

DBE GOALS

Cincinnati/Northern Kentucky
International Airport
FY 2023-2025

Attachment 1

Section 26.45: Overall Goal Calculation

**KENTON COUNTY AIRPORT BOARD
OVERALL DISADVANTAGED BUSINESS
ENTERPRISE GOAL
FISCAL YEARS 2023-2025**

INTRODUCTION

The Kenton County Airport Board (KCAB), operator of the Cincinnati/Northern Kentucky International Airport (CVG), located in Hebron, Boone County, Kentucky derived the overall Disadvantaged Business Enterprise (DBE) Program Goal in a method consistent with the requirements of 49 CFR Section 26.45.

The Chief Executive Officer (CEO) at CVG is Candace S. McGraw, (859) 767-3153; Fax (859) 767-3080.

PROCEDURES FOR SETTING ANNUAL OVERALL GOAL

KCAB staff reviewed the type, nature, and number of Federal Aviation Administration (FAA) funded projects which are planned for federal fiscal years (FY) 2023-2025. KCAB then evaluated the number of purchase contracts, the number of DBE contractors known to KCAB by reason of past bids, and the individual contracting opportunities contained within each project.

Per Section 49 CFR Part 26.45(f)(1), KCAB submits its overall goal for three-year intervals to the Federal Aviation Administration Office of Civil Rights. In establishing the goal for fiscal years 2023-2025, KCAB staff reviewed prior KCAB projects and prior DBE participation in KCAB projects. KCAB staff reviewed county census patterns for the NAICS codes which are expected to compete for projects planned for FY 2023 – 2025. KCAB staff also reviewed DBE goals of other recipients within the region and hosted a stakeholder consultation meeting with DBE firms and organizations which may have information relevant to DBEs. KCAB staff performed these evaluations in order to obtain information concerning the availability of disadvantaged businesses to participate in KCAB projects, the effects of past discrimination on opportunities for DBEs to participate in KCAB projects, and to evaluate KCAB’s efforts to establish a level playing field for DBE participation in KCAB projects.

As in previous years, KCAB will publish the overall goal, and any updates, for FY 2023-2025 on KCAB’s website at <https://www.cvgairport.com/business/business-opportunities/business-diversity/>.

CONTRACT GOAL

The following federally funded contracts are expected to be let during the federal fiscal years 2023, 2024, and 2025.

Federal Fiscal Year	Project Description	Estimated Federal Participation (\$)
FY-2023	Construct Taxiway D2 (Phase 1, Design Only), Construct Taxiway D6 (Phase 1, Design Only), Construct Taxiway D8 (Phase 1, Design Only), Construct Taxiway E9 (Phase 1, Design Only), Construct/Extend/Improve Safety Area 18L/36R (Phase 1 – Design Only, Install Taxiway Lighting D2 (Phase 1, Design Only), Install Taxiway Lighting D6 (Phase 1, Design Only), Install Taxiway Lighting D8 (Phase 1 Design Only), Install Taxiway Lighting E9 (Phase 1 Design Only), Rehabilitate Runway 18C/36C (Phase 1, Design Only) ,Rehabilitate Runway Lighting 18C/36C (Phase 1, Design Only)	\$3,416,056

FY-2023	Concourse B Apron Rehabilitation, Taxiway G&R Rehab	\$2,719,545
FY-2023	Replacement of Passenger Boarding Bridges (11) at Concourse B (Phase 1 – Construction)	\$14,000,000
FY-2023	Replacement of Passenger Boarding Bridges (8) at Concourse B (Phase 2)	\$13,517,720
FY 2024	Runway 18C-36C Rehabilitation Construction	\$8,512,500
FY 2024	Relocation of Taxiway D2 & Demo Construction	\$6,914,250
FY 2024	18L/36R RSA Grading and Tunnel Parapet Corrections (Construction)	\$1,586,400
FY 2024	Airfield Vault 12 Upgrades and Southwest Vault Regulator Replacement (Construction)	\$1,936,200
FY 2024	Concourse B Passenger Loading Bridge Replacements (9) and Chiller Replacement	\$27,517,720
FY 2025	Concourse A Apron Reconstruction (Construction)	\$13,800,000
FY 2025	Concourse A PLBs Replacements	\$13,500,000
	Total:	\$107,420,391

MARKET AREA

Pursuant to 49 Part 26.45, the overall goals are based upon the availability of ready, willing, and able DBE firms in the Normal Market Area (NMA). KCAB identified its NMA by examining its federally funded projects for fiscal years 2020-2022. The NMA consists of Boone, Kenton, and Campbell Counties in Northern Kentucky; Hamilton, Butler, Warren, Clermont, Montgomery, and Franklin Counties in Ohio; and Dearborn County, Indiana. On average during fiscal years 2020-2022 KCAB awarded 91% of its contracting dollars on federally funded projects to contractors in these 10 counties and over 55% of the total bidders were located within these 10 counties. In FY 2020 a multi-year, multi-grant project was awarded. Given the challenges in contracting during COVID, it is probably that the contracting pool was limited. All three of the bids received included similar subcontractors that were located in areas far from the NMA (New York, Pennsylvania, Illinois). Looking back an additional three years (2017-2019) confirms the appropriateness of NMA's geographic location, given those conditions.

FY2020-2022	Total Contracts Amount	Percentage of Total Contract Dollars	Total Number of Bidders (incl. subs)	Percentage of Total Bidders
Normal Market Area	\$104,502,398.24	91%	29	55%
Outside Market Area	\$9,983,696.84	9%	24	45%
Totals	\$114,486,095.08	100%	53	100%
FY2017-2019	Total Contracts Amount	Percentage of Total Contract Dollars	Total Number of Bidders (incl. subs)	Percentage of Total Bidders
Normal Market Area	\$34,629,448.53	90%	240	73%
Outside Market Area	\$3,703,341.85	10%	91	27%
Totals	\$38,332,790.38	100%	331	100%

Step 1: 49 CFR 26.45(c)

To determine the percentage of DBEs, both prime and subcontractors, that are ready, willing, and able to compete for contract work at CVG, the following steps were taken to calculate the Step 1 base goal:

1. KCAB's Planning and Development Department identified the proposed projects for fiscal years 2023-2025 likely to receive FAA funding assistance.
2. KCAB's DBELO worked with the departments assigned to the projects to identify the types of work to be completed on each project and estimated the percentage of dollars expected to be performed under each NAICS Code as compared to the total contract price.
3. The types of work identified were classified under the appropriate NAICS Code.
4. The total number of contracting firms in the identified NMA classified under each identified NAICS code was calculated using the information available on the U.S. Census Bureau's 2020 County Business Patterns report.
5. The number of DBE firms in the NMA classified under each identified NAICS code was calculated relying on the information contained in the certification lists published and maintained by the Kentucky Transportation Cabinet, the Ohio Unified Certification Program, and the Indiana Department of Transportation.
6. The list of certified DBE firms was reviewed to ensure that each firm was ready, willing and able to perform the type of work included in the FY2023-2025 identified projects. If a DBE firm was excluded, then both the number of DBE firms and the total number of firms included under that NAICS code were reduced accordingly.

7. The number of DBE firms in each NAICS code was divided by the total of all firms in that NAICS code. This quotient was then weighted by multiplying by the percentage of contract dollars estimated to be expended on the work in that NAICS code.
8. The weighted totals were then added to arrive at the base goal for each fiscal year. Fiscal year goals for FY 2023-2025 were then added and divided by three to arrive at the overall Step 1 base goal of 11.95%.

AIP Eligible Projects				DBE Firms	All Firms	Weighting: ((DBE/All firms) x %) x 100
Primary Project Description	NAICS Code	Trade/Discipline	% of Annual Total			
2023						
Concourse B Apron Rehabilitation (Construction)	237310	Highway, Street & Bridge Construction	6.8%	24	72	2.26
	238210	Electrical Construction	0.8%	10	635	0.01
	423390	Construction Material Merchant Wholesalers	0.2%	1	66	0.00
	541330	Engineering Services (CA/CI)	0.3%	32	690	0.01
Runway 18C-36C Rehabilitation (Design)	541330	Engineering Services	8.1%	32	690	0.38
	541611	Construction Scheduling and Cost Estimating	1.6%	31	813	0.06
	541360	Geotechnical Testing and Engineering	0.2%	7	3	0.47
	541370	Surveying	0.2%	11	45	0.05
Concourse B Passenger Loading Bridge Replacements	236220	Commercial and Institutional Building Construction	72.0%	21	386	3.91
	237310	Highway, Street, and Bridge Construction-stripping	0.8%	24	72	0.27
	238210	Electrical Contractors and Other Wiring Installation Contractors	4.9%	10	635	0.08
	238220	HVAC	4.1%	4	937	0.02
				FY 23 Base Goal:		7.54
2024						
Runway 18C-36C Rehabilitation (Construction)	541330	Engineering Design & CACI	3.1%	32	690	0.14
	541370	Surveying and Mapping (except Geophysical) Services	0.4%	11	45	0.09
	236220	Commercial and Institutional Building Construction	1.1%	21	386	0.06
	237310	Highway, Street, and Bridge Construction	7.7%	24	72	2.56
	237990	Other Heavy and Civil Engineering Construction	1.6%	11	16	1.13
	238110	Poured Concrete Foundation and Structure Contractors	0.2%	6	204	0.01
	238120	Structural Steel and Precast Concrete Contractors	0.2%	6	23	0.05
	238210	Electrical Contractors and Other Wiring Installation Contractors	0.5%	10	635	0.01
	238390	Concrete Sealing	0.2%	2	81	0.00
	238910	Site Preparation Contractors	2.0%	18	269	0.13
	339950	Sign Manufacturing	0.2%	2	79	0.00
	423390	Other Construction Material Merchant Wholesalers	0.2%	1	66	0.00
	484220	Specialized Freight (except Used Goods) Trucking, Local	0.2%	72	222	0.06

	488490	Other Support Activities for Road Transportation	0.2%	4	12	0.06
	561730	Landscaping Services	0.5%	8	1152	0.00
Relocation of Taxiway D2 & Demo (Construction)	541330	Engineering Design & CACI	2.5%	32	690	0.12
	541370	Surveying and Mapping (except Geophysical) Services	0.3%	11	45	0.07
	236220	Commercial and Institutional Building Construction	0.9%	21	386	0.05
	237310	Highway, Street, and Bridge Construction	7.6%	24	72	2.53
	238110	Poured Concrete Foundation and Structure Contractors	0.1%	6	204	0.00
	238120	Structural Steel and Precast Concrete Contractors	0.1%	6	23	0.04
	238210	Electrical Contractors and Other Wiring Installation Contractors	0.4%	10	635	0.01
	238390	Concrete Sealing	0.1%	2	81	0.00
	238910	Site Preparation Contractors	1.6%	18	269	0.11
	339950	Sign Manufacturing	0.1%	2	79	0.00
	423390	Other Construction Material Merchant Wholesalers	0.1%	1	66	0.00
	484220	Specialized Freight (except Used Goods) Trucking, Local	0.1%	72	222	0.05
	488490	Other Support Activities for Road Transportation	0.1%	4	12	0.05
	561730	Landscaping Services	0.4%	8	1152	0.00
18L/36R RSA Grading and Tunnel Parapet Corrections (Construction)	541330	Engineering Design & CACI	0.3%	32	690	0.01
	541370	Surveying and Mapping (except Geophysical) Services	0.0%	11	45	0.01
	237310	Highway, Street, and Bridge Construction	1.8%	24	72	0.61
	237990	Other Heavy and Civil Engineering Construction	1.0%	11	16	0.69
	238990	All Other Specialty Trade Contractors	0.1%	55	320	0.01
	423320	Brick, Stone, and Related Construction Material Merchant Wholesalers	0.0%	44	40	0.01
	423390	Other Construction Material Merchant Wholesalers	0.0%	1	66	0.00
	484220	Specialized Freight (except Used Goods) Trucking, Local	0.1%	72	222	0.04
	488490	Other Support Activities for Road Transportation	0.0%	4	12	0.01
Airfield Vault 12 Upgrades and Southwest Vault Regulator Replacement (Construction)	236220	Commercial and Institutional Building Construction	0.8%	21	386	0.05
	238190	Other Foundation, Structure, and Building Exterior Contractors	0.2%	1	28	0.01
	238210	Electrical Contractors and Other Wiring Installation Contractors	3.1%	10	635	0.05

Concourse B Passenger Loading Bridge Replacements	236220	Commercial and Institutional Building Construction	52.1%	21	386	2.84
	237310	Highway, Street, and Bridge Construction-striping	0.6%	24	72	0.20
	238210	Electrical Contractors and Other Wiring Installation Contractors	3.6%	10	635	0.06
	238220	HVAC	3.0%	4	937	0.01
				FY 24 Base Goal:		11.96
2025						
Concourse A Apron Reconstruction (Construction)	541330	Engineering Design & CACI	3%	32	690	0.14
		Surveying and Mapping (except Geophysical) Services		11	45	0.25
	541370		1%			
	541990	All Other Professional, Scientific, and Technical Services	4%	14	113	0.50
	237310	Highway, Street, and Bridge Construction	35%	24	72	11.79
	238990	All Other Specialty Trade Contractors	4%	55	320	0.70
	238210	Electrical Contractors and Other Wiring Installation Contractors	2%	10	635	0.02
	423390	Other Construction Material Merchant Wholesalers	0%	1	66	0.00
	484220	Specialized Freight (except Used Goods) Trucking, Local	0%	72	222	0.08
	488490	Other Support Activities for Road Transportation	1%	4	12	0.34
Concourse A PLBs Replacements	236220	Commercial and Institutional Building Construction	42%	21	386	2.29
	237310	Highway, Street, and Bridge Construction-striping	0%	24	72	0.16
	238210	Electrical Contractors and Other Wiring Installation Contractors	3%	10	635	0.05
	238220	HVAC	3%	4	937	0.01
				FY 25 Base Goal:		16.35

3-year (FY2023-25) Base Goal: 11.95%

$$7.54\% \text{ (FY2023)} + 11.96\% \text{ (FY2024)} + 16.35\% \text{ (FY2025)} = 35.85 / 3 \text{ years} = \mathbf{11.95\%}$$

Step 2: 49 CFR 26.45(d)

After calculating the base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed in order to arrive at the overall goal. KCAB considered the past DBE participation level in federally assisted contracts at CVG. Accordingly, KCAB decided that a Step 2 adjustment was justified. KCAB considered the capacity of DBEs to perform work as measured by the median past participation of DBEs on AIP projects during Fiscal Years 2017-2021 because this was likely to present an accurate picture of the availability of DBE firms ready, willing, and able to participate in Board contracts during Fiscal Years 2023-2025. The following steps were taken to calculate this Step 2 adjustment:

1. The DBE participation percentages for awarded contracts in Fiscal Years 2017-2021 were arranged from low to high to arrive at the median of 7.5%.
2. Finally, the median of past participation was added to the Step 1 base goal and divided by 2 to arrive at the average. This average is the overall goal for each of the Fiscal Years 2023-2025.

Fiscal Year	Percentage of DBE participation
2017	7.5%
2018	0%
2019	0.72%
2020	10.35%
2021	8.21%

Fiscal Year Goal = (Step 1 Base Goal + Step 2 median) ÷ 2

$$\text{FY2023: } (7.54 + 7.5) \div 2 = 7.52\%$$

$$\text{FY2024: } (11.96 + 7.5) \div 2 = 9.73\%$$

$$\text{FY2025: } (16.35 + 7.5) \div 2 = 11.92\%$$

$$\text{Overall Goal} = (\text{FY2023} + \text{FY2024} + \text{FY2025}) \div 3$$

FY 2023-2025 Overall Goal = 9.72%

Total Dollar Amount expected to be expended with DBEs:

$$\$3,264,372 \text{ (FY2023)} + \$4,507,306 \text{ (FY2024)} + \$2,948,100 \text{ (FY2025)} = \mathbf{\$10,419,778}$$

PUBLIC NOTICE

KCAB will publish the overall goal on its website at <https://www.cvgairport.com/business/business-opportunities/business-diversity/>.

**BREAKOUT OF ESTIMATED RACE/GENDER NEUTRAL
and RACE/GENDER CONSCIOUS PARTICIPATION**

KCAB will meet the maximum feasible portion of its overall goal by using race/gender neutral means of facilitating DBE participation. KCAB uses the following race/gender neutral means to increase DBE participation:

1. Advertise bids in minority publications and websites;
2. Advertise and post bids on CVG's website;
3. Directly notify women and minority groups, contractors, and suppliers of bid opportunities;
4. Conduct outreach programs;
5. Network with local minority groups and chambers of commerce; and,
6. Direct contractors to the certified DBE lists in Kentucky, Ohio, & Indiana.

KCAB reviewed the DBE goal accomplishments for fiscal years 2017-2021 to calculate the breakout of Race Neutral (RN) and Race Conscious (RC) participation. Over the past 5 years, the DBE goals have not been met.

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Fiscal Year Goal	8.45%	1.37%	19.45%	10.50%	10.50%
RC Goal	0.00%	0.00%	0.00%	4.30%	4.30%
RN Goal	8.45%	1.37%	19.45%	6.20%	6.20%
Accomplishment	7.50%	0.00%	0.72%	10.35%	8.21%
RC Accomplish.	0.00%	0.00%	0.00%	7.34%	8.21%
RN Accomplish.	7.50%	0.00%	0.72%	3.01%	0.00%
Exceeded Goal	-0.95%	-1.37%	-18.73%	-0.15%	-2.29%

Considering the median race/gender neutral accomplishments for fiscal years 2017-2021 KCAB estimates that, in meeting its overall goal of **9.72%**, KCAB will obtain **0.72%** from race/gender neutral participation and **9.0%** from race/gender conscious participation.

In order to ensure that KCAB's DBE program will be narrowly tailored to overcome the effects of past discrimination, KCAB will adjust the estimated breakout of race/gender neutral and race/gender conscious participation as needed to reflect actual DBE participation and KCAB will track and report race/gender neutral and race/gender conscious participation separately. For reporting purposes, race/gender neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract a 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; 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:

KCAB consulted with stakeholders before submitting the overall goal to the FAA. Stakeholders included but are not limited to: minority and women's business groups; community organizations; trade associations; small, minority, and women owned firms; and, other officials or organizations which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the sponsors efforts to increase participation of DBEs.

KCAB hosted a DBE Goal Setting Stakeholder Consultation Meeting on July 12, 2022 at 11:00 a.m..at the CVG Centre, 77 Comair Boulevard, Erlanger, KY 41018, and a virtual meeting at 5:00 p.m.

Attachment 8, 9, 10 & 11 include copies of the Public Notice, stakeholder invitation emails, emails posted through PlaNNet Bids and the presentation given at the stakeholder meeting.

Invitations were sent via email to the following stakeholders:

1. Minority Business Accelerator – Cincinnati Regional Chamber of Commerce
2. Tri-State Minority Supplier Development Council (TSMSSDC)
3. Ohio Minority Business Assistance Center
4. Greater Cincinnati Northern Kentucky African American Chamber-Commerce
5. KY Transportation Cabinet Office of Civil Rights & Small Business Development
6. Southwest Ohio Regional Transit Authority (SORTA) – FTA Recipient
7. Ohio Department of Transportation
8. City of Cincinnati
9. Lexington (KY) Bluegrass Airport
10. Louisville Regional Airport Authority
11. Hispanic Chamber Cincinnati USA, OH
12. Ohio River Valley Women's Business Council
13. Urban League of Greater Cincinnati
14. Indian American Chamber of Commerce – Greater Cincinnati and Northern Kentucky
15. Northern Kentucky Chamber of Commerce Women's Initiative
16. Japan America Society of Greater Cincinnati
17. Greater Cincinnati Chinese Chamber of Commerce
18. The Associated General Contractors of America (AGC of America)
19. European American Chamber of Commerce
20. The Associated General Contractors of Western Kentucky
21. Airport Minority Advisory Council (AMAC)
22. American Subcontractors Association, Inc.
23. American Subcontractors Association of Ohio
24. Greater Cincinnati World Affairs Council
25. Construction Estimating Institute (CEI) DBE Support Services
26. Transit Authority of Northern Kentucky
27. City of Oxford Chamber of Commerce
28. 1,080 firms registered on CVG's bidding website and self-identified as disadvantaged, small, woman-owned, minority-owned, or disabled veteran business enterprises

KCAB's DBELO led the stakeholder consultation meeting and attendees included representatives from: ODOT Division of Opportunity, Diversity & Inclusion, and 9 private firms representing various trades as follows:

AM Session Attendees:

- | | |
|----------------------|------------------------|
| 1. Larisa Sims | CVG Airport Authority |
| 2. Majid Samarghandi | "Triton Services, Inc" |
| 3. Jaime Burch | Fusions Safety |
| 4. Rob Wagner | Fusions Safety |
| 5. David Kopecky | Ranger Steel |

- 6. Ajay Bansal Bansal Construction
- 7. Karla Boldery La Mega Media

PM Session Attendees:

- 1. Larisa Sims CVG Airport Authority
- 2. Lesley Holgate CVG Airport Authority
- 3. Alex Guerra Flying High Productions
- 4. Jeff McCabe Stinar
- 5. Jeff Johnson Johnson Group
- 6. James Scales ODOT

The attendees provided the following feedback on the goal during the consultation meeting.

Question/Comment
Question: Will each contract have the same DBE Goal %? Answer: No, each contract includes a calculation of contract goal dependent on the specific scope of work for that project.
Questions: Look at breaking large contracts into smaller pieces/bonding capacity for smaller companies. Answer: Yes, we do that in conjunction with our project managers based on scope of work. This is anticipated in the potential subcontracts and related to the goal calculation for each project.
Questions: Why isn't safety broken out as a NAICS code? Answer: Scopes are based on project managers expected areas of opportunity for subcontracting.
Questions: If the total DBE Goals are further broken out in specific trades, it will make the work available to more DBE contractors. Answer: Agreed. Project managers anticipate areas of potential subcontracting for each specific trade at the time of program creation, which become more specific as each project is more well defined. The contract goal calculation is based on these specific trades.

No additional comments were submitted via mail or email. After reviewing the comments, KCAB determined that no further changes or adjustments to the goal are warranted.

Attachment 2

Forms 1 & 2 for Demonstration of Good Faith Efforts

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ The bidder is committed to a minimum of _____ % DBE utilization on this contract.

_____ The bidder (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder's firm: _____

State Registration No. _____

By _____ Title _____
(Signature)

FORM 2: LETTER OF INTENT

Name of bidder's firm: _____

Bidder's address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

.....
.....
.....
.....

The bidder intends to utilize the above-named DBE firm for the work described above. The estimated amount of work is valued at \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

If the above-named bidder is not determined to be the successful bidder, this Letter of Intent and Affirmation is null and void.

(Submit this page for each DBE subcontractor.)

Attachment 3

Monitoring and Enforcement Mechanisms

KCAB 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. Similar actions pursuant to Kentucky revised Statutes;
3. Responsibility determinations in future bids/contracts; and
4. Violation of the Rules and Regulations of the Kenton County Airport Board.

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; and
3. Prosecution pursuant to 18 USC 1001.

KCAB will implement various mechanisms to monitor program participants to ensure they comply with Part 26, including, but not limited to the following:

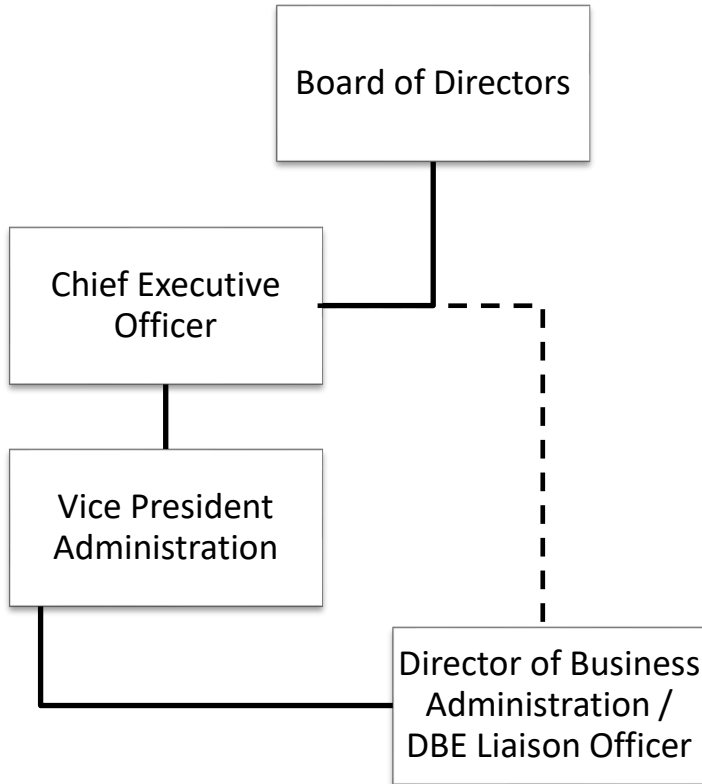
1. All FAA-assisted contracts between KCAB and a contractor will contain an appropriate provision to the effect that failure by the contractor to comply with KCAB's DBE Program constitutes a breach of contract, exposing the contractor to a potential termination of the contract or other appropriate remedy, including withholding of funds, until the contractor complies with all requirements of this program. KCAB may impose liquidated damages, contract suspension, or even contract termination in accordance with Kentucky law.
2. All documentation submitted with bidder/offeror's submittal, as well as additional data provided by the successful bidder/offeror, is considered part of the contract documents. Any alterations, substitutions, deletions, etc., to data provided at time of submission must have prior written approval of KCAB's DBE Liaison Officer.
3. If a DBE firm not certified by the Kentucky Transportation Cabinet is proposed by a potential contractor as a part of its DBE plan efforts, review and certification procedures consistent with 49 CFR Part 26 must be conducted prior to award of any contract.
4. KCAB reserves the right to reject any or all bids or re-advertise for bids. A submittal will not be considered responsive unless the bidder/offeror complies with Title 49 CFR Part 26 and KCAB's DBE Program.
5. KCAB will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.
6. KCAB will bring to the attention of the USDOT any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
7. KCAB also will consider similar action under its own legal authority, including responsibility determinations in future contracts. In addition, the Sponsor will apply legal and contract remedies under state and local law. This includes, for example, applying liquidated damages, withholding payments, etc.

Attachment 4

Regulations: 49 CFR Part 26

49 CFR Part 26 is available at https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

Attachment 5
Organizational Chart



Attachment 7

Small Business Element

In accordance with 49 CFR Part 26, KCAB's Small Business Enterprise (SBE) element of its DBE Program is intended to facilitate competition by, and expand opportunities for, all small businesses regardless of race, gender, or geographic location. KCAB is committed to taking reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or as subcontractors. DBE Program goals should be met through a mixture of race conscious and race neutral methods and, by definition, DBE firms are small businesses. Therefore, when KCAB is unable or does not expect to meet its goals through race neutral measures KCAB will use the following methods to meet the SBE objectives:

1. **SBE Project/Contract Goals:** Where feasible, KCAB will identify and establish an SBE goal that is a percentage of the total value of an FAA-assisted procurement. Bids submitted for FAA-assisted procurements that include an SBE goal must meet or exceed the SBE goal percentage as a matter of responsiveness. This requires that KCAB and its prime contractors/consultants include a portion of the value of each identified contract for participation by small businesses. KCAB will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the goal percentage. The final determination will be made by the DBELO and based upon the estimated availability of small businesses that are able to provide the requisite scope(s) of work. These goals are in conjunction with the DBE contract goals which may be required pursuant to applicable law or policy. In the event that an SBE goal is not established on an FAA-assisted contract, KCAB will document why an SBE goal was not established.
2. **Unbundling:** KCAB, where feasible, may unbundle projects or separate large contracts into smaller contracts which may be more suitable for small business participation. KCAB will review FAA-assisted procurements to determine whether portions could be unbundled or bid separately. This determination will be made by the DBELO and based upon the estimated availability of small businesses that are able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, KCAB will encourage its prime contractors/consultants to unbundle contracts to facilitate participation by small businesses. KCAB will assist prime contractors/consultants in identifying portions of work which may be unbundled and performed by small businesses. KCAB will document the factors used to determine whether or not an FAA-assisted contract will be unbundled or bid separately.
3. **Outreach and technical assistance:** KCAB will continue to conduct and participate in outreach and training opportunities for small businesses through various partnerships. Additionally, KCAB advertises opportunities through its website and various media, including, but not limited to, local newspapers, minority-based organizations, trade publications, direct e-mail, and local chambers of commerce.

SBEs which are awarded contracts under this program and are also owned and controlled by socially and economically disadvantaged individuals will be encouraged to seek DBE certification in order to be counted towards race-neutral DBE participation. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

Certification and Verification Procedures

KCAB will accept the following certifications for participation as an SBE under this program:

1. Kentucky Transportation Cabinet (KYTC) SBE certification
2. KYTC DBE certification
3. Ohio Department of Transportation (ODOT) SBE certification
4. ODOT DBE certification
5. Small Business Administration (SBA) small business certification as evidenced in the System for Award Management (SAM) database.

KCAB will consider small business certifications from other government agencies. If, in KCAB's sole discretion, the certification procedures of the proffered agency is consistent with the objectives of this small business element, KCAB and its prime contractors/consultants may count participation of SBEs certified by the proffered agency.

KCAB will verify eligibility by checking the directories and/or databases maintained by the certifying agencies noted above. The SBE's eligibility must be current as of the date of the bid opening to be counted as participation.

Assurances

As part of the small business element of its DBE Program, KCAB makes the following assurances:

1. The DBE Program small business element is not prohibited by Kentucky law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element;
3. There are no geographic or local preferences or limitations imposed on any FAA-assisted procurement;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program and reasonable efforts will be made to avoid creating barriers to the use of new, emerging, or untried businesses;
5. Aggressive steps will be taken to encourage those DBE-eligible minority and women owned firms participating in the small business element to become certified; and,
6. The program is open to small businesses regardless of their location.

Attachment 8
Public Notice

DBE FY2023 - 2025 GOAL
Cincinnati/Northern Kentucky International Airport (CVG)

As required by the provisions of 49 CFR Part 26, the Kenton County Airport Board (KCAB), operator of the Cincinnati/Northern Kentucky International Airport (CVG) located in Boone County, Kentucky, has established an overall goal for the participation of Disadvantaged Business Enterprises (DBE) in projects for which Airport Improvement Program (AIP) funds may be utilized during Federal Fiscal Years 2023-2025 (October 1, [2023](#) through September 30, 2025).

KCAB's overall goal is 7.6% of which 0.72 % is expected through race/gender neutral methods and 6.88% is expected through race/gender conscious methods. KCAB anticipates applying AIP and Bipartisan Infrastructure Law (BIL) funds to the following projects planned for FY2023-2025: Runway 18C – 36C Rehabilitation; Taxiway D2 and E9 Demo and Rehabilitation; East Service Road Rehabilitation; FIS Relocation, Baggage Handling System – DBIS/CBRA Relocation, Terminal Restroom Rehabilitation, Southwest Vault and Vault 12 Regulator, Ground Run up Pad, ARFF Training Center SAFT Replacement, Concourse A&B Refurbishment, Passenger Ticketing Expansion - Customer Service Building Ticketing Buildout, BHS Terminal to Concourse A Connection, BHS Terminal to Customer Service Building, Terminal Ticket Counter Modernization (East), and Microgrid Deployment.

For the purpose of consulting with stakeholders to obtain information relevant to the [goal-setting](#) process an in-person public meeting will be held at 11:00 a.m. at the CVG Administration Offices, 77 Comair Blvd, Erlanger, Kentucky, 41018 and again virtually at 5:00 p.m., on July 12, 2022. Both meetings will include the same content. To RSVP for the in-person meeting please email dbecomments@cvgairport.com. To register for the virtual Teams Meeting click [here](#).

The proposed goal and rationale are also available for public until July 25, 2022, during normal business hours (8:00 a.m. to 5:00 p.m. ET), Monday through Friday, at the CVG Administration Offices, 77 Comair Blvd, Erlanger, Kentucky, 41018 and online at www.cvgairport.com. Comments should be directed to the attention of Larisa Sims and may be submitted in writing by mail addressed to Larisa Sims, DBE Liaison Officer, Cincinnati/Northern Kentucky International Airport, P.O. Box 752000, Cincinnati, Ohio 45275-2000, or by e-mail addressed to dbecomments@cvgairport.com.

June 23, 2022

Attachment 9
Email Invitation to Stakeholders

No images? [Click here](#)

CVG DBE Goal Setting Public Meeting Notice

June 27, 2022

SUBJECT: CVG Proposed Triennial DBE Goal

Dear Stakeholder/Community Member,

To comply with Federal Regulations 49 CFR Part 26, [the Kenton County Airport Board \(KCAB\)](#), [operator of the Cincinnati/Northern Kentucky International Airport \(CVG\)](#) is proposing a new Triennial DBE goal for Federal Fiscal Years 2023-2025. CVG hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 7.6% for FAA-funded contracts/agreements. The proposed goal pertains to federal fiscal years 2023 through 2025 (10/1/2022 - 9/30/2025).

CVG is required under part 26.45 to consult with identified stakeholders, as a recipient of Federal Aviation Administration funds. CVG is required to comply and is committed to fulfilling its goals under this program.

As a part of our community and/or stakeholder, we would like to invite you to consult with us and give feedback prior to finalization of our triennial goal.

CVG will hold a public meeting on Tuesday July 12th, 2022, 11:00 a.m. at CVG Administrative Offices, 77 Comair Blvd., Erlanger, KY 41018, and a virtual meeting at 5:00 p.m.

To RSVP for the in-person meeting, please email:
dbecomments@cvgairport.com

To register for the virtual event, please click [here](#):

The proposed goal and rationale are available for public inspection through July 25, 2022, during normal business hours (8:00 a.m. to 5:00 p.m. ET), Monday through Friday, at the CVG Administration Offices, 77 Comair Blvd, Erlanger, Kentucky, 41018, or online at [DBE & ACDBE Programs](#) (cvgairport.com).

Comments on the DBE goal will be accepted until **July 25, 2022**

Comments should be directed to the attention of:
Larisa Sims, DBE Liaison Officer
Cincinnati/Northern Kentucky International Airport
P.O. Box 752000
Cincinnati, OH 45275-2000
dbecomments@cvgairport.com

Please feel free to contact me with any questions at lsims@cvgairport.com, 859-414-3746.

Sincerely,

Larisa Sims

Director of Business Administration / CVG DBELO



Attachment 10

Notice to Bidders (Posted on PlaNet Bids)

From: customercare@planetbids.com <customercare@planetbids.com>

Sent: Thursday, June 30, 2022 3:56 PM

To: info@flyinghighproductions.org

Subject: CVG Proposed Triennial DBE Goal Stakeholder Meeting

This is an automated email notification. Please do not reply.

Dear **Flying High Productions, LLC**,

To comply with Federal Regulations 49 CFR Part 26, the Kenton County Airport Board (KCAB), operator of the Cincinnati/Northern Kentucky International Airport (CVG) is proposing a new Triennial DBE goal for Federal Fiscal Years 2023-2025.

As a part of our community and/or stakeholders, we would like to invite you to consult with us and give feedback prior to finalization of our triennial goal.

CVG will hold a public meeting on Tuesday July 12th, 2022, 11:00 a.m. at CVG Administrative Offices, 77 Comair Blvd., Erlanger, Ky 41018, and a virtual meeting at 5:00 p.m. Both meetings will contain the same information. The Public Meeting Notice is attached.

To RSVP for the in-person meeting, please email: dbecomments@cvgairport.com

To register for the virtual event, please email: dbecomments@cvgairport.com and the link will be provided to you.

The proposed goal and rationale are available for public inspection and comment through July 25, 2022, during normal business hours (8:00 a.m. to 5:00 p.m. ET), Monday through Friday, at the CVG Administration Offices, 77 Comair Blvd, Erlanger, Kentucky, 41018, or online at <https://www.cvgairport.com/about/biz/procure/dbe>. Comments should be directed to the attention of Larisa Sims and may be submitted in writing by mail addressed to Larisa Sims, DBE Liaison Officer, Cincinnati/Northern Kentucky International Airport, P.O. Box 752000, Cincinnati, Ohio 45275-2000, or by e-mail addressed to dbecomments@cvgairport.com.

Attachment(s):

[DBE-FY2023-2025-Notice-Final-\(1\).pdf](#)

Thank you,
Kenton County Airport Board

Attachment 11

Stakeholder Meeting Presentation

Cincinnati / Northern Kentucky International Airport

DBE Stakeholder
Consultation Meeting

July 12, 2022

DBE Regulations

Disadvantaged Business Enterprise (“DBE”)

A for-profit small business as defined by the SBA -

1. Ownership - 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.
2. Control - Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
3. Independence – Business must not be tied to another firm in such a way as to compromise its independence and control.



DBE Regulations

49 CFR Part 26 – Objectives:

- Ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- Ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;
- Ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
- Help remove barriers to the participation of DBEs in DOT-assisted contracts;
- Promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients;
- Assist the development of firms that can compete successfully in the marketplace outside the DBE program; and,
- Provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

DBE Program

- **Certification**
 - Certified in home state first
 - Only eligible to count towards participation in state(s) where certified DBE
 - Certified by NAICS codes
- **KY Transportation Cabinet Office for Civil Rights & Small Business Development responsible for certification in KY**
 - <http://transportation.ky.gov/civil-rights-and-small-business-development/Pages/default.aspx>



DBE Stakeholder Consultation

- §26.45 What are the consultation requirements in the development of recipients' overall goals?
- Must consult with stakeholders before submitting overall goals to FAA.
- Stakeholders include those which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and CVG's efforts to increase participation of DBEs.

DBE Goal Methodology

Federal Fiscal Year	Project Description
FY-2023	Runway 18C-36C Rehabilitation Design & Construction
FY-2023	Relocation of Taxiway D2 & Demo (Design & Construction)
FY-2023	Relocation of Taxiway E9 & Demo (Design & Construction)
FY-2023	Rwy 18/36C High Speed Exit East and D8 Demo (Design & Construction)
FY-2023	Rwy 18/36C High Speed Exit East and D6/D7 Demo (Design & Construction)
FY-2023	FIS Relocation
FY-2023	Baggage Handling System (BHS) - CBIS/CBRA Relocation
FY-2023	Terminal Restroom Rehabilitation
FY 2024	Southwest Vault and Vault 12 Regulator Replacement
FY 2024	Ground Run-Up Pad
FY 2024	ARFF Training Center SAFT Replacement
FY 2024	Concourse A&B Refurbishment
FY 2024	Passenger Ticketing Expansion - Customer Service Building Ticketing Buildout
FY 2025	BHS Terminal to Concourse A Connection
FY 2025	BHS Terminal to Customer Service Building
FY 2025	Terminal Ticket Counter Modernization (East)
FY 2025	Microgrid Deployment

DBE Goal Methodology

Normal Market Area (NMA)

On the past 3 years' AIP-eligible projects, 91% of contracting dollars and over 55% of the total bidders were located within 10 counties.

- Boone Co., KY
- Campbell Co., KY
- Kenton Co., KY
- Butler Co., OH
- Clermont Co., OH
- Franklin Co., OH
- Hamilton Co., OH
- Montgomery Co., OH
- Warren Co., OH
- Dearborn Co., IN

DBE Goal Methodology

- **Step 1 (49 CFR Part 26.45 (c))**
- **Subpart 1 – Use DBE Directories and Census Bureau Data**



DBE Goal Methodology

- Identified Type of Work by NAICS Codes for expected AIP projects by federal fiscal year
- Reviewed Census Bureau data for firms and DBE directories for ready, willing, & able certified DBE firms in these NAICS codes in the NMA.

FY2023 Calculations:

NAICS	Type of Work	DBE Firms	All Firms	% of Total 2023 Contracts	Weighting: ((DBE/All firms) x %) x 100
236220	Commercial and Institutional Building Construction	13	410	21%	0.68
237310	Highway, Street, and Bridge Construction	26	74	36%	12.74
238210	Electrical Contractors and Other Wiring Installation Contractors	9	621	8%	0.11
238220	Plumbing, Heating, and Air-Conditioning Contractors	3	922	2%	0.01
238290	Other Building Equipment Contractors	2	96	3%	0.06
238310	Drywall and Insulation Contractors	5	153	1%	0.05
238330	Flooring Contractors	3	141	2%	0.04
238350	Finish Carpentry Contractors	2	239	1%	0.00
238910	Site Preparation Contractors	15	281	6%	0.34
484220	Specialized Freight (except Used Goods) Trucking, Local	69	203	1%	0.43
541310	Architecture Services	13	264	1%	0.06
541330	Engineering Design	33	698	15%	0.73
561730	Landscaping Services	12	1097	2%	0.02
			FY2023 Base Goal:		15.27%

DBE Goal Methodology

FY2024 Calculations:

NAICS	Type of Work	DBE Firms	All Firms	% of Total 2021 Contracts	Weighting: ((DBE/All firms) x %) x 100
221122	Electric Power Distribution	0	160	1%	0
236220	Commercial and Institutional Building Construction	13	410	21%	0.67
237310	Highway, Street, and Bridge Construction	26	74	5%	1.76
238110	Poured Concrete Foundation and Structure Contractors	8	196	1%	0.04
238120	Structural Steel and Precast Concrete Contractors	9	26	2%	0.65
238140	Masonry Contractors	5	170	1%	0.02
238210	Electrical Contractors and Other Wiring Installation Contractors	9	621	20%	0.29
238220	Plumbing, Heating, and Air-Conditioning Contractors	3	922	4%	0.01
238290	Other Building Equipment Contractors	2	96	2%	0.05
238310	Drywall and Insulation Contractors	5	153	2%	0.08
238320	Painting & Wallcovering	7	320	4%	0.08
238330	Flooring Contractors	3	141	10%	0.21
238350	Finish Carpentry Contractors	2	239	8%	0.07
238910	Site Preparation Contractors	15	281	3%	0.14
541310	Architecture Services	13	264	8%	0.40
541330	Engineering Design	35	698	8%	0.38
				FY2024 Base Goal:	4.87%

DBE Goal Methodology

FY2025 Calculations:

NAICS	Type of Work	DBE Firms	All Firms	% of Total 2025 Contracts	Weighting: ((DBE/All firms) x %) x 100
221122	Electric Power Distribution	0	160	32%	0
236220	Commercial and Institutional Building Construction	13	410	8%	0.25
238110	Poured Concrete Foundation and Structure Contractors	8	196	3%	0.12
238120	Structural Steel and Precast Concrete Contractors	9	26	4%	1.24
238140	Masonry Contractors	5	170	3%	0.08
238210	Electrical Contractors and Other Wiring Installation Contractors	9	621	23%	0.33
238290	Other Building Equipment Contractors	2	96	10%	0.20
238310	Drywall and Insulation Contractors	5	153	1%	0.02
238350	Finish Carpentry Contractors	2	239	2%	0.01
238910	Site Preparation Contractors	15	281	4%	0.23
541310	Architecture Services	13	264	1%	0.04
541330	Engineering Design	35	698	10%	0.49
			FY2025 Base Goal:		3.02%

DBE Goal Methodology

Step 1 Base Goal: 7.7%
15.27% (FY2023) + 4.87% (FY2024)
+ 3.02% (FY2025) = 23.17 / 3 years
= 7.7%

DBE Goal Methodology

- Step 1 base figure = 7.7%
- Step 2 adjustment based on past participation
- Median over past 5 years = 7.5%
- Overall goal adjusted by averaging of step 1 figure and median participation $((7.7+7.5)/2)$



DBE Goal Methodology

Overall Goal for October 1, 2023 –
September 30, 2025

7.6%

0.72% race/gender neutral; 6.88% race/gender conscious



DBE Goal & Program

- DBE Program/Goal available at:
<https://www.cvgairport.com/about/biz/procure/dbe>
- Provide comments using the form provided or email to
dbecomments@cvgairport.com

Connect with CVG 2022

Wednesday, September 28
7 AM (set up) - Noon

Receptions Event Center
1379 Donaldson Hwy., Erlanger, KY 41018



Thank you for coming!

Thank You

Larisa K. Sims, AICP

DBE Liaison Officer

Director Business Development

lsims@cvgairport.com