



DBE PROGRAM UPDATE FEDERAL FISCAL YEARS 2019-2022

for

GARRETT COUNTY AIRPORT (2G4)

771 Airport Road
Accident, Maryland 21520

L.R. Kimball Project No. GBC.O000240.EB19

Prepared for

Garrett County Maryland, Board of County Commissioners

203 South Fourth Street, Room 207
Oakland, MD 21550

June 2019 ©



The Garrett County Maryland, Board of County Commissioners DBE Program

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Garrett County Maryland, Board of County Commissioners 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 Garrett County Maryland, Board of County Commissioners has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Garrett County Maryland, Board of County Commissioners has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

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

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. In that capacity, 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 Garrett County Maryland, Board of County Commissioners in its financial assistance agreements with the Department of Transportation.

The Garrett County Maryland, Board of County Commissioners has disseminated this policy statement to all Board 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.

Paul C. Edwards, Chairman
Garrett County Maryland, Board of County Commissioners

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 Garrett County Maryland, Board of County Commissioners is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 Definitions

The Garrett County Maryland, Board of County Commissioners will use terms in this program that have the meaning defined in Part 26, Section 26.5.

Section 26.7 Non-discrimination Requirements

The Garrett County Maryland, Board of County Commissioners 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 Garrett County Maryland, Board of County Commissioners 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 Garrett County Maryland, Board of County Commissioners will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to the Federal Aviation Administration (FAA) as follows:

Garrett County Maryland, Board of County Commissioners will transmit to FAA annually on December 1st, the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Appendix B to Part 26, 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 Garrett County Maryland, Board of County Commissioners 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 MDOT State Highway Administration Contractors Information Center website, <https://www.roads.maryland.gov/pages/cicsrch.aspx?PagelId=857&ID=1&Contract=PG8235177>.

Records retention and reporting:

The Garrett County Maryland, Board of County Commissioners will maintain records documenting a firm's compliance with the requirements of this part. At a minimum, the Garrett County Maryland, Board of County Commissioners will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records will be retained in accordance with all applicable record retention requirements of the Garrett County Maryland, Board of County Commissioners financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Federal Financial Assistance Agreement

The Garrett County Maryland, Board of County Commissioners has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

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

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

The Board has designated the following individual as our DBE Liaison Officer:

Name	Edward Kelley
Title	Airport Manager
Address	771 Airport Road, Accident, Maryland 21520
Telephone Number	(301)-746-8599
Fax Number	(301)-746-7026
E-mail Address	ekelley@garrettcountry.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Garrett County Maryland, Board of County Commissioners complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Board'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 the Garrett County Maryland, Board of County Commissioners' progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the 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 Program in Maryland.

14. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the Garrett County Maryland, Board of County Commissioners 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 Garrett County Maryland, Board of County Commissioners requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR §26.29, the Garrett County Maryland, Board of County Commissioners has established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the Board.

The Garrett County Maryland, Board of County Commissioners ensures prompt and full payment of retainage from the prime contractor to the subcontractor within thirty (30) calendar days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, the Board has selected the following method to comply with this requirement:

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

To implement this measure, the Board includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime contract:

- a. From the total of the amount determined to be payable on a partial payment, ten (10%) percent of such total amount will be deducted and retained by the Owner for protection of the Owner's interests. Unless otherwise instructed by the Owner, the amount retained by the Owner will be in effect until the final payment is made except as follows:
 - (1) Contractor may request release of retainage on work that has been partially accepted by the Owner in accordance with Section 50-03. Contractor must provide a certified invoice to the RPR that supports the value of retainage held by the Owner for partially accepted work.
 - (2) In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account per paragraph 90-08.
- b. The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the Contractor has received a partial payment. Contractor must provide the Owner evidence of prompt and full payment of retainage held by the prime Contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. 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 Owner. When the Owner 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.

- c. When at least 95% of the work has been completed to the satisfaction of the RPR, the RPR shall, at the Owner's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done. The Owner may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

Section 26.31 Directory

The Garrett County Maryland, Board of County Commissioners is a non-certifying member of the Maryland Uniform Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31.

The Board uses the 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 Maryland Uniform Certification Program routinely revises their Contractor Directory. The Directory is available at <https://mbe.mdot.maryland.gov/directory/>.

Section 26.33 Over-concentration

The Garrett County Maryland, Board of County Commissioners has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The Garrett County Maryland, Board of County Commissioners has not established a business development program.

Section 26.37 Monitoring Responsibilities

The Garrett County Maryland, Board of County Commissioners implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in the Board's DBE program.

The Garrett County Maryland, Board of County Commissioners actively monitors participation by maintaining a running tally of actual DBE attainments, including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs

The Garrett County Maryland, Board of County Commissioners undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

1. The Board 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. The Board 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. The Board 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. The Board 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. The Board 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.

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

1. The Board proactively reviews contract payments to subcontractors including DBEs quarterly to ensure compliance. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to the Board by the prime contractor.

Prompt Payment Dispute Resolution

The Garrett County Maryland, Board of County Commissioners will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

1. Conduct meetings between prime and sub, with resident project representative and/or project manager present as appropriate. Any meeting for the purpose of dispute resolution will include individuals authorized to bind each interested party, including Board representative(s) with authority to take enforcement action.

Prompt Payment Complaints

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

1. If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint.
2. If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by the Board to resolve prompt payment disputes, affected subcontractor may contact the responsible FAA contact.

Enforcement Actions for Noncompliance of Participants

The Garrett County Maryland, Board of County Commissioners will provide appropriate means to enforce the requirements of §26.29. These means include:

- In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor

- Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract
- Pay subcontractors directly and deduct this amount from the retainage owed to the prime
- Issue a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays for the purposes of calculating liquidated damages if milestones are not met
- Other penalties for failure to comply, up to and including contract termination (specify these penalties clearly).

The Garrett County Maryland, Board of County Commissioners will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

The Garrett County Maryland, Board of County Commissioners reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently, as the result of modification to the contract, is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by the Board's Engineering Consultant. Contracting records are reviewed by the Board's Engineering Consultant. The Board will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering small business participation.

The Garrett County Maryland, Board of County Commissioners 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 Garrett County Maryland, Board of County Commissioners small business program element is incorporated as **Attachment 10** to this DBE Program. The program elements will be actively implemented to foster small business participation. Implementation of the small business element is required in order for the Board to be considered by DOT as implementing this DBE program in good faith.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The Garrett County Maryland, Board of County Commissioners does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The Garrett County Maryland, Board of County Commissioners 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 Garrett County Maryland, Board of County Commissioners will submit its Overall Three-year DBE Goal to the FAA by August 1st of the year in which the goal is due, as required by the schedule established by and posted to the website of the FAA. The current FAA deadlines are established in the schedule below and posted on their website at https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/media/DBE%20and%20ACDBE%20Reporting%20Requirements%20for%20Airport%20Grant%20Recipients.pdf.

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 Garrett County Maryland, Board of County Commissioners 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 Garrett County Maryland, Board of County Commissioners 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". The Board will use the MD UCP DBE Directory and Census Bureau Data as a method to determine our base figure. The Board understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

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 the Board chooses 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. The second step is to adjust, if necessary, the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or

information about barriers to entry to past competitiveness of DBEs on contracts. The Board will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected 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 the our market area.

In establishing the overall goal, the Board 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 efforts by the Board 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 goal setting process, and it will occur before the Board is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which the Board has engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, the Board will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on the Garrett County official internet web site and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes, following review by the FAA, the revised goal will be posted on the official internet web site.

The Overall Three-Year DBE Goal submission to the FAA will include a summary of information and comments received, if any, during this public participation process and the Board's responses.

The Garrett County Maryland, Board of County Commissioners will begin using the overall goal on October 1 of the relevant period, unless other instructions from the FAA have been received.

Section 26.45 (e) - Project Goals

If permitted or required by the FAA Administrator, an overall goal may be expressed 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 will 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 the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.45(f) - Prior Operating Administration Concurrent

The Garrett County Maryland, Board of County Commissioners understands that prior FAA concurrence with the overall goal is not required. However, if the FAA review suggests that the overall goal has not been correctly calculated or that the method employed by the Board for calculating goals is inadequate, the FAA may, after consulting with the Board, adjust the overall goal or require that the goal be adjusted. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the

methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.9.

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

Section 26.47 Failure to meet overall goals.

The Garrett County Maryland, Board of County Commissioners cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless the Board fails to administer its DBE program in good faith.

The Garrett County Maryland, Board of County Commissioners understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

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

1. Analyze in detail the reasons for the difference between the overall goal and 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.
3. Prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to the FAA upon request.

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

The Garrett County Maryland, Board of County Commissioners 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.

The Garrett County Maryland, Board of County Commissioners 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.

Section 26.51(d-g) Contract Goals

If the approved projection under paragraph (c) of §26.51 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 Garrett County Maryland, Board of County Commissioners 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.

The Garrett County Maryland, Board of County Commissioners 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 Garrett County Maryland, Board of County Commissioners 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))

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

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

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

Information to be submitted (26.53(b))

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeror:

- (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) 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 the Garrett County Maryland, Board of County Commissioners 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: Edward Kelley, 771 Airport Road, Accident, Maryland 21520, ekelley@garrettcountry.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 Garrett County Maryland, Board of County Commissioners 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.

The Board will require the contractor that is awarded the contract to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract

provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

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.

The Board 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.

The Board 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 the Board 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 the Board, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five (5) 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), a response period shorter than five (5) days may be provided.

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.

Each prime contract will include a provision stating:

The contractor shall utilize the specific DBEs listed in the contractor's bid/solicitation response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of the Garrett County Maryland, Board of County Commissioners as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The Garrett County Maryland, Board of County Commissioners 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.

If the contractor fails or refuses to comply in the time specified, the Board's 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.

Section 26.55 Counting DBE Participation

The Garrett County Maryland, Board of County Commissioners will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The Garrett County Maryland, Board of County Commissioners will use the certification standards established by the Maryland Uniform Certification Program 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 MD UCP to make certification decisions based on the facts as a whole. Once a Contractor is certified as a DBE by MD UCP they will be shown on the MD UCP website.

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

Contact Information				
Organization	Address	Phone	Fax	Email
Office of Minority Business Enterprise	7201 Corporate Center Drive Hanover, MD 210	410-865-1269		mbe@mdot.state.us

Register on-line at <http://www.mdot.maryland.gov/newMDOT/MBE/Index.html>.

MDOT's on-line Registration: <https://emaryland.buyspeed.com/bso/login.sdo> or Registration Address:

Maryland Department of Transportation
Office of Minority Business Enterprise
7201 Corporate Center Drive
Hanover, MD 21076

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The Garrett County Maryland, Board of County Commissioners is the member of a Unified Certification Program (UCP) administered by the Maryland DOT, Office of Minority Business Enterprise. The UCP will meet all of the requirements of this section.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to the Garrett County Maryland, Board of County Commissioners

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

Section 26.109 Information, Confidentiality, Cooperation

The Garrett County Maryland, Board of County Commissioners 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.

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 Garrett County Maryland, Board of County Commissioners, 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. The Board understands that it is in noncompliance with Part 26 if it violates this prohibition.

ATTACHMENTS

- Attachment 1 Regulations: 49 CFR Part 26 or website link
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 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

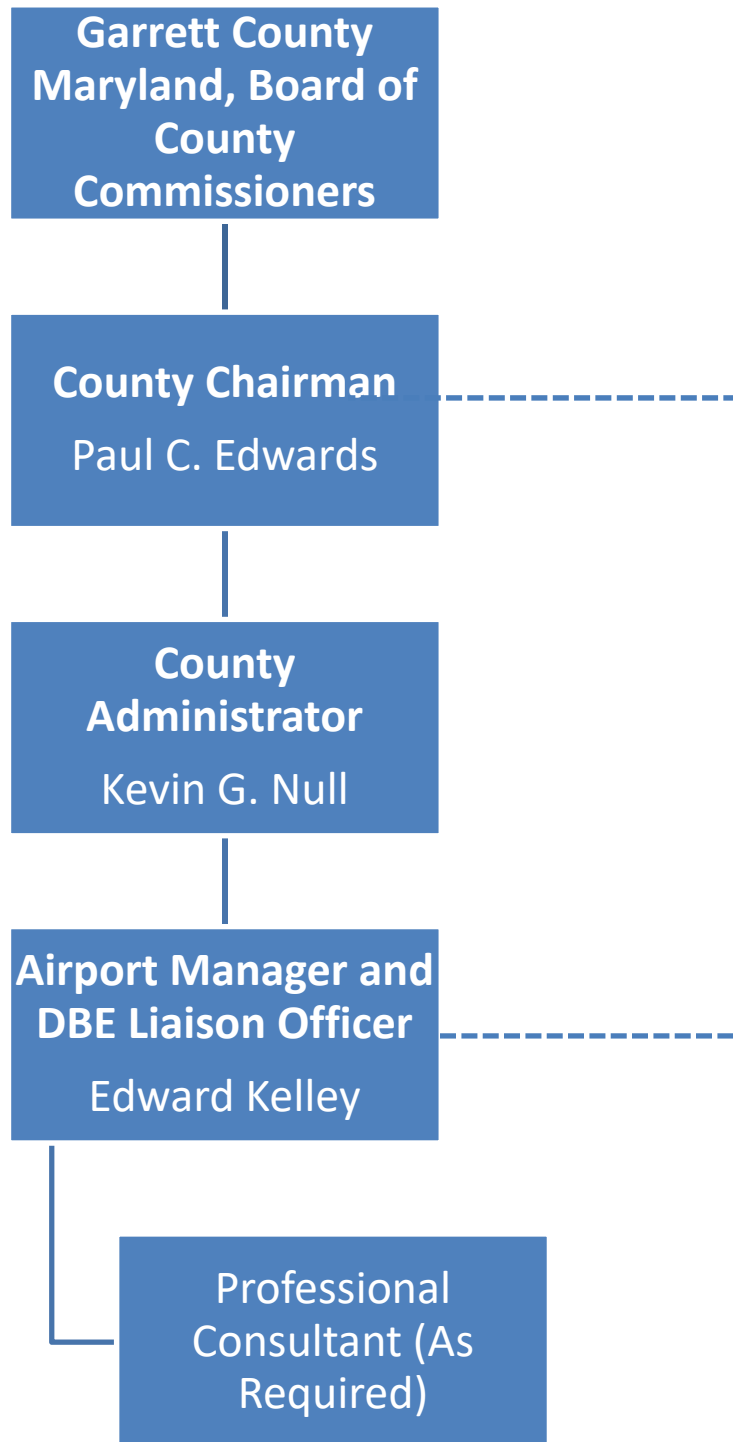
Regulations: 49 CFR Part 26

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)	(5)	(6)	(7)
	MBE (✓)	WBE (✓)	CERTIFIED DBE NUMBER	TYPE OF WORK TO BE PERFORMED AND/OR MATERIAL TO BE SUPPLIED	TOTAL DOLLAR AMOUNT OF QUOTE RECEIVED	TOTAL COMMITMENT DOLLAR AMOUNT

(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

MD UCP DBE Directories

Garrett County Maryland, Board of County Commissioners will use the certification standards established by the MD Unified Certification Program (MD UCP). The MD UCP Directory can be accessed at the following link:

<https://mbe.mdot.maryland.gov/directory/>.

ATTACHMENT 5

Section 26.45: Overall DBE Goal Methodology

Overall DBE Goal Methodology

Name of Recipient: Garrett County Maryland, Board of County Commissioners

Goal Period: FFY 2019-2020-2021-2022 – October 1, 2018 through September 30, 2022

DOT-assisted contract amount:

Table 1 – Anticipated DOT/FAA Contract Amounts

Federal Fiscal Year	Estimated Dollar Value
2019	\$6,630,000.00
2020	\$1,080,000.00
2021	\$0.00
2022	\$0.00
Total	\$7,710,000.00

Overall Goal: 3.97%, to be accomplished through 3.97% Race and Gender Conscious (RC) and 0.00% Race and Gender Neutral" (RN) means.

Total dollar amount to be expended on DBE's: \$305,749.38

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

Table 2 – Anticipated DOT/FAA Assisted Projects

Project Description/Category Description	Estimated Project Amount (\$)
Federal Fiscal Year 2019	\$6,630,000.00
1. Professional Services/Construction – 2019-2 Construct West Apron (Phase I Design, Phase II Construction (Site Work) and Phase III Construction (Paving); Construct West Apron Access Road (Omnibus)	\$6,630,000.00
Federal Fiscal Year 2020	\$1,080,000.00
2. Professional Services – Rehabilitate Terminal Apron - Phase I, Design	\$180,000.00
3. Professional Services/Construction – Rehabilitate Terminal Apron, Phase II, Construction	\$900,000.00
Federal Fiscal Year 2021	\$0.00
No AIP Projects anticipated.	
Federal Fiscal Year 2022	\$0.00
No AIP Projects anticipated.	

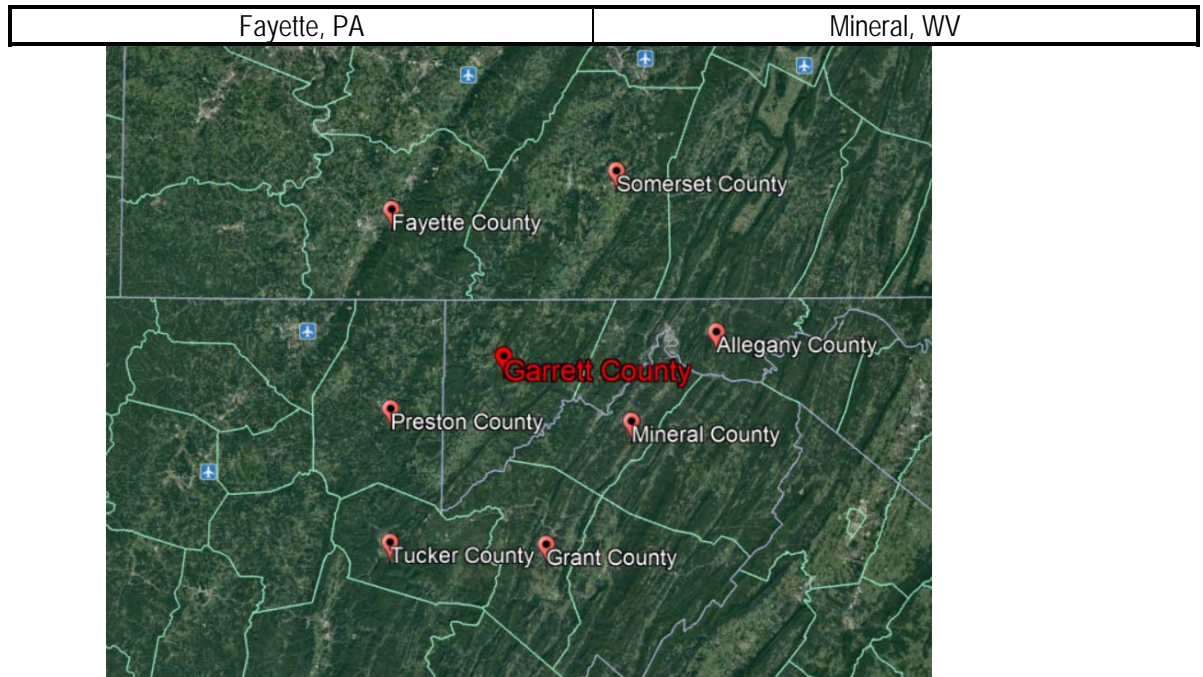
Market Area

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 western Maryland, southern Pennsylvania, and northern West Virginia:

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

Garrett, MD	Preston, WV
Allegany, MD	Tucker, WV
Somerset, PA	Grant, WV

Overall DBE Goal Methodology



The Airport chose Garrett County and the surrounding counties because the Airport is located within Garrett 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.

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

The Board, 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/Category Description	NAICS Code
Federal Fiscal Year 2019	
1. Professional Services/Construction – 2019-2 Construct West Apron (Phase I Design, Phase II Construction (Site Work) and Phase III Construction (Paving); Construct West Apron Access Road (Omnibus)	
Highway, Street, and Bridge Construction	237310

Overall DBE Goal Methodology

Project Description/Category Description	NAICS Code
Water and Sewer Line and Related Structures Construction	237110
Asphalt Paving Mixture and Block Manufacturing	324121
Electrical Contractors	238210
Site Preparation Contractors	238910
All Other Specialty Trade Contractors	238990
Construction Material Wholesalers	423390
Electrical Equipment Wholesalers	423610
Landscaping Services	561730
Engineering Services	541330
Land Surveying Services	541370
Geotechnical Testing Services	541380
Federal Fiscal Year 2020	
2. Professional Services – Rehabilitate Terminal Apron - Phase I, Design	
Engineering Services	541330
Land Surveying Services	541370
Geotechnical Testing Services	541380
3. Professional Services/Construction – Rehabilitate Terminal Apron, Phase II, Construction	
Highway, Street, and Bridge Construction	237310
Asphalt Paving Mixture and Block Manufacturing	324121
Construction Material Wholesalers	423390
Engineering Services	541330
Land Surveying Services	541370
Federal Fiscal Year 2021	
No AIP Projects anticipated.	
Federal Fiscal Year 2022	
No AIP Projects anticipated.	

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 Maryland Unified Certification Program (UCP), Pennsylvania UCP, and West Virginia Department of Transportation at the following websites:

- <https://mbe.mdot.maryland.gov/directory/>
- <http://www.paucp.com/>
- <http://transportation.wv.gov/eo/dbe/Pages/default.aspx>

Overall DBE 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 2019		\$6,630,000.00	398	21	3.70%	\$245,585.98
1. Professional Services/Construction – 2019-2 Construct West Apron (Phase I Design, Phase II Construction (Site Work) and Phase III Construction (Paving); Construct West Apron Access Road (Omnibus)						
Highway, Street, and Bridge Construction	237310	\$2,386,800.00	18	0	0.00%	\$0.00
Water and Sewer Line and Related Structures Construction	237110	\$198,900.00	12	3	25.00%	\$49,725.00
Asphalt Paving Mixture and Block Manufacturing	324121	\$1,591,200.00	4	0	0.00%	\$0.00
Electrical Contractors	238210	\$331,500.00	71	1	1.41%	\$4,669.01
Site Preparation Contractors	238910	\$596,700.00	97	2	2.06%	\$12,303.09
All Other Specialty Trade Contractors	238990	\$198,900.00	39	4	10.26%	\$20,400.00
Construction Material Wholesalers	423390	\$66,300.00	2	2	100.00%	\$66,300.00
Electrical Equipment Wholesalers	423610	\$132,600.00	5	1	20.00%	\$26,520.00
Landscaping Services	561730	\$132,600.00	98	5	5.10%	\$6,765.31
Engineering Services	541330	\$795,600.00	28	2	7.14%	\$56,828.57
Land Surveying Services	541370	\$33,200.00	16	1	6.25%	\$2,075.00
Geotechnical Testing Services	541380	\$165,800.00	8	0	0.00%	\$0.00
Subtotal Project		\$6,630,000.00	398	21	3.70%	\$245,585.98
Federal Fiscal Year 2020		\$1,080,000.00	128	8	5.57%	\$60,163.39
2. Professional Services – Rehabilitate Terminal Apron - Phase I, Design						
Engineering Services	541330	\$156,600.00	28	2	7.14%	\$11,185.71
Land Surveying Services	541370	\$9,000.00	16	1	6.25%	\$562.50
Geotechnical Testing Services	541380	\$14,400.00	8	0	0.00%	\$0.00
Subtotal Project		\$180,000.00	52	3	6.53%	\$11,748.21
3. Professional Services/Construction – Rehabilitate Terminal Apron, Phase II, Construction						
Highway, Street, and Bridge Construction	237310	\$342,000.00	18	0	0.00%	\$0.00

Overall DBE Goal Methodology

Project Description/Category Description	NAICS Code	Trade (\$)	CBPs ¹	DBEs ²	DBE (%)	DBE (\$)
Asphalt Paving Mixture and Block Manufacturing	324121	\$315,000.00	4	0	0.00%	\$0.00
Construction Material Wholesalers	423390	\$36,000.00	2	2	100.00%	\$36,000.00
Engineering Services	541330	\$162,000.00	28	2	7.14%	\$11,571.43
Geotechnical Testing Services	541380	\$27,000.00	8	0	0.00%	\$0.00
Land Surveying Services	541370	\$13,500.00	16	1	6.25%	\$843.75
Subtotal Project		\$900,000.00	76	5	5.38%	\$48,415.18

¹ CBPs in NAICS Code from U.S. Census Bureau 2017 County Business Patterns for identified Counties obtained from Census Bureau website on 03/05/2019.

² DBEs in description of services from the Maryland, Pennsylvania, and West Virginia UCP Directories obtained from their websites on 03/05/2019.

The base goal projection after weighting is as follows:

$$\begin{array}{l} \text{Total Weighted DBE Availability:} \\ \text{Total for All Trades:} \end{array} \quad \begin{array}{l} \underline{\$305,749.38} \\ \$7,710,000.00 \end{array} = \text{Base of DBE Goal: } \underline{\mathbf{3.97\%}}$$

Dividing the weighted DBE totals by the total estimate for all trades gives a base DBE availability figure for the projects anticipated during the goal-setting period. This figure is expressed as a percentage and serves as the basis for the overall goal.

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	
2014*	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2015*	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2016*	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2017*	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2018	0.00%	0.00%	0.00%	0.00%	15.97%	15.97%	15.97%

Overall DBE Goal Methodology

Median	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
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*Board did not award prime contracts in excess of \$250,000 during this fiscal year.

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

As evidenced in Table 6, not enough historical data on DBE participation is available to reference to make an adjustment to the Step 1 base figure; therefore, the Board is adopting the Step 1 base figure as the overall goal for this period.

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

The Board will meet the maximum feasible portion of its overall goal by using Race and Gender Neutral (RN) means of facilitating DBE participation. The Board 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 Maryland Department of Transportation's (MDOT) Office of Minority Business Enterprise (OMBE), on the mailing lists for bidders to increase their awareness of upcoming contracting opportunities at the Airport.
3. Ensuring distribution of the MD UCP DBE directory, through electronic means, to the widest feasible universe of potential prime contractors;

The Board estimates that, in meeting the overall goal of 3.97% we will obtain 0.00% from race-neutral participation and 3.97% 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. In FFY 2018, the Board achieved participation in the Design Phase of the West Apron Project in the amount of 15.97% against a goal of 0.00% for this Project, which may be construed as evidence of race-neutral participation. However, due to our remote location, the Board does not have a long history of DBE participation or over-achievement of goals to reference and expects to obtain its DBE participation through the use of DBE contract goals or a conscious effort to obtain DBE participation. Therefore, the entire goal of 3.97% is to be obtained through race-conscious participation.

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

In establishing the overall goal, the Board provided for consultation and publication. This process included consultation with minority, women's, and general contractor groups, community organizations, and other officials or organizations which could be

Overall DBE Goal Methodology

expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Board's efforts to establish a level playing field for the participation of DBEs. The consultation included a scheduled, direct, interactive exchange with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and was conducted before the goal methodology was submitted to the operating administration for review. Details of the consultation are as follows.

The consultation engaged in was a meeting held on **June 27, 2019** at 10:00 AM in the Terminal Building of the Garrett County Airport, 771 Airport Road, Accident, Maryland 21520 to review the DBE Program.

The Sponsor received comments from these individuals or organizations:

No comments received.

Summaries of these comments and responses, if required, are as follows:

No comments received.

Following this consultation, we have published, on the County website (<https://www.garrettcountry.org>) 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.

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

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

The Board 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 conduct Pre-Bid/Pre-Proposal Meetings that will identify the DBE requirements for participating in AIP Funded Projects. These meetings will include dates, times, and locations of the meetings, as well as meeting descriptions.

All advertisement for construction and non-construction projects will be listed on our website (<https://www.garrettcountry.org>) and/or in a geographically appropriate local newspaper such as:

1. The Republican Newspaper
2. Cumberland Times-News

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

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

Contract Goals (Part 26.51)

The Garrett County Maryland, Board of County Commissioners 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.

Overall DBE Goal Methodology

The Garrett County Maryland, Board of County Commissioners 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 Garrett County Maryland, Board of County Commissioners hereby announces its Federal Fiscal Year (FFY) 2019 through 2022 goal of 3.97% for Disadvantaged Business Enterprise (DBE) participation on airport construction projects. The proposed goals and rationale is available for inspection on our website at <https://www.garrettcounty.org> and/or between 8:00 a.m. and 5:00 p.m., Monday through Friday at the Garrett County Maryland, Board of County Commissioners Office.

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 3.97% was determined. Comparing this to the Statewide goal, the MDOT Maryland Aviation Administration (MDOT MAA) currently has an overall DBE goal for fiscal years 2017-2019 of 25 percent (21.7 percent of which will be obtained by race-conscious means and 3.3 percent by race-neutral means) for all FAA Sub-recipients, and the national aspirational goal for DOT funded projects is 10 percent.

In accordance with Section 26.45(g)(1) the Board will be conducting a DBE Program Public Participation meeting on **June 27, 2019 at 10:00 AM** in the Terminal Building of the Garrett County Airport, 771 Airport Road, Accident, Maryland 21520 to review the DBE Program. At this meeting the Board will seek comments from the Public regarding 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; 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; and any impediments which have or may impact minorities and/or women from effectively competing on transportation related projects.

The Board welcomes you to attend this meeting and/or appreciates your replying with any information you would be willing to offer. 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) no later than August 1, 2019.

Comments on the DBE goal will be accepted until the conclusion of the meeting. If you are unable to attend the meeting your comments can be sent to the following and will be accepted until the meeting date:

Garrett County Maryland, Board of County Commissioners
Edward Kelley
Airport Manager/DBELO
Garrett County Airport
771 Airport Road, Accident, Maryland 21520
Phone: (301)-746-8599
Fax: (301)-746-7026
E-mail: ekelley@garrettcounty.org

Federal Aviation Administration
Alexander Horton
DBE/ACDBE Compliance Specialist
Office of Civil Rights – ACR-4
Federal Aviation Administration
Phone: 310-725-3947
Fax: 310-725-6819
Email: alexander.horton@faa.gov

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 MDOT 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.

FORM 2: DBE CONTACT/SOLICITATION AND COMMITMENT STATEMENT

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)	(5)	(6)	(7)
	MBE (✓)	WBE (✓)	CERTIFIED DBE NUMBER	TYPE OF WORK TO BE PERFORMED AND/OR MATERIAL TO BE SUPPLIED	TOTAL DOLLAR AMOUNT OF QUOTE RECEIVED	TOTAL COMMITMENT DOLLAR AMOUNT

(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 7

DBE Monitoring and Enforcement Mechanisms

The Garrett County Maryland, Board of County Commissioners 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 the Garrett County Purchasing and Asset Management Policy and the provisions of the Code of Public Laws of Garrett County, Maryland (the "Garrett County Code").
Breach of contract action, pursuant to provisions of Article 25, §3, of the Annotated Code of Maryland.

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

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

ATTACHMENT 8

DBE Certification Application Form

The Garrett County Maryland, Board of County Commissioners does not directly certify DBE Firms. The Board obtains DBE information from the Maryland UCP. Application forms for certification can be accessed at the following link:

<http://www.mdot.maryland.gov/Office%20of%20Minority%20Business%20Enterprise/Certifications%20and%20Forms/DBE%20Certification%20Application%20Page.html>

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 MD UCP Agreement outlines how Maryland's UCP will operate and function. A copy of the UCP Agreement may be obtained by contacting:

MDOT Office of Minority Business Enterprise

Phone: (410) 865 1269

Toll Free: (800) 544 6056

Email: mbe@mdot.state.md.us

ATTACHMENT 10

Small Business Element Program

Section 26.39 Fostering Small Business Participation

The Garrett County Maryland, Board of County Commissioners will follow the State of Maryland, Federal Disadvantaged Business Enterprise Program, Part XV, Supplement I, 2012 Disadvantaged Business Enterprise Program Manual DBE Small Business Enterprise (SBE) Program, prepared by the MDOT Office of Minority Business Enterprise, updated April 2018 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 Board seeks to implement a small business element into its current DBE policy in accordance with applicable law. The Board is including this element to facilitate competition by and expand opportunities for small businesses. The Board 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 Board will meet its objectives using a combination of the following methods and strategies:

1. Set asides: Where feasible, the Board 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 Board 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 Board, where feasible, may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Board will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be "unbundled" or bid separately. Similarly, the Board 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 Maryland uniform certifying agencies in accordance with 49 CFR 26.

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

1. Maryland DOT DBE Certification (through the Unified Certification Program) - DBE Certification by the Maryland DOT Office of Minority Business Enterprise 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 Maryland DOT, Office of Minority Business Enterprise.
(Website: <http://www.mdot.maryland.gov/Office%20of%20Minority%20Business%20Enterprise/Certifications%20and%20Forms/DBE%20Interstate.html>)
2. Maryland DOT Small Business Enterprise (SBE) Certification - Will require completion and submittal of a Small Business Enterprise Certification Application to the Office of Minority Business Enterprise. A firm that is currently MDOT DBE certified will automatically be certified as SBE. All other firms that meet the eligibility requirements must apply to MDOT's Office of Minority Business Enterprise (OMBE) for SBE status. All SBE certified firms will appear in the MDOT Online Directory.
(Website: http://www.mdot.maryland.gov/newMDOT/MBE/CertificationForms/SBE_Certification.html)
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 Garrett County Maryland, Board of County Commissioners will follow the State of Maryland, Federal Disadvantaged Business Enterprise Program, Part XV, Supplement I, 2012 Disadvantaged Business Enterprise Program Manual DBE Small Business Enterprise (SBE) Program, prepared by the MDOT Office of Minority Business Enterprise, updated April 2018 based on the FAA's approval of this document describing the element. In order to foster small business participation and to comply with the requirement of good faith implementation of our DBE program, the Special Conditions of the Contract will indicate the amount of small business participation as determined by the Board.

Assurances

The Board 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.