



Office of Multimodal Commerce
Aviation Division
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John Bel Edwards, Governor
Shawn D. Wilson, Ph.D., Secretary
Renee A. Lapeyrolerie, Commissioner

June 29, 2021

Ms. Dolores P. Spriggs
DBE Compliance Specialist
FAA SW Region Office
Office of Civil Rights
10101 Hillwood Parkway
Fort Worth, TX 76177

Dear Ms. Spriggs,

We have updated our triennial goal for our Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Enclosed for your approval is the Louisiana Office of Multimodal Commerce - Aviation Division DBE Goal for Fiscal years 2022-2024. The overall triennial goal of 5.50% was developed for the following projects:

Fiscal Year 2022

1. Runway Safety Area Assessments (Engineering Evaluation)
2. Aviation Program Planning (Program Management)

Fiscal Year 2023

1. Pavement Condition Index Update (Engineering Evaluation)
2. Obstruction Removal (Airfield Assessments)

Fiscal Year 2024

1. Joint and Crack Seal Repairs (Design and Construction)
2. Statewide Marking Program (Design and Construction)

This program and goal methodology has been distributed to DBE and non-DBE business communities that may perform work on DOTD and US DOT-assisted contracts. The distribution was accomplished by electronic transmittals. If you have any questions, please contact Heidi M. Higginbotham, MSPM, Aviation Operations Program Manager at (225) 379-3047.

Sincerely,

Bradley R. Brandt
Aviation Director, DBE Program DBELO
Louisiana Department of Transportation and Development
Office of Multimodal Commerce

**LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT
OFFICE OF MULTIMODAL COMMERCE
AVIATION DIVISION**



**DISADVANTAGED BUSINESS ENTERPRISE
(DBE) PLAN TRIENNIAL GOAL**

for

Fiscal Years 2022 – 2023 - 2024

**Federal Aviation Administration (FAA)
Airport Improvement Program (AIP) Projects**

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ATTACHMENT 1 Regulations: 49 CFR Part 26

The regulations for 49 CFR Part 26 can be found at the following website link:

<https://www.govinfo.gov/content/pkg/CFR-2017-title49-vol1/xml/CFR-2017-title49-vol1-part26.xml>

ATTACHMENT 2 Organizational Chart

**LOUISIANA DEPARTMENT TRANSPORTATION &
DEVELOPMENT OFFICE OF MULTIMODAL COMMERCE –
AVIATION DIVISION**

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ATTACHMENT 3 DBE Directory or link to DBE Directory

The Louisiana Unified Certification Program State DBE Directory (and Link to DBE Directory) can be found at the following website:

Please access the DBE Directory at Web Address:

<http://wwwapps.dotd.la.gov/engineering/lettings/>

Locate “DBE Directory for Federal Aid Projects”

Select the proper DBE Directory from the Dropdown Box.

A UCP Directory Search may be performed at Web Address:

<http://www8.dotd.la.gov/UCP/UCPSearch.aspx>

ATTACHMENT 4

Overall DBE Three-Year Goal Methodology

Name of Recipient: Louisiana DOTD – Aviation Division

Goal Period: FY-2022-2023-2024 – October 1, 2021 through September 30, 2024)

US DOT-assisted contract amount:

Overall FY-2021 Goal: 5.50% to be accomplished through 1.50% **RC** and 4.00% **RN** means

Total dollar amount to be expended on DBE(s): **A minimum of \$173,250.00 of the \$3,150,000.00 total project dollars**, based on the following number and types of contracts DOTD anticipate awarding:

Contracts for Fiscal Year 2022

1. Runway Safety Area Assessments (Engineering Evaluation)
2. Aviation Program Planning (Program Management)

Contracts for Fiscal Year 2023

1. Pavement Condition Index Update (Engineering Evaluation)
2. Obstruction Removal (Airfield Assessments)

Contracts for Fiscal Year 2024

1. Joint and Crack Seal Repairs (Design & Construction)
2. Statewide Marking Program (Design & Construction)

Market Area: The market area was determined to be East Baton Rouge and the surrounding parishes including Ascension, Iberville, Livingston, St. Helena, E. Feliciana, W. Feliciana, Point Coupee, St. Martin, St. Landry, St. James, and W. Baton Rouge parish. This market area was chosen because it is the area in which the substantial majority of the DOTD contractors and subcontractors that seek to do business with the DOTD and is an area where the DOTD spends the substantial majority of its contracting dollars. We will adjust the market area in years to come as deemed appropriate.

Step 1 - Analysis: Actual relative availability of DBE(s)

The data used to calculate the DBE base figure was derived utilizing information collected from the US Census Bureau County Business Patterns. The CBP tables were sorted to

determine the State of Louisiana Parish Business Patterns (using the National American Industry Classification System – NAICS):

<https://www.census.gov/programs-surveys/cbp/data/tables.html>

and the DBE Certified firms list were derived from the Louisiana Unified Certification Program (LA UCP) for Disadvantaged Business Enterprises (DBE):

www8.dotd.louisiana.gov/UCP/UCPSearch.aspx

The ratios listed are determined by dividing the DBE firms in the local market area by the total of all firms within the same market area.

$$\text{(Unweighted) DBE Goal per activity} = \frac{\text{Total number of DBE Firms}}{\text{Total number of all firms}}$$

The base figure was determined by dividing the total DBE firms in the local market area by the total of all firms (compiled from Census Bureau Data according to the relevant NAICS project codes):

- The data source used to derive the numerator was the Louisiana Unified Certification Program (LA UCP) DBE Certified Firms list for the market area.
- The data source used to derive the denominator was the US Census Bureau US Census Bureau County Business Patterns concerning the State of Louisiana Parish Business Patterns.

Weighted Availability of DBE firms:

Dividing the total number of DBE(s) by the total number of “All Firms” gives a base DBE availability figure for each contract.

The (Weighted) DBE Goal (in dollars) =

$$\frac{\text{Total number of DBE Firms}}{\text{Total number of all firms}} \times (\% \text{ of the project activity costs} \times \text{the total project costs})$$

Then all DBE activity totals are added and then divided by the total project cost to determine the DBE goal for the contract(s).

Fiscal Year 22 – Project #1: \$350,000.00 Runway Safety Area Assessment and Project #2 \$350,000.00 Aviation Program Planning

LA DOTD FY-22 Activity - Step (1)	NAICS Codes	DBE Firms (A)	All Firms (B)	DBE % (A/B) = (C)	Project activity % (D)	Activity (Dollars) (E)	DBE Goal (C)x (E) = (F) (Dollars)
Engineering services	541330	10	342	2.92%	90%	\$630,000.00	\$18,421.05
Surveying	541370	7	16	43.75%	10%	\$70,000.00	\$30,625.00
Total(s)		17	358	4.75%	100%	\$700,000.00	\$49,046.05
RSA and Aviation Program Planning							7.01%

Fiscal Year 23 – Project #1: \$400,000.00 Pavement Condition Index Update and Project #2 \$900,000.00 Obstruction Removal

LA DOTD FY-23 Activity - Step (1)	NAICS Codes	DBE Firms (A)	All Firms (B)	DBE % (A/B) = (C)	Project activity % (D)	Activity (Dollars) (E)	DBE Goal (C)x (E) = (F) (Dollars)
Engineering services	541330	10	342	2.92%	83%	\$1,079,000.00	\$31,549.71
Surveying	541370	7	16	43.75%	17%	\$221,000.00	\$96,687.50
Total(s)		17	358	4.75%	100%	\$1,300,000.00	\$128,237.21
PCI Update and Obstruction Removal							9.86%

Fiscal Year 24 – Project #1: \$700,000.00 Joint/Crack Seal Project & Seal Coats and Project #2 \$450,000.00 Statewide Markings Program

LA DOTD FY-24 Activity - Step (1)	NAICS Codes	DBE Firms (A)	All Firms (B)	DBE % (A/B) = (C)	Project activity % (D)	Activity (Dollars) (E)	DBE Goal (C)x (E) = (F) (Dollars)
Construction (Pavement and Marking)	237310	10	342	2.92%	28%	\$322,000.00	\$9,415.20
Engineering services	541330	6	35	17.14%	72%	\$197,142.86	\$33,795.92
Total(s)		10	342	2.92%	100%	\$1,150,000.00	\$43,211.12
Joint/Crack Seal & Statewide Markings							3.76%

FY-22 DBE Target Goal (percentage)	7.01%
FY-23 DBE Target Goal (percentage)	9.86%
FY-24 DBE Target Goal (percentage)	3.76%
Total calculated base goal for FY-22-23-24 Average (Step 1)	6.88%

The calculated base of the DBE Goal (Step 1): **6.88%**.

Step 2 – Adjustments to Step 1 base figures

Applicable disparity study

The City of Baton Rouge and East Baton Rouge Parish initiated a disparity study in 2019 to determine whether or not there is a level playing field for minority and women owned firms when competing for City contracts and subcontracts. The researchers searched for any potential barriers to minority and women owned firms seeking work with the City and Parish, so that if applicable, the appropriate actions could be taken.

The city of Baton Rouge, Parish of East Baton Rouge 2019 disparity study can be found at the following link:

<https://keenindependent.com/baton-rouge-disparity-study/>

The study determined only 4 percent of City and Parish contract dollars from October 2013 through September 2017 went to minority and women owned firms. Approximately 10 percent of dollars went to small businesses. Only 1 percent went to veteran owned businesses including service-disabled veterans. The study acknowledged these outcomes were substantially below what should be expected based on availability of MBE, WBE, VOBs, and SDVOB firms in the City of Baton Rouge and East Baton Rouge Parish.

Therefore, the step 2 calculation will use 4.00% as a more accurate expectation of participation of DBE firms that would participate in the LADOTD FY-22-23-24 Federally funded projects.

FY-21 Amendment - Step (2)	Disparity Study Findings
E. Baton Rouge Parish Disparity Study Findings	4%

Fiscal Year	Project	Step 1	Step 2	Overall Goal	Grant Amount	Approximate DBE Amount
FY-2022	RSA and Aviation Program Planning	7.01%	4.00%	5.50%	\$700,000.00	\$38,500.00
FY-2023	PCI Update and Obstruction Removal	9.86%	4.00%	6.93%	\$1,300,000.00	\$90,090.00
FY-2024	Joint/Crack Seal & Statewide Markings	3.76%	4.00%	3.88%	\$1,150,000.00	\$44,620.00
Overall Goal (Average)				5.50%	\$3,150,000.00	\$173,210.00

To arrive at an overall goal, the Step 1 base figures for each fiscal year was averaged with the East Baton Rouge Parish Disparity Study finding 4.00% (Step 2), and adjusted. Then three adjusted goals were averaged, arriving at an overall goal of 5.50%. The DOTD – Aviation Division believes this adjusted goal accurately reflects DBE participation that can be achieved for the type of work being awarded during this three-year period.

FY-22 DBE Target Goal (percentage) – Step 2	5.50%
FY-23 DBE Target Goal (percentage) – Step 2	6.93%
FY-24 DBE Target Goal (percentage) – Step 2	3.88%
Total calculated base goal for FY-22-23-24 (Average) – Step 2	5.50%

<i>FY-22-23-24 Overall Goal</i>	5.50%
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Breakout of Estimated Race-Neutral and Race-Conscious Participation

DOTD does not have a recent history of DBE over-achievement of goals. However, the calculated base goal of 5.50% is slightly more than the previously triennial goal of 5.48% for FY-2019 -2020 -2021. Therefore, DOTD will meet the maximum feasible portion of its overall goal by using both race-conscious (RC) and race-neutral (RN) means of facilitating DBE participation.

Award of the following is anticipated:

As a result, DOTD will use the following RC measures to obtain DBE participation:

1. DOTD will place DBE goals into the applicable construction contract documents.
2. DOTD will also require the prime contractor to affirm they will meet the DBE goals in their contract.
3. If the prime contractor fails to meet the DBE goals, they must present documentation that proves they conducted good faith efforts to utilize DBEs.
4. DOTD will receive, approve, and retain this documentation.

DOTD will use the following RN measures to obtain DBE participation:

1. Advertising contracting opportunities to as many small businesses as possible, and by making free plan inspection available at the office of the project engineer.
2. Arranging advertisements, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small business participation.
3. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.
4. Arranging advertisements, 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.
5. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
6. Providing technical assistance and other services;
7. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
8. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses; and
9. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency.

Second, community participation was (or will be) solicited for comments. The following offices were contacted:

- Hispanic Chamber of Commerce of Louisiana New Orleans LA 504-885-4262
president@hccl.biz
- Louisiana Associated General Contractors Baton Rouge LA 225-344-0432
michaeld@lagc.org
- Louisiana Association of Planning & Development District Baton Rouge LA 225-383-5203 krobertson@crpcla.org
- Louisiana Department of Transportation & Development Baton Rouge LA 225-379-1232 dotdcs@la.gov
- Louisiana Economic Development Baton Rouge LA 225-342-3000
rick.ward@la.gov
- Women's Business Enterprise Council - South Metairie LA 504-830-0149
jjohnson@wbecsouth.org
- Louisiana Procurement Technical Assistance Center Lafayette LA 337-482-6422
la-ptac@louisiana.edu SBA –
- Louisiana District Office New Orleans LA 504-589-6685 Michael.ricks@sba.gov
- Southern Region Minority Supplier Development Council New Orleans LA 504-293-0400 info@srmsdc.org
- The Airport Minority Advisory Council (AMAC)
- Greater SWLA Black Chamber of Commerce
- New Orleans Regional Black Chamber of Commerce
- Louisiana Federation of Business and Professional Women – Monroe, LA

ATTACHMENT 5 Demonstration of Good Faith Efforts – Forms 1 & 2

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 has met the DBE contract goal.
 - 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 ____%)
 - The bidder/offeror is committed to a minimum of ____% DBE utilization on this contract and should submit documentation demonstrating good faith efforts.

Legal name of the bidder/offeror's firm: _____

Bidder / Offeror Representative:

(Name)

(Title)

(Signature)

(Date)

State Registration No. _____ (if applicable)

FORM 2 LETTER OF INTENT

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

Name of bidder/offeror's firm: _____

Name & Title of AR: _____

Phone: _____ Email: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Work to be performed by DBE firm:

Description of Work	NAICS Code	Dollar amount / %*	Dealer or Manufacturer**

*Note: Percentage is to be used only in negotiated procurements, including design-build contracts

**For material suppliers only, indicated whether the DBE is a manufacturer, or a regular dealer as defined by §26.55.

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 \$ _____. The bidder/offeror understands that if it is awarded the contract / agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified above that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed above without following the procedures of 49 CFR Part 26, §26.55.

Signature of Bidder/Offeror's Authorized Representative Date: _____

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above and is properly certified to be counted for DBE participation, therefore.

Signature of Bidder/Offeror's Authorized Representative Date: _____

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 DBE Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to Louisiana State Statutes.

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

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

ATTACHMENT 7 DBE Certification Application Form

www8.dotd.la.gov/UCP/UCPDownloads.aspx

ATTACHMENT 8 State of Louisiana UCP Agreement

laucp.org/UCP/LADOTD_UCP_Agreement.pdf