

**POLICY STATEMENT**

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

The Town of Mammoth Lakes owns and operates Mammoth Yosemite Airport and is the airports Sponsor. The Town of Mammoth Lakes 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 Town of Mammoth Lakes has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Town of Mammoth Lakes has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Town of Mammoth Lakes to ensure that DBEs as 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 assist the development of firms that can compete successfully in the market place outside the DBE Program.

*Grady Dutton, Public Works Director* has been delegated as the DBE Liaison Officer. In that capacity, the Public Works Director or his Designee 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 Town of Mammoth Lakes in its financial assistance agreements with the Department of Transportation.

The Town of Mammoth Lakes has disseminated this policy statement to the Town of Mammoth Lakes Town Council and all of the components of our organization. The Town of Mammoth Lakes has distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. This policy statement is included in all bid packages, contract agreements, requests for proposals, published in the local paper, posted on the Town web site, and other appropriate means.

  
\_\_\_\_\_  
Dan Holler, Town Manager

  
\_\_\_\_\_  
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 Town of Mammoth Lakes is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

### **Section 26.5 Definitions**

The Town of Mammoth Lakes will use terms in this program that have the meaning defined in Section 26.5.

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

The Town of Mammoth Lakes 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 Town of Mammoth Lakes 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) You must continue to provide data about your DBE Program to the Department as directed by DOT operating administrations.

The Town of Mammoth Lakes will report DBE participation to DOT/FAA as follows:

The Town of Mammoth Lakes will transmit to FAA annually on December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form, found in Attachment 11 to this part. We will also report the DBE Contractor firm’s information either on the FAA DBE Contractor’s Form or other similar format.

#### **Bidders List: 26.11(c)**

The Town of Mammoth Lakes will create and maintain a bidders list. 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.

The Town of Mammoth Lakes will collect this information in the following ways: A recipient survey

### **Section 26.13 Federal Financial Assistance Agreement**

The Town of Mammoth Lakes has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a) - Each financial assistance agreement you sign with a DOT operating administration (or a primary recipient) must include the following assurance:

The Town of Mammoth Lakes 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 Town of Mammoth Lakes 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 Town of Mammoth Lakes 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 Town of Mammoth Lakes of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.* ).

### Contract Assurance: 26.13b

The Town of Mammoth Lakes 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 Town of Mammoth Lakes deems appropriate.

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

### **Section 26.21 DBE Program Updates**

The Town of Mammoth Lakes will receive grant(s) for airport planning or development totaling \$250,000 or more in a Federal fiscal year. We will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program for approval.

The Town of Mammoth Lakes is not eligible to receive DOT financial assistance unless DOT has approved our DBE Program and we are in compliance with it and this part. We will continue to carry out our program until all funds from DOT financial assistance have been expended.

### **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:

Grady Dutton  
Public Works Director  
P.O. Box 1609  
Mammoth Lakes, CA, 93546  
Phone - 760-934-8989  
Fax - 760-934-8608  
gdutton@townofmammothlakes.ca.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Town of Mammoth Lakes complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Town of Mammoth Lakes' Town Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of 1 to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
3. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
4. Advises the Town Manager and Town Council on DBE matters and achievement.
5. Chairs the DBE Advisory Committee.
6. Determine contractor compliance with good faith efforts.
7. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
8. Plans and participates in DBE training seminars.
9. Acts as liaison to the Uniform Certification Process in California.
10. Provides outreach to DBEs and community organizations to advise them of opportunities.
11. Maintains the Town of Mammoth Lakes updated directory on certified DBEs.

### **Section 26.27 DBE Financial Institutions**

It is the policy of the Town of Mammoth Lakes 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. The DBELO or his designee will use the phone directory to locate and contact, on an annual basis,

local financial institutions to determine their DBE status. A list will be kept of all local financial institutions that qualify as DBE and the services they provide.

### **Section 26.29 Prompt Payment Mechanisms**

The Town of Mammoth Lakes 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 10 days from receipt of each payment you make to the prime contractor.

The Town of Mammoth Lakes will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 10 days after the subcontractor's work is satisfactorily completed. The Town of Mammoth Lakes 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 10 days after the Town of Mammoth Lakes payment to the prime contractor. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 8108.5 of the California Business and Professional Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Town of Mammoth Lakes 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 Town of Mammoth Lakes. When Town of Mammoth Lakes 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.

Town of Mammoth Lakes will provide appropriate means to enforce the requirements of this section. These means include:

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. We have listed the regulations, provisions, and contract remedies available to us in the events of non-compliance with the ACDBE regulation by a participant in our procurement activities.

The Town of Mammoth Lakes 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 10 days from the receipt of each payment the prime contractor receives from the Town of Mammoth Lakes. The prime contractor agrees further to return retainage payments to each subcontractor within 10 days after the subcontractors 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 Town of Mammoth Lakes. This clause applies to both DBE and non-DBE subcontractors.

### **Section 26.31 Directory**

The Town of Mammoth Lakes uses the State of California's DBE directory, maintained by the State. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The State of California revises the Directory daily. The State of California makes the Directory available as follows: The Directory may be found at: The California Unified Certification Program (CUCP) statewide DBE Director at <http://californiaucp.org/cucpDirectory.htm>. It may also be found on the California Department of Transportation Office of Business and Economic Opportunity web site [http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm).

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

The Town of Mammoth Lakes has not identified that over-concentration exists in the types of work that DBEs perform.

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

The Town of Mammoth Lakes has not established a business development program.

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

The Town of Mammoth Lakes will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

3. The Town of Mammoth Lakes 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.

4. The Town of Mammoth Lakes 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 by a review of all contracting records, including Form's 1 and 2 and the Bidders list and regular site visits during construction.

#### **Section 26.39 Fostering small business participation.**

The Town of Mammoth Lakes has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The Town of Mammoth Lakes' small business program element is incorporated as Attachment 12 to this DBE Program. We will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of our DBE program.

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

#### **Section 26.43 Set-asides or Quotas**

In compliance with CFR 49 Part 26, the Town of Mammoth Lakes does not use quotas in any way in the administration of this DBE program.

#### **Section 26.45 Overall Goals**

The Town of Mammoth Lakes will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding FAA funded prime contracts exceeding \$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 Town of Mammoth Lakes will submit its Overall Three-year DBE Goal to FAA by August 1 as required by the established schedule as shown on Attachment 10.

DBE goals will be established for those fiscal years we anticipate awarding DOT-assisted prime contracts exceeding \$250,000 during the three-year period. The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Town of Mammoth Lakes does not anticipate awarding more than \$250,000 in DOT-assisted prime contracts 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 Town of Mammoth Lakes will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step is to determine the relative availability of DBEs in the market area, "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 projects. The Town of Mammoth Lakes will publish a notice of the proposed overall goals in the local paper and receive public comments for 45 days.

The Town of Mammoth Lakes 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. 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.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

#### **Section 26.47 Failure to meet overall goals.**

The **Town of Mammoth Lakes** 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 Town of Mammoth Lakes awards and commitments shown on the Town of Mammoth Lakes Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the Town of Mammoth Lakes 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;
- (3) The Town of Mammoth Lakes will submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (c) (1) and (2) of this section to the FAA for approval.

#### **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 5 to this program.

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

The Town of Mammoth Lakes 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..

If our approved projection under paragraph (c) of this section estimates that we can meet our entire overall goal for a given year through race-neutral means, we will implement our program without setting contract goals during that year, unless it becomes necessary in order meet our overall goal.



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 Attachment 1 49 CFT Part 26.

The Public Works Director or his designee is 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.

The Town of Mammoth Lakes will ensure that all information is complete and accurate and adequately documents the bidder/offerors good faith efforts before we commit to the performance of the contract by the bidder/offeror.

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

The Town of Mammoth Lakes treats bidder/offers' compliance with good faith efforts' requirements as a matter of Responsiveness.

**Responsiveness** - Each solicitation for which a contract goal has been established will require all bidders/offerors to submit the following information at the time of bid:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

### Administrative reconsideration (26.53(d))

Within 5 business days of being informed by the Town of Mammoth Lakes 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:

Dan Holler  
Town Manager  
P.O. Box 1609  
Mammoth Lakes, CA, 93546  
760-934-8989  
dholler@townofmammothlakes.ca.gov

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 so. 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 when a DBE is replaced on a contract (26.53(f))

The Town of Mammoth Lakes 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, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

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 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 us, of its intent to request to terminate and/or substitute, and the reason for the request.

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

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

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.

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 Town of Mammoth Lakes 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 9.5 percent as determined in the goal calculation Attachment 5 has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in 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; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offerors commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); 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.

## **SUBPART D – CERTIFICATION STANDARDS**

### **Section 26.61 – 26.73 Certification Process**

The State of California will use the certification standards of Subpart D of 49 CFR Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards.

For information about the certification process or to apply for certification, firms should contact:

The California Unified Certification Program  
<http://californiaucp.org>

## **SUBPART E – CERTIFICATION PROCEDURES**

### **Section 26.81 Unified Certification Programs**

The Unified Certification Program (UCP) administered by The State of California. The State of California UCP will meet all of the requirements of this section.

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Section 26.109 Information, Confidentiality, Cooperation**

The Town of Mammoth Lakes will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any provision of Federal or state law, the Town of Mammoth Lakes 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. 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.

### 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 Town of Mammoth Lakes 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.

### **ATTACHMENTS**

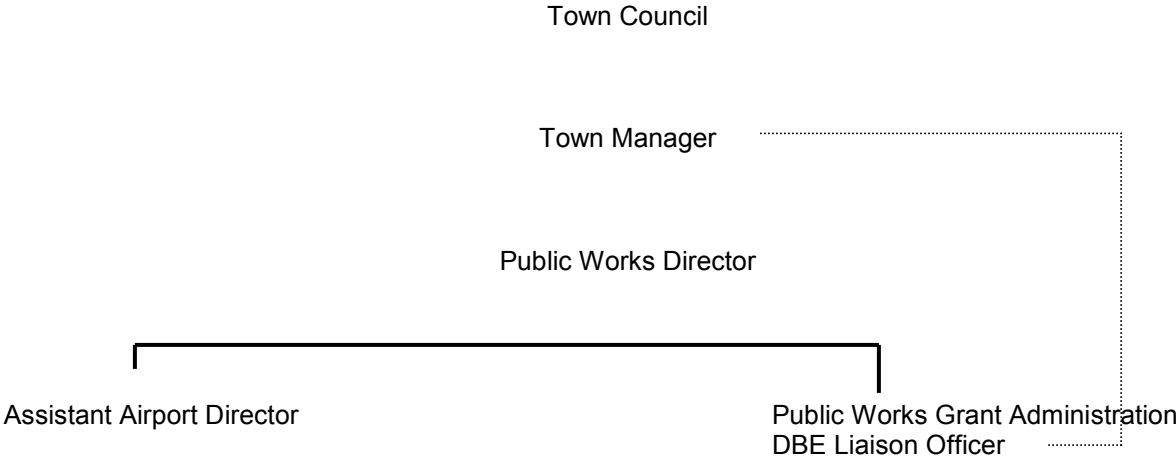
- Attachment 1 Regulations: 49 CFR Part 26 - website link
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 DBE Directory – website link
- Attachment 5 Overall Goal Calculations
- Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Form 1 & 2
- Attachment 7 DBE Monitoring and Enforcement Mechanisms
- Attachment 8 DBE Certification Application - website link
- Attachment 9 State's UCP Agreement - website link
- Attachment 10 Airport Type and Goal Period
- Attachment 11 Uniform Report of DBE Awards or Commitments and Payments
- Attachment 12 Small Business Element
- Attachment 13 Bidders List

**ATTACHMENT 1**

Regulations: 49 CFR Part 26 web link

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl)

**ATTACHMENT 2**  
Organizational Chart



**ATTACHMENT 3**  
**Bidder's List Collection Form**

**BIDDERS LIST DATA FORM**

This form is required per 49 CFR Part 26.11 (c) to create and maintain a comprehensive Bidders List. This bidders List Data Form will be used to collect bidder information used to determine the relative availability of Disadvantaged Business Enterprise (DBE) and non-DBEs, and will assist with establishing the agency's annual DBE goal. Each Bidders List is a compilation of bidders, proposers, quoters, subcontractors, and suppliers of materials and services who have submitted bids during the advertising period of a solicitation for services. Please provide the following information:

**Part A: Business Data**

1. Business Name: \_\_\_\_\_
2. Business Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. County Business is located in: \_\_\_\_\_
4. Contact Person: \_\_\_\_\_
5. Phone Number \_\_\_\_\_ Fax: \_\_\_\_\_
7. Email Address: \_\_\_\_\_
8. Is this business certified as a DBE under CA Unified Certification Program? \_\_\_\_ Yes \_\_\_\_ NO
9. Age of Business: \_\_\_\_ Years \_\_\_\_ Months
10. Business Annual Gross Receipts: \_\_\_\_ <\$500,000 \_\_\_\_ \$500,000 - \$1,000,000  
\_\_\_\_ \$1,000,000 - \$2,000,000 \_\_\_\_ \$2,000,000 - \$5,000,000 \_\_\_\_ > \$5,000,000

**Part B: Project and Work Description**

11. Project Name: \_\_\_\_\_
12. Provide a brief description of the scope of work, service, and/or materials to be performed or furnished:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
13. Provide the NAICS Codes(s) that best defines your business: \_\_\_\_\_
14. Will you subcontract any of your work? \_\_\_\_\_ Yes\* \_\_\_\_\_ No  
\*If "Yes", then the subcontractor(s) must also complete an individual Bidders List Data Form.

**Part C: Signature**

The undersigned hereby declares that the information set forth on this page is current, complete and accurate.

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_



**ATTACHMENT 4**

**California DBE Directory web link**

California Unified Certification Program: <http://californiaucp.org/>

California Department of Transportation, Office of Business and Economic Opportunity:

[http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm)

**ATTACHMENT 5**

Section 26.45: Overall DBE Three-Year Goal Methodology

**Step 1:**

**Name of Recipient:** Town of Mammoth Lakes

**Goal Period:** FY-2016-2017-2018 – October 1, 2015 through September 30, 2018

**DOT-assisted contract amount:** FY-2016 \$2,010,838  
FY-2017 \$831,352  
FY-2018 \$2,328,149

Total \$5,170,339

**Overall Three-Year Goal:** 10.9%, to be accomplished through 0% RC and 10.9% RN

**Total dollar amount to be expended on DBE's:** \$563,567

**Describe the Number and Type of Projects that the airport anticipates awarding:**

Projects Fiscal Year #1

1. Reconstruct West General Aviation Apron / Construction - \$1,695,342
2. Relocate Segmented Circle, Wind Socks, Install Obstruction Lights - \$30,824
3. Wildlife Hazard Plan - \$18,132
4. Terminal Pre-design / Design - \$266,540

Total: \$2,010,838

Projects Fiscal Year #2

1. Environmental Document for Terminal Building - \$516,762
2. Installation of Obstruction Lights / Construction - \$226,650
3. Relocate Wind Sock & Segmented Circle / Construction - \$87,940

Total: \$831,352

Projects Fiscal Year #3

1. Terminal Building Design / Design - \$1,450,560
2. Terminal Access Road / Design - \$380,772
3. Terminal Apron, Deicing Pad, Taxiway / Design - \$462,366
4. Engineering North Hangar Taxiway Reconstruction / Design - \$34,451

Total: \$2,328,149

**Market Area:** Mono County, Inyo County, Los Angeles County, Kern County, Fresno County.

The Town of Mammoth Lakes is located in Mono County with a population of approximately 14,000. The Town of Mammoth Lakes is located in the Eastern Sierra Nevada at approximately 8,000' in elevation and is primarily a resort community. The Town is adjacent to Mammoth Mountain Ski area which is one of the premier ski resorts in the United States. Other recreational activities in the area are hiking, camping, fishing, and other outdoor recreational activities. Most businesses in the area cater to resort and hospitality trade. There is very little industrial activity taking place in either Mono or Inyo Counties.

While there is not a large industrial base to draw from in either Mono or Inyo counties we do have many ties with Los Angeles, Kern, and Fresno Counties and companies travel from those counties to work on construction jobs in Mono County.

Because of the lack of DBE's in Mono and Inyo Counties and because we historically use companies from Los Angeles and other surrounding counties (both DBE and Non-DBE) we have included them in our Market Area.

To obtain a goal we used the United States Census Web-site to determine the total number of business in our area that may be able to participate in our construction projects. We then went to the State of California; Department of Transportation DBE Director to determine the number of DBE's that would be available to participate in our construction process. A base figure of participation was derived at by dividing ready, willing and able DBE's as identified on the web-site against other firms located in Mono, Inyo, and Los Angeles counties.

We then broke our projects into the type of work they would require, associated the work with the appropriate NAICS code, and the number of DBE's and all firms (including DBE's) that would potentially be ready willing and available to work on a project. See the attached worksheet below:

Year #1 2016:

Fiscal Year #1 (2016)											
Project 1 Reconstruction General Aviation West Ramp // Construction											
	NAICS	Type of Work	Total DBE's	Total All Firms	Inyo	Mono	Los Angeles Kern Fresno	Base Figure	Trade \$	DBE \$	
	237310	Highway, street, and bridge construction	87	846	0	0	846	10.3%	\$1,695,342	\$174,344	
Project 2 Relocate Segmented Circle, Wind Socks, Install Obstruction Lights / Design											
	541330	Engineering Services	197	1,618	5	4	1,609	12.2%	\$30,824	\$3,753	
Project 3 Wildlife Hazard Plan											
	541620	Environmental Consulting Services	175	1,496	0	0	1,496	11.7%	\$18,132	\$2,121	
Project 4 Engineering Preliminary Design Commercial Terminal Building											
	541330	Engineering Services	197	1,760	5	4	1,751	11.2%	\$266,540	\$29,834	
								Annual	10.4%	\$2,010,838	\$210,052

Year #2 2017:

Fiscal Year #2 (2017)										
Project 1 Environment Document for Commercial Terminal Building										
NAICS	Type of Work	Total DBE's	Total All Firms	Inyo	Mono	Los Angeles Kern Fresno	Base Figure	Trade \$	DBE \$	
541620	Environmental Consulting Services	175	1,496	0	0	1,496	11.7%	\$516,762	\$60,450	
Project 2 Installation of Obstruction Lights / Construction										
237310	Highway, street, and bridge construction	87	846	0	0	846	10.3%	\$192,650	\$19,812	
238210	Electrical contractors and other wiring Installation contractors	126	1,946	4	4	1,938	6.5%	\$34,000	\$2,201	
Project 3 Relocate Wind Sock and Segmented Circle / Construction										
237310	Highway, street, and bridge construction	87	846	0	0	846	10.3%	\$74,749	\$7,687	
238210	Electrical contractors and other wiring Installation contractors	126	1,946	4	4	1,938	6.5%	\$13,191	\$854	
							Annual	10.9%	\$831,352	\$91,004

Year #3 2018:

Fiscal Year #3 (2018)										
Project 1 Engineering Design Commercial Terminal Building										
NAICS	Type of Work	Total DBE's	Total All Firms	Inyo	Mono	Los Angeles Kern Fresno	Base Figure	Trade \$	DBE \$	
541330	Engineering Services	197	1,760	5	4	1,751	11.2%	\$1,450,560	\$162,364	
Project 2 Engineering Terminal Access Road, Parking Lot, Utilities										
541330	Engineering Services	197	1,760	5	4	1,751	11.2%	\$380,772	\$42,621	
Project 3 Engineering Terminal Apron, Deicing Pad, Taxiways										
541330	Engineering Services	197	1,760	5	4	1,751	11.2%	\$462,366	\$51,753	
Project 4 Engineering North Hangar Taxiway Reconstruction										
541330	Engineering Services	197	1,760	5	4	1,751	11.2%	\$34,451	\$3,856	
							Annual	11.2%	\$2,328,149	\$260,594

The proposed Overall DBE Goals are as follows:

- Fiscal Year #1 10.4%
- Fiscal Year #2 10.9%
- Fiscal Year #3 11.2%

**Three Year Goal 10.9%**

Our proposed overall three year goal will be reflected as 10.9% DBE participation.

A Step 1 evaluation of DBE firms ready, willing, and able to compete in the projects anticipated over the next three years indicates that a participation rate of 10.9% should be used. Therefore, the Airport is adopting its Step 1 base figure as its overall goal for this three-year goal period. If the airport is unable to meet its DBE goals in the coming years it will reconsider Race and Gender Conscious programs when its new goals are developed.

**Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation.**

26.51(b) (1-9)

The Town of Mammoth Lakes will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation. Methods used to meet this goal include:

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

The recipient estimates that in meeting its overall goal 10.9%, it will obtain 10.9% from RN participation and 0% through RC measures.

The Town of Mammoth Lakes will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation (see Section 26.51(f)) and track and report RN and RC participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal and DBE participation through a subcontract from a prime contractor that did not consider a firm’s DBE status in making the award.

**Step Two:**

Adjusting the Base Figure Upon establishing the Base Figure, the Airport will review and assess other known evidence potentially impacting the relative availability of DBEs within the Airport’s market area, in accordance with prescribed narrow tailoring provisions set forth under 49 CFR Part 26.45, which may include, but is not limited to:

1. Demonstrated evidence of DBE capacity to perform work in the Airport’s U.S. DOT-assisted contracting program.
2. The Airport’s Bidders List, if not utilized in Step I.
3. Real market conditions.
4. Disparity studies conducted within the Airport’s jurisdiction to the extent that they are not already accounted for in the Step 1 Base Figure; and
5. Other relevant factors may include:
  - a. Other recipients’ goal results in similar contracting opportunities and markets, and the reasons for the level of those results.
  - b. The methods used by the Airport to increase DBE participation in federally assisted contracts.
  - c. The demographics and business activity of the market area in which the Airport will solicit bids and/or proposals.
  - d. The ability of DBEs to obtain financing, bonding, and insurance requirements to participate in the Airport’s DBE Program.

- e. The data from studies of employment and self-employment, education, training and union apprenticeship programs, to the extent that the Airport can relate it to the opportunities for DBEs to perform in the Airport's DBE Program. In accordance with 49 CFR 26.45, the Airport's overall DBE goals will be expressed as a percentage of all Federal-aid funds the Airport will expend in U.S. DOT-assisted contracts in the forthcoming fiscal years.

In 2014 the West GA Apron was resealed and the entire airport was remarked and equipped with new signage. This was the first construction project at the airport since the Runway and Taxiway were reconstructed in 2008. The airport achieved 11.00% DBE participation during that construction project. In addition, MMH received all of its bids from outside of Mono County, including bids from Los Angeles, Kern, Fresno counties, as well as some out of state participation. These counties were evaluated to set this year's DBE goals. When these additional factors were considered MMH raised its goals from 9.5% for the period of 2013-15 to 10.9% for the current period.

## PUBLIC PARTICIPATION

**Consultation:** Section 26.45(g)(1).

The Town of Mammoth Lakes submits its overall DBE three-year goal to DOT on August 1 as required by the set schedule.

Before establishing the overall goal, the Town of Mammoth Lakes will consult with The Town of Mammoth Lakes Public Works Department and the Mono County Contractors Association without limiting consultation to these persons or groups, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Town of Mammoth Lakes efforts to establish a level playing field for the participation of DBEs

Following the consultation, we will publish a notice in the local newspaper 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 Town Offices for 30 days following the date of the notice, and informing the public that the Town of Mammoth Lakes and DOT will accept comments on the goals for 45 days from the date of the notice

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

No comments have been received.

## **PUBLIC NOTICE**

The Town of Mammoth Lakes hereby announces its three year goal of 10.9% for Disadvantaged Business Enterprise (DBE) participation in airport construction projects. The goal period covers the years of 2016, 2017, and 2018. The proposed goal and rationale is available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at Town of Mammoth Lakes, Town office, 437 Old Mammoth Road for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 45 days from the date of this publication and can be sent to the following:

Grady Dutton  
Public Works Director  
P.O. Box 1609  
Mammoth Lakes, CA 93546

or

Federal Aviation Administration  
Office of Civil Rights Staff  
Patricia Wright  
P.O. Box 92007  
Los Angeles, CA 90009-2007

### **Contract Goals**

The Town of Mammoth Lakes will use contract goals to meet any portion of the overall goal that the Town of Mammoth Lakes does not project being able to meet using RN means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the recipient's overall goal that is not projected to be met through the use of RN means.

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

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.



**ATTACHMENT 6**

**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 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 should submit documentation demonstrating good faith efforts.

Name of bidder/offerors firm: \_\_\_\_\_

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

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

**FORM 2: LETTER OF INTENT**

Name of bidder/offerors 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)

Date: \_\_\_\_\_

\_\_\_\_\_  
(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.**

## ATTACHMENT 7

### **DBE Monitoring and Enforcement Mechanisms**

The Town of Mammoth Lakes 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 Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, 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 8**  
DBE Certification Application Form

California Unified Certification Program web site: <http://californiaucp.org/>

**ATTACHMENT 9**  
California's UCP Agreement

Mammoth Yosemite Airport is a member of the California Unified Certification Program which will make certification decisions on behalf of the Airport for DBEs. For more information and application visit: <http://www.dot.ca.gov/hq/bep/ucp.htm>.

A copy of Mammoth Yosemite Airports certificate of participation is attached.

**CUCP AGREEMENT/DECLARATION OF STATUS LETTER**

**TO: CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)**

<b>FROM:</b> Mammoth Yosemite Airport	<b>(Recipient)</b>
<b>Address:</b> 1300 Airport Road, Mammoth Lakes, CA 93546	

**Recipient hereby acknowledges and agrees that:**

- (1) As a recipient of Federal Financial Assistance from the U.S. Department of Transportation (DOT), Recipient has an established Disadvantaged Business Enterprise (DBE) program in accordance with 49 CFR Part 26.
- (2) By this Letter, Recipient officially becomes a signatory to the Memorandum of Agreement (MOA) for the establishment of a Unified Certification Program among all U.S. DOT recipients in California, as approved by the Secretary of Transportation on March 13, 2002, and amended on March 24, 2003.
- (3) In accordance with said MOA, Recipient hereby makes a declaration to become either a Certifying CUCP Member or a Non-Certifying CUCP Member.
  - (a) A Certifying CUCP Member maintains DBE certification processes including reviewing DBE applications, conducting site visits and making decisions on DBE status; processing annual updates; maintaining DBE certification files; and conducting appeal and third party challenge hearings. A Certifying CUCP Member is responsible for providing certification information and updates for inclusion in the DBE Database.
  - (b) A Non-Certifying CUCP Member does not process DBE certifications for inclusion in the DBE Database.
- (4) CUCP Members may be requested to contribute funds to support the CUCP.
- (5) All CUCP Members will accept the DBE status of firms included in the DBE Database for use in their contracting activities.

**Based on the foregoing, Recipient hereby declares its status as:**

\_\_\_\_\_ A CERTIFYING CUCP MEMBER  
**X** \_\_\_\_\_ A NON-CERTIFYING CUCP MEMBER

Recipient may change its status upon submission of a new Declaration Letter to the Chair of the CUCP.

DATE: April 23, 2015

  
(Signature of Recipient Agency Official)

**Brian Picken, Assistant Airport Director**  
(Name and Title)

**Participation in CUCP acknowledged:**

  
(Secretary, California Unified Certification Program)

  
(Chair, California Unified Certification Program)

**ATTACHMENT 10**  
Airport Type & Goal Period

<b>Airport Type</b>	<b>Region</b>	<b>Date Due (Goal Period)</b>	<b>Next Goal Due (Goal Period)</b>
Non-hub Primary	All Regions	August 1, 2015 (2016/2017/2018)	August 1, 2018 (2019/2020/2021)

**ATTACHMENT 11**  
 Uniform Report of DBE Awards or Commitments and Payments  
 (Found in Appendix B 49 CFR Part 26)

<b>UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS</b>									
**Please refer to the Instructions sheet for directions on filling out this form**									
1. Submitted to (check only one): <input type="checkbox"/> FHWA <input type="checkbox"/> FAA <input type="checkbox"/> FTA--Vendor Number _____									
2. AIP Numbers (FAA Recipients Only): _____									
3. Federal fiscal year in which reporting period falls: FY _____					4. Date This Report Submitted: _____				
5. Reporting Period <input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31) <input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30)									
6. Name of Recipient: _____									
7. Annual DBE Goal(s): Race Conscious Goal _____ % Race Neutral Goal _____ % OVERALL Goal _____ %									
<b>AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD</b> <small>(total contracts and subcontracts awarded or committed during this reporting period)</small>	A	B	C	D	E	F	G	H	I
	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs /Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
8. Prime contracts awarded this period									
9. Subcontracts awarded/committed this period									
<b>TOTAL</b>									
<b>DBE AWARDS/COMMITMENTS THIS REPORTING PERIOD-BREAKDOWN BY ETHNICITY &amp; GENDER</b>	A	B	C	D	E	F	G	H	I
	Black American	Hispanic American	Native American	Subcont. Asian American	Asian-Pacific American	Non-Minority Women	Other (i.e. not of any other group listed here)	TOTALS (for this reporting period only)	Year-End TOTALS
10. Total Number of Contracts (Prime and Sub)									
11. Total Dollar Value									
<b>ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD</b>	A		B		C		D		E
	Number of Prime Contracts Completed		Total Dollar Value of Prime Contracts Completed		DBE Participation Needed to Meet Goal (Dollars)		Total DBE Participation (Dollars)		Percentage of Total DBE Participation
12. Race Conscious									
13. Race Neutral									
14. Totals									
15. Submitted by (Print Name of Authorized Representative)					16. Signature of Authorized Representative				
17. Phone Number:					18. Fax Number:				

**ATTACHMENT 12**  
Small Business Element

The Town of Mammoth Lakes has established a Small Business Element as a supplement to their existing DBE Program, to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors in direct response to regulatory requirements, 49 CFR Part 26.39 “Fostering Small Business Participation” (Federal Register/ Vol. 76, No. 19/ Friday, January 28, 2011/ Rules and Regulations).

While the Town has historically utilized race and gender neutral strategies to promote and advance Small Business participation as a part of the Town’s DBE Program implementation efforts, the Small Business Element will now comprise a separate element within the Town’s DBE Program. For purposes of capturing Small Business utilization, the Town adheres to the U.S. Department of Transportation’s Small Business definition for determining the definition of a Small Business Enterprise. The Town accepts Small Business certifications certified through the State of California’s Department of Transportation. This Small Business Element will include, but is not limited to the following assertive strategies:

The Town’s Public Works Department will conduct regular reviews of contracts, to assess opportunities for unbundling (breaking out scopes of work/services to facilitate small business prime contracting opportunities). The Town believes that including the participation of procurement staff in contract reviews will increase accountability of the Town’s procurement options and decisions and in doing so will ultimately improve contracting opportunities for Small Business Enterprises at the prime level.

The Town will use traditional media and social media to provide a forum for Small Businesses to advertise, market and that facilitate teaming. This enhancement offers a section for Small Businesses to offer their services and/or capabilities to participate on upcoming Town procurements. This component aims at allowing prime contractors who are looking for subcontractors to readily see a Small Business firm’s interest and specializations on the Town’s web-site. The Town believes that the implementation of this strategy will enhance the use of small businesses and provide for a more proficient tool for future partnerships between the Town’s Prime and Small Business communities.

The Town may institute an assertive business development plan that includes a Contractor Training Series that will include contract administration, Town Disadvantaged Business Enterprise Program, marketing and bid proposals/submittals assistance. These training sessions will serve to build capacities through no-cost training.

The Town may host a Small Business Conference Business Expo and Vendor Fair. The venue would be a training medium designed by the Town to provide a direct link between private vendors and various public agencies. The conference program provides small businesses the valuable tools and resources needed to promote and strengthen competitiveness, marketability and participation of small businesses, minority and women-owned firms within the Town’s and other public industry and governmental agencies’ contracting programs.



The Town will continue to survey the contracting community through monthly meetings to assess the implementation of their Small Business Program and applicable efforts. As a supplement to the Small Business Conferences, the conference may include a recognition component to acknowledge Primes who have displayed notable utilization of Small Business Enterprises on Town projects. This recognition component may include an award ceremony and venue for Primes and Small Business Enterprises to be recognized among their peers and possible clients. The Town's contracting staff will be in attendance to establish the importance the Town places on fostering Small Business Opportunities in its overall contracting program.

The Town will continue to capture the utilization of Small Business Firms by industry, to monitor and track Small Business participation and to facilitate attainment reporting.

The Town will implement the Small Business elements to foster and promote small business participation in the Town's contracting program.

