

FY 2026 – FY 2028 DBE GOAL UPDATE

Airport Sponsor: North Dakota Aeronautics Commission & North Dakota General Aviation Airports

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Goal Period: October 1, 2025 to September 30, 2028

Overall Goal: **4.00%** (4.00% race conscious + 0% race neutral)

OVERALL GOAL:

The overall goal of the North Dakota Aeronautics Commission and North Dakota General Aviation Airports for FY 2026 – FY 2028 is 4.00% of the FAA grant program. We anticipate approximately \$45,772,000 of FAA funding, of which \$1,835,458 will be anticipated with DBE participation in these fiscal years. The Commission and General Aviation airports compete for bidders with other public airports and with highway-related work.

METHOD:

Step 1: The North Dakota Department of Transportation determined the availability of DBEs from information supplied by all federal-aid bidders on prime and consultant contracts, from April 1, 2022, to March 30, 2023. NDDOT believes this timeframe is appropriate as the difference between the kind of federal projects let during this timeframe and those planned for FY 2024-2026 were considered insignificant. The data from this timeframe is an accurate reflection of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate on DOT-assisted contracts. There was a total of 391 bidders and quoters on construction projects: 49 DBEs and 342 non-DBEs. A total of 62 consultants bid or were included in the bid on consulting projects: 4 DBEs and 58 Non-DBEs. A weighted average was developed by determining the comparative percentage non-DBEs and DBEs obtained in prime contracting (Asphalt, Bridge, Concrete, Consulting, Dirt, and Additional Contracting Opportunities) and consulting dollars. **This calculation established a base figure for Step 1 of 4.21%.**

Description of Calculation Performed - The relative availability was calculated by dividing the number of DBE primes that bid on Asphalt contracts (0) by the number of total prime bidders (32); and multiplying that quotient by the percentage of dollars projected for asphalt work in FY 2024-2026 as compared to overall dollars projected to be spent in FY 2024-2026 and multiplying that by the percent of work paid to primes in 2022-2023 ($\$933,616,489 / \$1,547,691,806 = 60.32\% \times 73.23\% = 44.17\%$).

$$0 \text{ DBE primes} / 32 \text{ total primes} = 0.00\% \times 44.17\% = 0.00\%$$

The relative availability was calculated by dividing the number of DBE primes that bid on Bridge contracts (0) by the number of total prime bidders (11); and multiplying that quotient by the percentage of dollars projected for bridge work in FY 2024-2026 as compared to overall dollars projected to be spent in FY 2024-2026 and multiplying that by the percent of work paid to primes in 2022-2023 ($\$217,639,160 / \$1,547,691,806 = 14.06\% \times 73.23\% = 10.30\%$).

$$0 \text{ DBE primes} / 11 \text{ total primes} = 0.00\% \times 10.30\% = 0.00\%$$

The relative availability was calculated by dividing the number of DBE primes that bid on Concrete contracts (0) by the number of total prime bidders (21); and multiplying that quotient by the percentage of dollars projected for concrete work in FY 2024-2026 as compared to overall dollars projected to be spent in FY 2024-2026 and multiplying that by the percent of work paid to primes in 2022-2023 ($\$6,694,125 / \$1,547,691,806 = 0.43\% \times 73.23\% = 0.32\%$).

$$0 \text{ DBE primes} / 21 \text{ total primes} = 0.00\% \times 0.32\% = 0.00\%$$

The relative availability was calculated by dividing the number of DBE primes that bid on Dirt contracts (1) by the number of total prime bidders (17); and multiplying that quotient by the percentage of dollars projected for dirt work in FY 2024-2026 as compared to overall dollars projected to be spent in FY 2024-2026 and multiplying that by the percent of work paid to primes in 2022-2023 ($\$165,328,472 / \$1,547,691,806 = 10.68\% \times 73.23\% = 7.82\%$).

$$1 \text{ DBE primes} / 17 \text{ total primes} = 5.88\% \times 7.82\% = 0.46\%$$

The relative availability was calculated by dividing the number of DBE primes that bid on Additional Contracting Opportunities contracts (1) by the number of total prime bidders (21); and multiplying that quotient by the percentage of dollars projected for other work in FY 2024-2026 as compared to overall dollars projected to be spent in FY 2024-2026 and multiplying that by the percent of work paid to primes in 2022-2023 ($\$129,138,057 / \$1,547,691,806 = 8.34\% \times 73.23\% = 6.11\%$).

$$1 \text{ DBE primes} / 21 \text{ total primes} = 4.76\% \times 6.11\% = 0.29\%$$

The relative availability was calculated by dividing the number of DBE Consultants that responded to an RFP or were included in a consultants response to an RFP (1) by the number of total consultants (25); and multiplying that by the percentage of dollars projected for consultants in FY 2024-2026 as compared to overall dollars projected to be spent in FY 2024-2026 and multiplying that by the percent of work paid to primes in 2022-2023 ($\$30,645,000 / \$1,547,691,806 = 1.98\% \times 1.10\% = 0.02\%$).

$$1 \text{ DBE consultants} / 26 \text{ total consultants} = 3.84\% \times 0.02\% = 0.0008\%$$

The relative availability was calculated by dividing the number of DBE Subcontractors that bid (47) by the number of total subcontractors (343); and multiplying that sum by the percentage of dollars in 2022-2023 (25.29%). This serves as an indicator of the overall total dollars projected to be spent in FY 2024-2026.

$$47 \text{ DBE subcontractors} / 343 \text{ total subcontractors} = 13.70\% \times 25.29\% = 3.46\%$$

Resulting Baseline Goal - The baseline goal for North Dakota is **4.21%**.

$$0.46\% + 0.29\% + 0.0008\% + 3.46\% = 4.21\%$$

Step 2: We calculated the median participation from the past ten years which came to 3.80%. Averaging 3.80% and 4.21% brings the adjusted base figure to 4.00%.

The median past participation was calculated by sorting the DBE achievements in numerical order and then removing an equal number of entries from the lowest and the highest achievements. The remaining percentages were summed and then divided by the count of the remaining entries.

Fiscal Year	Percent Achieved
2015	0.2%
2018	0.8%
2017	1.5%
2020	3.1%
2016	3.2%
2021	4.4%
2022	5.0%
2024	8.3%
2023	9.8%
2019	14.9%

$$\text{Median Past Participation Calculation: } 3.2\% + 4.4\% = 7.6\% / 2 = 3.80\%$$

The average of the Step One Base Figure and the median past participation was calculated by adding the Median Past Participation in Step 1 and dividing by two.

$$3.80\% + 4.21\% = 8.01\% / 2 = 4.00\% \text{ Step One Base Figure adjusted for past participation.}$$

ADJUSTMENTS

ND DOT also considered available evidence from related fields that affect the opportunities for DBEs to form, grow, and compete. To determine the effects of discrimination on opportunities for DBEs to get financing, bonding, or insurance, The ND DOT contacted the following:

ND Attorney General's Office
ND Department of Banking and Financial Institutions
ND Department of Commerce
ND Department of Human Services
ND Small Business Development Center
ND Office of Management and Budget
ND University System
Independent Bankers Association

No information was received from these sources. An adjustment based on this evidence was not warranted. No disparity studies have been conducted in the state.

NDDOT conducted a virtual public consultation meeting to allow input from stakeholders. This meeting was held via Microsoft Teams on Tuesday, September 12th, 2023. A question was received "If Prime Bidders are using 'Non-Low' DBE subcontractors when preparing our proposals in lieu of risking losing a project through the Good Faith review, does this have an effect on the department setting their goal?", to which ND DOT determined "It would have an impact, but the impact would be extremely minimal in the overall scope of things."

It is estimated that the Commission and General Aviation airports would achieve 4.00% from race conscious participation and 0% through race neutral measures. This goal will be sent forward to consultation and public notice will be posted via the Commission's website.

PROCESS

The North Dakota Aeronautics Commission and North Dakota's General Aviation airports submit an overall goal on August 1st of each three-year cycle for all FAA grants that exceed \$250,000. Before establishing the overall goal, the Commission and General Aviation airports will consult with the North Dakota Department of Transportation and then utilize the current listing of minority contract associations in the DBE roster (Minority Contractors Association of ND and Minority Association of Contractors) to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts to establish a level playing field for participation of DBEs. The NDDOT web site provides information on the DBE program, goals, and certification.

A virtual consultation meeting is scheduled for July 16th, 2025 at 2:30 pm CT. Prior to submitting the goal to the operating administration, the North Dakota Aeronautics Commission will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection and comments during normal business hours at the North Dakota Aeronautics Commission offices for a period of 30 days following the date of this notice. The notice will be posted on the agency's website at <https://aero.nd.gov> and will include addresses to which comments may be sent and where the proposal may be reviewed. The North Dakota Aeronautics Commission and North Dakota General Aviation airports will begin using the updated overall goal on October 1st of each third year, unless different instructions are received from the FAA or DOT.

BREAKOUT OF ESTIMATED RACE-NEUTRAL AND RACE CONSCIOUS PARTICIPATION:

The North Dakota Aeronautics Commission and North Dakota General Aviation airports will meet the maximum feasible portion of their overall goal by using race-neutral means of facilitating DBE participation. The Commission and airports use the following race-neutral means to increase DBE participation:

1. Advertise program goals.
2. Encourage prime contractors to subcontract portions of their work they would otherwise perform.
3. Provide engineer consultant technical assistance and other services to fill out bids.
4. Ensure prime contractors have lists of potential DBE subcontractors.
5. Inform prime contractors of past DBE participants.
6. Ensure prime contractors have the web address for the ND DOT DBE Directory.
7. Utilize engineer consultants to administer and monitor compliance.

For reporting purposes, race-neutral DBE participation includes but is not necessarily limited to:

1. DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures or through the consultant selection process;
2. DBE participation through a subcontract on a prime contract that does not carry a DBE goal; and
3. DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

It is estimated that, in meeting the overall goal of 4.00%, the Commission and General Aviation airports will achieve 4.00% from race-conscious participation and 0% through race-neutral means.

CONTRACT GOALS

The Commission and General Aviation airports will use contract goals to meet any portion of the overall goal. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-conscious means.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established on every contract. The size of contract goals will be adapted to the circumstances of each such contract (e.g. type and location of work, availability of DBEs to perform the particular type of work).

Contract goals will be expressed as a percentage of the total amount of the DOT-assisted contract.