

COUNCIL DISTRICT: Citywide

COUNCIL AGENDA: 6/17/25

SUBJECT: Airport Disadvantaged Business Enterprise Goal Development for Grant Funded Airport Development Projects for Federal Fiscal Years 2026-2028

RECOMMENDATION

Adopt a resolution:

- (a) Approving a proposed overall Disadvantaged Business Enterprise participation race-neutral goal of 3% for the Federal Aviation Administration's Airport Improvement Program grant-funded Airport development projects at the San José Mineta International Airport for Federal Fiscal Years 2026-2028;
- (b) Authorizing the City Manager or her designee to submit the three-year Disadvantaged Business Enterprise participation plan to the Federal Aviation Administration, which is due by August 1, 2025; and
- (c) Authorizing the City Manager or her designee to make revisions as requested by the Federal Aviation Administration.

SUMMARY AND OUTCOME

Approval of the Disadvantaged Business Enterprise (DBE) participation plan and acceptance by the Federal Aviation Administration (FAA) will result in the City of San José being compliant with the DBE Program requirements, allowing the City to remain an eligible recipient of FAA financial assistance for the estimated \$50,536,738 share of the estimated total \$62,726,018 in Airport development projects for this plan period.

BACKGROUND

The United States Department of Transportation's (USDOT) DBE Program provides a vehicle for increasing the participation of disadvantaged business enterprises in federally funded procurement projects. USDOT DBE regulations require state and local transportation agencies that receive USDOT financial assistance to establish goals for the participation of DBEs. Each USDOT-assisted state and local transportation agency is required to establish annual DBE goals and review the scopes of anticipated contracts throughout the year for compliance of their DBE program.

The main objectives of the DBE program are:

- To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
- To ensure that small, disadvantaged business enterprises can compete fairly for federally funded transportation-related projects;
- To ensure that the DBE program is narrowly tailored in accordance with applicable law;
- To ensure that only eligible firms participate as DBEs; and
- To help remove barriers to the participation of DBEs in USDOT-assisted contracts.

ANALYSIS

Under FAA regulations, the City is required to submit an updated DBE participation plan that incorporates anticipated new opportunities, potential DBE participants, and a new percentage goal for DBE participation goal every three years. A copy of the draft DBE participation plan goal to be submitted to the FAA is attached to this memorandum. This plan goal will apply toward federal fiscal years (FFY) 2026-2028 (October 1, 2025 through September 30, 2028).

The San José Mineta International Airport (Airport) is planning for an estimated total of \$62,726,018 in USDOT-assisted contracts between FFYs 2026-2028. Table 1 below provides a listing of the anticipated Department of Transportation-assisted contracts with amounts.

	Table 1		
	ESTIMATED	ESTIMATED	
	TOTAL	FAA	
	PROJECT	DOLLAR	ESTIMATED
PROJECT NAME/DESCRIPTION	COST	SHARE	FAA % SHARE
New Taxiway Victor Phase 2	\$28,982,518	\$23,357,011	80%
The New Taxiway V program replaces			
Runway 11/29, determined to officially			
close as part of the recommendations			
from Airport's RIM (Runway Incursion			
Mitigation) study completed in 2021.			
New Taxiway V will be a full-length			
parallel TDG (Taxiway Design Group) III			
taxiway adjacent to Taxiway W. The			
New Taxiway V will implement airfield			
safety recommendations from the RIM			
study by allowing unrestricted TDG III aircraft operations, addressing a			
previous Modification of Standard for			
the west side of the airfield for			
insufficient Taxiway Object Free Area.			
Additionally, the New Taxiway V will			
eliminate Airport's two published			
hotspots for runway incursions			
associated with former Runway 11/29			
and address airfield geometry concerns			
on the west side associated with direct			
aircraft access from apron to runway.			
Taxiway V Phase 2 project will include			
construction of 2,200 linear feet of new			
Portland Cement Concrete concrete			
pavement and associated grading,			
drainage improvements, and lighting			
upgrade works. Project will also include			
demolition of old asphalt taxiway			
pavement.			
New Taxiway Victor Phase 3	\$29,643,500	\$23,889,697	80%
The New Taxiway V program replaces			
Runway 11/29, determined to officially			
close as part of the recommendations			
from Airports RIM study completed in			
2021. New Taxiway V will be a full-			
length parallel TDG III taxiway adjacent			

	ESTIMATED	ESTIMATED	
	TOTAL	FAA	
PROJECT NAME/DESCRIPTION	PROJECT COST	DOLLAR SHARE	ESTIMATED FAA % SHARE
to Taxiway W. The New Taxiway V will			
implement airfield safety			
recommendations from the RIM study			
by allowing unrestricted TDG III aircraft			
operations, addressing a previous Modification of Standard for the west			
side of the airfield for insufficient			
Taxiway Object Free Area . Additionally,			
the New Taxiway V will eliminate			
Airport's two published hotspots for			
runway incursions associated with			
former Runway 11/29 and address			
airfield geometry concerns on the west side associated with direct aircraft			
access from apron to runway.			
access norm apron to runway.			
Taxiway V Phase 3 project will include			
construction of 1825 lineal feet of new			
Portland Cement Concrete pavement			
and associated grading, drainage improvements and lighting upgrade			
works. Project will also include			
demolition of old asphalt taxiway			
pavement.			
Airside High Mast Lighting	\$1,700,000	\$1,370,030	80%
This project includes the replacement of			
the ramp high mast lighting at each			
terminal to improve the aircraft ramp			
lighting levels on the ramp, and along Terminal A/A+ and B ramps, particularly			
at the tail end of the aircraft. Current			
lighting levels are inadequate, and the			
intent is to implement lighting			
improvements that conform as much as			
possible to current FAA and Illuminating			
Engineering Society recommendations.			

PROJECT NAME/DESCRIPTION	ESTIMATED TOTAL PROJECT COST	ESTIMATED FAA DOLLAR SHARE	ESTIMATED FAA % SHARE
Aircraft Rescue and Fire Fighting	\$2,400,000	\$1,920,000	80%
Apparatus This project includes the replacement of an Aircraft Rescue and Fire Fighting vehicle. The existing apparatus is 16 years old, and the Federal Aviation Administration recommends replacement after 15 years.			
Total	\$62,726,018	\$50,536,738	80%

The Airport used the recommended FAA formula to determine an overall DBE participation goal for the Airport for FFYs 2026-2028. In determining this overall DBE participation goal, the Airport closely followed the USDOT's DBE program regulations set forth in 49 Code of Federal Regulations Part 26 (49 CFR 26), including a two-step goal-setting methodology identified in 49 CFR Section 26.45.

To determine the overall DBE participation goal, the Airport was required to:

- Examine the types of projects the Airport anticipates for the plan period and the specific job functions needed for these projects (depending on the type of projects anticipated, the goals for one DBE plan period may not be comparable to the goals for different DBE plan period);
- Base requirements on the federal laws, regulations, and guidance set forth by the USDOT;
- Base goals on evidence of DBE firms that are ready, willing, and able; and
- Narrowly tailor the goals to the evidence.

Step 1: Determination of a Base Figure (26.45)

To establish the Airport's Base Figure of the relative availability of DBEs relative to all comparable firms (DBE and non-DBE) available to bid or submit proposals on the Airport FAA-assisted contracting opportunities projected to be solicited during the triennial goal period, the Airport followed the prescribed federal methodology to determine relative availability. This was accomplished by assessing the California Unified Certification Program DBE Database of Certified Firms and the 2024 U.S. Census Bureau County Business Patterns Database Quarterly Census of Employment and Wages Database within the Airport's market area (defined as Alameda and Santa Clara counties) for each of the categories of work defined in the below table.

In accordance with the formula listed below, the Base Figure is derived by:

- Dividing the number of ready, willing, and able DBE firms identified for each North American Industrial Classification System (NAICS) work category by the number of all firms identified within the Airport's market area for each corresponding work category (relative availability);
- Weighting the relative availability for each work category by the corresponding work category weight (weighted ratio); and
- Adding the weighted ratio together.

(Nu	mber of Ready, Willing and Able DBEs) ber of All Ready, Willing and Able Firms)
Base Figure = $\sum_{\text{(Num)}}$	ber of All Ready, Willing and Able Firms)
□ For the numerator:	California Unified Certification Program DBE Database of Certified Firms
□ For the denominator:	2024 U.S. Census Bureau Quarterly Census of Employment and Wages Database

A concerted effort was made to ensure that the scope of businesses included in the numerator were as close as possible to the scope included in the denominator. The result of the Base Figure calculation is shown in Table 2 below:

Table 2NAICS			ALL	Relative
Code	Category of Work	DBEs		Availability
237990	Other Heavy and Civil Engineering Construction	0	19	0.0%
238110	Poured Concrete Foundation and Structure Contractors	1	168	0.6%
238210	Electrical Contractors and Other Wiring Installation Contractors	14	906	1.6%
238910	Site Preparation Contractors	7	161	4.4%
238990	All Other Specialty Trade Contractors	9	1,048	0.9%
541330	Engineering Services	15	144	10.4%
541620	Environmental Consulting Services	0	83	0.0%
562111	Solid Waste Collection	0	4	0.0%
	Total	46	2,533	1.8%

Table 2

The relative availability of DBEs from Table 2 is 1.9%. However, to make the base figure more accurate, the Airport used weighting to consider the amount of work that is available for each category of work (NAICS Code).

The weighted relative availability of DBEs, also known as the Base Figure, is calculated in Table 3 below.

	Table 3			
NAICS Code	Category of Work	Relative Availabilit y	Estimated FAA % by NAICS	Weighted Ratio
237990	Other Heavy and Civil Engineering Construction	0.0%	34.9%	0.0%
238110	Poured Concrete Foundation and Structure Contractors	0.6%	15.7%	0.1%
238210	Electrical Contractors and Other Wiring Installation Contractors	1.5%	10.6%	0.2%
238910	Site Preparation Contractors	4.3%	6.1%	0.3%
238990	All Other Specialty Trade Contractors	0.9%	15.2%	0.1%
541330	Engineering Services	10.4%	0.4%	0.0%
541620	Environmental Consulting Services	0.0%	12.5%	0.0%
562111	Solid Waste Collection	0.0%	4.7%	0.0%
Total				0.7%

Step 2: Adjusting the Base Figure

Upon establishing the Base Figure, the Airport reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within the market area in accordance with prescribed narrow tailoring provisions as set forth under 49 CFR Part 26.45: Step 2, DBE Goal Adjustment Guidelines.

Evidence considered in adjusting the Base Figure included Past DBE Goal Attainments, as shown in Table 4 below:

	Table 4	
FEDERAL FISCAL YEAR (FFY)	FAA DBE GOAL %	FAA DBE % ATTAINMENT
FFY 2022	4.1%	5.3%
FFY 2023	5.0%	11.3%
FFY 2024	5.0%	0.6%
Median DBE Atta the Last 3		5.3%

Table 5 below shows the adjusted base figure of 3% by averaging the Base Figure 0.7%, also known as the weighted relative availability of DBE firms, and the Median DBE achievement 5.3% as recommended by the FAA.

Table 5				
Base Figure	0.7%			
Median DBE Attainment	5.3%			
Adjusted Base Figure (Average)	3.0%			

The City proposes to meet the overall goal by using race-neutral methods for DBE and small business participation in accordance with 49 CFR 26.51(c).

The City estimates that in meeting its 3% overall DBE participation goal, it will obtain 100% from race-neutral participation and 0% through contract goals (race-conscious measures).

The City held a stakeholder meeting on May 27, 2025, to present this proposed goal to the community and to seek input about the availability of disadvantaged and nondisadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City's efforts to establish a level playing field for the participation of DBEs.

Also, a notice of the proposed 3% overall goal was published on the City and Airport websites. The public was informed that the proposed goal and its methodology were available for inspection during normal business hours and that the City would accept written comments for 30 days following the date of the notice. A supplemental memo will provide a summary of information and written comments received by the close of the public comment period. The City's final overall goal submission to the DOT will include a summary of information and comments received during this public participation process and the City's responses.

POLICY ALTERNATIVE

Alternative: Do not submit a three-year DBE participation plan to the FAA. **Pros:** None

Cons: Not submitting a three-year DBE plan to the FAA by the August 1, 2025 deadline would jeopardize the City's eligibility to receive millions of dollars in federal Airport Improvement Program grants.

Reason for not recommending: Staff is confident that the proper methodology set forth in the DBE regulations of 49 CFR 26 was taken. The required two-step process considers the types of anticipated projects, the availability of DBE firms given the work codes involved, and the market factors, including participation rates and capacity.

EVALUATION AND FOLLOW-UP

This memorandum will not require any follow-up from staff.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the June 17, 2025 City Council meeting.

The Airport held a stakeholder meeting on May 27, 2025, to present this DBE goalsetting process and to seek community input into the goal. This meeting allowed any stakeholders to see how the goal was formulated and ask questions or make comments. No comments were given so no adjustment to the goal figure of 3.0% is recommended.. The DBE goal-setting process was presented to the Airport Commission and the public at the May 12, 2025 meeting. The DBE Goal Notice was also posted to the FAA DBE Opportunities website and the Airport Minority Advisory Council website. The DBE goal has also been published on the City's and Airport's websites to inform the public that the proposed goal and its rationale were available for inspection during normal business hours and that the City accepted written comments on the proposed goal for 30 days following the date of the notice.

Once approved by the City, the goal will be posted to the San José Airport website.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

<u>CEQA</u>

Not a Project, File No. PP17-008, general procedure and policy making resulting in no changes to the physical environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/ Mukesh (Mookie) Patel, C.M. Director of Aviation

For questions, please contact Magdelina Nodal, Senior Analyst, Civil Rights Liaison, Airport Department, at mnodal@sjc.org or (408) 392-3673.

ATTACHMENT

Federal Aviation Administration Overall Disadvantage Business Enterprise Goal-Setting Methodology Fiscal Federal Years 2026-2028 Goal Period



Federal Aviation Administration (FAA) Overall Disadvantaged Business Enterprise (DBE) Goal-Setting Methodology

Federal Fiscal Years (FFY) 2026-2028 Goal Period

Submitted in fulfillment of: Title 49 Code of Federal Regulations Part 26



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DBE GOAL METHODOLOGY

I. INTRODUCTION

The City of San Jose/Norman Y. Mineta San Jose International Airport (SJC) herein sets forth its Overall Disadvantaged Business Enterprise (DBE) Goal and corresponding federally prescribed goal-setting methodology for the three-year Federal Fiscal Year (FFY) goal period of 2026-2028 (October 1, 2025 through September 30, 2028), pursuant to Title 49 Code of Federal Regulations (CFR) Part 26 "Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation Programs." The purpose of the DBE goal-setting process is to level the playing field so that DBEs can compete fairly for Department of Transportation-assisted contracts, however, the program must be narrowly tailored in accordance with applicable law.

II. BACKGROUND

SJC is a recipient of U.S. Department of Transportation (USDOT), Federal Aviation Administration (FAA), funding. As a condition of receiving this assistance, SJC signed an assurance that it will comply with FAA's DBE requirements. In accordance with Title 49 CFR Part 26 provisions: Participation by DBEs in USDOT Programs, SJC is required to develop and submit a Triennial Overall DBE Goal for its FAA-assisted projects.

SJC herein presents its Overall DBE Goal Methodology for FFY 2026-2028.

III. FAA-ASSISTED CONTRACTING PROGRAM FOR FFY 2026-2028

Market Area

The Federal DBE program requires agencies to implement the DBE program based on information from the relevant geographic market area—the area in which the agency spends the substantial majority of its contracting dollars.

The SJC local market for contracts consists of a geographic area that is:

- where a large majority of contracting dollars is expended, and
- where a substantial number of contractors and subcontractors are located and available to submit bids or quotes.

The SJC bidder's list was reviewed and analyzed to determine where SJC spends the substantial majority of its contracting dollars. The previously established market area of Alameda and Santa Clara counties remain the valid market area.

Anticipated Projects

SJC has five (4) FAA-assisted projects that are anticipated to be awarded during the triennial period and which were considered in preparing this goal methodology. The projects, which include construction and professional services contracting opportunities, are anticipated to be awarded during the triennial period and have potential subcontracting opportunities. These projects and their federal share are listed in Table 1.



PROJECT NAME/DESCRIPTION ¹	EST. TOTAL PROJECT COST ²	EST. FAA \$ SHARE ³	EST. FAA % SHARE⁴
New Taxiway Victor Phase 2 The New Taxiway V program replaces Runway 11/29, determined to officially close as part of the recommendation's from SJC's RIM study completed in 2021. New Taxiway V will be a full length parallel TDG III taxiway adjacent to Taxiway W. The New Taxiway V will implement airfield safety recommendations from the RIM study by allowing unrestricted TDG III aircraft operations, addressing a previous MOS for the west side of the airfield for insufficient TOFA. Additionally, the New Taxiway V will eliminate SJC's two published hotspots for runway incursions associated with former Runway 11/29 and address airfield geometry concerns on the west side associated with direct aircraft access from apron to runway. Taxiway V Phase 2 project will include construction of 2200 LF of new PCC concrete pavement and associated grading, drainage improvements and lighting upgrade works. Project will also include demolition of old asphalt taxiway	\$28,982,518	\$23,357,011	80.00%
pavement. New Taxiway Victor Phase 3 The New Taxiway V program replaces Runway 11/29, determined to officially close as part of the recommendation's from SJC's RIM study completed in 2021. New Taxiway V will be a full length parallel TDG III taxiway adjacent to Taxiway W. The New Taxiway V will implement airfield safety recommendations from the RIM study by allowing unrestricted TDG III aircraft operations, addressing a previous MOS for the west side of the airfield for insufficient TOFA. Additionally, the New Taxiway V will eliminate SJC's two published hotspots for runway	\$29,643,500	\$23,889,697	80.00%

 TABLE 1

 (amounts subject to rounding differences)

¹ The name and brief description of each project.

² The total estimated cost of each project.

³ The estimated FAA dollar share for each project.

⁴ The estimated FAA percentage share for each project.



PROJECT NAME/DESCRIPTION ¹	EST. TOTAL PROJECT COST ²	EST. FAA \$ SHARE ³	EST. FAA % SHARE⁴
incursions associated with former Runway 11/29 and address airfield geometry concerns on the west side associated with direct aircraft access from apron to runway.			
Taxiway V Phase 3 project will include construction of 1825 LF of new PCC concrete pavement and associated grading, drainage improvements and lighting upgrade works. Project will also include demolition of old asphalt taxiway pavement.			
Airside High Mast Lighting This project includes the replacement of the ramp high mast lighting at each terminal to improve the aircraft ramp lighting levels on the ramp, and along Terminal A/A+ and B ramps, particularly at the tail end of the aircraft. Current lighting levels are inadequate, and the intent is to implement lighting improvements that conform as much as possible to current FAA and IES recommendations.	\$1,700,000	\$1,370,030	80.00%
ARFF Apparatus This project includes the replacement of an Aircraft Rescue and Fire Fighting (ARFF) vehicle. The existing apparatus is 16 years old, and the Federal Aviation Administration recommends replacement after 15 years.	\$2,400,000	\$1,920,000	80.00%
Total	\$62,72,018	\$50,536,738	80.00%

Subrecipients

SJC does not reallocate any FAA funds to subrecipients.

Categories of Work

SJC reviewed each project anticipated to be awarded in the triennial period and determined the applicable categories of work applicable for each project using North American Industry Classification System (NAICS) codes. The corresponding dollar values for each NAICS code for each project were summarized for purposes of weighting the categories of work based on the staff estimates. Table 2 provides a summary of the categories of work with estimated dollars for each.



TABLE 2: Project NAICS Codes

(amounts subject to rounding differences)

PROJECT NAME	EST. FAA \$ SHARE ⁵	NAICS CODE ⁶	NAICS TITLE ⁷	EST. FAA \$ SHARE NAICS ⁸
New Taxiway	\$23,357,011	237990	Other Heavy and Civil Engineering	\$8,795,635
Victor Phase 2	+,,		Construction	+ - , ,
		238110	Poured Concrete Foundation and Structure	\$3,950,000
			Contractors	
		238210	Electrical	\$2,162,873
		238910	Site Preparation Contractors	\$1,550,500
		541330	Engineering Services	\$3,650,679
		541620	Environmental Consulting	\$100,000
		562111	Solid Waste Collection	\$3,147,324
New Taxiway Victor Phase 3	\$23,889,697	237990	Other Heavy and Civil Engineering Construction	\$8,996,230
		238110	Poured Concrete Foundation and Structure Contractors	\$4,040,084
		238210	Electrical	\$2,212,200
		238910	Site Preparation Contractors	\$1,585,862
		541330	Engineering Services	\$3,733,938
		541620	Environmental Consulting	\$102,280
		562111	Solid Waste Collection	\$3,219,103
		237990	Other Heavy and Civil Engineering Construction	\$8,996,230
		238110	Poured Concrete Foundation and Structure Contractors	\$4,040,084
		238210	Electrical	\$2,212,200
Airside High	\$1,370,030	238210	Electrical	\$1,020,030
Master Lighting		541330	Engineering Services	\$350,000
ARFF	\$1,920,000	922160	Fire and Rescue Service	\$1,920,000
Apparatus				. , , -
Total	\$50,536,738			\$50,536,738

Table 3 is a summary of each NAICS code and the total dollar values for each NAICS code based on projects listed in Table 2.

⁵ The estimated FAA dollar share for each project.

⁶ The category of work (NAICS) code for each project.

⁷ The category of work (NAICS) title.

⁸ The estimated FAA dollars for each NAICS code in each project.



TABLE 3: NAICS Code Summary

(amounts subject to rounding differences)

NAICS Code	Category of Work	NAICS Dollars ⁹	NAICS Funding Weight ¹⁰
237990	Other Heavy and Civil Engineering	\$17,791,865	35.21%
	Construction		
238110	Poured Concrete Foundation and Structure	\$7,990,084	15.81%
	Contractors		
238210	Electrical	\$5,395,103	10.68%
238910	Site Preparation Contractors	\$3,136,362	6.21%
541330	Engineering Services	\$7,734,617	15.30%
541620	Environmental Consulting Services	\$202,280	0.40%
562111	Solid Waste Collection	\$6,366,427	12.60%
922160	Fire and Rescue	\$1,920,000	3.80%
237990	Other Heavy and Civil Engineering	\$17,791,865	35.21%
	Construction		
238110	Poured Concrete Foundation and Structure	\$7,990,084	15.81%
	Contractors		
238210	Electrical	\$5,395,103	10.68%
		\$50,536,738	100.0%

IV. GOAL METHODOLOGY

A. Step 1: Determination of a Base Figure (26.45)¹¹

To establish the SJC Base Figure of the relative availability of DBEs relative to all comparable firms (DBE and Non-DBE) available to bid or submit proposals on SJC FAA-assisted contracting opportunities projected to be solicited during the triennial goal period, SJC followed the prescribed federal methodology to determine relative availability. This was accomplished by assessing the *California Unified Certification Program (CUCP) DBE Database of Certified Firms* and the 2024 *U.S. Census Bureau Quarterly Census of Employment and Wages Database* within the SJC market area (defined as Alameda and Santa Clara counties) for each of the categories of work defined in Table 2.

Base Figure = $\sum \frac{(\text{Number of Ready, Willing and Able DBEs})}{(\text{Number of All Ready, Willing and Able Firms})} x$ weighted ratio

ð For the numerator:	CUCP DBE Database of Certified Firms
ð For the denominator:	2024 U.S. Census Bureau Quarterly Census of Employment
	and Wages Database

⁹ The total dollars for each category of work (NAICS) that are summed from the values in Table 2.

¹⁰ The percentage of dollars for each category of work (NAICS) for all projects anticipated to be awarded.

¹¹ 26.45 represents Title 49 CFR Part 26 regulatory goal setting methodology reference.



In accordance with the formula listed below, the Base Figure is derived by:

- a. Relative Availability: dividing the number of ready, willing and able DBE firms identified for each NAICS work category by the number of all firms identified within the market are for each corresponding work category,
- b. Weighted Relative Availability: weighting the relative availability of each work category by the corresponding work category weight from Table 2 (*NAICS* %) to determine the Weighted Ratio for each NAICS work category and adding the weighted ratio figures together.

A concerted effort was made to ensure that the scope of businesses included in the numerator was as close as possible to the scope included in the denominator.

The relative availability of DBEs is calculated in Table 4 below.

NAIC S Code	Category of Work	DBEs	ALL Firms	Rel. Aval. ¹⁴
237990	Other Heavy and Civil Engineering Construction	0	19	0.0%
238110	Poured Concrete Foundation and Structure Contractors	1	168	0.6%
238210	Electrical Contractors and Other Wiring Installation Contractors	14	906	1.6%
238910	Site Preparation Contractors	7	161	4.4%
238990	All Other Specialty Trade Contractors	9	1,048	0.9%
541330	Engineering Services	15	144	10.4%
541620	Environmental Consulting Services	0	83	0.0%
562111	Solid Waste Collection	0	4	0.0%
	Total	46	2,533	1.8%

TABLE 4: DBE Relative Availability (amounts subject to rounding differences)

The relative availability of DBEs from Table 4 is 2.7%. However, to make the Base Figure more accurate, SJC used weighting to take into account the amount of work that is available for each category of work (NAICS).

The weighted relative availability of DBEs is calculated in Table 5 below.

¹² The number of DBEs in the market area for each NAICS code from the CUCP DBE Database of Certified Firms.

¹³ The number of all firms (DBE and non-DBE) in the market area for each NAICS code from the 2024 U.S. Census Bureau Quarterly Census of Employment and Wages Database.

¹⁴ The number of DBEs divided by the number of all firms.



TABLE 5: DBE Weighted Relative Availability

(amounts subject to rounding differences)

NAICS Code	Category of Work	Rel. Aval. ¹⁵	Estimated FAA % by NAICS ¹⁶	Weighted Ratio ¹⁷
237990	Other Heavy and Civil Engineering	0.0%	34.9%	0.0%
	Construction			
238110	Poured Concrete Foundation and Structure	0.6%	15.7%	0.1%
	Contractors			
238210	Electrical Contractors and Other Wiring	1.5%	10.6%	0.2%
	Installation Contractors			
238910	Site Preparation Contractors	4.3%	6.1%	0.3%
238990	All Other Specialty Trade Contractors	0.9%	15.2%	0.1%
541330	Engineering Services	10.4%	0.4%	0.0%
541620	Environmental Consulting Services	0.0%	12.5%	0.0%
562111	Solid Waste Collection	0.0%	4.7%	0.0%
Total				0.7%

B. Step 2: Adjusting the Base Figure

Upon establishing the Base Figure, SJC reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within the market area, in accordance with prescribed narrow tailoring provisions as set forth under 49 CFR Part 26.45: Step 2, DBE Goal Adjustment Guidelines.

Evidence considered in adjusting the Base Figure included Past DBE Goal Attainments and Other Evidence, as follows:

1) Past DBE Goal Attainments

Historical DBE participation attainments provide demonstrable evidence of DBE availability and capacity to perform on SJC projects. The projects anticipated to be awarded during the triennial period are substantially similar to those awarded in the recent past. SJC proceeded to calculate past DBE participation attainments for the three (3) federal fiscal years, for which DBE attainment data is available. The table below reflects the demonstrated capacity of DBEs (measured by actual historical DBE participation attainments) on FAA-assisted contracts awarded by SJC within the last three (3) federal fiscal years.

¹⁵ From Table 4

¹⁶ From Table 3

¹⁷ The NAICS weight multiplied by the relative availability.



FEDEAL FISCAL YEAR (FFY)	FAA DBE GOAL % ¹⁸	FAA DBE % ATTAINMENT
FFY 2022	4.1%	5.3%
FFY 2023	5.0%	11.3%
FFY 2024	5.0%	0.6%
Median DBE Attainme FFY		5.3%

TABLE 6: Past Participation

The median established for the past three (3) federal fiscal years (5.3%) is lower than the Base Figure derived from Step 1 (0.8%); therefore, an adjustment to the Base Figure based on SJC past DBE goal attainments has been made. The adjustment is calculated in accordance with FAA guidance by averaging the Base Figure with the median DBE Past Attainment, as shown below.

(amounts subject to rounding differences)

Step 1 Base Figure ¹⁹	0.7%
Median DBE Attainment ²⁰	5.3%
Adjusted Base Figure ²¹	3.0%

2) Disparity Studies

SJC reviewed a number of recent Federal DBE Program-related disparity studies in California. Those studies reveal quantitative and qualitative evidence that minority- and women-owned businesses do not have the same access to financing, bonding, and insurance as non-Hispanic white male-owned businesses in California. Any barriers to obtaining financing, bonding, and insurance might affect opportunities for minorities and women to successfully form and operate construction and engineering businesses in SJC's marketplace. Any barriers that minority- and women-owned businesses face in obtaining financing, bonding, and insurance would also place those businesses at a disadvantage in obtaining SJC FAA-funded prime contracts and subcontracts.

The 2017 San Francisco Bay Area Rapid Transit District (BART) Disparity Study²², which includes Alameda and Santa Clara counties, found statistically significant disparity across all categories of work, including architecture and engineering, construction, professional services, other services, and procurement.

¹⁸ The FAA DBE Goal percentage for each Federal Fiscal Year.

¹⁹ From Table 5.

²⁰ From Table 6.

²¹ The average of the Base figure and the median DBE attainment [(0.7% + 5.3%) ÷ 2].

²² https://www.bart.gov/sites/default/files/docs/VI.BART%20Final%20Report.Volume%20I.1.12.2017 0.pdf



The 2015 San Francisco Municipal Transportation Agency (SFMTA) Disadvantaged Business Enterprise Availability, Utilization and Disparity Study²³ (2015 SFMTA Disparity Study) conducted quantitative and qualitative analyses of conditions in SFMTA's local marketplace, (which includes Santa Clara and Alameda Counties) to examine whether barriers exist in the marketplace in the construction and engineering industries for minority- and women-owned businesses and whether such barriers affect the utilization and availability of these businesses for SFMTA contracting. The 2015 SFMTA Disparity Study's quantitative analyses show barriers in the San Francisco Bay Area marketplace for minority- and woman-owned businesses in the areas of entry and advancement, business ownership, access to capital, and success of businesses.

The 2016 Caltrans FHWA Disparity Study²⁴ includes Santa Clara and Alameda counties and demonstrates substantial disparities in the utilization of minority- and women-owned businesses in transportation-related construction and professional services contracting.

While these disparity studies demonstrate that disparity exists in federal contracting, no adjustments to the SJC base figure were made due to the result of any disparity studies.

3) Other Available Evidence

SJC is not in possession of other information that would have an impact on the DBE goal assessment and has not made an adjustment to the SJC base figure due to the result of other airport goals.

V. PROPOSED OVERALL DBE GOAL

Since the Ninth Circuit Court of Appeals decision regarding Western States Paving v. Washington State Department of Transportation, SJC has set race neutral goals. SJC will periodically reevaluate its DBE Program to determine whether contract goals are necessary to achieve the overall goal. If after re-evaluation SJC believes a race-conscious program is necessary, as required by Western States, SJC will gather evidence to determine if discrimination in the transportation contracting industry is present. SJC will make a determination at that time what type of evidence gathering is appropriate, based on DOT regulations and case law.

The Proposed Overall DBE Goal for FFY 2026-2028 for SJC FAA-assisted contracts is 3.0%.

SJC will continue to have a race-neutral DBE Program for FFY 2026-2028. SJC has been able to achieve DBE participation by using only race-neutral methods and will continue to use the existing race-neutral measures as listed below and will consider new measures in order to achieve even greater participation over the triennial period. SJC will carefully monitor participation during the course of the goal period. At the conclusion of each year during the goal period, SJC will re-evaluate the effectiveness of the race-neutral methods and determine if it is necessary to institute a race-conscious portion and contract specific goals. If, in the future, as a result of this re-evaluation, SJC decides to implement race-conscious means, SJC will submit a revised DBE Goal Methodology for FTA's review and approval.

²³ <u>https://www.sfmta.com/sites/default/files/agendaitems/2016/4-19-</u>

^{16%20}Item%2014%20Disparity%20Study%20-%20report.pdf

²⁴ <u>http://www.dot.ca.gov/obeo/docs/2016DisparityStudyReport.pdf</u>



SJC has a race-neutral DBE Program and is not using race-conscious methods, including contract specific goals. SJC will use solely race-neutral methods, as shown below, to meet the overall DBE goal of 3.0% for FFY 2026-2028 in accordance with Title 49 CFR Part 26.51.

RACE-CONSCIOUS & PROJECT	
DBE Adjusted Base Figure	3.0%
Race-Conscious Component	0.0%
Race-Neutral Component	3.0%

VI. RACE-NEUTRAL IMPLEMENTATION MEASURES

SJC is currently implementing a number of race- and gender-neutral remedies. In order to outreach and promote the participation of DBEs and small businesses in the SJC FAA-assisted contracting program and to increase the effectiveness of these remedies, SJC plans to continue utilizing existing remedies and will continue to explore other options for consideration based on SJC success in meeting its overall DBE goals based on these efforts.

SJC will:

- Arrange contract solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate and maximize DBE and other small business participation.
 - SJC will encourage prime contractors to identify subcontracting work that DBEs may bid on.
 - SJC will provide greater detail on the importance of the DBE program at prebid/proposal meetings.
 - SJC will invite all DBEs in the market area that perform the type of work included in a solicitation to the pre-bid/proposal meeting.
 - SJC will provide time before or after pre-bid/proposal meetings to allow for prime and subcontractor networking.
 - SJC will disseminate bid opportunity information to Small, Minority, Women and other Business Organizations within the market area.
- SJC will offer instructions and clarification on bid specifications, procurement policy, procedures, and general bidding requirements. SJC will provide information on subcontracting practices and bonding requirements and provide instructions and clarification on job performance requirements.
 - SJC will review solicitation language to provide an emphasis on the importance of the DBE program.
 - SJC will utilize the California Unified Certification Program website to provide prospective bidders with a list of all DBEs in the market area that perform the type of work included in a solicitation:

http://www.dot.ca.gov/hq/bep/find_certified.htm



- Maintain a file of successful bid documents from past procurements and permit potential participants to review and evaluate such documents.
 - SJC will offer unsuccessful DBE bidders the opportunity for a debrief to help them understand areas in which they can improve their bid/proposal in the future.
- Host and participate in workshops for the DBE and small business contracting community.
 - SJC will attend and participate in vendor fairs hosted by other public agencies in order to learn about best practices for DBE and small business inclusion on procurement.
- As a supportive service to help develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses, SJC will actively promote the small business conferences, programs, and support services offered by other agencies that have established DBE and other small business programs.
 - SJC will refer DBEs and other small businesses to the local Small Business Development Centers, and other local government related entities for technical assistance and other business development services.
- SJC will advise its contracting community of the online directory of certified DBEs, found at the California Unified Certification Program website: <u>www.dot.ca.gov/hq/bep/find_certified.htm</u>
- SJC will advise the contracting community of the available small businesses certified by the California Department of General Services (DGS): <u>http://www.dgs.ca.gov/pd/Programs/eprocure.aspx</u>
- On a case-by-case basis and depending on the availability and capacity of small businesses to perform subcontract opportunities, the City will implement race-neutral Small Business Enterprise incentives on federally funded contracts.

Fostering Small Business Participation²⁵

SJC has implemented several strategies to foster small business participation in its contracting process. These include the following:

- Conducting "How to do Business with SJC" and DBE workshops.
- On larger prime contracts, encouraging the prime contractor to consider subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
- Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- Ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
- Provide outreach to current SJC contractors or past SJC contractors who may qualify for DBE-certification by encouraging them to seek and obtain DBE-certification.

²⁵ See Title 49 CFR Part 26 Section 26.39 "Fostering Small Business Participation."



VII. PUBLIC PARTICIPATION AND FACILITATION

In accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, small, and local business associations, and community organizations within the SJC market area were consulted and provided an opportunity to review the triennial goal analysis and provide input.

SJC posted a Public Notice to the airport's website on April 24, 2025, publishing the SJC Draft Proposed FAA Overall DBE Goal-Setting Methodology for FFY 2026-2028 (See ATTACHMENT 1: Website Notification). The notice informed the public that the proposed goal and rationale were available for inspection at the SJC principal office during normal business hours and SJC would accept comments on the goal analysis for 30 days. This notice was also distributed to the following:

- Posted to FAA DBE Opportunities on April 24, 2025
- Posted to Airport Minority Advisory Council's Events Page on April 24, 2025
- Presented to Airport Commission on May 12, 2025
- Sent to the Council Members, the San Jose Minority Business Development Agency, Airport Minority Advisory Council, Small Business Development Center -Hispanic Chamber (SBDCHC), and various Business & Ethnic Chambers.

SJC reached out to local minority, women, and community business organizations to provide them information on the SJC DBE program and specifically the Draft Proposed FAA Overall DBE Goal-Setting Methodology for FFY 2026-2028. Each organization will be contacted and given an opportunity for a one-on-one meeting or to participate in a webinar. This notice also provided information about how to attend the Stakeholder meeting. ATTACHMENT 2: Consultative Process Summary includes SJC's outreach efforts, and any comments received from the organizations.

SJC hosted a webinar on May 27, 2025 from 11:00 a.m. to 2:00 p.m. SJC provided the option to participate virtually in order to accommodate more participation from the public. Stakeholders were able to join via Microsoft Teams.

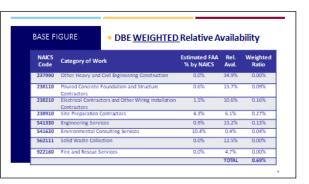
During this Stakeholder Meeting, a PowerPoint presentation was shown explaining the DBE program and the FFY 2026-2028 Triennial DBE Goal Methodology. The following slides were presented at the Stakeholder Meeting.

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NEXT STEPS	
	1. Public Consultation through 6/2
3 .0%	2. Analyze Responses
	3. Revise Goal, as needed
Draft Proposed DBE Goal	4. Finalize Goal
	5. Submit Final Goal to FAA

PAST PERFOR	RMANCE		ADJUSTMENT	
FEDEAL FISCAL	FAA DBE	FAA DBE 16	Step 1 Base Figure	0.7%
YEAR (FFY)	GDAL %	ATRINMENT	Median DBE Attainment	5.3%
FFY 2022	4.1%	5.3%	Adjusted Base Figure	3.0%
FFY 2023	5.0%	0.6%		
	5.0%			
Last 2	nment Within the FFYs	5.3%		
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ATTACHMENT 1: Website Notification



Home / Standards and Guidelines / Disadvantaged Business Enterprise (DBE)

Disadvantaged Business Enterprise (DBE)

Notice to Public: Posted April 24, 2025

Federal Aviation Administration (FAA) Disadvantaged Business Enterprise (DBE) Project Goal Federal Fiscal Years 2026-2028 Stakeholder Notice 2025.pdf

The City of San Jose has established a Disadvantaged Business Enterprise (DBE) Program for San José Mineta International Airport in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Airport's DBE plans are:

- Norman Y. Mineta San José Int'l Airport FFY 2023-2025 DBE Plan
- Norman Y. Mineta San José Int'l Airport FFY 2020-2022 DBE Plan
- Norman Y. Mineta San José Int'l Airport FFY 2017-2019 DBE Plan

DBEs are encouraged to explore the following sites, which may have resources available to assist your business:

- Office of Small and Disadvantaged Business Utilization
- Small Business Transportation Resource Centers
- The Financial Assistance Division administers the Short Term Lending Program (STLP) and Bonding Education Program (BEP)
- DBE Technical Assistance Resources from the U.S. Dept. of Transportation

If you are a small disadvantaged business, please make sure you are certified in the State of California. Certification puts you in the statewide California DBE database, which is often a place that many public agencies use for outreach about potential public works projects. For more information about certification:

- · Details about the requirements and application are available from the California Unified Certification Program
- Two local agencies that can process your DBE application are: VTA and SFMTA

Please contact the following for additional information or to be added to our outreach list:

ACDBE & DBE Contact:

Magdelina Nodal, Civil Rights Coordinator/Liaison San José Mineta International Airport 1701 Airport Boulevard, Suite B-1130 San José, CA 95110-1206 mnodal@sjc.org









NOTICE TO PUBLIC – APRIL 24, 2025

SAN JOSE MINETA INTERNATIONAL AIRPORT FEDERAL AVIATION ADMINISTRATION DBE GOAL FEDERAL FISCAL YEARS 2026-2028

In accordance with 49 CFR Part 26.45(g), the City of San Jose Mineta International Airport (SJC), as a recipient of U.S. Department of Transportation (DOT) assistance, announces, a proposed Federal Aviation Administration (FAA) Disadvantaged Business Enterprise (DBE) project overall project goal of 3.0% for the project period. This race-neutral goal represents the percentage of work to be performed by certified DBE firms on SJC's FAA-assisted projects during the project period.

The methodology used to determine the proposed goal will be available for public inspection for thirty (30) days from the date of this notice, Monday through Friday from 8:00 a.m. to 4:00 p.m. at the following location:

City of San Jose Mineta San Jose International Airport 1701 Airport Blvd. Ste B-1130 San José, CA 95110 Tel: (408) 392-3673

The U.S. DOT and SJC will accept comments on this proposed goal for 30 days from the date of this notice.

A Stakeholder Meeting will also be held at the following:

May 27th, 2025 11 a.m. to 2:00 pm Virtual Meeting link to follow with RSVP

For further information on the Stakeholder Meeting or to RSVP for the zoom link reach out to: Magdelina Nodal via email to mnodal@sjc.gov or phone by 408-392-3673.

Written comments to the SJC DBE Liaison Officer, Magdelina Nodal, may be sent to the address above and/or emailed to <u>Mnodal@sjc.org</u>.

Written comments can also be sent directly to the FAA, DBE/ACDBE Compliance Specialist for the Western Pacific Region, P.O. Box 920078, Los Angeles, CA 90009-2007. Written comments at both locations will be accepted until June 2, 2025.

1701 Airport Boulevard, Suite B-1130, San José, CA 95110-1206

flysanjose.com

408.392.3600



ATTACHMENT 2: Consultative Process Summary

List of Minority/Trade Organizations

Company & Address	Contact Info	N	otes	Comments
Building & Construction Trades Council	David Bini, Executive Director david@scbtc.org; 408-265-7643	•	Email notifications sent 5/7	No comments received.
Filipino American Chamber of Commerce of Silicon Valley	info@filamchamber.org; (408) 283-0833	•	Email notifications sent 5/7	No comments received.
San Francisco Bay Area Hispanic Chamber of Commerce	info@sfbayhcc.com; (415) 572-3568	•	Email notifications sent 5/7	No comments received.
Hispanic Chamber of Commerce Silicon Valley	Dennis King, Executive Director dennisk@hccsv.org; Connie Madrigal, Office Manager- Executive Assistant connie@sbdchc.org; info@hccsv.org; (408) 248-4800	•	Email notifications sent 5/7	No comments received.
Silicon Valley Minority Business Consortium	Walter Wilson walter@minoritybusinessconsortium.com; Reginald Swilley swilley@minoritybusinessconsortium.com; info@minoritybusinessconsortium.com; 408-660-9171	•	Email notifications sent 5/7	No comments received.



Company & Address	Contact Info	Notes	Comments
San Jose MBDA Business Center	Tony Tang ttang@sanjosembdacenter.com; info@asianinc.org; 408-998-8058 x134	 Email notifications sent 5/7 	No comments received.
National Association of Women Business Owners Silicon Valley	info@nawbo-sv.org; communications@nawbo-sv.org (408) 657-7190	Email notifications sent 5/7	No comments received.
Oakland African American Chamber of Commerce Airport Plaza Building	office@oaacc.org; 510-268-1600	Email notifications sent 5/7	No comments received.
Silicon Valley Vietnamese American Chamber of Commerce	info@svvacoc.org; 408.673.7181	Email notifications sent 5/7	No comments received.
The Silicon Valley Black Chamber of Commerce	info@blackchamber.com; 408-288-8806	Email notifications sent 5/7	No comments received.
City of San Jose - Capital of Silicon Valley District I	Vice Mayor Chappie Jones, Chair David Gomez, Chief of Staff david.gomez@sanjoseca.gov (408) 535-4901	Email notifications sent 5/7	No comments received.
Korean American Chamber of Commerce of Silicon Valley	Ken Kim kaccosv@gmail.com (408) 781-8346	Email notifications sent 5/7	No comments received.



Company & Address	Contact Info	Notes	Comments
Santa Clara County Korean American Chamber of Commerce	(408) 747-9894 scckacc@gmail.com	 Email notifications sent 5/7 	No comments received.
Rainbow Chamber of Commerce	Bettie Owen info@rainbowchamber.com (916) 266-9630	Email notifications sent 5/7	No comments received.
Silicon Valley Chinese Technology & Business Association	Helen Wang svctba@gmail.com	Email notifications sent 5/7	No comments received.
Vietnamese American Chamber of Commerce of Northern California	Nga Nguyen ncvacoc@gmail.com 408-676-9789	Email notifications sent 5/7	No comments received.
Winchester Business Association	Ken Kelly president@winchesterba.org (408) 823-8201	Email notifications sent 5/7	No comments received.
Latino Business Foundation	Jesus Flores Info@lbfsv.org 408.618.8599	Email notifications sent 5/7	No comments received.
San Jose Chamber of Commerce	Derrick Seaver derricks@thesvo.com Kathryn Satcher, COO kathryns@sjchamber.com (408) 291-5260	Email notifications sent 5/7	No comments received.