

DEPARTMENT OF TRANSPORTATION  
DBE PROGRAM – 49 CFR PART 26



Camarillo Airport (CMA)

Oxnard Airport (OXR)

Prepared for  
County of Ventura Department of Airports  
Camarillo, CA

Prepared by  
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April 5, 2017

**Preface**

*County of Ventura (CA) Department of Airports is the owner and operator of the Camarillo and Oxnard Airports. County of Ventura Department of Airports has established the following Disadvantaged Business Enterprise (DBE) program for the Camarillo and Oxnard Airports in accordance with Code of Federal Regulations (CFR) of the U. S. Department of Transportation (DOT), 49 CFR Part 26. All reference to Subparts and Section numbers throughout this DBE policy (i.e. Subpart A, 26.1, 26.3, etc.) are to the 49 CFR Part 26 regulations*

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## **POLICY STATEMENT**

### **Section 26.1, 26.23 Objectives/Policy Statement**

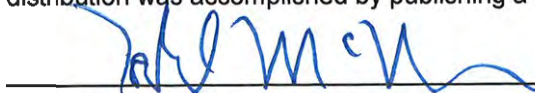
The County of Ventura Department of Airports CA (Owner) of Camarillo and Oxnard Airports has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The *Owner anticipates it will receive Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Owner has signed an assurance that it will comply with 49 CFR Part 26.*

It is the policy of the *Owner* 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.

The Projects Administrator for the County of Ventura Department of Airports has been delegated as the DBE Liaison Officer. In that capacity, the Projects Administrator 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 Owner in its financial assistance agreements with the Federal Aviation Administration/U.S. Department of Transportation/ (FAA/DOT).

The Owner has disseminated this policy statement to the County of Ventura Department of Airports and all of the affected components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on FAA/DOT airport-assisted contracts. The distribution was accomplished by publishing a notice on our county website.



Todd McNamee, Director of Airports

County of Ventura Department of Airports

4/12/17  
Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

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

### **Section 26.3 Applicability**

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

### **Section 26.5 Definitions**

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

### **Section 26.7 Non-discrimination Requirements**

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

In administering its DBE program, the County of Ventura Department of Airports 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**

The County of Ventura Department of Airports will report DBE participation to DOT/FAA as follows:

The County of Ventura Department of Airports will transmit to FAA annually on December 1st, 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. We will begin using the revised Uniform Report of DBE Awards or Commitments and Payments for reporting due each year starting on December 1, 2016, or as designated by 4CFR Part 26.

#### **Bidders List: 26.11(c)**

The Owner 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 FAA-DOT-assisted airport contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information by requesting all firms quoting on DOT/FAA-assisted airport contracts and subcontracts to submit a bidders list along with their bid directly to the Projects Administrator for County of Ventura Department of Airports.

### **Section 26.13 Federal Financial Assistance Agreement**

The Owner has signed the following assurances, applicable to all FAA-DOT-assisted airport contracts and their administration:

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

The County of Ventura Department of Airports shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FAA/DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The County of Ventura Department of Airports shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted airport contracts. The County of Ventura Department of Airports DBE program, as required by 49 CFR part 26 and as approved by FAA/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 Owner 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 – The Owner will ensure that the following clause is included verbatim in each FAA/DOT-assisted airport contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:

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

The Owner 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 FAA/DOT financial assistance unless FAA/DOT has approved our DBE program and we are in compliance with 49 CFR Part 26. We will continue to carry out our program until all funds from FAA/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 for our Airport projects:

Projects Administrator  
County of Ventura Department of Airports  
Camarillo and Oxnard Airports  
555 Airport Way, Suite B  
Camarillo, CA 93010  
805/ 388-4205  
Powers, Erin [erin.powers@ventura.org](mailto:erin.powers@ventura.org)

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Owner complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Ventura County Board of Supervisors concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the Airport's DBE program, in coordination with other appropriate Ventura County Department of Airports officials. The DBELO has county staff to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews airport project contracts and purchase requisitions for compliance with this program.
3. Works with county administration 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 the Airport's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the county administration on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.

10. Works with the county administration to provide outreach to DBEs and community organizations to advise them of opportunities.

#### **Section 26.27 DBE Financial Institutions**

It is the policy of the Owner to investigate annually 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 FAA/DOT-assisted airport contracts to make use of these institutions. For the investigations, the Owner will utilize their County purchasing department records, the U. S. Department of the Treasury's website ([http://www.fms.treas.gov/mbdp/current\\_list.html#CA](http://www.fms.treas.gov/mbdp/current_list.html#CA)) for lists of California minority financial institutions, local community organizations and the State of California's DBE Directory.

#### **Section 26.29 Prompt Payment Mechanisms**

The Owner has established, as part of its Airport DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each progress payment, in accordance with California Business and Professions Code concerning prompt payment to contractors. The 30 day rule is applicable unless a longer period is agreed to only for good cause and with the County of Ventura Department of Airports prior written approval. This applies to DBE and non-DBE subcontractors.

We will include the following clause in each FAA/DOT-assisted airport contract to ensure prompt and full payment of retainage from the contractor to the subcontractor within 30 days after the subcontractors work is satisfactorily complete:

*The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from County of Ventura Department of Airports. 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 time frame may occur only for good cause following written approval of the County of Ventura Department of Airport. This clause applies to both DBE and non-DBE subcontracts.*

The Owner will provide appropriate means to enforce the requirement of this section and includes, but is not limited to:

- Delay or postponement of payment among the parties; provided, that any such delay or postponement may take place only for good cause, with prior written approval by the County of Ventura Department of Airports DBELO.
- The Owner shall make all efforts to be in compliance with, and enforcements of this section will be consistent with Federal, state and local law.

#### **Monitoring Payments to DBEs**

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



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

#### **Section 26.31 Directory**

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

The State of California revises the Directory daily. The Directory is not available in paper format but may be found online <http://www.dot.ca.gov/ucp>.

The County of Ventura Department of Airports will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program's website stated above.

#### **Section 26.33 Over-concentration**

The Owner has not identified that over-concentration of DBEs exist in the market area to perform the types of work listed for upcoming airport projects. This was determined by researching the Caltrans UPC directory and Caltrans DBE Program Plan. If it is determined that there is an over-concentration of DBE firms on Airport projects, appropriate measures to address the overconcentration will be taken, including consulting with Caltrans.

#### **Section 26.35 Business Development Programs**

The Owner has not established a business development program.

#### **Section 26.37 Monitoring and Enforcement Mechanisms**

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will implement similar action under our own legal authorities, including responsibility determinations in future contracts.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. This will include written certification that the DBELO has reviewed contracting records and monitored work sites for this purpose. This will be accomplished by reviewing closeout reporting.

4. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to FAA/DOT, we will show both commitments and attainments, as required by the DOT reporting requirements.

#### **Section 26.39 Fostering small business participation.**

The Owner has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The Owners small business element is incorporated as Attachment 10 to this DBE Program. We will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of our DBE program.

### **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

#### **Section 26.43 Set-asides or Quotas**

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

#### **Section 26.45 Overall Goals**

The Owner will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding FAA/DOT 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. In accordance with Section 26.45(f) the Owner will submit its Overall Three-year DBE Goal to FAA by August 1st as required by 49 CFR Part 26.

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Owner does not anticipate awarding FAA/DOT 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 the DBE Program will remain in effect and the Owner will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

If we use a bidders list, we will do the following: Determine the number of DBEs that have bid or quoted (successful and unsuccessful) on our FAA/DOT-assisted airport project prime contracts or subcontracts in the past three years. Determine the number of all businesses that have bid or quoted (successful and unsuccessful) on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number of all businesses to derive a base figure for the relative availability of DBEs in your market. When using this approach, we will establish a mechanism (documented in our goal submission) to directly capture data on DBE and non-DBE prime and subcontractors that submitted bids or quotes on our FAA/DOT-assisted airport contracts.

Any methodology we choose will be based on demonstrable evidence of local market area conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in our

market. We understand 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.]

26.45 (g)(1) In establishing the overall goal, the Owner will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Owner's efforts to establish a level playing field for the participation of DBEs. We will announce the date and time of a consultation meeting prior to establishing the overall goal and issuing the Public Notice advertisement. We will document in our goal submission the consultation process that we engaged in. Notwithstanding paragraph (f)(4) of this section, we will not implement our proposed goal until we have complied with this requirement.

A Consultation meeting was conducted on March 23, 2017.

The Owner will consult with CALTRANS to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Owner's efforts to establish a level playing field for the participation of DBEs.

The Owner will publish a notice announcing our proposed overall goal before submission to the FAA/DOT. The notice will be posted on our County website and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal will be posted on our County website. We will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at our DBELO office and that the Owner and FAA/DOT will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed.

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

We will begin using our overall goal on October 1, 2016 of the reporting period, unless we have received other instructions from FAA/DOT.

#### Section 26.45 (e) - Project Goals

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

#### Section 26.45(f) - Prior Operating Administration Concurrent

The Owner understands that we are not required to obtain prior FAA/DOT administration concurrence with our overall goal. However, if the FAA/DOT administration's review suggests that our overall goal has not been correctly calculated or that our method for calculating goals is inadequate, the FAA/DOT 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 FAA/DOT administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to 49 CFR Part 26, Paragraph 26.9.

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

**Section 26.47 Failure to meet overall goals.**

The Owner 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 Owner 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 the Owner's awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis and to enable the goal to be met for the new fiscal year;
- (3) Retain records of the analysis and corrective actions for three years and make the records available to the FAA/DOT on request.

**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 5 to this program.

**Section 26.51(d-g) Contract Goals**

The Owner 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 49 CFR Part 26 Paragraph 26.39.

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

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

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

## **Section 26.53 Good Faith Efforts Procedures**

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

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

In the event a contract goal is assigned in our solicitations for a FAA/DOT-assisted Airport contract the DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive. We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

### Information to be submitted (26.53(b))

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

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

### Administrative reconsideration (26.53(d))

Within 7 business days of being informed by the DBELO that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Director of Airports  
County of Ventura Department of Airports  
Camarillo and Oxnard Airports  
555 Airport Way, Suite B  
Camarillo, CA 93010  
805/ 388-4205  
Powers, Erin [erin.powers@ventura.org](mailto:erin.powers@ventura.org)

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

Good Faith Efforts 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.
- (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.

If the contractor fails or refuses to comply in the time specified, the Owner 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 DBELO may initiate procedures for default under the contract.

If a contract goal is established pursuant to our DBE program, the sample bid specification below may be used to notify bidders/offerors of the requirements to make good faith efforts. The sample specification is intended for use in both non-construction and construction contracts for which a contract goal has been established. Thus, it may be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.

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 County of Ventura Department of Airports 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 \_\_\_ % has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, 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 Part 26 Paragraph 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**

The County of Ventura Department of Airports will use the certification standards of Subpart D of 49 CFR Part 26, as established by CALTRANS, Office of Equal Employment Opportunity and Contract Management for its FAA/DOT-assisted airport contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. In order to qualify as DBE for Airport projects included in this plan, firms must be certified as DBE's by CALTRANS Office of EEO Contract Management prior to the time of bid letting.

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

California Department of Transportation  
OFFICE OF BUSINESS AND ECONOMIC OPPORTUNITY - CERTIFICATION UNIT  
Phone: (916) 324-1700 / Email: DBE.Certification@dot.ca.gov

CALTRAN certification application forms and documentation requirements can be found online at [http://www.dot.ca.gov/hq/bep/business\\_forms.htm](http://www.dot.ca.gov/hq/bep/business_forms.htm).



## **SUBPART E – CERTIFICATION PROCEDURES**

### **Section 26.81 Unified Certification Programs**

The County of Ventura Department of Airports uses the Unified Certification Program (UCP) as administered by CALTRANS who provides staff to conduct DBE certification, recertification, de-certification, appeals, challenges, investigations of third party allegations, and public awareness activities pertaining to certification programs and maintains the DBE directory which identifies all firms eligible state-wide to participate as DBE's. The CALTRANS 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.

Except as otherwise required by 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 FAA/DOT in any certification appeal proceeding under 49 CFR Part 26 paragraph 26.89 or to any other state to which the individual's firm has applied for certification under this requirement.

The Owner, 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.

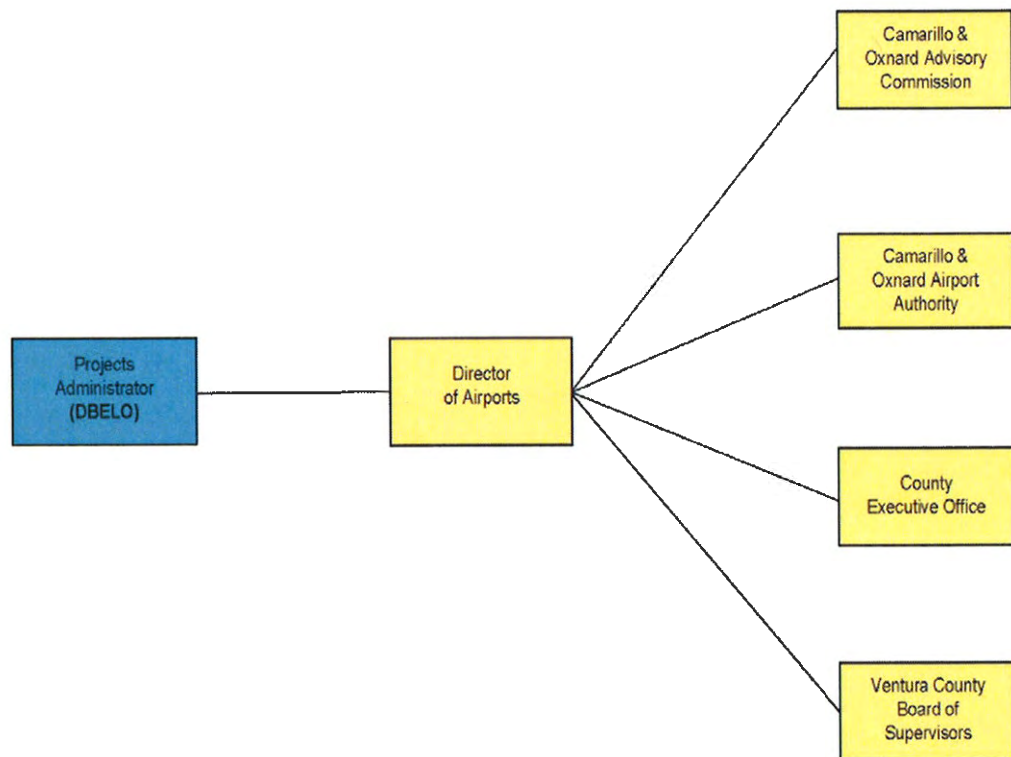
## **ATTACHMENT 1**

### **Regulations**

49 CFR Part 26 can be found online at [www.ecfr.gov](http://www.ecfr.gov)

**ATTACHMENT 2**  
**Organizational Chart**

**County of Ventura Department of Airports DBE Organizational Structure**



3-1-2017

### ATTACHMENT 3

#### 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 4**

##### **California DBE Directory (CALTRANS)**

The DBE Directory be found online at [www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm)  
<http://californiaucp.org/>

## ATTACHMENT 5

### Section 26.45: Overall DBE Three-Year Goal Methodology

**Name of Recipient:** The County of Ventura Department of Airports owner of Camarillo (CMA) and Oxnard (OXR) Airports

**Goal Period:** October 1, 2015 through September 30, 2018

<b>DOT-Assisted Airport Contract Amount:</b>	FY-2016 CMA	\$ No Project
	FY-2016 OXR	\$ No Project
	FY-2017 CMA	\$3,800,000.00
	FY-2017 OXR	\$ 261,000.00
	FY-2018 CMA	\$ No Project
	FY-2018 OXR	\$ 706,950.00
	<b>Total</b>	<b>\$4,767,950.00</b>

**Overall Three-Year Goal:** 6.03%, to be accomplished through 0% RC and 6.03% RN

**Total dollar amount to be expended on DBE's:** \$ 300,380.85

**The Number and Types of Contracts that the Camarillo Airport anticipates awarding is as follows:**

Federal Contracts Fiscal Year #2016

1. No Project – Camarillo Airport
2. No Project – Oxnard Airport

Federal Contracts Fiscal Year #2017

1. Development of NE Aircraft Apron (Construction) – Camarillo Airport
2. Airport Layout Plan Update (Airport Planning) – Oxnard Airport

Federal Contracts Fiscal Year #2018

1. No Projects – Camarillo Airport
2. Rehabilitate East Apron, Executive Hangar Area and Portion of Transient Apron (Construction) – Oxnard Airport

**Market Area:** Ventura County (population 823,318 (2010 census)) is centrally located in the State of California with the County Seat in Ventura, CA. The County includes the Communities of Camarillo and Oxnard as well as several others. The County demographics show modest growth due in part to the influx from other nearby counties including Los Angeles County. However, due to the relative distance from the City of Los Angeles and other major metropolitan areas accessibility of the project site the Market Area is determined to consist of Ventura County. This area was chosen as the representative market area based on reasonable proximity to Camarillo and Oxnard Airports and ability to perform work at the Airports on the upcoming projects.

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

Step 1 examines the number of actual DBE's compared to number of businesses available to perform the work on the Airport's upcoming projects. This is achieved by identifying the work items using the North American Industry Classification System (NAICS) and relating them to the State of California DOT (CALTRANS) DBE Directory and the U.S. Census Bureau Data.

The work involving the use of federal transportation dollars was examined for potential DBE work items in market area. The following tables identify the work items and associated DBE's and businesses in these counties that could potentially be used for the Airport projects.

***FY 2016 CMA: No Projects***

NAICS	Type of Work	Total DBE's	Total Market Area Businesses	Relative Availability of DBEs
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

***FY 2016 OXR: No Projects***

NAICS	Type of Work	Total DBE's	Total Market Area Businesses	Relative Availability of DBEs
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

***FY 2017 CMA: Development of NE Aircraft Apron***

NAICS	Type of Work	Total DBE's	Total Market Area Businesses	Relative Availability of DBEs
212321	Sand and Gravel	1	5	20.00%
237110	Storm Sewer Line Construction	3	30	10.00%
237310	Highway Construction	7	24	29.17%
237310	Painted Traffic Striping and Marking	3	17	17.65%
238110	Poured Concrete	12	288	4.17%
238910	Demolition/Excavation/Site Preparation	3	76	3.95%
238990	Construction Site Cleanup	3	91	3.30%
423320	Construction Materials	3	13	23.08%
484110	Trucking	5	57	8.77%
541330	Construction Engineering/Inspection	7	246	2.85%
541380	Materials Testing	13	36	36.11%
561730	Landscaping/Erosion Control	8	265	3.02%
561990	Traffic Control	4	28	14.29%
	<b>Total</b>	<b>72</b>	<b>1176</b>	<b>6.12%</b>

***FY 2017 OXR: Airport Layout Plan Update***

NAICS	Type of Work	Total DBE's	Total Market Area Businesses	Relative Availability of DBEs
541370	Survey & Mapping	3	114	2.63%
561410	Document Preparation Services	3	204	1.47%
	<b>Total</b>	<b>6</b>	<b>318</b>	<b>1.89%</b>

***FY 2018 CMA: No Projects***

NAICS	Type of Work	Total DBE's	Total Market Area Businesses	Relative Availability of DBEs
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**FY 2018 OXR: Rehabilitate East Apron, Executive Hangar Area and Portion of Transient Apron**

NAICS	Type of Work	Total DBE's	Total Market Area Businesses	Relative Availability of DBEs
212321	Sand and Gravel	1	5	20.00%
237110	Storm Sewer Line Construction	3	30	10.00%
237310	Highway Construction	7	24	29.17%
237310	Painted Traffic Striping and Marking	3	17	17.65%
238110	Poured Concrete	12	288	4.17%
238910	Demolition/Excavation/Site Preparation	3	76	3.95%
238990	Construction Site Cleanup	2	91	2.20%
423320	Construction Materials	3	13	23.08%
484110	Trucking	5	57	8.77%
541330	Construction Survey	1	246	0.41%
541380	Materials Testing	13	36	36.11%
561730	Landscaping/Erosion Control	8	265	3.02%
561990	Traffic Control	4	28	14.29%
<b>Total</b>		<b>65</b>	<b>1176</b>	<b>5.53%</b>

In order to attain the DBE goal, the percentage should take into account the relative weight of the anticipated projects. The following tables reflect the relative weight of the work items for each anticipated project. Based on the relative weight of projects in previous tables, the following tables establish the relative weight, per project, per federal funding participation:

**Relative Weight Computation**

Project Description	Federal Share	Relative Weight <sup>1</sup>	Relative Availability of DBE (By Project)
FY2016 CMA – No Projects	-	0%	0.00%
FY2016 OXR – No Projects	-	0%	0.00%
FY2017 CMA – Develop NE Aircraft Apron	\$3,800,000.00	80%	6.12%
FY2017 OXR – Update ALP	\$261,000.00	5%	1.89%
FY2018 CMA – No Projects	-	0%	0.00%
FY2018 OXR – Rehab East Apron: Exec. Hangar Area & Transient Apron	706,950.00	15%	5.53%
<b>SUM TOTALS</b>	<b>\$4,767,950.00</b>	<b>100.00%</b>	

Note: <sup>1</sup>. Expressed as a percentage of total participation FY 2016-2018

**3 Year Weighted Average**

Project Description	Relative Availability of DBE	Relative Weight <sup>1</sup>	Weighted Average
FY2016 CMA – No Projects	0.00%	0%	0.00%
FY2016 OXR – No Projects	0.00%	0%	0.00%
FY2017 CMA – Develop NE Aircraft Apron	6.12%	80%	4.88%
FY2017 OXR – Update ALP	1.89%	5%	0.10%
FY2018 CMA – No Projects	0.00%	0%	0.00%
FY2018 OXR – Rehab East Apron: Exec. Hangar Area & Transient Apron	5.53%	15%	0.82%
<b>SUM TOTALS</b>		<b>100%</b>	<b>5.80%</b>

Note: <sup>1</sup>. Expressed as a percentage of total federal participation



The overall base figure is therefore established at 5.80%. Further analysis was done to see if any other adjustment to the base figure percentage of 5.80% is warranted.

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

After calculating the overall 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.

**Past History Participation**

Historical DBE accomplishments for the comparable work items at the CMA/OXR Airports range are as follows:

FY	DBE Goals			Accomplishments			Type of work
	RC	RN	Total	RC	RN	Total	
FY 11	0.00	5.00	5.00	0.00%	0.00%	0.00%	Construction
FY 12	0.00	5.00	5.00	0.00%	17.34%	17.34%	Construction
FY 13	0.00	5.00	5.00	0.00%	6.26%	6.26%	Construction
FY 14	0.00	3.00	3.00	0.00%	7.04%	7.04%	Construction
FY 15	0.00	3.00	3.00	0.00%	2.27%	2.27%	Construction

Arranging this historical data of total DBE accomplishments from low to high, (0.00%, 17.34%, 6.26%, 7.04%, and 2.27%) we arrive at a central tendency or median accomplishment of 6.26%.

To arrive at an overall goal, we added our Step 1 base figure (5.80%) with our Step 2 adjustment figure (6.26%) and then averaged the total arriving at an overall goal of 6.03%. We believe this adjusted overall goal of 6.03% will accurately reflect DBE participation that can be achieved for the types of comparable project work being awarded during this three-year overall goal period.

**Disparity Studies**

CALTRANS 2016 *Disparity Study, for USDOT Contracts*, Final Report dated June 30, 2016, was reviewed for this DBE Program. In summary, the report noted an apparent disparity among three groups which were found to be substantially below parity. The three groups listed in the report include Black American owned businesses, Hispanic American owned businesses, and Native American owned businesses. In an effort to address this, these businesses were invited to attend the Consultation Meeting and the County will continue to reach out to these groups in conjunction with administering its DBE Program. The *Study* also recommended a base line goal of 17.6% for CALTRANS projects. Notably, CALTRANS accomplishments have routinely been lower than the established overall goal. DBE participation for FY2011-2015 was reported at a median annual DBE utilization of 10.7 with participation on CALTRAN projects during the study period to be 7.2%. Since the nature of airport work is somewhat specialized opposed to FHWA work this information was used to compare the reasonableness of our goal and since the goal at 6.03% appears to be reasonable no further adjustment will be made.

There is no disparity study specifically tailored to Camarillo or Oxnard Airports, however a disparity study was completed in December 2012 for the nearby Burbank- Glendale- Pasadena Airport Authority (BGPAA). Since the study included a market area similar to Ventura County, we compared our goal with the results of that study. Although the study period is somewhat outdated (2005 to 2009) it was noted that

the DBE participation on FAA funded contracts during that period was 6.0%. Since the computed goal of 6.03% appears to be reasonable no further adjustment will be made.

#### **Adjustment summary**

Therefore the total adjusted goal for the County of Ventura Department of Airports for FY 2016-2018 period is 6.03%.

#### **Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation. 26.51(b) (1-9)**

Ventura County estimates that in meeting its overall goal for the Camarillo & Oxnard Airports, it will obtain 6.03% from RN participation and 0% through RC measures.

Ventura County 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 as listed below. Ventura County will establish contract goals only on those FAA/DOT-assisted airport 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). 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. We will express our contract goals as a percentage of the Federal share of a DOT-assisted airport contract.

With regard to the Ninth Circuit Court of Appeals decision regarding the Western States Paving case combined with the fact that there does not appear to be a disparity study specifically for the Camarillo & Oxnard Airports nor does a regional study performed in the local area exist that identifies evidence of any known disparity. Therefore, in accordance with the regional guidance, Ventura County anticipates meeting the DBE goals by exclusively using race neutral (RN) methods. However, the Ventura County will take the following actions in order to document any evidence of discrimination:

- (1) Document and investigate any anecdotal or complaint evidence of discrimination
- (2) Examine its program and contracting methodology and make adjustments if necessary in order to facilitate DBE participation.
- (3) Review other regional disparity studies approved by FAA that closely match in market area and type of work and make adjustments to its plan if necessary.

In order to meet DBE participation goals on its DOT/FAA-assisted airport projects the following RN methods will be used:

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under 49 CFR Part 26 Paragraph 26.39.
- (2) Providing technical assistance and other services;
- (3) Carrying out information and communications programs on contracting procedures and specific

contract opportunities (e.g., requesting the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors.

(4) Provide information on the County website with contact information for the DBE directory.

(5) When requested, conduct debriefing sessions to explain why certain bids were unsuccessful.

Ventura County 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).

In establishing the overall goal, Ventura County provided for consultation and publication. Public Notice was issued for the Consultation Meeting and the meeting was conducted on March 23, 2017 at 2PM. The meeting was open to all interested organizations which were expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and County of Ventura Department of Airports efforts to establish a level playing field for the participation of DBEs. The Consultation Meeting was conducted at County of Ventura Department of Airports and included a scheduled opportunity for direct, interactive exchange (e.g., a face-to-face meeting, video conference, or teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the County of Ventura Department of Airports goal setting process, and occurred before we submitted our goal methodology to the operating administration for review pursuant to 49 CFR Part 26 paragraph 26.45(f). The program and FY 2016/2017/2018 goal computation was submitted to the operating administration on April 12, 2017. As of the date of this report we have not received any comments requesting changes to the program or goal.

Following the Consultation Meeting, the County of Ventura Department of Airports published a notice in the County Website (<http://www.ventura.org/airports>) and in the **Ventura County Star** of the proposed overall goal, informing the public that the proposed goal and its rationale were available for inspection during normal business hours at the County of Ventura Department of Airports, 555 Airport Way Ste B, Camarillo, CA 93010 for 30 days following the date of the notice, and informed the public that County of Ventura Department of Airports and FAA would accept comments on the goals for 30 days from the date of the notice.

Public Notice was issued on April 14, 2017, that the DBE Program and FY 2016/2017/2018 goal computation were available for review and comment. No comments were received therefore County of Ventura Department of Airports has fully implemented the three year goal.

The County of Ventura Department of Airports subsequently received approval for the Disadvantaged Business Enterprise Program for federal fiscal years 2016/2017/2018 from the operating administration (Federal Aviation Administration, Office of Civil Rights) in a letter dated TBA (file).

## EXAMPLE PUBLIC NOTICE

The County of Ventura Department of Airports hereby announces its fiscal years 2016 through 2018 goal of 6.03% for Disadvantaged Business Enterprise (DBE) airport construction Contracts. The proposed goals and rationale is available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at the County of Ventura Department of Airports, 555 Airport Way, Suite B, Camarillo, CA 93010 for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

c/o Erin Powers – Projects Administrator (DBELO)  
County of Ventura Department of Airports  
Camarillo and Oxnard Airports  
555 Airport Way, Suite B  
Camarillo, CA 93010  
Powers, Erin [erin.powers@ventura.org](mailto:erin.powers@ventura.org)

OR

Patricia A. Wright, AWP-9  
Federal Aviation Administration  
Office of Civil Rights Staff  
P.O. Box 92007  
Los Angeles, CA 90009-2007  
[patricia.wright@faa.gov](mailto:patricia.wright@faa.gov)  
Phone: 310-725-3955

### **Contract Goals**

The County of Ventura Department of Airports 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.

The County of Ventura Department of Airports will establish contract goals only on those FAA/DOT-assisted airport 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 FAA/DOT-assisted airport contract.

## ATTACHMENT 6

### Demonstration of Good Faith Efforts - Forms 1 & 2

*[Forms 1 and 2 should be provided as part of the solicitation documents.]*

#### **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:

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-----  
-----  
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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 \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

\_\_\_\_\_  
(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 7

### **DBE Monitoring and Enforcement Mechanisms**

Ventura County 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 [*California Civil Code Division 3, Part 2, Title 5, Chapter 2*];

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

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



## **ATTACHMENT 8**

### **DBE Certification Application Form**

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

California State Department of Transportation (CALTRANS)  
Office of Civil Rights  
Disadvantaged Business Enterprise Program  
1823 14<sup>th</sup> Street  
Sacramento, CA 95811  
Phone: (866) 810-6346 or (916) 324-1700  
Website: <http://www.dot.ca.gov>  
<http://californiaucp.org/>

## **ATTACHMENT 9**

### **California Unified Certification Program (CUCP) Agreement**

County of Ventura Department of Airports is a non-certifying member of the California Unified Certification Program (CUCP). The CUCP will meet all of the requirements of this section and provides staff to conduct DBE certification, recertification, de-certification, appeals, challenges, investigations of third party allegations, and public awareness activities pertaining to certification programs and maintains the DBE directory which identifies all firms eligible state-wide to participate as DBE's. Procedures for the CUCP can be found at: <http://californiaucp.org/>

## **ATTACHMENT 10**

### **Small Business Element**

#### **1. Objective/Strategies**

Recognizing that the DBE Program goals should be met through a mixture of race-conscious and race-neutral methods and, that by definition, DBE firms are small businesses; the County of Ventura Department of Airports will include this small business element into this DBE Program. This small business element is intended to facilitate competition by and expand opportunities for small businesses. We are committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as contractors or subcontractors. We will meet its objectives using a combination of the following methods and strategies:

- (1) Establish a race-neutral small business set-aside for prime contracts. A percentage of the total value of all contract and subcontract awards to be set aside for participation by small businesses on FAA/DOT- assisted airport contracts. A "set-aside" is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that the Airport and its contractors/consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner's gender, race or geographic location. The DBELO will review FAA/DOT- assisted airport purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set aside percentage. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA/DOT- assisted airport contract, the DBELO will document why a small business set-aside is inappropriate
- (2) In multi-year design-build contracts or other large contracts (e.g., for "megaprojects") require bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
- (3) On prime contracts not having DBE contract goals, 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.
- (4) To meet the portion of our overall goal we project to meet through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

#### **2. Definition**

##### **(1) Small Business:**

A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

**(2) Disadvantaged Business Enterprise:**

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

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

For the purposes of the small business element of the County of Ventura Department of Airports DBE Program, small businesses which are also owned and controlled by disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE participation on FAA/DOT-assisted airport contracts.

**3. Verification**

The County of Ventura Department of Airports will accept the following certifications for participation in this small business element of the DBE Program with applicable stipulations:

1. DBE Certification by the State of California – CALTRANS UCP which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by inclusion in the listing of DBE's on the CALTRANS DBE Directory.
2. State of California Small Business Development Programs.

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

**4. Monitoring/Record Keeping**

- Documentation regarding the small business element of this program will be organized in a designated directory and will be monitored and updated on an annual basis with the County of Ventura Department of Airports administration.
- This Small Business element will be monitored by reviewing project financial reporting documentation.

**5. Implementation Timeline**

- The County of Ventura Department of Airports will implement this small business element within 6 or 9 months of FAA's approval of this DBE Program.

**6. Assurance**

- The County of Ventura Department of Airports makes the following assurances:

1. assurance that the County of Ventura Department of Airports DBE Program, including its small business element is not prohibited by state law;
2. assurance that certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;
3. assurance that there are no geographic preferences or limitations imposed on any federally assisted airport procurement included in the program;
4. assurance that there are no limits on the number of contracts awarded to firms participating in the program but that every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses;
5. assurance that aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified; and
6. assurance that the program is open to small businesses regardless of their location (i.e., that there is no local or other geographic preference).