

## Attachment 5

### Section 26.45: Overall DBE Goal Methodology Fiscal Year 2021 Only

**Name of Recipient:** Port of Friday Harbor, Friday Harbor, Washington  
Owner of the Friday Harbor Airport (FHR)

**Goal Period:** Fiscal Year 2021 – October 1, 2020 through September 30, 2021

**DOT-assisted contract total for FY-2021: \$1,176,703**

**Overall FY-2021 Goal: 2.65%**

The FY-2021 goal is expressed as a weight average of the projects included in this goal period, and will be accomplished through 100% race/gender neutral means.

**Total dollar amount to be expended on DBEs: \$31,183**

**Description of contracts that the airport anticipates awarding:**

1. Hangar Taxilane Construction and Hangar Demolition – Design and Construction

#### Market Area

The market area includes a portion of western Washington. The following five counties are included:

- Island County, WA
- San Juan County, WA
- Skagit County, WA
- Snohomish County, WA
- Whatcom County, WA



**Step 1. 26.45(c) Actual Relative Availability of DBE's**

Determine the base figure for the relative availability of DBEs

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

First, the project work was divided into categories based on the NAICS codes that corresponded with the kind of work expected within the project. The cost of each kind of work was then determined.

**Table 1** below illustrates the breakdown of the work for each project.

Total availability of businesses for each kind of work within the projects (using the appropriate corresponding NAICS code) within the Market Area was determined by using the most recent data available from the US Census Bureau found here: <https://factfinder.census.gov>

Availability of DBEs within the Market Area was determined by using the Washington DBE Directory found here: <https://omwbe.wa.gov/directory-certified-firms>

Each certified business was evaluated as to their specific business activities, eliminating any whose work did not meet the kind of work available within the project. It was assumed that the DBEs are ready, willing and able to provide the services for which they are certified as DBEs.

**Table 1**

FY 2021				
Project Description:		Hangar Taxilane Construction and Hangar Demolition		
Work Description	NAICS Code	Federal Cost	% of Project	
Drainage/Storm Sewer	237110	\$ 216,900.00	18.4%	
Asphalt Paving and Marking	237310	\$ 135,000.00	11.5%	
Excavation and Embankment	238910	\$ 252,000.00	21.4%	
Fencing	238990	\$ 13,500.00	1.1%	
Engineering - Design	541330	\$ 186,300.00	15.8%	
Construction Observation	541330	\$ 304,200.00	25.9%	
Design Surveying	541370	\$ 9,000.00	0.8%	
Construction Survey	541370	\$ 22,500.00	1.9%	
Environmental Consulting-Geotech	541380	\$ 7,200.00	0.6%	
CCTV Camera Inspection	541990	\$ 10,800.00	0.9%	
Hydroseeding	561730	\$ 19,303.20	1.6%	
<b>Total:</b>		<b>\$ 1,176,703.20</b>		

The number of DBEs was divided by the total of all firms to arrive at a availability figure for each NAICS category of work. Weighting was then applied using the percentage of each kind of work expected within each project. The weighted percentages were totaled for each project to arrive at an overall weighted percentage for the total project and year. **Table 2** below illustrates this process.

**Table 2**

**Percent DBE Calculation - Friday Harbor Airport, Friday Harbor, WA**

Note: Market area includes the following Washington counties: Island, San Juan, Skagit, Snohomish, Whatcom  
 DBE Businesses in the market area were calculated using data from the The Office of Minority and Women's Business Enterprises website, available at: <https://omwbe.wa.gov/directory-certified-firms> Data was obtained on 4/9/2021.  
 Total established firm data was taken from the U.S. Census Bureau website available at: <https://factfinder.census.gov> Data from 2018 was used for the calculations as it was the most recent available.

**FY 2021**

NAICS Codes from 2018 Census	Value	% of Total Project Work	Project Work Elements	Island		San Juan		Skagit		Snohomish		Whatcom		Market Area Totals		Base Goal	Weighted Goal
				Total	DBE	Total	DBE	Total	DBE	Total	DBE	Total	DBE	Total	DBE		
237110	\$216,900	18.43%	Drainage/Storm Sewer	5	0	6	0	4	0	46	3	16	1	77	4	5.19%	0.96%
237310	\$135,000	11.50%	Asphalt Paving and Marking	0	0	0	0	9	1	28	2	10	0	47	3	6.38%	0.73%
238910	\$252,000	21.41%	Excavation and Embankment	21	0	33	0	36	0	154	4	61	1	305	5	1.64%	0.35%
238990	\$13,500	1.15%	Fencing	15	0	5	0	16	1	112	0	24	0	172	1	0.58%	0.01%
541330	\$186,300	15.83%	Engineering - Design	10	0	8	0	27	0	198	3	68	1	311	4	1.29%	0.20%
541330	\$304,200	25.85%	Construction Observation	10	0	8	0	27	0	198	3	68	1	311	4	1.29%	0.33%
541370	\$9,000	0.76%	Design Surveying	57	0	4	0	7	0	23	1	12	1	103	2	1.94%	0.01%
541370	\$22,500	1.91%	Construction Survey	57	0	4	0	7	0	23	1	12	1	103	2	1.94%	0.04%
541380	\$7,200	0.61%	Environmental Consulting-Geotech	0	0	0	0	3	0	24	0	11	0	38	0	0.00%	0.00%
541990	\$10,800	0.91%	CCTV Camera Inspection	4	0	3	0	5	0	38	1	18	0	68	1	1.47%	0.01%
561730	\$19,303	1.64%	Hydroseeding	57	0	30	0	61	0	408	0	105	1	661	1	0.15%	0.00%
	\$1,176,703	100.0%		236	0	101	0	202	2	1252	18	405	7	2196	27	1.23%	2.65%

The annual weighted goals were used to determine an average for the FY-2021 reporting period. See **Table 3** below.

<b>Table 3</b>	
<b>Base Figure Calculation</b>	
2021 Total DBEs / All Firms ( 27 / 2196 ) :	1.23%
<b>Weighted Base Figure Calculation</b>	
2021 Weighted Base Figure Calculation =	<b>2.65%</b>

**Step 1 resulted in the following average weighted overall goal: 2.65%**

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

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

- a. Past Participation – There have been no recent projects of similar character at Friday Harbor Airport that had DBE participation. Based on past participation there is no data to support an adjustment to the weighted base figure.
- b. Disparity Study – In 2019 a disparity study was completed for the State of Washington. The study included data for women-owned and minority-owned business. The study was not limited to DBEs, and therefore is limited in its use for the purpose of the Port’s DBE goal. After review of the study, the Port found recommendations of ways to increase participation for women- and minority-owned business, some of which will the Port will evaluate for incorporation into the Port’s efforts to meet its DBE goal. Due to the rurality and small quantities of current registered DBEs in the market area, the Port of Friday Harbor did not find any data to support an adjustment of their DBE goal. The Port will continue to evaluate the results of the disparity study for future goal adjustments, anticipating that more small businesses may choose to become registered DBEs in future years.
- c. Work Item Analysis – Several NAICS codes were overly broad, given the scope of the work anticipated. The DBEs in the market area were reviewed to determine their capability to perform the work items included in these projects. The quantity of “able” DBEs was adjusted accordingly and the cost estimates for this work were used to calculate a percentage of the total work and is reflected in the DBE goal set in Step 1.
- d. Other factors – The Port has contacted has multiple local business advocacy agencies and DBE-certified businesses within the market area with requests for input regarding their Disadvantaged Business Enterprise program and overall goal. (See **Consultation** section below.)

**Therefore, the Owner adopted the Step 1 overall goal for this goal period: 2.65%**

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

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

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small businesses participation;
- Encouraging prime contractors to subcontract portions of work they might otherwise perform with their own forces;
- Ensuring the inclusion of DBEs and other small businesses on recipient mailing lists for bidders;
- Advising prime contractors of the Washington online DBE directory;
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing;

The Owner estimates that in meeting the overall goal, 100% will be obtained from RN participation.

The Owner has a limited history of DBE participation and no over-achievement of goals to reference and expects to obtain DBE participation through the use of overall goals and communication of opportunities for DBEs. Consistent with key court rulings<sup>1</sup> and USDOT official guidance, the Owner is applying the entire goal to race-neutral participation.

The Owner will track and report RN DBE participation. For reporting purposes, RN DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract

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<sup>1</sup> *Western States Paving Co. v. Washington State DOT*, 407 F.3d 983,997-98 (9<sup>th</sup> Cir. 2005), cert. denied, 546 U.S. 1170 (2006)

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)

In establishing the overall goal, the Owner provided for consultation and publication. We solicited for 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 Owner's efforts to establish a level playing field for the participation of DBEs.

Invitations to a consultation meeting, intended to meet the requirements of being a scheduled, direct, interactive exchange, were distributed to multiple contacts within the market area, and an announcement and invitation to participate was published on the Owner's official website. The resulting consultation meeting was held on July 16, 2019, and included representatives from the Port of Friday Harbor, Precision Approach Engineering, and San Juan County Economic Development Council.

Topics discussed and comments received at the meeting included:

- DBE Program and Goal Overview (Part 26 regulations, Goal period, Goal methodology, consultation purpose and opportunity, publication and public comment period, submission to FAA/Civil Rights)
- General Discussion and Questions (A questionnaire was included for any additional thoughts that could be submitted at any time after the meeting.)

The following items were discussed and/or comments received:

- ◆ Availability of small businesses in the market area
- ◆ Insurance/bonding in sufficient amounts/limits is difficult for small businesses to obtain
- ◆ Expense of travel/commute to an island airport is especially hard on small businesses
- ◆ There are very few DBEs in the market area.
- ◆ No participants had experienced or knew of any barriers to participation by DBEs and other small businesses, other than the previously listed difficulties
- ◆ In general, advertisement of projects seems to be reaching the intended audience
- ◆ Participants had a clear understanding of what DBE certification was and the intentions and process were discussed; information was provided about how to find out more, or to get certified
- ◆ There was some discussion about the potential changes that could occur as a result of the disparity study in process in the State of Washington
- Contact Information (for FAA and Airport staff)
- Request for Suggestions
  - ◆ Potential future participants
  - ◆ Owner's plans to increase future participation

Following the consultation, the Owner published a notice on their official website of the proposed overall goal, informing the public that the proposed goal and its rationale were available for inspection during normal business hours at the Friday Harbor Airport Office for 30 days following the date of the notice, and informing the public that the Port and FAA will accept comments on the goals for 30 days from the date of the notice.

No additional comments were received.

## Public Notice

### Sample Public Notice Language:

The Friday Harbor Airport hereby announces its fiscal years 20\_\_ through \_\_ goal of \_\_% for Disadvantaged Business Enterprise (DBE) airport construction Contracts. The proposed goals and rationale is available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at Friday Harbor Airport Administration Office, 800 Franklin Drive, WA, for 30 days from the date of this publication.

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

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Federal Aviation Administration  
Office of Civil Rights  
Attn: Sonia Cruz  
PO Box 92007  
Los Angeles, CA 90009

## Contract Goals

The Owner will not use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using RN means. Please refer to § 26.51 in this program document for additional information.