



PETER PRINCE AIRPORT

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

**Peter Prince Airport
Milton, Florida**

**Peter Prince Airport
Santa Rosa County
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
April 2004**

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DEFINITIONS OF TERMS

The terms used in this program have the meanings defined in 49 CFR §26.5 (appended).

OBJECTIVES AND POLICY STATEMENT (§§26.1, 26.23)

The Peter Prince Airport has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Peter Prince Airport has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Peter Prince Airport has signed assurances that it will comply with 49 CFR Part 26.

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

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

Mr. Roger Blaylock, the County Engineer, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Mr. Blaylock 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 Peter Prince Airport in its financial assistance agreements with the DOT.

Peter Prince Airport has disseminated this policy statement to the Santa Rosa County Commission and all the components of the organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.

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This distribution will be accomplished by:

- PUBLICATION IN LOCAL NEWS MEDIA: (Pensacola News Journal, Northwest Florida Daily News, and Gulf Herald)
- PUBLICATION ON INTERNET WEB SITE: http://www.co.Santa-Rosa.FL.US
- MAIL NOTIFICATION OF ORGANIZATIONS ON BIDDERS LIST
- OTHER:

No other notification or distribution method is planned.

Date: _____

Chairman, Board of County Commissioners, Santa Rosa County

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APPLICABILITY (§26.3)

The Peter Prince Airport is the recipient of federal airport funds authorized by 49 U.S.C. 47101, et seq.

DEFINITIONS (§26.5)

The Peter Prince Airport will adopt the definitions contained in Section 26.5 for this program.

NONDISCRIMINATION (§26.7)

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

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

RECORD KEEPING REQUIREMENTS (§26.11)

Reporting to DOT (§26.11(b))

The Peter Prince Airport will report annual DBE participation to DOT by submitting DOT Form 4630, as modified for use by FAA recipients.

Bidders List (§26.11(c))

The Peter Prince Airport will and has created a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE or non-DBE status, age, and annual gross receipts of firms.

The Peter Prince Airport will collect this information in the following ways. (The regulation does not mandate a particular method, and are not limited to the following):

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_____ A contract clause requiring prime bidders to report the names/addresses, and other information, of all firms that quote to them on subcontracts.

_____ Recipient-directed surveys of a statistically sound sample of firms on a name/address list to get age/size information.

X A notice in all solicitations, and otherwise widely disseminated, requesting that firms quoting on subcontracts report information directly to the Airport.

FEDERAL FINANCIAL ASSISTANCE AGREEMENT (§26.13)

The Peter Prince Airport has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance (§26.14(a))

The Peter Prince Airport shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement.

Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Peter Prince Airport of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.)

This language will appear in financial assistance agreements with sub-recipients, and is to be used verbatim as stated in 26.13(a).

Contract Assurance (§26.13(b))

The DBELO will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the

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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 recipient deems appropriate.

Note: This language is to be used verbatim, as stated in 26.13(b).

SUBPART B – ADMINISTRATIVE REQUIREMENTS

DBE PROGRAM UPDATES (§26.21)

Since the Peter Prince Airport has or will receive a grant of \$250,000 or more for airport planning or development, Airport management will continue to carry out this program until all funds from DOT financial assistance have been expended. The Peter Prince Airport will provide the DOT updates representing significant changes in the program.

DBE LIAISON OFFICER (DBELO) (§26.45)

The following individual is designated as our DBELO:

**Roger Blaylock
County Engineer
Santa Rosa County
Board of County Commissioners Support Services
217 Willing Street
Milton, Florida 32570
Telephone (850) 981-7100
Facsimile (850) 983-2161
e-mail address: rblaylock@co.santa-rosa.fl.us**

In that capacity, DBELO is responsible for implementing all aspects of the DBE program and ensuring that the **Peter Prince Airport** complies with all provisions of 49 CFR Part 26. DBELO has direct, independent access to the County Commission concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in **Attachment 1** to this program.

Mr. Roger Blaylock and Ms. Connie King, one of his direct reports, spend a "significant" amount of time in the implementation and administration of all aspects of the Peter Prince DBE Program. In addition, PBS&J, Inc., as the designated general design consultant, has been contracted by the Peter Prince Airport to aid in the implementation, coordination, and administration of all aspects of the Airport's DBE Program as per Part 26. It was found that the time and staff allotted to the administration of this program meets the

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requirements of regulation 26.25, "Requirement for Liaison Officer." An organizational chart displaying the DBELO's position in the organization is found in **Attachment 1** to this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes Peter Prince Airport's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the governing body on DBE matters and achievement.
9. Participates with the legal counsel and project director to determine contractor compliance with good faith efforts.
10. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in the State of Florida.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.
12. Maintains Peter Prince Airport's updated directory on certified DBEs.

FEDERAL FINANCIAL ASSISTANCE AGREEMENT ASSURANCE (§26.13)

Peter Prince Airport has signed the following assurance, applicable to all DOT-assisted contracts and their administration. This language will also appear in Peter Prince Airport's financial assistance agreements with any sub recipients.

Peter Prince Airport shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to Peter Prince Airport of its failure to carry out its approved program, the department may

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impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

DBE FINANCIAL INSTITUTIONS (§26.27)

It is the policy of Peter Prince Airport 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.

Currently, there is no DBE/minority-owned bank in Milton, Florida area. The DBELO, however, will keep abreast of the State of Florida's Black Business Investment Corporation (BBIC) and its lending activities.

PROMPT PAYMENT MECHANISM (§26.29)

Peter Prince Airport will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than fourteen (14) days from the receipt of each payment the prime contractor receives from Peter Prince Airport. Payments not made to subcontractors within fourteen (14) days of the prime contractor's receipt of payment shall bear interest at the rate of ten percent (10%) per annum, computed beginning on the 14th day after payment is due. The prime contractor agrees further to return retainage payments to each subcontractor within fourteen (14) days after the subcontractor's 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 Peter Prince Airport. The right to receive interest on a payment under this section is not an exclusive remedy, and this section does not modify any remedies available to any person under the terms of a contract or under any other statute. Peter Prince Airport shall have the right to terminate the services of any obligor who fails to make prompt payment to any obligee. This clause applies to both DBE and non-DBE subcontractors.

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DIRECTORY (§26.25)

In the event a bidder names other DBEs it desires to use, these firms will be included in the directory if they can be certified. Other DBEs that desire to be listed will also be included, upon request.

The directory is made available to bidders and proposers in their efforts to meet the DBE goals established by Santa Rosa County and Peter Prince Airport and made part of the bid specifications. The directory is a primary source for locating potential DBE contractors.

Peter Prince Airport maintains a directory identifying all firms eligible to participate as DBEs. The directory lists each firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. The State Department of Transportation Directory will be used to supplement the DBE Directory. Directories of other agencies may also be used when a project requires a search for DBEs beyond the normal recruiting areas.

The main directory used is that of the State of Florida's, and a supplement is maintained for any DBE's, which are locally certified, but may not be state certified. The State of Florida has an extensive program for DBE Certification (see the Florida Department of Transportation Website). As a result of changes to federal regulations, FDOT has implemented changes to the state DBE plan in order to meet Part 26 standards. FDOT has implemented the major components of the Part 26 program including the sections concerning Personal Net Worth, Race-Neutral, Over Concentration, etc. As a result, both the State Directory and Airport's directories are updated quarterly.

Interested persons may review the State Directory and the Airport's attached directory at the Santa Rosa, Florida Court House at 217 Willing Street, Milton, Florida 32570. The State Directory may also be found in **Attachment 3** to this program document, or viewed online at:

<http://www.dot.state.fl.us/equalopportunityoffice/dbedir.htm>

The Airport's directory may be found in **Attachment 3** to this program document.

OVER CONCENTRATION (§26.33)

Peter Prince Airport has identified no areas of over concentration at the current time.

BUSINESS DEVELOPMENT PROGRAMS (§26.35)

Peter Prince Airport has not established, at this time, a business development program.

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MONITORING AND ENFORCEMENT MECHANISMS (§26.37)

Peter Prince Airport will use 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 §26.109.
2. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts. **Attachment 4** lists the regulation, provisions, and contract remedies available to us in the event of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by periodic inspection of the contractor's books, records, accounts, other sources of information and facilities as may be determined pertinent to ascertain whether there has been compliance with said requirements.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

All engineering/design/contractor contracts used for FAA funded projects include specific language to ensure compliance. If a contractor is not in compliance, we give them written notice of their non-compliance, to which they must show "immediate" and "good faith" efforts in resolving their non-compliance. If they fail to do this, we do have the right to terminate the contract.

Attachment 4 lists the regulations, provisions, and contract remedies available to us in the event of non-compliance with the DBE regulation by a participant in our procurement activities.

For more information, please refer to:

<http://www.dot.state.fl.us/proceduraldocuments/proced/276010010.htm>.

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SUBPART C- GOALS, GOOD FAITH EFFORTS, AND COUNTING

QUOTAS (§26.43)

We do not use quotas in any way in the administration of this DBE program.

OVERALL GOALS (§26.45)

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 4** to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f), Peter Prince Airport will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, the Peter Prince Airport will consult with the Santa Rosa County Government; Florida Department of Transportation; women, minority, and general contractors; community organizations; and any local civil rights organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, Santa Rosa County and Peter Prince Airport will publish a notice of the proposed overall goal, via:

- PUBLICATION IN LOCAL NEWSPAPER (Northwest Florida Daily News, Pensacola News Journal and Gulf Herald)
- ANNOUNCEMENT ON LOCAL/COUNTY WEBSITE
- BIDDERS LIST MAIL NOTIFICATION
- OTHER:

The notice will inform the public that the proposed goal and its rationale are available for inspection during normal business hours at both Peter Prince Airport/Santa Rosa Aviation and Santa Rosa County Administrative Offices for **30 days** following the date of the notice, and will also inform the public that Peter Prince Airport and the DOT will accept comments on the goals for **45 days** from the date of the notice.

Normally, Peter Prince Airport will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT includes a summary of information and comments received during this public participation process and our responses.

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The Airport administration will begin using our overall goal on October 1 of each year, unless we receive other instructions from DOT. If a goal is established on a project basis, the Airport will begin using the goal by the time of the first solicitation for a DOT-assisted contract for the project.

TRANSIT VEHICLE MANUFACTURERS (26.49)

Santa Rosa County requires each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, Santa Rosa County may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the transit vehicle manufacturers (TVM) complying with this element of the program.

BREAKOUT OF ESTIMATED RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION (§26.51 (A-C))

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 5** to this program. This section of the program will be updated annually when the goal calculation is updated.

Contract Goals (§26.51(d-g))

Santa Rosa County will use contract goals to meet any portion of the overall goal that the Airport or county do not project being able to meet using race neutral 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 our overall goal that is not projected to be met through the use of race-neutral means.

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

The county and Airport will express our contract goals as a percentage of the federal share of a DOT-assisted contract.

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GOOD FAITH EFFORTS PROCEDURES (§26.53)

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

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

The following personnel, **Mr. Tom Danheiser, Santa Rosa County Attorney**, and staff, are 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.

**Mr. Tom Danheiser
Santa Rosa County Attorney
6495 Caroline Street, Suite C
Milton, FL 32570
(850) 983-1857
(850) 939-1259 ext. 1857
(850) 983-1856 – Fax
TomD@co.santa-rosa.fl.us**

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))

Santa Rosa County treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit:

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.
6. Evidence of good faith efforts, if the contract goal is not met.

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Administrative reconsideration (26.53(d))

Within **10 days** of being informed by Santa Rosa County/Peter Prince Airport that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

**W.D. "Don" Salter, Chairman
Board of County Commissioners
6495 Caroline Street, Suite M
Milton, FL 32570
(850) 983-1877
(850) 932-1340
(850) 983-1856 – Fax**

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 DOT.

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

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

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

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

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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 Santa Rosa County/Peter Prince Airport 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 ___ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract, (2) a description of the work that each DBE firm will perform, (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, (5) written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4), and (5) if the contract goal is not met, evidence of good faith efforts.

*[Note: When a contract goal is established pursuant to the recipient's DBE program, the sample bid specification can be used to notify bidders/offerors of the requirements to make good faith efforts. The forms found at **Attachment 7** can be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both nonconstruction and construction contracts for which a contract goal has been established. Thus, it can 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.]*

COUNTING DBE PARTICIPATION (§26.55)

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

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SUBPART D – CERTIFICATION STANDARDS

CERTIFICATION PROCESS (§§26.61 – 26.73)

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

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

**Roger Blaylock
County Engineer
Santa Rosa County
Board of County Commissioners Support Services
217 Willing Street
Milton, Florida 32570
Telephone (850) 981-7100
Facsimile (850) 983-2161
e-mail address: rblaylock@co.santa-rosa.fl.us**

Our certification application forms and documentation requirements are found in **Attachment 7** to this program.

SUBPART E – CERTIFICATION PROCEDURES

UNIFIED CERTIFICATION PROGRAMS (§26.81)

The State of Florida has an extensive program for certification. If a DBE firm is certified by the State of Florida, that certification will be accepted by Santa Rosa County and Peter Prince Airport as valid DBE certification. The certification of a firm by other Florida airports will also be accepted as reciprocal.

The Florida DOT has a list, updated quarterly, of approved DBE participants per the requirements of 49 Part 26.81. This information can be obtained via the DOT in Tallahassee or through the Internet at www.osdbuweb.dot.gov. Mr. Roger Blaylock, the DBELO, has, at the time of this writing, not yet participated in the development of The Florida Unified Certification Program. Mr. Blaylock was unaware that such a program exists, and neither he nor his staff has been contacted by the responsible agency. Therefore, Mr. Blaylock, or his staff, will contact the Florida DOT with regards to the Unified Certification Program.

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PROCEDURES FOR CERTIFICATION DECISIONS (§26.83)

Re-certifications 26.83(a) & (c)

We will review the eligibility of DBEs that we certified under former Part 23, to make sure that they will meet the standards of Subpart E of Part 26. We will complete this review no later than three years from the most recent certification date of each firm. One third of the current list will be reviewed within the next year, two thirds will be reviewed within two years, and all current firms will be reviewed within three years.

For firms that we have certified or reviewed and found eligible under Part 26, we will again review their eligibility every five years. These reviews will include the following components: statement of personal net worth, and either a new application (if there exist substantive changes in business ownership, location, etc.) or a statement by the chief officer that no firm information has changed since the last certification. Need for an on-site visit will be determined on a case-by-case basis.

“No Change” Affidavits and Notices of Change (26.83(j))

We require all DBEs to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with a DBE’s application for certification.

We also require all owners of all DBEs we have certified to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of 26.83(j). The text of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [name of DBE]’s application for certification, except for any changes about which you have provided written notice to the [Recipient] under 26.83(j). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm’s previous three fiscal years do not exceed \$16.6 million.

We require DBEs to submit with this affidavit documentation, the firm’s size and gross receipts.

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We will notify all currently certified DBE firms of these obligations by June 1, 2004. This notification will inform DBEs that to submit the “no change” affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. Likewise, if a firm’s owner knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g., personal net worth), the obligation to submit a notice of change applies.

Personal Net Worth

We will require all disadvantaged owners of applicants and of currently certified DBEs whose eligibility under Part 26 we review, to submit a statement of personal net worth, either as part of a continuing recertification process or prior to contract award if not previously certified.

As part of the presumption of disadvantage, an individual owner must submit a signed, notarized statement of personal net worth, with appropriate supporting documentation. However, in determining net worth, an individual’s ownership interest in the applicant firm and the individual’s equity in his or her primary residence should be excluded. **Attachment 5** sets forth the Santa Rosa County/Peter Prince Airport’s personal net worth form, and the accompanying documentation respondents must submit.

DENIALS OF INITIAL REQUESTS FOR CERTIFICATION (§26.85)

If we deny a firm’s application or decertify it, the firm may not reapply until twelve (12) months have passed from our action.

REMOVAL OF A DBE’S ELIGIBILITY (§26.87)

In the event we propose to remove a DBE’s certification, we will follow procedures consistent with §26.87. **Attachment 8** to this program sets forth these procedures in detail. To ensure separation of functions in a decertification, we have determined that Mr. W.D. Salter, Chairman of Board of County Commissioners, will serve as the decision maker in decertification proceedings.

**Mr. W.D. “Don” Salter, Chairman
Board of County Commissioners
6495 Caroline Street, Suite M
Milton, FL 32570
(850) 983-1877
(850) 932-1340
(850) 983-1856 – Fax**

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We have established an administrative “firewall” to ensure that Roger Blaylock, County Engineer, and staff will not have participated in any way in the decertification proceedings against the firm (including in the decision to initiate such a proceeding).

CERTIFICATION APPEALS (§26.89)

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

**Department of Transportation
Office of Civil Rights
Certification Appeals Branch
400 7th Street, SW, Room 2104
Washington, DC 20590**

A copy of appeals sent to the above address must also be sent to the Peter Prince Airport DBELO at the following address:

**Mr. Roger Blaylock
County Engineer
DBE Liaison Officer
Santa Rosa County
Board of County Commissioners Support Services
217 Willing Street
Milton, Florida 32570**

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

SUBPART F – COMPLIANCE AND ENFORCEMENT

INFORMATION, CONFIDENTIALITY, COOPERATION (§26.109)

Information Collection and Reporting

Bidders List:

The Peter Prince Airport and Santa Rosa County will create a bidders list consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculate overall goals. The bidders list will include name, address, DBE/non-DBE status, age, and annual gross receipts of the firms.

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We will collect this information by requiring prime bidders to report the following information for all subcontractor firms included in each bid submission:

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.
3. The dollar amount of the participation of each DBE firm participating.
4. Written documentation of the bidder/offeree's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal.
5. Written confirmation from the DBE that it is participating in the contract provided in the commitment under 4.
6. If the contract is not met, evidence of good faith efforts.

Furthermore, the bidder/offeree shall submit the information with its bid proposal as a condition of responsiveness.

Reporting to DOT

We will report DBE participation to the DOT as follows:

1. For each federally funded project, we will submit Appendices A and B for goal setting purposes.
2. We will also submit DBE data reporting forms for review after bids have been received, prior to each contract award.
3. Final project data reports will also be submitted as part of this section.

Annually, we will submit DOT Form 4630, as modified for use by FAA recipients.

Confidentiality

We will safeguard from disclose to third parties, information that may reasonably be regarded as confidential business information, consistent with federal, state, and local law. Florida law requires disclosure of substantially all written information received by public agency. Notification of disclosure parameters will be made to potential bidders as part of the bidding documents. Bidder must provide written consent for release of information, in order to be considered responsive.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

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. Any authorized

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representative of Peter Prince Airport or the DOT will make these records available for inspection upon request. This reporting requirement also extends to any certified DBE subcontractor.

In addition, we will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

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.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculation
Attachment 5	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 6	Forms 1 & 2 for Demonstration of Good Faith Efforts
Attachment 7	Certification Application Forms
Attachment 8	Procedures for Removal of DBE's Eligibility
Attachment 9	Regulations: 49 CFR Part 26

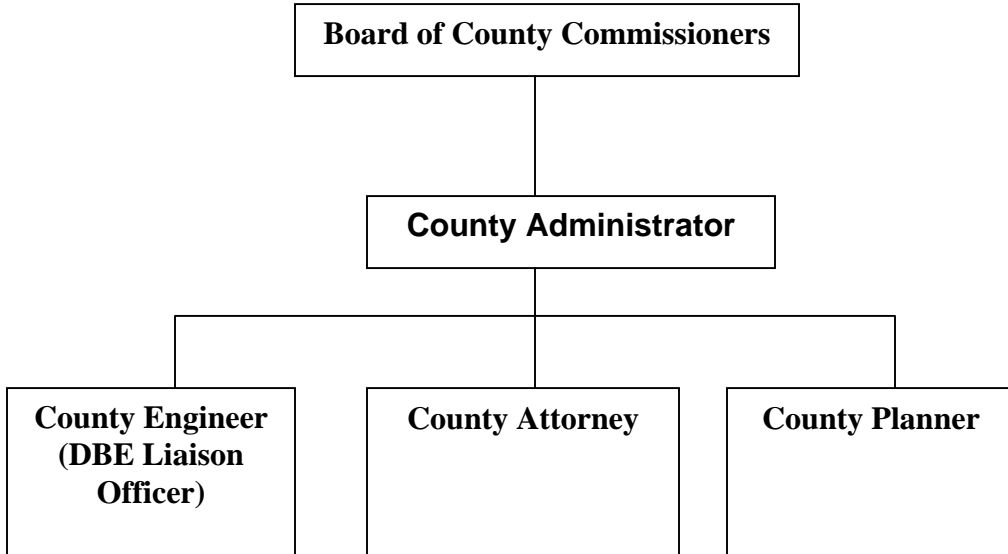
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Attachment 1

Organizational Chart

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Attachment 2

DBE Directory

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DBE Firms

AC Watson Appraisal Co.

949 Jenks Ave Ste 4A
Panama City, FL 32401
Alexis Watson
(850) 785-3971
Non-minority women

Appraisal Services

Champion Contractors, Inc.

P.O. Box 741
Mary Esther, FL 32569
Howard J. Holley
(850) 302-0234
Black

Clearing, Grubbing, Grading, Construction, and Building, etc. (750, 770, 521, 110, 12X, 550, 570, 575, 560, and 190)

Gaines & Sons Striping/Lawncare

P.O. Box 15251
Tallahassee, FL 32317
Willie J. Gaines
(850) 893-4084
Black

Highway Signing, Delineators, Reflective Pavement, Markers, Traffic Maintenance, Miscellaneous Asphalt, etc.
(700, 705, 706, 710, 711, 102, 339, and 520)

Hale Contracting, Inc.

1736 Commerce Blvd
Midway, FL 32343
Christine Hale
(850) 575-2506
Non-minority women

Asphalt Concrete curb, Concrete Gutter, Inlets, Manholes & Junction Boxes, Excavation, and Grading, etc.
(525, 520, 522, 524, 425, 430, 110, 12X, 104, TRK, and 521)

L&B Lawn Service

1723 Jarous Road
Cottondale, FL 32431
Bernard Kent
(850) 638-1913
Black

Mowing and Lawn Care
(MA2 and 987)

Phoenix Lawn & Landscaping Service Inc.
Services

7082 Anglewood Lane
Tallahassee, FL 32308
Kelly Herman
(850) 668-6767
Non-minority female

Mowing and Miscellaneous Construction
(MA2 and 190)

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Non-DBE Firms

MDM Services Inc. of Central Florida Professional Services
370 6 DMG Drive
Lakeland, FL 33811
1-800-899-1794
(863) 648-1106 (Fax)

Jehle Engineering (JEI) Inc. Professional Services
49 East Chase Street
Pensacola, FL 32501
(850) 434-0059
(850) 434-3929 (Fax)

HDR Engineering – Pensacola Professional Services
700 S. Palufox Street
Suite 200
Pensacola, FL 32502-5936
(850) 432-6800

PBS&J – Orlando Professional Services
482 South Keller Road
Orlando, FL 32810-6101
(407) 647-7275
(407) 740-8710

Genesis Group, Inc. Professional Services
2507 Callaway Road
Suite 100
Tallahassee, FL 32303
Mark T. Llewellyn, PE
(850) 224-4400
(850) 681-3600 (Fax)

Barge, Waggoner, Sumner & Cannon Professional Services
2047 W. Main Street
Suite 3
P.O. Box 279
Dothan, AL 36301
Bob Polk, PE
(334) 793-6266
(334) 793-4459 (Fax)

DRMP Professional Services
1515-1 Capital Circle NW
Tallahassee, FL 32303

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(850) 562-9600

Hartman & Associates

Professional Services

HAI Destin
12815 Emerald Coast Parkway
Suite 110
Destin, FL 32541
(850) 837-9278
(850) 837-7269 (Fax)

APAC Florida Inc.

Construction

4101 Maritime Blvd
Tampa, FL
(813) 242-4330

Panhandle Paving & Grading Inc.

Paving and Grading

2665 Solodos Familae
Pensacola, FL 32534
Donald Long
(850) 478-5250
(850) 479-5901

Gulf-Atlantic Constructors, Inc.

Construction Services

650 West Oakfield Road
P.O. Box 6086
Pensacola, FL 32503

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Attachment 3

Monitoring and Enforcement Mechanisms

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Santa Rosa County and Peter Prince Airport have available, several remedies to enforce the DBE requirements contained in their 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 Rule Chapter 14-78, Florida Administrative Code.

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.

The following clause is included as part of the project specifications manuals issued for each DOD-assisted project:

“All bidders, potential contractors, or subcontractors for this DOT-assisted contract are hereby notified that failure to carry out the DOT policy and the DBE obligation, as set forth, shall constitute a breach of contract, which may result in termination of the contract or such other remedy as deemed appropriate by the recipient and the FAA.”

A standard sample contract is included as part of **Attachment 3**. Several contract sections reference required inclusion of DBE-related information, so the entire contract is included for ease of reference.

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CONTRACT

THIS CONTRACT made and entered into this ____ day of _____, 2000, by and between the Santa Rosa County Board of County Commissioners (the "Owner") and _____ (the "Contractor") concerns the project entitled _____

WITNESSETH:

WHEREAS, the Owner has a project entitled _____ and Contractor is qualified to construct said project (the "Project"); and

WHEREAS, the Contractor has submitted the lowest responsible and responsive bid for the Project at _____ and the Owner has awarded the Project to the Contractor; and

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), the mutual promises and covenants contained herein, as well as other good and valuable consideration not specifically mentioned, the parties agree as follows:

1. The Contractor, for and in consideration of the payments hereinafter specified and agreed to be made by the Owner, hereby covenants and agrees to furnish and deliver all materials required, to do and perform all the work and labor, in a satisfactory and workmanlike manner, required to complete the Project within the time specified, in strict and entire conformity with the Plans, Technical Specifications and other Contract documents, on file at the County Engineer's Office, Santa Rosa County, Board of County Commissioners Support Services, 217 Willing Street, Milton, Florida 32570, which are duly approved by the Owner and which said Plans, Specifications and other Contract documents are hereby made part of this Contract as fully and with the same effects as if the same had been set forth at length in the body of this Contract.

2. The Contractor agrees to make payment of all proper charges for labor and materials required in the aforementioned work, and to defend, indemnify and save harmless the Owner and County of Santa Rosa, Florida and all its officers and agents against and from all suits and costs of every kind and description, and from all damages to which the said Owner or any of their officers, agents or servants may be put, by reason of injury or death to persons or injury to property of other resulting from the performance of said work, or through the negligence of the Contractor, or through any improper or defective machinery, implements or appliances used by the Contractor in the aforesaid work, or through any act of omission on the part of the Contractor, or his or her agent or agents, employees or servants.

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3. The Owner hereby agrees to pay to the Contractor for the said work, when fully completed, the total sum of \$_____ (the said sum being the total of the Contractor's bid, a copy of which is attached hereto and made a part hereof for all purposes), subject to such additions and deductions as may be provided for in the Contract Documents. In the event the bid contains multiple pay items, it is understood that the amount to be paid shall be the total based on the unit price, together with lump sum prices, contained in said bid, for the work actually completed.

4. Payments on accounts will be made as provided for in the Contract Documents.

5. The Contractor shall submit bills for fees or other compensation for services or expenses in detail sufficient for a proper pre-audit and post audit thereof.

6. The Contractor shall submit bills for any travel expenses in accordance with §112.061, Florida Statutes, or the travel policy of the Owner, as applicable.

7. The Owner may unilaterally cancel this Contract and the goods and services thereunder in the event that the Contractor fails and refuses to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, made or received by the Contractor in conjunction with this Contract.

8. Any unit of provision of goods and services must be approved in writing by the Owner or its agent prior to payment.

9. The Contract documents provide the criteria and the final date for completion of the Project.

10. This Contract has been executed by the parties prior to the rendering of any goods or services by the Contractor.

11. The Contractor shall provide a payment and performance bond (the "Bond") to the Owner meeting the requirements of §255.05, Florida Statutes, in the sum of \$_____ and shall cause the Bond to be recorded with the Notice of Commencement in the Public Records of Santa Rosa County, Florida.

12. This Contract shall be subordinate to any rule, regulation, order or law of the United States of America, the State of Florida or City of Sanford, Florida.

13. The Owner will use its best efforts to obtain the approval of the State of Florida and the FAA to this contract. If the Owner determinates that the same requires

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modifications in order to qualify for funding for the Project, the Contractor shall consent or the Owner shall have the right to terminate the Contract.

14. The Contractor and its employees shall promptly observe and comply with then applicable provisions of all Federal, State and local laws, rules and regulations which govern or apply to the goods and services rendered by Contractor hereunder, or to the wages paid by Contractor to its employees. Contractors shall require all of its subcontractors to comply with the provisions of this paragraph.

Contractor shall procure and keep in force during the term of this contract all necessary licenses, registrations, certificates, permits and other authorizations as are required by law in order for Contractor to render its services hereunder. Contractor shall require all of its subcontractors to comply with the provisions of this paragraph.

15. All remedies provided in this Contract shall be deemed cumulative and additional and not in lieu of or exclusive of each other or of any other remedy available to any party at law or in equity. In the event one part shall prevail in any action (including appellate proceedings), at law or in equity arising hereunder, the losing party will pay all costs, expense, reasonable attorneys' fees and all other actual and reasonable expenses incurred in the defense and/or prosecution of any legal or arbitration proceedings, including, but not limited to, those for paralegal, investigative and legal support services and actual fees charged by expert witnesses for testimony and analysis, incurred by the prevailing party referable thereto.

16. Contractor represents and warrants unto Owner that no officer, employee or agent of Owner has any interest, either directly or indirectly, in the business of Contractor to be conducted hereunder. Contractor further represents and warrants to Owner that it has not employed or retained any company person, other than a bona fide employee working solely for Contractor, to solicit or secure this Contract, that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from the award or making of this Contract, and that it has not agreed, as an express or implied condition for obtaining this Contract, to employ or retain the services of any firm or person in connection with carrying out this Contract. Contractor assures that it will insert the above provision in each of its subcontractor agreements relating to the services to be performed hereunder.

17. Contractor for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree that (1) in the furnishing of services to Owner hereunder, no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (2) Contractor shall comply with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation,

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Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – effectuation of Title VII of the Civil Rights Act of 1964, as said Regulations may be amended. Should Contractor authorize another person, with Owner’s prior written consent, to provide services to Owner hereunder, Contractor shall obtain from such person a written agreement pursuant to which such person shall, with respect to the services which he or she is authorized to provide, undertake for such person the obligations contained in this section. Contractor shall furnish an original agreement to Owner.

Contractor will provide all information and reports required by said Regulations, or by directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Owner of the United States of America and the State of Florida Department of Transportation to be pertinent to ascertain whether there has been compliance with said Regulations and directives. Where any information required of Contractor is in the exclusive possession of another who ails or refused to furnish this information, Contractor shall so certify to Owner of the United States or the State of Florida, Department of Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information. Contractor shall remain obligated under this paragraph until the expiration of three (3) years after the termination of the Contract. In the event of breach of any of the above nondiscrimination covenants, Owner shall have the right to impose such contract sanctions as it or the United States or State of Florida Department of Transportation or other applicable government entity may determine to be appropriate, including withholding payments to Contractor under this Contract or canceling, terminating, or suspending this Contract in whole or in part. The rights granted to Owner by the foregoing sentence shall not be effective until the procedures of Title 49, Code of Federal Regulations, Part 21 are followed and completed, including exercise or expiration of appeal rights.

Further, Contractor assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to insure that no person shall on the grounds of race, religion, creed, color, national origin or sex be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. Such activities shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor assures that no person shall be excluded on these grounds from participating in or receiving the services of any program or activity covered by this subpart. Contractor assures that it shall not discriminate on the grounds of race, color, religion, sex or national origin in the selection or retention of subcontractors. Contractor assures that it will require that its covered subcontractors provide assurances to Contractor that they similarly require assurances from their subcontractors, as required by CFR Part 152, Subpart E, to the same effect.

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Owner may, from time to time, adopt additional or amended and nondiscrimination provisions concerning the furnishing of services to the Airport, and Contractor agrees that it will adopt any such requirements as a part of this Contract.

18. It is the policy of the Owner and the United States or State of Florida Department of Transportation that disadvantaged business enterprises, as defined in the Owner's Disadvantaged Business Enterprises ("DBE") Participation Policy for services as defined in 49 CFR Part 26 shall have equal opportunity to participate in the performance of services contracts awarded by the Owner, including, but not limited to, contracts financed in whole or in part with federal or State funds under this Contract. Consequently, the requirements of the Owner's DBE Participation Policy apply to this Contract.

The Contractor agrees to ensure that DBE/MWBE firms shall have the maximum opportunity to participate in the performance of contracts for subcontractor services, including, but not limited to, those projects financed in whole or in part with federal or state funds provided under this Contract. In this regard, the Contractor and all subcontractors shall take all necessary and reasonable steps in accordance with the Owner's DBE/MWBE Participation Policies to ensure that DBE/MWBE firms have the maximum opportunity to compete for and perform contracts. The Contractor and any subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of Owner contracts.

19. Government Agencies Which are not Parties. Neither the Federal Aviation Administration nor the Florida Department of Transportation has nor will they incur any obligations to Contractor under this Contract.

20. Headings. The headings of the sections of this Contract are for the purpose of convenience only and shall not be deemed to expand or limit the provisions contained in such sections.

21. Entire Agreement. This Contract, including all Contract documents, constitute the entire agreement between the parties and shall supersede and replace all prior agreements or understandings, written or oral, relating to the matters set forth herein.

22. Amendment. This Contract shall not be amended or modified other than in writing signed by the parties hereto. Notwithstanding the foregoing, any Amendments that are not being paid for, in whole or in part, with funds granted by the United States or State of Florida Department of Transportation need not be approved by them.

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23. Validity. The validity, interpretation, construction and effect of this Contract shall be in accordance with and be governed by the laws of the State of Florida. In the event any provision hereof shall be finally determined to be unenforceable, or invalid, such unenforceability or invalidity shall not affect the remaining provisions of this Contract which shall remain in full force and effect.

24. Public Entity Crimes. Pursuant to Section 287.133(2)(a), Florida Statutes, a Contractor who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on contract to provide services for a public entity, may not be awarded a Contract and may not transact business with a public entity for services, the value of which exceeds \$15,000.00 for a period of 36 months from the date of being placed on the convicted vendor list. Contractor hereby represents that it does not fall within the class of persons identified in the previous sentence such that Contractor would be precluded from entering this Contract.

25. All Construction Contracts over \$2,000.

1. Davis – Bacon Requirements. These contracts need to include a provision for compliance with the Davis – Bacon Act (40 USC 276a to 1 – 7) and the Department of Labor implementing regulations (29 CFR Part 5). Under this Act, contractors are required to include the contract provisions in Section 5.5(a) of 29 CFR Part 5, and to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in the wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than the minimum wages specified in the wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The sponsor shall place a copy of the current prevailing wage determination in each solicitation, and the award of a contract shall be conditioned upon the acceptance of the wage determination. The sponsor shall report all suspected or reported violations to the FAA. (AC 150/5100 – 6 contains detailed guidance in this area along with the appropriate clauses.)
2. Contract Work Hours and Safety Standards Act Requirements. The contracts must include a provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by the Department of Labor regulations (29 CFR Part 5). Under Section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at a rate not less than one times the basic rate of pay for all hours worked in excess

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of 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies, materials, or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence. Appropriate clauses can be found in AC 150/5100-6, Appendix 2.

3. Copeland “Anti – Kickback” Act Requirements. All construction contracts over 2,000 must include a provision for compliance with the Copeland “Anti – Kickback” Act (18 U.S.C. 374) as supplemented in Department of Labor regulations (29 CFR Part 3). This act provides that each contractor shall be prohibited from inducing, by any means, persons employed in the construction, completion, or repair of public work to give up any part of their compensation. The sponsor must report all suspected or reported violations to the FAA. The appropriate provision can be found in AC 150/5100 – 6, Appendix 6.

26. Breach of Contract Terms – Sanctions (All Contracts)

Any violation or breach of the terms of this Contract of the part of the Contractor or subcontractor may result in the suspension or termination of this Contract or such other action, which may be necessary to enforce the rights of the parties of this agreement.

27. Rights to Inventions (All Contracts)

All rights to inventions and materials generated under this contract are subject to regulations issued by the FAA and the Owner of the Federal grant under which this contract is executed. Information regarding these rights is available from FAA and the Owner.

28. Trade Restriction Clauses to be Included in all Solicitations, Contracts, and Subcontracts

The Contractor or Subcontractor, by submission of an offer and/or execution of a Contract, certifies that it:

- a. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (USTR);

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b. has not knowingly earned into any contract or subcontract for this project with a person that is a citizen or national of a foreign country on said list, or is owned or controlled directly or indirectly by one or more citizens or nationals of a foreign country on said list;

c. has not procured any product nor subcontracted for the supply of any product for use on the project that is produced in a foreign country on said list.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to a contractor or subcontractor who is unable to certify to the above. If the Contractor knowingly procures or subcontracts for the supply of any product or services of a foreign country on said list for use on the project, the Federal Aviation Administration may direct through the Owner cancellation of the contract at no cost to the Government.

Further, the Contractor agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in each contract and in all lower tier subcontracts. The contractor may rely on the certification of a prospective subcontractor unless it has knowledge that the certification is erroneous.

The Contractor shall provide immediate written notice to the sponsor if the contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The subcontractor agrees to provide written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.

This certification is a material representation of fact upon which reliance was placed when making the award. If it is later determined that the Contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration may direct through the Owner cancellation of the Contract or subcontract for default at no cost to the Government.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. This knowledge and information of a Contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, factitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

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29. Termination of Contract (All Contracts in Excess of \$10,000)

a) The Owner may, by written notice, terminate this Contract in whole or in part at any time, either for the Owner's convenience or because of failure to fulfill the Contract obligations. Upon receipt of such notice, services shall be immediately discontinued (unless the notice directs otherwise) and all materials as may have been accumulated in performance of this Contract, whether completed or in process, shall be delivered to the Owner.

b) If the termination is for the convenience of the Owner, an equitable adjustment in the Contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.

c) If the termination is due to failure to fulfill the contractor's obligations, the Owner may take over the work and prosecute the same to completion by contract or otherwise. In such case, the Contractor shall be liable to the Owner for any additional cost occasioned to the Sponsor thereby.

d) If, after notice of termination for failure to fulfill Contract obligations, it is determined that the Contractor had not failed, the termination shall be deemed to have been effected for the convenience of the Owner. In such event, adjustment in the Contract price shall be made as provided in paragraph 2 of this clause.

e) The rights and remedies of the Owner provided in this clause are in addition to any other rights and remedies provided by law or under this Contract.

30. Suspension and Debarment Requirements for all Contracts over \$25,000 (and for all Contracts for Auditing Services Regardless of the Amount).

The bidder/offeror certifies, by submission of this proposal or acceptance of this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transaction, solicitations, proposals, contracts, and subcontracts. Where the bidder/offeror/contractor or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

31. Veteran's Preference (All Construction Contracts).

In the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to veterans of the Vietnam-era and disabled veterans.

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However, this preference may be given only where the individuals are available and qualified to perform the work to which the employment relates.

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Attachment 4

Section 26.45: Overall Goal Calculation

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I. Amount of Goal

Santa Rosa County herewith proposes a DBE participation goal of **12.42%** for the Peter Prince Airport. It is the intent of Santa Rosa County to attain this goal through a Race-Neutral Program.

- *Race-Neutral* measures or programs are those that are used to assist all small businesses, and includes gender-neutrality.
- *Race-Conscious* programs or measures are those that are specifically focused on assisting only DBE firms, including women-owned DBE firms.

Given the amount of DOT-assisted contracts that Santa Rosa County expects to let during this fiscal year/project (FY 2005), which is **\$929,128.76**, we have set a goal of expending approximately **\$115,366.36** with DBE during this fiscal year/project.

We estimate that, in meeting our overall goal of **12.42%**, we will obtain approximately **0%** from race neutral participation and **12.42%** through race conscious measures based upon past participation in similar projects. (See Appendix V, Race Conscious and Race Neutral Breakout Participation.) Therefore, based upon the goal of **\$115,366.36**, Santa Rosa County expects to expend **\$0.00** in race-neutral participation and **\$115,366.36** in race-conscious participation.

II. Methodology used to Calculate Overall Goal

A. Normal Market Area:

- Definition: A Normal Market Area is defined as an area or combination of areas where at least 70/75% of all historical contract dollars for similar projects, as well as DBE contractors/subcontractors and non-DBE contractors/subcontractors, are located.
- The majority of firms, both DBE and Non-DBE contractors and subcontractors, that Santa Rosa County used on similar past projects are listed in **Table 1, Normal Market Area:**

**Table1
Normal Market Area - Firms
FY 1989/1990**

Location (County)	DBE Firms	Non-DBE Firms	Total Firms per Area	Percentage per Location
Santa Rosa	2	0	2	12%
Leon	2	2	4	24%
Bay	1	0	1	6%
Escambia	0	4	4	24%
Okaloosa	1	1	2	12%
Hillsborough	0	1	1	6%
Orange	0	1	1	6%
Polk	0	1	1	6%
State of Alabama	0	1	1	6%
Total	6	11	17	100%

*Note: DBE firms and non-DBE firms include all bidders on contracts from 1989-2000
Source: Santa Rosa County Bidder's List*

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- **Table 2, Majority of Contracting Dollars Spent**, denotes where the majority of the contracting dollars was spent during 1989/90.

**Table 2
Majority of Contracting Dollars
Spent**

Location (County)	Fiscal Year	Total Dollars Spent	Percentage of Funding
Santa Rosa	89/90	\$ 31,200.00	5.97%
Leon	89/90	\$173,790.00	33.27%
Bay	89/90	\$ 35,000.00	6.70%
Escambia	89/90	\$135,550.00	25.95%
Okaloosa	89/90	\$ 61,060.00	11.69%
Hillsborough	89/90	\$ 32,205.00	6.17%
Orange	89/90	\$ 36,000.00	6.89%
Polk	89/90	\$ 7,500.00	1.44%
Alabama	89/90	10,000	1.91%
Total	89/90	\$522,305.00	100.00%

Source: Santa Rosa County contract Information from Fiscal Year 1989/90

B. Current Year Projects:

The current year projects at Peter Prince Airport for fiscal year 2005 are listed in **Table 3, Peter Prince Airport, Current Projects**.

**Table 3
Peter Prince Airport
Current Projects
Fiscal Year 2005**

Fiscal Year	Name of Project	Type of Project	Estimated Dollar Amount
2005	T-Hangar Taxiway Construction	Construction	\$343,961.88
2005	Taxiway B Hold Bay Construction	Construction	\$233,910.00
2005	Taxiway A Hold Bay Construction	Construction	\$229,818.75
2005	Taxiway A Widening	Construction	\$121,438.13
		TOTAL	\$929,128.76

Source: Santa Rosa County Engineers Office

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C. Percentage Breakout by NAICS Codes:

The percentage breakout was shown as evaluation of available contractors and subcontractors ready, willing and able and within the required work areas, to assist in development of the anticipated DBE goal for Santa Rosa County for FY 2005.

Information on ready, willing, and able contractors for each type of service was obtained from the US Census Bureau, 2001 County Business Patterns (www.census.gov), for each individual area/county as well as the Santa Rosa County Bidder's list. A copy of this information was not included within this document since this information can be easily accessed via the Internet.

Disadvantaged Business Enterprise information for each individual area/county was obtained from the Florida Department of Transportation DBE Directory for January 2004 as well as the Santa Rosa County Bidder's List. These sources provided the most up-to-date information on ready, willing, and able DBE contractors and subcontractors for the type of work planned in FY 2005 at the Airport. Again, these documents were not included since they are readily accessible over the Internet.

**Table 4
Available Contractors and DBEs
Within the Normal Market Area
Fiscal Year 2005**

Type of Service	NAICS Codes	Estimated Contractors*	Estimated DBEs*	Total Projected Dollars to be Spent
Professional/Consultant Services:				
Civil Engineering Services (941)	54133	227	4	\$ 183,030.45
Construction:				
Asphalt Paving	23799	93	2	\$ 76,725.51
Earthwork	23891	68	5	\$ 73,135.37
Fencing	NA	48	2	\$ 44,260.29
Guardrail	NA	26	1	\$ 23,573.05
Landscape/Grassing	56173	216	4	\$ 175,094.50
Traffic Control	NA	47	1	\$ 38,723.48
Electrical Wiring	23821	112	1	\$ 85,617.68
Underground Utility Installation	NA	32	0	\$ 23,086.38
Materials Supply (220)	44419	183	2	\$ 141,655.95
Trucking (TRK)	48411	69	3	\$ 64,226.09
TOTAL		1121	25	\$ 929,128.76

Source: Santa Rosa County Bidders List, Florida Department of Transportation Disadvantaged Business Enterprise Directory, and US Government Census Bureau Information.

Note: Breakdown of estimated dollars spent on each service is based upon a percentage, thus, there is likely a mathematical discrepancy in the total sum when adding each individual service.

Note: DBE participation is based upon the type of projects, which are anticipated to begin in fiscal year 2005.

Note: >70% of contracts go to the following counties: Santa Rosa, Escambia, Leon and Okaloosa; thus, the majority of DBE and Contractor participation will come from those areas.

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**Table 5
Available DBE and Non-DBE Contractors by County
FISCAL YEAR 2005**

Type of Service	NAICS Codes	DBE Contractors					Non-DBE Contractors				
		Santa Rosa County	Escambia	Leon	Okaloosa	Estimated DBE Contractors	Santa Rosa County	Escambia	Leon	Okaloosa	Estimated Non-DBE Contractors
Asphalt Paving	23799	0	1	0	1	2	10	24	36	21	93
Earthwork	23891	0	1	4	0	5	23	20	15	5	68
Fencing	2349	0	0	2	0	2	5	16	18	7	48
Guardrail	2359	0	0	1	0	1	6	9	4	6	26
Landscape/Grassing	23899	0	1	3	0	4	17	65	80	50	216
Traffic Control	23599	0	1	0	0	1	6	17	15	8	47
Trucking	4841	0	1	2	0	3	60	2	3	1	69
Materials Supply	42184	0	1	1	0	2	8	53	59	61	183
Engineering Consultant Services	5413	1	0	3	0	4	28	57	73	69	227
Electrical Wiring	23821	0	1	0	0	1	0	49	51	48	112
Underground Utility Installation	23711	0	0	0	0	0	0	6	5	4	32
TOTAL		1	7	16	1	25	163	318	359	280	1121

Sources: U.S. Government Census Data from 2001, and Florida Department of Transportation Directory, January 2004

Step 1: Determination of Base Figure for Relative Availability of DBEs (§26.45(c))

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

$$\text{Base Figure} = \frac{\text{Ready, Willing, and Able DBEs}}{\text{All Firms Ready, Willing, and Able}} \times 100\%$$

1. The data source or demonstrable evidence used to derive the numerator was determined using the following data:

- a. Santa Rosa County Bidder's List
- b. FDOT DBE Directory Information, January 2004
- c. Vendor Data

The numerator is composed of the number of DBE contractors and subcontractors ready, willing, and able to participate in the type of DOT assisted contracts anticipated for FY 2005 for Peter Prince Airport.

Therefore, as shown in **Table 4, Available DBE and Non-DBE Contractors within the Normal Market Area**, it was determined that the total number of ready, willing, and able DBEs is **25** based upon the anticipated type of projects for **FY 2005**.

2. The data source or demonstrable evidence used to derive the denominator was based upon the Census Bureau's County Business Pattern (CBP) database.

The denominator consists of the total number of contractors and subcontractors in Escambia, Leon, Okaloosa, and Santa Rosa counties (Normal Market Area) that are ready, willing, and able to participate in the type of DOT assisted contracts anticipated for FY 2005 for Peter Prince Airport.

Using the US Census Bureau's County Business Pattern (CBP) database, it was determined that the number of all ready, willing, and able businesses available in our market that perform work in the same NAICS codes, were approximately **1121**. Refer to **Table 5, Available DBE and Non-DBE Contractors by County**.

When we divided the numerator by the denominator, we arrived at the base figure for our overall goal. That number is **2%**.

$$\begin{aligned} \text{Base figure} &= \frac{25}{1121} \times 100\% \\ \text{Base figure} &= 2\% \end{aligned}$$

b. *Weighted Base Figure Calculation:*

Whenever possible, project weighting is recommended to help ensure that Step One Base Figure calculation is as accurate as possible in order to provide the most accurate goal calculation. The methodology involved requires the breakdown of expected work into the most refined categories of contractors available in order to determine the goal based upon the type of work to be performed.

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Thus, in order to ensure that the base figure is as accurate as possible, the anticipated projects for FY 2005 at Peter Prince Airport were evaluated on a weighted basis, based upon the type of DBE and non-DBE firms needed to complete the project.

$$\text{Base Figure} = \frac{\% \text{ of } \$(\# \text{DBE in NAICS})}{(\# \text{ All Firms in NAICS})} + \frac{\% \text{ of } \$(\# \text{DBE in 2}^{\text{nd}} \text{ NAICS}) + \text{etc}}{(\# \text{ All Firms in NAICS})} \times 100\%$$

Planned projects for FY 2005 include:

1. T-Hangar Taxiway construction
2. Taxiway B Hold Bay Construction
3. Taxiway A Hold Bay Construction
4. Taxiway A Widening

The sum of the proposed projects for FY 2005 was determined since there are limited (<100 minority owned) DBE contractors located within the local market area. As a result, the following was determined:

1. T-Hangar Taxiway Construction:

Base Case = (.25) Asphalt Paving DBE+ (.20) Earthwork DBE+ (.05) Fencing DBE + (.05) Traffic Control DBE+ (.05) Trucking DBE + (.10) Material Supply DBE + (.10) Engineering Consultant DBE+ (.08) Electrical Wiring DBE + (.07) Underground Utilities DBE/(.25) Asphalt Paving + (.20) Earthwork + (.05) Fencing + (.05) Traffic Control + (.05) Trucking + (.10) Material Supply + (.10) Engineering Consultant + (.08) Electrical Wiring + (.07) Underground Utilities

$$\text{Base Case} = 2.68/108.05 \times 100\%$$

Base Case = 2.48%

2. Taxiway B Hold Bay Construction:

Base Case = (.25) Asphalt Paving DBE+ (.20) Earthwork DBE+ (.05) Fencing DBE + (.08) Landscaping DBE + (.05) Traffic Control DBE+ (.10) Trucking DBE + (.15) Material Supply DBE + (.12) Engineering Consultant DBE/(.25) Asphalt Paving + (.20) Earthwork + (.05) Fencing + (.08) Landscaping + (.05) Traffic Control + (.10) Trucking + (.15) Material Supply + (.12) Engineering Consultant

$$\text{Base Case} = 3.05/120.47 \times 100\%$$

Base Case = 2.53%

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3. Taxiway A Hold Bay Construction:

Base Case = (.25) Asphalt Paving DBE+ (.20) Earthwork DBE+ (.05) Fencing DBE + (.08) Landscaping DBE + (.05) Traffic Control DBE+ (.10) Trucking DBE + (.15) Material Supply DBE + (.12) Engineering Consultant DBE/(.25)Asphalt Paving + (.20) Earthwork + (.05) Fencing + (.08) Landscaping + (.05) Traffic Control + (.10) Trucking + (.15) Material Supply + (.12) Engineering Consultant

Base Case = $3.05/120.47 \times 100\%$

Base Case = 2.53%

4. Taxiway A Widening

Base Case = (.25)Asphalt Paving DBE+ (.25) Earthwork DBE+ (.05)Fencing DBE + (.08) Landscaping DBE + (.05) Traffic Control DBE+ (.10) Trucking DBE + (.10) Material Supply DBE + (.12) Engineering Consultant DBE/(.25) Asphalt Paving + (.25) Earthwork + (.05) Fencing + (.08) Landscaping + (.05) Traffic Control + (.10) Trucking + (.10) Material Supply + (.12) Engineering Consultant

Base Case = $3.2/114.72 \times 100\%$

Base Case = 2.79%

Step 2: Weighted DBE Base Goal:

A sum of the four projects is taken in order to provide an accurate DBE goal based upon contractors within the local market area. As a result, the base DBE goal for Fiscal Year 2005 was determined to be **10.33%**.

Weighted Base = T-Hangar Construction + Twy B Hold Bay + Twy A Hold Bay + Twy A Widening

Weighted Base = 2.48% + 2.53% + 2.53% + 2.79%

Weighted Base = 10.33%

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Step 2: Adjustment of Base Figure (§26.45(d))

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

Adjustment to the base figure is required as a result of the limited number of minority owned businesses in the local market area. As a result, a combination of historical and base figure information was used to determine the probable DBE requirements for Peter Prince Airport.

The reason we chose to adjust our figure using this data was based of the following:

Adjustment to the base figure is required as a result of the limited number of minority owned businesses in the local market area. As a result, a combination of historical and base figure results was used to determine a probable DBE requirement in the absence of discrimination for Santa Rosa County in regards to Peter Prince Airport.

We have summarized information about barriers to entry or competitiveness of DBEs in our programs from the following sources:

1. *DBE Directory/Census Bureau - County Business Pattern Data*
2. *DBEs from Local Bidders List/All Firms from Local Bidders List*
3. *Data from Disparity Study (-ies) as a percentage participation*
4. *Goals of a Substantially Similar Agency*
5. *Alternative Method (DEFINE): Historical DBE Program Analysis*

Determination of potential DBE past participation for Peter Prince Airport was based upon actual DBE participation for FY 1989/90. Since Peter Prince Airport (formerly referred to as Milton T Airport) has not received federal monies in excess of \$250,000 since fiscal year 1990, then the County was never required to develop an annual DBE goal for FYs 1990 through 2004.

A weighted average has historically provided a more accurate determination of fiscal year DBE participation. As a result, a weighted average of **10.33%** was used. Please refer to **Step 1b, Weighted DBE Analysis**, on Page 5 of this report.

We chose **not** to use disparity studies or other area information because of the following:

Currently, no recent (after 1995) disparity studies have been performed for the Northwest Florida (Panhandle) region. However, based upon recent studies conducted in Orlando and Jacksonville, it is likely that a "local-only" approach will not only benefit the minority workforce but will also provide majority contractors a pool of talent to choose from and allow minority companies a greater opportunity to grow out of dependency on minority set-aside programs.

Major contractors on past and on-going projects at the Peter Prince Airport have attempted to use local DBE contractors as much as possible based upon the level of experience and expertise related to the type of work needed. In the past, the Airport has used only contractors and sub-contractors located within the State of Florida. Further, contractors with their home offices located outside of Santa Rosa County often have a local presence or office within the normal market area.

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Santa Rosa County has typically hired contractors that use both local DBE and non-DBE firms to perform work for the county. As a result, it appears that this practice will not change, and, therefore, using past participation to adjust the base DBE goal for fiscal year 2005 appears to provide the most accurate goal assessment for the county.

From this data, we have adjusted our base figure to: 12.42%

From this data, we have adjusted our base percentage using historically similar project DBE goals as the weighted averages of these projects in order to obtain a more realistic DBE participation value based upon the type of projects and local market area.

1. *Determination of Median Historic Goal:*

Our history of DBE achievements was **14.5%** (based upon the median actual DBE goal for the years 1989/90 as shown in **Table 6**), and, based upon County Business Patterns for the local market area (Escambia, Leon, Okaloosa, and Santa Rosa Counties), confirmed that the number of available DBEs that could perform the anticipated work for Peter Prince Airport for Fiscal Year 2005 is **25**.

**Table 6
Historical DBE Participation
FY 1989 and 2005**

Fiscal Year	Projects	Anticipated Goal	Actual Goal	Difference	Race Neutral Over/Under*
FY 1990	Construct and Mark Taxiway and Apron	14.5%	14.5%	0%	0%

*Note: Race Neutral Over/Under is based upon median anticipated goal minus actual goal.
Source: Santa Rosa County Goal and Actual Disadvantaged Business Enterprise Analysis, FY 1989/90, PBS&J 2004.*

2. *Final Adjustment of Base DBE Goal for FY 2005*

Based upon the adjustment of like projects, the final DBE goal for Fiscal Year 2005 is the average of the weighted DBE Goal for the planned projects and the historic median actual DBE Goal was determined as follows:

Adjusted DBE Goal = Weighted DBE Base + Historic Actual Median Goal

Adjusted DBE Goal = (10.33% + 14.5%)/2 = 12.42%

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3. *DBE Participation expressed as percentage of funding:*

**TABLE 7
2005 PROJECT COST AND AIP ELIGIBLE FUNDING**

Project	Engineer's Estimates of Total Cost	2005 AIP Funding	AIP Funding Percentage
T-Hangar Access Taxiways	\$343,961.88	\$ 292,367.60	85%
Taxiway B Hold Bays	\$233,910.00	\$ 198,823.50	85%
Taxiway A Hold Bays	\$229,818.75	\$ 195,345.94	85%
Taxiway A Widening	\$121,438.13	\$ 103,222.41	85%

**TABLE 8
2005 DBE PERCENT OF AIP ELIGIBLE WORK**

Projects	2004 AIP Funding	Minimum Funding Available for DBEs*	DBE Percentage of AIP Eligible Work
T-Hangar Access Taxiways	\$ 292,367.60	\$ 42,708.43	15%
Taxiway B Hold Bays	\$ 198,823.50	\$ 29,043.71	15%
Taxiway A Hold Bays	\$ 195,345.94	\$ 28,535.71	15%
Taxiway A Widening	\$ 103,222.41	\$ 15,078.51	15%

** Note: Minimum Funding Available for DBEs is based upon Total Project Cost x 12.42% DBE Goal for 2005*

**TABLE 9
ESTIMATED BREAKDOWN OF FUNDING
BY TYPE OF SERVICE**

Type of Service	Non-DBE Contractors			DBE Contractors			Total Projected Dollars to be Spent
	Estimated Contractors*	Percentage of Total	Estimated Dollars to Be Spent	Estimated DBEs*	Percentage of Total	Estimated Dollars to Be Spent	
Professional/ Consultant Services:							
Civil Engineering Services (941)	227	20%	\$164,785.07	4	16%	\$18,458.62	\$183,243.69
Construction:							
Asphalt Paving	93	8%	\$67,511.06	2	8%	\$9,229.31	\$76,740.37
Earthwork	68	6%	\$49,362.93	5	20%	\$23,073.27	\$72,436.20
Fencing	48	4%	\$34,844.42	2	8%	\$9,229.31	\$44,073.73
Guardrail	26	2%	\$18,874.06	1	4%	\$4,614.65	\$23,488.72
Landscape/Grassing	216	19%	\$156,799.89	4	16%	\$18,458.62	\$175,258.51
Traffic Control	47	4%	\$34,118.49	1	4%	\$4,614.65	\$38,733.15
Electrical Wiring	112	10%	\$81,303.65	1	4%	\$4,614.65	\$85,918.30
Underground Utility Installation	32	3%	\$23,229.61	0	0%	\$ -	\$23,229.61
Materials Supply (220)	183	16%	\$132,844.35	2	8%	\$9,229.31	\$142,073.66
Trucking (TRK)	69	6%	\$50,088.85	3	12%	\$13,843.96	\$63,932.82
TOTAL	1121	100%	\$813,762.40	25	100%	\$115,366.36	\$929,128.76

Source: PBS&J 2004 and Santa Rosa County AIP Funding

Step 3: Statement of Overall Goal

From this data, we have adjusted our base percentage to the following: **12.42%**.

Adjustment to Step 1 does reflect as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Limited historical data revealed a DBE goal of 14.5%. Yet under the base evaluation of available DBEs in the local area (see Step 1), it was determined that approximately 2% of DBEs, based upon FY 2005 projects, are located within the immediate market area.

However, in order to obtain the most accurate analysis, a weighted average was used, which resulted in an approximate DBE Goal Percentage of 10.33%. From this data, we adjusted our base percentage by averaging historical and weighted data in order to obtain a more realistic DBE participation value for the type of work anticipated to occur in FY 2005. As a result, the **FY 2005 DBE goal** for Peter Prince Airport was determined to be **12.42%**.

III. Public Participation Process

In accordance with Section 26.45(f), Santa Rosa County will submit its overall goal to FAA/DOT on August 1 of each year. Santa Rosa County, in establishing an overall goal has provided for public participation. This participation included:

1. Consultation with minority, women's, and general contractor groups; community organizations; and other officials and organizations which provided information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and our efforts to establish a level playing field for the participation of DBEs. The list of organizations which the county contacted is listed in **Table 10**, *Santa Rosa County Community Organizations*.

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**TABLE 10
SANTA ROSA COUNTY COMMUNITY ORGANIZATIONS
FY 2005**

Type of Organization	Name of Organization	Contact Information
Business/Community Organization	TEAM Santa Rosa Economic Development Council	6491 Caroline Street, Suite 4 Milton, FL 32570 (850) 623-0174 (850) 623-5932 Contact: Ms. Pat Lockhart
Business/Community Organization	West Florida Regional Planning Council	Post Office Box 9759 Pensacola, FL 32513-9759 (850) 595-8910 Contact: Ms. Mary Robinson
Business/Community Organization	Santa Rosa Chamber of Commerce	5247 Stewart Street Milton, FL 32570 (850) 623-2339 Contact: Ms. Donna Tucker, Executive Director
Business/Community Organization	University of West Florida Small Business Development Center	401 E. Chase Street, Suite 100 Pensacola, FL 32502 (850) 473-7830 Contact: Mr. D. Cavanaugh
Business/Community Organization	Better Business Bureau of Northwest Florida	Post Office Box 1511 912 E. Gadsden Street Pensacola, FL 32591-1511 (850) 429-0002 (850) 429-0006 Contact: Mr. Henry Franks
Minority/Women's Organization	Women's Business Center of Emerald Coast Inc.	7100 Plantation Road, Suite 4 Pensacola, FL 32504 (850) 475-0116 (850) 484-3697 Contact: Ms. Rosemary Fraser

Source: Santa Rosa County Administration

Based upon discussions with disadvantaged and non-disadvantaged businesses in the local area, as well as community organizations and FDOT, the two largest problems facing DBE and non-DBE businesses are bonding and competition from out-of-town companies associated with minority set-aside programs. Bonding issues stem from small businesses not having the equity on hand to obtain sufficient bonds, lines of credit, or insurance to meet the requirements of the advertised job.

Another issue, as mentioned, is increased competition outside the local area. DBE and non-DBE contractors in the local area feel that out-of-town companies take local funding dollars home to other markets. As a result, the proposed development does not benefit the local community. Even though there is a shallow pool of locally based, qualified minority contractors, incentives should be put into place in order to allow small businesses to participate in local projects and, thereby, continue to prosper. No recent

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(after 1995) disparity studies have been performed for the Northwest Florida Region. However, based upon the recent disparity studies conducted in Orlando and Jacksonville, it is likely that a "local-only" approach will not only benefit the minority workforce but will also provide majority contractors a deeper pool of talent to choose from and allow minority companies a greater opportunity to grow out of dependency on minority set-aside programs.

2. A published notice announcing our proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for **30 days** following the date of the notice, and informing the public that we will accept comments on the goals for **45 days** from the date of the notice. The notice will include addresses to which comments may be sent, and it will be published in general circulation media and available minority-focused media and trade association publications.

Santa Rosa County will and has, placed a public notice in the legal sections of local newspapers and trade journals (*Northwest Daily News*, *Pensacola News Journal*, *Gulf Newspaper*, and *AAAE Airport Report*) as well as held public kickoff meetings associated with specific projects in order to receive public comments.

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

We received comments from these individuals or organizations:

To Be Determined

Summaries of these comments are as follows:

To Be Determined

Our responses to these comments are:

To Be Determined

Santa Rosa County will begin using the stated overall goal on October 1 of each year, unless we have received other instructions from DOT or FAA. If the goal is established on a project basis, we will be using our goal by the time of the first solicitation for a FAA/DOT-assisted contract on the project.

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Attachment 5

Section 26.51: Breakout of **Estimated** **Race-Neutral & Race Conscious** **Participation**

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Santa Rosa County and Peter Prince Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The county and Airport use the following race-neutral means to increase DBE participation:

Santa Rosa County will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. Santa Rosa County uses the following race-neutral means to increase DBE participation:

Race-neutral means include, but is not limited to the following (ref.: 26.51(b)):

1. *Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation. For example, this could include unbundling large contracts to make them more accessible to small businesses, or requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform on their own.*
2. *Providing assistance in overcoming limitations such as the inability to obtain bonding or financing. For example, this could include such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, or providing services to help DBEs and other small businesses obtain bonding and financing.*
3. *Providing technical assistance and other services.*
4. *Carrying out information and communications programs on contracting procedures and specific contract opportunities. For example, this could include ensuring 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, provision of information in languages other than English, where appropriate.*
5. *Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting responsibility.*
6. *Providing services to help DBEs and other small businesses improve long-term development, increasing opportunities to participate in a variety of kinds of work, handling increasingly significant projects, and achieving eventual self-sufficiency.*
7. *Establishing a program to assist new start-up firms, particularly in fields in which DBE participation has been historically low.*
8. *Ensuring distribution of your DBE directory through print and electronic means to the widest feasible universe of potential prime contractors.*
9. *Assisting DBEs and other small businesses to develop their capability to utilize emerging technology and conduct business through electronic media.*
10. *Other: _____.*

If we must rely on contract goals to meet some portion of our overall goal, then such goals will be submitted to the DOT for approval before issuing a contract solicitation.

We will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race-conscious participation separately.

For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract a DBE obtains 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.
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

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In order to meet the maximum feasible portion of the overall goal using race/gender-neutral means of facilitating DBE participation, the following considerations were evaluated.

We estimate that, in meeting our overall goal of 12.42%, we will obtain 0% from race-neutral participation and 12.42% through race-conscious measures.

The basis of our estimated breakout of race-neutral and race-conscious DBE participation was derived from the following:

- Private sector MBE/WBE participation.*
- DBE participation in local procurement programs in which there are no DBE contract goals.*
- Extent of race-neutral business assistance efforts (as checked in preceding section, or as detailed, following: _____).*

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures, DBE participation through a subcontract on a prime contract that does not carry 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.

We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

If we must rely on contract goals to meet some portion of our overall goal, then such goals will be submitted to the DOT for approval before issuing a contract solicitation.

In order to meet the maximum feasible portion of the overall goal using race/gender-neutral means of facilitating DBE participation, the following considerations were evaluated.

1. The Amount by which Santa Rosa County exceeded past goals

The amount by which Santa Rosa County exceeded overall goals in past years is useful in determining the race/gender neutral participation in the future. Based upon the historical goal participation for the Fiscal Years ending 1989/90, the only year in which a DBE Goal was determined, the median amount by which Santa Rosa County exceeded its goal was 0%. Therefore, a projection of 0% race/gender-neutral participation is expected for the coming year.

Race-Neutral Participation = (Median Actual Participation – Median Goal Participation)

$$\text{Race-Neutral Participation} = (14.5 - 14.5)$$

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Race-Neutral Participation = 0%

Thus, 0% of the 12.42% **DBE Goal** will be race/gender –neutral.

2. Past Participation by DBE Prime Contractors

Past participation through the use of DBE prime contractors should be considered race/gender neutral and, therefore, can be used as a basis for estimating a similar level of race/gender-neutral participation in the next program year. In the past fourteen years, however, there has been no participation by a DBE Prime Contractor on Santa Rosa County projects. This may be the result of limited number of DBE contractors located within the local area of Escambia, Leon, Okaloosa, and Santa Rosa Counties. As a result, this was not considered as part of the race/gender-neutral split evaluation.

3. Past Participation by DBE Subcontractors on Contracts without goals

Past participation of DBE subcontractors on contracts without DBE goals should be considered race/gender-neutral and, therefore, can be used as a basis for estimating a similar level of race/gender neutral participation in the next program year. To date, however, Santa Rosa County has not had any DBE subcontractor participation on contracts without DBE goals. Therefore, this was not considered in the development of the race/gender-neutral split. However, if in the future, such a contract does occur, it will be included in the estimate of future race/gender-neutral participation.

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation:

**Table 11
Historical DBE Percentages**

Fiscal Year	Goal	Actual	Difference	Race-Neutral	Race-Conscious
FY 1990	14.5%	14.5%	0%%	0%	14.5%
Median	14.5%	14.5%	0%	0%	14.5%

The estimate was derived from

Private sector MBE/WBE participation;

DBE participation in local procurement programs in which there are no DBE contract goals;

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Extent of race-neutral business assistance efforts (as checked in preceding section, or as detailed, following:

Contract Goals (26.51)

Santa Rosa County will use contract goals to meet any portion of the overall goal that Santa Rosa County does not project being able to meet using race-neutral 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 our overall goal that is not projected to be met through the use of race-neutral means.

Santa Rosa County will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of the 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).

Santa Rosa County will express the contract goals as a percentage of the total amount of the DOT-assisted contract, **12.42%**, or as the Federal Share of a DOT-assisted contract, **\$115,366.36**.

Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

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

We will express our contract goals as a percentage of the:
FEDERAL SHARE OF U.S.D.O.T. - ASSISTED PROJECT.
Not Applicable

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Attachment 6

Forms 1 & 2 for Demonstration of Good Faith Efforts

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

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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 a submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ Title _____
(Signature)

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FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

.....
.....
.....
.....

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

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

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

(Submit this page for each DBE subcontractor.)

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Attachment 7

Certification Application Forms

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[Include in this attachment a copy of the certification forms that you require the DBE to fill out. Also make sure to include the affidavit of personal net worth.]

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Attachment 8

Procedures for Removal of DBE's Eligibility

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[Set out the procedures in 26.87 for the removal of DBE's eligibility in this attachment.]

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Attachment 9

Regulations: 49 CFR Part 26

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[We recommend that you attach a copy of the regulations to your program so that the public users to whom you send copies can have it handy.]

[You may attach other documents as you see necessary to make your program as complete as possible. The current list of attachments is an example and can be modified at your convenience.]

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