from the receipt of each payment the prime contractor receives from Phoenix-Mesa Gateway Airport Authority. The prime contractor agrees further to return retainage payments to each subcontractor for work satisfactorily completed within seven (7) days from the receipt of payment the prime contractor receives from PMGAA. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of Phoenix-Mesa Gateway Airport Authority. This clause applies to both DBE and non-DBE subcontractors.”

“Enforcement Mechanisms for Prompt Payment to DBEs. In the event the prime Contractor fails to meet Prompt Payment requirements, as outlined here, PMGAA shall notify Contractor in writing and may implement enforcement mechanisms including, but not limited to the following:

1. Withhold a portion of payment due to Contractor to ensure compliance with payments
2. Suspend Contractor participation on future Federally funded assisted contract solicitations for a period of two (2) years
3. Breach of contract action, pursuant to the terms of the Contract”

Section 26.31 Directory

PMGAA is a non-certifying member of the Arizona Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31. See https://utracs.azdot.gov/Search.

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

PMGAA has not established a Business Development Program.

Section 26.37 Monitoring Responsibilities

PMGAA implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in PMGAA’s DBE program.
PMGAA actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs
PMGAA undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

- PMGAA tracks subcontractor earnings based on pay requests.
- Prime contractor must also Certify each payment and amount to Subcontractor; Subcontractor must Certify each amount received and date. Contractor/Subcontractor must email certification to PMGAA promptly at PromptPayment@gatewayairport.com.
- This is matched to the Pay Request reports.

PMGAA requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the PMGAA's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of PMGAA or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

PMGAA proactively reviews contract payments to subcontractors including DBEs at least quarterly. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to PMGAA by the prime contractor.

Prompt Payment Dispute Resolution
PMGAA will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29. Non-compliance mechanisms/consequences are outlined as a component of Attachment 7: Monitoring and Enforcement Mechanisms.

Prompt Payment Complaints
Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.

- During the Pre-Construction meeting, contractors are notified of how to contact the DBELO or a representative. If affected subcontractor is not comfortable contacting the prime contractor directly regarding payment or is unable to resolve payment discrepancies with prime, subcontractor should contact the DBELO and/or Project Manager to initiate a complaint.
- If filing a prompt payment complaint with the DBELO or Project Manager does not result in timely and meaningful action by PMGAA to resolve prompt payment disputes, affected subcontractor is informed they may contact the responsible FAA contact.
- PMGAA maintains a tracking report for Prompt Payment Complaints and resolution.
- Complaints to the DBELO/Project Manager or FAA should be in writing and contain specifics about the complaint including the name of firm making the complaint, PMGAA Project number, description of complaint, actions taken to date, and desired resolution.

- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported by PMGAA in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution. The website to report the complaints and related data is at: https://www.surveymonkey.com/r/PromptPaymentComplaints.

**Enforcement Actions for Noncompliance of Participants**

PMGAA will provide appropriate means to enforce the requirements of §26.29. These means include:

1. 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. Implement similar action under our own legal authorities, including responsibility determinations in future contracts.

3. 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. Implement a monitoring and enforcement mechanism that includes written certification that PMGAA has or has caused to be reviewed contracting records and monitored work sites for this purpose. This will be accomplished by on-site reviews that may include personnel interviews, visits to project locations, inspection of documents. Reporting will be signed by PMGAA. PMGAA will also perform any additional investigation that may be called for because of a lack of proper record keeping, failure of the prime contractor to cooperate, failure of DBEs to cooperate, visible evidence of unsatisfactory performance, and any other evidence that may warrant further investigation.

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

PMGAA will actively implement the enforcement actions detailed above. See also Attachment 7 Monitoring and Enforcement Mechanisms.

**Monitoring Contracts and Work Sites**

PMGAA reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by Project Managers. Contracting records are reviewed by Procurement Coordinator.
Section 26.39  Fostering small business participation

PMGAA has created a Small Business element 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 small business element is incorporated as Attachment 8 to this DBE Program. The program elements will be actively implemented to foster small business participation.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43  Set-asides or Quotas

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

Section 26.45  Overall Goals

PMGAA has established a 5% overall DBE goal covering a three-year federal fiscal year period because it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds $250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), PMGAA will submit its Overall Three-year DBE Goal to FAA by August 1, 2020 per the schedule for a small hub primary airport as established by and posted to the website of FAA:


The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45 and as fully described in Attachment 5.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. PMGAA used Census data, Arizona DBE Directory, and Registrar of Contractors data as a method to determine the base figure.

Step 2. The second step is to adjust, if necessary, the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the PMGAA would expect in the absence of discrimination. Adjustments were made based on past participation, information from Arizona Department of Transportation DBE goals, and information about barriers to entry to competitiveness of DBEs on contracts.

The methodology selected was based on demonstrable evidence of local market conditions and designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the PMGAA market.
In establishing the overall goal, PMGAA provided for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by PMGAA to establish a level playing field for the participation of DBEs. The consultation process includes a scheduled, direct, interactive exchange with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before PMGAA is required to submit the goal methodology to the FAA for review pursuant to §26.45(f). The goal submission documents the consultation process in which PMGAA engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, PMGAA published a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice was be posted on PMGAA’s official internet website—www.Gatewayairport.com—and advertised in a local business publication. If the proposed goal changes following review by FAA, the revised goal will be posted on the official internet web site.

The public was also be informed that the proposed overall goal and its rationale were available for inspection during business hours at the principal office of PMGAA by appointment. This notice provided that the PMGAA and FAA would accept comments on the goals for 30 days from the date of the notice. Notice of the comment period included the addresses to which comments may be sent (including offices and websites) where the proposal could be reviewed. The public comment period will not extend the August 1\textsuperscript{st} deadline.

The Overall Three-Year DBE Goal submission to FAA includes a summary of information and comments received during this public participation process and PMGAA responses. The public comment period ended on June 30, 2020. The comments received during the comment period were all received during the Skype for Business conference call on June 23, 2020. Callers participating totaled 47. A number of questions were addressed; one person commented that the 5\% goal was about right; and several participants thanked the Airport hosts for holding the meeting.

PMGAA will begin using the overall goal on October 1, 2020, unless other instructions from FAA have been received.

A description of the methodology to calculate the overall Program goal can be found in Attachment 5 to this program.

### Section 26.47 Failure to meet overall goals

PMGAA cannot be penalized or treated by the Department as being in noncompliance with Part 26 because DBE participation falls short of an overall goal, unless PMGAA fails to administer its DBE program in good faith.
PMGAA understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

PMGAA understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

(1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;

(2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;

(3) PMGAA will prepare, within 90 days of the end of the Federal fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section and will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to FAA upon request.

Section 26.51 Means PMGAA Will Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

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

(1) Providing referrals for assistance in overcoming limitations such as inability to obtain bonding or financing;

(2) Providing referrals for technical assistance and other services;

(3) Carrying out information and communications programs on registering for the PMGAA vendor list, contracting procedures and specific contract opportunities; and with instructions on using the Utracs database to identify DBE firms by NAICS Code.

(4) Ensuring link to DBE directory in solicitations.

The PMGAA will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
Contract Goals – In the event a Disparity Study indicates the Need for Contract Goals the DBE Program will be Amended to provide direction and clarity for the Race Conscious measures. Attachment 6 is Reserved for future use related to Contract Goals, if needed.

**Section 26.55 Counting DBE Participation**

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

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

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, DBE firms certified with NAICS code 237310 that exceed the business size standard in § 26.65(b) will remain eligible for DBE credit for work in that category as long as they do not exceed the small business size standard for that category, as adjusted by the United States Small Business Administration.

**SUBPART D – CERTIFICATION STANDARDS**

**Section 26.61 – 26.73 Certification Process**

PMGAA is a non-certifying member of the Arizona Unified Certification Program (UCP). Arizona UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Certifying Arizona UCP members make all certification decisions based on the facts as a whole.

To apply for DBE certification through the Arizona Department of Transportation web site, firms may use the following link: [https://ultracs.azdot.gov](https://ultracs.azdot.gov)

For information about the certification process or to apply for certification, firms should contact the City of Phoenix in Maricopa County, the City of Tucson in Pima County, and ADOT elsewhere:

*Brian Hicks*
*Businesses outside Maricopa and Pinal in Arizona*  
*and businesses outside Arizona*  
*Arizona Department of Transportation*  
*602-712-8533*  
*Adot.dbesystem.com  phoenix@diversitycompliance.com*

*City of Phoenix*  
*Businesses located in Maricopa County*
SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

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

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to PMGAA

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

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

Information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law will be safeguarded from disclosure to third parties. PMGAA has adopted a Procurement Policy and Public Records Request Policy which both comply with State and Federal legal requirements.

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

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and PMGAA 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).

PMGAA, 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. PMGAA understands that it is in noncompliance with Part 26 if it violates this prohibition.
ATTACHMENTS

Attachment 1  Regulations: 49 CFR Part 26 or website link
Attachment 2  Organizational Chart
Attachment 3  Bidder’s List Collection Form
Attachment 4  DBE Directory or link to DBE Directory
Attachment 5  Overall Goal Calculations
Attachment 6  Reserved and left blank intentionally
Attachment 7  DBE Monitoring and Enforcement Mechanisms
Attachment 8  Small Business Element Program
ATTACHMENT 1
Regulations: 49 CFR Part 26 at following website:

https://www.ecfr.gov (Go to Title 49, Part 26)

or go to following direct link:

https://www.ecfr.gov/cgi-bin/text-idx?SID=58255c3f5bf2911a8a04ee1776acc518&mc=true&node=pt49.1.26&rgn=div5
ATTACHMENT 3
Bidder’s List Collection Form

DBE IDENTIFICATION FORM

ONE FORM EACH TO BE COMPLETED BY:  1) Prime Bidder and

2) Each Subcontractor/Subconsultant/Supplier

*Make copies as necessary

Name of Firm: ______________________________________________________________

Firm’s Address: ______________________________________________________________

________________________________________________________________________

________________________________________________________________________

At time of IFB submittal, above firm □ is OR □ is not a certified DBE
DBE is defined as a small business concern that has successfully completed a DBE certification process and been granted DBE status by the Arizona Unified Certification Program or by a U.S. Department of Transportation (USDOT) recognized agency who certifies DBE applicants pursuant to the criteria contained in 49 CFR Part 26.

Age of Firm: □ Less than 1 year
□ 1 – 3 years
□ 4 – 7 years
□ 8 – 10 years
□ More than 10 years

Annual Gross Receipts of Firm: □ Less than $500,000.00
□ $500,000.00 - $1,000,000.00
□ $1,000,001.00 - $2,000,000.00
□ $2,000,001.00 - $5,000,000.00
□ Greater than $5,000,000.00

BIDDER DECLARES UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, AND ANY OTHER APPLICABLE STATE OF FEDERAL LAWS, THE STATEMENTS MADE ON THIS DOCUMENT ARE TRUE AND COMPLETE TO THE BEST OF BIDDER’S KNOWLEDGE.

SIGNED AND DATED this __________ day of ___________________________, 201_

____________________________________ __   ______________________________
Authorized Signature Print Name and Title

ATTACHMENT 4
The Arizona DBE Directory can be accessed online at https://utracs.azdot.gov/Search

To search for a DBE by NAICS code, click on DBE.

Please note that the SBC database at this Ultracs site is not a registered SBE website though it is a good source for business listings.

Search for certified SBE firms at: https://phoenix.diversitycompliance.com/Default.asp?
ATTACHMENT 5

Phoenix-Mesa Gateway Airport

Overall DBE Three-Year (FFY21 – 23) Goal Methodology

FAA-assisted Contract amounts
By Federal Fiscal Year, Gateway Airport projects the following project budgets and the Federal share which is 91.06% of the project budget.

<table>
<thead>
<tr>
<th>Project Amount</th>
<th>Federal Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>FFY 21</td>
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<td>TOTAL</td>
<td>$53,000,000</td>
</tr>
<tr>
<td></td>
<td>$48,261,800</td>
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</tbody>
</table>

Overall Three-Year Goal: 5% to be accomplished through 0% Race and Gender Conscious (RC) and 5% Race and Gender Neutral (RN).

Federal DBE Dollars: 5% of the Total Federal share ($48,261,800) or $2,413,090 to be expended for DBEs.

Contracts the Airport Anticipates Awarding:
This analysis is based on the projects reported on the Airport’s ACIP submitted to the State of Arizona Department of Transportation in 2019. The tables list the individual projects which include three airfield paving projects and one Terminal building project: Design and reconstruction of Runway 12R/30L; Design and Construction to Realign Taxiway Golf; Design and Reconstruction of Terminal Annex; and Design and Reconstruction of Center Runway Section 30.

Market Area
Phoenix-Mesa Gateway Airport (IWA) determined that the market area is the State of Arizona. While the Airport is within Maricopa County, it is on the eastern edge. In addition, this is a very fast-growing region covering two or three counties, and new freeways are making access to the Airport easier for multiple counties.

Step One – DBE Availability
The four Federally-funded projects in the ACIP for FFY 21-23 are listed on the following table—3 airfield projects and one Terminal building. The NAICS codes relevant to the projects are listed and budgets are allocated by NAICS as set by the Project Manager and Engineering and Facilities Director. The Sponsor Administration budgets are deducted from funds available for contracting.

DBE firm count is directly from the Utracs database at https://utracs.azdot.gov/. The firm counts are Arizona firms and are net of duplicates (in case where there is more than one NAICS listed). Utracs allows search by NAICS code. The Total firms count is from the U.S. Census Bureau American FactFinder. All data downloaded was dated in January and February 2020, however, the data itself is 2012 which is the most recent available. Unlike the DBE database, this is a point in time survey report and does not change so any
Another analysis is completed using the Registrar of Contractors (ROC) database, however, the search is based on License type rather than NAICS code for the number of total firms. This results in a higher number of firms counted and a lower DBE percentage projection. The design and construction administration professional services firms are not tracked by the ROC. American Council of Engineering Companies of Arizona reports that there are 162 member firms, which is 30 fewer than in the Airport’s previous program calculations, and they are not currently tracking the self-reporting of DBE status. This analysis results in 4.53% DBE availability of all businesses.

Crosswalk of NAICS Codes to Contractor licenses:

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Contractor license</th>
</tr>
</thead>
<tbody>
<tr>
<td>237310-Hwy/St Construction</td>
<td>A – General Engineering</td>
</tr>
<tr>
<td>238910-Site prep</td>
<td>KA-Dual Engineering</td>
</tr>
<tr>
<td>238210-Electrical</td>
<td>C11-Electrical</td>
</tr>
<tr>
<td>236220-Commercial building</td>
<td>B1 General Commercial Contractor</td>
</tr>
<tr>
<td>541330-Engineering Svs</td>
<td>Contacted ACEC of Arizona</td>
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<tr>
<td>541370-Survey</td>
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<tr>
<td>541380-Testing</td>
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<tr>
<td>541310-Architecture Svs</td>
<td>Used Census data</td>
</tr>
</tbody>
</table>

While the two approaches result in similar DBE Availability percentages, the Airport will use the ROC calculations because it utilizes more recent data and likely represents more current market conditions.

The analysis was also completed on the Weighted Availability of DBE firms. The Census data analysis results in a weighted DBE availability of 7.49%, and the ROC data analysis results in a weighted DBE availability of 7.25%. Again, the ROC method utilizes more current information. (Note: calculation corrected from first Draft online.)
See the DBE Availability analysis table.
Step Two - Adjustments Needed to Availability

The Airport considered several factors pursuant to regulatory requirements and USDOT guidance to determine whether the Relative Base Availability ought to be adjusted based on the market. The Airport considered the following factors:

- Historical utilization based on actual dollars paid to DBEs under our race neutral measures.
- Capacity issues and competition for DBEs in the market as provided in anecdotal evidence and bidding trends.

The DBE participation actuals have not met goals over the past year and a half. At the reporting of DBE participation for Federal Fiscal Year 19, the Airport fell short of the overall Program goal and was required to prepare a Shortfall Analysis and Action Plan. Those measures are being implemented, however, one procurement for FFY 20 was already underway. It is also important to note that the Airport typically only receives one Federal grant per year so averaging or breaking apart projects is not typically feasible.

Bidding trends in the Market area are very competitive with the Arizona Department of Transportation (ADOT) investing in freeway expansions valuing over $1 billion which will extend through 2021. The South Mountain Freeway Extension and other ADOT projects are keeping many DBE firms occupied. Also, Phoenix Sky Harbor International Airport has a Terminal 3 project valued at over $500 million that has a 20% SBE goal that will also commit DBE as well as SBE firms through 2022.

ADOT set a three-year goal of 8.05% for FAA-assisted projects for FFY 2019-2021, and the State is in the comment period for a new three-year goal of 10.69% for FFY 2022-2024. As part of that report however, ADOT indicates that DBE participation over the past two years was under 1%. The State has performed a new Disparity Study this year as part of setting the goal. The State’s program will be all Race and Gender neutral.

In summary, the analysis presents the following information on DBE availability:

- Overall DBE Availability of 4.53%
- Weighted DBE Availability of 6.38%
- Historic/trending participation at Gateway Airport averaging 1.9%
- ADOT statewide airport goal previously 8.05%, in process of being set at 10.69%, but with under 1% DBE participation the past two years.
- Phoenix Sky Harbor International Airport goal set at 6.9%
- Extensive market competition, especially with ADOT and Phoenix Sky Harbor projects

<table>
<thead>
<tr>
<th>Historical DBE Participation in Awards under Updated Race Neutral Program</th>
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<tbody>
<tr>
<td>FFY 19</td>
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<tr>
<td>FFY 20</td>
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<tr>
<td>(Procurement pending)</td>
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<tr>
<td>Average over 2 years = 1.9%</td>
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</table>
### DBE Goal Calculation for FY21-23 Program

**6/24/2020**

<table>
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<tr>
<th>Project</th>
<th>Trade</th>
<th>NAICS</th>
<th>Trade %</th>
<th>Trade $</th>
<th>Census Total Firms</th>
<th>DBE firms</th>
<th>DBE %</th>
<th>DBE $</th>
<th>ROC Total Firms</th>
<th>DBE %</th>
<th>DBE $</th>
<th>Total DBE + Census SBE</th>
<th>SBE %</th>
<th>SBE $</th>
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<tbody>
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<td>10%</td>
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<td>7%</td>
<td>$ 1,227,068</td>
<td>73</td>
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<td>HWY/ST Construct.</td>
<td>237310</td>
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<td>$ 6,570,000</td>
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<td>10%</td>
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<tr>
<td>TOTAL ALL PROJECTS</td>
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<td>$ 3,967,059</td>
<td>$ 3,844,592</td>
<td>$ 4,212,073</td>
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<tr>
<td>FEDERAL SHARE (91.06%)</td>
<td></td>
<td></td>
<td>$ 48,261,800</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 3,612,404</td>
<td>$ 3,500,885</td>
<td>$ 3,835,514</td>
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</tr>
</tbody>
</table>

| TOTAL FIRMS | 5301 | 258 | 4.87% | | | | | 5690 | 258 | 4.53% | 5690 | 271 | 4.76% |
Gateway Airport sets its aspirational DBE goal for FFY21-23 at 5.0%. This is set below the Weighted availability but above the overall availability due to trends at this Airport and market conditions.

In the event that the Airport decides to utilize an SBE goal at a program or contract level, the same methods of calculations were performed for the registered SBE firms which results in a 6% overall target. Again, this is to be used when and if the Airport sets an SBE goal.

Step 3: Calculate Race- and Gender-Neutral and Race- and Gender- Conscious Split
Gateway Airport proposes to achieve its triennial goal of 5.0% DBE participation through all race- and gender- neutral measures.

There are no applicable disparities studies for the local market area or recent legal case information to warrant additional adjustments or setting RC measures.

PUBLIC PARTICIPATION

Consultation:

In establishing the overall goal, PMGAA provided for consultation and publication. This process included consultation with minority, women's, and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the PMGAA’s efforts to establish a level playing field for the participation of DBEs.

PMGAA contacted by email/phone: Associated Minority Contractors of Arizona; the Arizona Small Business Association; the Hispanic Chamber of Commerce; and the Minority Business Development Center. Comments from the Associated Minority Contractors of Arizona indicate that a 5% goal is on the right track; DBE firms have been suffering from a shortage of skilled labor; and minority firms are dealing with a backlog of work. Other organizations contacted did not comment on the DBE Program.

The PMGAA implemented a multi-pronged outreach effort. A notice of the proposed goal was published June 1, 2020 on the PMGAA official website before the methodology was submitted to FAA. (Copy follows.)

The consultation process also included an email “Open House” to present the DBE Program and methodology, Airport updates, and the 5-year CIP of federally assisted and non-federally assisted capital projects and other useful information. A list of nearly 600 DBE and non-DBE contractors, business associations, and Chambers of Commerce were sent the information and requested to comment. The Notice was emailed/mailed on June 1, 2020. Comments/questions would be accepted until June 30, 2020.

The “Open House” notice also included information about a Skype for Business Public Comment meeting to be held on June 23, 2020 at 10:00 a.m. The link to the meeting was emailed to the same contact list on June 16, 2020. The Skype for Business Meeting was hosted by Gateway Airport’s Engineering and Facilities Director, Procurement Coordinator, Administrative Specialist and Grants Manager. A total of 47 people signed on to the call. A brief presentation was made of the Draft FFY21-23 Program and goal setting methodology. The Gateway Airport team responded to a number of questions. Comments were supportive of the proposed goal and appreciative of this meeting. A summary of the meeting was posted on the Gateway Airport website June 24 – 30, 2020.

Finally, a notice was published in the Business Gazette regarding the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during at the PMGAA offices for 30
days following the date of the notice, and informing the public that the PMGAA will accept comments on the goals until June 30, 2020.

If the proposed goal changes following review by FAA, the revised goal will be posted on PMGAA official website.

Notwithstanding paragraph (f)(4) of §26.45, PMGAA proposed goals will not be implemented until this requirement has been met.

PUBLIC NOTICES

1. Website notice follows.
2. Certification of publication follows.
ATTACHMENT 6

Reserved and Intentionally left blank
Phoenix-Mesa Gateway Airport

Proposed Fiscal Year 2021 – 2023 Disadvantaged Business Enterprise Program
And Contractor/Consultant Information

Phoenix-Mesa Gateway Airport Authority (PMGAA) hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 5.0% for Federal Aviation Administration-assisted contracts/agreements. The proposed goal pertains to Federal fiscal years 2021 through 2023. The goal was developed in accordance with Federal guidance which reflects an analysis of the availability of DBE firms as a percent of the firms available for the work planned over the three years. PMGAA expects it is feasible to attain this 5.0% goal through all race and gender-neutral means. Therefore, there will not be any contract goals, but there will be an emphasis on prime contractor outreach.

The proposed goal and its attendant methodology are available for inspection any time on the website https://www.gatewayairport.com/procurementsandnotices or by appointment between 8:00 a.m. and 5:00 p.m. Monday through Thursday at PMGAA offices, 5835 S. Sossaman Road, Mesa, Arizona through June 30, 2020. Due to the pandemic, PMGAA will not host an Open House as has been tradition, but will provide the opportunity for discussion, questions and comments at a Skype meeting on June 23, 2020 at 10:00 a.m. An invitation/link will be sent to you no later than June 16th. In addition, comments and questions are welcome at: kdorney@gatewayairport.com or 480-988-7652 between 8:00 a.m. and 1:00 p.m. Monday through Thursday.

OTHER AIRPORT DEVELOPMENT AND PROCUREMENT INFORMATION

- CAPITAL IMPROVEMENT PROGRAM - The 5-year CIP for the Airport is attached. This includes Federally assisted and PMGAA-funded projects. Given the COVID 19 pandemic, significant changes may be made to this schedule.

- VENDOR LIST – Prime contractors and subcontractors, please register on the PMGAA vendor list. This entitles you to receive EMAIL notifications of formal solicitations issued by PMGAA. If you are not already receiving notices, please email your business name, address, EMAIL ADDRESS, and primary NCAIS Code to jrogers@gatewayairport.com.

- SMALL BUSINESS RESOURCE GUIDE – PMGAA has consolidated a useful listing of resources for small businesses and posted it at https://www.gatewayairport.com/procurementsandnotices

- HOW TO DO BUSINESS WITH PMGAA – A vendor’s guide to the PMGAA procurement program is posted at https://www.gatewayairport.com/procurementsandnotices

Questions received will be responded to in writing and posted on the airport’s website Procurement and Notices page.
PHOENIX-MESA GATEWAY
5835 SOUTH SOSSAMAN ROAD
MESA, AZ 85212

Order # 0004204641  # of Affidavits 1
P.O. #

Published Date(s):
05/28/20

STATE OF WISCONSIN
COUNTY OF BROWN

I, being first duly sworn, upon oath deposes and says: That I am the legal clerk of the Arizona Republic, a newspaper of general circulation in the counties of Maricopa, Cochise, Pima and Yuma, in the State of Arizona, published weekly at Phoenix, Arizona, and that the copy hereof attached is a true copy of the advertisement published in the said paper on the dates indicated.

Sworn to before me this

28 th day of
MAY 2020

Notary Public

My Commission expires: 09/14/19

PUBLIC NOTICE

PHOENIX-MESA GATEWAY
Airport Authority

Proposed Fiscal Year 2021 — 2023
Disadvantaged Business Enterprise Program Request for Public Comment

Phoenix-Mesa Gateway Airport Authority (PMGAA) hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 5.0% for Federal Aviation Administration-assisted contracts/agreements. The proposed goal pertains to Federal fiscal years 2021 through 2023. The goal was developed in accordance with Federal guidance which reflects an analysis of the availability of DBE firms as a percent of the firms available for the work planned over the three years. The proposed goal and its attendant methodology are available for inspection any time beginning June 1, 2020 on the website www.aquaeairport.com or by appointment between 8:00 a.m. and 5:00 p.m. Monday through Thursday at PMGAA offices, 5835 S. Sossaman Road, Mesa, Arizona through June 30, 2020.

PMGAA will accept comments on the DBE goal and methodology until the close of business on Tuesday, June 30, 2020. Comments and/or appointments requests can be sent to Kim Dorney by email at kdorney@aquaeairport.com, fax at 480-988-2315, or mailed or delivered to the following address: Phoenix Mesa Gateway Airport Authority, 5835 S. Sossaman Road, Mesa, AZ 85212.

Persons needing a reasonable disability accommodation should call 480-988-7652. If using a TTY, please call using Arizona Relay 1-800-367-8939.

Due to the COVID-19 pandemic, PMGAA will not host an Open House as has been tradition, but questions and comments are welcome at the contact information above.

Pub: May 28, 2020
ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The PMGAA has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

Dispute Resolution

a. **Negotiations.** If a dispute arises out of or relates to this Contract or its breach, the parties to this Contract shall endeavor to settle the dispute through direct discussions as a condition precedent to mediation or binding dispute resolution.

b. **Mediation.** Should the parties to this Contract be unable to resolve their dispute through direct negotiations, the parties to this Contract, upon the written request of either, shall engage in mediation, to be administered privately by a mediator and according to rules mutually agreed upon by the parties to this Contract, or, the absence of such mutual agreement, by a mediator appointed by JAMS and administered by JAMS in accordance with its then-current mediation rules. The fees and costs of mediation shall be split equally by the parties to this Contract, but subject to reallocation following binding dispute resolution.

c. **Binding Dispute Resolution.** Should the parties to this Contract be unable to resolve their dispute through direct negotiations or mediation, either party may, within the time limitations for bringing claims under Arizona law and this Contract, commence formal dispute resolution proceedings. Both parties to this Contract consent to binding arbitration administered by JAMS according to its then current arbitration rules, provided, however, that (i) in the event both parties agree, the arbitration may be administered privately by an arbitrator and according to rules mutually agreed upon by the parties to this Contract, and (ii) in the event any party seeks relief against the other party or against a non-party which cannot fully be granted in arbitration, by reason of non-joinder or otherwise, the parties to this Contract are excused from this arbitration requirement and the parties to this Contract shall proceed in the state or federal courts of competent jurisdiction and located in Maricopa County, Arizona. In any arbitration or litigation, the prevailing party shall be entitled to an award of its reasonable attorneys’ fees and costs as determined by the arbitrator or court as applicable.

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

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.
ATTACHMENT 8
Small Business Element

1. Objective/Strategies

- On prime contracts, none of which will have DBE contract goals, PMGAA may require the prime contractor to provide subcontracting opportunities of a size that small businesses (certified SBEs), including DBEs, can reasonably perform, rather than self-performing all the work involved. In the event that PMGAA establishes an SBE goal, it will be 6% based on an analysis comparable to Attachment 5 Computations for the overall DBE program goal (or it may be calculated for the specific work).
- Provide information on resources to assist and support small businesses in the community. See small business resource brochure on PMGAA website.

2. Definition

- DBE firms are eligible under the PMGAA small business program.
- The small business standard should be consistent with 49 CFR 26.5 and must be no larger than the Small Business Administration’s size standards. DBE firms and small firms eligible for the program should be similarly sized to reduce competitive conflict between DBE and non-DBE firms. Small businesses are eligible without regard to race or gender.

3. Verification

PMGAA will attempt to minimize fraud and abuse in the small business element of its DBE program by verifying program eligibility of firms. Certification of SBE status will be verified. PMGAA will refer to the State, City of Phoenix or other proper authority, any concerns of potential/suspected fraudulent certifications.

4. Monitoring/Record Keeping

- All small business enterprises must be certified and on the City of Phoenix SBE Directory found at https://www.phoenix.gov/eod/programs/businessdirectory or other verifiable site/source.
- SB element will be reasonably monitored.

5. Assurance

PMGAA makes the following assurances:

1. The program is authorized under state law.
2. Certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program and will be determined under the guidelines of the Arizona UPC program.
3. No limits are placed on the number of contracts awarded to firms participating in the program, but every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.
4. Steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.
5. The program is open to small businesses regardless of their location (i.e., there is no local or other geographic preference).