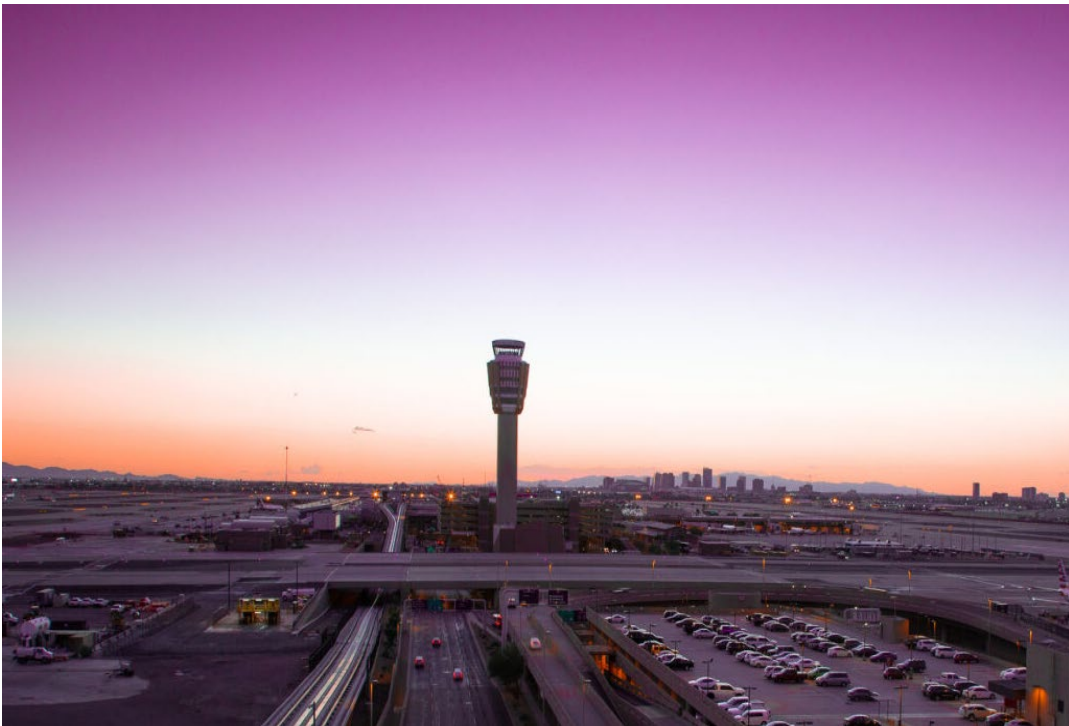




City of Phoenix

**Airport Concession
Disadvantaged Business Enterprise (ACDBE)
Program Plan**



November 2023

CITY OF PHOENIX ACDBE PROGRAM PLAN

Policy Statement

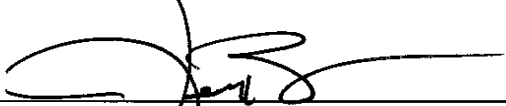
The City of Phoenix (City), owner of Phoenix Sky Harbor International, Goodyear, and Deer Valley Airports, has established an Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program in accordance with regulations of the U.S. Department of Transportation (USDOT), Code of Federal Regulations (CFR) 49, Part 23. The City has received federal financial assistance from USDOT, and as a condition of receiving this assistance, the City has signed an assurance that will comply with 49 CFR Part 23 (hereafter referred to as "Part 23").

It is the policy of the City to ensure that ACDBEs, as defined in Part 23, have an equal opportunity to receive and participate in concession opportunities. It is also City policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of concession opportunities by airports receiving USDOT financial assistance.
2. Create a level playing field on which ACDBEs can compete fairly for concession opportunities.
3. Ensure that the ACDBE Program is narrowly tailored in accordance with applicable law.
4. Ensure that only firms that fully meet 49 CFR Parts 23 and 26 eligibility standards are permitted to participate as ACDBEs.
5. Help remove barriers to the participation of ACDBEs in concession opportunities.
6. Promote the use of ACDBEs in all types of concession contracts and procurement activities.
7. Assist in the development of firms that can compete successfully in the marketplace outside the ACDBE Program; and,
8. Make appropriate use of flexibility afforded to recipients of federal financial assistance in establishing and providing opportunities for ACDBEs.

The Equal Opportunity Department (EOD) Director has been delegated as the ACDBE Liaison Officer (ACDBELO). In that capacity, the EOD Director is responsible for implementing all aspects of the ACDBE Program. Implementation of the ACDBE Program is accorded the same priority as compliance with all other legal obligations incurred by the City in its financial assistance agreements with the Department of Transportation.

The City has disseminated this policy statement to City management and to other such areas of the organization with a stake hold or interest in the ACDBE Program. This statement has been distributed to ACDBE and non-ACDBE business communities that may perform work on City concession contracts. The distribution was accomplished by email blasts and posting on City web pages.



City Manager, Jeff Barton

10/4/23
Date

SUBPART A – GENERAL REQUIREMENTS

Section 23.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 23.3 Definitions

The City of Phoenix (City) will use terms in this program that have the meaning defined in Part 23, Section 23.3, and Part 26, Section 26.5, where applicable.

Section 23.5 Applicability

Phoenix Sky Harbor International Airport (PSHIA) is a primary airport and the sponsor of federal airport funds authorized for airport development after January 1988 that was authorized under Title 49 of the United States Code. The City of Phoenix ACDBE Program Plan dated November 2023 provides updated program information and contacts and establishes an ACDBE overall goal including race- and gender-neutral measures for the City's Airport Concession Disadvantaged Business Enterprise (ACDBE) Program Plan previously approved by the Federal Aviation Administration (FAA).

Section 23.9 Non-discrimination Requirements

The City will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any concession agreement, management contract or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23 (**Attachment 8**) on the basis of race, color, sex, or national origin.

In administering its ACDBE Program, the City will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the ACDBE Program with respect to individuals of a particular race, color, sex, or national origin.

The City acknowledges these representations are also in accordance with obligations contained in its Civil Rights, DBE and ACDBE Airport grant assurances.

The City will include the following assurances in all concession agreements and management contracts it executes with any firm:

- (1) This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23.
- (2) "The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR Part 23 that it enters into and cause those businesses to similarly include the statements in further agreements."

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Section 23.11 Compliance and Enforcement

The City will comply with and is subject to the provisions of 49 CFR Part 26 (§ 26.101 and §§ 26.105 through 26.107).

The City will comply with this part or be subject to formal enforcement action under § 26.105 or appropriate program sanctions, such as the suspension or termination of federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122.

The City's compliance with all requirements of this part is enforced through the procedures of Title 49 of the United States Code, including 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

Compliance reviews: The FAA may review the City's compliance with this part at any time, including but not limited to, reviews of paperwork, on-site reviews, and review of the City's monitoring and enforcement mechanism, as appropriate. The FAA Office of Civil Rights may initiate a compliance review based on complaints received.

Any person who knows of a violation of this part by the City may file a complaint under 14 CFR Part 16 with the FAA Office of Chief Counsel.

The following enforcement actions apply to firms participating in the City's ACDBE Program:

- (a) For a firm that does not meet the eligibility criteria of subpart C of this part and that attempts to participate as an ACDBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the United States Department of Transportation (USDOT) or the FAA may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
- (b) For a firm that, in order to meet ACDBE goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart C of this part, USDOT or FAA may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
- (c) USDOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the ACDBE program whose conduct is subject to such action under 49 CFR part 31.
- (d) USDOT may refer to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of an ACDBE in the City's ACDBE Program or otherwise violates applicable federal statutes.

SUBPART B – ACDBE Programs

Section 23.21 ACDBE Program Updates

Since PSHIA is a large hub primary airport, it is required to have an ACDBE Program. As a condition of eligibility for FAA financial assistance, the City will submit its ACDBE Program Plan and overall goal to the FAA according to 23.45(a) of this section. This ACDBE Program is being implemented at PSHIA. When the City plans to make significant changes to its ACDBE Program, it will provide the amended program plan to the FAA for approval prior to implementing the changes.

Section 23.23 Administrative Provisions

Policy Statement: The City is committed to operating its ACDBE Program in a nondiscriminatory manner. The City's Policy Statement is elaborated on the first page of this program.

ACDBE Liaison Officer (ACDBELO): The City has designated the following individual as its ACDBELO:

Donald R. Logan, Director
City of Phoenix Equal Opportunity Department
200 West Washington Street, 15th Floor
Phoenix, AZ 85003
Phone: (602) 262-6258
Fax: (602) 534-1137
TTY: (602) 534-1557
Email: Donald.Logan@phoenix.gov

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE Program and ensuring that the City complies with all provisions of 49 CFR Part 23. The ACDBELO has direct, independent access to the City Manager concerning ACDBE program matters. **Attachment 1** is the organizational chart showing the ACDBELO's position in the organization.

The ACDBELO is responsible for developing, implementing, and monitoring the ACDBE Program, in coordination with other appropriate officials. The ACDBELO is supported by the following staff:

Equal Opportunity ACDBE Designee - The Deputy Equal Opportunity Director, under the direction of the Equal Opportunity Department Director, has authority for day-to-day oversight of the City's ACDBE Program. The Deputy Director supervises the development of plans, policies, procedures, and methods to ensure the effective and efficient operation of the program. This position reports to the Equal Opportunity Director. The Equal Opportunity Director may appoint the Deputy Equal Opportunity Director as his designee in his absence.

Aviation ACDBE Liaison - The Assistant Aviation Director serves as the Aviation ACDBE Liaison. This position has direct and independent access to the Aviation Director and is responsible for all civil rights matters including the ACDBE Program.

ACDBE Contract Compliance Specialist - The Aviation Department funds dedicated positions within the Equal Opportunity Department that provide day-to-day support of the ACDBE Program in the areas of goals, monitoring, overall program compliance, outreach, and certification. These positions report directly to the Deputy Equal Opportunity Director or his designee.

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Aviation Special Projects Manager - The Aviation Department hired a full-time position responsible for conducting outreach in the minority, women, and small business community to advise them of concession opportunities and educate them about the ACDBE Program and requirements, while seeking information to identify any potential obstacles to their participation in concession opportunities. This position reports directly to the Assistant Aviation Director or his designee.

Support/Other Responsible Staff - The Equal Opportunity Department has designated additional resources within the department to assist in the administration of the ACDBE Program. Equal Opportunity Specialists and Equal Opportunity Program Assistants assist in certification, outreach, and compliance monitoring.

In addition to those duties and responsibilities previously described, the ACDBELO and supporting staff also perform the following:

1. Gathers and reports statistical data and other information as required by FAA or USDOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
5. Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals)
6. Analyzes the City's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the City Manager on ACDBE matters and achievement.
9. Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance.
10. Plans and participates in ACDBE training seminars.
11. Acts as liaison to the Uniform Certification Program with the Arizona Unified Certification Program.
12. Provides outreach to ACDBEs and community organizations to advise them of opportunities.
13. Maintains the UCP's updated directory on certified ACDBEs and DBEs.

Directory: The City, through the Arizona Unified Certification Program (AZUCP), maintains a directory identifying all firms eligible to participate as ACDBEs, DBEs, and Small Business Concerns. The Directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. The AZUCP directory is able to produce a listing of firms that are certified as "airport concessions" for ACDBE searches. The AZUCP revises the Directory as new certifications are received and approved in real time. The Directory is available at: <https://utracs.azdot.gov/search>

Attachment 2 contains a link to the Directory.

Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs

The City will take the following measures to ensure nondiscriminatory participation of ACDBEs in concession and other covered activities. The City incorporates and adopts the following nondiscrimination policy statement:

The City will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Parts 23 and 26 on the basis of race, color, sex, or national origin.

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In administering its ACDBE Program, the City will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the ACDBE Program with respect to individuals of a particular race, color, sex, or national origin.

The City further agrees to meet the non-discrimination requirements provided in 49 CFR Part 26, § 26.7 with respect to the award and performance of any concession agreement, management contract or subcontract, purchase or lease agreement, or other agreement covered by this subpart.

The City will take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts and agreements covered under the ACDBE Program. These efforts will include, but are not limited to:

- Establishing overall program goals to encourage and achieve the maximum feasible ACDBE participation.
- Ensuring ACDBE participation in all types of concession activities so as not to over-concentrate participation in an area(s) to the exclusion of others.
- Undertaking pro-active and aggressive efforts to obtain the maximum feasible participation through race- and gender-neutral means in order to meet overall goals.
- Utilizing race- and gender-conscious measures (contract-specific goals) when race- and gender-neutral measures alone are not projected to be sufficient to meet overall goals.
- Ensuring concessionaires make good faith efforts to explore all available options for meeting goals, to the maximum extent practicable, through direct ownership arrangements with ACDBEs.

The City's overall goal setting methodology, which includes a description of the race- and gender-neutral measures it will take to meet the goals, are described in Section 23.25 and **Attachment 3** of this plan. The goals are set consistent with the requirements of Subpart D [23.25(b), (d)].

The City will require proposers and awardees subject to ACDBE Program requirements to make good faith efforts to explore all available options to meet FAA-approved overall goal, to the maximum extent practicable, through direct ownership arrangements with ACDBEs (Part 23.25(f)).

The City is committed to fostering the participation of small and disadvantaged businesses in all contracting opportunities. Under the ACDBE Program, the City employs various race- and gender-neutral measures and adopts a three-phase strategy to foster the participation of ACDBE firms and small businesses: Contract Planning, Solicitation and Contracting, and Monitoring.

1. Contract Planning Phase – The Equal Opportunity and Aviation Departments meet on a monthly basis to facilitate the review of contracts and provide contract-specific guidance relative to the fostering of ACDBE and small business participation. The committee is comprised of middle-level managers, contract administrators, a DBE and ACDBE compliance representative, and additional ad-hoc members depending on the type of project or contract. Members of the committee have current understanding of 49 CFR Parts 23 and 26 program guidance and requirements, familiarity with the overall triennial ACDBE goals (approved by the respective modal agencies), and in-depth knowledge of upcoming contracts projected to be awarded.

The committee is charged with the following responsibilities:

- A. Review descriptions or specifications of all contracts projected to be awarded.
- B. Determine if a contract can reasonably be unbundled to allow for multiple small businesses to complete for portions of the work that would normally be included in a master concessionaire contract.

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- C. Make recommendations for the type of contract requirements appropriate for the projects.
 - D. Issue outreach strategies, i.e., partnering with external small business advocacy organizations, hosting outreach events to showcase upcoming contracting opportunities, partnering with other internal entities to leverage citywide resources available to small and disadvantaged businesses. All FAA-assisted contracts will be posted on the FAA dbE-Connect System, a web-based DBE/Airport Concessions information system that allows businesses to search for contracting opportunities nationally.
 - E. If the year-to-date, overall ACDBE participation is projected to be significantly lower than the FAA-approved triennial goal or the City is deficient in meeting the aspirational triennial goal on an annual basis, the committee may also determine the appropriateness or applicability of set-aside for small businesses.
2. Solicitation and Contracting Phase – The City has implemented small business outreach requirements for all concession contracts as a race-neutral strategy. Proposers/respondents are required to provide documentation of efforts related to the outreach to small businesses, including certified ACDBE and DBE firms and Small Business Concerns. *Small Business Concern* means a small business entity, operated by any individual(s) whose personal net worth and number of employees is consistent with the U. S. Small Business Administration’s definition of a small business, subject to further limitations as defined in 49 CFR Part 26.

Failure to submit the required documentation will result in a determination by the City that the proposer/respondent is non-responsive (pre-award) or non-compliant (post-award) to the outreach requirements. Documentation of outreach efforts includes the following:

- A. Identification of business opportunities – This documentation should include the type and/or description of the potential opportunities identified for small business participation.
 - B. Solicitation of participation – This documentation should include a copy of the solicitation notice that was provided to small businesses. This notice may be in the form of a letter, phone call logs, and attachment to an email, advertisements in newspapers, trade papers, or communications with business advocacy organizations. If contacts are made by telephone, the bidders/offerors must document the name of the person representing the bidder and the person representing the small business. If an email blast or fax method is used, the documentation provided must reflect a listing of all email addresses or fax numbers to which the solicitation was sent and the date and time of the transmission.
 - C. Selection process – This documentation should provide a detailed explanation of the selection criteria and why each potential concessionaire or supplier was or was not selected.
 - D. Communicating the selection outcomes to all parties – This documentation should provide a detailed explanation of how the selection outcome was communicated to each firm.
3. Monitoring and Data Collection – The information contained in **Attachment 5 - Outreach and Good Faith Efforts** forms is verified by designated Contract Compliance staff to ensure accuracy, as defined in this ACDBE Program Plan. The proposed Small Business Concerns (ACDBE, DBE, and self-identified small businesses) and their proposed scopes of work are verified with

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information contained in the AZCUP ACDBE Directory and the City's SBE Certification Directory. The proposed Small Business Concerns are verified via telephone interviews, fax, email, and/or web-based questionnaires. The information collected is housed along with the bidders list database and is applied to the universe consideration during the triennial goal setting process.

Section 23.27 Reporting

The City will retain sufficient basic information about our ACDBE Program implementation, ACDBE certification, and the award and performance of agreements and contracts to enable the FAA to determine our compliance with Part 23. This data will be retained for a minimum of three (3) years following the end of the concession agreement or other covered contract per the City and USDOT retention guidelines.

The City submits to the FAA Regional Civil Rights Office, an annual ACDBE participation report on the form in Appendix A of Part 23, as required.

Section 23.29 Compliance and Enforcement Procedures

The City will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 23.

1. Solicitation and Consideration, the City will verify ACDBE requirements, including:

- (a) Certification status of all ACDBE firms that are proposed to contract as a concessionaire, supply goods, and/or perform under a management contract or any other arrangement where the ACDBE participation will be counted in determining if the ACDBE requirements of the contract have been met.
- (b) The ACDBE percentage to be counted towards required participation is commensurate with a distinct scope of work that will be performed by the ACDBE with its own forces.
- (c) The joint venture, partnership, or other agreement that sets forth ACDBE participation will provide a detailed arrangement that shows how the disadvantaged ACDBE owner(s) will direct and control the scope of work for which ACDBE participation will be counted.
- (d) Proposers have met all ACDBE requirements applicable to the bid or proposal process as set forth in 49 CFR Parts 23 and 26, and in the bid or proposal documents issued to solicit participation in concession contracts.
- (e) ACDBE firms listed to perform work that will be counted towards attainment of any ACDBE contract requirements are "ready, willing, and able" to perform the work for which ACDBE credit will be sought.

2. Post-Award, the City will monitor and enforce the contract, including:

- (a) Verification of ongoing ACDBE certification eligibility for participating firms through an annual examination of a "No Change" Affidavit, financial documentation, and other information required to determine that the criterion for ACDBE status continues to be met.
- (b) Collection and examination of all contracts and/or other agreements pertinent to the participation of ACDBEs in concession contracts to confirm that the ACDBE is performing the work with its own forces and maintains direct control in the scope of work performed by the concession.
- (c) Periodic, unannounced onsite monitoring visits to all concession sites to determine the roles and responsibilities of the ACDBE in the operation of the business.
- (d) Collection and review of monthly gross revenue reports detailing actual ACDBE participation.
- (e) Alternate dispute resolution facilitation to mediate disputes relative to ACDBE participation and/or compliance.

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- (f) Review and approval of requests to alter any ACDBE participation agreement/arrangement.
- (g) ACDBE referrals to economic development, financial assistance, and technical support services available to ACDBE firms.

The City will bring to the attention of the USDOT and the FAA any false, fraudulent, or dishonest conduct in connection with the Program, so that DOT can take steps (e.g., referral to the Department of Justice for criminal prosecution; referral to the DOT Inspector General; action under suspension and debarment; or Program Fraud and Civil Penalties rules) provided in 49 CFR Part 26.107.

The City will consider similar action under its own legal authorities, including responsibility determinations in future contracts. The City lists the regulations, provisions, and contract remedies available to the City in the event of non-compliance with the ACDBE regulation by a participant in our procurement activities in its solicitations and contract clauses.

The City implemented a monitoring and enforcement mechanism to ensure that work committed to ACDBEs at contract award is actually performed by the ACDBEs. This mechanism provides for a running tally of actual ACDBE attainments (e.g., actual participation in established business arrangements by ACDBE firms), including a means of comparing these attainments to commitments. The City will conduct periodic, unannounced visitation to the concession concepts to ensure commercially useful function of the ACDBEs. At minimum, the ACDBE Compliance Specialist will conduct these visitations once every 12 calendar months. The City reserves the right to conduct these onsite reviews more frequently in the event deficiencies were identified in the previous visitation or compliance-related information is received about the program participant(s).

In the City's reports of ACDBE participation to FAA, the City will show both commitments and attainments, as required by the USDOT reporting form.

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SUBPART C – CERTIFICATION AND ELIGIBILITY

Section 23.31 Eligibility for ACDBE Certification

The City will use the procedures and standards of Part 26 for certification of ACDBEs that participate in its concessions program and such standards are incorporated herein. The City is a certifying member of the Arizona Unified Certification Program (AZUCP) administered by Arizona Department of Transportation, the City of Phoenix, and the City of Tucson. The City of Phoenix makes exclusive certification decisions on behalf of the AZUCP for ACDBEs.

The AZUCP's directory of eligible DBEs must specify whether a firm is certified as an ACDBE for purposes of Part 23, a DBE for purposes of Part 26, or both.

The City utilizes the criteria outlined in 49 Code of Federal Regulations as it is amended from time to time in determining ACDBE eligibility. Currently, the City treats an applicant firm as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous three fiscal years, do not exceed \$56.42 million. Presently, the City uses the size standards for banks and other financial institutions set at \$1 billion in assets; the size standard for car rental companies set at \$75.23 million; and the size standard for pay telephone companies set at 1,500 employees, and automobile dealers set at 350 employees. The personal net worth standard used in determining eligibility for purposes of Part 23 is currently set at \$1.32 million.

The City recognizes that in calculating personal net worth, the following exclusions currently apply:

- (1) the individual's ownership interest in an ACDBE firm or a firm that is applying for ACDBE certification.
- (2) the individual's equity in his or her primary place of residence.
- (3) other assets that the individual can document are necessary to obtain financing or a franchise agreement for the initiation or expansion of his or her ACDBE firm, to a maximum of \$3 million.

Such documentation shall include loan agreements, supporting liens and/or letter of credit documents and specification of the amount of credit. The initiation or expansion for which an owner seeks this exclusion should be real and present, rather than a possibility into the future. Any person who has a personal net worth exceeding this amount is not a socially and economically disadvantaged individual, even if a member of a group is otherwise presumed to be disadvantaged.

The City will presume that a firm that is certified as a DBE under Part 26 is eligible to participate as an ACDBE. However, before certifying such a firm, the City will ensure that the disadvantaged owners of a DBE certified under Part 26 are able to control the firm with respect to its activity in the City's concessions program. The City is not obligated to certify a Part 26 DBE as an ACDBE if the firm does not do work relevant to the City's concessions program.

The City recognizes that the provisions of Part 26 § 26.83(c) outlines the steps to determine eligibility and will also incorporate the other certification requirements as delineated in Part 23, § 23.39 in making a determination of eligibility for ACDBE Certification.

The City acknowledges that a prime contractor includes a firm holding a prime contract with an airport concessionaire to provide goods or services to the concessionaire or a firm holding a prime concession agreement with a recipient. The City recognizes that the eligibility of Alaska Native Corporations (ANC) owned firms for purposes of Part 23 is governed by Part 26 § 26.73(h).

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As outlined above, the City will use the certification standards of Part 23 to determine the ACDBE eligibility of firms that provide goods and services to concessionaires.

In instances when the eligibility of a concessionaire is removed after the concessionaire has entered into a concession agreement because the firm exceeded the size standard or the owner has exceeded the PNW standard, and the firm in all other respects remains an eligible DBE, the City may continue to count the concessionaire's participation toward ACDBE contract goals during the remainder of the current concession agreement. The City **will not** count the concessionaire's participation toward ACDBE goals beyond the termination date for the concession agreement in effect at the time of the decertification as cited in Part 23.39(e). The Certification Removal Procedures are included in **Attachment 7**.

The City will use the Uniform Application Form found in appendix F to Part 26 with additional instruction as stated in Part 23.39(g). **Attachment 6** is the current FAA form.

The City will safeguard from disclosure to third parties' information relative to its ACDBE Program that may reasonably be regarded as confidential business information consistent with federal, state, and local law. Notwithstanding any contrary provision of federal, state, or local law, the City will not release personal financial information submitted in response to the personal net worth requirement to a third party, other than USDOT, without the written consent of the submitter.

Section 26.83 Procedures for Certification Decisions

Annual certifications reviews § 26.83(a) & (c)

The City will ensure the UCP reviews the eligibility of ACDBEs that we certified, to make sure that ACDBEs will meet the standards of Subpart C of Part 23 and Subpart E of Part 26. The City will complete an annual review from the most recent certification date of each firm.

For firms that the City ensures the UCP have certified or reviewed and found eligible under Part 23/26, the City will again review their eligibility annually.

"No Change" Affidavits and Notices of Change (26.83(j))

The UCP requires all ACDBEs owners to inform the City, in a written affidavit within thirty (30) days of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the City's application for certification.

The UCP also requires all ACDBE owners the City has certified, to submit every year on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). ACDBE owners shall complete their "No Change" affidavit on an annual basis.

The UCP will notify all currently certified ACDBE firms of these obligations via electronic means, starting sixty (60) days of their anniversary date. This notification will inform ACDBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 23/26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a Part 23/26 eligibility requirement (e.g., personal net worth), the obligation to submit a notice of change applies.

Section 26.85 Interstate Certification

When a firm currently certified in its home state ("State A") applies to another State ("State B") for ACDBE certification, State B **may, at its discretion**, accept State A's certification and certify the firm,

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without further procedures. If the City chooses not to accept State A's certification, the City will follow the procedures defined in Section 26.85.

Section 26.86 Denials of Initial Requests for Certification

If the City denies a firm's application or decertifies it, the ACDBE may not reapply until twelve (12) months have passed from our action.

Section 26.87 Removal of a DBE's Eligibility

In the event the City proposes to remove an ACDBE's certification, the City will follow procedures consistent with 26.87. **Attachment 7** to this program sets forth these procedures in detail.

Section 26.89 Certification Appeals

Any firm or complainant may appeal the City's decision in a certification matter to DOT. Such appeals may be sent to:

US Department of Transportation
Departmental Office of Civil Rights
Disadvantaged Business Enterprise Division (S-33)
S33AppealsManagementRecords@dot.gov

The UCP will promptly implement any DOT certification appeal decisions affecting the eligibility of ACDBEs (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

The City's procedure for filing appeals is detailed in **Attachment 7**.

SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 Basic Overall Goal Requirement

The City will establish two separate overall ACDBE goals: one for car rentals and another for concessions other than car rentals. The overall goals will cover a three-year period and the City will review the goals annually to make sure the goal continues to fit the City’s circumstances. The City will report any significant overall goal adjustments to the FAA.

If the average annual concession revenues for car rentals over the preceding three years do not exceed \$200,000, the City does not need to submit an overall goal for car rentals. Likewise, if the average annual concession revenues for concessions other than car rentals over the preceding three years do not exceed \$200,000, the City does not need to submit an overall goal for concessions other than car rentals. The City understands that “revenue” means total revenue generated by concessions, not the fees received by the City from concessionaires.

The City’s overall goals will provide for participation by all certified ACDBEs and will not be subdivided into group-specific goals.

Section 23.43 Consultation in Goal Setting

The City consults with stakeholders in a public forum before submitting the overall goal to the FAA. Stakeholders include, but are not limited to, minority and women’s business advocacy organizations, community organizations, trade associations representing concessionaires currently located at the airport, as well as existing concessionaires themselves, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs, and the City’s efforts to increase participation of ACDBE firms.

At the forums, the City outlines the concession opportunities anticipated over the next three years; the certification process; and the goal setting methodology. The City responds to questions and collects comments during these public meetings to use the calculation and determination of the goal proposals. When submitting our overall goals, the City will identify the stakeholders consulted with and provide a summary of the information obtained from the stakeholders

Section 23.45 Overall Goals

PSHIA is a large hub primary airport. As a condition of eligibility for FAA financial assistance, the City will submit its overall goals according to the following schedule:

Type of Airport	Goal Due	Subsequent Goals Due
Large/Medium Hub Primary	October 1, 2023, for FFY 2024-2026	October 1, 2026, for FFY 2027-2029 <i>(and every 3 years on October 1 thereafter)</i>

If a new concession opportunity not previously projected in the overall goal calculation arises at a time that falls between the normal submission dates above, and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the City will evaluate and submit an appropriate adjustment to its overall goal to FAA for approval at least six months before executing the new concession agreement.

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The City will establish overall goals in accordance with the process identified in section 23.51. After determining the total gross receipts for the concession activity, the first step is to determine the relative availability of ACDBEs in the market area, “base figure.” The second step is examining all relevant evidence reasonably available in the City’s jurisdiction to determine if an adjustment to the Step 1 “base figure” is necessary so that the goal reflects as accurately as possible the ACDBE participation the City would expect in the absence of discrimination. Evidence may include, but is not limited to past participation by ACDBEs, a disparity study, evidence from related fields that affect ACDBE opportunities to form, grow, and compete (such as statistical disparities in ability to get required financing, bonding, insurance; or data on employment, self-employment, education, training, and union apprenticeship).

The City’s goal setting methodology has historically been calculated as follows:

1. The City establishes overall ACDBE goals consistent with the requirements of 49 CFR Part 23, Subpart D. In accordance with the provisions in § 23.47, the City establishes two separate overall goals; the first for car rental concessions and the second for all concessions other than car rentals.
2. Each of the overall goals established by the City covers a three-year period. Goals will be reviewed annually to ensure they continue to fit the circumstances in the local market. Any adjustments that the City proposes to make to the goals before the next schedule overall goal submission will be reported to the FAA. The overall goals established by the City provide for participation by all certified ACDBEs and will not be subdivided into group-specific goals.
3. The base for the non-rental car concessions includes the gross receipts of all concessions at the airport with three exceptions. Excluded from the base is all car rental concession income, income earned by contractors not generated by concession activity, and gross receipts of business activity earned under a management contract or subcontract with a non-ACDBE firm.
4. The base for the City’s car rental concession goal includes the total goods and services purchases of car rental operations. Special consideration is given in the goal setting process to the ways in which car rental participation is counted for ACDBEs. This ensures that the City’s goal is proportional to the type of participation being proposed by car rental companies.

In accordance with 49 CFR Part 23.51, the City utilizes the best data available to establish the annual concession and rental car concession goals. Data sources used in the goal setting process include Census data from the Census Bureau’s County Business Patterns (ACDBE and non-ACDBE), data from the Census Bureau’s Annual Business Survey, an active participant’s list maintained as a result of extensive outreach conducted by the City, membership lists from Chambers of Commerce, and information from other airports in the regions. In addition to the ACDBE list of certified firms maintained by the AZUCP, the City also utilizes its Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) local program directory to identify firms that could potentially be certified as ACDBEs.

The methodology utilized by the City in its goal setting process is patterned after the process utilized for setting annual goals under 49 CFR Part 26 for non-concession related contracting. To ensure that the process is narrowly tailored and not broad in scope, the City identifies the relative availability of “ready, willing, and able” ACDBEs as compared to the overall availability of all “ready, willing, and able” firms to perform on car rental and non-car rental concession opportunities. The relative availability is adjusted to account for local market conditions including, but not limited to:

1. Representation of ACDBEs in local directories.
2. Historical participation of ACDBEs in direct concession contracts.
3. Historical bidding patterns of ACDBEs (competitiveness and fiscal capacity).

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4. Existing ACDBE requirements (goals) on existing contracts that will continue during the period covered by the goal.
5. Other trends and factors that could impact the participation of ACDBE firms.

A description of the methodology to calculate the overall goal for concessions other than car rentals, the goal calculations, and the data the City relied on can be found in **Attachment 3** to this program plan.

A description of the methodology to calculate the overall goal for car rentals, the goal calculations, and the data the City relied on can be found in **Attachment 4** to this program plan.

Projection of Estimated Race-Neutral & Race-Conscious Participation (§§ 23.45(f), 23.25(d-e))

The breakout of estimated race-neutral and race-conscious participation can be found with the goal methodology in Attachment 3 to this program. This section of the program will be reviewed annually when the goal calculation is reviewed under § 23.41(c).

Concession Contract Specific Goals

As the City has determined that it should use race- and gender-neutral measures for its contracting opportunities, the City will report contract-specific goals for any existing contracts in its reports to the FAA. In the event the City can demonstrate discrimination in its concessions, it will consider contract-specific goals to meet any portion of the overall goals the City does not project being able to meet using race- and gender-neutral means. Contract-specific goals are established so that, over the period to which the overall goals apply, they will cumulatively result in meeting any portion of the City's overall goal that is not projected to be met through the use of race- and gender-neutral means.

The City will establish contract-specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities that cannot be met through race- and gender-neutral means.

The City need not establish a contract-specific goal on every such concession, and the size of concession specific goals will be adapted to the circumstances of each such concession (e.g., type and location of concession, availability of ACDBEs).

If the objective of a contract-specific goal is to obtain ACDBE participation through direct ownership with an ACDBE, the City will calculate the goal as a percentage of the total estimated annual gross receipts from the concession.

If the contract-specific goal applies to purchases and/or leases of goods and services, the City will calculate the goal by dividing the estimated dollar value of such purchases and/or leases from ACDBEs by the total estimated dollar value of all purchases to be made by the concessionaire.

Good Faith Efforts Procedures on Contract-Specific Goals (§ 23.25(e))

In the event that the City utilizes a race-conscious concession specific goal for any opportunity, to be eligible to be awarded that concession, bidders/offerors must make good faith efforts to meet the goal. A bidder/offeror may do so either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26. The procedures applicable to 49 CFR Sections 26.51 and 26.53, regarding contract goals apply to the City's concession specific goals.

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A. Demonstration of good faith efforts (§ 26.53(a) & (c))

The City will be responsible for determining whether a proposer/respondent that has not met the contract-specific goal has documented sufficient good faith efforts to be deemed as responsive.

The City will ensure that all information is complete and accurate and adequately documents the concessionaire's good faith efforts before the City commits to the concession agreement with the proposer/respondent.

Equal Opportunity staff is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

B. Information to be submitted (§ 26.53(b))

In solicitations for concession contracts for which a contract goal has been established, the City will require the following:

- (1) Award of the contract will be conditioned on meeting the requirements of this section.
- (2) All bidders or offerors will be required to submit the following information to the City, at the time provided in paragraph (b)(3) of this section:
 - (i) The names and addresses of ACDBE firms that will participate in the contract.
 - (ii) A description of the work that each ACDBE will perform. To count toward meeting a goal, each ACDBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract.
 - (iii) The dollar amount of the participation of each ACDBE firm participating.
 - (iv) Written documentation of the bidder/offeror's commitment to use an ACDBE sub-concession whose participation it submits to meet a contract goal; and
 - (v) Written confirmation from each listed ACDBE firm that it is participating in the contract in the kind and amount of work provided in the prime concessionaire's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of this part). The documentation of good faith efforts must include copies of each ACDBE, and non-ACDBE sub-concession quote submitted to the bidder when a non-ACDBE sub-concession was selected over an ACDBE for work on the contract; and
- (3) (i) The City will require that the bidder/offeror present the information required by paragraph (b)(2) of this section:
 - (A) Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.

The City treats concessionaire's compliance with good faith efforts' requirements as a matter of responsiveness.

If a contract-specific goal is set on a solicitation, a proposer's good faith efforts must be those that could reasonably be expected from a proposer/respondent who was actively and aggressively seeking to meet the ACDBE goal. Good faith efforts will include, but are not limited to:

1. Soliciting, through all reasonable and available means, the interest of all certified ACDBEs who have the capability to perform the work of the contract or potential ACDBEs that have been granted DBE status with the AZUCP but are not currently engaged in airport concession activities. Such solicitations must be made in sufficient time to allow ACDBEs to participate effectively.
2. Confirming attendance at any pre-proposal and/or networking meetings related to concession contract opportunities.
3. Providing proof of any advertisements in general circulation, trade association, and minority or woman focused media.

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4. Documenting the follow-up to the initial solicitation with ACDBEs.
5. Documenting how direct contracting portions of the concession contract or partnering or joint venture opportunities were selected to solicit ACDBE participation and how the selection was made in order to increase the likelihood of meeting the ACDBE goals.
6. Providing copies of the information supplied to ACDBEs to solicit their bids. Such information should include adequate information about the concession concept, space allocation being considered for ACDBE agreements, and general requirements of the contract to enable the ACDBE to supply a complete and competitive bid.
7. Providing information on any negotiations with ACDBEs including terms and conditions of the contract, capital investment required, bonding and insurance requirements, etc.
8. Documenting efforts to assist ACDBEs in obtaining independent lines of credit, financing, or other assistance that would make them a viable candidate for the ACDBE opportunity.
9. Providing information regarding the services/assistance secured from minority and woman community organizations, local minority and woman business assistance offices, and other organizations that provide assistance in the recruitment and placement of ACDBEs.
10. Negotiating in good faith with interested ACDBEs. It is the proposer's responsibility to make a portion of the work available to ACDBE firms that have background, experience, and expertise in the area of the concession opportunity. The proposer must provide documentation that consideration was given when selecting portions of the contract or material needs on the contract to the availability of ACDBE firms in those areas when soliciting for ACDBE participation.
11. Documenting the basis for rejecting ACDBE bids. Where an ACDBE is determined to be unqualified, supporting evidence used to make the determination must be provided.

The ability or desire of a proposer/respondent to perform the work of a concession contract with its own organization does not relieve the proposer's/respondent's responsibility to make good faith efforts.

C. Good Faith Efforts when an ACDBE is replaced on a contract with contract-specific goals (26.53(f))

The City will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its concession agreement, lease, or subcontract with another certified ACDBE if the solicitation included concession specific goals, to the extent needed to meet that goal. The City will require the concessionaire to notify the ACDBE Liaison officer immediately of the ACDBEs inability or unwillingness to perform and provide reasonable documentation. **Attachment 5** is the current Good Faith Efforts Forms.

In this situation, the City will require the concessionaire to obtain our prior approval of the substitute ACDBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

The City will provide such written consent only if it agrees, for reasons stated in the concurrence document, that the prime concession has good cause to terminate the ACDBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed ACDBE sub-concession fails or refuses to execute a written contract.
- (2) The listed ACDBE sub-concession fails or refuses to perform the work of its sub-concession in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the ACDBE sub-concession to perform its work on the sub-concession results from the bad faith or discriminatory action of the prime contractor.
- (3) The listed ACDBE sub-concession fails or refuses to meet the prime concession's reasonable, non-discriminatory bond requirements.

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- (4) The listed ACDBE sub-concession becomes bankrupt, insolvent, or exhibits credit unworthiness.
- (5) The listed ACDBE sub-concession is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law.
- (6) We have determined that the listed ACDBE subcontractor is not responsible.
- (7) The listed ACDBE sub-concession voluntarily withdraws from the project and provides to us written notice of its withdrawal.
- (8) The listed ACDBE is ineligible to receive ACDBE credit for the type of work required.
- (9) An ACDBE owner dies or becomes disabled with the result that the listed ACDBE concession is unable to complete its work on the contract.
- (10) Other documented good cause that we have determined compels the termination of the ACDBE sub-concession. Provided, that good cause does not exist if the prime concession seeks to terminate an ACDBE it relied upon to obtain the contract so that the prime concession can self-perform the work for which the ACDBE concession was engaged or so that the prime contractor can substitute another ACDBE or non-ACDBE concession after contract award.

Before transmitting to the City its request to terminate and/or substitute an ACDBE sub-concession, the prime concession must give notice in writing to the ACDBE sub-concession, with a copy to us, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime concession must give the ACDBE five days to respond to the prime concession's notice and advise the City and the concessionaire of the reasons, if any, why it objects to the proposed termination of its sub-concession and why we should not approve the prime concession's action.

The City will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its work on a concession with another certified ACDBE. These good faith efforts shall be directed at finding another ACDBE to perform at least the same amount of work under the concession contract as the ACDBE that was terminated, to the extent needed to meet the concession contract goal that the City established for the procurement. The good faith efforts shall be documented by the concessionaire. If the City requests documentation from the concessionaire under this provision, the concessionaire shall submit the documentation to the City within 7 days, which may be extended for an additional 7 days, if necessary, at the request of the concessionaire, and the City shall provide a written determination to the concessionaire stating whether or not good faith efforts have been demonstrated.

If the concessionaire fails to make a good faith effort to obtain a replacement ACDBE then the City's remedies include, but are not limited to:

- Notification to the USDOT of false, fraudulent, or dishonest conduct in connection with the program.
- Refusal of all future bids/proposals from the firm for a period not to exceed one year; and/or,
- Cancellation of the contract.

The City will include in each prime concession contract the contract clause required by §26.13(b) stating that failure by the concessionaire to carry out the requirements of this part is a material breach of the contract and may result in the termination of the concession contract or such other remedies set forth in that section that we deem appropriate if the prime concessionaire fails to comply with the requirements of this section.

D. Sample Proposal/Bid Specification:

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The City will include any required contract language set forth in 49 CFR Part 23 and 26 in its concession agreements and any related Request for Proposal specifications.

Sample Proposal/Bid Specification:

The requirements of 49 CFR Part 23, regulations of the U.S. Department of Transportation, applies to this concession. It is the policy of the City to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this concession will be conditioned upon satisfying the requirements of this proposal/bid specification. These requirements apply to all concession's firms and suppliers, including those who qualify as an ACDBE.

As the City's airport operates under a Race- and Gender-Neutral policy, the City does not establish Race- and Gender-Conscious goals. The City will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Parts 23 and 26, on the basis of race, color, sex, or national origin.

In administering its ACDBE Program, the City will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the ACDBE Program with respect to individuals of a particular race, color, sex, or national origin.

The City further agrees to meet the nondiscrimination requirements provided in 49 CFR Part 26, § 26.7 with respect to the award and performance of any concession agreement, management contract or subcontract, purchase or lease agreement, or other agreement covered by this subpart.

The City will take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts and agreements covered under the ACDBE Program.

The concession firm will be required to submit the following information: (1) the names and addresses of ACDBE firms and suppliers that will participate in the concession, (2) A description of the work that each ACDBE will perform; (3) The dollar amount of the participation of each ACDBE firm participating; (4) Written and signed documentation of commitment to use a ACDBE whose participation it submits to meet a contract goal; (5) Written and signed confirmation from the ACDBE that it is participating in the concession as provided in the prime concessionaire's commitment; and (6) If the contract goal is not met, evidence of good faith efforts.

Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations each potential subcontractor or supplier will be notified by the Successful Respondent of the Successful Respondents obligations under this contract, and the Nondiscrimination Acts and Authorities on the basis of race, color, national origin, or sex. This applies to all awards that are granted either by competitive bidding, or negotiation with the Successful Respondent for work to be performed under a subcontract, including procurements of materials, or leases of equipment. *Each Lease* signed by the City and the Successful Respondent, and *each Subcontract* signed by the Successful Respondent and a Subcontractor, *must include the following assurance verbatim:*

"This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR part 23.

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The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR part 23, that it enters and cause those businesses to similarly include the statements in further agreements.”

The contractor, subrecipient, or subcontractor *shall not* discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Parts 21 and 23 in the award and administration of USDOT-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 City of Phoenix deems appropriate.

Note: For purposes of the required Contract and Subcontract language above, the Successful Respondent is the “contractor.”

Administrative Reconsideration (26.53(d))

Within seven (7) business days of being informed by the Contract Specialist that the proposer/respondent or awardee/contractor of its nonresponsive or noncompliant status, the firm may request administrative reconsideration. The appellant must make this request in writing to the following reconsideration official:

Ross Tate, City Auditor
City of Phoenix City Auditor Department
140 N. 3rd Ave.
Phoenix, AZ 85003
Phone: (602) 262-6641
Fax: (602) 534-1533
TTY: 7-1-1 Friendly
Email: ross.tate@phoenix.gov

The Administrative Reconsideration/Appeal Hearing Officer will not have played any role in the original determination. As part of this reconsideration, the appellant will have the opportunity to provide written documentation or argument concerning the issue. The appellant may have the opportunity to meet with the City’s Administrative Reconsideration/Appeal Hearing Officer to discuss the matter. The City will send the appellant a written decision on reconsideration, explaining the basis of the determination, which is final. The result of the reconsideration process is not subject to administrative appeal with the USDOT.

Section 23.53 Counting ACDBE Participation for Car Rental Goals

The City will count ACDBE participation toward overall goals for car rentals as provided in 49 CFR 23.53.

Section 23.55 Counting ACDBE Participation for Concessions Non-Car Rental Concessions

The City will count ACDBE participation toward goals other than car rental as provided in 49 CFR 23.55.

Section 23.57 (b & c) Goal shortfall accountability.

(b) If the awards and commitments on the City’s Uniform Report of ACDBE Participation (found in Appendix A to this Part) at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the City will:

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- (1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year.
 - (2) Establish specific steps and milestones to correct the problems we have identified in our analysis to enable us to fully meet our goal for the new fiscal year.
 - (3) (i) The City will submit the analysis and corrective actions developed under paragraphs (b)(1) and (2) of this section to the FAA for approval by April 1 following the report submittal. If the FAA approves the report, the City will be regarded as complying with the requirements of this section for the remainder of the fiscal year.

(ii) As an airport not meeting the criteria of paragraph (b)(3)(i) of this section, we will retain analysis and corrective actions in our records for three years and make it available to the FAA, on request, for their review.
 - (4) The City understands the FAA may impose conditions as part of its approval of the City's analysis and corrective actions including, but not limited to, modifications to the City's overall goal methodology, changes in our race-conscious/race-neutral split, or the introduction of additional race-neutral or race-conscious measures.
 - (5) We understand we may be regarded as being in noncompliance with this part, and therefore subject to the remedies in § 23.11 of this part and other applicable regulations, for failing to implement our ACDBE program in good faith if any of the following things occur:
 - (i) We do not submit our analysis and corrective actions to FAA in a timely manner as required under paragraph (b)(3) of this section.
 - (ii) FAA disapproves our analysis or corrective actions; or
 - (iii) We do not fully implement:
 - (A) The corrective actions to which we have committed, or,
 - (B) Conditions that FAA has imposed following review of our analysis and corrective actions.
- (c) If information coming to the attention of FAA demonstrates that current trends make it unlikely that the City, as an airport, will achieve ACDBE awards and commitments that would be necessary to allow us to meet our overall goal at the end of the fiscal year, FAA may require us to make further good faith efforts, such as modifying our race-conscious/race-neutral split or introducing additional race-neutral or race-conscious measures for the remainder of the fiscal year.

Section 23.61 Quotas or Set asides

The City does not use quotas or set asides as a means of obtaining ACDBE participation.

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SUBPART E – OTHER PROVISIONS

Section 23.71 Existing Agreements

The City will assess potential for ACDBE participation when an extension or option to renew an existing agreement is exercised, or when a material amendment is made. The City will use any means authorized by Part 23 to obtain a modified amount of ACDBE participation in the renewed or amended agreement.

Section 23.75 Long-Term Exclusive Agreements

As required by the regulations, the City will not enter into a long-term exclusive agreement for concessions without prior approval of the FAA Regional Civil Rights Office. The regulations define a “long-term” agreement as one having a term of longer than 5 years. Further, the regulations define an “exclusive” agreement as one in which an entire category of a particular business opportunity is limited to a single business entity. If special, local circumstances exist that make it important to enter into a long-term and exclusive agreement, the City understands that it must submit detailed information to the FAA Regional Civil Rights Office for review and approval.

Section 23.79 Geographic Preferences

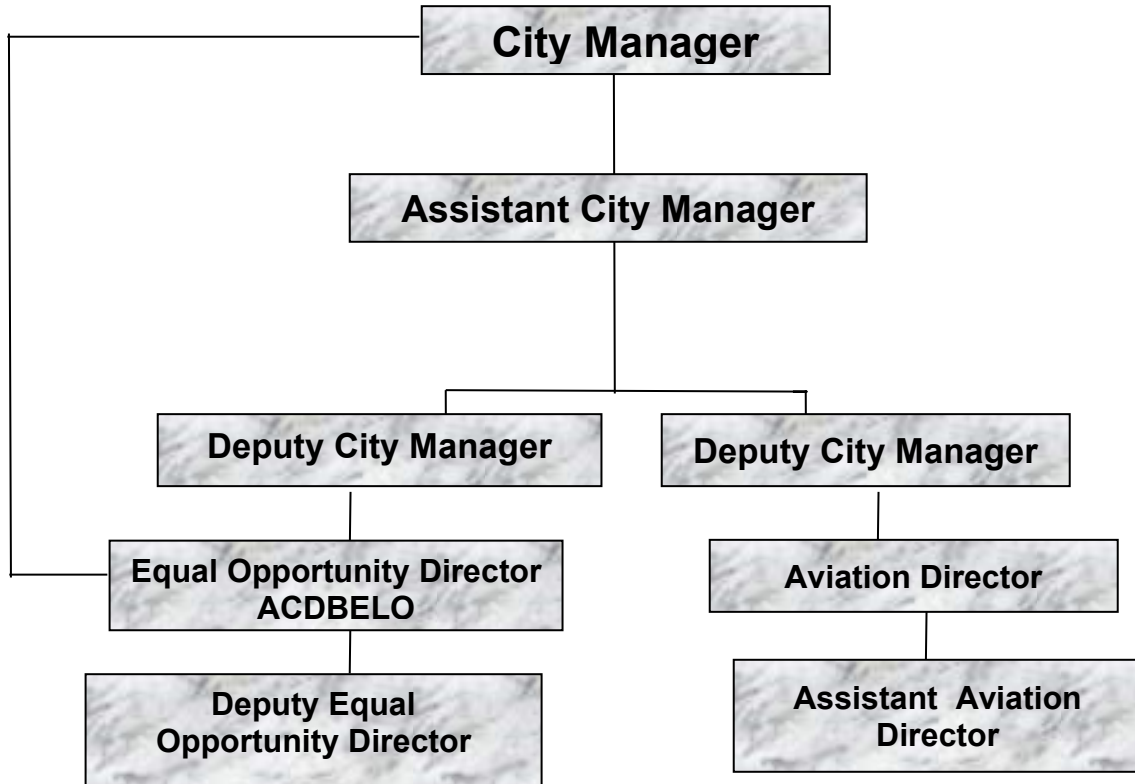
The City will not use a “local geographic preference”, i.e., any requirement that gives an ACDBE located in one place (e.g., *Phoenix*) an advantage over ACDBEs from other places in obtaining business as, or with, a concession at our airport.

ATTACHMENT 1

Organizational Chart

Attachment 1

Organizational Chart



- Contract Compliance staff
- Certification staff

- Business Outreach staff
- Contracts Administration

ATTACHMENT 2

Sample ACDBE Directory

The AZUTRACS Directory can be found at: [AZ UTRACS \(azdot.gov\)](https://azdot.gov)

ATTACHMENT 3

Overall Goal Setting Methodology - Concessions Other Than Car Rentals

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Attachment 3

City of Phoenix

Phoenix Sky Harbor International Airport

Overall Goal Calculation for Concessions Other Than Car Rentals (49 CFR Part 23.51)

Federal Fiscal Years 2024 - 2026

Amount of Goal

The City of Phoenix (the “City”) overall goal for ACDBE participation in non-car rental concessions at Phoenix Sky Harbor International Airport (“PHX”) during the period beginning October 1, 2023, and ending September 30, 2026, is **29.3%** of the total gross receipts for concessions at PHX. If conditions change, for example gross revenues increase for specific contracts at a rate disproportionate to the other contracts or a new contract goal is established as provided in the City’s approved ACDBE Program, the City will adjust the goal accordingly. The goal methodology is detailed below. The following are not included in the total gross receipts for concessions: (a) the gross receipts of car rental operations, (b) the dollar amount of a management contract or subcontract with a non-ACDBE, (c) the gross receipts of business activities to which a management contract or subcontract with a non-ACDBE pertains, and (d) any portion of a firm’s estimated gross receipts that will not be generated from a concession. The calculation for determining the overall goal for the three-year period is as follows.

Methodology used to Calculate Overall Goal

Overall goals for PHX have been determined by consolidating the total estimated gross revenues and estimated ACDBE gross revenues for continuing and new or anticipated concession agreements that will become effective during the goal period. Goals for each new concession are determined through an analysis of the opportunity, potential for ACDBE participation and the relative availability of ACDBE firms ready, willing, and able to perform under the agreement.

Step 1 – Development of a Base Goal

Continuing Contracts

The following is a summary of PHX concession contracts that will not be re-solicited during this three-year reporting period. Goals for these contracts are as previously established in the approved methodology developed during the last goal cycle and weighted by current and projected gross revenue performance in each concession category. Federal Fiscal Year 2022 gross revenues are shown on the charts below. Projections for FFY 2024 – 2026 are as described in the section of this report that discusses weighting.

Table 1 – Continuing Concession Contracts					
Terminal	Concession	FFY 2022 Gross Rev	EXP DATE	ACDBE \$	ACDBE %
T3	Food/Beverage 1	\$19,000,272	1/31/33		
*T4	Food/Beverage 2	\$78,838,702	8/31/26		
T3	Food/Beverage 3	\$17,940,124	1/31/33		
*T4	Food/Beverage 4	\$53,973,563	8/31/26		
RCC	Food/Beverage	\$436,778	5/31/30		

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	Total Food/Beverage	\$170,189,439		\$53,957,262	31.7%
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Table 1 – Continuing Concession Contracts					
Terminal	Concession	FFY 2022 Gross Rev	EXP DATE	ACDBE \$	ACDBE %
T3	Gift/News/Retail	\$23,632,118	1/31/33		
T4	Gift/News/Retail/ Duty Free	\$68,688,847	12/31/29- 1/31/33		
		\$92,320,965		\$19,479,724	21.1%
Various	Screening, Lounge, Wi- Fi	\$17,612,185	4/19/29- 11/30/30		
**All	Advertising	\$4,035,836	5/31/26		
		\$21,648,021		\$0	0.0%
		\$284,158,425		\$73,436,985	25.8%

*Contracts will expire 1 month before the end of the goal cycle. Goals for any contract solicited during the goal period are included in this document. However, because the period for the new goal implementation is 1 month, we have not included the new goal in these calculations.

**Contract will expire 4 months before the end of the goal cycle. The contract does not currently have a goal and we have not included the new goal in these calculations as there are no ACDBE advertising firms in Arizona.

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

Expiring or New Contracts

There are relatively few new concession contracts anticipated during this goal period as many contracts were resolicited during the previous three-year goal cycle in accordance with the previous triennial ACDBE goal. New concession contracts anticipated for FFY 2024 – 2026 are as described in Table 2 below.

Table 2 - Concession Contracts To Be Awarded During the Three-Year Goal Period					
Terminal	Concession	Projected FFY 2024	Projected FFY 2025	Projected FFY 2026	Total Projected FFY 24 - 26
Total Food/Beverage		N/A – No new Food/Beverage concessions anticipated			
T4S1	Retail/Specialty	\$1,400,000	\$1,484,000	\$1,573,040	\$4,457,040
Total Retail		\$1,400,000	\$1,484,000	\$1,573,040	\$4,457,040
ALL	Foreign Currency/ATM	\$1,100,000	\$1,166,000	\$1,235,960	\$3,501,960
Total Foreign Currency/ATM		\$1,100,000	\$1,166,000	\$1,235,960	\$3,501,960
Total Airport New Concessions		\$2,500,000	\$2,650,000	\$2,809,000	\$7,959,000

Geographic Region

There are currently thirty-six (36) firms participating in non-car rental concessions at PHX. Nineteen (19) firms are headquartered in Arizona. The remaining seventeen (17) firms are from ten (10) different states. Thirteen (13) of these seventeen (17) firms are large firms that operate nationally or internationally and are located in numerous airports across the country. The remaining four (4) firms are from three (3) different states. It seems over-inclusive to include all firms located in a single state simply because one of the major national firms is headquartered in that state or because one small participant is from the state. Therefore, for the purposes of determining the geographic region to be used, we are including national and international firms that currently have a presence at PHX as being located in Arizona. Given this reclassification, thirty-two (32) of the thirty-six (36) participating firms (88.9%) are located in Arizona. We will therefore use the state of Arizona as the relevant geographic region for purposes of determining the ACDBE goal.

Availability

The base figure for the relative availability of ACDBEs for the above listed new concession opportunities has been determined using a number of data sources as follows:

- 1) Data from the Census Bureau County Business Patterns and the Arizona Unified Certification Program (AZUCP) DBE/ACDBE directory.

Using the Census Bureau County Business Patterns Data for the State of Arizona for applicable trades as listed below for 2021 (the most recent year available) and the AZUCP Directory yields the following:

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Table 3 – ACDBE Directory/Census Availability

NAICS	Trade Description	2021 Census	Directory	%
722310	Food service contractors	565	0	0.0%
722410	Drinking places (alcoholic beverages)	596	0	0.0%
722511	Full-service restaurants	4,290	3	0.1%
722513	Limited-service restaurants	5,153	12	0.2%
722515	Snack and nonalcoholic beverage bars	1,458	5	0.3%
	Total Food/Beverage	12,062	20	0.2%
445131 (445120)	Convenience stores	369	0	0.0%
449210 (443142)	Electronics stores	289	0	0.0%
445292	Confectionery and nut stores	60	1	1.7%
458110 (448110)	Clothing and Clothing Accessories Retailers	1,450	1	0.1%
458310 (448310)	Jewelry Stores	338	0	0.0%
458320 (448320)	Luggage and Leather Goods Stores	17	0	0.0%
458320 (453220)	Gift, Novelty, and Souvenir Stores	311	0 (1)	0.0%
459210 (451211, 451212)	Book Retailers and News Dealers	118	1	0.9%
455219 (452319)	All other general merchandise stores	618	0	0.0%
	Total Retail	3,570	3	0.1%

541850	Advertising	60	0	0.0%
523160 (523130)	Foreign Currency Exchange	5	0	0.0%
522320	ATM Network Operation	133	0	0.0%

*NAICS codes were updated in 2022. Census data is from 2021 and utilizes the previous code set, shown in parentheses.

This data is flawed as the firms listed in the census have not expressed that they are ready, willing, and able to perform a concession contract at PHX. In comparison, those in the directory have made an effort to become certified, indicating that those firms are at least interested in operating at the airport.

2) Data from the Economic Census

Using the 2017 Economic Census (the most recent data available) for the State of Arizona provides information on the number of minority and women-owned firms for the listed trades. Note: The Census Bureau publishes an economic census every 5 years. Data for 2022 has not yet been published.

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Table 4 – 2017 Economic Census for Food/Beverage, Retail, and Foreign Currency Trades							
NAICS	Trade Description	Census	Minority	Women	Min %	Women %	*Total %
722000	Food service contractors	7,599	2,633	1,587	34.6%	20.9%	45.1%
	Total Food/Beverage	7,599	2,633	1,587	34.6%	20.9%	45.1%
445000	Food and Beverage Stores	1,041	438	191	42.1%	18.3%	51.2%
443142	Electronics stores	319	45	25	14.1%	7.8%	18.0%
448000	Clothing and Accessories Stores	1,011	438	228	43.3%	22.6%	54.6%
453000	Miscellaneous Store Retailers	1,563	145	397	9.3%	25.4%	22.0%
451200	Sporting Goods, Hobby, Book Stores and News Dealers	547	32	90	5.9%	16.5%	14.1%
452990	General Merchandise Stores	108	38	11	35.2%	10.2%	40.3%
	Total Retail	1,782	367	346	20.6%	19.4%	30.3%
523160	Foreign Currency	No Data					

*% Minority or women-owned assuming 50% of women-owned are also minority owned

3) Active Participants List

There are currently thirteen (13) active participants in the PHX Food/Beverage concession program and fifteen (15) in the Retail concession program. ACDBEs represent 76.9% of the active participants in terms of number of Food/Beverage firms and 46.7% in terms of the Retail program. It should be noted that the proportion of gross revenues operated by ACDBE participants is significantly less than their representation in terms of the number of firms; these firms tend to operate smaller concessions or participate as owners of a minority share of a joint venture (Table 5).

Summary – Availability Data Sources

Table 5 – Active Participants List				
Non-ACDBE Food/Beverage Participants	3	23.1%	\$113,158,381	66.5%
ACDBE Food/Beverage Participants	10	76.9%	\$57,031,058	33.5%
Total Food Participants	13	100.0%	\$170,189,439	100.0%
Non-ACDBE Retail Participants	8	53.3%	\$58,028,432	62.0%
ACDBE Retail Participants	7	46.7%	\$35,531,142	38.0%

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Total Retail Participants	15	100.0%	\$93,559,574	100.0%
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A summary of the various data sources and recommendations for the use of each is shown on Table 6 below.

Table 6 - Summary of Data Sources		
Data Source	ACDBE Availability	Comments
Directory/Census	F/B – 0.2% Retail – 0.1% Foreign Currency – 0.0%	Permitted under the regulation but may not be accurate as firms in census have not all indicated an interest in airport concessions while firms in directory have indicated an interest.
Economic Census	F/B – 45.1% Retail – 30.3% Foreign Currency – N/A	Includes both non-women/minority owned firms and women/minority owned firms as they appear in the population without regard to whether they have expressed an interest in the airport or whether they meet ACDBE certification eligibility criteria. In addition, there is overlap between minority and women-owned firms as minority women are included in both categories. We have adjusted the percentages to account for this by assuming that 50% of the women-owned businesses have already been counted as minority-owned businesses.

Table 6 - Summary of Data Sources		
Data Source	ACDBE Availability	Comments
Active Participants List - Number	F/B – 76.9% Retail – 46.7% Foreign Currency – N/A	Accurate, however this represents only those that have been successful in being awarded a concession and may not include all firms who are ready, willing and able to operate a concession. In addition, ACDBE firms operate smaller concessions, therefore gross revenue [participation is a more accurate measure.
Active Participants List - Dollars	F/B – 33.5% Retail – 38.0% Advertising – 0.0%	This is a more accurate measure than the number of firms since it takes capacity into consideration.
Bidders Lists	N/A	Not available
Expressions of Interest	N/A	Not a reliable data source as potential ACDBE firms are not identifiable.

Given the above, the City has determined that each of the data sets contains issues and drawbacks. Therefore, the City has elected to use the average of all of the available data sets (using gross revenues of active participants rather than number) as the most reliable data sources for determining availability, recognizing that all sources have issues and limitations. Averaging the four results in the following:

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$$\text{Food/Beverage} - 0.2\% + 45.1\% + 33.5\% = 78.8\%$$
$$78.8\% \div 3 = 26.3\%$$

$$\text{Retail} - 0.1\% + 30.3\% + 38.0\% = 68.4\%$$
$$68.4\% \div 3 = 22.8\%$$

Foreign Currency – Given the fact that there are no ACDBE Foreign Currency firms in the AZ UCP directory, we have elected not to set an ACDBE Goal for the Foreign Currency concession.

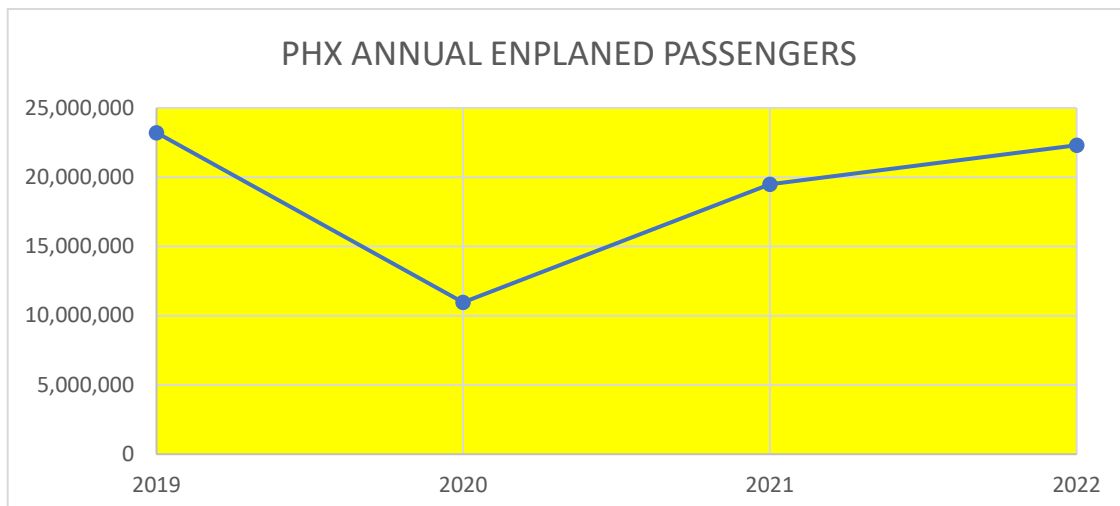
The **base goal** for availability for any upcoming food/beverage concession opportunities is **26.3%**. (Note: None are planned at this time, however this is provided in the event that food/beverage opportunities are added).

The **base goal** for availability for the upcoming retail concession opportunities is **22.8%**.

Foreign Currency – There are numerous challenges with implementing ACDBE participation in foreign currency concessions as there are no ACDBEs certified in this trade in the relevant geographic region and while there are seven certified firms in the FAA DBE-System, only one of the seven operates independently. These concessions most likely lend themselves to achieving ACDBE participation through the purchase of goods/services, however we have no data to support a goal for purchases. We will implement a reporting requirement in this concession opportunity when awarded to enable the setting of a purchasing goal in the future. The City will encourage ACDBE firms to submit bids and non-ACDBE firms to include ACDBE participants to the greatest extent possible.

Weighting of Base Goal for Continuing/Upcoming Opportunities

Passenger traffic at PHX has rebounded from the severe declines experienced during the COVID-19 pandemic. Calendar year 2022 enplanements were 3.9% below 2019 enplanements. For calendar year 2023 through May, enplanements are 5.4% greater than the same period in 2019. The City has weighted the base goal using 6% growth against the base year of 2019 and calculated availability by contract type for an average year. Assuming the rate of growth will be even amongst all categories, the goal would remain the same from year to year although the dollar amounts will increase significantly from year to year. The result is shown in Table 7 below:



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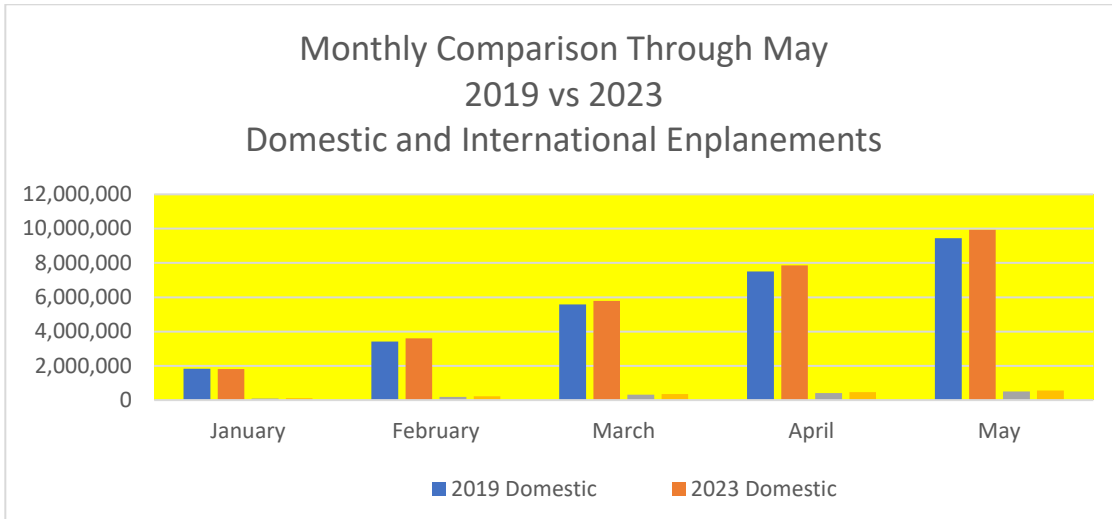


Table 7 - FFY 2024 - 2026 Base Goal Calculations			
FFY 2024 Projections			
Concession	Gross Revenues	ACDBE Goal %	ACDBE Goal \$
Ongoing Food/Beverage	\$191,224,854	31.7%	\$60,618,279
Ongoing Gift/News/Retail	\$103,731,836	21.1%	\$21,887,417
New Gift/News/Retail	\$1,400,000	22.8%	\$319,200
Advertising	\$4,534,665	0.0%	\$0
Screening, WIFI, Lounge, Lottery	\$9,846,459	0.0%	\$0
Foreign Currency Exchange	\$1,100,000	0.0%	\$0
Total FFY 2024	\$311,837,813	26.6%	\$82,824,896
FFY 2025 Projections			
Concession	Gross Revenues	ACDBE Goal %	ACDBE Goal \$
Ongoing Food/Beverage	\$202,698,345	31.7%	\$64,255,375
Ongoing Gift/News/Retail	\$109,955,746	21.1%	\$23,200,662
New Gift/News/Retail	\$1,484,000	22.8%	\$338,352
Advertising	\$4,806,745	0.0%	\$0
Screening, WIFI, Lounge, Lottery	\$10,437,245	0.0%	\$0
Foreign Currency Exchange	\$1,166,000	0.0%	\$0
Total FFY 2025	\$330,548,082	26.6%	\$87,794,390
FFY 2026 Projections			
Concession	Gross Revenues	ACDBE Goal %	ACDBE Goal \$

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Ongoing Food/Beverage	\$214,860,246	31.7%	\$68,110,698
Ongoing Gift/News/Retail	\$116,553,091	21.1%	\$24,592,702
New Gift/News/Retail	\$1,573,040	22.8%	\$358,653
Advertising	\$5,095,150	0.0%	\$0
Screening, WIFI, Lounge, Lottery	\$11,063,480	0.0%	\$0
Foreign Currency Exchange	\$1,235,960	0.0%	\$0
Total FFY 2026	\$350,380,967	26.6%	\$93,062,053

FFY 2024 - 2026 Projections			
Concession	Gross Revenues	ACDBE Goal %	ACDBE Goal \$
Ongoing Food/Beverage	\$608,783,444	31.7%	\$192,984,352
Ongoing Gift/News/Retail	\$330,240,674	21.1%	\$69,680,782
New Gift/News/Retail	\$4,457,040	22.8%	\$1,016,205
Advertising	\$14,436,561	0.0%	\$0
Screening, WIFI, Lounge, Lottery	\$31,347,184	0.0%	\$0
Foreign Currency Exchange	\$3,501,960	0.0%	\$0
Total FFY 2024 - 2026	\$992,766,862	26.6%	\$263,681,339

As shown above, the **base goal** proposed for the three-year period beginning on October 1, 2023, and ending on September 30, 2026, is 26.6%.

Step 2 – Adjustments

The ACDBE regulation provides for a Step 2 adjustment of the developed base goal for a variety of factors, including the current capacity of ACDBEs to perform work in a concession program, as measured by the volume of work ACDBEs have performed in recent years. We have reviewed the ACDBE achievement for the most recent five-year period for direct participation only (excluding purchases) to provide for an adjustment of the base goal as follows:

Table 8 – Past History of ACDBE Participation*			
Year	Total Gross Revenues	ACDBE Gross Revenues	ACDBE %
2022	\$281,330,342	\$92,580,130	31.9%
2021	\$186,876,056	\$59,633,672	32.0%
2020	\$167,794,270	\$50,212,098	29.9%
2019	\$265,404,451	\$84,830,713	32.0%

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2018	\$253,943,940	\$96,924,639	38.2%
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* Direct ownership participation only

Adjusting for past participation history, using the 5-year median of 32.0%, results in the following:

$$26.6\% \text{ (Base Goal)} + 32.0\% \text{ (Median)} = 58.6\%$$

$$58.6\% \div 2 = 29.3\%$$

Therefore, the Proposed Overall Three-Year Goal for FFY 2024-2026 = 29.3%.

RACE-NEUTRAL/RACE-CONSCIOUS GOAL

The goals set forth in this document have been set as race-neutral as the City has had success in meeting its race-neutral goal over the past 5 years.

The City may use the following race-neutral measures to facilitate ACDBE participation:

- a) Locating and identifying ACDBEs and other small businesses that may be interested in participating as concessionaires under 49 CFR Part 23.
- b) Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate.
 - 1) When practical, structuring concession activities to encourage and facilitate the participation of ACDBEs.
 - 2) Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing.
 - 3) Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the sponsor's ACDBE program will affect the procurement process.
 - 4) Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation; and
 - 5) Establishing a business development program (see 49 CFR Part 26.35) or technical assistance program or taking other steps to foster ACDBE participation in concessions.

If during the term of these overall goals, the City projects that race-neutral measures, standing alone, are not sufficient to meet the overall goal, the City will use the following race-conscious measures to meet the goal.

1. Establish race-conscious concession-specific goals for particular concession opportunities.
2. Negotiate with potential concessionaires to include ACDBE participation through direct ownership arrangements or measures, in the operation of the concession.
3. With prior FAA approval, other methods that take a competitor's ability to provide ACDBE participation into account in awarding a concession.

To ensure the City's ACDBE program will be narrowly tailored to overcome the effects of discrimination, the City will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual experience with ACDBE participation. The City will also track and report race-neutral and race-conscious participation separately if the City uses concession-specific goals. For reporting purposes, race-neutral ACDBE participation includes, but is not necessarily limited to, the following: ACDBE participation through a prime contract that an ACDBE obtains through customary competitive procurement procedures; ACDBE participation through a subcontract on a prime contract that does not carry an ACDBE goal; ACDBE participation on a prime contract exceeding a concession-specific goal; and ACDBE participation

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through a subcontract from a prime contractor that did not consider a firm's ACDBE status in making the award.

The City will maintain data separately on ACDBE achievements in those contracts with and without concession-specific goals, respectively.

New Opportunities

If a new concession opportunity arises prior to the end of this goal period and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the City will submit an appropriate adjustment to the overall goal. This will be submitted to the FAA for approval prior to executing the new concession agreement (23.45(i)).

The City determines the market area for each concession opportunity separately since the market area may vary depending upon the size and nature of the specific opportunity. For example, the geographical area in which the substantial majority of firms that seek to do concessions business with the airport are located and the geographical area in which the firms receive a substantial majority of concessions related revenues are located may be national for large contracts and local or regional for smaller contracts. The market area is defined for each concession opportunity as it arises and as the City undertakes the goal-setting process.

Goods and Services

The City can meet the percentage goal by including purchases from ACDBEs of goods and services used in business conducted at PHX. The City, and the businesses at PHX, shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises. The dollar value from purchases of goods and services from ACDBEs may be added to the numerator, and the dollar value from purchases of goods and services from all firms (ACDBEs and non-ACDBEs) may be added to the denominator.

Management Contract or Subcontract

The City can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. The City, and the businesses at PHX, will add the dollar amount of a management contract or subcontract with an ACDBE to the total participation by ACDBEs in airport concessions (both the numerator AND the denominator) and to the base from which the airport's percentage goal is calculated. However, the dollar amount of a management contract or subcontract with a non-ACDBE and the gross revenue of business activities to which the management contract or subcontract pertains will not be added to this base in either the numerator or denominator. While the City realizes that this appears to go against the normal rules and rationale for goal setting, the City understands that this method is nevertheless required by statute.

Consultation with Stakeholders

The City held a virtual stakeholder meeting on August 28, 2023. Invitees included all seven-hundred, eighty-seven (787) certified City of Phoenix Vendors, with separate invites sent to all one-hundred, fifty-six (156) current City of Phoenix Concessionaires, Vendors and Suppliers. Additionally, the stakeholders meeting was publicized to minority and women's business groups, community and trade organizations identified in Table 9.

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The City’s published announcement (in English and Spanish) regarding the stakeholder meeting and availability of the proposed goal and methodology for public review is included in Attachment A of the Triennial Goal on the Equal Opportunity Department website.

Table 9 - Community and Business Organizations
ACE Japan
Airport Revenue News
Arizona Chinese News
Airports Council International - North America (ACI-NA)
American Association of Airport Executives (AAAE)
American Indian Chamber of Commerce of Arizona (AICCAZ)
Arizona Hispanic Chamber of Commerce (AZHCC)
Arizona Informant
Arizona Republic
Asian Chamber of Commerce
Associated Minority Contractors of Arizona (AMCAAZ)
Auto Rental News
AZ Business Gazette (Official Ad)
B2G Event - Certified Concessionaires, Vendors and Suppliers
Barriozona Magazine
Black Chamber of Arizona
Chinese Chamber of Commerce of Arizona
El Break
FAA dbE-Connect
Filipino American Journal
Gila River Indian News
International Parking Association (IPI)
La Frontera Times
La Voz
MiConexiones.com
Muslim Voice
National Parking Association (NPA)
Navajo Times
Pacific Southwest Minority Supplier Diversity Council
Parking Today
Phoenix Sky Harbor Website
PhxSoul.com
Prensa Arizona (In Spanish)
Southwest Chapter of the American Association of Airport Executives (SWAAAE)
The Chocolate Voice

There were twenty-eight (28) attendees at the meeting, as identified in Attachment B in the Triennial Goal on the Equal Opportunity Department website. The questions asked by attendees were included as Attachment C in the Triennial Goal on the Equal Opportunity Department website. These questions were answered by the panelists during the question-and-answer session following the presentation.

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

To further foster small business participation, the City will hold informational meetings and workshops about upcoming Request for Proposals (RFP) during the solicitation process.

Attachment 4

Overall Goal Setting Methodology - Car Rental Concessions

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

ACDBE GOAL and METHODOLOGY

Car Rental Concessions

Overall Goal Calculation for Car Rentals Concessions (49 CFR Part 23.53)

Phoenix Sky Harbor International Airport

FFY 2024 - 2026

Background

Phoenix Sky Harbor International Airport currently has six (6) car rental firms, operating a total of twelve (12) brands, based in its consolidated car rental facility at the airport. The current agreements will not expire during this goal period. FFY 2022 car rental concession revenues were approximately \$570 million (a 2.0% decrease from 2019). Annual purchases of goods/services by car rental firms were approximately \$59 million in FFY 2022.

In accordance with the regulation regarding ACDBE participation in Airport Concessions, we have conducted research to determine an appropriate ACDBE goal for car rental concessions at the airport. The methodology for setting the goals is included in this report.

49 CFR Part 23 provides the following guidance for establishing concession goals:

§ 23.51(a) Your objective in setting a goal is to estimate the percentage of the base calculated under §§23.47–23.49 that would be performed by ACDBEs in the absence of discrimination and its effects.

(1) This percentage is the estimated ACDBE participation that would occur if there were a “level playing field” for firms to work as concessionaires for your airport.

(2) In conducting this goal setting process, you are determining the extent, if any, to which the firms in your market area have suffered discrimination or its effects in connection with concession opportunities or related business opportunities.

(3) You must complete the goal-setting process separately for each of the two overall goals identified in §23.41 of this part.

(b) (1) Each overall concessions goal must be based on demonstrable evidence of the availability of ready, willing and able ACDBEs relative to all businesses ready, willing and able to participate in your ACDBE program (hereafter, the “relative availability of ACDBEs”).

(2) You cannot simply rely on the 10 percent national aspirational goal, your previous overall goal, or past ACDBE participation rates in your program without reference to the relative availability of ACDBEs in your market.

(3) Your market area is defined by the geographical area in which the substantial majority of firms which seek to do concessions business with the airport are located and the geographical area in which the firms which receive the substantial majority of concessions-related revenues are located. Your market area may be different for different types of concessions.

Counting Participation in Car Rentals

Given the fact that there are no ACDBE car rental companies currently operating at PHX and few ACDBE car rental concession operators, none based in Arizona, the City has elected to base the Car Rental ACDBE goal on the purchase of goods and services from ACDBE or potential/ACDBE firms. The regulation provides for counting ACDBE participation for car rentals as follows:

§ 23.53 How do car rental companies count ACDBE participation toward their goals?

(a) As a car rental company, you may, in meeting the goal the airport has set for you, include purchases or leases of vehicles from any vendor that is a certified ACDBE.

(b) As a car rental company, if you choose to meet the goal the airport has set for you by including purchases or leases of vehicles from an ACDBE vendor, you must also submit to the recipient

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documentation of the good faith efforts you have made to obtain ACDBE participation from other ACDBE providers of goods and services.

(c) While this part does not require you to obtain ACDBE participation through direct ownership arrangements, you may count such participation toward the goal the airport has set for you.

(d) The following special rules apply to counting participation related to car rental operations:

(1) Count the entire amount of the cost charged by an ACDBE for repairing vehicles, provided that it is reasonable and not excessive as compared with fees customarily allowed for similar services.

(2) Count the entire amount of the fee or commission charged by an ACDBE to manage a car rental concession under an agreement with the concessionaire toward ACDBE goals, provided that it is reasonable and not excessive as compared with fees customarily allowed for similar services.

(3) Do not count any portion of a fee paid by a manufacturer to a car dealership for reimbursement of work performed under the manufacturer's warranty.

(e) For other goods and services, count participation toward ACDBE goals as provided in part 26, § 26.55 and § 23.55 of this part. In the event of any conflict between these two sections, § 23.55 controls.

(f) If you have a national or regional contract, count a pro-rated share of the amount of that contract toward the goals of each airport covered by the contract. Use the proportion of your applicable gross receipts as the basis for making this pro-rated assignment of ACDBE participation.

Example to paragraph (f): Car Rental Company X signs a regional contract with an ACDBE car dealer to supply cars to all five airports in a state. The five airports each account for 20 percent of X's gross receipts in the state. Twenty percent of the value of the cars purchased through the ACDBE car dealer would count toward the goal of each airport.

Market Area

Based on the types of goods/services purchased by the firms (e.g., auto repair, insurance, fuel, etc.), we have determined that the market area for the purchase of goods and services, with the exception of vehicle purchases, is the State of Arizona. The geographic region for the purchase of vehicles varies depending on the operator with some purchasing from dealerships within the state and others from various areas of the country, including from manufacturers. Therefore, we will use a national geographic region for vehicle purchases.

Goal-Setting Step 1

The regulation provides the following examples of potential approaches for accomplishing Step 1, determining the base figure, as follows:

§23.51(c) Step 1. *You must begin your goal setting process by determining a base figure for the relative availability of ACDBEs. The following are examples of approaches that you may take toward determining a base figure. These examples are provided as a starting point for your goal setting process. Any percentage figure derived from one of these examples should be considered a basis from which you begin when examining the evidence available to you. These examples are not intended as an exhaustive list. Other methods or combinations of methods to determine a base figure may be used, subject to approval by the FAA.*

(1) Use DBE Directories and Census Bureau Data. Determine the number of ready, willing and able ACDBEs in your market area from your ACDBE directory. Using the Census Bureau's County Business Pattern (CBP) data base, determine the number of all ready, willing, and able businesses

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

available in your market area that perform work in the same NAICS codes. Divide the number of ACDBEs by the number of all businesses to derive a base figure for the relative availability of ACDBEs in your market area.

2) Use an Active Participants List. Determine the number of ACDBEs that have participated or attempted to participate in your airport concessions program in previous years. Determine the number of all businesses that have participated or attempted to participate in your airport concession program in previous years. Divide the number of ACDBEs who have participated or attempted to participate by the number for all businesses to derive a base figure for the relative availability of ACDBEs in your market area.

(3) Use data from a disparity study. Use a percentage figure derived from data in a valid, applicable disparity study.

(4) Use the goal of another recipient. If another airport or other DOT recipient in the same, or substantially similar, market has set an overall goal in compliance with this rule, you may use that goal as a base figure for your goal.

(5) Alternative methods. (i) You may use other methods to determine a base figure for your overall goal. Any methodology you choose must be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of ACDBEs in your market area.

We have decided to use the DBE Directories and Census Bureau Data method for determining availability as follows:

The most recent available census bureau data is for 2021. The NAICS codes for the various trades typically utilized by car rental concessions was determined through a previous survey of car rental concessionaires and research and are shown on the chart below.

Table 1 – 2021 U.S. Census Arizona Unified Certification Program Directory				
Description	NAICS	Census	Directory DBE/ACDBE	DBE/ACDBE %
Accounting	541211	1,100	0	0.0%
Asset Recovery	561491	18	0	0.0%
Auto Body Repair	811121	580	3	0.5%
Auto Parts	423120	227	1	0.4%
Auto Repair	811111	1,607	2	0.1%
Auto Transport	484230	203	2	1.0%
Backflow Testing	238220	2,376	13	0.6%
Background Checks	541612	180	8	4.4%
Building Security	561621	147	8	5.4%
Car Dealerships ¹	441110	21,622	5 (national)	%
Car Wash Maintenance	423850	78	1	1.3%

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

Table 1 – 2021 U.S. Census Arizona Unified Certification Program Directory				
Description	NAICS	Census	Directory DBE/ACDBE	DBE/ACDBE %
Cleaning Supplies	423850	78	1	1.3%
Computer Support/Materials	423430	171	4	2.3%
Concrete Maintenance	238110	415	34	8.2%
Consulting	541611	2,280	53	2.3%
Delivery Svc	492110	238	2	0.8%
Door Maintenance/Repair	236220	755	24	3.2%
Drug Testing	621999	204	3	1.5%
Electrical	238210	1,542	39	2.5%
Elevator Maintenance	238290	114	0	0.0%
Equipment Rental (GPS)	532210	88	0	0.0%
Fire Safety	423990	128	6	4.7%
Fire Suppression	423990	128	6	4.7%
First Aid	424210	188	1	0.5%
Fuel/Oil/Energy	424720	36	0	0.0%
Fuel Maintenance	333914	4	0	0.0%
GPS Devices	334220	8	0	0.0%
HVAC Maintenance	238220	2,376	13	0.6%
Insurance	524210	2,884	0	0.0%
Janitorial Services	561720	1,216	20	1.7%
Keys/Locks	561622	79	1	1.3%
Legal Services	541110	3,110	1	0.0%
Luggage Carts/Wheelchairs	423450	225	2	0.9%
Office Expense	424120	52	1	1.9%
Pest Control	561710	552	1	0.2%
Plumbing	238220	2,376	13	0.6%
Printing	323111	275	2	0.7%

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

Table 1 – 2021 U.S. Census Arizona Unified Certification Program Directory				
Description	NAICS	Census	Directory DBE/ACDBE	DBE/ACDBE %
Roadside Assistance	488410	178	0	0.0%
Security	561621	147	8	5.4%
Signage	323111	275	2	0.7%
Tires	423130	43	0	0.0%
Towing	488410	178	0	0.0%
Uniforms	812331	14	0	0.0%
Uniform Cleaning	812320	243	0	0.0%
Windshield Repair	811122	262	1	0.4%

¹Car dealership ACDBE availability is based on a national geographic region using the DBE-Connect database.

The City has weighted the availability calculations based on information obtained from car rental companies as shown below. It should be noted that the weighting was obtained based on a survey of car rental firms conducted for San Diego International Airport. The City has been unable to collect this level of detail from the car rental firms operating at Phoenix Sky Harbor International Airport, however car rental firms have indicated that the breakdown of trades is fairly standard across operations. The City continues to request detailed information from car rental firms operating at the airport. In addition, the dollar value of purchases varies greatly from year to year depending upon fleet replacement in any given year, however over time, the percentage of purchases by category remains static. Therefore, the City has calculated the goal based on percentages rather than pure dollars.

Table 2 – Weighted ACDBE Availability (Based on Directory/Census)				
Description	NAICS	Total* (A)	DBE/ACDBE % (B) [From Table 1]	DBE/ACDBE % of \$ spent (A X B)
Accounting	541211	0.10%	0.00%	0.00%
Asset Recovery	561491	0.00%	0.00%	0.00%
Auto Body Repair	811121	0.70%	0.50%	0.00%
Auto Parts	423120	0.20%	0.40%	0.00%
Auto Repair	811111	4.60%	0.10%	0.00%
Backflow Testing	238220	0.00%	0.60%	0.00%
Background Checks	541612	0.00%	4.40%	0.00%
Building Security	561621	0.00%	5.40%	0.00%
Car Wash Maintenance	423850	0.30%	1.30%	0.00%

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

Table 2 – Weighted ACDBE Availability (Based on Directory/Census)				
Description	NAICS	Total* (A)	DBE/ACDBE % (B) [From Table 1]	DBE/ACDBE % of \$ spent (A X B)
Cleaning Supplies	423850	0.00%	1.30%	0.00%
Computer Support/Materials	423430	0.10%	2.30%	0.00%
Concrete Maintenance	238110	0.50%	8.20%	0.04%
Consulting	541611	0.10%	2.30%	0.00%
Delivery Service	492110	0.10%	0.80%	0.00%
Door Maintenance/Repair	236220	0.20%	3.20%	0.01%
Drug Testing	621999	0.00%	1.50%	0.00%
Electrical	238210	0.20%	2.50%	0.01%
Elevator Maintenance	238290	0.40%	0.00%	0.00%
Equipment Rental (GPS)	532210	0.00%	0.00%	0.00%
Fire Safety	423990	0.00%	4.70%	0.00%
Fire Suppression	423990	0.00%	4.70%	0.00%
First Aid	424210	0.00%	0.50%	0.00%
Fuel Maintenance	333911	0.10%	0.00%	0.00%
Fuel/Oil/Energy	424720	12.30%	0.00%	0.00%
GPS Devices	334220	0.10%	0.00%	0.00%
HVAC Maintenance	238220	0.10%	0.60%	0.00%
Insurance	524210	2.10%	0.00%	0.00%
Janitorial Services	561720	0.90%	1.70%	0.02%
Keys/Locks	561622	0.00%	1.30%	0.00%
Legal Services	541110	0.00%	0.00%	0.00%
Luggage Carts/Wheelchairs	423450	0.00%	0.90%	0.00%
Office Expense	424120	0.20%	1.90%	0.00%
Pest Control	561710	0.00%	0.20%	0.00%
Plumbing	238220	0.00%	0.60%	0.00%
Printing	323111	0.00%	0.70%	0.00%

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

Table 2 – Weighted ACDBE Availability (Based on Directory/Census)				
Description	NAICS	Total* (A)	DBE/ACDBE % (B) [From Table 1]	DBE/ACDBE % of \$ spent (A X B)
Roadside Assistance	488410	0.00%	0.00%	0.00%
Security	561621	0.40%	5.40%	0.02%
Signage	323111	0.00%	0.70%	0.00%
Tires	423130	1.60%	0.00%	0.00%
Towing	488410	0.10%	0.00%	0.00%
Transport (Auto)	484230	1.80%	1.00%	0.02%
Uniform Cleaning	812331	0.00%	0.00%	0.00%
Uniforms	812331	0.00%	0.00%	0.00%
Windshield Repair	811122	0.10%	0.40%	0.00%
Total (Excluding Vehicle Purchases)		27.30%		0.13%
Vehicle Purchases		72.70%	0.02%	0.01%
Total Purchases		100.00%		0.14%

*Total breakdown of sales by category based on information obtained from car rental firms.

We therefore propose the **base goal** at 0.14%.

Step 2 - Examine the data to determine what adjustment, if any, is needed to the Base Figure

The ACDBE regulation provides for a Step 2 adjustment of the developed base goal for a variety of factors, including the current capacity of ACDBEs to perform work in a concession program, as measured by the volume of work ACDBEs have performed in recent years. We have reviewed the ACDBE achievement for the most recent five-year period for car rental purchases to provide for an adjustment of the base goal as follows.

Table 3 - Past History of ACDBE Participation*			
Year	Total Purchases	ACDBE Purchases	ACDBE %
2022	\$58,969,752	\$4,130,590	7.00%
2021	\$16,230,759	\$3,451,917	21.27%
2020	\$42,918,679	\$3,194,646	7.44%
2019	\$40,992,435	\$3,704,378	9.04%
2018	\$51,846,322	\$2,771,975	5.35%

*Based on purchases only

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

Base goal of 0.14% + Median ACDBE Participation (2018-2022) of 7.44% = 7.58%

$$7.58\% \div 2 = 3.79\%$$

There is no other relevant data to support an adjustment to the base goal. Therefore, the proposed overall ACDBE goal for the three-year period commencing October 1, 2023, and ending September 30, 2026, is 3.8%.

Therefore, the Proposed Overall Three-Year Goal for Car Rental for FFY 2024-2026 = 3.8%.

Race-Neutral/Race-Conscious Recommendation

Phoenix Sky Harbor International Airport is currently achieving its car rental goal in a race-neutral environment. We recommend that the goals continue to be implemented as race-neutral as the goal has been fully achieved using race-neutral means over the past three-year period.

Consultation with Stakeholders

The City held a virtual stakeholder meeting on August 28, 2023. Invitees included all seven-hundred, eighty-seven (787) certified City of Phoenix Vendors, with separate invites sent to all one-hundred, fifty-six (156) current City of Phoenix Concessionaires, Vendors and Suppliers. Additionally, the stakeholders meeting was publicized to minority and women's business groups, community and trade organizations identified in Table 4 in the Triennial Goal on the Equal Opportunity Department website.

The City's published announcement (in English and Spanish) regarding the stakeholder meeting and availability of the proposed goal and methodology for public review is included as Attachment A in the Triennial Goal on the Equal Opportunity Department website.

Table 4 - Community and Business Organizations
ACE Japan
Airport Revenue News
Arizona Chinese News
Airports Council International - North America (ACI-NA)
American Association of Airport Executives (AAAE)
American Indian Chamber of Commerce of Arizona (AICCAZ)
Arizona Hispanic Chamber of Commerce (AZHCC)
Arizona Informant
Arizona Republic - City Page
Asian Chamber of Commerce
Associated Minority Contractors of Arizona (AMCAAZ)
Auto Rental News
AZ Business Gazette (Official Ad)
B2G Event - Certified Concessionaires, Vendors and Suppliers
Barriozona Magazine
Black Chamber of Arizona
Chinese Chamber of Commerce of Arizona
EI Break
FAA dbE-Connect

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

Filipino American Journal
Gila River Indian News
International Parking Association (IPI)
La Frontera Times
La Voz
MiConexiones.com
Muslim Voice
National Parking Association (NPA)
Navajo Times
Pacific Southwest Minority Supplier Diversity Council
Parking Today
Phoenix Sky Harbor Website
PhxSoul.com
Prensa Arizona (In Spanish)
Southwest Chapter of the American Association of Airport Executives (SWAAAE)
The Chocolate Voice

There were twenty-eight (28) attendees at the meeting, as identified in Attachment B, in the Triennial Goal on the Equal Opportunity Department website. The questions asked by attendees are included as Attachment C, in the Triennial Goal on the Equal Opportunity Department website. These questions were answered verbally by the panelists during the question-and-answer session following the presentation.

To further foster small business participation, the City will hold informational meetings and workshops about upcoming Request for Proposals (RFP) during the solicitation process and will participate in Airport Minority Advisory Council's (AMAC) annual car rental outreach event.

ATTACHMENT 5

Outreach and Good Faith Effort Forms

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

Attachment 5

Forms 1, 2, & 3 for Participation or Demonstration of Good Faith Efforts

**FORM EO1 - STATEMENT OF OUTREACH COMMITMENT
(Due with initial submittal)**

Solicitation Name: _____

On behalf of the Respondent, I certify under penalty of perjury that the following information is true and correct.

If selected as the Successful Respondent, the Successful Respondent will:

- 1) Fulfill all required Small Business Outreach Requirements and submit a Small Business Participation Plan along with all required supporting documentation within 60 days following contract execution.*
- 2) Submit to Airport any material changes to its Airport-approved Small Business Participation Plan along with supporting documentation of efforts to foster small business participation.*
- 3) Comply with the Race- and Gender-Neutral post-award requirements stated in the ACDBE Program Plan and Contract Clause; and*
- 4) Track and report all ACDBE, DBE, and/or small business participation that occurs at Airport as a result of contracts, procurements, purchase orders, subleases, JV, goods/services, or other arrangements involving sub-tier participation. Such participation and document must be entered monthly into the web-based reporting program Business2Government (B2G) System at www.phoenix.diversitycompliance.com.*

Company Name: _____

Company Mailing Address: _____

Representative Name: _____

Title: _____

Email Address: _____

Phone Number: _____

Signature: _____

Date: _____

**Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program
Form EO2 - SMALL BUSINESS OUTREACH EFFORTS**

Name of Company (Respondent):	Solicitation Name:	Contract Name:
Email:	Phone #:	Point of Contact:

Successful Respondent must conduct outreach efforts and submit supporting documentation of those outreach efforts as described in the Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program Race- and Gender-Neutral Contract Clause (Contract Clause). Detailed instructions for this form are included in the Contract Clause. Supporting documentation is required for columns D and F. Successful Respondent should make additional copies of this form as needed.

(A) Small Business Name and Contact Information	(B) Business Status	(C) Scope(s) of Work Solicited	(D) Solicitation Method	(E) Selection Decision	(F) Communication Final Selection Outcome*										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td colspan="2">Name:</td></tr> <tr><td colspan="2">Address:</td></tr> <tr> <td style="width:70%;">City, State, Zip:</td> <td style="width:30%;">Number of Employees:</td> </tr> <tr> <td>Phone Number:</td> <td>Email or Fax:</td> </tr> <tr> <td>Number of Years in Business:</td> <td>Range of Annual Gross Receipts:</td> </tr> </table>	Name:		Address:		City, State, Zip:	Number of Employees:	Phone Number:	Email or Fax:	Number of Years in Business:	Range of Annual Gross Receipts:	<input type="checkbox"/> ACDBE/DBE <input type="checkbox"/> SBC - Small Business Concern <input type="checkbox"/> SBE - City of Phoenix Certified <input type="checkbox"/> Unknown	List Scope(s) of Work	<input type="checkbox"/> E-mail Blast <input type="checkbox"/> Phone Call <input type="checkbox"/> In-Person <input type="checkbox"/> Newspaper <input type="checkbox"/> Website <input type="checkbox"/> Trade Listing <input type="checkbox"/> Outreach Event <input type="checkbox"/> Other	<input type="checkbox"/> Firm was selected <input type="checkbox"/> Firm was not selected Provide explanation of why firm NOT selected _____ _____ _____	Date Firm was Notified: _____ Method used to Communicate Selection: <input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Letter <input type="checkbox"/> In person
Name:															
Address:															
City, State, Zip:	Number of Employees:														
Phone Number:	Email or Fax:														
Number of Years in Business:	Range of Annual Gross Receipts:														
<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td colspan="2">Name:</td></tr> <tr><td colspan="2">Address:</td></tr> <tr> <td style="width:70%;">City, State, Zip:</td> <td style="width:30%;">Number of Employees:</td> </tr> <tr> <td>Phone Number:</td> <td>Email or Fax:</td> </tr> <tr> <td>Number of Years in Business:</td> <td>Range of Annual Gross Receipts:</td> </tr> </table>	Name:		Address:		City, State, Zip:	Number of Employees:	Phone Number:	Email or Fax:	Number of Years in Business:	Range of Annual Gross Receipts:	<input type="checkbox"/> ACDBE/DBE <input type="checkbox"/> SBC - Small Business Concern <input type="checkbox"/> SBE - City of Phoenix Certified <input type="checkbox"/> Unknown	List Scope(s) of Work	<input type="checkbox"/> E-mail Blast <input type="checkbox"/> Phone Call <input type="checkbox"/> In-Person <input type="checkbox"/> Newspaper <input type="checkbox"/> Website <input type="checkbox"/> Trade Listing <input type="checkbox"/> Outreach Event <input type="checkbox"/> Other	<input type="checkbox"/> Firm was selected <input type="checkbox"/> Firm was not selected Provide explanation of why firm NOT selected _____ _____ _____	Date Firm was Notified: _____ Method used to Communicate Selection: <input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Letter <input type="checkbox"/> In person
Name:															
Address:															
City, State, Zip:	Number of Employees:														
Phone Number:	Email or Fax:														
Number of Years in Business:	Range of Annual Gross Receipts:														

*Firms must be notified of final selection outcome prior to submittal of this form.

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

FORM EO3 SMALL BUSINESS UTILIZATION COMMITMENT

Solicitation Name:

On behalf of the Successful Respondent, I certify under the penalty of perjury that the information submitted herein is true and correct:

1. The firms indicated as "Selected" in **Form EO2 Small Business Outreach Efforts**, will participate in this contract.
2. The Successful Respondent will comply with the Race- and Gender-Neutral post-award compliance requirements as stated in the ACDBE contract clause.
3. Successful Respondent understands and agrees that any and all changes or substitutions to subcontracts with Small Businesses must be authorized by the Phoenix ACDBE Compliance Specialist prior to implementation; and
4. The following statement is true and correct:

The proposed total Small Business participation on this contract will be:

a. Participation as Partners as a percentage of this Lease's value:

ACDBE _____ %, DBE _____ %, and Small Business _____ %

b. Participation as suppliers of goods and services as a percentage of the operating expenses or cost of goods sold associated with this Lease:

ACDBE _____ %, DBE _____ %, and Small Business _____ %

Company Name: _____

Company Mailing Address: _____

Representative Name: _____

Title: _____

Email Address: _____

Phone Number: _____

Signature: _____ Date: _____

ATTACHMENT 6

Uniform Certification Application

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

Attachment 6 ***Certification Application Forms***

SBE, DBE & ACDBE Online Certification Process

Welcome!

You are about to complete the online application for certification under the City of Phoenix's Business Certification Program. If you have any questions or need help while completing the application, please contact the Equal Opportunity Department by email at business.relations.eod@phoenix.gov or by phone at 602-262-6790.

PLEASE NOTE: Our certification programs are valid for providers of goods, general services, and construction subcontractor services. Our program is not intended for the certification of General Contractors.

For more information about the City of Phoenix's Certification Program, visit our website at <http://www.phoenix.gov/eod/programs>.

You may already have an account due to working relationships with other agencies. Therefore, prior to creating a new account, it is always best to Lookup Account to ensure you are not currently in the system.

Need more information about the program or the process?

[View Questions and Answers](#)

New Certification

Your firm is not currently certified.

[Create Account](#)

I Forgot My Username & Password

[Lookup Account](#)

Renew Your Certification

I Know My Username & Password

[Login](#)

I Forgot My Username & Password

[Lookup Account](#)

After logging in to your account, you will be directed to the application form. You can also click the Apply for Certification link on the right side of the "Dashboard." If you require technical assistance while completing the application, please use our [online support form](#).

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program



OMB APPROVAL NO:
2105-0510
Expiration Date: 10/31/2021

Appendix F

UNIFORM CERTIFICATION APPLICATION **DISADVANTAGED BUSINESS ENTERPRISE (DBE) /** **AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)** **49 C.F.R. Parts 23 and 26**

Roadmap for Applicants

1. Should I apply?

You may be eligible to participate in the DBE/ACDBE program if:

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and DBE/ACDBE size standards—
<https://www.transportation.gov/DBESizeStandards>

2. How do I apply?

First time applicants for DBE certification must complete and submit this certification application and related material to the certifying agency in your home state and participate in an on-site interview conducted by that agency. The attached document checklist can help you locate the items you need to submit to the agency with your completed application. If you fail to submit the required documents, your application may be delayed and/or denied. Firms already certified as a DBE do not have to complete this form, but may be asked by certifying agencies outside of your home state to provide a copy of your initial application form, supporting documents, and any other information you submitted to your home state to obtain certification or to any other state related to your certification.

3. Where can I send my application? [INSERT UCP PARTICIPATING MEMBER CONTACT INFORMATION]

4. Who will contact me about my application and what are the eligibility standards? A transportation agency in your state that performs certification functions will contact you. The agency is a member of a statewide Unified Certification Program (UCP), which is required by the U.S. Department of Transportation. The UCP is a one-stop certification program that eliminates the need for your firm to obtain certification from multiple certifying agencies within your state. The UCP is responsible for certifying firms and maintaining a database of certified DBEs and ACDBEs, pursuant to the eligibility standards found in 49 C.F.R. Parts 23 and 26.

5. Where can I find more information?

U.S. DOT—<https://www.transportation.gov/civil-rights> (This site provides useful links to the rules and regulations governing the DBE/ACDBE program, questions and answers, and other pertinent information)

SBA—Small Business Size Standards matched to the North American Industry Classification System (NAICS):
<http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>.

In collecting the information requested by this form, the Department of Transportation (Department) complies with the provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Department's Disadvantaged Business Enterprise Program as defined in 49 C.F.R. §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 C.F.R. §23.3. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Under 49 C.F.R. §26.107, dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 C.F.R. Parts 180 and 1200, No procurement Suspension and Department, take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program



INSTRUCTIONS FOR COMPLETING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) UNIFORM CERTIFICATION APPLICATION

NOTE: All participating firms must be for-profit enterprises. If your firm is not for profit, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

- (1) Enter the contact name and title of the person completing this application and the person who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website addresses, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm, if it is different from your firm's street address.

B. Prior/Other Certifications and Applications

- (10) Check the appropriate box indicating whether your firm is currently certified in the DBE/ACDBE programs, and provide the name of the certifying agency that certified your firm. List the dates of any site visits conducted by your home state and any other states or UCP members. Also provide the names of state/UCP members that conducted the review.
- (11) Indicate whether your firm or any firms owned by the persons listed has ever been denied certification as a DBE/ACDBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

Section 2: GENERAL INFORMATION

A. Business profile:

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in our UCP online directory if you are certified as a DBE.

- (2) If you know the appropriate NAICS Code for the line(s) of work you identified in your business profile, enter the codes in the space provided.
- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation or charter.
- (4) State the date each person became a firm owner.
- (5) Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit." If you checked "No," then you do NOT qualify for the DBE/ACDBE program and should not complete this application. All participating firms must be for-profit enterprises. Provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (7) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. If you checked "Other," briefly explain in the space provided.
- (8) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment, to your application.
- (9) Specify the firm's gross receipts for each of the past three years, as stated in your firm's filed Federal tax returns. You must submit complete copies of the firm's Federal tax returns for each year. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide these firms' gross receipts and submit complete copies of these firm(s) Federal tax returns. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

B. Relationships and Dealings with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral

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- agreement. Provide an explanation of any items shared with other firms in the space provided.
- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
 - (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
 - (a) ever existed under different ownership, a different type of ownership, or a different name;
 - (b) existed as a subsidiary of any other firm;
 - (c) existed as a partnership in which one or more of the partners are/were other firms;
 - (d) owned any percentage of any other firm; and
 - (e) had any subsidiaries of its own.
 - (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

A. Identify the majority owner of the firm holding 51% or more ownership interest

- (1) Enter the full name of the owner.
- (2) Enter his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) Enter his/her home (street) address.
- (5) Indicate this owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner.
- (8) Enter the number of years during which this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment. Describe how you acquired your business and attach documentation substantiating this investment.

B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's function/title held in that business.

- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.
 - (b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please identify this activity.
- (4) (a) Provide the personal net worth of the owner applying for certification in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Note, complete this section and accompanying statement only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged).
- (b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to them, the name of the company, the type of business, and whether they own or manage the company.

Section 4: CONTROL

A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of his/her business relationship with that other firm.

B. Duties of Owners, Officers, Directors, Managers and Key Personnel

- (1), (2) Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who are responsible for the functions listed for the firm. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race

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and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g. ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

C. Inventory: Indicate firm inventory in these categories:

(1) Equipment and Vehicles

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

(2) Office Space

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

(3) Storage Space

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

D. Does your firm rely on any other firm for management functions or employee payroll?

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

E. Financial / Banking Information

State the name, City and State of your firm's bank. Identify the persons able to sign checks on this account. Provide bank authorization and signature cards.

Bonding Information. State your firm's bonding limits both aggregate and project limits.

F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each

loan was made to your firm. Provide copies of signed loan agreements and security agreements

G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

H. Current licenses/permits held by any owner or employee of your firm.

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and issuing State of the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

I. Largest contracts completed by your firm in the past three years, if any.

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

J. Largest active jobs on which your firm is currently working.

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.

Section 5: AIRPORT CONCESSION (ACDBE) APPLICANTS

Complete the entries in this section if you are applying for ACDBE certification. Indicate in Section A if you operate a concession at the airport, and/or supply a good or service to an airport concessionaire. Indicate in Section B whether the applicant firm owns or operates any off-airport locations, providing the type of business, lease information, address/location, and annual gross receipts generated. Provide similar information in section C for any airport concession locations the firm currently owns or operates. If the applicant firm has any affiliates, provide the requested information in Section D. Indicate whether the ACDBE firm is participating in any joint ventures, and if so, include the original and any amended joint venture agreements.

AFFIDAVIT & SIGNATURE

The Affidavit of Certification must accompany your application. Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

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Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

I am applying for certification as DBE ACDBE

(1) Contact person and Title: _____ (2) Legal name of firm: _____

(3) Phone #: (____) _____ - _____ (4) Other Phone #: (____) _____ - _____ (5) Fax #: (____) _____ - _____

(6) E-mail: _____ (7) Firm Websites: _____

(8) Street address of firm (No P.O. Box): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

(9) Mailing address of firm (if different): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

B. Prior/Other Certifications and Applications

(10) Is your firm currently certified for any of the following U.S. DOT programs?

DBE ACDBE Names of certifying agencies: _____

⊗ If you are certified in your home state as a DBE/ACDBE, you do not have to complete this application for other states. Ask your state UCP about the interstate certification process.

List the dates of any site visits conducted by your home state and any other states or UCP members:

Date ___/___/___ State/UCP Member: _____ Date ___/___/___ State/UCP Member: _____

(11) Indicate whether the firm or any persons listed in this application have ever been:

- (a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? Yes No
- (b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? Yes No

If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision)

Section 2: GENERAL INFORMATION

A. Business Profile: (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional paper if necessary. This description may be used in our database and the UCP online directory if you are certified as a DBE or ACDBE.

(2) Applicable NAICS Codes for this line of work include: _____

(3) This firm was established on ___/___/___ (4) I/We have owned this firm since: ___/___/___

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(5) Method of acquisition (Check all that apply):

- Started new business
 Bought existing business
 Inherited business
 Gifted
 Merger or consolidation
 Other (explain) _____

(6) Is your firm "for profit"? Yes
Federal Tax ID# _____

NO → **STOP!** If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.

(7) Type of Legal Business Structure: (check all that apply):

- Sole Proprietorship
 Limited Liability Partnership
 Partnership Corporation
 Limited Liability Company Other, Describe _____

(8) Number of employees: Full-time _____ Part-time _____ Seasonal _____ Total _____
(Provide a list of employees, their job titles, and dates of employment, to your application).

(9) Specify the firm's gross receipts for the last 3 years. (Submit complete copies of the firm's Federal tax returns for each year. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns).

Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____

B. Relationships and Dealings with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office or storage space, yard, warehouse, facilities, equipment, inventory, financing, office staff, and/or employees with any other business, organization, or entity? Yes No

If Yes, explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Also detail the items shared

(2) Has any other firm had an ownership interest in your firm at present or at any time in the past?

Yes No If Yes, explain _____

(3) At present, or at any time in the past, has your firm:

- (a) Ever existed under different ownership, a different type of ownership, or a different name? Yes No
 (b) Existed as a subsidiary of any other firm? Yes No
 (c) Existed as a partnership in which one or more of the partners are/were other firms? Yes No
 (d) Owned any percentage of any other firm? Yes No
 (e) Had any subsidiaries? Yes No
 (f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts? Yes No
 (If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).

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Section 3: MAJORITY OWNER INFORMATION

A. Identify the majority owner of the firm holding 51% or more ownership interest.

(1) Full Name: _____ (2) Title: _____ (3) Home Phone #: _____
 _____ () _____ - _____

(4) Home Address (Street and Number): _____ City: _____ State: _____ Zip: _____
 _____ - _____

(5) Gender: Male Female

(6) Ethnic group membership (Check all that apply):

Black
 Hispanic
 Asian Pacific
 Native American
 Subcontinent Asian
 Other (specify) _____

(7) U.S. Citizenship: U.S. Citizen
 Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____ %
 Class of stock owned: _____ Date acquired _____

(10) Initial investment to acquire ownership interest in firm:	Type	Dollar Value
	Cash	\$ _____
	Real Estate	\$ _____
	Equipment	\$ _____
	Other	\$ _____

Describe how you acquired your business:

Started business myself.
 It was a gift from: _____
 I bought it from: _____
 I inherited it from: _____
 Other _____

(Attach documentation substantiating your investment)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? Yes No
 If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) Yes No
 Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or engage in any other activity more than 10 hours per week? If yes, identify this activity: _____

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No
(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? Yes No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: *(Please attach extra sheets, if needed):* _____

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Section 3: OWNER INFORMATION, Cont'd.

A. Identify all individuals, firms, or holding companies that hold LESS THAN 51% ownership interest in the firm *(Attach separate sheets for each additional owner)*

(1) Full Name: _____ (2) Title: _____ (3) Home Phone #: _____
 () _____ - _____

(4) Home Address *(Street and Number)*: _____ City: _____ State: _____ Zip: _____
 _____ - _____

(5) Gender: Male Female

(6) Ethnic group membership *(Check all that apply)*

- Black
- Hispanic
- Asian Pacific
- Native American
- Subcontinent Asian
- Other *(specify)* _____

(7) U.S. Citizenship:
 U.S. Citizen
 Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____ %
 Class of stock owned: _____ Date acquired _____

(10) Initial investment to acquire ownership interest in firm:

Type	Dollar Value
Cash	\$ _____
Real Estate	\$ _____
Equipment	\$ _____
Other	\$ _____

Describe how you acquired your business:
 Started business myself.
 It was a gift from: _____
 I bought it from: _____
 I inherited it from: _____
 Other _____

(Attach documentation substantiating your investment)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? Yes No
 If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? *(e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)* Yes No
 Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: _____

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No
(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? Yes No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage: *(Please attach extra sheets, if needed)*: _____

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Section 4: CONTROL



A. Identify your firm's Officers and Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				

(3) Do any of the persons listed above perform a management or supervisory function for any other business?

Yes No If Yes, identify for each:

Person: _____ Title: _____

Business: _____ Function: _____

Person: _____ Title: _____

Business: _____ Function: _____

(4) Do any of the persons listed in section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

Yes No

If Yes, identify for each:

Firm Name: _____ Person: _____

Nature of Business Relationship: _____

B. Duties of Owners, Officers, Directors, Managers, and Key Personnel

1. Complete for all Owners who are responsible for the following functions of the firm (Attach separate sheets as needed).

	A = Always F = Frequently	S = Seldom N = Never	Majority Owner (51% or more)				Minority Owner (49% or less)					
			Name: _____	Title: _____	Percent Owned:		Name: _____	Title: _____	Percent Owned:			
Sets policy for company direction/scope of operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>

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2. Complete for all Officers, Directors, Managers, and Key Personnel who are responsible for the following functions of the firm. (Attach separate sheets as needed).

A= Always S = Seldom F = Frequently N = Never	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/ Key Personnel			
	Name: _____				Name: _____			
	Title: _____				Title: _____			
	Race and Gender: _____				Race and Gender: _____			
	Percent Owned: _____				Percent Owned: _____			
Sets policy for company direction/scope of operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function: _____

Do any of the persons listed above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) If Yes, describe the nature of the business relationship: _____

C. Inventory: Indicate your firm's inventory in the following categories (Please attach additional sheets if needed):=

1. Equipment and Vehicles

Make and Model	Current Value	Owned or Leased by Firm or Owner?	Used as collateral?	Where is item stored?
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				

2. Office Space

Street Address Owned or Leased by Firm or Owner? Current Value of Property or Lease

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program



3. Storage Space *(Provide signed lease agreements for the properties listed)*

Street Address	Owned or Leased by Firm or Owner?	Current Value of Property or Lease
_____	_____	_____
_____	_____	_____

D. Does your firm rely on any other firm for management functions or employee payroll? Yes No

E. Financial/Banking Information *(Provide bank authorization and signature cards)*

Name of bank: _____ City and State: _____
 The following individuals are able to sign checks on this account: _____

Name of bank: _____ City and State: _____
 The following individuals are able to sign checks on this account: _____

Bonding Information: If you have bonding capacity, identify the firm's bonding aggregate and project limits:
 Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether you the owner and any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner. *(Provide copies of signed loan agreements and security agreements).*

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years *(Attach additional sheets if needed):*

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____

H. List current licenses/permits held by any owner and/or employee of your firm *(e.g. contractor, engineer, architect, etc.)(Attach additional sheets if needed):*

Name of License/Permit Holder	Type of License/Permit	Expiration Date	State
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program



I. List the three largest contracts completed by your firm in the past three years, if any:

	Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

J. List the three largest active jobs on which your firm is currently working:

	Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract
1.	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____	_____

Additional Information:

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program



SECTION 5 - AIRPORT CONCESSION
(ACDBE APPLICANTS ONLY)

A. I am applying for ACDBE certification to: *(check all that apply)*

- Operate a concession at an airport Supply a good or service to an airport concessionaire

B. Does the applicant firm own/operate any off-airport locations? Yes No *If Yes, identify the following*

Type of Business (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Lease Term (years)	Lease Start Date	Address / Location	Annual Gross Receipts Generated

C. Does the applicant firm currently own/operate any airport concession locations? Yes No *If Yes, supply the following information:*

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g. Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

D. Does the applicant firm have any affiliates? Yes No *If Yes, provide the following information concerning any locations owned/operated by affiliate firms.*

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g. Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

E. Is the ACDBE applicant firm a participant in any joint ventures? Yes No *If Yes, attach all original and any amended Joint Venture Agreements and any amendments to the agreements.*

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program



AFFIDAVIT OF CERTIFICATION

This form must be signed and notarized for each owner upon which disadvantaged status is relied.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I _____ (full name printed), swear or affirm under penalty of law that I am _____ (title) of the applicant firm _____ and that I have read and understood all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application, and I authorize such agency to contact any entity named in the application, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial of certification.

If awarded a contract, subcontract, concession lease or sublease, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency on an ongoing basis, current, complete and accurate information regarding (1) work performed on the project; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to provide written notice to the recipient agency or Unified Certification Program of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership changes, address/telephone number, personal net worth exceeding \$1.32 million, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I certify that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise. In support of my application, I certify that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s): (Check all that apply):

- Female Black American Hispanic American Native American Asian-Pacific American Subcontinent Asian American Other (specify)

I certify that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further certify that my personal net worth does not exceed \$1.32 million, and that I am economically disadvantaged because my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.

Signature _____ (DBE/ACDBE Applicant) _____ (Date)

NOTARY CERTIFICATE

Airport Concession Disadvantaged Business Enterprise (ACDBE) Program



UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

In order to complete your application for DBE or ACDBE certification, you must attach copies of all of the following REQUIRED documents. A failure to supply any information requested by the UCP may result in your firm denied DBE/ACDBE certification.

Required Documents for All Applicants

- Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm
- Personal Net Worth Statement for each socially and economically disadvantaged owners who the applicant firm relies upon to satisfy the Regulation's 51% ownership requirement.
- Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner
- Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 3 years.
- Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks)
- Signed loan and security agreements, and bonding forms
- List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.
- Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm
- Licenses, license renewal forms, permits, and haul authority forms
- Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years
- DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertification's, if applicable; and any U.S. DOT appeal decisions on these actions.
- Bank authorization and signatory cards
- Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm
- List of all employees, job titles, and dates of employment.
- Proof of warehouse/storage facility ownership or lease arrangements

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

- Official Articles of Incorporation (signed by the state official)
- Both sides of all corporate stock certificates and your firm's stock transfer ledger
- Shareholders' Agreement(s)
- Minutes of all stockholders and board of director's meetings

- Corporate by-laws and any amendments
- Corporate bank resolution and bank signature cards
- Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

Optional Documents to Be Provided on Request

The certifying agency to which you are applying may require the submission of the following documents. If requested to provide these document, you must supply them with your application or at the on-site visit.

- Proof of citizenship
- Insurance agreements for each truck owned or operated by your firm
- Audited financial statements (if available)
- Trust agreements held by any owner claiming disadvantaged status
- Year-end balance sheets and income statements for the past 3 years (or life of firm, if less than three years)

Suppliers

- List of product lines carried and list of distribution equipment owned and/or leased

ATTACHMENT 7

Certification Removal Procedures

Attachment 7

Procedures for Removal of ACDBEs Eligibility

DECERTIFICATION PROCESS

The City will initiate a review of a certified firm when clear, credible evidence exists that the individual no longer meets the eligibility criteria. This evidence may be through knowledge gained independently by the Equal Opportunity Department or through a third-party challenge.

A third-party challenge will be accepted in writing by the Equal Opportunity Department at any time during the application or certification period. The challenge **must be in writing** and provide specific information as to the basis for the challenge.

The process for decertification will be:

RESPONSIBILITY

ACTION

Supervisor

1. Review all information/ documentation pertinent to the eligibility of the firm.
2. Make a determination if sufficient evidence exists to proceed with the decertification process.
3. If evidence is insufficient to support a formal investigation in the case of a third-party challenge, the challenger is duly notified, and the proceeding will be terminated.
4. If evidence is sufficient to support a formal investigation, the file is assigned to a certification team member.

Certification Team

1. The firm is notified by certified mail within 15 days that a review is being conducted based on a third-party challenge or credible evidence obtained by the Equal Opportunity Department.
2. A firm must respond within 15 days with any additional information or documentation they wish to have considered in the review.
3. A thorough review of all relevant information and documentation is conducted.
4. A recommendation is made on the file in writing either to continue certification or to decertify the firm.
5. The file is returned to the Supervisor.

CITY OF PHOENIX ACDBE PROGRAM PLAN

- | | |
|--------------------------------------|---|
| Supervisor | <ol style="list-style-type: none">1. Reviews the recommendation and supporting evidence.2. Either denies or supports the recommendation.3. If it is agreed that the firm will be decertified, the file is returned to the EOS to write the formal letter of decertification.4. If the firm will not be decertified, the proceedings are closed, and file returned to the permanent file. Both the DBE firm and the challenger are notified by certified mail. The third party who challenged the certification may file an appeal with EOD. Procedures and tasks as set forth below. |
| Certification Team | <ol style="list-style-type: none">1. If a firm is to be decertified, a formal letter of decertification signed by the Deputy Director, is forwarded to the firm by certified mail.2. The decertification letter will be uploaded into B2G and any other necessary data storage files. |
| Certification Team | <ol style="list-style-type: none">1. If no appeal is received within seven (7) days of certified delivery, the documentation on the application is maintained for five (5) years in the electronic file system. |
| Equal Opportunity
Deputy Director | <ol style="list-style-type: none">1. Appeals are received by the Deputy Director.2. Notifies the City Auditors Department of the appeal request.3. The City Auditors Department will schedule a virtual or in-person, if requested, informal hearing to be conducted by the City Auditor Department within 7 days of receipt of the written notice of appeal. (49 CFR 26.87(d))4. Appeal letter and any supporting documentation is routed to the appointed City Auditor's Department representative. |
| Certification Team | <ol style="list-style-type: none">1. Appeal is logged into the B2G computer tracking system.2. Appeals are processed in accordance with the procedures and time frames as set forth below. |

APPEALS PROCESS

A firm denied certification or decertified before the expiration of their current certification can request an informal appeal hearing with the Equal Opportunity Department (Ord. No. G-5518, § 3, 2010; Ord. No. G-6742, § 3, 2020). The hearing process will be as follows:

1. Receiving notification

Any firm that has been denied or decertified may appeal the decision by filing a written notice of appeal within seven (7) business days of the receipt of the notice of the denial or decertification. The written notice must state the reasons for the appeal.

2. Setting the Hearing Date

When the Equal Opportunity Department (EOD) receives a written notice of appeal, it will be routed to the Deputy Director of the Business Relations Division.

The Deputy Director will notify the City Auditor's Office to set a hearing date within three (3) working days of receipt of the written notice of appeal. The City Auditor's Office will appoint a Hearing Officer to preside over the hearing. The Hearing Officer will set a date not more than fourteen (14) business days from the date of receipt of the notice from EOD. EOD will notify the appealing party by certified mail of the hearing date. Such notice will describe the charges filed by the aggrieved party if there is a third-party challenge, and will include the hearing date, time, and place.

3. Hearing Procedures

The Hearing Officer shall conduct a hearing concerning the determination of eligibility or noncompliance. At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to produce any and all relevant evidence in either party's possession concerning the determination of eligibility or noncompliance with the requirements of this article or the denial of certification as an SBE. EOD representatives will appear at the hearing to present their case. For the appeal, the burden of proof rests on the business to show that established criteria for SBE certification have been met.

Hearings will be conducted informally as to the order of proceeding and presentation of evidence. The Hearing Officer will make the determination on admissible evidence, only if necessary and appropriate. If no post hearing submissions are scheduled, the record will close on the date of the hearing. Otherwise, the hearing record will close on the date the last post hearing submission is due.

4. Hearing Decision and Notification

The Hearing Officer will issue a written decision on the appeal within twenty (20) business days of the hearing. The notice of decision will be sent via certified mail by the EOD Deputy Director and will describe the reasons for the decision.

If the applicant is not satisfied with the decision of the Deputy Director, the decision may be appealed to the U.S. Department of Transportation in accordance with 49 CFR Part 23.55.

With decertification cases, the third-party challenger may file an appeal with the Deputy Director either after the formal investigation concludes there is insufficient evidence for decertification or after a decertification has been overturned through the appeal process on the part of the DBE. All appeals by third party challengers will be processed according to the procedures and time frames outlined in this Exhibit.

If the challenging party is not satisfied with the decision of the Deputy Director, the decision may, in accordance with 49 CFR Part 26, be appealed directly to the U.S. Department of Transportation.

5. Records Retention

The record of the hearing proceedings and the protest file will be maintained by the Hearing Officer.

Firms that have applied for and were denied DBE certification and firms whose certification has been removed by a recipient of DOT funds may file an administrative appeal with the Departmental Office of Civil Rights within 90 days from the date of denial.

How to file an appeal after being denied DBE certification by a DOT recipient:

To file a DBE certification appeal, firms should email the U.S. Department of Transportation. The appeal should at a minimum include information and arguments concerning why the recipient's decision should be reversed, a copy of the denial letter, and any additional information you believe to be pertinent to the appeal. Firms must provide the name(s) and address(es) of any DOT recipient the firm is currently certified with; or who has rejected its application for certification; or removed the firm's eligibility within one year prior to the date of the appeal. This includes applications currently pending certification action.

All appeals should be submitted to:

U.S. Department of Transportation
Departmental Office of Civil Rights
Disadvantaged Business Enterprise Division (S-33)
S33AppealsManagementRecords@dot.gov

Verbiage in the decertification letter should read:

“You may appeal this decision to the U.S. Department of Transportation. If you want to file an appeal, you must email it to S33AppealsManagementRecords@dot.gov within 90 days of the date of this letter. The appeal must include this letter and other pertinent information and provide a *full and specific* statement as to why our decision is erroneous, what significant fact we failed to consider, or what provisions of 49 CFR Part 26 we did not properly apply. USDOT does not accept notices of intent or partial or otherwise non-complaint submissions.”

ATTACHMENT 8

49 Code of Federal Regulations Part 23

The link to the Code of Federal Regulations is:

[eCFR :: 49 CFR Part 23 -- Participation of Disadvantaged Business Enterprise in Airport Concessions](#)