

New Hampshire Department of Transportation
– Bureau of Aeronautics

Disadvantaged Business Enterprise (DBE)
Plan for 2024 – 2026

August 22, 2023

Attachment 3

Section 26.45: Overall Goal Calculation

Amount of Goal

1. The Sponsor's overall goal for fiscal years 2024 - 2026 is 2.2% of the federal financial assistance the Airport will expend in FAA-assisted contracts.
2. \$2,241,000 is the anticipated federal dollar amount of FAA-assisted contracts that the Sponsor expects to award during fiscal years 2024 - 2026. The Sponsor has set a goal of expending at least \$48,615.00 with DBEs during the three fiscal years on these contracts. A DBE goal of \$48,615.00 / total Federal dollar amount of \$2,241,000.00 = a DBE percentage of 2.2%. **This goal is a weighted goal based on adjustments to allow for an on-call statewide consultant who will handle the majority or engineering aspects of the projects listed (see step 2(4)).**

Methodology used to Calculate Overall Goal

Establishing a goal is calculated utilizing a two-step process then subsequently adjusted.

Step 1: 26.45(c) Determining the base figure.

The market area for the Airport incorporates the state of NH.

Each proposed project is broken down into its North American Industry Classification System (NAICS) service components. To determine the base goal, the total number of DBE firms assumed ready, willing, and able to perform the project's NAICS service component is divided by the total number of all firms (including DBE firms) that are assumed ready, willing and able to perform the project's NAICS service component.

The number of DBEs ready, willing, and able to perform each NAICS service component is derived from the most recent New Hampshire Department of Transportation (NHDOT) DBE Directory, dated July 10, 2023. The directory is updated every Monday and can be viewed using the following link: [Disadvantaged Business Enterprise Program | Office of Federal Compliance | Administration | NH Department of Transportation](#)

The number of all firms ready, willing, and able to perform each NAICS service component is determined from the U.S Census Bureau's County Business Patterns database for the state of New Hampshire. The 2021 County Business Patterns database for New Hampshire is located at <https://data.census.gov/table?q=CB2100CBP:+All+Sectors:+County+Business+Patterns,+including+ZIP+Code+Business+Patterns,+by+Legal+Form+of+Organization+and+Employment+Size+Class+for+the+U.S.,+States,+and+Selected+Geographies:+2021&g=040XX00US33&y=2021&n=N0000.00&tid=CBP2021.CB2100CBP>

TABLE 1: DBE GOAL CALCULATIONS

FY 2024 DBE Goal Calculations

Project: PCI Study and Interactive Map

NAICS	NAICS Definition	Establishments	DBE	DBE%
541330	Engineering Services	352	51	14.5%
541370	Surveying and Mapping (except Geophysical) Services	49	15	30.6%
541511	Custom Computer Programming Services	<u>331</u>	<u>28</u>	8.5%
Total From NH CPB and NH DOT DBE Directory		732	94	12.8%
Total From NH CPB and NH DOT DBE Directory (Less Engineering Services)		380	43	11.3%

FY 2025 Base DBE Goal Calculations

Project: Upgrade ARFF Fire Pit (Construction)

NAICS	NAICS Definition	Establishments	DBE	DBE%
541330	Engineering Services	352	51	14.5%
541380	Testing Laboratories	47	9	19.1%
238220	Plumbing, Heating, Air Conditioning Contractors	720	8	1.1%
238910	Site Preparation Contractors	415	22	5.3%
238210	Electrical Contractors and Other Wiring Installation Contractors	<u>623</u>	<u>25</u>	<u>4.0%</u>
Total From NH CPB and NH DOT DBE Directory		2,157	115	5.3%
Total From NH CPB and NH DOT DBE Directory (Less Engineering Services)		1,805	13	0.7%

Project: State System Plan Update (incl. Economic Impact Study)

NAICS	NAICS Definition	Establishments	DBE	DBE%
541330	Engineering Services	352	51	14.5%
541910	Marketing, Research & Public Opinion Polling	23	9	39.1%
541820	Public Relations Agencies	<u>22</u>	<u>15</u>	68.2%
Total From NH CPB and NH DOT DBE Directory		397	75	18.9%
Total From NH CPB and NH DOT DBE Directory (Less Engineering Services)		45	24	53.3%

FY 2026 Base DBE Goal Calculations

Project: Conduct Facility Study

NAICS	NAICS Definition	Establishments	DBE	DBE%
541330	Engineering Services	352	51	14.5%
541620	Environmental Consulting Services	<u>57</u>	<u>36</u>	<u>63.2%</u>
	Total From NH CPB and NH DOT DBE Directory	409	87	21.3%
	Total From NH CPB and NH DOT DBE Directory (Less Engineering Services)	57	36	63.2%

Project: PCI Study and Interactive Map

NAICS	NAICS Definition	Establishments	DBE	DBE%
541330	Engineering Services	352	51	14.5%
541370	Surveying and Mapping (except Geophysical) Services	49	15	30.6%
541511	Custom Computer Programming Services	<u>331</u>	<u>28</u>	8.5%
	Total From NH CPB and NH DOT DBE Directory	732	94	12.8%
	Total From NH CPB and NH DOT DBE Directory (Less Engineering Services)	380	43	11.3%

Legend:

	Number of available Engineering establishments from NH CBP data and number of Engineering establishments from NH DBE Directory and percentage of engineering establishments in the DBE Directory to the number in the NH CBP database.
	Total of all available establishments for project, number of available DBE establishments for tasks (except for Statewide On-Call Engineering Services which are to be performed by the On-Call Prime Consultant and not a DBE), and resultant share of available DBE establishments of available establishments for the project.
	Estimate based on amount of contracted work that will be accomplished by the prime consultant and that will be subcontracted.

TABLE 2: DBE GOAL CALCULATION BASED ON SUBCONTRACTED WORK BY NUMBER OF BUSINESSES

FY 2024-2026 DBE Goal Calculations

Projects	Total Number of All Firms Ready, Willing, and Able	Total Number of DBE Firms Ready, Willing and Able	Base DBE Goal of All Federal Project Costs
Fiscal Year 2024 Projects Summary	380	43	11.3%
Fiscal Year 2025 Projects Summary	1,850	37	2.0%
Fiscal Year 2026 Projects Summary	437	79	18.1%
Total:	2,667	159	6.0%

The base figure for the relative availability of DBEs is calculated as follows:

$$\text{Base Figure (Firms)} = \frac{\text{DBE Ready, Willing and Able For Subcontracted Work}}{\text{Total Firms Available For Subcontracted Work}} = \frac{159}{2,667} = 6.0\%$$

TABLE 3: DBE GOAL CALCULATION BASED ON ALL WORK (INCLUDING PRIME CONSULTANT WORK) BY ESTIMATED FEES

FY 2024-2026 DBE Goal Calculations

Projects	Federal Cost of Fees For All Firms Ready, Willing, and Able	Fee Goals For DBE Firms Ready, Willing, And Able	Base DBE Goal of All Federal Project Costs
Fiscal Year 2024 Projects Summary	\$108,000	\$10,693	9.9%
Fiscal Year 2025 Projects Summary	\$1,890,000	\$22,908	1.2%
Fiscal Year 2026 Projects Summary	\$243,000	\$16,662	6.9%
Total:	\$2,241,000	\$50,263	2.2%

The base figure for the relative availability of DBEs by estimated fees is calculated as follows:

$$\text{Base Figure (Fees)} = \frac{\text{DBE Ready, Willing and Able For Subcontracted Work}}{\text{Total Firms Available For Subcontracted Work}} = \frac{\$50,263}{\$2,241,000} = 2.2\%$$

The estimated federal share of the Sponsor Administration expenses was not included in the DBE calculations as there is no opportunity for DBE expenditures within the New Hampshire Department of Transportation.

Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal. The following were considered in the adjustment of the base figure:

(1) DBE Thresholds: The NHDOT will continue to set goals for DBE participation on all FAA-assisted contracts each fiscal year, including those in which the \$250,000 federal funding is not exceeded.

(2) Disparity Studies: There have been no Disparity Studies in New Hampshire so no adjustments to the base figure were made based on this criterion. However, the NHDOT does reach out to the community stakeholders to inquire if anyone else has.

(3) Past Participation: FY 2021 – 2023

- The DBE participation in NHDOT FAA-assisted contracts for fiscal year 2021 was 0%. There was one Prime Contractor award for a field- and drone-based pavement condition study (Task Order No. 4) of \$148,660 which included one drone operator and mapper subconsultant (non-DBE) award of \$45,369.00. There were no payments made on FAA-assisted projects in FFY 2021.
- The DBE participation in NHDOT FAA-assisted contracts for fiscal year 2022 was 0%. There were two projects awarded in FFY 2022.
 - The first project included an ARFF vehicle acquisition project (Task Order No. 5) with a Prime Contract for the engineering component of \$14,306 (with no sub-consultants) and ARFF vehicle acquisition for \$845,726.
 - The second project was an Obstruction Evaluation/Mapping project (Task Order No. 6) with a Prime Consultant Engineering Consultant task award of \$81,071 which included a drone operator/mapper/pavement evaluation subconsultant (non-DBE) for \$62,033. Payments made in FFY 2022 included \$34,601 for design of rehabilitation of an ARFF training fuel spill area (Task Order 3) with no subconsultants, \$107,119 for Task Order 4 of which \$9,936 was for a subconsultant, \$9,472 for Task Order 5 with no subconsultants, and \$77,969 for Task Order 6 of which \$62,033 was for a subconsultant.
- The DBE participation in NHDOT FAA-assisted contracts for fiscal year 2023 was 0%. There were no projects awarded. Payments made included \$47,966 for Task Order No. 3 with no

subconsultants, \$29,346 for Task Order 4 of which \$6,624 was for a subconsultant, and \$2,593 for Task Order 6 with \$0 for subconsultants.

Some projects that were mentioned in the previous plan's goals such as the acquisition portion of an ARFF vehicle acquisition project have not occurred as of yet so there would be no invoices. Additionally, the majority of the work being awarded was to the statewide on-call engineering firm who was not a DBE and there was limited opportunity for subcontractor work on these projects. The NHDOT-proposed projects in fiscal years 2024 – 2026 have more subcontracting opportunities than the 2021 – 2023 period but the opportunities are still limited.

(4) On-Call Statewide Consultant: The current on-call statewide consultant for the NHDOT Bureau of Aeronautics is not a DBE. Table 2 illustrates the DBE Goal based on the work expected to be subcontracted by the On-Call Consultant, and the number of DBE firms ready, willing, and able to do that work. The figures in Table 2 have therefore been weighted based on the on-call consultant retaining an estimated share of the project cost in engineering fees (based on the project), as well, thereby reducing the number of DBE firms available for the project since this portion of the project will not be going out to bid in a competitive bid process. Table 3 illustrates the DBE Goal based on all work (including the On-Call Consultant's work), and DBEs ready, willing, and able to do the On-Call Consultant's work as well as the work subcontracted by the On-Call Consultant. The figures in Table 3 are then not weighted based on the On-Call Consultant retaining a portion of the work. The goal calculation as presented in Table 3 is the DBE Goal used in this DBE Plan.

(5) Public Participation: The NHDOT published a notice of its goal information in the NHDOT website on August 22, 2023. The public notice read as follows:

PUBLIC NOTICE
Published August 22, 2023

Pursuant to the U.S. Department of Transportation regulations contained in 49 Code of Federal Regulations, Part 26, all State transportation agencies receiving U.S. Department of Transportation/Federal Aviation Administration financial assistance must establish a three-year overall goal for federal fiscal years 2024 through 2026 which determines the dollar value of work to be awarded to disadvantaged businesses. This action has been deemed necessary to provide disadvantaged businesses a nondiscriminatory opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal aid or assistance. The New Hampshire Department of Transportation – Bureau of Aeronautics (NHDOT-BOA) is a recipient of Federal Aviation Administration financial assistance and hereby establishes a three-year overall goal of 2.2% in accordance with these regulations. Small businesses owned by socially and economically disadvantaged individuals who are interested in obtaining DBE Certification should contact: Office of Access, Opportunity, and Compliance, New Hampshire Department of Transportation 7 Hazen Drive, PO Box 483 Concord, NH 03302-0483 Tel: (603) 271-8222. A description of the methodology used in establishing this overall goal will be available for a 30-day review during normal business hours at the above address. Comments pertaining to this overall goal will be accepted at the

above referenced address for a period of 45 days from the published date of this notice. Public comments are for informational purposes only. This overall goal will be reviewed and re-established every three years. The Department may make mid-cycle adjustments to its methodology if changes in circumstances that have a significant impact on the established goal are experienced.

A public meeting for review and discussion related to the DBE methodology used in establishing this overall goal will be held on Friday, September 22, 2023, in Room 114 from 10:00am to 12:00pm at the New Hampshire Department of Transportation, 7 Hazen Drive, Concord, NH.

The market area used the NH Metropolitan Service Area. The significant majority of contractors that have historically participated in NHDOT contracts have been located within this market area, and thus the overall DBE goal of 2.2% accurately reflects the anticipated overall DBE participation.

Breakout of Estimated Race-Neutral and Race Conscious Participation: 26.51(b)(1-9)

As mentioned previously, the overall DBE goal for fiscal years 2024-2026 was established at 2.2% of the federal financial assistance the NHDOT will expend in FAA-assisted contracts. **The NHDOT intends to attain its overall goal of 2.2% through Race-Neutral means and 0% through Race-Conscious means.**

NHDOT will meet the maximum feasible portion of the overall goal by using Race-Neutral means and the NHDOT continues to work with prime contractors to assist their efforts in facilitating Race-Neutral DBE participation. Race-Neutral participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE contract goal, or even if there is a DBE contract goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g. a prime contractor that uses a strict low bid system to award subcontracts).

Race-Neutral means include, but are not limited to, the following:

1. Carrying out information and communication programs on contracting procedures and specific contract opportunities, such as ensuring the inclusion of DBEs, and other small businesses, on mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors. Reviewing the past 10 years of NHDOT-BOA Federally-funded contracts and subcontracts to develop a list of DBE firms that participated on past projects, and updating this list as prime contracts and subcontracts are let. The NHDOT-BOA using the DBE Bidders list for its own solicitation of prime contract work and requiring that prime contractors provide evidence of the Bidders List in their solicitation of subcontractor work;
2. Providing a copy of the Invitation For Bids, when requested to NHDOT-certified DBE's for each bid letting; within one week of the invitation being published.
3. Ensuring distribution of NHDOT's DBE Directory, through print and electronic means, to potential prime contractors and subcontractors by NHDOT-BOA will providing a URL to the current NHDOT

DBE Directory in each prime contract and task order and requiring that prime contractors provide evidence of using the DBE Directory in their solicitations of subcontracting work;

4. Accounting for the participation of DBEs in consulting and municipally managed projects with Federal participation the NHDOT-BOA on a monthly basis compiling data on DBE response to Federally-funded BOA solicitations and conferring with the NHDOT – Office of Federal Compliance to determine actual DBE response to Federally-funded solicitations on a NHDOT-wide basis.
5. The NHDOT-BOA continuing to work with prime contractors (by phone, e-mail, and in person) that take out sample proposals for upcoming NHDOT projects. NHDOT-BOA would require prime contractors to identify subcontracting opportunities for each contract/task order and to search for DBE firms capable of being subcontractors on the project. NHDOT-BOA will contact those DBE firms capable of performing this work and encourage them to submit a bid to the prime. In this manner, our office is able to proactively incorporate DBEs into the initial proposal stage for the project.
6. The specific on-going outreach tasks performed by the NHDOT Office of Federal Compliance in part include the following:
 - Preparation of a Disadvantaged Business Enterprise – Supporting Services Program – Statement of Work. This Program is to provide training, assistance and services to certified minority, disadvantaged, and women business enterprises to facilitate their development into organizations capable of competing for federally-assisted highway projects.
 - Preparation and circulation of DBE Outreach Fliers and DBE Supportive Services fliers.
 - E-mail notices to DBE firms and DBE organization of specific projects (State-/Federal-affiliated and not Federal-State-affiliated) that may be of interest.
 - E-mail notices of DBE Supportive Services webinars by the NHDOT.
 - Collaborative strategies in part would contain inclusion of NHDOT-BOA projects in the NHDOT DBE weekly opportunities email, outreach through various organizations, emailing state representatives, and leveraging NHDOT's social media platforms.
 - Additional collaborative strategies would include sharing public meeting dates via weekly emails, Chambers of Commerce, and newsletters from SBA, formatting advertisements for inclusion in weekly DBE emails.
 - Outreach measures to be done on a collaborative basis by NHDOT-BOA would include email campaigns to state representatives and aligning notifications with governmental milestones.
 - The NHDOT-BOA taking advantage of NHDOT's Form 34 for Good Faith Efforts in cases where primes don't meet DBE goals.
 - The NHDOT-BOA participating in the above efforts of the NHDOT-Office of Federal Compliance as appropriate for NHDOT-BOA contracts and subcontracts, and on a bi-monthly basis, conferring with the Office of Federal Compliance to discuss these collaborative efforts and make changes to these efforts as needed.
 - The NHDOT on a quarterly basis, contacting DBE firms who participated in solicitations in the by NHDOT-BOA or its prime contractor/s solicitation in the previous quarter to discuss the effectiveness of outreach efforts and discuss possible measures for improvement.

The overall DBE goal will be reviewed and re-established every three years. The NHDOT-BOA may make mid-cycle adjustments to its methodology if changes in circumstances that have a significant impact on the established goal are experienced.

Report prepared by:

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DBE Plan Review Meeting

A description of the methodology used in establishing the overall goal was available for a 30-day review during normal business hours at NHDOT offices at 7 Hazen Drive, Concord, NH. The meeting and a copy of the DBE Plan was also available on the NHDOT website.

A public meeting for review and discussion related to the DBE methodology used in establishing this overall goal was held on Friday, September 22, 2023, in Room 114 from 10:00am to 12:00pm at the New Hampshire Department of Transportation, 7 Hazen Drive, Concord, NH. There were no attendees at this meeting and there were no comments of any kind submitted as of this date. However, comments on the DBE Plan will be accepted for a 45-day period after the meeting (which will end on November 6, 2023). If any comments are received by November 6, 2023, they will be forwarded to the DBE Connect website and added to this plan.