

Section 26.45: Overall Goal Calculation

Name of Recipient: Fergus County – Lewistown Municipal Airport Commission

Goal Period: FY-2021, 2022, 2023 – October 1, 2021 through September 30, 2023

DBE Goal: 1.44%

Total dollar amount to be expended on DBE's:

Describe the Number and Type of Projects for this FY:

The projects for the next three years at the Lewistown Airport shall consist of

Projects Fiscal Year #1 (FY-21) - **\$2,300,000.00** (\$2,070,000.00 is Federal Share)

Project 1 – Pavement Rehabilitation

Projects Fiscal Year #2 (FY-22) – **\$0.00** (\$0.00 is Federal Share)

No Project Scheduled

Projects Fiscal Year #3 (FY-23) – **\$0.00** (\$0.00 is Federal Share)

No Project Scheduled

1 STEP 1 OF OVERALL GOAL DETERMINATION

Step 1 of the overall goal determination is computed by determining the number of ready, willing, and able DBEs performing the types of work noted above as listed in the current DBE Directory prepared and maintained by the Montana Department of Transportation against the number of ready, willing, and able businesses available in the same NAICS code. The total number of businesses was obtained from the Census Bureau's Data Tables, at <https://data.census.gov/cedsci/>. The latest information currently available from this site is from 2018.

Next, the geographical area used to determine the number of ready, willing, and able DBEs and total businesses included the State of Montana. This represents the area from which a majority of the contractors and subcontractors come from. This market area is also the area in which **the airport** spends a majority of its contracting dollars.

Finally, by applying the ratio of ready, willing, and able DBE firms and the total number of ready, willing, and able firms from the census data to the estimated percentage of total project costs, the Step 1 goal was determined.

The Step 1 goal was determined for each project anticipated over \$250,000 for the **Lewistown Airport**. A summary of the Step 1 goal determinations is summarized for each project below:

FY 2018

Projects Fiscal Year (FY-18)

Project 1 – Lewistown Municipal Airport – Pavement Rehabilitation (RW 13-31 & Taxiway).

Grant AIP–3-30-0048-022-2018 at the Lewistown Airport was a grant project consisting of rehabilitate runway 13-31 pavements, lights, shoulders and reconstruct Taxiway/Taxilane T-9 and SRE aprons abutting Taxiway/Taxilane T-9. The project was constructed under this grant. The FAA grant amount for AIP 022 was \$2,120,148.

DBE participation was encouraged with the construction bid; there was one DBE firm that participated with the project. DBE Utilization on this project was 2.3%.

LEWISTOWN AIRPORT					
STEP 2 GOAL CALCULATION					
PAST PARTICIPATION HISTORY					
Fiscal Year	Total Goal	RN Goal	RC Goal	Achievement	Primary Work Type
FY 2018	2.98	2.98	0	2.3	Pavement Rehabilitation
FY 2019	2.98	2.98	0	TBD	Pavement Maintenance
FY 2020	2.98	2.98	0	TBD	Aprons A1 & A2 Rehabilitation
Median Achievement				0.77%	

Past participation for FY 2018 – FY 2020 at the **Lewistown Airport** is listed above. Note that in FY-2018 the Airport achieved a DBE participation of 2.8% by one firm. The DBE subcontractor performed construction testing services on that project. It has been verified that this company is still listed on the Montana Department of Transportation’s DBE directory and they could be used on the FY-21-23 projects. Even though it’s possible to use this DBE contractor, there are still very few DBE contractors within the market area for this work. For this reason, no adjustments were made in the step 2 calculation.

Therefore, the goal for FY 2021-2023 is 1.44%.

To arrive at an overall goal, we used our Step 1 base figure, and averaged it with our Step 2 figure. We feel the goal figure of 1.44% will accurately reflect DBE participation that can be achieved for the type of work being awarded during this three-year period.

The **Fergus County Airport Commission-Lewistown Municipal Airport** will attempt to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation.

The **Lewistown Airport** will also use the following **race neutral** means to increase DBE participation:

- Unbundling large contracts to make them more accessible to small businesses where feasible
- Ensure the inclusion of DBE’s and other small businesses on recipient mailing lists for bidders
- Ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors

Considering these factors, a race/gender neutral means of acquiring the overall goal of 1.44% has been established

For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract
- DBE obtains 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
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

The State of Montana, Department of Transportation acts as a lead organization for the development and solicitation of minority and women owned firms. They provide a web site distribution of a bid distribution form, which was sent to all DBE firms in the State. The State of Montana has also developed a Referral Resource list of organizations that also assist minority and women owned businesses. MDOT conducted a statewide disparity study with respect to highway construction. The 2016 Disparity Study Update is the last full disparity and availability study conducted. Provided is a link to the DBE program's Disparity & Availability Studies webpage. <https://www.mdt.mt.gov/business/contracting/civil/programinfo.shtml>

MDT engaged a consultant (Keen Independent) to conduct an Availability and Disparity Study, which focused on participation of minority and women owned firms in MDT's contracts from October 2009 through September 2014. This Study was completed in 2016 and did not examine contracts using Federal Aviation Administration (FAA) funds; MDT and other agencies might review information in the report regarding DBE availability as they relate to operating the Program for FAA-funded contracts. Since contractors that participated on MDT contracts during the Study period are in most cases the same contractors that are awarded FAA-funded contracts.

The other factors examined in the 2016 MDT Disparity Study were related to success of minority- and women-owned firms relative to majority-owned businesses in the Montana marketplace. The Study noted quantitative evidence that minority- and women-owned firms are less successful than majority-owned firms and face greater barriers in the marketplace. There was also qualitative information that suggests discrimination on the basis of race, ethnicity and gender affects minority- and women-owned firms in the Montana transportation contracting industry. Although the analysis indicates an upward adjustment could be made to address these barriers, the impact of those factors could not be quantified (2016 MDT Disparity Study, Chapter 9, page 9).

An adjustment to the base figure for barriers related to other factors was not made in the determination of the current because the MDT Disparity study indicated the impact of the barriers related to this category could not be quantified.

Fergus County Airport Commission will utilize the findings of the Montana Department of Transportation's disparity study to determine the existence of discrimination or its effects in the market.

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

26.51(b)(1-9)

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

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing technical assistance and other services;
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
4. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.

Fergus County Airport Commission estimates that in meeting its overall goal **1.44%**, it will obtain **1.44%** from RN participation and **0%** through RC measures.

Considering these factors, a race/gender neutral means of acquiring the overall goal **1.44%**, has been established.

Fergus County Airport Commission does not have a history of DBE under-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 **1.44%** to race neutral participation.

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

Before establishing the overall goal, the **Fergus County Airport Commission** consulted with the **Montana Department of Transportation, DBE Office** 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 **Fergus County Airport Commission** efforts to establish a level playing field for the participation of DBEs.

As part of the requirements for **Fergus County Airport Commission** to receive FAA Grants for Airport improvements, in accordance with 49 CFR Part 26, **Fergus County Airport Commission** is required to conduct a scheduled 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 Disadvantaged Business Enterprises (DBEs), and the **Fergus County Airport Commission** efforts to establish a level playing field for the participation of DBEs. An open meeting was held with as many interested stakeholders as possible focused on obtaining information relevant to the Disadvantaged Business Enterprise (DBE) goal setting methodology. The meeting was held via teleconference on August 25, 2020 at 3:00 p.m.

Also, a notice regarding the above meeting was sent as an e-mail distribution of the announcement by the State of Montana to their current list of DBEs.

There were four people who attended the meeting; Nigel Davis Morrison Maierle consultant hosted the meeting, attendees were Roselyn Perrigo – Morrison Maierle, Maghan Strachan – MDT DBE Program, and Maggie Metzger – MDT – DBE Program.

Following the consultation, we published a notice in the local newspaper, **Lewistown News-Argus**, for the proposed overall goal, informing the public that the proposed goal and its rationale were available for inspection during normal business hours at the Fergus County Clerk and Recorder Office for 30 days following the date of the notice, and informing the public that the **Fergus County Airport Commission** and DOT will accept comments on the goals for 30 days from the date of the notice.

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

PUBLIC NOTICE

The **Fergus County Airport Commission** hereby announces its fiscal years 2021 through 2023 goal of **1.44%** at the Lewistown Airport for Disadvantaged Business Enterprise (DBE) airport construction contracts. The proposed goals and rationale is available for inspection **on the Fergus County Website** for 30 days from the date of this publication. The Eureka Airport has not established a goal for these fiscal years since no projects exceed the threshold for goal preparation.

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

Nigel Davis Project Manager, Morrison Maierle, 1 Engineering Place, Helena, MT 59602 (406) 495.3490, ndavis@m-m.net

AND

Federal Aviation Administration, Office of Civil Rights Staff, Sonia Cruz, Compliance Specialist, Northwest Mountain Region, Federal Aviation Administration, Office of Civil Rights, P.O. Box 92007, Los Angeles, California 90009-2007, (310) 725-3940, Sonia.Cruz@faa.gov.

Contract Goals

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

The **Fergus County Airport Commission** will establish contract goals only on those FAA/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).

Fergus County Airport Commission will express our contract goals as a percentage of *the Federal share of an FAA/DOT-assisted contract*.