



FAA AIRPORT IMPROVEMENT PROGRAM (AIP)
DISADVANTAGED BUSINESS ENTERPRISE
(DBE) PLAN
IN ACCORDANCE WITH 49 CFR PART 26

FOR

BRADLEY INTERNATIONAL AIRPORT
WINDSOR LOCKS, CONNECTICUT



Updated November 2022

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Connecticut Airport Authority (CAA), owner of Bradley 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. CAA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, CAA 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 CAA to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also CAA's 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.

Laurie A. Sirois, Manager of Grants, Procurement and Insurance Programs at CAA has been delegated as the DBE Liaison Officer. In that capacity, the Manager of Grants, Procurement and Insurance Programs 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 CAA in its financial assistance agreements with the Department of Transportation.

CAA has disseminated this policy statement to the CAA Board of Directors 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 CAA DOT-assisted contracts. The distribution was accomplished by through a legal notice announcement and by publishing notice of DBE participation in all legal notices for letting of contracts for federally funded projects as well as posting this statement on the airport's website at www.bradleyairport.com.



Kevin A. Dillon, A.A.E.
Executive Director
Connecticut Airport Authority

12/14/2022
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

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

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

CAA 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, CAA 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

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

DBE participation will be reported to the FAA as follows:

CAA will transmit to the 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. CAA 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 the FAA as instructed thereby.

Bidders List

CAA 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 CAA 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. See **Attachment 2**.

This information will be collected in the following way(s):

- All bidders are required to complete the Bidders List Collection form found in **Attachment 2** and submit a copy with their bid.
- For negotiated projects, each prime is to submit a bidders list for all solicited work.

Records retention and reporting:

CAA will maintain records documenting a firm's compliance with the requirements of this part. Other compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Federal Financial Assistance Agreement

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

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

The CAA 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 CAA 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 CAA 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 CAA 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: CAA 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 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

CAA 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. CAA is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and CAA is in compliance with it and Part 26. CAA will continue to carry out this program until all funds from DOT financial assistance have been expended. CAA 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 CAA:

Laurie A. Sirois
Manager of Grants, Procurement and Insurance Programs
Connecticut Airport Authority
334 Ella Grasso Turnpike
Suite 139
Windsor Locks, CT 06096
lsirois@ctairports.org
Direct: (860) 292-2043

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the CAA complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in **Attachment 3** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has staff that includes project managers and consultants to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes CAA's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the CAA 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. CAA will conduct searches annually to verify if any DBE financial institutes are available within the market area.

As part of this DBE Program, the CAA has investigated services offered by banks owned and controlled by socially and economically disadvantaged individuals in the local area by contacting the U.S. Treasury Department and reviewing its March 31, 2022 listing of Minority Bank Deposit Program. Based on this search, there no banks defined by the Treasury located in Connecticut.

As of August 29, 2022, depository institutions that participate in the Federal Deposit Insurance Corporation's (FDIC) Minority Depository Institutions Program have been added to the Treasury's Minority Bank Deposit Program. By researching the Federal Reserve System and reviewing its listing of minority-owned depository institutions, DBE banks located in the market area can be identified. Based on this search, there are no minority-owned depository institutions located in Connecticut.

The bank participants in the Minority Bank Deposit Program and Minority Depository Institutions Program do change periodically and updates can be found at the following website locations, respectively:

<https://www.fiscal.treasury.gov/mbdp/participants.html>
<https://www.fdic.gov/regulations/resources/minority/mdi.html>

Section 26.29 Prompt Payment Mechanisms

CAA 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 CAA established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 25 days from the prime contractor's receipt of each payment from the CAA.

CAA ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 25 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, CAA has selected the following method to comply with this requirement:

You may 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 25 days after your payment to the prime contractor.

Additionally, for Federal Aviation Administration (FAA) Recipients include the following:

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

The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 25 days after the Contractor has received a partial payment. The Owner must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 25 days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Owner. When the Owner has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

From the total of the amount determined to be payable on a partial payment, {insert amount of retainage, not to exceed 10 percent} percent of such total amount will be deducted and retained by the Owner until the final payment is made, except as may be provided (at the Contractor's option) in the subsection titled PAYMENT OF WITHHELD FUNDS of this section. The balance {(insert balance)} of the amount payable, less all previous payments, shall be certified for payment. Should the Contractor exercise his/her option, as provided in the subsection titled PAYMENT OF WITHHELD FUNDS of this section, no such percent retainage shall be deducted.

When at least 95 percent of the work has been completed, the Engineer shall, at the Owner's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done.

The Owner may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

Section 26.31 Directory

CAA is a non-certifying member of the Connecticut 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. A link to the CT DBE Directory can be found in **Attachment 4**.

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

CAA has not established a Business Development Program.

Section 26.37 Monitoring Responsibilities

CAA 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 CAA's DBE program.

CAA 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

CAA 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):

- Each contractor will be required to submit documentation of DBE participation as the work progresses. A **Monthly Compliance Report/DBE Participation Affidavit (Refer to Exhibit 4 of CAA Specification Section 00 0750)** and **EEO/DBE Monthly Activities Report (Refer to Exhibit 5 of CAA Specification Section 00 0750)** will be required to be submitted monthly with the Contractor's Application for Payment. Trade Contractor's Application for Payment will not be processed if any of the DBE monthly reports is delinquent. (Refer CAA Specification Section 00 0750, paragraph 3.6)

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

- CAA proactively reviews contract payments to subcontractors including DBEs monthly and with each application for payment. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to CAA by the prime contractor.

Prompt Payment Dispute Resolution

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

Upon either parties written request to the DBELO for mediation, the parties shall participate voluntary mediation by selecting a mediator within 10 days of request. Within 30 days of the request, the mediation shall be completed, with or without legal counsel, pursuant to CT law.

CAA 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)

- If the subcontractor is unable to resolve payment discrepancies with the prime contractor or is uncomfortable contacting the prime contractor directly regarding the discrepancy, the subcontractor should contact the DBELO to initiate complaint.
- If the subcontractor is not satisfied with the results from filing a prompt payment complaint with the Airport's DBELO, the subcontract may contact:

Mr. Kevin A. Dillon, A.A.E.
Executive Director
Connecticut Airport Authority
Bradley International Airport
Administration Office
Terminal A, 3rd Floor
Windsor Locks, CT 06096

An informational copy of this request should be sent to:

Mr. Matthew Stone
General Counsel
Connecticut Airport Authority
Bradley International Airport
Administration Office
Terminal A, 3rd Floor
Windsor Locks, CT 06096

- (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.

Prompt Payment Complaints

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

- 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 CAA to resolve prompt payment disputes, affected subcontractor may contact the responsible the FAA contact.
- 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

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

- Notify the contractor for resolution.
- If not promptly resolved, provide subcontractor with copy of bond for them to notify the bonding agency.
- Retainage isn't released until all lien waivers are received from subs.

CAA will actively implement the enforcement actions detailed above. Additional Monitoring and Enforcement mechanisms can be found in **Attachment 5**.

Monitoring Contracts and Work Sites

CAA 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 the DBELO or designee. Contracting records are reviewed by the DBELO or designee. CAA 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

CAA 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 6** 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 CAA 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

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

Section 26.45 Overall Goals

CAA 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), CAA will submit its Overall Three-year DBE Goal to the FAA by August 1st of the year in which the goal is due, as required by the schedule established by and posted to the website of the FAA.

https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/media/Schedule_of_DBE_and_ACDDBE_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 CAA 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 CAA 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. CAA will use DBE Directory information and Census Bureau Data as a method to determine the base figure. CAA 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. CAA 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 CAA market.

In establishing the overall goal, CAA will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by CAA to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before CAA 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 CAA engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

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

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

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

Project Goals

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

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

Prior Operating Administration Concurrence

CAA understands that prior the 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 CAA for calculating goals is inadequate, the FAA may, after consulting with CAA, adjust the overall goal or require that the goal be adjusted by CAA. 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 7** to this program.

Section 26.47 Failure to meet overall goals

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

CAA 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.

CAA 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) CAA will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to the FAA upon request.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

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

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

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
- (2) Refer DBEs and small businesses to sba.gov for assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
- (3) Providing technical assistance and other services;
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- (5) Refer DBEs and small businesses to [Department of Economic Community Development \(ct.gov\)](http://Department of Economic Community Development (ct.gov)) for supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
- (6) Refer DBEs and small businesses to [Department of Economic Community Development \(ct.gov\)](http://Department of Economic Community Development (ct.gov)) for services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- (7) Refer DBEs and small businesses to [Department of Economic Community Development \(ct.gov\)](http://Department of Economic Community Development (ct.gov)) program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
- (8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (9) Refer DBEs and small businesses to [Department of Economic Community Development \(ct.gov\)](http://Department of Economic Community Development (ct.gov)) to develop their capability to utilize emerging technology and conduct business through electronic media.
- (10) Provide instructions and clarification on bid specifications, general bidding requirements, and procurement policies and procedures; and

- (11) Discuss the DBE goal and DBE requirements at Pre-bid meetings to encourage prime contractors to solicit DBE firms in subcontracting opportunities.
- (12) Consider unbundling larger contracts to provide more opportunities to DBEs and small businesses.

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 7** to this program.

The CAA 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.

Contract Goals

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order meet the overall goal.

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.

The DBE Liaison Officer, or her representative is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as Responsive.

CAA 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 (**see Attachment 8**) 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:
- (4) Under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals, under contract negotiation procedures;

Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (2) of this section before the final selection for the contract is made by the recipient.

Administrative reconsideration

Within 10 days of being informed by CAA 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:

Mr. Kevin A. Dillon, A.A.E.
Executive Director
Connecticut Airport Authority
Bradley International Airport
Administration Office
Terminal A, 3rd Floor
Windsor Locks, CT 06096

An informational copy of this request should be sent to:

Mr. Matthew Stone
General Counsel
Connecticut Airport Authority
Bradley International Airport
Administration Office
Terminal A, 3rd Floor
Windsor Locks, CT 06096

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 CAA. 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 CAA 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) CAA determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides CAA 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 CAA 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 CAA, 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 CAA, 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 days to respond to the prime contractor's notice and advise CAA 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 CAA 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.

CAA 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 CAA 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. CAA 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 CAA 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

CAA is a non-certifying member of the Connecticut Unified Certification Program (UCP). Connecticut 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 Connecticut 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:

Ms. Shari Pratt
Connecticut Department of Transportation
Office of Contract Compliance
Attn: Shari Pratt
2800 Berlin Turnpike
Newington, CT 06111
Phone: (860) 594-2171
Email: Shari.Pratt@ct.gov
<https://portal.ct.gov/DOT/Business/Contract-Compliance/DISADVANTAGED-BUSINESS-ENTERPRISE>

The Uniform Certification Application form and documentation requirements are found in **Attachment 9** to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

CAA is the member of a Unified Certification Program (UCP) administered by Connecticut Department of Transportation. The UCP will meet all of the requirements of this section. A copy of the Signed CT UCP Agreement can be found in **Attachment 10**.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to CAA

CAA understands that if it fails to comply with any requirement of this part, CAA 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 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).

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

ATTACHMENTS

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

ATTACHMENT 1

Link to Regulations: 49 CFR Part 26

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

ATTACHMENT 2
Bidder's List Collection Form

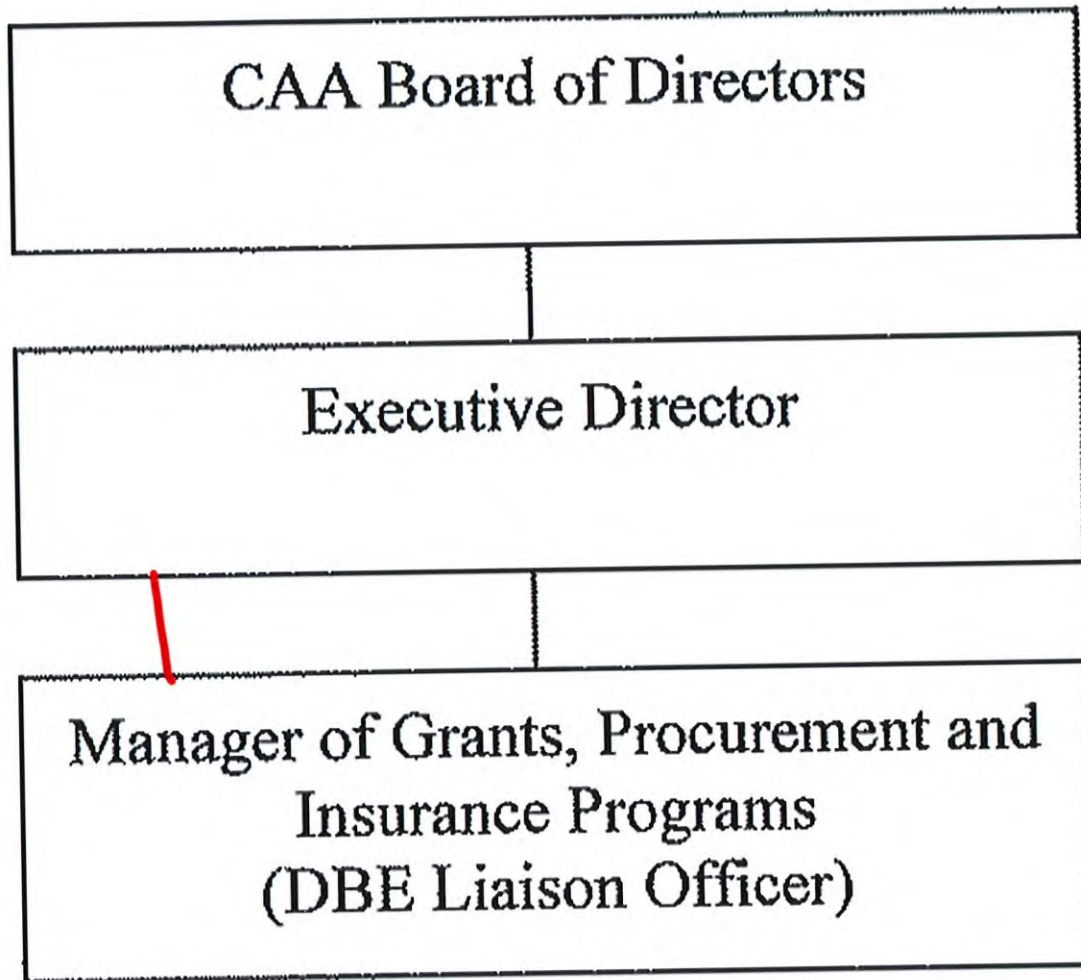
(SAMPLE BIDDERS LIST COLLECTION FORM)

[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 3

Organizational Chart



ATTACHMENT 4

Link to the Connecticut DBE Directory

[Company Search \(ct.gov\)](#)

ATTACHMENT 5

DBE Monitoring and Enforcement Mechanisms

The CAA monitoring and enforcement includes the following:

Each Contractor will be required to submit documentation of DBE participation as the work progresses. A **Monthly Compliance Report/DBE Participation Affidavit (Refer to Exhibit 4 of CAA Specification Section 00 0750)** and **EEO/DBE Monthly Activities Report (Refer to Exhibit 5 of CAA Specification Section 00 0750)** will be required to be submitted monthly with the Contractor's Application for Payment or by the last day of the month if the Contractor is not submitting an Application for Payment. Trade Contractor's Application for Payment will not be processed if any of the DBE monthly reports is delinquent. **(Refer CAA Specification Section 000750, paragraph 3.6)**

Failure to comply with the project's DBE requirements, engaging in efforts to subvert the requirements or manipulate control of the bid process, attempting to include DBE firms with a known prior record of brokering or other illegal practices or failure to complete the appropriate forms will be considered an incomplete bid failing to respond to the bid documents specifications and will be cause for rejection of the entire bid or the exclusion from receiving credit of the DBE portion in question as an eligible participant in the DBE program, whichever the CAA deems appropriate. **(Refer CAA Specification Section 00 0750, paragraph 3.0)**

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 3 1
3. Prosecution pursuant to 18 USC 1001.

ATTACHMENT 6

Small Business Element

1. Objective/Strategies

The CAA has created a practice to foster small business participation. This practice consists of the follow strategies:

1. Structure contracts 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.
2. CAA may unbundle projects or separate large contracts into smaller contracts which may be more suitable for small business participation. CAA will review each FAA-assisted contract to determine whether portions of the project could be unbundled or bid separately. Similarly, CAA will encourage its prime contractors and prime consultants to unbundle contracts to facilitate participation by small businesses.
3. On prime contracts not having DBE contract goals, CAA will encourage prime contractors to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.

2. Definitions

Disadvantaged business enterprise or DBE means a for-profit small business concern:

1. At least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged business owners.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

3. Verification

CAA will accept the following certifications for participation in the small business element of their DBE Program with applicable stipulations:

1. Connecticut Department of Transportation Disadvantaged Business Enterprise Program (DBE).
2. Connecticut Department of Administrative Services Small/Minority Business Enterprise Program (SBE/MBE).
3. United States Small Business Administration's Programs (8(a) program; Small Disadvantaged Business Program (SDB), HUBZone, or a recipient of a United States Small Business Administration Loan (Loan Note Documentation required.)

3. Monitoring/Record Keeping

The CAA will track contract awards to determine baseline conditions. The CAA will determine the number of small business typically participating. This will be completed by having Prime Contractor(s) for Construction Work Items and for Professional Services Work Items complete the form entitled, *Fostering Small Business Participation*, located at the end of this document.

The Table of Small Business Size Standards matched to North American Industry Classification Codes as compiled by the U. S. Small Business Administration (found at www.sba.gov) will be used to implement this strategy.

5. Assurance

The CAA makes the following assurances:

1. The DBE Program, including the Small Business element, is not prohibited by state law;
2. Certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;
3. There are no geographic preferences or limitations imposed on any federally assisted procurement included in the program;
4. 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. Aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.

FOSTERING SMALL BUSINESS PARTICIPATION

Airport: _____ AIP No. _____

Project Name: _____

Prime Contractor: _____

Contact Name: _____ Phone: _____

Email Address: _____

In accordance with Section 26.39 the following detailed list shall be completed by Prime Contractor(s) for Construction Work Items as well as by Prime Contractor(s) for Professional Services Work Items. Note: The firms listed below may or may not be certified DBEs.

Small Business Firms to be Utilized (Name, Address, Phone)	Work to be Performed	Estimated Cost of Work
Firm Name _____ Address: _____ City, St, Zip _____ Phone _____ Email _____ Certified DBE <input type="checkbox"/> <input type="checkbox"/> Yes <input type="checkbox"/> <input type="checkbox"/> No		
Firm Name _____ Address: _____ City, St, Zip _____ Phone _____ Email _____ Certified DBE <input type="checkbox"/> <input type="checkbox"/> Yes <input type="checkbox"/> <input type="checkbox"/> No		
Firm Name _____ Address: _____ City, St, Zip _____ Phone _____ Email _____ Certified DBE <input type="checkbox"/> <input type="checkbox"/> Yes <input type="checkbox"/> <input type="checkbox"/> No		

Small Business Firms to be Utilized (Name, Address, Phone)	Work to be Performed	Estimated Cost of Work
Firm Name _____ Address: _____ City, St, Zip _____ Phone _____ Email _____ Certified DBE <input type="checkbox"/> <input type="checkbox"/> Yes <input type="checkbox"/> <input type="checkbox"/> No		
Firm Name _____ Address: _____ City, St, Zip _____ Phone _____ Email _____ Certified DBE <input type="checkbox"/> <input type="checkbox"/> Yes <input type="checkbox"/> <input type="checkbox"/> No		
Firm Name _____ Address: _____ City, St, Zip _____ Phone _____ Email _____ Certified DBE <input type="checkbox"/> <input type="checkbox"/> Yes <input type="checkbox"/> <input type="checkbox"/> No		
Firm Name _____ Address: _____ City, St, Zip _____ Phone _____ Email _____ Certified DBE <input type="checkbox"/> <input type="checkbox"/> Yes <input type="checkbox"/> <input type="checkbox"/> No		

(Duplicate form as necessary.)

The following notation is for Sponsor Use Only:

Accepted by: _____ **Date:** _____

ATTACHMENT 7

Overall DBE Three-Year Goal Methodology

Name of Recipient: Connecticut Airport Authority
Bradley International Airport

Goal Period: FY-2023-2024-2025 – October 1, 2022 through September 30, 2025

DOT-assisted contract amount:	FY-2023	\$18,675,000
	FY-2024	\$17,558,250
	FY-2025	\$18,337,500
	Total	\$54,570,750

Overall Three-Year Goal: 11.6%, to be accomplished through 11.6% RC and 0% RN

Total dollar amount to be expended on DBEs: \$6,330,207

Describe the number and type of contracts that the airport anticipates awarding:

Contracts Fiscal Year #1 2023

1. EA – TW T Extension	\$ 225,000
2. Access Road for ARFF Stat. 2	\$ 450,000
3. Construct Vertical Circulation	\$ 18,000,000

Contracts Fiscal Year #2 2024

1. Taxiway T Extension Design & Permitting	\$ 525,000
2. Easement Acquisition RW 24 & 33	\$ 750,000
3. Rehabilitate RW 6-24	\$ 7,875,000
4. Construct Vertical Circulation	\$ 8,340,750
5. Pavement Condition Update	\$ 67,500*

Contracts Fiscal Year #3 2025

1. Construct TW T	\$8,437,500
2. Obstruction Removal TW 15	\$ 900,000
3. Inline Bag Screening Building	\$9,000,000

- **Pavement Condition Update is stated as statewide CIP therefore divided cost by each airport to arrive at Bradley's portion.**

Market Area: The market area must be identified as the area in which the substantial majority of the Airport's contractors and subcontractors that seek to do business with the Airport are located and the area in which the Airport spends the substantial majority of its contracting dollars; this must be clearly specified. The market area for Bradley International Airport is the state of Connecticut.

Step 1. Actual relative availability of DBEs

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

Method: Use DBE Directories [Company Search \(ct.gov\)](https://companysearch.ct.gov/) and Census Bureau Data from <https://data.census.gov/cedsci/>

Unweighted Availability of DBE Firms:

FY 2023 Anticipated Projects

Project	NAICS	Type of Work	Total Number of DBE Firms	Total Number of All Firms
Environmental Assessment	541330	Engineering, Planning EA	110	523
Total			110	523
Access Road for ARFF Stat 2	237310	Paving, traffic Control, Markings, Surface Prep, Mobilization	68	97
	238910	Demolition, Site Prep, Grading,	37	515
	423320	Material Suppliers	9	58
	424720	Fuel	5	29
	484110	Trucking	19	175
	541330	Engineering	110	523
	541611	Admin & General Construction Mgmt.	80	660
	561730	Landscaping, Seeding, Mulching, Erosion Control	19	2142
Total			347	4199
Construct Vertical Circulation	236220	Airport Building Contractor, Terminals,	23	316
	541330	Engineering	110	523
	238110	Concrete, foundation	9	179
	238120	Structural steel, Curtain wall	22	32
	337212	Architectural millwork	1	55
	238160	Roofing	7	161
	238310	Drywall, Insulation	9	68
	238320	Painting	30	432
	238290	Elevators/Escalators	4	98
	484110	Trucking	19	175
	238220	Mechanical Contractors Plumbing / HVAC	0	1280
	232108	Electrical, Lighting	26	1153
	238910	Sitework	37	515
	237130	Communication lines	5	51
	561612	Security system	2	70
Total			304	5108
Total FY 2023			761	9830

FY 2024 Anticipated Projects

Project	NAICS	Type of Work	Total DBEs	Total All Firms
TW T Extension Design & Permitting	541330	Engineering	110	523
	541370	Survey	23	82
	541380	Testing	15	95
Total			148	700
Easement Acquisition RW 24 & RW 33 (17 Parcels)	541330	Engineering	110	523
	531320	Appraisals	1	82
	541370	Survey	23	95
Total			134	700
Rehabilitate RW 6-24	541330	Engineering	110	523
	541370	Survey	23	82
	541380	Testing	15	95
	237310	Pavement, milling, markings, traffic control, mobilization, signage	68	97
	238910	Excavation, Site prep, clearing, grading	37	515
	423320	Material suppliers	9	58
	484110	Trucking	19	175
	424720	Fuel	5	29
	541611	Admin & General construction mgmt.	80	660
	561730	Landscaping, Seeding, Mulching, Erosion Control	19	2142
	238210	Electrical Contractors, Lighting, Conduit,	26	1153
Total			411	5529
Pavement Condition Update	541330	Engineering	110	523
	541370	Survey	23	82
	541380	Testing	15	95
Total			148	700
Construct Vertical Circulation	236220	Airport Building Contractor	23	316
	541330	Engineering	110	523
	238110	Concrete, foundation	9	179
	238120	Structural steel, Curtain Wall	22	32
	337212	Architectural millwork	1	55
	238160	Roofing	7	161
	238310	Drywall, Insulation	9	68
	238320	Painting	30	432
	238290	Elevators/Escalators	4	98
	238220	Mechanical Contractors Plumbing / HVAC	0	1280
	232108	Electrical, Lighting, conduit, Security System	26	1153
	238910	Sitework	37	515
	237130	Communication lines	5	51
	561612	Security system	2	70

Total	285	4933
Total FY 2024	1126	12562

FY 2025 Anticipated Projects

Project	NAICS	Type of Work	Total Number of DBE Firms	Total Number of All Firms
Construct TW T Phase 1	541330	Engineering	110	523
	541370	Survey	23	82
	541380	Testing	15	95
	237310	Paving, Milling, Surface Prep, Markings, Traffic Control, signage and Mobilization	68	97
	238910	Excavation Site Prep	37	515
	423320	Material suppliers	9	58
	424720	Fuel	5	29
	484110	Trucking	19	175
	541611	Admin & General Construction Mgmt.	80	660
	561370	Landscaping, seeding, erosion control	19	2142
	237910	Drainage	0	39
	238210	Electrical, lighting	26	1153
Total			411	5568
Obstruction Removal RW 15	541330	Engineering	110	523
	541320	Landscape Architectural Services	15	68
	561730	Landscaping, Tree Removal, Pruning, Erosion Control	19	2142
Total			144	2733
Construct FIS/Terminal Expansion	236220	Airport Building Contractor, Terminals,	23	316
	237310	Paving, traffic control, concrete, signage, mobilization	68	97
	238210	Electrical Contractors, Lighting, Conduit, alarm system	26	1153
	238229	Mechanical / Plumbing Contractors & Systems	0	1280
	238110	Concrete, Foundation	9	179
	423310	Windows/doors	5	62
	238120	Structural steel	22	32
	238160	Roofing	7	161
	238320	Painting	30	432
	238310	Drywall, insulation	9	168
	424720	Fuel Suppliers	5	29
	484110	Trucking Services	19	175
	541330	Construction Engineering & Administration Services	110	523

	541611	Administrative & General Construction Mgmt.	80	660
Total			413	5267
Total FY 2025			988	13568

The data source or demonstrable evidence used to derive the numerator was: Connecticut DBE Directory [Company Search \(ct.gov\)](https://www.ct.gov/ctdbr/)

The data source or demonstrable evidence used to derive the denominator was: 2020 US Census Bureau data <https://data.census.gov/cedsci/>

Dividing the Total Number of DBE Firms by the Total Number of All Firms gives a base DBE availability figure for each contract. The availability figures for all contracts were then combined and averaged to provide the basis for the three-year overall goal.

The base goal projections are as follows:

- Fiscal Year #1 – 7.7%
- Fiscal Year #2 – 9.0%
- Fiscal Year #3 – 7.1%

Average of unweighted availability: $(7.7\% + 9.0\% + 7.1\%)/3 = 7.9\%$

Base of DBE Goal: 7.9%

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, adjustments to the base figure was needed in order to arrive at the overall goal.

Past History Participation

One piece of data used to determine the adjustment to the base figure was the median of historical DBE accomplishments, as follows:

FY	Total Grant \$ Amount	DBE Goals (%)			Accomplishments (%)			Type of work
		RC	RN	Total	RC	RN	Total	
FY 21	\$33,673,346	0.0	13.7	13.7	0.0	8.7	8.7	Reconstruct TW, Obstruction markings, Lighting, Removal
FY 20	\$723,300	13.7	0.0	13.7	.7	13.0	13.7	Install Airfield Guidance signs, Easements
FY 19	\$604,960	13.6	0.0	13.6	23.7	0.0	23.7	Misc. Study
FY 18	\$12,737,338	13.6	0.00	13.6	14.8	0.0	14.8	Rehab TW

Arranging this historical data from low to high, (8.7%, 13.7%, 14.8% and 23.7%) the median is 15.2%.

Step 1 Base averaged with historical median: $(7.9\% + 15.2\%)/2 = 11.6\%$

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 11.6%. CAA 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.

Furthermore, there are no applicable disparity studies for the local market area or recent legal case information from the relevant jurisdictions to show evidence of barriers to entry or competitiveness of DBEs in the market area that is sufficient to warrant making an adjustment to the base goal.

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

CAA 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 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.
- (2) Refer DBEs and small businesses to sba.gov for assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
- (3) Providing technical assistance and other services;
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- (5) Refer DBEs and small businesses to [Department of Economic Community Development \(ct.gov\)](http://Department of Economic Community Development (ct.gov)) for supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
- (6) Refer DBEs and small businesses to [Department of Economic Community Development \(ct.gov\)](http://Department of Economic Community Development (ct.gov)) for services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- (7) Refer DBEs and small businesses to [Department of Economic Community Development \(ct.gov\)](http://Department of Economic Community Development (ct.gov)) program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
- (8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (9) Refer DBEs and small businesses to [Department of Economic Community Development \(ct.gov\)](http://Department of Economic Community Development (ct.gov)) to develop their capability to utilize emerging technology and conduct business

- through electronic media.
- (10) Provide instructions and clarification on bid specifications, general bidding requirements, and procurement policies and procedures; and
 - (11) Discuss the DBE goal and DBE requirements at Pre-bid meetings to encourage prime contractors to solicit DBE firms in subcontracting opportunities.
 - (12) Consider unbundling larger contracts to provide more opportunities to DBEs and small businesses.

CAA estimates that in meeting the established overall goal of 11.6%, it will obtain 0% from RN participation and 11.6% through RC measures.

This breakout is based on: CAA does not have a history of DBE participation or over-achievement of goals similar to all anticipated projects 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 11.6% is to be obtained through race conscious participation.

CAA 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, CAA provided for consultation and publication. CAA invited the Connecticut Department of Economic Community Development, Minority Construction Council, Inc, National Association of Minority Contractors, Connecticut Construction Industries Association along with various contractors 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 CAA's efforts to establish a level playing field for the participation of DBEs. The consultation included a scheduled, direct, interactive exchange with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and was conducted before the goal methodology was submitted to the operating administration for review. Details of the consultation are as follows.

The consultation engaged in was video conference, which was held at December 13th at 1:00 p.m.

The following comments were received during the course of the consultation:

Comment 1: 11.6% participation is achievable, but difficult to get subconsultants, especially DBE firms, the \$10 million in umbrella coverage. – Referred to CAA to address insurance requirements.

Comment 2: Difficult to find list of DBE firms that are also willing/able to sign 'project labor agreements' – May be something the DBE firms can list in the DBE directory.

Comment 3: Goal development follows methodology, but methodology is flawed b/c it doesn't take in to account specific experience/qualifications that is often required for airport work. – Agreed and also suggested that this is where the good faith efforts come into play. Documenting that firms do not perform this work is part of the good faith efforts.

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

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

PUBLIC NOTICE

CAA hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 11.6% for FAA-funded contracts/agreements. The proposed goal pertains to federal fiscal years 2023 through 2025. A video conference will be held on December 13th at 1:00 p.m. via GoToLink, for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process. If you would like to participate in the consultation please contact lhoward@cscos.com for login credentials.

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

Laurie A. Sirois
Manager of Grants, Procurement and Insurance Programs
Connecticut Airport Authority
334 Ella Grasso Turnpike, Suite 139
Windsor Locks, CT 06096
lsirois@ctairports.org
Direct: (860) 292-2043

AND

Thomas Knox
FAA Western-Pacific Regional Office
Office of Civil Rights
777 S. Aviation Blvd, Suite #150
El Segundo, CA 90245
Thomas.knox@faa.gov
Phone: (424) 405-7208

ATTACHMENT 8
Demonstration of Good Faith Efforts
DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION PLAN

The undersigned hereby further assures that the information included herein is true and correct, and that the DBE firm(s) listed herein have agreed to perform a commercially useful function in the work items noted for each firm. The undersigned further understands that no changes to this statement may be made without prior approval from the Civil Right Staff of the Federal Aviation Administration.

1. Name of Project _____
2. Number of Project _____
3. Total Dollar Amount of Bid _____
4. Disadvantaged Business Enterprise Participation Dollar (\$) Goal _____

a. Name of Bidder _____

Address _____

Phone(s) _____

- b. If the Bidder is a Disadvantaged Business Enterprises (Contractors, suppliers, vendors), the services they will provide and the approximate amount of money they will receive. (Include joint venture partner, if applicable.)

Total of listed amounts \$ _____

(Use back of sheet for additional space, if needed)

Contractor: _____

By: _____

Address: _____

Phone Number: _____ Zip Code: _____

LETTER OF INTENT TO PERFORM
AS A QUALIFIED DISADVANTAGED BUSINESS

To: _____ Project: _____
(Name of Contractor)

Project #: _____

The undersigned intends to perform work in connection with the above project as (check one):

_____ an individual _____ a corporation
_____ a partnership _____ a joint venture

The undersigned certifies the company is a Disadvantaged Business Enterprise as defined and registered by the Connecticut Department of Transportation, Bureau of Finance & Administration, Division of Contract Compliance.

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail work to be performed).

Subcontractor: _____ Contract Amount _____
(Name)

Supplier: _____ Contract Amount _____
(Name)

The Bid Price agreed upon is: _____ Dated _____

The undersigned agrees that the contract conditions above are true and accurate and will be performed by the above, who will enter into a formal agreement for the above work with you, conditioned upon your execution of a contract with

Name of company, signature and title of authorized official of the company and the date must be properly executed on this document or the bid will be deemed nonresponsive.

(Date)

(Name of Disadvantaged Company)

*As determined by:

(Signature of DBE's Authorized Official)

(Title of Authorized Official)

(PRINT NAME of Authorized Official)

(Date)

(Name of Prime Contractor)

(Signature of Prime's Authorized Official)

(Title of Authorized Official)

(PRINT NAME of Authorized Official)

ATTACHMENT 9

Link to DBE Certification Application Form
(New form October 2, 2014)

[Disadvantaged Business Enterprise \(ct.gov\)](#)

ATTACHMENT 10
State's UCP Agreement

**CONNECTICUT DBE UNIFIED CERTIFICATION PROGRAM
MEMORANDUM OF UNDERSTANDING**

As a result of the requirements set forth in 49 CFR Part 26 Subpart E, we, the undersigned agree to participate in the **CONNECTICUT DISADVANTAGED BUSINESS ENTERPRISE UNIFIED CERTIFICATION PROGRAM**, in accordance with the tenets of this Memorandum of Understanding and agree to abide by its contents.

(The DBE Liaison Officer has direct access to the head of your organization and is responsible for ensuring your agency's compliance with this MOU and all other requirements under the DBE program)

Kevin A. Dillon 5/10/17
(Signature of Executive Director) Date

Kevin A. Dillon, A.A.E.
(Print Name and Title of Executive Director)

Connecticut Airport Authority
(Agency)

Bradley International Airport • Terminal A, 3rd Floor • Windsor Locks, CT 06096
(Address)

860-292-2054 kdillon@ctairports.org
(Phone Number) (E-Mail Address)