

The City of McAllen



**DISADVANTAGED BUSINESS ENTERPRISE
(DBE) PLAN UPDATE**

for

Fiscal Year 2025/2026/2027

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

at

McAllen International Airport

**Submitted by Estela Velasquez
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2500 S. Bicentennial Blvd., Ste 100
McAllen, Texas 78503-3140
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Email: evelasquez@mcallen.net**

COVER LETTER

July ____, 2024

Shaun A. Bouy
DBE/ACDBE Program Compliance Specialist
Federal Aviation Administration
Office of Civil Rights – External Operations (ACR)
FAA Western-Pacific Regional Office
777 S. Aviation Blvd, Suite #150
El Segundo, CA 90245

Dear Mr. Bouy,

We have developed a Disadvantaged Business Enterprise (DBE) triennial goal update for McAllen International Airport (MFE) per 49 CFR Part 26 requirements. The MFE triennial goal methodology is based on what MFE anticipates receiving from the FAA Airport Improvement Program (AIP) during Fiscal years 2025 - 2027. This DBE plan is based on the following anticipated AIP funded projects:

Fiscal Year 2025 - 2027

- Reconstruct Cargo Apron; Construct RIM-HS1
- Replace Terminal Jet Bridge (2)
- Replace Baggage Conveyor
- GA Apron Construction (Environmental & Design)
- Rehabilitate Airfield Signage & Lighting
- Construct GA Apron
- Rehabilitate GAFIS Apron

Our overall three-year goal is 7.15% and will be accomplished through race neutral means. The total dollar amount to be expended on DBE firms is a minimum of **\$1,776,616.00**. If you have any questions, please contact Estela Velasquez, Assistant Director of Aviation Administration and DBELO, at (956) 681-1527.

Sincerely,

Jeremy Santoscoy, PE, CFM
Director of Aviation
2500 S Bicentennial Blvd
McAllen, Texas 78503-3140

Attachments (7)

ATTACHMENTS

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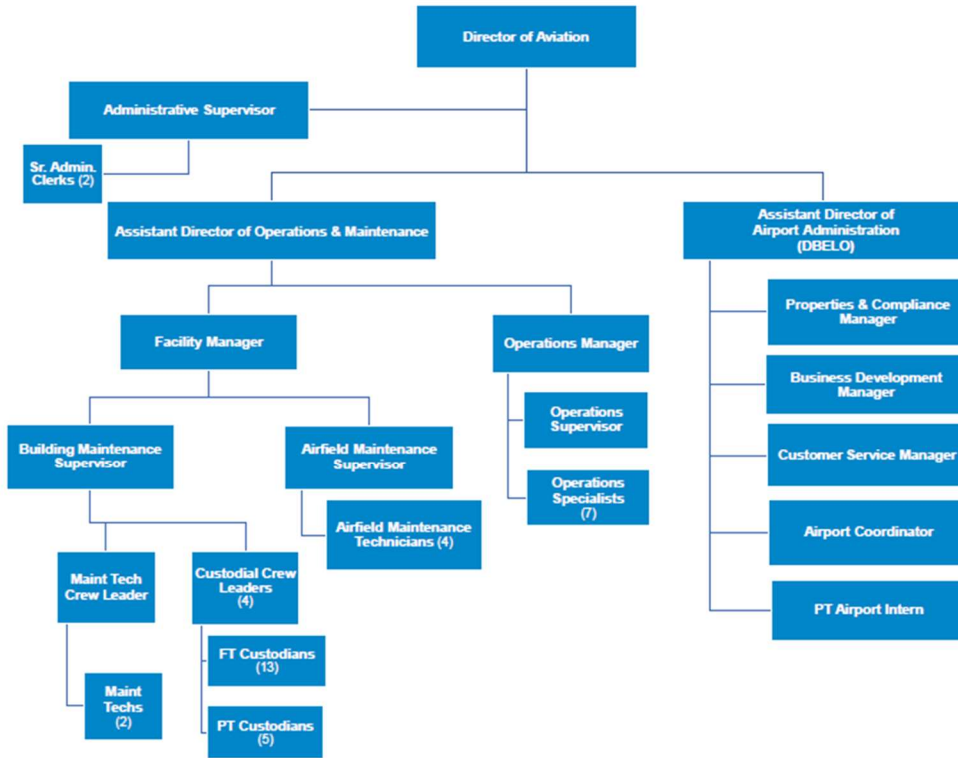
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ATTACHMENT 1

Organizational Chart



City of McAllen Department of Aviation Organizational Chart



ATTACHMENT 2

Overall DBE Three-Year Goal Methodology

Name of Recipient: McAllen International Airport (MFE), City of McAllen, Texas

Goal Period: 3-Year Goal Period: FY-2025 – 2026 – 2027 (October 1, 2024 – September 30, 2027)

DOT (FAA) – assisted contracts:

FY-2025	Reconstruct Cargo Apron; Construct RIM-HS1
FY-2026	Replace Terminal Jet Bridge (2); Replace Baggage Conveyor, GA Apron Construction (Environmental & Design)
FY-2027	Rehabilitate Airfield Signage & Lighting; Construct GA Apron; Rehabilitate GAFIS Apron

Overall Three-Year Goal: 7.15% to be accomplished through **7.15% RN** and **0.00% RC**

Total dollar amount to be expended on DBE(s): **\$1,776,616.00.**

Number and types of contracts Airport anticipate awarding:

Contracts for Fiscal Year #1

1. Reconstruct Cargo Apron
2. Construct RIM-HS1

Contracts for Fiscal Year #2

1. Replace Terminal Jet Bridge (2).
2. Replace Baggage Conveyor.
3. GA Apron Construction (Environmental & Design)

Contracts for Fiscal Year #3

1. Rehabilitate Airfield Signage & Lighting.
2. Construct GA Apron.
3. Rehabilitate GAFIS Apron

Market Area: Because many of the prime contractors are registered statewide, the market area has been determined to be the State of Texas with consideration given to all Texas Department of Transportation (TxDOT) Districts.

This market area was chosen because prime contractors will travel from many TxDOT Districts to perform this type of work in all TxDOT Districts. The TxDOT Districts are the areas where the substantial majority of contractors and subcontractors would seek to do business with the airport and the areas where the airport spends the substantial majority of its contracting dollars. This marketing area includes the counties surrounding the airport and additional areas in the State where contractors and subcontractors can be found to do the types of contracts being awarded at the airport.

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 (American Fact Finder) concerning State of Texas County Business Patterns (using the National American Industry Classification System – NAICS):

<https://data.census.gov/>

and The Texas Department of Transportation (TXDOT) DBE Certified Contractors list:

<https://txdot.txdotcms.com/>

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 Texas Department of Transportation (TXDOT) DBE Certified Contractors list for the market area.
- The data source used to derive the denominator was the US Census Bureau (American Fact Finder) concerning the State of Texas County 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) =

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

For example: for FY 2025, Site Preparation Firms DBE Goal = $\frac{156 \text{ DBE Firms}}{2,558 \text{ total firms}} = 6.10\% \times (21\% \times \$11,000,000.00) = \$140,910.00$

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

**For example: Total FY-25 DBE Goal = $\frac{(\$213,521.00 + \$140,910.00 + \$101,398.00 + \$11,352.00 + \$9,636.00)}{\$11,000,000.00} = \underline{4.33\%}$

Fiscal Year 25 – \$11,000,000.00 Cargo Apron Reconstruction; RIM-HS1 Construction. Award of the following is anticipated:

Activity	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)
Highway, Street, Bridge	237310	26	791	3.29%	59%	\$ 6,490,000.00	\$213,521.00
Site Preparation	238910	156	2,558	6.10%	21%	\$ 2,310,000.00	\$140,910.00
Trucking	482220	192	2,290	8.38%	11%	\$ 1,210,000.00	\$101,398.00
Other Heavy (Canal)	237990	4	347	1.15%	43%	\$ 4,730,000.00	\$54,395.00
Engineering services	541330	96	5,569	1.72%	6%	\$ 660,000.00	\$ 11,352.00
Testing	541380	23	789	2.92%	3%	\$ 330,000.00	\$ 9,636.00
Total(s)		493	11,997		100%	\$ 11,000,000.00	\$476,817.00
Cargo Apron Reconstruction; RIM-HS1 Construction							4.33%

Fiscal Year 26 – \$3,372,500.00 Terminal Jet Bridge Replacement (2); Baggage Conveyor Replacement; GA Apron Construction (Environmental & Design). Award of the following is anticipated:

Activity	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)
Site Preparation (incl. bridges)	238910	156	2,558	6.10%	61%	\$2,057,225.00	\$ 125,490.73
Architectural Services	541310	42	1,505	2.79%	11%	\$ 370,975.00	\$ 10,350.20
Engineering Services	561330	96	5,569	1.72%	10%	\$337,250.00	\$ 5,800.70
Testing Services (Electrical)	541380	58	789	7.35%	18%	\$607,050.00	\$ 44,618.18
Total(s)		352	10,421	3.38%	100%	\$3,372,500.00	\$186,259.81

Terminal Jet Bridge Replacement (2); Baggage Conveyor Replacement; GA Apron Rehabilitation (Environmental & Design).	5.52%
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Fiscal Year 27 – \$10,475,000.00 Airfield Signage & Lighting Rehabilitation; GA Apron Construction; GAFIS Apron Rehabilitation. Award of the following is anticipated:

Activity	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)
Highway, Street Bridge	237310	26	791	3.29%	59%	\$ 6,180,250.00	\$ 203,330.22
Site Preparation	238910	156	2,558	6.10%	21%	\$ 2,199,750.00	\$ 134,184.75
Trucking	484220	192	2,290	8.38%	11%	\$ 1,152,250.00	\$ 96,558.55
Engineering services	541330	96	5,569	1.72%	6%	\$ 628,500.00	\$ 10,810.20
Testing Services	541380	23	789	2.92%	3%	\$ 314,250.00	\$ 9,176.10
Total(s)		493	11,997	4.11%	100%	\$ 10,475,000.00	\$ 454,059.82
Airfield Signage & Lighting Rehabilitation; GA Apron Construction; GAFIS Apron Rehabilitation							4.33%

The availability figures for all contracts were then combined and averaged to provide the basis for the three-year overall goal. This figure is expressed as a percentage and serves as the basis for the three-year overall goal.

MFE AIP Project(s)	Fiscal Year	DBE Goal
Cargo Apron Reconstruction (Phase 1)	FY-25	4.33%
Cargo Apron Reconstruction (Phase 2)	FY-26	5.52%
Terminal Jet Bridge Replacements (2)	FY-27	4.33%
Median Goal (Step 1)		4.73%

The calculated base of the DBE Goal: **4.73%**

Step 2 – Adjustments to Step 1 base figures

Breakout of Estimated Race-Neutral and Race-Conscious Participation

The City of McAllen will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The city will use the 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 solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small business participation.

First, the City of McAllen researched its market area for any disparity studies that may have been conducted in the last 5 years and found none. We referred to the:

- Texas Overall Annual DBE Goal for Highway Design and Construction found at: <http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/dbe-goal-hwy-des-cst.pdf>
- The Texas Economic Development Office found at: <http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/dbe-goal-hwy-des-cst.pdf>
- TXDOT website found at: <https://www.txdot.gov/>

Second, community participation was solicited for comments. The following offices were contacted:

- The Associated General Contractors of Texas (<https://agctx.org/>)
- Association of Minority Contractors - Texas (<https://namctexas.org/>)
- Hispanic Contractors Association of San Antonio (<https://hcadesa.org/>)
- Lower Rio Grande Valley Development Council (<http://www.lrgvdc.org/>)
- RGV Hispanic Chamber of Commerce (<http://www.rgvhcc.com/>)

Lastly, the historic DBE goal accomplishments at the airport were examined for the past 5 years. The McAllen International Airport has had other projects requiring DBE participation within this timeframe.

History of DBE Participation

Fiscal Year	Total Grant amount	DBE Goal	DBE Accomplished	Over or Under (+ / -)	Type of work
FY-2019	\$1,328,080.00	11.99%	0	-11.99%	Airport Drainage Improvements (RW 14-32/TW "A" Improvements (Ph's 1 & 2))
FY-2022	\$6,800,000.00	3.71%	11.3%	+7.59%	TWY/RWY Drainage Improvements (PH 3, 4A & 4C)
FY-2023	\$2,600,000.00	3.71%	8.3%	+4.59%	TWY/RWY Drainage Improvements (PH 3, 4A & 4C)
FY-2024	\$2,122,500.00	5.12%	TBD%	TBD%	Terminal Jet Bridge Replacements (2)

Median adjustment	9.8%	+6.09%
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Fiscal Year	Project	Step 1 Goal calculation	Step 2 Adjustment calculation	Overall Goal Avg S1&S2	Project amount DBE Goal (Dollars)	DBE Goal (Dollars)
FY-2025	Cargo Apron Reconstruction; RIM-HS1 Construction	4.33%	9.8%	7.07%	\$ 11,000,000.00	\$ 777,700.00
FY-2026	Terminal Jet Bridge Replacement (2); Baggage Conveyor Replacement; GA Apron Rehabilitation (Environmental & Design).	5.52%	9.8%	7.66%	\$ 3,372,500.00	\$ 258,333.50
FY-2027	Airfield Signage & Lighting Rehabilitation; GA Apron Construction; GAFIS Apron Rehabilitation	4.33%	9.8%	7.07%	\$ 10,475,000.00	\$ 740,582.50
Total(s)				%	\$ 24,847,500.00	\$1,776,616.00

<i>FY-25/26/27 Overall Goal</i>	7.15%
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To arrive at an overall goal, the Step 1 base figure was added to the Step 2 adjustment figure and the total was averaged, arriving at an overall goal of **7.15%**. The City of McAllen believes this adjusted goal accurately reflects DBE participation that can be achieved for the type of work being awarded during this three-year period.

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

The City of McAllen will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

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

- (1) Arranging 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.
- (2) 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);
- (3) Providing technical assistance and other services;
- (4) 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);
- (5) 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;
- (6) 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;
- (6) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
- (7) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (8) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The City of McAllen estimates that in meeting the established overall goal of 7.15%, it will obtain 7.15% from RN participation and 0.00% through RC measures.

PUBLIC PARTICIPATION

Consultation:

In establishing the overall goal, the City of McAllen provided consultation and publication. This process included consultation with minority, women, and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of McAllen efforts to establish a level playing field for the participation of DBEs. The consultation included a scheduled, direct, interactive exchange with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process and was conducted before the goal methodology was submitted to the operating administration for review. Details of the consultation are as follows.

Published Notice: The Public Notice was published in the listed publication for the public to review for 30 days and comments on the notice will be accepted for 30 days from the date of publication:

- Trade Publication:

The Advanced News Journal – Advance Publishing Company
217 W. Park Avenue Pharr, TX 78577
Phone: 956-783-0036
Email: advancenews@sbcglobal.net

Publication Date: June 26, 2024

A notice of the proposed goal will be published on the City of McAllen official website before the methodology is submitted to the Federal Aviation Administration. The notice will inform the public that the proposed goal and its rationale are available for inspection during normal business hours at the McAllen International Airport offices for 30 days following the date of the notice and informing the public that the City of McAllen will accept comments on the goals for 30 days from the date of the notice.

If the proposed goal changes following review by the Federal Aviation Administration, the revised goal will be posted on the City of McAllen official website.

Notwithstanding paragraph (f)(4) of §26.45, the City of McAllen proposed goals will not be implemented until this requirement has been met.

Sample Public Notice Language:

PUBLIC NOTICE

In accordance with the U.S. Department of Transportation's Title 49 Code of Federal Regulations, Part 26, the City of McAllen hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of **7.15%** for Federal Aviation Administration funded contracts / agreements. The proposed goal pertains to federal fiscal years 2025 through 2027. A meeting will be held on **Friday, July 19, 2024, at 10:00 a.m. CDT** at the McAllen International Airport, Executive Conference Room, 2500 S. Bicentennial Blvd., McAllen, Texas 78503, for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process.

The proposed goal and its attendant methodology are available for inspection between 8:00 a.m. and 5:00 p.m. CDT, Monday through Friday, except City Holidays, at the McAllen International Airport, Administration Office, 2500 S. Bicentennial Blvd. McAllen, Texas 78503, for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

ATTENTION: Estela Velasquez
Assistant Director of Aviation Administration
2500 S. Bicentennial Blvd. Suite 100
McAllen, Texas 78503-3140
Phone: (956) 681-1527
Fax: (956) 681-1510
evelasquez@mcallen.net

or

Federal Aviation Administration
Office of Civil Rights – External Operations (ACR)
FAA Western-Pacific Regional Office
777 S. Aviation Blvd, Suite #150
El Segundo, CA 90245

Attachment 3

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 4

DBE Monitoring and Enforcement Mechanisms

The City of McAllen 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 Texas Statutes, Title 15.

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 5
DBE Certification Application Form

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/new-dbe-uniform-certification-application>

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ATTACHMENT 6
State of Texas UCP Agreement

http://ftp.dot.state.tx.us/pub/txdot-info/bop/tucp_moa.pdf

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ATTACHMENT 7

Small Business Element

The City of McAllen will create and implement a race-neutral small business element as part of the McAllen International Airport program, in compliance with §26.39. The following components are strategies that will be used.

1. Objective/Strategies

The City of McAllen plans to use the following strategies to help eliminate obstacles for Small Business Enterprises (SBE) participation on DOT-assisted projects. These strategies have been selected because they can be successfully implemented by the current airport staff and have the greatest opportunity for race- and gender-neutral DBE participation at the Airport. This program will include, but not be limited to, the following strategies:

- (1) For large construction contracts (those over \$1,000,000), the Airport will require bidders on the prime construction contract to specify elements of the contract or specific subcontracts that are of a size that small businesses can reasonably perform.
- (2) The City of McAllen will structure procurements to allow joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- (3) The City of McAllen will unbundle some large engineering and construction contracts, when possible, to a size that SBEs can reasonably perform.
- (4) The City of McAllen will advertise in small business or state-wide publications the steps required for a DBE firm to become certified.

2. Definition

- (1) For this program, a small business is defined as one meeting the requirements of a CFR Part 26 for a "Small Business Concern". Only SBEs meeting this definition will be considered for inclusion in the small business program. SBEs shall be certified as small businesses with the US Small Business Administration (www.SBA.gov). The City of McAllen will use these sources to verify SBE certification.
- (2) Personal Net Worth standards should be consistent with 49 CFR Part 26.

3. Verification

The City of McAllen will diligently attempt to minimize fraud and abuse in the small business element of the DBE program by verifying that all disadvantaged business enterprises are certified under the State of Texas UCP program. The DBELO will document the certification and will refer any concerns of potential/suspected fraudulent certifications to the Texas Department of Transportation - Civil Rights Division, 125 E. 11th Street, Austin, TX 78701-2483.

4. Monitoring / Record Keeping

All race-neutral DBE participation obtained by the plan will be reported as part of the Airport's annual DBE Accomplishment Reporting. In addition, the airport will track the plan's small business participation on an annual basis in the table below.

McAllen International Airport (MFE)			
Fiscal Year	Federal Dollars to SBE(s)	% of total Federal Dollars Awarded	Race Neutral DBE Participation
2023			
2024			
2025			
2026			
2027			

5. Assurance

- (1) All the strategies listed in this program are authorized under Texas state law.
- (2) Certified DBEs that meet the size criteria established under this program are presumptively eligible to participate in this program.
- (3) There are no geographic preferences or limitations imposed on any federally assisted procurements included in this program.
- (4) There are no limits on the number of contracts awarded to firms participating in the program; however, every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.
- (5) Aggressive steps will be taken to encourage minority and women owned firms that are eligible for DBE certification to become certified.
- (6) This program is open to all small businesses regardless of their location.