



DBE Program

for

Reading Regional Airport/ Carl A. Spaatz Field

Reading, PA

L.R. Kimball Project No. RRA.R000860.EB19

prepared for

Reading Regional Airport Authority

2501 Bernville Road
Reading, PA 19605

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Reading Regional Airport Authority DBE Program

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

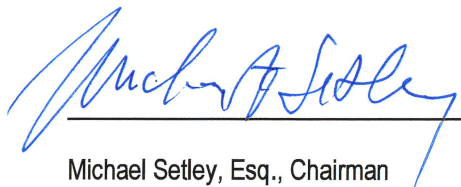
The Reading Regional Airport Authority has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Reading Regional Airport Authority has received Federal financial assistance from the Department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

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

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

The Airport Manager has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the Airport Manager is responsible for implementing all aspects of the DBE program. The Airport Manager 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 Reading Regional Airport Authority in its financial assistance agreements with the Department of Transportation.

Reading Regional Airport Authority has disseminated this policy statement to all Authority members and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. The distribution was accomplished by to the public by publishing it on our web site.



Michael Setley, Esq., Chairman
Reading Regional Airport Authority

04/07/2020

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

The Reading Regional Airport Authority is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 Definitions

The Reading Regional Airport Authority will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

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

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11

The Reading Regional Airport Authority will report DBE participation to DOT/FAA as follows:

We will transmit to FAA annually on December 1st, the “Uniform Report of DBE Awards or Commitments and Payments” form electronically via FAA Civil Rights Connect (<https://faa.civilrightsconnect.com/FAA/login.asp>). We will also report the DBE Contractor firms contact information either on the FAA DBE Contractors Form or other similar format.

Bidders List: 26.11(c)

The Reading Regional Airport Authority will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information in the following ways:

Contractor information will be obtained from the PennDOT ECMS website, <https://www.ecms.penndot.gov/ECMS/>

Section 26.13 Federal Financial Assistance Agreement

The Reading Regional Airport Authority has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

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

The Reading Regional Airport Authority 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 Reading Regional Airport Authority 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 Reading Regional Airport Authority'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 Reading Regional Airport Authority of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance: 26.13b

The Reading Regional Airport Authority will ensure that the following clause is included in each contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the [Recipient] deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Name	Terry P. Sroka
Title	Airport Manager
Address	2501 Bernville Road, Reading, PA 19605
Telephone Number	(610)-672-4666
Fax Number	(610)-372-4811
E-mail Address	tsroka@readingairport.org

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

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of one and utilizes a Professional Consultant to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes Reading Regional Airport Authority's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.

12. Plans and participates in DBE training seminars.
13. Acts as liaison to the Uniform Certification Process in [name of State].
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains the Reading Regional Airport Authority's updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of the Reading Regional Airport Authority 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.

We have made the following efforts to identify and use such institutions: N/A

To date we have identified the following such institutions: N/A

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment Mechanisms

The Reading Regional Airport Authority has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment you make to the prime contractor.

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

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

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

The Reading Regional Airport Authority will provide appropriate means to enforce the requirements of this section. These means include:

- (1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. You may specify the nature of such mechanisms.
- (2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
- (3) Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

The Reading Regional Airport Authority 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 30 days from the receipt of each payment the prime contractor receives from Reading Regional Airport Authority. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Reading Regional Airport Authority. This clause applies to both DBE and non-DBE subcontractors.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Reading Regional Airport Authority or DOT. This reporting requirement also extends to any certified DBE subcontractor.

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

Section 26.31 Directory

The Reading Regional Airport Authority uses the Pennsylvania Unified Certification Program (PA UCP) website as a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. The PA UCP routinely revises their Contractor Directory. The Directory is available at: <https://www.dotsbe.pa.gov/PAUCPWeb/paucp/viewHome.do>

Section 26.33 Over-concentration

Reading Regional Airport Authority has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

Reading Regional Airport Authority has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The Reading Regional Airport Authority will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will implement similar action under our own legal authorities, including responsibility determinations in future contracts. **Attachment 1** lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our DBE Program.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.

4. We will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished by our engineering consultant who provides on-site construction inspection. They will confirm the participation of DBE's on the project and accumulate the DBE information on a monthly or quarterly basis. They are also familiar with our DBE goals and accomplishment reporting requirements.
5. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

Section 26.39 Fostering small business participation.

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

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

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The Reading Regional Airport Authority does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The Reading Regional Airport Authority will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the [Recipient] will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the established schedule below.

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Non-Primary (GAs, Relievers and State DOTs)	Alaskan, Eastern, & Great Lakes	August 1, 2019 (2020/2021/2022)	August 1, 2022 (2023/2024/2025)

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Reading Regional Airport Authority does not anticipate awarding more than \$250,000 in DOT-assisted prime contracts during any of the years within the three-year reporting period, we will not develop an overall goal; however this DBE Program will remain in effect and the Reading Regional Airport Authority will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1. The first step is to determine the relative availability of DBEs in the market area, “base figure”. We will use the PA UCP DBE Directory and Census Bureau Data as a method to determine our base figure. The second step is to adjust the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts.

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

Any methodology we choose will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in our market. We understand that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of paragraph (c)(2) of this section (above), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. Once we have calculated a base figure, we will examine all of the evidence available in our jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at our overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

26.45 (g)(1) In establishing the overall goal, the Reading Regional Airport Authority will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Reading Regional Airport Authority’s efforts to

establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the Reading Regional Airport Authority's goal setting process, and it will occur before we are required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. We will document in our goal submission the consultation process that we engaged in. Notwithstanding paragraph (f)(4) of this section, we will not implement our proposed goal until we have complied with this requirement.

In addition, the Reading Regional Airport Authority will publish a notice announcing our proposed overall goal before submission to the operating administration on August 1st. The notice will be posted on our official internet web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal will be posted on our official internet web site. We will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at our principal office and that the Reading Regional Airport Authority and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. The public comment period will not typically extend the August 1st deadline.

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

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

Section 26.45 (e) - Project Goals

If permitted or required by the FAA Administrator we will express our overall goals as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

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

Section 26.45(f) - Prior Operating Administration Concurrent

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

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

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

for the project. (A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.)

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

Section 26.47 Failure to meet overall goals.

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

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

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

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

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

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

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39 of this part.
- (2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and 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 (e.g., 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 capability for DBEs and other small businesses;
- (6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

- (7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
- (8) Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The breakout of estimated race-neutral and race-conscious participation, if available, can be found in **Attachment 5** to this program.

Section 26.51(d-g) Contract Goals

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

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

The Reading Regional Airport Authority reserves the right, if the DBE awards or commitments are not at a level that would permit us to achieve your overall annual goal to begin setting race-conscious DBE contract goals during the remainder of the year as part of our obligation to implement our program in good faith.

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 total amount of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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

The obligation of the bidder/offeree is to make good faith efforts. The bidder/offeree 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.

Terry P. Sroka, Airport Manager and DBELO, or his duly designated representative is responsible for determining whether a bidder/offeree who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

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

Information to be submitted (26.53(b))

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

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (b)(3) of this section:

- (i) The names and addresses of DBE firms that will participate in the contract;
 - (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - (iii) The dollar amount of the participation of each DBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of this part). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
- (3) We will require that the bidder/offeror present the information required by paragraph (b)(2) of this section under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.

Administrative reconsideration (26.53(d))

Within seven (7) business days of being informed by Reading Regional Airport Authority that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Terry P. Sroka, 2501 Bernville Road, Reading, PA 19605, tsroka@readingairport.org. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

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

The Reading Regional Airport Authority will include in each prime contract a provision stating:

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

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

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

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

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

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

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

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

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise us and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why we should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), we may provide a response period shorter than five (5) days.

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

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

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

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

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the Reading Regional Airport Authority 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/offeror's, 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 (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

Reading Regional Airport Authority will use the certification standards established by the PA Unified Certification Program (PA UCP) which follows 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 allow the PA UCP to make certification decisions based on the facts as a whole. Once a Contractor is certified as a DBE by PA UCP and then becomes PennDOT prequalified, they will be shown on PennDOT's ECMS website.

The following is the contact information of all certifying PA UCP participants.

Contact Information				
Organization	Address	Phone	Fax	Email
Allegheny County Department of Equity and Inclusion	542 Forbes Avenue, 204 County Office Building Pittsburgh, PA 15219	412-350-4309	412-350-4915	mwdbecertification@alleghenycounty.us
PA Department of Transportation (PennDOT)	P.O. Box 3251 Harrisburg, PA 17105-3251	717-787-5891	717-772-4026	penndotucpinfo@pa.gov
Port Authority of Allegheny County	345 Sixth Avenue Pittsburgh, PA 15222	412-566-5257	N/A	willicd@portauthority.org
Southeastern Pennsylvania Transportation Authority (SEPTA)	DBE Program Office 1234 Market Street 11th Floor Philadelphia, PA 19107	215-580-7278	215-580-7261	DBEProgram@septa.org
Philadelphia International Airport	Office of Business Diversity 8500 Essington Avenue Terminal E- 3rd Floor Philadelphia, PA 19153	215-937-5475	215-863-3687	OBD@PHL.org

Register on-line at: <https://www.dotsbe.pa.gov/PAUCPWeb/paucp/downloadCertificationForms.do>

PennDOT's ECMS online registration: <https://www.dotdom2.state.pa.us/ECMS/ECMSHome.nsf/fmECMSFrameset?Open> or
Registration Address:

ECMS System Registration
PA Department of Transportation
Bureau of Project Delivery, Systems Management Section
400 North Street, 7th Floor
Harrisburg, PA 17120

For any additional information about the certification process or to apply for certification, firms should contact: Terry P. Sroka, 2501 Bernville Road, Reading, PA 19605, tsroka@readingairport.org

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The Reading Regional Airport Authority is the member of a Unified Certification Program (UCP) administered by the Commonwealth of Pennsylvania. The UCP will meet all of the requirements of this section.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

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

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

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

ATTACHMENTS

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

ATTACHMENT 1

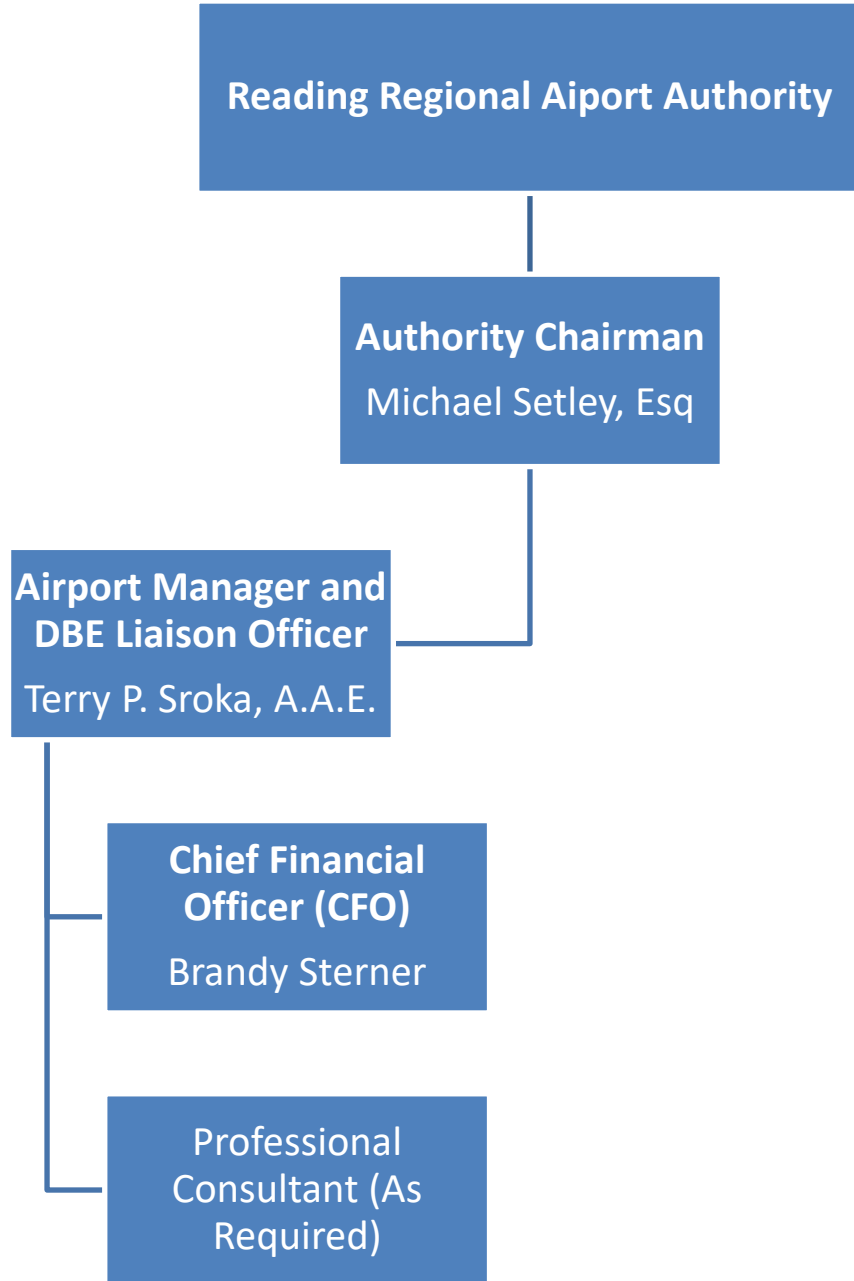
Regulations: 49 CFR Part 26

To conserve paper, Title 49: Transportation PART 26—Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs is available online for review at the following website:

<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5fe7cba7ba99c48672ad69166a299c75&ty=HTML&h=L&n=49y1.0.1.1.20&r=PART>

ATTACHMENT 2

Organizational Chart



ATTACHMENT 3

Bidder's List Collection Form

DBE CONTACT/SOLICITATION AND COMMITMENT STATEMENT

(1) BIDDER'S FIRM NAME	(2) PROJECT NAME
ADDRESS	BID OPENING DATE
TELEPHONE NUMBER	CONTACT PERSON

(8) NOTE: List those certified minority and/or women owned businesses from which you solicited quotes or which contacted you and gave you quotes in regard to this Invitation for bid. Bidder's contact with subcontractors and suppliers should be prior to the bid opening date.

(3) COMPANY NAME, PERSON CONTACTED & TELEPHONE NUMBER	(4)		(4A) CERTIFIED DBE NUMBER	(5) TYPE OF WORK TO BE PERFORMED AND/OR MATERIAL TO BE SUPPLIED	(6) TOTAL DOLLAR AMOUNT OF QUOTE RECEIVED	(7) TOTAL COMMITMENT DOLLAR AMOUNT
	MBE (✓)	WBE (✓)				

**(9) NOTE: Minimum Participation Levels; ___% DBE
A presumption of responsibility may be made if the dollar commitment to MBE/WBE's reflects these minimum participation levels.**

PREPARED BY:	TITLE/PHONE NUMBER
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ATTACHMENT 4

Pennsylvania ECMS/PA UCP DBE Directories

Reading Regional Airport Authority will use the certification standards established by the PA Unified Certification Program (PA UCP). The PA UCP Directory can be accessed at the following link:

<https://www.dotsbe.pa.gov/PAUCPWeb/paucp/viewHome.do>

Current DBE Contractor information can also be obtained from the PennDOT ECMS website at

<https://www.ecms.penndot.gov/ECMS/>

To get to the directory:

1. Click on the link to login as a guest.
2. Click on the "Business Partner" Heading, then select "Contractors".
3. Click on the preferred "ECMS DBE Listing" link to access PENNDOT Prequalified Contractors.

ATTACHMENT 5

Section 26.45: Overall DBE Three-Year Goal Methodology

Overall DBE Three-Year Goal Methodology

Name of Recipient: Reading Regional Airport Authority

Goal Period: FY-2020-2021-2022 – October 1, 2019 through September 30, 2022

DOT-assisted contract amount:

Table 1 – Anticipated DOT/FAA Contract Amounts

Federal Fiscal Year	Estimated Dollar Value
2020	\$565,000.00
2021	\$1,684,000.00
2022	\$276,000.00
Total	\$2,525,000.00

Overall Three-Year Goal: 4.51%, to be accomplished through 2.97% RC and 1.54% RN

Total dollar amount to be expended on DBE's: \$91,730.10

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

Table 2 – Anticipated DOT/FAA Assisted Projects

Ref No.	Project Description	Estimated Project Amount
Federal Fiscal Year 2020		
1	Rehabilitate Terminal Apron - Phase I, Design	\$165,000.00
2	Acquire Snow Removal Equipment (SRE)	\$400,000.00
2020 Subtotal		\$565,000.00
Federal Fiscal Year 2021		
3	Rehabilitate Terminal Apron - Phase II, Construction	\$1,684,000.00
2021 Subtotal		\$1,684,000.00
Federal Fiscal Year 2022		
4	Rehabilitate Taxiway Lighting and Signage - Phase I, Design	\$276,000.00
2022 Subtotal		\$276,000.00
Total		\$2,525,000.00

Market Area

Based on discussions with Airport Staff, Contractors and reviewing recent project accomplishments bid at the Airport, the normal market area for the Airport consists of the following counties in eastern and central Pennsylvania:

Table 3 – Counties in the Airport's Local Market Area

Berks	Bucks
Lancaster	Lebanon
Lehigh	Northampton

The Airport chose Berks County and the surrounding counties because the Airport is located within Berks County and the majority of the Airport contracting takes place in the specified area. Over the past three (3) years a majority of contracting dollars, over 75%, have been expended on firms from this area.

Overall DBE Three-Year Goal Methodology

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

The Airport Authority, in developing its overall goal and methodology, utilized the suggested procedures contained in Part 26.45 C-1, (i.e. using DBE directories and census data/NAICS Codes to establish a base figure for Step 1. Also, the suggestions in Part 26.45 D-1 (i)(ii), regarding consideration of additional adjustment factors, including the possibility of information from disparity studies and/or “the current capacity of DBEs to perform work in your DOT/FAA assisted contracting program, as measured by the volume of work DBEs have performed in recent years” were used as part of this methodology. Details of the application of this methodology approach are presented below.

Determination of Relevant NAICS Codes

The data source or demonstrable evidence used to derive the denominator was obtained based on the work classifications for all Ready, Willing and Able (RWA) enterprises listed in the North American Industry Classification System (NAICS) prepared by the U.S. Census Bureau at the following website: <http://www.census.gov/epcd/www/naics.html>

Table 4 – Anticipated NAICS Codes

Project Description/Anticipated Services	2017 NAICS Code
Federal Fiscal Year 2020	
1. Professional Services – Rehabilitate Terminal Apron - Phase I, Design	
Engineering Services	541330
Land Surveying Services	541370
Geotechnical Testing Services	541380
2. Professional Services – Acquire Snow Removal Equipment (SRE)	
Engineering Services	541330
Federal Fiscal Year 2021	
3. Professional Services/Construction – Rehabilitate Terminal Apron - Phase II, Construction	
Engineering Services	541330
Land Surveying Services	541370
Electrical Contractors	238210
Electrical Equipment Wholesalers	423610
Highway, Street, and Bridge Construction	237310
Asphalt Paving Mixture and Block Manufacturing	324121
Construction Material Wholesalers	423390
Site Preparation Contractors	238910
Federal Fiscal Year 2022	
4. Professional Services – Rehabilitate Taxiway Lighting and Signage - Phase I, Design	
Engineering Services	541330
Land Surveying Services	541370

Determination of Relative Availability of DBEs in Market Area compared to All Firms

The data source or demonstrable evidence used to derive the numerator was based on the availability of DBEs, for the NAICS Codes anticipated, obtained from the Pennsylvania Unified Certification Program at the following website: <http://www.paucp.com/>

Overall DBE Three-Year Goal Methodology

Determine the Step 1 DBE Base Figure

The method used to calculate the relative availability of DBE's is in accordance with 26.45(c) (1) utilizing DBE Directories and Census Bureau Data to calculate the ratio of Ready, Willing and Able (RWA) DBE's in the market to all RWA CBP enterprises in the market produces the base figures. An examination of the anticipated projects for each fiscal year, the availability of the DBE firms by trade classification and the volume of work performed by DBE firms over previous years. Using the NAICS code methodology the DBE Base Figures are as follows:

Table 5 – Available DBEs and CBPs by Anticipated NAICS Codes

Project Description/Category Description	NAICS Code	Trade (\$)	CBPs ¹	DBEs ²	DBE (%)	DBE (\$)
Federal Fiscal Year 2020		\$565,000.00	953	20	0.82%	\$4,614.93
1. Professional Services – Rehabilitate Terminal Apron - Phase I, Design						
Engineering Services	541330	\$140,000.00	421	3	0.71%	\$997.62
Land Surveying Services	541370	\$10,000.00	42	5	11.90%	\$1,190.48
Geotechnical Testing Services	541380	\$15,000.00	69	9	13.04%	\$1,956.62
Subtotal Project		\$165,000.00	532	17	2.51%	\$4,144.62
2. Professional Services – Acquire Snow Removal Equipment (SRE)³						
Engineering Services	541330	\$66,000.00	421	3	0.71%	\$470.31
Subtotal Project		\$400,000.00	421	3	0.71%	\$470.31
Federal Fiscal Year 2021		\$1,684,000.00	1646	34	4.95 %	\$96,687.68
3. Professional Services/Construction – Rehabilitate Terminal Apron - Phase II, Construction						
Engineering Services	541330	\$200,000.00	421	3	0.71%	\$1,425.18
Land Surveying Services	541370	\$18,000.00	42	5	11.90%	\$2,142.00
Electrical Contractors	238210	\$175,000.00	606	2	0.33%	\$577.50
Electrical Equipment Wholesalers	423610	\$49,000.00	105	4	3.80%	\$1,558.00
Highway, Street, and Bridge Construction	237310	\$500,000.00	75	10	13.33%	\$66,650.00
Asphalt Paving Mixture and Block Manufacturing	324121	\$350,000.00	24	0	0.00%	\$0.00
Construction Material Wholesalers	423390	\$50,000.00	41	3	7.31%	\$3,655.00
Site Preparation Contractors	238910	\$350,000.00	332	7	2.10%	\$7,350.00
Subtotal Project		\$1,684,000.00	1646	34	4.95%	\$83,357.68
Federal Fiscal Year 2022		\$276,000.00	441	8	1.36%	\$3,757.49
4. Professional Services – Rehabilitate Taxiway Lighting and Signage - Phase I, Design						
Engineering Services	541330	\$260,000.00	421	3	0.71%	\$1,852.73
Land Surveying Services	541370	\$16,000.00	42	5	11.90%	\$1,904.76
Subtotal Project		\$276,000.00	441	8	1.36%	\$3,757.49

Overall DBE Three-Year Goal Methodology

Project Description/Category Description	NAICS Code	Trade (\$)	CBPs ¹	DBEs ²	DBE (%)	DBE (\$)
¹ CBPs in NAICS Code from U.S. Census Bureau 2017 County Business Patterns for identified Counties obtained from Census Bureau website on 03/09/2020. ² DBEs in description of services from Pennsylvania UCP Directory as obtained from website on 03/10/2020. ³ Equipment planned to be acquired through the Pennsylvania COSTARS program that does not carry a CBP/DBE value.						

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

After the Step 1 DBE Base Figures have been developed, the regulations (49 CFR Part 26(d)) require that additional evidence in the jurisdiction of the Airport be examined to determine what adjustment, if any, is needed to the base figure in order to arrive at the overall goal.

The next step in our goal setting process is intended to adjust the participation the recipient would expect in the absence of discrimination. Our history of DBE achievements was based on information for the five (5) years prior to the current fiscal year. The DBE participation accomplishment during this period is presented below.

Table 6 – Previous five (5) years accomplishments:

Report Period	DBE Goals			Accomplishments			Achieved Over/Under
	RC	RN	Total	RC	RN	Total	
2015	3.29%	0.00%	3.29%	3.29%	1.90%	5.19%	1.90%
2016	3.29%	0.00%	3.29%	3.29%	9.01%	12.30%	9.01%
2017	2.22%	0.00%	2.22%	2.22%	1.98%	4.20%	1.98%
2018	2.22%	0.00%	2.22%	2.22%	5.68%	7.90%	5.68%
2019	2.22%	0.00%	2.22%	2.22%	1.38%	3.60%	1.38%
Median	2.65%	0.00%	2.65%	2.65%	3.99%	6.64%	1.98%

Adjusted Goal (Average of Base Figure with five-year accomplishment median):

Arranging the historical data from high to low, the Median of previous five (5) years accomplishments is as follows:

$$12.30\%, 7.90\%, 5.19\%, 4.20\%, 3.60\% = 6.64\%$$

The adjusted proposed DBE Goals by fiscal year are as follows:

$$\text{FFY 2020 Adj. Goal.} = \frac{0.82 + 6.64}{2} = 3.73\%$$

$$\text{FFY 2021 Adj. Goal.} = \frac{4.95 + 6.64}{2} = 5.79\%$$

$$\text{FFY 2022 Adj. Goal.} = \frac{1.36 + 6.64}{2} = 4.00\%$$

Overall DBE Three-Year Goal Methodology

Our proposed Overall three year goal will be reflected as $\frac{3.73+5.79+4.00}{3} = \underline{4.51\%}$

To arrive at an overall goal, we added our Step 1 base figure with our Step 2 adjustment figure and then averaged the total arriving at an overall goal of 4.51%. We feel this adjusted goal figure will accurately reflect DBE participation that can be achieved for the type of project work being awarded during this three-year period.

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

The Authority will meet the maximum feasible portion of its overall goal by using Race Neutral (RN) means of facilitating DBE participation. The Airport Authority will use a combination of the following race-neutral means to increase DBE participation:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.
2. Disseminating information on contracting procedures and specific contract opportunities by including DBE organizations, such as Southeastern Pennsylvania Transportation Authority (SEPTA) and the City of Philadelphia’s DBE Program Office, on the mailing lists for bidders to increase their awareness of upcoming contracting opportunities at the Airport.
3. Ensuring distribution of the PA UCP DBE directory, through electronic means, to the widest feasible universe of potential prime contractors;

The Airport Authority estimates that, in meeting the overall goal of 4.51% we will obtain 2.97% from race-neutral participation and 1.54% through race-conscious measures.

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

1. The Airport Authority proposes the race-neutral and race-conscious split based on historical information regarding the ability to meet the established goals. As presented in Table 6, the median annual DBE participation for FAA-AIP funded projects between FFY 2015 and 2019 was 6.64% versus a median goal of 2.65%. Given that the goal was achieved during this period, this suggests that participation was achieved through race-neutral means after the goal was met.

The Airport Authority 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; and DBE participation through a subcontract from a prime contractor that did not consider a firm’s DBE status in making the award.

Consultation and Public Participation: Section 26.45(g)(1).

The Authority submits its overall goal to DOT on August 1st of each year except in cases where the FTA or FAA recipient submits a project goal.

Overall DBE Three-Year Goal Methodology

Before establishing the overall goal, the Airport Authority will consult with state and local organization representing various contractors, minority contractors and women contractors that are interested in the DBE program to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and the Airport's efforts to establish a level playing field for the participation of DBE's. The following minority serving groups were invited and consulted:

Organization	Consultation / Remarks
The Greater Reading Chamber of Commerce & Industry Business Resource Center 49 Commerce Drive Wyomissing, PA 19610 610-898-8385 http://www.greaterreadingchamber.org	E-mail released April 9, 2020 – No response received at this time, this report will be updated as needed, if comments are received.
African-American Chamber of Commerce (AACC) One Penn Center 1617 JFK Blvd. Suite 889 Philadelphia, PA 19103 215-751-9501 Contact@aachamber.org	E-mail released April 9, 2020 – No response received at this time, this report will be updated as needed, if comments are received.
American Civil Liberties Union of Pennsylvania Harrisburg Office P.O. Box 11761 Harrisburg, PA 17108 717-238-2258 hbginfo@aclupa.org	E-mail released April 9, 2020 – No response received at this time, this report will be updated as needed, if comments are received.
Cheyney University DBE Supportive Services Center 1837 University Circle P.O. Box 200 Cheyney, PA 19319 610-399-2131 penndbe@cheyney.edu	E-mail released April 9, 2020 – No response received at this time, this report will be updated as needed, if comments are received.

As part of the outreach effort, an e-mail was sent out in April 2020 to these organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the impacts, if any, of discrimination on opportunities for DBEs and the Airport Sponsor's continuing efforts to establish a level playing field for the participation of DBEs. A copy of this e-mail follows. Copy of Outreach Email:

The Reading Regional Airport Authority is in the process of establishing its DBE goal participation related to planned projects for Federal Fiscal Year 2019 thru 2021 at the Reading Regional Airport owned by our Authority. Those projects are detailed below by Year. Anticipated DBE participation is required for DOT funded projects equal to or greater than \$250,000 in accordance to 49 CFR Part 26, "Participation by Disadvantaged Business Enterprise in DOT Programs", current edition located at <http://www.ecfr.gov/>. Thus based upon planned projects and the type of work anticipated (engineering, construction, materials supply, etc.), an overall disadvantaged business goal of 4.51 percent was determined. Comparing this to the Statewide goal, the Pennsylvania Department of Transportation currently has an overall DBE goal for fiscal years 2018-2020 of 9.38 percent (7.46 percent of which will be obtained by race-conscious means and 1.92 percent by race-neutral means) for all FAA Sub-recipients, and the national aspirational goal for DOT funded projects is 10

Overall DBE Three-Year Goal Methodology

percent. Therefore, do you or members of your organization have any documentation of existing social or economic barriers which may be currently preventing minorities and/or women from applying for and winning engineering and construction related services at the Airport owned by the Reading Regional Airport Authority?

Further, do you know of any other impediments which have or may impact minorities and/or women from effectively competing on transportation related projects?

We would appreciate your replying with any information you would be willing to offer. If you have any comments or questions, do not hesitate to contact Bernard Dunegan, EIT, at (814) 419-7880 or Bernard.dunegan@lrkimball.com within two weeks of receipt of this e-mail/letter. The DBE Goal report will be available for review and comment for a period of 45 days at the offices of the Reading Regional Airport Authority located at the Reading Regional Airport. Any and all information provided will be incorporated into the Airport's DBE goal report and submitted to the Federal Aviation Administration as required by federal regulations (49 CFR Part 26).

***A teleconference has been scheduled for Tuesday, April 21, 2020 at 11:00 a.m. to provide a direct and interactive exchange of interested stakeholders to focus on obtaining information relevant to the goal setting process. To participate in the teleconference, please utilize the following call-in information:
Dial: 1-866-652-5088; Participant Passcode: 6762157 press # key***

Following this consultation, we have published, on the airport website here: <http://www.readingairport.org/info/policies.html>, a notice of the proposed overall goal informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the office of the Airport Manager for thirty (30) days following the date of the notice, and informing the public that the Airport and DOT will accept comments on the goals for (45) days from the date of notice. Normally, we will issue this notice by June 1st of each year.

The Authority has received no comments in response to the public notice. This report will be updated as needed, if comments are received. The Airport will notify the FAA if any comments are received.

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

The Authority will begin using our overall goal on October 1st of each year, unless we have received other instructions from DOT.

The Airport is unaware of any disparity studies relative to our market area. Nor have we identified any other evidence relating to discrimination specific to our market area. We are continuing to monitor and investigate information that is related to goal setting and barriers confronting DBE's. This market area is based upon the fact that the substantial majority of bidders come from this area (75%) and the substantial majority of contracting dollars (75%) have been expended with firms from this area.

Prior to letting construction and non-construction contracts, the Airport will undertake a consultation with minority, women's and general contractor groups to determine whether they can direct the Airport to information about past discrimination in public contracting; discrimination in private contracting; discrimination credit; bonding or insurance; data on employment, self-employment, training or union apprenticeship programs; and/or data on firm formation. These consultation meetings will include dates, times, and locations of the meetings, as well as meeting descriptions.

All advertisements for construction and non-construction project will be listed on our website and/or in at least one of the following local newspapers:

Overall DBE Three-Year Goal Methodology

1. Reading Eagle
2. Tri County Record

Contract Goals (Part 26.51)

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

The Reading Regional Airport Authority will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of DBE's to perform the particular type of work).

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

PUBLIC NOTICE

The RRAA welcomes the opportunity to consult with minority, women's and general contractor groups, community organizations, and other officials or organizations who have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the RRAA's efforts to establish a level playing field for the participation of DBEs. It is the RRAA's desire to have direct, interactive exchanges with as many interested stakeholders as possible focused on obtaining information relevant to the RRAA's goal setting process.

The Reading Regional Airport Authority has established its fiscal years 2020 through 2022 goal of 4.51% for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goals and rationale is available for inspection on our website at <http://www.readingairport.org/info/policies.html> and/or between 8:00 a.m. and 4:30 p.m., Monday through Friday at the Reading Regional Airport Authority Office.

Comments on the DBE goal can be sent to the following:

Reading Regional Airport Authority
Terry P. Sroka
Airport Manager/DBELO
2501 Bernville Road, Reading, PA 19605
Phone: (610)-672-4666
Fax: (610)-372-4811
E-mail: tsroka@readingairport.org

Federal Aviation Administration
Alexander Horton
DBE/ACDBE Compliance Specialist
Certificate Management Office (CMO-29)
2895 SW 145th Ave, Suite #291
Miramar, FL 33027
Phone: 954-641-6637
Email: alexander.horton@faa.gov

Contract Goals

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

The Reading Regional Airport Authority will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of DBE's to perform the particular type of work).

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

ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2

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

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) COMPLIANCE STATEMENT

EQUAL EMPLOYMENT OPPORTUNITY

COMPLIANCE STATEMENT

To meet the requirements of Department of Transportation Regulation, Part 23, as stated in Division ___ of this specification, all bidders will provide evidence of the methods they have used to meet the Disadvantaged Business Enterprises/Joint Venture goals as published in the Sponsor's Minority/Women Business Enterprises Plan and approved by the Department of Transportation. The DBE (MBE & WBE combined) participation goal for this project is _____ percent (____ %).

All bidders must submit an assurance stating the percentage of Disadvantaged Businesses they intend to employ on this project.

Within a reasonable time after the opening of bids and before the award of a contract, all bidders or proposers wishing to remain in competition for the contract shall submit:

1. Name(s) of Disadvantaged Business Enterprise/Joint Venture Subcontractor(s).
2. The PennDOT Certification Number
3. Description of work each is to perform.
4. Dollar value of each proposed Disadvantaged Business/Joint Venture Subcontract.

The Contractor shall use the DBE CONTRACTOR/SOLICITATION AND COMMITMENT STATEMENT form contained on page 9 to submit this information.

REQUIRED ASSURANCE TO BE INCLUDED IN ALL BID PROPOSALS

This firm assures that it will utilize not less than _____ percent (____%) of Disadvantaged Business Enterprise participation.

CERTIFICATION OF BIDDER for the above:

Bidder's Name _____

Address _____

Internal Revenue Service Employer Identification Number _____

NOTE: The penalty for making false statements in offers is prescribed in 18 USC 1001.

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to Pa. Procurement Code, 62 Pa.C.S. § 101, et seq.

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

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

ATTACHMENT 8

DBE Certification Application Form

The Reading Regional Airport Authority does not directly certify DBE Firms. The Authority obtains DBE information from the Pennsylvania UCP. Application forms for certification can be accessed at the following link:

<https://www.dotsbe.pa.gov/PAUCPWeb/paucp/contactUs.do>

ATTACHMENT 9

State's UCP Agreement

All U.S. DOT recipients who receive funds from the FAA, FHWA, and FTA and who have over \$250,000 in federally assisted contracting opportunities must comply with the 49 CFR Part 26 requirements. Based on funding, entities may or may not participate from year to year. The PA UCP Agreement outlines how Pennsylvania's UCP will operate and function. A copy of the UCP Agreement may be obtained by contacting:

PENNDOT Bureau of Equal Opportunity

Phone: (717) 787 5891

Toll Free: (800) 468 4201

Email: penndotsbe@pa.gov

ATTACHMENT 10

Small Business Element Program

Section 26.39 Fostering Small Business Participation

The Reading Regional Airport Authority (Authority) has created an element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. For clarification purposes, 49 CFR Part 26.5 states, "Small business concern means, with respect to firms seeking to participate as DBEs in DOT -assisted contracts, a small business concern as defined pursuant to Section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b)." 13 CFR 121.402 defines "What size standards are applicable to Federal Government Contracting programs?"

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

1. Set asides: Where feasible, the Authority will establish a percentage of the total value of all prime contract and subcontract awards to be set aside for participation by small businesses on FAA assisted contracts. A "set-aside" is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that the Authority and its prime contractors/ consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner's gender, race or geographic location. The project manager and DBELO will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set aside percentage. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA assisted contract, the project manager and small business officer will document why a small business set-aside is inappropriate.
2. Unbundling: The Authority, where feasible, may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Authority will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be "unbundled" or bid separately. Similarly, the Authority will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses.

Definitions

1. Small Business: A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).
2. Disadvantaged Business Enterprise: A for-profit small business (as defined by the Small Business Administration)
 - That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;

- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) does not exceed the described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE by one of the Pennsylvania Unified Certification Program (PA UCP) certifying agencies in accordance with 49 CFR 26.

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

Certification and Verification Procedures

The Authority will accept the following certifications for participation in the small business element of the Authority's DBE Program with applicable stipulations:

1. (State) DOT DBE Certification (through the Unified Certification Program) - DBE Certification by the (State) DOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the (State) DOT. (Website: <https://www.dotsbe.pa.gov/PAUCPWeb/paucp/viewHome.do>)
2. (State) DOT Small Business Enterprise (SBE)- Will require completion and submittal of a Small Business Enterprise Certification Application to the Pennsylvania Department of Transportation, Bureau of Equal Opportunity. (Website: <https://www.dotsbe.pa.gov>)
3. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) – will require submittal of three years of business tax returns. (Website: <http://www.sba.gov/content/8a-business-development/>)

Implementation Schedule

The Authority will implement this small business element within nine months of the FAA's approval of this document describing the element. In order to actively implement the Authority's program elements to foster small business participation and to comply with the requirement of good faith implementation of our DBE program, the Authority will require that the Prime Contractor(s) for Construction Work Items and for Professional Services Work Items complete the form entitled, SBE Contact/Solicitation and Commitment Statement (sample attached). The Special Conditions of the Contract will indicate the amount of small business participation as determined by the Authority.

Assurances

The Authority makes the following assurances:

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

