

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement


The City of Maquoketa 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 City of Maquoketa has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City of Maquoketa has signed an assurance that it will comply with 49 CFR Part 26.

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

1. 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

The City of Maquoketa, City Manager has been delegated as the DBE Liaison Officer. In that capacity, the City of Maquoketa, City 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 City of Maquoketa in its financial assistance agreements with the Department of Transportation.

The City of Maquoketa has disseminated this policy statement to the Department of Transportation 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. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.



 Tom Messerli
 City of Maquoketa, Mayor

12-19-23

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

Section 26.5 Definitions

The City of Maquoketa will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

The City of Maquoketa 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 City of Maquoketa 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

(b) You must continue to provide data about your DBE Program to the Department as directed by DOT operating administrations.

We will report DBE participation to DOT/FAA as follows:

We will transmit to FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form, found in Appendix B of 49 CFR Part 26. We will also report the DBE Contractor firms contact information either on the FAA DBE Contractor's Form or other similar format.

Bidders List: 26.11(c)

The City of Maquoketa 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. The recipient may obtain gross receipts information by asking each firm to indicate into what bracket it fits (e.g., less than \$500,000; \$500,000 – \$1 million; \$1-2 million, \$2-5 million, etc.) rather than requesting an exact figure from the firm.)

We will collect this information in the following ways:

The prime bidders shall report the names/address, and other pertinent information, of all firms who quote to them on subcontracts to the Airport Authority; the prime bidder shall also report any requests the prime bidder makes to other firms quoting subcontracts.

Section 26.13 Federal Financial Assistance Agreement

The City of Maquoketa has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a) - Each financial assistance agreement you sign with a DOT operating administration (or a primary recipient) must include the following assurance:

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

Contract Assurance: 26.13b

The City of Maquoketa 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 City of Maquoketa deems appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The City of Maquoketa will receive grant(s) for airport planning or development totaling \$250,000 in a Federal fiscal year. We will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program for approval.

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Joshua Boldt, City Manager
City of Maquoketa
201 East Pleasant Street
Maquoketa, IA 52060
563-652-2484
manager@maquoketaia.com

In the event a new City of Maquoketa, City Manager is elected they shall replace the above as the DBELO. The DBE program will be update in a timely manner to reflect such change

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

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. 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 City of Maquoketa's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Acts as liaison to the Uniform Certification Process in Iowa.

14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Holds a current copy for public review of the Iowa DOT directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of the City of Maquoketa 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.

To date we have identified the following institutions: There are currently no institutions on records as meeting the criteria.

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

Section 26.29 Prompt Payment Mechanisms

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

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

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

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

The City of Maquoketa will provide appropriate means to enforce the requirements of this section. These means include any and all means covered by state laws and regulations.

The City of Maquoketa will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the City of Maquoketa. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the City of Maquoketa. This clause applies to both DBE and non-DBE subcontractors.

Section 26.31 Directory

The City of Maquoketa uses the State of Iowa DBE directory, maintained by the State. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has

been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The State of Iowa revises the Directory annually. The Directory may be found at <https://secure.iowadot.gov/DBE/Home/Index/>

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

The City of Maquoketa has not established a business development program.

Section 26.37 Monitoring Responsibilities

City of Maquoketa 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 City of Maquoketa DBE program.

City of Maquoketa actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs

City of Maquoketa 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):

- *Posting prime contractor payments to the city's website to alert sub-contractors to the start of the 30-day clock for payment.*
- Specific DBE items will be highlighted on pay requests to allow DBE subcontractors to accurately track when payment is made.

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

- City of Maquoketa proactively reviews contract payments to subcontractors including DBEs on a quarterly basis. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to City of Maquoketa by the prime contractor.

Prompt Payment Dispute Resolution

City of Maquoketa will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

- Set up meeting with prime contractor, associated DBE sub-contractor, airport manager, airport authority chairman, city manager, and engineer (project manager, resident project representative)
- If the dispute is not resolved a meeting with the City Council for resolution may be needed.

City of Maquoketa has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage

(1) Alternative dispute resolution (ADR)

- Contractor will be required to provide a *detailed alternative dispute resolution plan for city approval prior to the issuance of any notice to proceed.*

(2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

- Prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure. [*Escalation steps should follow prime, Recipient, and Operating Administration (OA) in that order, but specific procedures are to be outlined by the Recipient. Procedures and wording below are basic descriptions, and should not be used verbatim.*]

- 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.
- If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by City of Maquoketa to resolve prompt payment disputes, affected subcontractor may contact the City Manager.

[FAA Funding Recipients Only]

- 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

City of Maquoketa 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*

City of Maquoketa will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

City of Maquoketa reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., 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 [DBELO/compliance team/project managers/consultant/etc.]. Contracting records are reviewed by

[DBELO/compliance team/project managers/consultant/etc.]. City of Maquoketa 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 City of Maquoketa 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. **Implementation of the small business element is required in order for City of Maquoketa 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 City of Maquoketa does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The City of Maquoketa will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding FAA funded prime contracts exceeding \$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 City of Maquoketa will submit its overall three-year DBE Goal to FAA by August 1 as required by the established schedule below.

49 CFR Part 26		All Airports -- 3-Year Overall DBE Goals		DUE: AUGUST 1
Airport Type	Region	Due	Period Covered	Next Goal Due
Large and Medium Hub Primary	All	2022	2023/2024/2025	2025 (2026/2027/2028)
Small Hub Primary	All	2023	2024/2025/2026	2026 (2027/2028/2029)
Non-Hub Primary	All	2024	2025/2026/2027	2027 (2028/2029/2030)
Non-Primary including GAs, Relievers, and State DOTs	Alaskan, Eastern, and Great Lakes	2022	2023/2024/2025	2025 (2026/2027/2028)
Non-Primary including GAs, Relievers, and State DOTs	New England, Northwest Mountain, and Southern	2023	2024/2025/2026	2026 (2027/2028/2029)
Non-Primary including GAs, Relievers, and State DOTs	Central, Southwest, and Western-Pacific	2024	2025/2026/2027	2027 (2028/2029/2030)

DBE goals will be established for those fiscal years we anticipate awarding DOT-assisted prime contracts exceeding \$250,000 during the three-year period. The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City of Maquoketa 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 City of Maquoketa will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step is to determine the relative availability of DBEs in the market area, "base figure". The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

In establishing the overall goal, the City of Maquoketa will consult with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Maquoketa efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at our principal office for 30 days following the date of the notice, and informing the public that the City of Maquoketa and DOT/FAA will accept comments on the goals for 45 days from the date of the notice. Notice will be issued in general circulation media and available minority- focus media and trade publications, websites. Normally, we will issue this notice by June 1 of the reporting period of the goal. The notice will include addresses to which comments may be sent and addresses including offices where the proposal may be reviewed.

Our overall three-year DBE goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

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

A 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 City of Maquoketa will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

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

- (1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems we have identified in our analysis and to enable us to meet fully your goal for the new fiscal year;
- (3) The City of Maquoketa will submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (c) (1) and (2) of this section to the FAA for approval.

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

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

Section 26.51(d-g) Contract Goals

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

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

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

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

Section 26.53 Good Faith Efforts Procedures

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

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

The City of Maquoketa is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

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

Information to be submitted (26.53(b))

The City of Maquoketa treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness – all bidders submit DBE information at the time of bid.

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

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

Administrative reconsideration (26.53(d))

Within 7 business days of being informed by the City of Maquoketa that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offers should make this request in writing to the following reconsideration official: Mayor Tom Messerli, 201 East Pleasant Street, Maquoketa, IA 52060, 563-652-2484, tommy@yousq.net.

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 when a DBE is replaced on a contract (26.53(f))

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

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

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

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

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

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

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

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the City of Maquoketa to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 1.60% percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City of Maquoketa will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole. For information about the certification process or to apply for certification, firms should contact:

Margaret Muxfeldt
Clerical Assistant
Iowa DOT Office of Contracts
EEO Section
800 Lincoln Way
Ames, Iowa 50010
Telephone 515.239.1325
Margaret.muxfeldt@dot.iowa.gov

Our certification application forms and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The City of Maquoketa is not a Unified Certification Program (UCP) at this time. The sole UCP certifying agency in Iowa is the Iowa DOT. The City of Maquoketa will recognize any and all firms certified by Iowa DOT under the UCP as a DBE.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

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

Monitoring Payments to DBEs

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

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

ATTACHMENTS

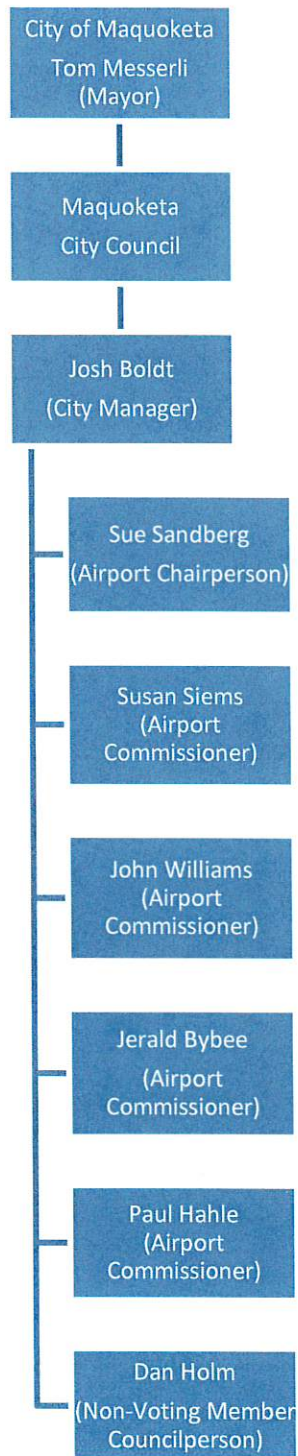
- Attachment 1 Regulations: 49 CFR Part 26 or website link
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 DBE Directory or link to
- Attachment 5 Overall Goal Calculations
- Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Form 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, available online at:
<https://www.fhwa.dot.gov/hep/guidance/superseded/49cfr26.cfm>

ATTACHMENT 2

Organizational Chart of the City of Maquoketa



ATTACHMENT 3

Bidder's List Collection Form

JOB NUMBER _____
 LETTING DATE _____
 JOB NAME _____
 CONTRACTOR _____

The City of Maquoketa is required by 49 CFR 26.11, to create and maintain a master bidder's list of all firms attempting to participate on federally assisted projects. Therefore, the Contractor should provide the names and addresses of all subcontractors, truckers or material suppliers that bid or provided quotes on any item on the project, regardless of whether or not the quotes were used in preparing the proposal. DBE contractors should be indicated by placing an X in the box preceding the firm's name. The general type of work to be performed, i.e., removal and disposal items (including clearing and grubbing), earthwork (including drainage items), hauling, paving (PCCP or ACHM), miscellaneous concrete, traffic control, erosion control, signals/electrical, structures (includes steel suppliers), material (aggregate) supplier, miscellaneous items should be shown.

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

Iowa DBE Directory

The Iowa DBE directory is available online at <https://secure.iowadot.gov/DBE/Home/Index/>

ATTACHMENT 5

Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: City of Maquoketa

Goal Period: FY-2023-2024-2025 – October 1, 2023 through September 30, 2025

DOT-assisted contract amount:	FY-2023	<u>\$0</u>
	FY-2024	<u>\$1,475,829</u>
	FY-2025	<u>\$1,061,500</u>

Total \$2,537,329

Overall Three-Year Goal: *1.60% average over the three-year period, to be accomplished through 0.0% RC and 1.60% RN*

Total dollar amount to be expended on DBE's: \$40,597.26

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

Projects Fiscal Year #1

1. No federal grants above \$250,000 are anticipated at this time

Projects Fiscal Year #2

1. Reconstruct Runway 15 End (Construction)

Projects Fiscal Year #3

1. Construct Hangar (s)

Market Area *The entire state of Iowa has been identified as the market area due to contractors mobilizing great distances for certain projects.*

Step 1. Analysis: Actual relative availability of DBE's

The total number of firms was determined from the 2020 US Census County Business Patterns based on NAICS. The DBE's were determined by use of the Iowa DOT DBE directory and the NAICS code or codes listed for the given company.

Divide the total number of DBE's by the total number of All Firms = base figure for each project.

FY 2023:

- No federal grants above \$250,000 are anticipated to be received

FY 2024 :

Reconstruct Runway:

NAICS	Type of Work	Total DBE's	Total All Firms
238910	Site Preparation	12	701
237310	Highway, Street, and Bridge Construction	23	147
561730	Landscaping Services	9	1213
238210	Electrical Contractors	0	860
541330	Engineering Services	8	383
541370	Surveying and Mapping (except Geophysical) Services	2	44
541380	Testing Laboratories	0	77
Total		54	3,425

DBE % = $54/3,425 = 1.63\%$

FY 2025:

Construct Hangar (s)

NAICS	Type of Work	Total DBE's	Total All Firms
237110	Storm and Sanitary sewer Construction	7	133
237310	Concrete paving	23	147
238910	Site Preparation	12	701
238210	Electrical Contractors	0	860
339950	Sign Manufacturing	1	0 (No Data)
238110	Concrete Foundation	5	545
561730	Landscaping Services	9	1213
541330	Engineering Services	8	383
541370	Surveying and Mapping (except Geophysical) Services	2	44
541380	Testing Laboratories	0	77
Total		67	4,103

DBE % = $67/4,103 = 1.58\%$

Average of three years = $(1.63\%+1.58\%)/2 = 1.60\%$

Step 2. Analysis: Adjustments to Step 1 base figure.

Not enough historical data on DBE participation is available to reference to make an adjustment to the Step 1 base figure; therefore, the City of Forest City is adopting the Step 1 base figure as the overall goal for this three-year goal period. Further, there are no applicable disparity studies for the local market area or recent legal case information available from the Iowa DOT or related office to show any evidence of barriers to entry or competitiveness of DBEs in the state of Iowa.

Further, there are no applicable disparity studies for the local market area or recent legal case information available from the Iowa DOT or related office to show any evidence of barriers to entry or competitiveness of DBEs in the state of Iowa.

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

The recipient will meet the maximum feasible portion of its 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. Providing technical assistance and other services;
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
4. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBE's and other small businesses;
5. Providing services to help DBE's 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;
6. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;
7. Assist DBE's and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media

The recipient estimates that in meeting its overall goal 1.60%, it will obtain 1.60% from RN participation and 0% through RC measures.

This breakout is based on:

The City of Maquoketa will be attempting to achieve the new DBE three-year goal through RN means by not setting contract goals while encouraging DBE participation. At this time, it is unknown if a goal of 1.60% is achievable through RN means.

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

Public Participation

Consultation: Section 26.45(g)(1).

The Airport Authority submits its overall DBE three-year goal to DOT on August 1 as required by the set schedule.

Before establishing the overall goal, the City of Maquoketa will consult with Iowa DOT, without limiting consultation to these persons or groups, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Maquoketa efforts to establish a level playing field for the participation of DBEs

Following the consultation, we will publish a notice in the **Maquoketa Sentinel-Press** 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 airport administration building for 30 days following the date of the notice, and informing the public that the City of Maquoketa and DOT will accept comments on the goals for 45 days from the date of the notice

In addition to the consultation described above, the City will publish a notice announcing the proposed overall goal before submission to the applicable operating administration on **December 20th**. The notice will be posted on the City's official

49 CFR Part 26

internet web site. If the proposed goal changes following review by the applicable operating administration, the revised goal will be posted on the official internet web site.

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

Sample Public Notice Language:

PUBLIC NOTICE

The City of Maquoketa hereby announces its averaged fiscal year 2023, 2024, 2025 goal of 1.60% for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goal and rationale is available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at City Hall in the City of Maquoketa, 201 East Pleasant Street, Maquoketa, IA 52060, for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 45 days from the date of this publication and can be sent to the following:

Joshua Boldt, City Manager
City of Maquoketa
201 East Pleasant Street
Maquoketa, IA 52060

Contract Goals

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

The City of Maquoketa 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 *Federal share of a DOT-assisted contract*.

ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2

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

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of _____ % DBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the DBE goal of _____ %) is committed to a minimum of _____ % DBE utilization on this contract and should submit documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

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

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above and that the firm is DBE certified to perform the specific trades.

By _____
(Signature)

Date: _____

(Title)

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

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The City of Maquoketa 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

Any DBE seeking certification through the UCP should contact the following person to receive the proper forms:

Margaret Muxfeldt
Clerical Assistant
Iowa DOT Office of Contracts
EEO Section
800 Lincoln Way
Ames, Iowa 50010
Telephone 515.239.1325
Margaret.muxfeldt@dot.iowa.gov

ATTACHMENT 9

State's UCP Agreement

The City of Maquoketa is not a registered UCP agency. Contact Margaret at the following address to request a copy of the Iowa DOT's UCP Agreement:

Margaret Muxfeldt
Clerical Assistant
Iowa DOT Office of Contracts
EEO Section
800 Lincoln Way
Ames, Iowa 50010
Telephone 515.239.1325
Margaret.muxfeldt@dot.iowa.gov

ATTACHMENT 10

Small Business Element Program**A. Objectives**

The City of Maquoketa has developed this Small Business element in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. We consider it to be a race- and gender-neutral means for providing additional contracting opportunities for small businesses, including DBEs, to fairly compete for contracts.

The objective of this program is to eliminate obstacles that by nature preclude small business participation in procurements as prime contractors or subcontractors. We will also consider this program to be a tool that has the potential to positively address procurement concerns relating to costs, innovation, quality, and customer satisfaction.

Work performed by DBE's under the Small Business Element will be counted towards race neutral DBE participation.

B. Small Business Size Standards

All contractors wishing to participate as small businesses (DBEs and non-DBEs alike) are subject to the same size standards. Iowa Code 314.14 defines a "Small Business" as any enterprise which is operated for profit, under a single management, and which has either fewer than twenty (20) employees or an annual gross income of less than four (4) million dollars computed as the average of the three preceding fiscal years. There are no ethnic or gender limitations. The Personal Net Worth (PNW) of any owners should not exceed \$1.32 million.

C. Small Business Verification Procedures

The City of Maquoketa will accept the following certifications or documents for participation in the small business element of the DBE Program with applicable stipulations:

- (1) Disadvantaged Business Enterprise (DBE) Certification – DBE Certification is issued by the Iowa DOT.
- (2) Targeted Small Business (TSB) Certification – Businesses owned, operated, and actively managed by women, minority group members, or persons with disabilities are eligible for certification as TSB's. TSB Certification is issued by the Iowa Department of Inspections and Appeals (DIA).
- (3) Other Small Businesses – Will require submittal of three years of business tax returns.
- (4) All Small Businesses (DBE and non-DBE) – Will require submittal of the "SMALL BUSINESS VERIFICATION" form attached at the end of the small business element of the DBE Program.

D. Strategies for Increasing Participation by Small Businesses

The City of Maquoketa will take the following proactive steps to increase contracting opportunities for small businesses at the City of Maquoketa:

- (1) We will require contractors bidding on projects without DBE goals to solicit quotations from small businesses. Contractors must use the "PRE-BID SMALL BUSINESS CONTACT INFORMATION" form attached at the end of the small business element of the DBE Program and may submit additional documentation that demonstrates reasonable positive efforts toward encouraging participation in the contract by Small Businesses.
- (2) We will contact Small Businesses in the market area at least 2 business days prior to the general release of bid documents to notify them of upcoming projects.
- (3) We will post City of Maquoketa bids online at the "FAA dbE-Connect System" (<https://faa.dbesystem.com>) to make information about bid opportunities more readily available to Small Business concerns.
- (4) We will include language in our public notices that encourages consortia or joint ventures consisting of small businesses to compete for prime contracts (e.g. "joint ventures consisting of small businesses are encouraged to submit proposals as prime contractors").
- (5) We will review each FAA-assisted contract to identify individual phases or elements of a project that can be "unbundled" or bid separately to make them more accessible to small businesses. The resulting work will be advertised for sealed bids in accordance with Iowa Code 26.3.
- (6) We will review each contract to develop provisions that eliminate barriers to the participation of new, emerging, or untried businesses in procurements.
- (7) We will contact and strongly encourage minority and women owned businesses that participate in the small business element to seek Iowa DOT DBE certification. We will count their work towards race neutral DBE participation if they are successfully certified.

E. Monitoring and Enforcement Mechanisms

The City of Maquoketa will take the following monitoring and enforcement mechanisms to ensure compliance with the small business element of the DBE program.

- (1) False, fraudulent, or dishonest conduct in connection with Small Business participation will be brought to the attention of the Iowa DOT and U.S. DOT so that appropriate steps can be taken (e.g., referral to the Department of Justice for criminal prosecution, referral to the U.S. DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules). We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Regulations, provisions, and contract remedies available to us in the events of non-compliance are provided in Section 26.37 of the DBE program.
- (2) We will verify that work committed to Small Businesses at contract award is actually performed by the Small Business by monitoring the work site to ensure compliance.
- (3) We will perform interim audits of contract payments to Small Businesses to ensure that the actual amount paid to Small Business subcontractors equals or exceeds the dollar amounts stated in the "PRE-BID SMALL BUSINESS CONTACT INFORMATION" form submitted with the contractor's bid.
- (4) We will require prime contractors to maintain records and documents of payments to Small Business subcontractors for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City of Maquoketa or U.S. DOT. This reporting requirement also extends to any participating Small Business.

F. Record Keeping

The City of Maquoketa will track and record all race-neutral participation by certified DBEs achieved through the Small Business Element Program and report participation in the city's annual achievement report. This report will be made available for the FAA to access upon request.

G. Small Business Directory

Contractors can find current listings of certified Iowa DIA TSBs, Iowa DOT DBEs, and other state DOT DBE listings at the following links:

- (1) Iowa DIA TSB Directory: <https://dia.iowa.gov/tsb/index.php/search>
- (2) Iowa DOT DBE Directory listings by name: <http://www.ia.bidx.com/lettings/dbealpha.pdf>
- (3) Iowa DOT DBE Directory listings by work: <http://www.ia.bidx.com/lettings/dbework.pdf>
- (4) FAA dbE-Connect System listings: <https://faa.dbesystem.com>

H. Implementation Schedule

The City of Maquoketa will implement this small business element within nine months of the FAA's approval of this document describing the small business element.

I. Assurance

The City of Maquoketa provides the following assurances:

- (1) That the program is authorized under state law;
- (2) That certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;
- (3) That there are no geographic preferences or limitations imposed on any federally assisted procurement included in the program;
- (4) That there are no limits on the number of contracts awarded to firms participating in the program but that every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
- (5) That aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.
- (6) That the program is open to small businesses regardless of their location (i.e., that there is no local or other geographic preference).

PRE-BID SMALL BUSINESS CONTACT INFORMATION

Contractor Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

In order for your bid to be considered responsive, you are required to provide information on this form showing the Small Business contacts made with your bid submission. This information is subject to verification and confirmation.

TABLE OF INFORMATION SHOWING BIDDERS PRE-BID SMALL BUSINESS CONTACTS

NAME OF SMALL BUSINESS CONTACTED	DATE CONTACTED	QUOTE RECEIVED? (YES/NO)	DOLLAR AMOUNT (IF ANY)

AMOUNT TO BE SUBCONTRACTED TO SMALL BUSINESSES _____

SMALL BUSINESS VERIFICATION

To be considered a Small Business, a company must meet the requirements of Iowa Code 314.14 or be certified as a Disadvantaged Business Enterprise (DBE) or a Targeted Small Business (TSB). This form allows a contractor to self certify that their company meets the requirements of a Small Business as defined by Iowa Code 314.14 or through their status as a certified DBE or TSB. This form must accompany the bid submission.

_____ of _____
Company Name City and State

The following two must apply:

Is this business operated for a profit and under a single management? (single management for the purpose of certification means the business cannot be a subsidiary of another business)

Yes No

Do the owners have a Personal Net Worth (PNW) *less than* \$1.32 million each?

Yes No

At least one of the following three must apply:

Does this business have fewer than twenty (20) employees during its peak seasonal employment?

Yes No

OR

Does this firm have an annual gross income of less than four (4) million dollars computed as the average of the three preceding fiscal years?

Yes No

OR

Does this firm have a DBE or TSB certification? (A response of "No" will require submittal of most recent three years of business tax returns after award of contract)

Yes No

I, _____, give this unsworn declaration executed under penalty of perjury of the laws of the United States and the State of Iowa that all the statements in this Small Business Certification are true and correct.

Dated _____