

Municipality of Anchorage

Port of Alaska

**PORT OF ALASKA MODERNIZATION PROGRAM
DESIGN/BUILD SERVICES FOR
HELIPAD AND ACCESS ROAD**

REQUEST FOR PROPOSAL NO. 2026P002

**SECTION V
Sample Contract**

**Exhibit N
MOA DBE Specifications for Municipal Projects**



DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE)
(including Emerging Small Business Enterprise (ESBE) program)

SPECIFICATIONS FOR MUNICIPAL CONTRACTS

For Projects Funded Wholly or in Part by Federal DOT

Federal Transit Administration (FTA)
Federal Aviation Administration (FAA)
Federal Highway Administration (FHWA)
Federal Maritime Administration (MARAD)

Part I: Applications

This project is funded wholly or in part with financial assistance from the U.S. Department of Transportation (DOT) through FTA, FAA or FHWA. It is subject to Anchorage Municipal Code Chapter 7.60, and the Disadvantaged Business Enterprise Program 49 C.F.R. 26 regarding the participation by Disadvantaged Business Enterprises in the Department of Transportation programs and to any other applicable federal and state regulations. The requirements of this program are mandatory. Bidders/Proposers shall be fully informed regarding the requirements of the above regulations. Particular attention is directed to the following matter:

A bidder/proposer who is not in compliance with the requirements of the applicable regulations or these specifications shall not be awarded this contract. Noncompliance after award of contract constitutes a breach of the contract and may result in termination of the contract or other appropriate remedy for such breach.

Part II: DBE Participation

The Municipality of Anchorage Office of Equal Opportunity is currently administering a race-neutral DBE program. This does not negate the importance of striving to meet DBE participation goals that have been submitted to the federal government in accordance with 49 CFR 26. This project has been identified as receiving funding from the following federal funding source and is associated with the following DBE participation objective as of October 4, 2025:

Federal Transit Administration (FTA) - 0%
Federal Aviation Administration (FAA) – 0%
Federal Highway Administration (FHWA) – 0%
Federal Maritime Administration (MARAD) - 0%

Part III: Solicitation of DBEs for This Project

- A. The Municipality of Anchorage (MOA) encourages bidders/proposers to actively solicit bids for the subcontracting of services and supplies from certified DBEs in order to assist the MOA in meeting its Race Neutral participation as stated in these specifications.

Part IV: Certified DBEs Eligible to Be Used for Credit on this Project - SECTION Reserved as of 10/4/2025

Part V: Credit for DBE Participation for the Project – SECTION Reserved as of 10/4/2025

Part VI: Submission of DBE Information

The requirements of this program are mandatory. Bidders/Proposers who do not submit these forms shall be considered non-responsive. Please reference Anchorage Municipal Code Chapter 7.60, and the Disadvantaged Business Enterprise Program 49 C.F.R. 26.

A. Invitation to Bid:

10-029 DBE STATEMENT
10-031 PAYMENT PROGRESS REPORTS ACKNOWLEDGEMENT
10-032 BIDDER REGISTRATION/DBE COMMITMENT

The above forms are to be included in the bid packet and are to be submitted to the Purchasing Department at bid opening.

** Payment Progress Reports (Form 10-031) must be submitted by Prime Contractor to the MOA DBE Officer by the 15th of every month for the life of the project.*

B. Request for Proposal:

10-029 DBE STATEMENT
10-032 BIDDER REGISTRATION/DBE COMMITMENT (page 1 only)

The above forms are to be included in the proposal and are to be submitted to the Purchasing Department at proposal closing.

10-031 PAYMENT PROGRESS REPORTS ACKNOWLEDGEMENT
10-032 BIDDER REGISTRATION/DBE COMMITMENT (completed form)

The above forms (10-031 and 10-032) are to be submitted to the Municipality of Anchorage, Office of Federal Compliance by the *successful proposer* at the completion of

contract negotiations. Failure to comply with these requirements will deem the contractor non-responsive.

** Payment Progress Reports (Form 10-031) must be submitted by Prime Contractor to the MOA DBE Officer by the 15th of every month for the life of the project.*

Part VII: Disadvantaged Business Enterprise Utilization

- A. If a successful bidder/proposer for a contract that contains DBE participation, at any time after the award of the contract, proposes to remove or make substitutions to DBE subcontractors, or joint venture partners under the contract, a written notice of such removal, or substitution shall be submitted to the DBE officer prior to substitution or removal. The successful bidder/proposer must also provide a reasonable explanation for the removal or substitution of the DBE. Where such removal or replacement would cause the DBE percentage to fall below the participation amount set for the project, the MOA encourages the successful bidder/proposer to utilize another DBE subcontractor as the replacement. These efforts shall be documented and the circumstances fully explained in writing, and approval obtained from the DBE officer prior to replacement.
- B. The Office of Federal Compliance (OFC) DBE officer shall monitor the contractor's DBE utilization to verify that the work is committed to certified DBE subcontractors.
- C. The Municipality encourages the successful bidder/proposer to refrain from requiring performance and/or payment bonds of their certified DBE subcontractors.
- D. The DBE officer or designee may visit the job site during regular working hours and interview subcontractors and employees for verification of compliance with these specifications and/or the regulations.

Part VIII: DBE Policy and Obligations

The following statement is included in the agreement between the Municipality and its contractor on this project and must also be included in each subcontract the prime contractor signs with a subcontractor or supplier on this project:

"The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, sexual orientation, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate."

Failure of the contractor or its subcontractors to carry out the requirements set forth above shall constitute a breach of contract after notification from the Municipality, may result in termination of the contract by the Municipality or such remedy as the Municipality deems appropriate.

Part IX: Required Prompt Payment to Subcontractors

This contract is funded wholly or in part with U.S. DOT funding. Verification of contractor's payments to certified DBEs will also be monitored throughout the duration of the project. No MOA credit will be made toward the contract participation until the payments are made to the certified DBE subcontractors. The Contractor is required to pay all subcontractors within eight (8) business days after receipt of payment from the MOA and after the work is completed satisfactorily.

Part X: Retainage

The MOA declines to hold retainage from prime contractors for DOT funded projects and prohibits withholding retainage from subcontractors.

Part XI: Proposer's and Bidder's Registration Information

The MOA is required by DOT federal regulation (49 C.F.R. § 26.11) to create a bidders list, consisting of information on all certified DBE and non-DBE firms, which bid or quote on DOT assisted contracts. The purpose of the bidders list is to provide the MOA with as much accurate data as possible regarding the universal makeup of DBEs, non-DBEs, and subcontractors seeking to work on federally assisted contracts.

Part XII: Emerging Small Business Participation

In compliance with 49 CFR Part 26.39: Fostering Small Business Participation, the Municipality of Anchorage (MOA) established an Emerging Small Business Enterprise (ESBE) component as part of the Disadvantaged Business Enterprise (DBE) Program to assist small business concerns and ensure such businesses are provided an opportunity to participate on USDOT funded projects. MOA may set Emerging Small Business goals on its contracts with subcontracting opportunities on a case-by-case basis. All references to Emerging Small Businesses in this document shall include Disadvantage Business Enterprises.

For additional information, please contact the Office of Federal Compliance for the Municipality of Anchorage:

**Office of Federal Compliance
(907) 343-4897
OFC@anchorageak.gov**

**P.O. Box 196650
Anchorage, AK 99519-6650**

**City Hall Building,
632 W. 6th Avenue, Suite 855
Anchorage, AK**



DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE)

DBE STATEMENT (Form 10-029)

Federal-Aid Contracts

RFP/ITB:

Project Name: _____

It is the policy of the Department of Transportation (DOT) and the Municipality of Anchorage (MOA) that Disadvantaged Business Enterprises have equal opportunity to participate in the performance of contracts financed in whole or in part with Federal funds. As such the undersigned certifies that the proposer/bidder is aware of and shall comply with 49 CFR § 26, Anchorage Municipal Code § 7.60, and all other applicable federal, state, and municipal laws and regulations concerning DBE participation in the Municipality's program, which are incorporated by reference as if fully set forth herein.

The undersigned acknowledges that the above statement holds true whether the MOA is implementing a race-conscious or race-neutral DBE program. Proposer/bidders are always encouraged to seek out and utilize DBE firms as subcontractors, manufacturers, and suppliers on this project. By submitting a bid for this project we acknowledge we have made genuine and tangible efforts to utilize certified DBE's and small business entities to assist the MOA in meeting its federal obligation.

To be eligible for award of this contract, the successful Proposer/Bidder must execute and submit this statement relating to the Municipality of Anchorage, Disadvantaged Business Enterprise (DBE) Program 49 CFR 26. Failure to complete and submit this statement, or the inclusion of a false statement, shall render the Proposer/Bidder non-responsive. False statements are punishable under AS 11.56.210.

This project is being funded in whole or in part by: FTA ____ FAA ____ FHWA ____ MARAD _____. The annual DBE percentage set by the MOA for this operating agency is **0%** currently and the undersigned hereby affirms the bidder/proposer has made a targeted effort to assist in the attainment of that goal.

Firm Name: _____

Principal's signature: _____ Date: _____

Principal's Name and Title: _____

If you have any questions regarding this form, please contact the DBE Officer at (907) 343-4897.



DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE)

10-031 Acknowledgement

Federal-Aid Contracts

RFP/ITB:

Project Name: _____

Over the life of the project, the Prime Contractor is required to submit monthly 10-031 forms. Please review the attached 10-031 report form and verify that you have read and understand the requirement to submit the completed form for all subcontractors (including DBE's and ESBE's) by the 15th of every month for the life of the contract.

☐ I have reviewed the 10-031 form and agree to submit this form monthly to the Municipality of Anchorage's DBE office for the duration of the project.

Firm Name: _____

Principal's signature: _____ Date: _____

Principal's Name and Title:

If you have any questions regarding this form, please contact the DBE Officer at (907) 343-4897.



DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE)

PAYMENT PROGRESS REPORTS (Form 10-031)

Federal-Aid Contracts

RFP/ITB: _____

Month/Year _____

Project Name: _____

This report MUST be submitted to the DBE Officer by the 15th of every month for the life of the contract, for payments made the previous month. Reports should start the month after the project begins and continue through until final payment is made. A copy of the check MUST be attached. (49 CFR 26)

PRIME CONTRACTOR FIRM NAME: _____

SUBCONTRACTOR PAYMENTS

Firm Name	Bid Item Paid (list separately)	Agreed Price	Amount Paid (this period)	Paid to Date	% of work completed to Date	Last Payment?

Signature required – form continued on the back

If you have any questions regarding this form, please contact the DBE Officer at (907) 343-4897.

PAYMENT PROGRESS REPORTS (Form 10-031)

SUBCONTRACTOR PAYMENTS continued

Firm Name	Bid Item Paid (list separately)	Agreed Price	Amount Paid (this period)	Paid to Date	% of work completed to Date	Last Payment?

If more spaces are required, use as many copies of the second page of this form as necessary. The contractor must sign each sheet to certify its content and completion. Are additional pages attached? Yes ____ No ____

Please provide a brief explanation of any zero dollar payments where work is not 100% completed and/or Agreed Price is not paid in full:

Person Submitting the Report: _____ Title: _____

Signature: _____ Date: _____

If you have any questions regarding this form, please contact the DBE Officer at (907) 343-4897.



DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE)

BIDDER REGISTRATION/DBE/ESBE COMMITMENT (Form 10-032)

Federal-Aid Contracts

RFP/ITB# _____

Project Name: _____

Each Prime and subcontractor responding to this bid/proposal MUST complete this form.

Please make copies as needed. 49 CFR 26 directs that certain information must be collected from both DBE and non-DBE contractors and subcontractors seeking to work on federally-assisted contracts.

Name of Firm: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Prime contractor ____ Subcontractor ____ DBE ____ Other Certification(s) _____

Age of firm or date established: _____

Firm's gross annual receipts:

- ☐ < \$500,000
- ☐ \$500,000 - \$999,999
- ☐ \$1,000,000 - \$4,999,999
- ☐ \$5,000,000 - \$9,999,999
- ☐ \$10,000,000 - \$16,999,999
- ☐ > \$17,000,000

AK Business License: _____

Contractor Registration No.: _____

DBE Certification No.: _____

If you have any questions regarding this form, please contact the DBE Officer at (907) 343-4897.

BIDDER REGISTRATION FORM (Form 10-032)

Federal-Aid Contracts

Description of Work to be performed:

Dollar amount committed: (Subcontractors) \$_____

For projects with federal-aid funding, I hereby certify Alaska Business License, the Municipality of Anchorage Contract Compliance Specifications, and contractor registrations will be valid for all subcontractors prior to award of the subcontractor.

The undersigned certifies that this Bidder/Proposer is aware of and shall comply with 49 CFR § 26, Anchorage Municipal Code section 7.60, and all other applicable federal, state, and municipal laws and regulations concerning participation in the Municipality's programs, which are incorporated by reference as if fully set forth herein.

Principal's Signature: _____ Date: _____

Principal's Name and Title: _____

If you have any questions regarding this form, please contact the DBE Officer at (907) 343-4897.