

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

GBIA, owner of Gulfport-Biloxi International Airport, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. GBIA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, GBIA 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 GBIA to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also GBIA policy to engage in the following actions on a continuing basis:

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

Carl Breland, Manager of Construction and Professional Services has been delegated as the DBE Liaison Officer. In that capacity, Mr. Breland 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 GBIA in its financial assistance agreements with the Department of Transportation.

GBIA has disseminated this policy statement to the Airport Authority Commission and all of the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on GBIA DOT-assisted contracts. The distribution was accomplished by public advertisement on GBIA's website.

Clay Williams, Executive Director

Date

GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

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

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

GBIA 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 (including sexual orientation and gender identity), or national origin.

In administering its DBE program, GBIA 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 (including sexual orientation and gender identity), or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT

GBIA will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to FAA as follows:

GBIA will transmit to FAA annually, by or before December 1, the information required for the "Uniform Report of DBE Awards or Commitments and Payments", as described in Appendix B to Part 26. GBIA will similarly report the required information about participating DBE firms. All reporting will be done through the FAA official reporting system, or another format acceptable to FAA as instructed thereby.

Bidders List

GBIA 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 GBIA DOT-assisted contracts, for use in helping to

set overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

This information will be collected in the following way(s): All bidders must complete and submit Bidder's List Collection Form for Bidders and Sub-contractors (Attachment 3) with bid. Failure to submit the Bidder's List Collection Form for Bidders and Sub-contractors may cause the bidder's proposal to be rejected by the Owner as non-responsive.

Records retention and reporting:

GBIA will maintain records documenting a firm's compliance with the requirements of this part.

Section 26.13 Federal Financial Assistance Agreement

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

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

The GBIA shall not discriminate on the basis of race, color, national origin, or sex (including sexual orientation and gender identity) 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 GBIA 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 GBIA 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 GBIA 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: GBIA will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex (including sexual orientation and gender identity) in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract,

which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the contractor from future bidding as non-responsible.

ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer for GBIA:

Carl Breland
Manager of Construction and Professional Services
14035-L Airport Road
Gulfport, Mississippi 39503
(228) 863-5951
Fax Number (228) 863-5953
CBreland@flygpt.com

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

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO works with a DBE

consultant to assist in the administration of the program. Duties and responsibilities of the DBELO, in concert with DBE consultant, 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 and DBE consultant to set overall annual goals.
4. Works with DBE consultant to ensure 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.
6. Analyzes GBIA's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Works with DBE consultant to provide DBEs with information and assistance.
10. Works with DBE consultant to determine contractor compliance with good faith efforts.
11. Acts as liaison to the Mississippi UCP.

Section 26.27 DBE Financial Institutions

It is the policy of the GBIA 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.

The Mississippi Department of Banking & Consumer Finance and Mississippi Bankers Association are unaware of any financial institutions within the State of Mississippi that are owned and controlled by socially and economically disadvantaged individuals. Mississippi Department of Transportation's UCP listing does not include financial institutions owned and controlled by socially and economically disadvantaged individuals. We will periodically reinvestigate the availability of such institutions.

Section 26.29 Prompt Payment Mechanisms

GBIA 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 GBIA established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 15 days from the prime contractor's receipt of each payment from the GBIA.

GBIA ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 15 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, GBIA has selected the following method to comply with this requirement:

GBIA will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 15 days after GBIA's payment to the prime contractor.

Section 26.31 Directory

GBIA is a non-certifying member of the Mississippi Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31.

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

GBIA is a member of a United Certification Program (UCP), administered by Mississippi Department of Transportation (MDOT). MDOT has established a Business Development Program.

Section 26.37 Monitoring Responsibilities

GBIA 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 GBIA's DBE program.

Monitoring Payments to DBEs and Non-DBEs

GBIA 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):

GBIA will verify general contractor/ prime payments to DBE and non-DBE subcontractors.

GBIA 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 GBIA's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of GBIA or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

Prompt Payment Dispute Resolution

Gulfport-Biloxi Regional Airport Authority has established, as part of its DBE program, the following contract language to ensure prompt payment and return of retainage:

The prime contractor agrees to pay subcontractor(s) under this prime contract for satisfactory performance of the contract no later than fifteen (15) days from the receipt of each payment the prime contractor received from the Gulfport-Biloxi Regional Airport Authority. The prime contractor agrees further to return retainage payments to each subcontractor within fifteen (15) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Gulfport-Biloxi Regional Airport Authority. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment Complaints

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

- In cases regarding prompt payment by the prime contractor the affected subcontractor should first contact GBIA's DBE consultant and/or Liaison Officer (DBELO).
- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

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

- Withholding of payments to the contractor under the contract until the contractor complies; and/or
- If contractor fails to meet the goal, GBIA may withhold from the contract price an amount equal to the difference in the DBE dollar value contracted for and the dollar value achieved in documented DBE participation or any lesser amount as deemed appropriate by GBIA which dollar value shall be considered liquidated damages for failure to perform the DBE requirements of this contract and for which contractor agrees to be bound; and/or

- Cancellation, termination, or suspension of the contract, in whole or in part; and/or
- Payment by the contractor to GBIA of an amount equal to the difference in the DBE dollar value achieved in documented DBE participation or any lesser amount as deemed appropriate by GBIA, which dollar value shall be considered liquidated damages for failure to perform the DBE requirements of this contract and for which contractor agrees to be bound; and/or
- Debar the contractor involved from bidding on GBIA projects.

GBIA will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

GBIA reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by design consultant when completing Davis Bacon Act labor interviews. DBE consultant will review interviews and decide if further action is required.

Section 26.39 Fostering Small Business Participation

GBIA 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 small business element is incorporated as Attachment 10 to this DBE Program. The program elements will be actively implemented to foster small business participation.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

GBIA will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), GBIA will submit

its Overall Three-year DBE Goal to 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 FAA.

[https://www.faa.gov/about/office org/headquarters offices/acr/bus ent program/media/Schedule of DBE and ACDBE Reporting Requirements Dec 2017 Issue.pdf](https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/media/Schedule_of_DBE_and_ACDBE_Reporting_Requirements_Dec_2017_Issue.pdf)

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If GBIA does not anticipate awarding prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However, this DBE Program will remain in effect and GBIA will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. GBIA will use MDOT DBE Directory information from the lower three counties (Harrison, Hancock and Jackson) in Mississippi and Census Bureau Data as a method to determine the base figure. GBIA 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.

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. GBIA 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 GBIA market. GBIA’s market area is defined as the county in which GBIA is located (Harrison) and two adjacent counties (Hancock and Jackson). Rarely are DBEs from other areas included in GBIA projects.

In establishing the overall goal, GBIA will provide for consultation and publication. This includes consultation with minority, women’s and 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 GBIA to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before

GBIA 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 GBIA engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

[Note: The persons or groups with whom this consultation occurred should be listed specifically in the goal methodology and calculation attachment.]

In addition to the consultation described above, GBIA will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on GBIA's official internet web site. If the proposed goal changes following review by FAA, the revised goal will be posted on the official internet web site.

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

GBIA will begin using the overall goal on October 1 of the relevant period, unless other instructions from FAA have been received.

Prior Operating Administration Concurrence

GBIA 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 GBIA for calculating goals is inadequate, FAA may, after consulting with GBIA, adjust the overall goal or require that the goal be adjusted by GBIA. 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

GBIA 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 GBIA fails to administer its DBE program in good faith.

GBIA 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.

GBIA understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the

overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;
- (3) GBIA will submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (1) and (2) above to the FAA for approval.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

GBIA 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;
- (2) Disseminating information on contracting procedures and specific contract opportunities;
- (4) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and

GBIA estimates that, in meeting its overall goal, it will obtain 0% DBE participation from race neutral measures and 8.51% DBE participation through race conscious measures.

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

Contract Goals

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established 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).

Contract goals will be expressed as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract Goals

Demonstration of good faith efforts (pre-award)

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.

GBIA's DBE consultant 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.

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

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 (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 (as elaborated in Appendix A of Part 26). 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 will be required to present the information stipulated in paragraph (2) of this section under sealed bid procedures, as a matter of responsiveness or with initial proposals not later than 5 days after bid opening.

Administrative reconsideration

Within 5 days of being informed by GBIA that it is not *responsive* because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Carl T. Breland
Manager of Construction and Professional Services
14035-L Airport Road
Gulfport, MS 39503
Telephone: (228) 863-5951
CBreland@flygpt.com

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 the reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do. The bidder/offeror will be sent 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 procedural requirements (post-solicitation)

The awarded contractor will be required 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.

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior

written consent of GBIA. This includes, but is 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 another DBE firm.

Such written consent will be provided only if GBIA agrees, for reasons stated in the 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) GBIA determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides GBIA 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 GBIA has 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 GBIA a 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 GBIA, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request.

The prime contractor must give the DBE five (5) days to respond to the prime contractor's notice and advise GBIA and the prime contractor of the reasons, if any, why the DBE objects to the proposed termination of its subcontract and why the prime contractor's action should not be approved. If required in a particular case as a matter

of public necessity (e.g., safety), a response period shorter than five 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 offerors 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 GBIA 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.

GBIA 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 was established for the procurement. The good faith efforts shall be documented by the contractor. If GBIA requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor. GBIA 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 contracting office/representative of GBIA may 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

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

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

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE certification and credit on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

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

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

Andrea Hendricks
Director, Civil Rights Division (62-03)
P.O. Box 1850
Jackson, MS 39215-1850
(601) 359-7344
(601) 576-4504
Ahendricks@mdot.ms.gov

The Uniform Certification Application form and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

GBIA is a member of Mississippi Unified Certification Program (UCP) administered by MDOT. The UCP will meet all requirements of this section. MDOT's certification "roadmap" to applicants can be found at:

<https://mdot.ms.gov/documents/Civil%20Rights/Programs/DBE/MS%20Roadmap%20to%20Certification-2024.pdf>

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to GBIA

GBIA understands that if it fails to comply with any requirement of this part, GBIA may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122.

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

Information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law will be safeguarded from disclosure to third parties.

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

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

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

ATTACHMENTS

- Attachment 1 Regulations: 49 CFR Part 26 or website link
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 DBE Directory or link to DBE Directory
- Attachment 5 Overall Goal Calculations
- Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 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, or link to website

<https://www.ecfr.gov/current/title-49/subtitle-A/part-26?toc=1>

ATTACHMENT 2
GBIA Organizational Chart

ATTACHMENT 3
Bidder's List Collection Form

[Reminder: the information below must be collected from every bidder who submits a quote/bid to the recipient and every potential subcontractor who submitted a quote/bid to each bidder. §26.11(c) requires recipients to collect information from all bidders and subcontractors, including unsuccessful ones.]

Firm Name	Firm Address/ Phone #	DBE or Non-DBE Status (verify via State's UCP Directory)	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

ATTACHMENT 4
MDOT DBE Directory Link

https://mdot.ms.gov/bidsystem_data/bidderspdf/dbe%20listing.pdf

ATTACHMENT 5
Overall Goal Calculations

DBE Three-Year Goal Methodology

Name of Recipient: Gulfport-Biloxi International Airport

Goal Period: FY-2025-2026-2027 – October 1, 2024 through September 30, 2026

DOT-assisted contract amount:	FY-2025	\$5,580,000
	FY-2026	\$1,530,000
	FY-2027	\$2,610,000
	Total	\$9,720,000

Overall Three-Year Goal: 8.51%, to be accomplished through 8.51% RC and 0% RN

Total dollar amount to be expended on DBEs: \$827,172

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

Contracts Fiscal Year #1 (2025)

1. GA Apron Construction - \$3,600,000 (Heavy Construction)
2. Reconstruct Terminal Roof, Ph I - \$1,530,000 (Building Construction)
3. Obstruction Removal - \$450,000 (Heavy Construction)

Total Contract Amount = \$5,580,000

Contracts Fiscal Year #2 (2026)

1. Reconstruct Terminal Roof, Ph II - \$1,530,000 (Building Construction)

Total Contract Amount = \$1,530,000

Contracts Fiscal Year #3 (2027)

1. Replace PBB Gate 7 - \$1,080,000 (Long Haul Freight)
2. Reconstruct Terminal Roof, Ph III - \$1,530,000 (Building Construction)

Total Contract Amount - \$2,610,000

Market Area: The market area is defined as the area in which a substantial majority of DBE contractors and subcontractors are located.

Harrison County, MS
Hancock County, MS
Jackson County, MS

Step 1. Actual relative availability of DBEs

The base figure for the relative availability was calculated as follows:

Method: Use DBE Directories and Census Bureau Data

https://mdot.ms.gov/bidsystem_data/bidderspdf/dbe%20listing.pdf
and Census Bureau Data from Mississippi Department of Transportation

<https://data.census.gov/table?q=Jackson%20County%20Mississippi%20establishments%20NAICS&g=050XX00US28059&y=2021&n=N0600.00>

Availability of DBE Firms According to Type of Work:

NAICS	Type of Work - Heavy Construction	Total DBEs	Total All Firms
237110	Water & Sewer Lines & Related Structures Construction	2	14
237310	Highway, Streets & Bridges Construction	8	12
237990	Other Heavy and Civil Eng. Construction	1	16
238110	Poured Concrete Foundations & Structure Const.	3	16
238910	Site Prep Contractors	5	34
	TOTAL	19	92

NAICS	Type of Work - Building Construction	Total DBEs	Total All Firms
236220	Commercial & Inst. Building Construction	3	42
238210	Electrical Construction and Other Wiring	1	58
238990	All Other Specialty Trade Contractors	2	22
	TOTAL	6	122

NAICS	Type of Work – Long Haul Freight	Total DBEs	Total All Firms
484121	General Freight - Long	1	23
	TOTAL	1	23

The data source or demonstrable evidence used to derive the numerator was: Mississippi DOT DBE registry.

https://mdot.ms.gov/bidsystem_data/bidderspdf/dbe%20listing.pdf

The data source or demonstrable evidence used to derive the denominator was: U.S. Census Data

<https://data.census.gov>

Dividing the total number of DBEs available for participation on the types of projects that will be undertaken by GBIA in the next 3 years by the total number of all firms gives a base DBE availability figure.

(Heavy Construction) = Ready, willing and able DBEs

$$\text{(Heavy Construction)} = \frac{\text{All firms ready, willing and able}}{92} (100) = \mathbf{20.65\%}$$

$$\text{(Building Construction)} = \frac{\text{Ready, willing and able DBEs}}{122} (100) = \mathbf{4.92\%}$$

$$\text{(Long Haul Freight)} = \frac{\text{Ready, willing and able DBEs}}{23} (100) = \mathbf{4.35\%}$$

Weighting will be used to determine Step 1 Base Figure according to type of work.

Contracts Fiscal Year #1 (2025)

1. GA Apron Construction - \$3,600,000 (Heavy Construction)
 2. Reconstruct Terminal Roof, Ph I - \$1,530,000 (Building Construction)
 3. Obstruction Removal - \$450,000 (Heavy Construction)
- Total Contract Amount = \$5,580,000**

Contracts Fiscal Year #2 (2026)

2. Reconstruct Terminal Roof, Ph II - \$1,530,000 (Building Construction)
- Total Contract Amount = \$1,530,000**

Contracts Fiscal Year #3 (2027)

1. Replace PBB Gate 7 - \$1,080,000 (Long Haul Freight)
 2. Reconstruct Terminal Roof, Ph III - \$1,530,000 (Building Construction)
- Total Contract Amount - \$2,610,000**

Heavy Construction Total Contract Amount 2025 – 2027 = \$4,050,000
 Building Construction Total Contract Amount 2025 – 2027 = \$4,590,000
 Long Haul Freight Total Contract Amount 2025 -2027 = \$1,080,000
Total 3-Year Contract Amount = \$9,720,000

Heavy Construction Percentage = \$4,050,000 / \$9,720,00 = 41.67%
 Building Construction Percentage = \$4,590,000 / \$9,720,000 = 47.22%
 Long Haul Freight Percentage = \$1,080,000 / \$9,720,000 = 11.11%

Step 1 Weighted Base Figure = [heavy constr. % (heavy constr. DBEs / All heavy constr. firms) + building constr. % (building constr. DBEs / All building constr. Firms) + long haul freight % (long haul freight DBEs / All long haul freight firms)] * 100

Step 1 Weighted Base Figure = [(0.4167 * 0.2065) + (0.4722*.0492) + (0.1111*.0435)] * 100 = 11.41%

Step 1 Weighted Base Figure = 11.41%

Step 2: Adjustments to Step 1 base figure

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

Evidence suggests that there is an insufficient number of DBEs in GBIA’s market area to perform work. Occasionally one DBE prime contractor bids heavy construction projects and GBIA never obtains bids from DBE prime contracting firms that specialize in building construction.

Past History Participation

The base figure will be adjusted by averaging the step 1 weighted base figure with the median of the last 5 years historical DBE accomplishments. All DBE participation has been attained via race conscious measures.

	Goal	Attainment
FY21	13.21%	2.20%
FY20	13.21%	3.90%
FY22	12.06%	5.60%
FY19	13.21%	7.50%
FY23	12.06%	16.20%
Median	5.60%	

Arranging this historical data from low to high, (2.20%, 3.90%, 5.60%, 7.50%, 16.20%) the median is **5.60%**.

Step 1 Base averaged with historical median: (11.41% + 5.6%) / 2 = **8.51%**

To arrive at an overall goal, the Step 1 base figure was added to the Step 2 adjustment figure and the total was averaged, arriving at an overall goal of 8.51%. GBIA believes this adjusted goal accurately reflects DBE participation that can be achieved for the type(s) of work being awarded during this three-year period.

Step 2 DBE Goal = 8.51%

Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation.

GBIA will meet the maximum feasible portion of the overall goal by using RN means of facilitating DBE participation

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;

GBIA estimates that in meeting the established overall goal of 8.51%, it will obtain 0% from RN participation and 8.51% through RC measures.

This breakout is based on:

- a) In FY-23, DBE accomplishments exceeded the goal by 3.6%, which may not be construed as evidence of race-neutral participation.
- b) The Recipient does not have a consistent 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 8.51% is to be obtained through race-conscious participation.

GBIA will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation [see §26.51(f)] and track and report RN and RC participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal, and DBE participation through a subcontract from a prime contractor that did not consider a firm’s DBE status in making the award.

PUBLIC PARTICIPATION

Consultation:

In establishing the overall goal, GBIA provided for consultation and publication. This process included consultation and attempted consultation with GBIA’s market area MDOT certified DBEs, Lisa Masiello (entrepreneur/champion of women’s advancement and entrepreneurship) and Southern Regional Minority Supplier Development Council. The consultation included an emailed questionnaire and a scheduled, direct, interactive exchange with the listed entities. The goal setting process was conducted before the goal methodology was submitted to FAA for review. Details of the consultation are as follows.

The consultation included questions provided to participants via email and engaged in a *face-to-face meeting with power point presentation*, which was held at GBIA, 3rd Floor Administrative Office Commission room, 14035-L Airport Road, Gulfport, Mississippi 39503.

The following questions were asked via email and during the course of the consultation:

1. Has your business contracted with GBIA in the past and/or participated in a contract with GBIA as a sub-contractor?
2. Has your company experienced discrimination when trying to obtain airport construction opportunities?
4. Are you aware or ever been made aware of DBE (disadvantaged business enterprise) opportunities for GBIA?
5. Has your company every been asked to provide a quote for any GBIA construction projects.
6. Has a lack of capital or financing created barriers to becoming a DBE?
7. In your opinion, what would level the playing field for DBEs seeking to obtain DBE contracts?
8. What type of work does your company provide?
9. Has a lack of capital or bonding created barriers to bidding on GBIA projects?
10. Are you aware of businesses that are not DBE certified but require assistance in becoming DBE certified?

A notice of the proposed goal was published on the GBIA official website before the methodology was submitted to FAA.

PUBLIC NOTICE

GBIA hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 8.51% for FAA-funded contracts/agreements. The proposed goal pertains to federal fiscal years 2025 through 2027. A meeting will be held on July 23, 2024 at 11:00 AM at GBIA, 3rd Floor Administrative Offices Commission room, 14035-L Airport Road, Gulfport, Mississippi 39503 for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process.

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

Carl T. Breland
Manager of Construction and Professional Services
14035-L Airport Road
Gulfport, MS 39503
Telephone: (228) 863-5951
CBreland@flygpt.com

OR

Milady A. Howard
505 Brumbaugh Road
Ocean Springs, MS 39564
Telephone: (228) 218-4811
miladyhoward@gmail.com

FORM 2: LETTER OF INTENT

BID FORM

LETTER OF INTENT

(Must be submitted with Bid for each DBE subcontractor)

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

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

Affirmation

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

By: _____ (Signature) _____ (Title)

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

ATTACHMENT 7
DBE Monitoring and Enforcement Mechanisms

The GBIA 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.

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

ATTACHMENT 9
State's UCP Agreement

ATTACHMENT 10

Small Business Element

The GBIA has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 which includes participation goals by DBE firms. The GBIA has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, the GBIA has signed an assurance that it will comply with 49 CFR Part 26. On January 28, 2011 via Federal Register / Vol. 76, No. 19, the DOT issued Rules and Regulations adding **Section 26.39, *Fostering Small Business Participation*** that requires the GBIA to submit to the Federal Aviation Administration an amendment to include a Small Business Element to structure contracting requirements to facilitate competition and expand opportunities for Small Business concerns.

A. Objective (49 CFR Part 26.39)

The GBIA, recognizing that DBE program goals should be met through a mixture of race neutral and race conscious methods and by definition, DBE firms are small businesses, the GBIA seeks to implement a small business element into its current DBE policy in accordance with applicable law. The GBIA 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 GBIA will meet its objectives by using a combination of the following strategies:

1. **Unbundling:** The GBIA where feasible, may “unbundle”, projects or separate large contracts into smaller contracts that may be more suitable for small business participation. The GBIA will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be “unbundled” or bid separately. Similarly, the GBIA will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses.
2. **Good Faith Efforts:** The GBIA will take reasonable steps to encourage minority and women-owned firms that are eligible for DBE certification to become certified with MDOT. This will be accomplished through outreach efforts, educational and informational programs, direct contact, and in solicitation documents.

Definitions

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).

For the purposes of the small business element of the GBIA’s DBE Program, small businesses that 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.

B. Certification and Verification Procedures

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

1. Mississippi Unified Certification Program (UCP) DBE Certification – DBE Certification by the UCP which stipulates that a firm has been determined to meet all of the

requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the UCP and listed in the UCP directory.

2. A small business that provides evidence at the time of solicitation submittal that it qualifies as a small business concern for the specific task to be performed. Such evidence can be provided by the following appropriate means:
 - a. A copy of the business tax returns for the most recent three year period indicating the gross receipts ;
 - b. A notarized statement from a Certified Public Accountant indicating the firms average gross receipts for the last three years;
 - c. A copy of the firm's payroll statement indicating the average annual employment for the most recent year;
 - d. A notarized personal financial statement from a Certified Public Accountant
3. Mississippi Department of Transportation (MDOT) certified Small Business Concerns (SBC).

C. Implementation Schedule

The GBIA will amend and incorporate this small business element into its DBE Program within ninety (90) days after approval of the element by the FAA.

D. Assurances

The GBIA makes the following assurances:

1. 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;
2. 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;
3. There are no limits on the number of contracts awarded to firms participating in the DBE Program.
4. Reasonable efforts will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
5. 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.