

# Johnstown-Cambria County Airport Authority Disadvantaged Business Enterprise (DBE) Program

*for the*

**John Murtha Johnstown-Cambria County Airport**  
Johnstown, Pennsylvania



*prepared for the*  
**Johnstown-Cambria County Airport Authority**  
Johnstown, Pennsylvania

June 2022 ©

**JOHN MURTHA JOHNSTOWN-CAMBRIA COUNTY AIRPORT  
DBE PROGRAM**

**POLICY STATEMENT**

**Section 26.1, 26.23 Objectives/Policy Statement**

The Johnstown-Cambria County Airport Authority (operator of the John Murtha Johnstown-Cambria County Airport) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Johnstown-Cambria County Airport Authority has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Johnstown-Cambria County Airport Authority has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Johnstown-Cambria County Airport Authority to ensure that DBEs are defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The Airport Manager for the Johnstown-Cambria County Airport Authority has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the Airport Manager 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 the Johnstown-Cambria County Airport Authority in its financial assistance agreements with the Department of Transportation.

The Johnstown-Cambria County Airport Authority has disseminated this policy statement to all Authority members and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. This has been disseminated to the public by publishing it on our web site.

JOHNSTOWN-CAMBRIA COUNTY AIRPORT AUTHORITY

\_\_\_\_\_  
Signature of the Authority Chairman

\_\_\_\_\_  
Date

## SUBPART A – GENERAL REQUIREMENTS

### **Section 26.1 Objectives**

The objectives are found in the policy statement on the first page of this program.

### **Section 26.3 Applicability**

The Johnstown-Cambria County Airport Authority is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

### **Section 26.5 Definitions**

The Johnstown-Cambria County Airport Authority will use terms in this program that have the meaning defined in Section 26.5.

### **Section 26.7 Non-discrimination Requirements**

The Johnstown-Cambria County Airport Authority 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 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, the Johnstown-Cambria County Airport Authority 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)

We will report DBE participation to DOT/FAA as follows:

We will transmit to FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form, found in Appendix B to this part. We will also report the DBE contractor firm information either on the FAA DBE Contractor's Form or other similar format. We will use the revised Uniform Report of DBE Awards or Commitments and Payments.

#### Bidders List: 26.11(c)

The Johnstown-Cambria County Airport Authority will create and maintain a Bidder's List Collection Form (See Attachment 2B). The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information in the following way: We will collect the data from all bidders, before or after the bid due date. See Attachment 2B for a sample form.

### Section 26.13 Federal Financial Assistance Agreement

The Johnstown-Cambria County Airport Authority has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

Each financial assistance agreement the Johnstown-Cambria County Airport Authority signs with a DOT operating administration (or a primary recipient) will include the following assurance:

The Johnstown-Cambria County Airport Authority 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 49 CFR Part 26. The Johnstown-Cambria County Airport Authority shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The Johnstown-Cambria County Airport Authority's DBE Program, as required by 49 CFR 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 the Johnstown-Cambria County Airport Authority of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR 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.*).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

The Johnstown-Cambria County Airport Authority will ensure that the following clause is included in each contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:

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 49 CFR 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 the Johnstown-Cambria County Airport Authority 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.

## SUBPART B - ADMINISTRATIVE REQUIREMENTS

### Section 26.21 DBE Program Updates

Since the Johnstown-Cambria County Airport Authority anticipates receiving FAA AIP (Airport Improvement Program) grants, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program. We will submit an updated goal covering a three-year federal fiscal year period if we anticipate that we will award prime contracts exceeding \$250,000 in FAA funds in any of those three (3) Federal Fiscal Years (FFY).

### 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)

We have designated the following individual as our DBE Liaison Officer (DBELO):

Cory C. Cree, Airport Manager  
 John Murtha Johnstown-Cambria County Airport  
 479 Airport Road, Suite 1  
 Johnstown, PA 15904  
 Telephone no.: (814) 536-0002  
 Email: [ccree@flyjst.com](mailto:ccree@flyjst.com)

In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that the Johnstown-Cambria County Airport Authority complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Airport Authority Chairman concerning DBE Program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials. The DBELO has an Administrative Assistant to assist in the administration of the program. The duties and responsibilities all belong to the DBELO and include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals (race-conscious and race-neutral methods and contract specific goals) are included in solicitations attainment and identifies ways to improve progress.
6. Analyzes Johnstown-Cambria County Airport Authority's progress toward attainment and identifies ways to improve progress.
7. Advises the CEO/governing body on DBE matters and achievement.
8. Chairs the DBE Advisory Committee.
9. Participates in pre-bid meetings.
10. Determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains the Johnstown-Cambria County Airport Authority's updated directory on certified DBEs.

All of these duties are the responsibility of the DBELO.

### Section 26.27 DBE Financial Institutions

It is the policy of the Johnstown-Cambria County Airport Authority 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 make use of these institutions. We have searched the Pennsylvania Unified Certification Program (PA UCP) website for DBE Financial Institutions with an NAICS Codes of 522110 Commercial Banking and 524210 Insurance Agencies and Brokerages within the Market Area of Cambria County (the county the Airport is located) and the surrounding seven (7) counties. Only one (1) DBE with an NAICS Code of 524210 Insurance Agencies and Brokerages was identified, namely Blair Insurance Services, Inc. (Certification Number 10493). There were no firms identified within the Market Area with an NAICS Code of 522110 Commercial Banking. Currently the Airport Authority is not utilizing a DBE firm.

The Market Area was selected based on the geographic area, where, historically, the substantial majority of successful bidders were located, and where the substantial majority of the FAA AIP contracting dollars were Awarded. This established the geographic parameters for statistical analysis of the relative availability of DBEs.

Market Area = surrounding seven (7) counties, which includes the Counties of Indiana, Clearfield, Centre, Blair, Bedford, Somerset, and Westmoreland.

### Section 26.29 Prompt Payment Mechanisms

The Johnstown-Cambria County Airport Authority has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment you make to the prime contractor.

We will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. We will use the following method to comply with this requirement:

Hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after our payment to the prime contractor.

The Johnstown-Cambria County Airport Authority will consider a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Johnstown-Cambria County Airport Authority. When the Johnstown-Cambria County Airport Authority has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

The Johnstown-Cambria County Airport Authority will provide appropriate means to enforce the requirements of this section. These means include: non-payment for services and any legal action the Johnstown-Cambria County Airport Authority deems appropriate.

The Johnstown-Cambria County Airport Authority will include 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 thirty (30) days from the receipt of each payment the prime contract receives from the Johnstown-Cambria County Airport Authority. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Federal Aviation Administration (FAA). This clause applies to both DBE and non-DBE subcontracts.

The Johnstown-Cambria County Airport Authority has also established, as part of our DBE program, the following mechanisms to ensure prompt payment:

(1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. Subcontracts will be reviewed to ensure the mechanism is appropriate and effective.

#### Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Johnstown-Cambria County Airport Authority or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

#### **Section 26.31**                      **Directory**

The Johnstown-Cambria County Airport Authority uses the Pennsylvania Unified Certification Program (PA UCP) website as a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work per NAICS Code the firm has been certified to perform as a DBE. The Directory, which serves as the list of eligible contractors, is available at: <https://paucp.dbesystem.com/>

#### **Section 26.33**                      **Over-concentration**

The Johnstown-Cambria County Airport Authority has not identified that over-concentration exists in the types of work that DBEs perform.

#### **Section 26.35**                      **Business Development Programs**

The Johnstown-Cambria County Airport Authority has not established a business development program.

#### **Section 26.37**                      **Monitoring and Enforcement Mechanisms**

The Johnstown-Cambria County Airport Authority will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation 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 or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our DBE Program.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Typically the monitoring will be completed by a Resident Project Representative (RPR) and in conjunction with other duties of observing the overall construction work. (See the following Item 4.)

4. We will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished as follows: For AIP (Airport Improvement Program) construction projects, our hired engineering consultant provides on-site construction inspection. They will confirm the participation of DBE's on the project and accumulate the DBE information on a monthly or quarterly basis. They are also familiar with our DBE goals and accomplishment reporting requirements. They document in their Daily Report the Contractors and Sub-contractors on-site. At the completion of the project, the Contractor is required to provide written certification by submitting a letter that states the DBE goal that they committed to at the time of Contract Award and the actual DBE participation on the project; including name, address, dollar amount of subcontractors and suppliers used, and the final total project DBE participation.
5. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

### Section 26.39 Small Business Program Element

#### A. Objective (49 CFR Part 26.39)

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; the Authority seeks to implement a small business element into its current DBE policy in accordance with applicable law. The Authority is including this element to facilitate competition by and expand opportunities for small businesses. The Authority 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. The Authority will meet its objectives using a combination of the following methods and strategies:

1. **Set asides:** Where feasible, the Authority will establish a percentage of the total value of any applicable project to be set aside for participation by small businesses on FAA-assisted contracts. A "set-aside" is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that the Authority and its prime contractors/consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner's gender, race or geographic location. The project manager and DBELO 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 set aside percentage. This determination will be made based on the estimated availability of small businesses able to provide the requisite scopes of work regardless of DBE status. In the event that a set-aside is not established on an FAA-assisted contract, the project manager and DBELO will document why a small business set-aside is inappropriate and the factors which were considered in making that determination, including project scope and estimated availability of firms.
2. **Unbundling:** The Authority, where feasible, may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Authority will conduct contract reviews on each FAA-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, the Authority will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The Authority will assist prime contractors or prime consultants in identifying portions of work which may be unbundled and performed by small businesses. The Authority will document the factors used to determine whether or not an FAA-assisted contract will be unbundled or bid separately.



3. Outreach: The Airport Authority advertises contracting opportunities through the local newspaper, by notifying Plan Houses, and by sending Invitations to Bid directly to potential bidders.

As described above, the Authority will utilize a variety of methods to facilitate small business participation. In each FAA-assisted contract, the DBELO will document the method in which the small business element will be implemented (i.e. set-aside, unbundling and/or outreach) and the process by which those methods were considered.

## B. 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' personal net worth (PNW) does not exceed that described in 49 CFR Part 26. The current PNW cap is \$1.32 million;
- Whose average annual gross receipts, as defined by SBA regulations over the firm's previous three fiscal years, is less than \$23.98 million;
- 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 Pennsylvania Department of Transportation (PennDOT).

For the purposes of the small business element of the Authority'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 race-neutral participation on FAA-assisted contracts.

## C. Certification and Verification Procedures

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

1. PennDOT DBE Certification – DBE Certification by the PennDOT 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 PennDOT.
2. Small Business Documentation – A small business may provide acceptable documentation that their business meets the requires of a Small Business as defined above in Section 26.39, B, 1.

Special Note: Minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race-neutral DBE participation.

## D. Implementation Schedule

The Authority will approve the small business element of the Small Business Participation element of the DBE Program and will implement it within two months of the FAA's approval of this element.

**E. Assurances**

The Authority makes the following assurances:

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



**SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

**Section 26.43 Set-asides or Quotas**

The Johnstown-Cambria County Airport Authority does not use quotas in any way in the administration of this DBE Program.

**Section 26.45 Overall Goals**

The Johnstown-Cambria County Airport Authority will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f), the Johnstown-Cambria County Airport Authority will submit its Overall Three-year DBE Goal to the FAA by August 1st as required by the established schedule below.

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
<b>Non-Primary (Reliever)</b>	Eastern	August 1, 2022 (2023/2024/2025)	August 1, 2025 (2026/2027/2028)

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Johnstown-Cambria County Airport Authority does not anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any of the years within the three-year reporting period, we will not develop an overall goal; however, this DBE Program will remain in effect and the Johnstown-Cambria County Airport Authority will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

**Section 26.45(c) Step 1**

The first step is to determine the relative availability of DBEs in the market area, “base figure”. We will use DBE Directories and Census Bureau Data as a method to determine our base figure. The second step is to adjust 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 based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts.

**Section 26.45(d) Step 2**

Once we have calculated a base figure, we will examine all of the evidence available in our jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at our overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

**Section 26.45(g)(1)**

In establishing the overall goal, the Johnstown-Cambria County Airport Authority 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 the Johnstown-Cambria County Airport Authority’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 the Johnstown-Cambria County Airport Authority’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. We will document in our goal submission the consultation process that we engaged in. Notwithstanding paragraph (f)(4) of this Section, we will not implement our proposed goal until we have complied with this requirement.

In addition, the Johnstown-Cambria County Airport Authority will publish a notice announcing our proposed overall goal before submission to the operating administration on August 1st. The notice will be posted on our 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 operating administration, the revised goal will be posted on our official internet web site. We will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at our principal office and that the Johnstown-Cambria County Airport Authority and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. **The public comment period will not extend the August 1st deadline.**

Our Overall Three-Year DBE Goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

We will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from DOT.

#### Section 26.45 (e) - Project Goals

If permitted or required by the FAA Administrator, we will express our overall goals 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 should 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 our regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If we establish 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.

#### Section 26.45(f) - Prior Operating Administration Concurrent

The Johnstown-Cambria County Airport Authority understands that we are not required to obtain prior operating administration concurrence with our overall goal. However, if the operating administration's review suggests that our overall goal has not been correctly calculated or that our method for calculating goals is inadequate, the operating administration may, after consulting with us, adjust our overall goal or require that we do so. 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 4 to this program.

### Section 26.47 Failure to meet overall goals

The Johnstown-Cambria County Airport Authority 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 the Johnstown-Cambria County Airport Authority awards and commitments shown on our 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, we will do the following 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 we have identified in our analysis and to enable us to meet fully your goal for the new fiscal year; and
- (3) Retain analysis and corrective actions records for three (3) years and will make them available to the FAA for review upon request.

### Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program. This section of the program will be updated when the goal calculation is updated.

### Section 26.51(d-g) Contract Goals

The Johnstown-Cambria County Airport Authority will arrange 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.

The Johnstown-Cambria County Airport Authority will use contract goals to meet any portion of the overall goal that the Johnstown-Cambria County Airport Authority does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We 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.)

We will express our contract goals as a percentage of *the Total Amount of a DOT-assisted contract*.

## Section 26.53 Good Faith Efforts Procedures

### Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

Cory C. Cree, Airport Manager  
 John Murtha Johnstown-Cambria County Airport  
 479 Airport Road, Suite 1  
 Johnstown, PA 15904  
 Telephone no.: (814) 536-0002  
 Email: [ccree@flyjst.com](mailto:ccree@flyjst.com)

We will ensure that all information is complete, accurate, and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

### Information to be submitted (26.53(b))

In our solicitations for DOT/FAA-assisted contracts for which a contract goal has been established, we will require the following:

- (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 (b)(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 (see Appendix A of this part). 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) We will require that the bidder/offeror present the information required by paragraph (b)(2) of this section no later than five (5) days after the bid opening.

Administrative reconsideration (26.53(d))

Within five (5) business days of being informed by the Johnstown-Cambria County Airport Authority that it is not *responsive* because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Rick McQuaide, JCCAA Chairman or current JCCAA Chairman  
John Murtha Johnstown-Cambria County Airport  
479 Airport Road, Suite 1  
Johnstown, PA 15904  
Telephone no.: (814) 536-0002  
Email: [rick@mcquaide.com](mailto:rick@mcquaide.com)

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 our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We 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. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g))

We 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.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

We will require that a prime contractor not terminate a DBE subcontractor listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm) without our 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.

We will provide such written consent only if we agree, for reasons stated in our 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:

- (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) We have determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to us 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 us its 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 the Johnstown-Cambria County Airport Authority, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five (5) days to respond to the prime contractor's notice and advise the Johnstown-Cambria County Airport Authority and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why you should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), we may provide a response period shorter than five (5) 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.

The Johnstown-Cambria County Airport Authority 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. If we request documentation from the contractor under this provision, the contractor shall submit the documentation to us within seven (7) days, which may be extended for an additional seven (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.

We 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, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.



Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the Johnstown-Cambria County Airport Authority to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of \_\_\_\_\_ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm 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; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from each DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; and (6) if the contract goal is not met, evidence of good faith efforts.

**Section 26.55**                      **Counting DBE Participation**

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We 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.

If the 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, we will not count the firm's participation toward any DBE goals, except as provided for in 26.87(j).

## SUBPART D – CERTIFICATION STANDARDS

### Sections 26.61 – 26.73

The Johnstown-Cambria County Airport Authority is a non-certifying member of a Unified Certification Program (UCP) administrated by the Commonwealth of Pennsylvania. Therefore Sections 26.61 through 26.73 are not relevant.



## SUBPART E – CERTIFICATION PROCEDURES

### **Sections 26.81 – 26.89**

The Johnstown-Cambria County Airport Authority is a non-certifying member of a Unified Certification Program (UCP) administrated by the Commonwealth of Pennsylvania. Therefore Sections 26.81 through 26.89 are not relevant.



## SUBPART F – COMPLIANCE AND ENFORCEMENT

### **Section 26.109 Information, Confidentiality, Cooperation and Intimidation or Retaliation**

We will safeguard from disclose 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, we 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. This includes applications for DBE certification and supporting information. However, we will transmit this information to DOT in any certification appeal proceeding under § 26.89 of this part or to any other state to which the individual's firm has applied for certification under § 26.85 of this part.

All participants in the Department's 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).

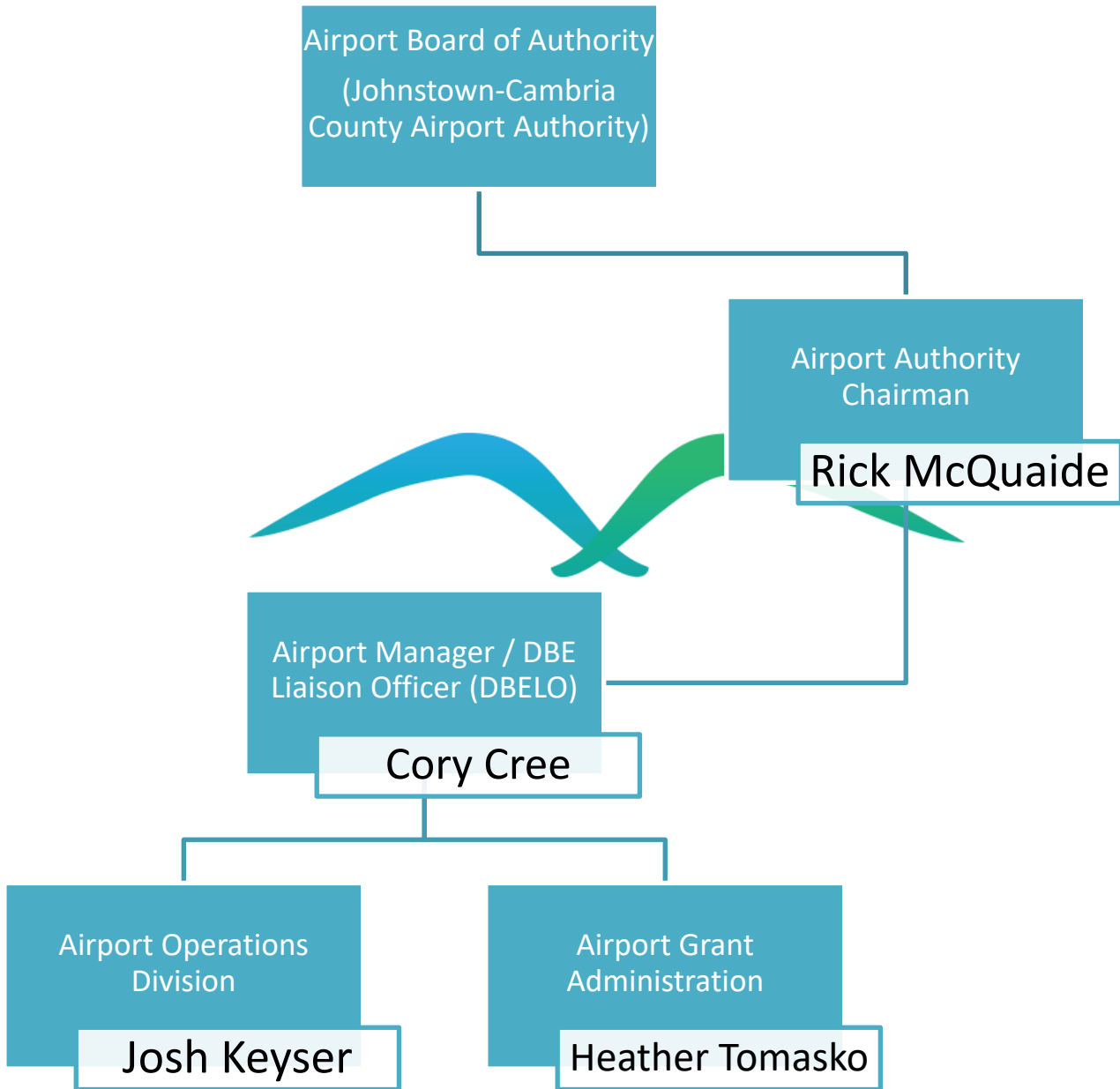
The Johnstown-Cambria County Airport Authority, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. If we violate this prohibition, we are in noncompliance with this part.

### ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2A	DBE/MBE Directory
Attachment 2B	Bidder's List Collection Form
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculation, Breakout of Estimated Race-Neutral & Race-Conscious Participation, Public Participation, and Contract Goal
Attachment 5	EEO Form and DBE Contact/Solicitation & Commitment Statement
Attachment 6	Certification Application Forms
Attachment 7	Regulations: 49 CFR Part 26

Attachment 1

Organizational Chart



Attachment 2A

DBE / MBE Directory

A lists of DBE firms may be accessed at the Pennsylvania Unified Certification Program (PA UCP) website:  
<https://paucp.dbesystem.com/>



**Attachment 2B**

**Bidder's List Collection Form**

Firm Name	Firm Address/ Phone #	DBE or Non-DBE Status (verify via State's UCP Directory)	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

### Attachment 3

#### Monitoring and Enforcement Mechanisms

The Airport Authority 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;
  - a. Legal action as permitted under Federal, State, and Local Law.
  - b. Contract remedies as permitted under Federal, State, and Local Law.
    - a) Any violation or breach of terms of this contract on the part of the contractor or its subcontractors may result in the suspension or termination of this contract or such other action that may be necessary to enforce the rights of the parties of this agreement.
    - b) Owner will provide Contractor written notice that describes the nature of the breach and corrective actions the Contractor must undertake in order to avoid termination of the contract. Owner reserves the right to withhold payments to Contractor until such time the Contractor corrects the breach or the Owner elects to terminate the contract. The Owner's notice will identify a specific date by which the Contractor must correct the breach. Owner may proceed with termination of the contract if the Contractor fails to correct the breach by deadline indicated in the Owner's notice.
    - c) The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder are in addition to, and not a limitation of, any duties, obligations, rights and remedies otherwise imposed or available by law.

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.



**Attachment 4**

**Section 26.45: Overall Goal Calculation – FFY 2023-2025**

**Amount of Goal**

1. The Johnstown-Cambria County Airport Authority's overall goal for FFY 2023-2025 is the following: **4.57%** of the Federal Financial assistance we will expend in DOT-assisted contracts.

2. \$666,664.00 is the dollar amount of DOT-assisted contracts that the Johnstown-Cambria County Airport Authority anticipates being awarded during FFY 2023-2025, which will be utilized in calculating the DBE Goal. This means that the Johnstown-Cambria County Airport Authority has set a goal of expending **\$30,466.55** with DBEs during this fiscal year/project.

The Johnstown-Cambria County Airport Authority (OWNER) plans to complete the following projects for FFY 2023 through 2025 with DOT funds.

FFY	Project Description	Total Project Cost	NAICS Code(s)
2023	Rehabilitate Taxiway A & A1 (Crack Sealing, Seal Coating and Pavement Marking)	\$166,666.00	237310,238910,324121,423390,541330,541370
2023	Rehabilitate Taxiway B2 (Crack Sealing, Seal Coating and Pavement Marking)	\$166,666.00	237310,238910,324121,423390,541330,541370
2024	Rehabilitate Terminal Apron (Crack Sealing, Seal Coating and Pavement Marking)	\$166,666.00	237310,238910,324121,423390,541330,541370
2025	Rehabilitate Taxiway A & A1 LED Lights	\$63,000.00	238210,324121,423390,423610,541330,541370
2025	Rehabilitate Taxiway A & A1 LED Signs	\$53,500.00	238210,324121,423390,423610,541330,541370
2025	Rehabilitate Taxiways B LED Lights	\$33,500.00	238210,324121,423390,423610,541330,541370
2025	Rehabilitate Taxiway B LED Signs	\$16,666.00	238210,324121,423390,423610,541330,541370
	<b>Total</b>	<b>\$666,664.00</b>	

**Methodology used to Calculate Overall Goal**

**Step 1: 26.45(c)**

Determine the base figure for the relative availability of DBEs.

Determine the number of ready, willing, and able DBEs in the market area from the Pennsylvania Unified Certification Program (PA UCP) DBE Directory at: <https://paucp.dbesystem.com/>

The Market Area was selected based on the geographic area, where, historically, the substantial majority of successful bidders were located, and where the substantial majority of the FAA AIP contracting dollars were Awarded. This established the geographic parameters for statistical analysis of the relative availability of DBEs.

Market Area included Cambria County (the county the airport is located) and the surrounding seven (7) counties, which includes the Counties of Indiana, Clearfield, Centre, Blair, Bedford, Somerset, and Westmoreland.

It should be noted that search results from the PA UCP yield DBE firms based on “work areas”, not based on their physical business’s location. For each PA UCP search, the physical address of each resulting DBE firm was verified to be within or outside of the search area. Only DBE firms with a physical address within the search area were used in the goal calculations.

Determine the number of ready, willing, and able businesses available in the market area from the Census Bureau’s County Business Patterns (CBP) data base at: <https://www.census.gov/programs-surveys/cbp/data/>

Divide the number of DBEs (from the PA UCP DBE Directory) by the number of all businesses (from the CBP) to derive a base figure for the relative availability of DBEs in the market area.

The Base Figure for each project's NAICS Code was calculated as follows:

$$\text{Base Figure} = \frac{\text{Number of DBEs per NAICS Code}}{\text{Number of Contactors per NAICS Code}}$$

The data source or demonstrable evidence used to derive the numerator was:

Pennsylvania Unified Certification Program (PA UCP) DBE Directory at: <https://paucp.dbesystem.com/>

The data source or demonstrable evidence used to derive the denominator was:

Census Bureau's County Business Patterns (CBP) data base at: <https://www.census.gov/programs-surveys/cbp/data/>

The Overall Base Figure for the relative availability of DBE's was calculated as follows:

$$\text{Overall Base Figure} = \left[ \text{Base Figure Project \#1} \times \frac{\text{Cost Project \#1}}{\text{Total Costs}} \right] + \left[ \text{Base Figure Project \#2} \times \frac{\text{Cost Project \#2}}{\text{Total Costs}} \right] + \dots$$





**Johnstown-Cambria County Airport Authority - 2023-2025 DBE Program**

**Base Figure DBE Goals Per Project and Per NAICS Code**

<b>Project Description/Category Description</b>	<b>NAICS Code</b>	<b>Trade (\$)</b>	<b>CBPs <sup>1</sup></b>	<b>DBEs <sup>2</sup></b>	<b>Base Figure DBE (%)</b>	<b>DBE (\$)</b>
<b>Federal Fiscal Year 2023</b>						
<b>1. Professional Services/Construction - Rehabilitate Taxiway A &amp; A1 (Crack Sealing, Seal Coating and Pavement Marking)</b>						
Highway, Street, and Bridge Construction	237310	\$35,000.00	30	7	23%	\$8,166.67
Site Preparation Contractors	238910	\$40,000.00	188	7	4%	\$1,489.36
Asphalt Paving Mixture and Block Manufacturing	324121	\$40,000.00	12	0	0%	\$0.00
Construction Material Wholesalers	423390	\$15,000.00	6	1	17%	\$2,500.00
Engineering Services	541330	\$30,000.00	180	8	4%	\$1,333.33
Land Surveying Services	541370	\$6,666.00	22	1	5%	\$303.00
<b>Subtotal Project</b>		<b>\$166,666.00</b>				<b>\$13,792.36</b>
<b>2. Professional Services/Construction - Rehabilitate Taxiway B2 (Crack Sealing, Seal Coating and Pavement Marking)</b>						
Highway, Street, and Bridge Construction	237310	\$35,000.00	30	7	23%	\$8,166.67
Site Preparation Contractors	238910	\$40,000.00	188	7	4%	\$1,489.36
Asphalt Paving Mixture and Block Manufacturing	324121	\$40,000.00	12	0	0%	\$0.00
Construction Material Wholesalers	423390	\$15,000.00	6	1	17%	\$2,500.00
Engineering Services	541330	\$30,000.00	180	8	4%	\$1,333.33
Land Surveying Services	541370	\$6,666.00	22	1	5%	\$303.00
<b>Subtotal Project</b>		<b>\$166,666.00</b>				<b>\$13,792.36</b>
<b>Federal Fiscal Year 2024</b>						
<b>1. Professional Services/Construction - Rehabilitate Terminal Apron ( Crack Sealing, Seal Coating and Pavement Marking)</b>						
Highway, Street, and Bridge Construction	237310	\$35,000.00	30	7	23%	\$8,166.67
Site Preparation Contractors	238910	\$40,000.00	188	7	4%	\$1,489.36
Asphalt Paving Mixture and Block Manufacturing	324121	\$40,000.00	12	0	0%	\$0.00
Construction Material Wholesalers	423390	\$15,000.00	6	1	17%	\$2,500.00
Engineering Services	541330	\$30,000.00	180	8	4%	\$1,333.33
Land Surveying Services	541370	\$6,666.00	22	1	5%	\$303.00
<b>Subtotal Project</b>		<b>\$166,666.00</b>				<b>\$13,792.36</b>
<b>Federal Fiscal Year 2025</b>						
<b>1. Professional Services/Construction - Rehabilitate Taxiway A &amp; A1 LED Lights</b>						
Electrical Contractors	238210	\$37,000.00	4	0	0%	\$0.00
Asphalt Paving Mixture and Block Manufacturing	324121	\$1,000.00	12	0	0%	\$0.00
Construction Material Wholesalers	423390	\$5,000.00	6	1	17%	\$833.33
Electrical Equipment Wholesalers	423610	\$10,000.00	25	2	8%	\$800.00
Engineering Services	541330	\$8,000.00	180	8	4%	\$355.56
Land Surveying Services	541370	\$2,000.00	22	1	5%	\$90.91
<b>Subtotal Project</b>		<b>\$63,000.00</b>			<b>34%</b>	<b>\$2,079.80</b>

**Johnstown-Cambria County Airport Authority - 2023-2025 DBE Program**

**Base Figure DBE Goals Per Project and Per NAICS Code**

<b>Project Description/Category Description</b>	<b>NAICS Code</b>	<b>Trade (\$)</b>	<b>CBPs <sup>1</sup></b>	<b>DBEs <sup>2</sup></b>	<b>Base Figure DBE (%)</b>	<b>DBE (\$)</b>
<b>2. Professional Services/Construction - Rehabilitate Taxiway A &amp; A1 LED Signs</b>						
Electrical Contractors	238210	\$28,500.00	4	0	0%	\$0.00
Asphalt Paving Mixture and Block Manufacturing	324121	\$1,000.00	12	0	0%	\$0.00
Construction Material Wholesalers	423390	\$5,000.00	6	1	17%	\$833.33
Electrical Equipment Wholesalers	423610	\$10,000.00	25	2	8%	\$800.00
Engineering Services	541330	\$7,000.00	180	8	4%	\$311.11
Land Surveying Services	541370	\$2,000.00	22	1	5%	\$90.91
<b>Subtotal Project</b>		<b>\$53,500.00</b>				<b>\$2,035.35</b>
<b>3. Professional Services/Construction - Rehabilitate Taxiways B LED Lights</b>						
Electrical Contractors	238210	\$17,000.00	4	0	0%	\$0.00
Asphalt Paving Mixture and Block Manufacturing	324121	\$500.00	12	0	0%	\$0.00
Construction Material Wholesalers	423390	\$2,000.00	6	1	17%	\$2,500.00
Electrical Equipment Wholesalers	423610	\$8,000.00	25	2	8%	\$800.00
Engineering Services	541330	\$5,000.00	180	8	4%	\$355.56
Land Surveying Services	541370	\$1,000.00	22	1	5%	\$90.91
<b>Subtotal Project</b>		<b>\$33,500.00</b>				<b>\$3,746.46</b>
<b>4. Professional Services/Construction - Rehabilitate Taxiway B LED Signs</b>						
Electrical Contractors	238210	\$7,666.00	4	0	0%	\$0.00
Asphalt Paving Mixture and Block Manufacturing	324121	\$1,000.00	12	0	0%	\$0.00
Construction Material Wholesalers	423390	\$1,000.00	6	1	17%	\$2,500.00
Electrical Equipment Wholesalers	423610	\$4,000.00	25	2	8%	\$800.00
Engineering Services	541330	\$2,000.00	180	8	4%	\$355.56
Land Surveying Services	541370	\$1,000.00	22	1	5%	\$90.91
<b>Subtotal Project</b>		<b>\$16,666.00</b>				<b>\$3,746.46</b>
<b>Base Figure Overall Goal =</b>		<b>7.9%</b>	<b>\$52,985.17</b>			

<sup>1</sup> CBPs in NAICS Code from U.S. Census Bureau 2019 County Business Patterns for identified Counties obtained from Census Bureau website in June 2022

<sup>2</sup> DBEs in description of services from Pennsylvania UCP Directory as obtained from website in June 2022



**Disadvantaged Business Enterprise (DBE)**

NAICS Code Description	NAICS Code	Bedford	Blair	Cambria	Centre	Clearfield	Indiana	Somerset	Westmoreland
Highway, Street, and Bridge Construction	237310	0	1	2	0	0	2	0	2
Electrical Contractors	238210	0	0	0	0	0	0	0	0
Site Preparation Contractors	238910	1	0	2	0	0	1	0	3
Asphalt Paving Mixture and Block Manufacturing	324121	0	0	0	0	0	0	0	0
Construction Material Wholesalers	423390	0	0	1	0	0	0	0	0
Electrical Equipment Wholesalers	423610	0	0	1	0	0	0	0	1
Engineering Services	541330	0	0	1	2	0	2	0	3
Land Surveying Services	541370	0	0	0	0	0	1	0	0

2: 26.45(d)

After calculating an Overall Base Figure of the relative availability of DBEs, evidence was examined to determine what adjustments were needed to the Base Figure per Project and the Overall Base Figure in order to arrive at the overall goal.

The data used to determine the adjustment was:

- a. past participation (see Table 1 below)

Table 1  
John Murtha Johnstown-Cambria County Airport DBE Accomplishment  
Summary as indicated by DBE Data previously submitted:

Report Period (FY)	Total Grant \$ Amount	Approved DBE Goal	Total DBE Percent Achieved
FY 2017	\$405,135.00	3.78%	0.0%
FY 2018	135,426.00	3.78%	0.0%
FY 2019	\$0.00	3.78%	0.0%
FY 2020	\$0.00	4.61%	0.0%
FY 2021	\$405,135	4.61%	6.19%
<b>Median</b>			<b>0.0%</b>
<b>Average (Mean)</b>			<b>1.24%</b>

Notes:

- 1. Source: FAA Civil Rights Connect
- 2. It should be noted that the historic data is based on historical participation.

From this data, we have determined the median = 0.0% and the average (mean) = 1.24 %.

After examination of the evidence of the past five (5) years of projects, we determined that an adjustment to the base figure is appropriate. Therefore, the Base Figure will be adjusted between average of the base figure goal and the historical average and will be 4.57%.



### Breakout of Estimated Race-Neutral & Race-Conscious Participation

The Johnstown-Cambria County Airport Authority will meet the maximum feasible portion of its overall goal by using race-conscious means of facilitating DBE participation.

We estimate that, in meeting our overall goal of 4.57%, we will obtain 0.00% from race-neutral participation and 4.57% through race-conscious measures, since the Airport has consistently been unable to meet previous goals.

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation:

In order to ensure that our DBE Program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-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 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.

We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.



**Public Participation** (both consultation and publish notice)

We will publish our goal information on our website: <http://www.flyjst.com/>.

The Johnstown-Cambria County Airport Authority submits its overall goal to DOT on August 1<sup>st</sup> of each three-year reporting period as required by the FAA, except in cases where the FTA or FAA recipient submits a project goal.

Before establishing the overall goal every 3 years, the Airport will consult with state and local organizations representing various contractors, minority contractors and women contractors that are interested in the DBE program to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and the Airport's efforts to establish a level playing field for the participation of DBE's. The following minority serving groups were consulted:

Organization	Consultation / Remarks
<p>African-American Chamber of Commerce (AACC)  <b>One Penn Center</b>  <b>1617 JFK Blvd. Suite 889</b>  <b>Philadelphia, PA 19103</b>  <b>215-751-9501</b>  <a href="mailto:Contact@aachamber.org">Contact@aachamber.org</a></p>	<p>E-mail released July 2022.                      No response received.                      If comments are received the airport authority will evaluate and if deemed appropriate adjust the DBE goal at that time. The updated report will be resubmitted to the FAA for review at that time.</p>
<p><b>Cheyney University</b>                      DBE Supportive Services Center  <b>1837 University Circle P.O. Box 200</b>  <b>Cheyney, PA 19319</b>  <b>610-399-2131</b>  <a href="mailto:penndbe@cheyney.edu">penndbe@cheyney.edu</a></p>	<p>E-mail released July 2022.                      No response received.                      If comments are received the airport authority will evaluate and if deemed appropriate adjust the DBE goal at that time. The updated report will be resubmitted to the FAA for review at that time.</p>
<p>American Civil Liberties Union of Pennsylvania  <b>Harrisburg Office</b>  <b>P.O. Box 11761</b>  <b>Harrisburg, PA 17108</b>  <b>717-238-2258</b>  <a href="mailto:hbqinfo@aclupa.org">hbqinfo@aclupa.org</a></p>	<p>E-mail released July 2022.                      No response received.                      If comments are received the airport authority will evaluate and if deemed appropriate adjust the DBE goal at that time. The updated report will be resubmitted to the FAA for review at that time.</p>
<p>The Latino Hispanic American Community Center (LHACC) of the Greater Harrisburg Region  <b>1301 Derry Street</b>  <b>Harrisburg, PA 17104</b>  <b>717-232-8302</b>  <a href="mailto:admin@lhacc.org">admin@lhacc.org</a></p>	<p>E-mail released July 2022.                      No response received.                      If comments are received the airport authority will evaluate and if deemed appropriate adjust the DBE goal at that time. The updated report will be resubmitted to the FAA for review at that time.</p>

As part of the outreach effort, an e-mail was sent out in July 2022 to these organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the impacts, if any, of discrimination on opportunities for DBEs and the Airport Sponsor’s continuing efforts to establish a level playing field for the participation of DBEs. A copy of this e-mail follows. Note that the anticipated projects from Tables 1 and 2 above were also provided but not referenced below.

Copy of Outreach Email:

*The Johnstown-Cambria County Airport Authority is in the process of establishing its DBE goal participation related to planned projects for Federal Fiscal Year 2023 thru 2025 at the John Murtha Johnstown-Cambria County Airport owned by our Authority. Those projects are detailed below by Year. Anticipated DBE participation is required for DOT funded projects equal to or greater than \$250,000 in accordance to 49 CFR Part 26, “Participation by Disadvantaged Business Enterprise in DOT Programs”, current edition located at <http://www.ecfr.gov>. Thus, based upon planned projects and the type of work anticipated (engineering, construction, materials supply, etc.), an overall disadvantaged business goal of 4.57 percent was determined. A listing of the projects anticipated during this reporting period are provided in the table below.*

*Therefore, do you or members of your organization have any documentation of existing social or economic barriers which may be currently preventing minorities and/or women from applying for and winning engineering and construction related services at the John Murtha Johnstown-Cambria County Airport owned by the Johnstown-Cambria County Airport Authority? Further, do you know of any other impediments which have or may impact minorities and/or women from effectively competing on transportation related projects?*

*We would appreciate your replying with any information you would be willing to offer. If you have any comments or questions, do not hesitate to contact Bernard Dunegan at (814) 312-1980 or [bidunegan@transystems.com](mailto:bidunegan@transystems.com) within two weeks of receipt of this e-mail/letter. The DBE Goal report will be available for review and comment for a period of 45 days at the office of the Johnstown-Cambria County Airport Authority located at the John Murtha Johnstown-Cambria County Airport. Any and all information provided will be incorporated into the Airport’s DBE goal report and submitted to the Federal Aviation Administration as required by federal regulations (49 CFR Part 26).*

**A teleconference (MS Teams) has been scheduled for Friday, August 5, 2022 at 9 a.m. to provide a direct and interactive exchange of interested stakeholders to focus on obtaining information relevant to the goal setting process. To participate in the teleconference, please utilize the following call-in information:  
Dial:+1 816-652-0298 then when prompted enter 733401250#**

The Johnstown-Cambria County Airport Authority plans to complete the following projects for FFY 2023 through 2025 with DOT funds.

FFY	Project Description	Total Project Cost	NAICS Code(s)
2023	Rehabilitate Taxiway A & A1 (Crack Sealing, Seal Coating and Pavement Marking)	\$166,666.00	237310,238910,324121,423390,541330,541370
2023	Rehabilitate Taxiway B2 (Crack Sealing, Seal Coating and Pavement Marking)	\$166,666.00	237310,238910,324121,423390,541330,541370
2024	Rehabilitate Terminal Apron ( Crack Sealing, Seal Coating and Pavement Marking)	\$166,666.00	237310,238910,324121,423390,541330,541370
2025	Rehabilitate Taxiway A & A1 LED Lights	\$63,000.00	238210,324121,423390,423610,541330,541370
2025	Rehabilitate Taxiway A & A1 LED Signs	\$53,500.00	238210,324121,423390,423610,541330,541370
2025	Rehabilitate Taxiways B LED Lights	\$33,500.00	238210,324121,423390,423610,541330,541370
2025	Rehabilitate Taxiway B LED Signs	\$16,666.00	238210,324121,423390,423610,541330,541370
	<b>Total</b>	<b>\$666,664.00</b>	

Following the teleconference, we will publish on the airport’s website, a notice of the proposed overall goal informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the office of the DBE Liaison Officer for thirty (30) days following the date of the notice, and informing the public that the Airport and DOT will

accept comments on the goals for (45) days from the date of notice. Normally, we will issue this notice by June 1<sup>st</sup> of the reporting period.

**The Sponsor received comments from these individuals or organizations:**

*No comments were received to date. If comments are received the airport authority will evaluate and if deemed appropriate adjust the DBE goal at that time. The updated report will be resubmitted to the FAA for review at that time.*

**Summaries of these comments are as follows:**

*No comments were received to date. If comments are received the airport authority will evaluate and if deemed appropriate adjust the DBE goal at that time. The updated report will be resubmitted to the FAA for review at that time.*

**The Sponsor's response to these comments is as follows:**

*Not applicable, since no comments were received to date. If comments are received the airport authority will evaluate and if deemed appropriate adjust the DBE goal at that time. The updated report will be resubmitted to the FAA for review at that time.*

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

The Authority will begin using our overall goal on October 1<sup>st</sup> of the reporting period, unless we have received other instructions from DOT.

The Airport is unaware of any disparity studies relative to our market area. Nor have we identified any other evidence relating to discrimination specific to our market area. We are continuing to monitor and investigate information that is related to goal setting and barriers confronting DBE's.

Prior to letting construction and non-construction contracts, the Airport will conduct Pre-Bid/Pre-Proposal Meetings that will identify the DBE requirements for participating in AIP Funded Projects. These meetings will include dates, times, and locations of the meetings, as well as meeting descriptions.

All advertisement for construction and non-construction projects will be listed on our website at: <http://www.flyjst.com/> and/or in a geographically appropriate local newspaper such as: Tribune-Democrat.

Attachment 5

Forms 1 & 2 for Demonstration of Good Faith Efforts

**FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION**

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

\_\_\_\_\_ The bidder/offeror is committed to a minimum of \_\_\_\_\_ % DBE utilization on this contract.

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

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By \_\_\_\_\_  
(Signature) Title



**FORM 2: LETTER OF INTENT**

Name of bidder/offeror's firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm:

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The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ \_\_\_\_\_.

**Affirmation**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above and that the firm is DBE certified to perform the specific trades.

By \_\_\_\_\_  
(Signature) (Title)

**If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.**

(Submit this page for each DBE subcontractor.)

Attachment 6

Certification Application Forms

Pennsylvania Unified Certification Program (PA UCP): <https://paucp.dbesystem.com/>



Attachment 7

Regulations: 49 CFR Part 26

The Regulations may be accessed at the following website: <http://www.ecfr.gov>

