

## ATTACHMENT 5

### Section 26.45: Overall DBE Three-Year Goal Methodology

**Name of Recipient:** The Oregon Department of Aviation, owner of Mulino State Airport

**Goal Period:** FY2021, FY2022, FY2023 – October 1, 2020 through September 30, 2023

<b>DOT-assisted contract amount:</b>	FY-2021	\$600,000
	FY-2022	\$150,000
	FY-2023	\$150,000
	<b>Total</b>	<b><u>\$900,000</u></b>

**Overall Three-Year Goal:** 3.4%, to be accomplished through 0% RC and 3.4% RN  
(Note: the goal may be reflected as (1) an average of the three years; (2) three year Median; or (3) weighted percentage)

**Total dollar amount to be expended on DBE's:** 3.4% X \$900,000= \$30,890

**Describe the Number and Type of Contracts that Mulino State Airport anticipates awarding:**

Contracts Fiscal Year 2021

1. \$600,000 – Obstruction Removal: Phase 1 Easement Acquisition and Design

Contracts Fiscal Year 2022

1. \$150,000 – Obstruction Removal: Phase 2 Easement Acquisition

Contracts Fiscal Year 2023

1. \$150,000 – Obstruction Removal: Phase 3 Construction

**Market Area:** The market area includes Marion, Clackamas, Washington, Multnomah, and Yamhill counties where previous contractors had performed work at Mulino State Airport.

**Step 1. 26.45(c)** Actual relative availability of DBE's

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

The data source or demonstrable evidence used to derive the numerator was the FAA Matchmaker System: <http://faa.dbesystem.com>

The data source or demonstrable evidence used to derive the denominator was the U.S. Census Bureau Economic Census, 2017 Table CB1700CBP: <http://data.census.gov>

The firms reviewed included engineering, drafting, construction, and surveying services and firms to reflect the scope of work for the fiscal year periods 2021 to 2023.

Fiscal Year 2021

For FY-2021, Award of the following is anticipated:

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	DBE Directory	DBE (%)	DBE (\$) (= Trade \$ x DBE %)
Obstruction Removal: Phase 1 Easement Acquisition and Design	Engineering Services	Engineering Services	541330	\$500,000	534	20	3.8%	\$19,000
	Other Activities Related to Real Estate	Other Activities Related to Real Estate	531390	\$50,000	101	2	2.0%	\$1,000
	Surveying and Mapping	Surveying and Mapping	541370	\$50,000	54	6	11.1%	\$5,550
<b>Total Contract</b>								
<b>Total FY- 2021</b>				\$600,000			4.3%	\$25,550

Fiscal Year 2022

For FY-2022, Award of the following is anticipated:

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	DBE Directory	DBE (%)	DBE (\$) (= Trade \$ x DBE %)
Obstruction Removal: Phase 2 Easement Acquisition	Other Activities Related to Real Estate	Other Activities Related to Real Estate	531390	\$150,000	101	2	2.0%	\$3,000
<b>Total Contract</b>								
<b>Total FY- 2022</b>				\$150,000			2.0%	\$3,000

Fiscal Year 2023

For FY-2023, Award of the following is anticipated:

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	DBE Directory	DBE (%)	DBE (\$) (= Trade \$ x DBE %)
Obstruction Removal: Phase 3 Construction	Engineering Services	Engineering Services	541330	\$30,000	534	20	3.8%	\$1,140
	Site Preparation	Site Preparation	238910	\$120,000	299	3	1.0%	\$1,200
<b>Total Contract</b>								
<b>Total FY- 2023</b>				\$150,000			1.6%	\$2,340

*Base Figure = [(Total FY21 DBE Dollars)+(Total FY22 DBE Dollars)+(Total FY23 DBE Dollars)]/[(Total FY21 Trade Dollars)+(Total FY22 Trade Dollars)+(Total FY23 Trade Dollars)]*

Base Figure = (\$25,550+\$3,000+\$2,340)/(\$600,000+\$150,000+\$150,000) = **3.4%** of all firms ready, willing and able.

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

There is no historical DBE data to reference to make an adjustment to the Step 1 base figure; therefore, Mulino State Airport is adopting its Step 1 base figure as its overall goal for this three-year goal period.

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

The Oregon Department of Aviation 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 may include the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing;
3. Providing technical assistance and other services;
4. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBE's and other small businesses;
6. Providing services to help DBE's and other small businesses improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;
9. Assist DBE's and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media; and

The Oregon Department of Aviation estimates that in meeting its overall goal of **3.4%**, it will obtain **3.4%** from RN participation and **0%** through RC measures

This breakout is based on:

The Oregon Department of Aviation does not have a history of DBE participation or over-achievement of goals to reference and expects to obtain its DBE participation through the use of DBE contract goals or a conscious effort to obtain DBE participation. Therefore, we are applying the entire goal of **3.4 percent** to race-neutral participation.

The Oregon Department of Aviation will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation (see Section 26.51(f)) and track and report RN and RC participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract

obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

## **PUBLIC PARTICIPATION**

**Consultation:** Section 26.45(g)(1).

The Oregon Department of Aviation submits its overall DBE three-year goal to DOT on October 1 as required by the set schedule.

In establishing the overall goal, the Oregon Department of Aviation provided consultation and publication. This included 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 Oregon Department of Aviation's efforts to establish a level playing field for the participation of DBEs. The consultation included a scheduled, direct, interactive exchange teleconference with as many interested stakeholders as possible focused on obtaining information relevant to the Oregon Department of Aviation's goal setting process, and it occurred before we were required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. Notwithstanding paragraph (f)(4) of this section, we will not implement our proposed goal until we have complied with this requirement.

The Oregon Department of Aviation submits its overall DBE three-year goal to DOT on October 1 as required by the set schedule.

The Oregon Department of Aviation consulted with Business Oregon, the Certification Office for Business Inclusion and Diversity (COBID) without limiting consultation to these persons or groups, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Oregon Department of Aviation's efforts to establish a level playing field for the participation of DBEs.

A notice was posted in the Molalla Pioneer newspaper of the proposed overall goal informing the public that the proposed goal and its rationale are available on the Oregon Department of Aviation's website following the date of the notice, and informing the public that the Oregon Department of Aviation and DOT would accept comments on the goals for 30 days from the date of the notice

No comments were received during the 30 public review period that ended on 12/14/2020.

## PUBLIC NOTICE

The Oregon Department of Aviation (ODA), hereby announces its fiscal year 2021, 2022, and 2023 goal for Disadvantaged Business Enterprise (DBE) airport construction contracts for the following:

<b>Airport</b>	<b>FY21-FY23 DBE Goal</b>
Aurora State Airport	8.2%
Bandon State Airport	4.3%
Chiloquin State Airport	3.5%
Condon State Airport	9.4%
Cottage Grove State Airport	5.7%
Independence State Airport	7.9%
Joseph State Airport	9.7%
Lebanon State Airport	6.4%
McDermitt State Airport	5.4%
Mulino State Airport	3.4%
Siletz Bay State Airport	2.4%
State System Plan	0.6%

The proposed goals and rationale are available online at [https://www.oregon.gov/aviation/Documents/ODA%20-%20DBE%20Program%20\(Updated%20September%202020\).pdf](https://www.oregon.gov/aviation/Documents/ODA%20-%20DBE%20Program%20(Updated%20September%202020).pdf)

In person viewing of the publications at the ODA offices is not currently permitted due to COVID-19 orders from the Governor. A printed copy can be requested for the cost of printing and postage.

Comments on the DBE goals will be accepted through December 14, 2020. Send comments to:

Heather Peck, Planning and Projects Manager,  
Oregon Department of Aviation  
[Heather.peck@aviation.state.or.us](mailto:Heather.peck@aviation.state.or.us)  
(503) 378-3168

OR

Sonia Cruz, Program Compliance Specialist  
Northwest Mountain Region, FAA Office of Civil Rights  
777 S. Aviation Blvd, Suite #150  
El Segundo, CA 90245

### **Contract Goals**

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

The Oregon Department of Aviation will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every

such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of DBE's to perform the particular type of work).

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