



Rhode Island

Airport Corporation

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PLAN

Federal Fiscal Years 2024 - 2026 *Small Hub Primary Airport*

Rhode Island T. F. Green International Airport (PVD)
Warwick, Rhode Island

Block Island Airport (BID)
New Shoreham, Rhode Island

Newport Airport (UUU)
Middletown, Rhode Island

North Central Airport (SFZ)
Smithfield, Rhode Island

Quonset Airport (OQU)
North Kingstown, Rhode Island

Westerly Airport (WST)
Westerly, Rhode Island

POLICY STATEMENT

Section 26.1, 26.23

Objectives/Policy Statement

The Rhode Island Airport Corporation (RIAC) operates Rhode Island T. F. Green International, Quonset, North Central, Newport, Westerly and Block Island State Airports. RIAC has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the United States Department of Transportation (DOT), 49 CFR Part 26 (hereinafter referred to as Part 26). RIAC has received several grants for development at these airports located in the State of Rhode Island under the Airport Improvement Program (AIP), and as a condition of the grant agreement, RIAC signed an assurance that it will comply with Part 26. **Attachment 1** provides a website address to Part 26 regulations. All reference sections indicated within the body of this document are directly correlated to the subsections found in Part 26. It is the policy of RIAC to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also RIAC'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 the DBE Program is tailored in accordance with applicable law;
4. Ensure only firms that fully meet 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 in the development of firms that can compete successfully in the marketplace outside the DBE Program; and
8. Provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Mr. Shahzad Sadozai, RIAC's Assistant Chief Financial Officer has been delegated as the DBE Liaison Officer. In that capacity, the Assistant Chief Financial Officer 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 RIAC in its financial assistance agreements with DOT.

RIAC has made this policy statement available to RIAC staff, and has prominently posted this policy statement on the company website for the DBE and non-DBE business community. RIAC has distributed a copy of this policy, via a link on our website, to the State of Rhode Island Division of Equity, Diversity & Inclusion (DEDI). DEDI is responsible for the certification of MBEs, WBEs, and DBEs in the State of Rhode Island.


Iftikhar Ahmad
President and CEO


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

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

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

RIAC 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 Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, RIAC will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

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

DBE participation will be reported to the Federal Aviation Administration (FAA) as follows:

RIAC 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. RIAC will similarly report the required information about participating DBE firms. All reporting will be done through the DBE Connect official reporting system, or another format acceptable to the FAA as instructed thereby.

Bidders List: 26.11(c) & 26.53(b)

RIAC has a bidders list which includes information from any Consultant, Contractor or other firm wishing to be notified of pending solicitations (regardless of funding source). Additionally, Consultants, Contractors, and other firms are added to this list if they respond to a federally funded solicitation. RIAC also has a listing of all approved DBE's certified in the State of Rhode Island. This listing is from the website of the DEDI and is used in calculating overall DBE goals.

RIAC will collect this information in the following ways:

1. Inclusion of a contract clause requiring prime bidders to report the name, address, type of business, and DBE non-DBE status of all firms who quote to them on subcontracted items during the bidding process.
2. RIAC, or their representatives, will collect the data submitted in Step 1 and may collect additional information from the DBE firms, as well as non-DBE primes and subcontractors through various other means.
3. Interested parties may sign up to be notified of procurement opportunities on the RIAC website at www.flyri.com/corporate/procurement. Some of the information required includes business and contact information.

Section 26.13 Federal Financial Assistance Agreement

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

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

RIAC 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 Part 26. RIAC shall take all necessary and reasonable steps under Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. RIAC's DBE Program, as required by 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 RIAC of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance: RIAC will ensure that the following clause is included in every DOT-funded contract and subcontract:

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 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 RIAC 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

RIAC 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. RIAC is not eligible to receive DOT financial assistance unless the FAA has approved this DBE program and is in compliance with it and this part. RIAC will continue to carry out this program until all funds from FAA financial assistance have been expended. RIAC does not have to submit regular updates of this program, as long as it remains in compliance. However, RIAC will submit significant changes in the program for approval, including those required by regulatory updates.

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)

RIAC has designated the following individual as our DBE Liaison Officer (DBELO):

Mr. Shahzad Sadozai
Assistant Chief Financial Officer
Rhode Island Airport Corporation
Rhode Island T. F. Green International Airport
2000 Post Road Warwick, RI 02886-1533
Phone: 401-691-2233; Email: ssadozai@pvdairport.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that RIAC complies with all provisions of Part 26. The DBELO has direct, independent access to Iftikhar Ahmad, President and CEO concerning DBE Program matters. An organizational chart displaying the DBELO's position in the organization included in **Attachment 2** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials. The DBELO has a staff of one to assist in the administration of the program. The duties and responsibilities include the following:

- Statistical data and other information that may be required by DOT, FAA, or the State is compiled and reported;
- Third party contracts and purchase requisitions are reviewed for compliance with this program;
- Departments work together to set overall annual goals;
- Bid notices and requests for proposals are made available to DBEs in a timely manner;
- Contracts and procurements are reviewed to ensure DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and results are monitored;
- RIAC's progress toward goal attainment is analyzed, and if necessary, ways to improve progress are identified;
- Appropriate RIAC personnel participates in pre-bid meetings;
- The President and CEO is advised on DBE matters and achievements;

- Contractor compliance with good faith efforts is reviewed by appropriate management (i.e. legal counsel, project manager, etc.);
- Personnel participate in DBE training and seminars, as required;
- Outreach to DBEs and community organizations is provided to advise them of opportunities, as needed;
- Compliance with the DBE Program is monitored.

Section 26.27 DBE Financial Institutions

RIAC's policy with the State of Rhode Island, Department of Administration, Office of Diversity, Equity, and Opportunity (DEDI) is 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 use these institutions.

RIAC has contacted the DEDI regarding the location of known DBE financial institutions. Currently no financial institutions doing business in the State of Rhode Island have been identified or have undergone DBE certification by the DEDI.

Section 26.29 Prompt Payment Mechanisms

RIAC 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, RIAC established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from RIAC.

RIAC includes the following clause in each DOT-assisted prime contract:

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

Section 26.31 Directory

RIAC is a non-certifying member of the Rhode Island Unified Certification Program (UCP). RIAC uses the State of Rhode Island's DBE Directory, maintained by DEDI. The directory identifies all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. An updated directory may be obtained at <https://dedi.ri.gov/divisions-units/minority-business-enterprise-compliance-office/minority-business-enterprise-mbe> or upon written request to the RIAC DBELO. The Directory may be found in **Attachment 3** to this program.

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

RIAC has not established a Business Development Program.

Section 26.37 Monitoring Responsibilities

RIAC implements and carries out appropriate mechanisms to ensure compliance with Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in RIAC's DBE program.

Monitoring payments to DBEs and Non-DBEs

RIAC will take the following monitoring and enforcement mechanisms to ensure compliance with Part 26.

1. We will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment of Program Fraud and Civil Penalties rules) provided in Part 26.107.
2. RIAC will also consider similar action under its own legal authorities, including responsibility determinations in future contracts. RIAC will consider all available and appropriate legal remedies that include, but are not limited to, liquidated damages provisions, suspension and/or termination of contracts, and debarment, depending on the non-compliance issue.
3. RIAC will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs to which the work was committed. RIAC verifies DBE presence through a Resident Engineer that takes daily log notes and performs work site monitoring.
4. RIAC will keep a running tally (reports from prime contractors) of actual payments to DBE firms for work committed to them at the time of contract award. These reports are due to RIAC as part of the invoice submission process.
5. RIAC may perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts reported. In our reports of DBE participation to DOT we will show both commitments and attainments, as required by the DOT uniform reporting form.
6. RIAC has established a mechanism to ensure prompt payment and return of retainage, as part of its DBE program, 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 subcontractors are promptly paid for the work they have performed.

7. 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.

RIAC requires prime contractors to include written certification in conjunction with monitoring contract performance through documenting payments to DBEs for three years following the performance of the contract. These records will be made available to any authorized representative of RIAC or DOT for inspection upon request. This reporting requirement also extends to any certified DBE subcontractor.

Section 26.39 Fostering Small Business Participation

RIAC 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.

RIACs small business program element is incorporated as **Attachment 4** to this DBE Program. RIAC will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of our DBE Program.

GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

RIAC does not use quotas in any way in the administration of this DBE Program.

Section 26.45 Overall Goals

RIAC 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), RIAC 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 provided below:

https://www.faa.gov/sites/faa.gov/files/about/office_org/headquarters_offices/acr/DBE_and_AC_DBE_Reporting_Requirements_Schedule_Final.pdf

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If RIAC 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 RIAC will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

(c) *Step 1.* The first step is to determine a base figure for the relative availability of DBEs in the market area. RIAC will use the DBE Directory information and Census Bureau Data as a method to determine the base figure.

RIAC 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 paragraph (c)(2) of this section (above), is not an acceptable alternative means of determining the availability of DBEs.

(d) *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. RIAC 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 RIAC market.

26.45 (g)(1) In establishing the overall goal, RIAC 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 RIAC’s efforts 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 RIAC’s goal setting process, and it will occur before we are required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. RIAC will document in the goal submission the consultation process that RIAC engaged in. Notwithstanding paragraph (f)(4) of this section, RIAC will not implement our proposed goal until we have complied with this requirement.

In addition, RIAC will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on RIAC’s official internet web site and may be posted in any 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 our official internet web site.

Our 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 RIAC responses.

RIAC 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, 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 RIAC establishes a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT assisted contract for the project.

Prior Operating Administration Concurrent

RIAC understands that prior FAA concurrence with the overall goal is not required. However, if the FAA's review suggests that the overall goal has not been correctly calculated or that the method for calculating goals is inadequate, the FAA may, after consultation, adjust the overall goal or require that the goal be adjusted by RIAC. 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 5** to this program.

Section 26.47 Failure to meet overall goals

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

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

If RIAC 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 will be followed in order to be regarded by the Department as implementing your DBE program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis and to enable the goal for the new fiscal year to be fully met.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral and Race-Conscious Participation

(a) RIAC 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 of this part.
- (2) Providing 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) Implementing a 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) Providing 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) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
- (8) Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

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

RIAC will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBE's 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.

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

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.

Mr. Shahzad Sadozai, Assistant Chief Financial Officer or designee is responsible for determining whether a bidder/offeror has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible.

RIAC will ensure that all information is complete and accurate and adequately documents the bidder's/offeror's good faith efforts before RIAC commits 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 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) No later than 5 days after bid opening as a matter of responsibility:
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 7 business days of being informed by RIAC that a bidder/offeror is not responsible because a bidder/offeror has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offeror should make this request in writing to the following reconsideration official:

General Counsel
Rhode Island Airport Corporation
2000 Post Road
Warwick, RI 02886

An informational copy of this request should be sent to:

Iftikhar Ahmad
President and CEO
Rhode Island Airport Corporation
2000 Post Road
Warwick, RI 02886

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 RIAC's reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The reconsideration official will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. A copy of the decision will be provided to RIAC. The result of the reconsideration process is not administratively appealable to the DOT.

Good Faith Efforts procedural requirements (post-solicitation)

RIAC will require the contractor that is awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this Part's provisions.

RIAC will require that a prime contractor not terminate a DBE subcontractor (or an approved substitute DBE firm) without RIAC's prior written consent. This includes, but 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 with another DBE firm.

RIAC will provide such written consent only if RIAC 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:

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- (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) RIAC has determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to RIAC written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (10) Other documented good cause that we have determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to RIAC 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 RIAC, of its intent to request to terminate and/or substitute, and the reason for the request.

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

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

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 RIAC 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.

RIAC 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 we established for the procurement. The good faith efforts shall be documented by the contractor. RIAC will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

If RIAC requests documentation from the contractor under this provision, the contractor shall submit the documentation to RIAC within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

RIAC will include in each prime contract the contract clause required by § 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section that we deem appropriate if the prime contractor fails to comply with the requirements of this section.

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

Section 26.55 Counting DBE Participation

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

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, DBE firms certified with NAICS code 237310 that exceed the business size standard in § 26.65(b) will remain eligible for DBE credit for work in that category as long as they do not exceed the small business size standard for that category, as adjusted by the United States Small Business Administration.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

RIAC is a non-certifying member of the State of Rhode Island Unified Certification Program (UCP). The Rhode Island 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 Rhode Island UCP members make all certification decisions based on the facts as a whole.

RIAC will use the DEDI for RIAC's DBE Certification Process. For information about the certification process or to apply for certification, firms should contact:

Rhode Island Department of Administration
State of Rhode Island Office of Diversity, Equity & Opportunity
Minority Business Enterprise Compliance Office (MBECO)
One Capitol Hill
Providence, RI 02908
Website: <https://dedi.ri.gov/>

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Program

RIAC has entered into a Memorandum of Understanding (MOU) with the Rhode Island Department of Transportation (RIDOT), Rhode Island Public Transit Authority (RIPTA) and the Rhode Island Department of Administration (RIDOA) for the establishment of a Unified Certification Program (UCP). Under this MOU, the RIDOA agrees to perform all DBE certification activities in accordance with the criteria and procedures of Part 26, Subparts D and E and to otherwise comply with all provisions of Subparts D and E, unless specifically exempt.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to [Recipient]

RIAC understands that if it fails to comply with any requirement of this part, RIAC 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, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122.

Section 26.109 Information, Confidentiality, Cooperation and Intimidation or Retaliation

RIAC will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with federal, state, and local law. Notwithstanding any provision of Federal or state law, RIAC will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information.

All participants in the 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).

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

ATTACHMENTS

- Attachment 1 Regulations: 49 CFR Part 26 website link
- Attachment 2 Organizational Chart
- Attachment 3 DBE Directory website link
- Attachment 4 Small Business Element Plan
- Attachment 5 Overall Goal Calculations
- Attachment 6 Public Notice website link
- Attachment 7 DBE Monitoring and Enforcement Mechanisms
- Attachment 8 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2



Rhode Island
Airport Corporation

ATTACHMENT 1

Regulations: 49CFR Part 26

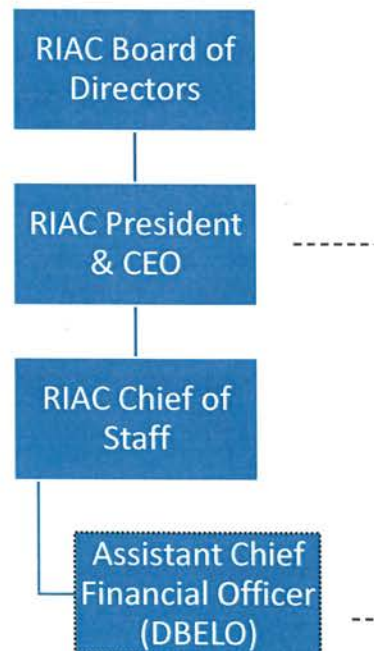
<https://www.ecfr.gov>



Rhode Island Airport Corporation

ATTACHMENT 2

Organizational Chart





Rhode Island

Airport Corporation

ATTACHMENT 3

DBE Directory

<https://dedi.ri.gov/divisions-units/minority-business-enterprise-compliance-office/minority-business-enterprise-mbe>



Rhode Island
Airport Corporation

ATTACHMENT 4

Small Business Element Plan

Section 26.39 Fostering Small Business Participation

Objective

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses; RIAC seeks to implement a small business element into its current DBE policy in accordance with applicable law. RIAC is including this element to facilitate competition by and expand opportunities for small businesses. RIAC is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. RIAC will meet its objectives using a combination of the following methods and strategies:

1. Unbundling: RIAC, where feasible may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. RIAC will conduct contract reviews on each USDOT-assisted contract to determine whether portions of the project could be "unbundled" or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, RIAC will encourage its prime contractors and consultants to unbundle contracts to facilitate small business participation. RIAC will assist prime contractors and consultants in identifying portions of work which may be unbundled and performed by small businesses.
2. Outreach and Assistance: RIAC utilizes the State of Rhode Island Division of Equity, Diversity & Inclusion (DEDI) Office to seek out and develop a listing of local and regional small businesses. Additional outreach efforts will include:
 - a. Assisting small businesses to better understand RIACs contracting and procurement opportunities;
 - b. Engaging actively with RIAC departments and the community to share experiences, remedy mistakes, and identify new opportunities;
 - c. Encouraging small businesses, including minority and women owned, to pursue MBE/WBE/DBE certifications;
 - d. Hosting and participating in open houses, business development meetings, and other hosted events intended to enhance procurement opportunities for small businesses; and
 - e. Placing upcoming contracting opportunities on the RIAC website www.flyri.com.

Definitions

1. Small Business:

Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121). A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period.
2. Disadvantaged Business Enterprise:

A for profit small business (as defined by the Small Business Administration) --

 - That is 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;
 - Whose socially and economically disadvantaged owners do not exceed the Personal Net Worth (PNW) does not exceed the described in 49 CFR Part 26;

- Whose average annual gross receipts, as defined by SBA regulations;
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE by the State of Rhode Island Division of Equity, Diversity & Inclusion (DEDI) Office in accordance with 49 CFR 26.

For the purposes of the small business element of RIAC's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE participation on DOT-assisted contracts.

Certification and Verification Procedures

RIAC will accept the following certifications for participation in the small business element of RIAC's DBE Program with applicable stipulations:

RI DBE Certification –

DBE Certification by the State of Rhode Island Division of Equity, Diversity & Inclusion (DEDI) Office which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the State of Rhode Island Division of Equity, Diversity & Inclusion (DEDI) Office.

Implementation Schedule

RIAC has approved and implemented the Small Business Participation element of the DBE Program.



Rhode Island
Airport Corporation

ATTACHMENT 5

Overall Goal Calculations

Overall DBE Three-Year Goal Methodology

Name of Recipient: Rhode Island Airport Corporation (RIAC) operates and maintains the state's airport system including T. F. Green (PVD), Block Island (BID), Westerly (WST), Newport (UUU), North Central (SFZ), and Quonset (OQU) Airports.

Goal Period: FY-2024-2025-2026 – October 1, 2023 through September 30, 2026

DOT-assisted contract amount:	FY-2024	\$ 83,602,602
	FY-2025	\$ 25,038,900
	FY-2026	<u>\$ 5,308,920</u>
	Total	\$113,950,422

Overall Three-Year Goal: 3.2%, to be accomplished through 3.2%RC and 0% RN

Total dollar amount to be expended on DBEs: \$3,646,413

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

Contracts Fiscal Year #1

1. PVD ADA Compliance Modification	\$ 270,000
2. OQU Runway 16-34 Reconstruction	\$12,525,303
3. PVD South Cargo Site Work & Buildings	\$32,543,432
4. PVD Runway 5-23, TW A, M, N Reconstruction	\$27,657,000
5. OQU Acquire Avigation Easements	\$ 612,900
6. RIA Statewide Obstruction Removal Program	\$ 9,993,967

Contracts Fiscal Year #2

1. PVD Terminal Finishes	\$ 6,300,000
2. PVD Stormwater Conveyance System Improvements	\$ 900,000
3. OQU AWOS	\$ 837,900
4. PVD Security Access Control System Replacement	\$ 3,600,000
5. PVD Central Plant Heating & Cooling Improvements	\$ 1,296,000
6. PVD Land Acquisition – Master Plan	\$ 360,000
7. PVD Noise Exposure Map Update & Part 150	\$ 270,000
8. OQU Taxiway A Realignment	\$11,475,000

Contracts Fiscal Year #3

1. PVD Ground Curbside & Canopy Improvements	\$ 2,016,000
2. Terminal Roof Replacement	\$ 2,245,320
3. PVD Terminal Elevator & Escalator Replacement	\$ 630,000
4. PVD Electrical Vault Relocation	\$ 417,600

Market Area:

The market area is the state of Rhode Island. Given the size of the State of Rhode Island, RIAC used the entire State as a means of market area and did not breakout businesses based on counties.

Step 1. Actual relative availability of DBEs

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

Method: Use Rhode Island DBE Directories [DBE/ACDBE Directory Search | Rhode Island Office of Division of Equity Diversity and Inclusion \(ri.gov\)](#) and Census Bureau Data from <https://data.census.gov/cedsci/>

Unweighted Availability of DBE Firms:

FY 24	Trade	NAICS	DBE	Census
Contract 1: PVD ADA Compliance Modifications	Paving, markings, safety, traffic control	237310	14	27
	Site Preparation, demolition	238910	2	186
	Airport Building Contractor	236220	15	125
	Other Building Finishes (Waterproofing)	238390	0	17
	Expansion Joints	332312	0	0
	Engineering	541330	10	224
	Admin & Gen. Construction Management	541611	6	247
		\$ 270,000	47	826
Contract 2: OQU Runway 16-34 Reconstruction	Engineering Services	541330	10	224
	Surveying and Mapping	541370	0	30
	Highway, Street, and Bridge Construction	237310	14	27
	Site Preparation Contractors	238910	2	186
	Brick Stone Material Suppliers	423320	0	12
	Trucking Services	484110	4	129
	Electrical Contractors and other wiring installation contractors	238210	7	365
	Landscaping Services	561730	2	776
	Testing Laboratories	541380	1	26
	Administrative & General Construction Mgmt.	541611	6	247
		\$ 12,525,303	46	2022
Contract 3: PVD South Cargo Site Work & Buildings	Landscape Architectural Services	541320	6	19
	Engineering Services	541330	10	224
	Surveying and Mapping	541370	0	30
	Landscaping Services	561730	2	776

	Electrical Contractors and other wiring installation contractors	238210	7	365
	Highway, Street, and Bridge Construction	237310	14	27
	Testing Laboratories	541380	1	26
	Site Preparation Contractors	238910	2	186
		\$ 32,543,432	42	1653
Contract 4: PVD Runway 5-23, TW A, M, N Reconstruction	Engineering Services	541330	10	224
	Surveying and Mapping	541370	0	30
	Electrical Contractors and other wiring installation contractors	238210	7	365
	Highway, Street, and Bridge Construction	237310	14	27
	Testing Laboratories	541380	1	26
	Site Preparation Contractors	238910	2	186
	Brick Stone Material Suppliers	423320	0	12
	Trucking Services	484110	4	129
	Landscaping Services	561730	2	776
		\$ 27,657,000	40	1775
Contract 5: OQU Acquire Avigation Easements (5 non-residential)	Engineering Services	541330	10	224
	Surveying and Mapping	541370	0	30
	Offices of Lawyers	541110	2	718
	Appraisals	531320	1	45
		\$ 612,900	13	1017
Contract 6: RIA Statewide Obstruction Removal Program	Engineering Services	541330	10	224
	Surveying and Mapping	541370	0	30
	Landscaping Services	561730	2	776
	Mobilization, Traffic Control	237310	14	27
	Trucking Services	484110	4	129
	Administrative & General Construction Mgmt.	541611	6	247
	Site Preparation Contractors	238910	2	186
		\$ 9,993,967	38	1619
Total FY 2024		\$ 83,602,602	\$ 226	8,912

FY 25	Trade	NAICS	DBE	Census
Contract 1: PVD Terminal Finishes	Engineering	541330	10	224
	Electrical Contractors	238210	7	365
	Airport Building Contractor	236220	15	125

	Millwright, Finish Carpentry	238350	6	173
	Drywall & Insulation Contractors	238310	14	116
	Flooring Contractors	238330	4	88
	Other Building Finishes	238390	0	17
	Admin & Gen Construction Management	541611	6	247
		\$ 6,300,000	62	1355
Contract 2: PVD Stormwater Conveyance System Improvements	Engineering Services	541330	10	224
	Surveying and Mapping	541370	0	30
	Structural Steel and Precast Concrete Contractors	238120	3	13
	Drainage Civil Engineering Construction	237990	0	12
	Landscaping Services	561730	2	776
	Site Preparation Contractors	238910	2	186
		\$ 900,000	17	1241
Contract 3: OQU AWOS	Mobilization, Traffic Control, Signage	237310	14	27
	Electrical Contractors	238210	7	365
	Material Suppliers	423610	0	37
	Construction Engineering & Administration Services	541330	10	224
	Administrative & General Construction Mgmt.	541611	6	247
		\$ 837,900	37	900
Contract 4: PVD Security Access Control System Replacement	Engineering Services	541330	10	224
	Electrical Contractors and other wiring installation contractors	238210	7	365
	Security Alarm Systems	561621	0	31
		\$ 3,600,000	17	620
Contract 5: PVD Central Plant Heating & Cooling Improvements	Plumbing, Heating, and Air-Conditioning Contractors	238220	7	483
	Airport Building Contractors	236220	15	125
	Engineering	541330	10	224
	Plumbing & HVAC equipment Wholesalers	423720	0	26
		\$ 1,296,000	32	858
Contract 6: PVD Land Acquisition - Master Plan (Nursery Option of Purchase)	Engineering Services	541330	10	224
	Appraisals	531320	1	45
	Survey	541370	0	30
		\$ 360,000	11	299

Contract 7: PVD Noise Exposure Map Update & Part 150	Environmental Engineering Services	541330	10	224
	Environmental Studies	541715	0	39
	Environmental Consulting Services	541620	1	50
		\$ 270,000	11	313
Contract 8: OQU Taxiway A Realignment	Engineering Services	541330	10	224
	Surveying and Mapping	541370	0	30
	Electrical Contractors and other wiring installation contractors	238210	7	365
	Highway, Street, and Bridge Construction	237310	14	27
	Testing Laboratories	541380	1	26
	Site Preparation Contractors	238910	2	186
	Brick Stone Material Suppliers	423320	0	12
	Trucking Services	484110	4	129
	Landscaping Services	561730	2	776
		\$11,475,000	40	1775
Total FY 2025		\$25,038,900	227	7,361

FY 2026	Trade	NAICS	DBE	Census
Contract 1: PVD Ground Curbside & Canopy Improvements	Engineering Services	541330	10	224
	Architectural Services	541310	6	74
	Airport Building Contractor	236220	15	125
	Civil Engineering Construction	237990	0	12
	Construction Equipment Suppliers	238910	2	186
	Administrative & General Construction Mgmt.	541611	6	247
		\$ 2,016,000	39	868
Contract 2: PVD Terminal Roof Replacement	Engineering Services	541330	10	224
	Architectural Services	541310	6	74
	Airport Building Contractor	236220	15	125
	Civil Engineering Construction	237990	0	12
	Site Preparation	238910	2	186
	Roofing Contractors	238160	1	69
	Administrative & General Construction Mgmt.	541611	6	247
		\$ 2,245,320	40	937
	Engineering Services	541330	10	224

Contract 3: PVD Terminal Elevator & Escalator Replacement	Architectural Services	541310	6	74
	Airport Building Contractor	236220	15	125
	Escalators merchant wholesalers	423830	0	76
	Escalator, Elevator installation	238290	0	26
	Electrical	238210	7	365
	Site preparation	238910	2	186
	Administrative & General Construction Mgmt.	541611	6	247
		\$ 630,000	46	1323
Contract 4: PVD Electrical Vault Relocation	Engineering Services	541330	10	224
		\$417,600	10	224
Total FY 2026		\$5,308,920	135	3,352

The data source or demonstrable evidence used to derive the numerator was: [DBE/ACDBE Directory Search | Rhode Island Office of Division of Equity Diversity and Inclusion \(ri.gov\)](#)

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

Dividing the total number of DBEs 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 – 2.5%
- Fiscal Year #2 – 3.1%
- Fiscal Year #3 – 4.0%

Average of unweighted availability: $(2.5\% + 3.1\% + 4.0\%)/3 = 3.2\%$

Base of DBE Goal: 3.2%

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

Not enough historical data on DBE participation is available to reference to make an adjustment to the Step 1 base figure; therefore, RIAC is adopting the Step 1 base figure as the overall goal for this three-year goal 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.

RIAC 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 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;

RIAC estimates that in meeting the established overall goal of 3.2%, it will obtain 0% from RN participation and 3.2% through RC measures.

This breakout is based on:

RIAC does not have a history of DBE participation or over-achievement of goals to reference for the types and scopes of work included in this DBE plan and expects to obtain its DBE participation through the use of race-conscious (RC) measures. Therefore, the entire goal of 3.2% is to be obtained through race-conscious (RC) participation.

RIAC 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: Section 26.45(g)(1)

In establishing the overall goal, RIAC provided for consultation and publication. This process may include 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 RIAC’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 via teleconference call which was held on 2:30PM EDT on September 25, 2023. A notice was published on the airport website <http://www.flyri.com>, and distributed to the MBE/DBE/WBE/SBE community through the State of Rhode Island Office of Diversity and Equity:

Kate Constance Brody, Esq.
Administrator – MBE Compliance Office
Division of Equity, Diversity & Inclusion (DEDI)
RI Department of Administration
One Capitol Hill
Providence, RI 02908
Office: 401.574.8670
Kate.Brody@doa.ri.gov

Ana Pimentel, MPA, BA
Chief Program Development
Minority Business Enterprise Compliance Office (MBECO)
Division of Equity, Diversity and Inclusion (DEDI)
RI Department of Administration
One Capitol Hill
Providence, RI 02908
Office: 401-574-9145
Email: ana.pimentel@doa.ri.gov
<https://dedi.ri.gov/>

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

- There were no comments or feedback on the DBE plan.

If the proposed goal changes following review by FAA Civil Rights, the revised goal will be posted on RIAC's official website.

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



Rhode Island
Airport Corporation

ATTACHMENT 6

Public Notice

<https://flyri.com/public-notice-riac-proposed-disadvantage-business-enterprise-dbe-plan-for-federal-fiscal-years-2024-2026/>

PUBLIC NOTICE

RIAC hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 3.2 % for FAA funded contracts/agreements. The proposed goal pertains to federal fiscal years 2024 through 2026. A teleconference will be held on September 22, 9:00AM EDT for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process.

To participate in this teleconference, please email your contact information to:

Shahzad Sadozai
Assistant Chief Financial Officer, and DBELO
ssadozai@pvdairport.com.

Posted on www.flyri.com:

The screenshot shows a web browser window displaying a public notice on the flyri.com website. The page has a red header with navigation links: Flights, Airport Guide, Parking and Transportation, and Contact Us, along with a 'VOTE NOW!' button. The main content area features the title 'Public Notice – RIAC Proposed Disadvantage Business Enterprise (DBE) Plan for Federal Fiscal years 2024-2026' in red. Below the title are social media sharing buttons for Facebook, Twitter, LinkedIn, and Email. The text of the notice is repeated, stating the proposed DBE participation goal of 3.2% for FAA funded contracts/agreements from 2024 to 2026, and the teleconference date of September 25, 2:30PM EDT. It also includes the contact information for Shahzad Sadozai, Assistant Chief Financial Officer and DBELO, at ssadozai@pvdairport.com. A 'Download PDF' button is located below the contact information. At the bottom, there are 'PREVIOUS' and 'NEXT' navigation links with corresponding article teasers.

Public Notice - RIAC Proposed

flyri.com/public-notice-riac-proposed-disadvantage-business-enterprise-dbe-plan-for-federal-fiscal-years-2024-2026/

Flights Airport Guide Parking and Transportation Contact Us VOTE NOW!

September 14, 2023

Public Notice – RIAC Proposed Disadvantage Business Enterprise (DBE) Plan for Federal Fiscal years 2024-2026

SHARE TWITTER SHARE EMAIL

RIAC hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of **3.2%** for FAA funded contracts/agreements. The proposed goal pertains to **federal fiscal years 2024 through 2026**. A teleconference call will be held on **September 25, 2:30PM EDT** for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process.

To participate in this teleconference, please email your contact information to:
Shahzad Sadozai
Assistant Chief Financial Officer, and DBELO
ssadozai@pvdairport.com.

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PREVIOUS NEXT

RHODE ISLAND T.F. GREEN INTERNATIONAL AIRPORT NOMINATED BY USA TODAY AS NATION... RIAC Expresses Appreciation for over \$60 million in Federal Airport Investments

Sent via email to Procurement and DBE distribution list:



Rhode Island

T. F. Green International Airport

Proposed RIAC DBE Plan

Federal Fiscal Years 2024-2026

RIAC hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of **3.2%** for **FAA funded contracts/agreements**. The proposed goal pertains to **federal fiscal years 2024 through 2026**.

A teleconference call will be held on **September 25, 2:30PM EDT** for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process.

To participate in this teleconference, please **email your contact information** to:

Shahzad Sadozai

Assistant Chief Financial Officer, and DBELO

ssadozai@pvdairport.com.

For more information:

[CLICK HERE](#)



2000 Post Road, Warwick, RI 02886 | 401-691-2000



[Contact Us](#)

Shahzad Sadozai

From: Pimentel, Ana (DOA) <Ana.Pimentel@doa.ri.gov>
Sent: Wednesday, September 20, 2023 5:01 PM
To: Shahzad Sadozai
Subject: RIAC Teleconference for Proposed FFY 2024-2026 DBE Plan

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon, Shahzad Sadozai,

RIAC:

We are excited to share with you the Rhode Island Airport Corporation (RIAC) Proposed FFY 2024-2026 DBE Plan! RIAC posted the Public Notice for the consultation (September 25, 2023 @ 2:30PM EDT, via teleconference call) with relevant communities and groups for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process.

The link for notice is <https://flyri.com/public-notice-riac-proposed-disadvantage-business-enterprise-dbe-plan-for-federal-fiscal-years-2024-2026/> [flyri.com]



PUBLIC NOTICE

RIAC hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 3.2% for FAA funded contracts/agreements. The proposed goal pertains to **federal fiscal years 2024 through 2026**. A teleconference call will be held on **September 25, 2:30PM EDT** for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process.

To participate in this teleconference, please email your contact information to:

Shahzad Sadozai
Assistant Chief Financial Officer, and DBELO
ssadozai@pvdairport.com

Thank you.

Best regards,

Ana Pimentel, MPA, BA

Chief Program Development

Minority Business Enterprise Compliance Office (MBECO)

Division of Equity, Diversity and Inclusion (DEDI)

RI Department of Administration

One Capitol Hill

Providence, RI 02908

Office: 401-574-9145

Email: ana.pimentel@doa.ri.gov

<https://dedi.ri.gov/>





Rhode Island
Airport Corporation

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

Section 26.37 DBE Monitoring and Enforcement Mechanisms

RIAC has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to Rhode Island General Laws §37-14.1 et. Seq.;
3. Enforcement action pursuant to Rhode Island Administrative Code §4-1-5 and Rhode Island General Laws §37-14.1 et. Seq.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.



Rhode Island
Airport Corporation

ATTACHMENT 8

Demonstration of Good Faith Efforts
or
Good Faith Effort Plan – Forms 1 & 2

**LETTER OF INTENT TO PERFORM
AS A QUALIFIED DISADVANTAGED BUSINESS**

To: _____ Project: _____
(Name of Contractor) Reference #: _____

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 by the Rhode Island Department of Administration

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 Authorized Official)

(Title of Authorized Official)

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. Contract # _____
3. Total Dollar Amount of Bid _____
4. Disadvantaged Business Enterprise Participation \$ 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: _____

