



GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

AIRPORT CONCESSIONS DISADVANTAGED BUSINESS
ENTERPRISE PROGRAM

FOR

ASHEVILLE REGIONAL AIRPORT, FLETCHER NORTH CAROLINA

AUGUST 2018

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I GENERAL PROGRAM REQUIREMENTS

- a. **Objectives.** The objectives are found in the policy statement of this program.
- b. **Definitions.** The GARAA will use terms in this program that have the meaning defined in 49 CFR Part 23, Section 23.3 and Part 26 Section 26.5 where applicable.
- c. **Applicability.** The Asheville Regional Airport is a primary airport and the sponsor of federal airport funds authorized for airport development and under Title 49 of the United States Code. The GARAA will work within these guidelines, except with respect to any provisions that is contrary to the new concession regulations.
- d. **Non-discrimination.** The GARAA will not exclude or deny any person from participation in, 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 based on race, color, sex, or national origin.

In administering its ACDBE Program, the GARAA 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 any race, color, sex or national origin.

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

The GARAA 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 statement 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.”

- e. Compliance and Enforcement Provisions.** The GARAA will comply with and be subject to the provisions of 49 CFR Part 26 and 2 CFR Parts 180 and 200.

The GARAA 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.

2 CFR Part 180, Government-wide Debarment and Suspension (Non-procurement), effective November 15, 2006, adopted and supplemented by DOT at 2 CFR Part 1200, effective June 2, 2008, provides Office of Management and Budget (OMB) guidance for Federal agencies on the Government-wide debarment and suspension system for non-procurement transactions, programs and activities. 2 CFR Part 1200 adopts the OMB guidance in subparts A through I of 2 CFR part 180, as supplemented by part 1200, as the Department of Transportation policies and procedures for non-procurement suspension and debarment.

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

The following enforcement actions apply to Companies participating in the GARAA ACDBE Program:

1. Any company that does not meet the eligibility criteria of subpart D of this part and that attempts to participate as a 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 DOT or the FAA may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
2. For a firm that, in order to meet ACDBE goals or other ACDBE 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 D of this part, DOT or FAA may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
3. DOT 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.
4. DOT 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 GARAA's ACDBE Program or otherwise violates applicable Federal statutes.

Compliance reviews – The FAA may review the GARAA's compliance with this part at any time, including but not limited to, reviews of paperwork, on-site reviews, and review of the airport sponsor'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 GARAA may file a complaint under 14 CFR Part 16 with the FAA Office of Chief Counsel.

II ADMINISTRATIVE REQUIREMENTS

- a. **ACDBE Program Updates.** Asheville Regional Airport is a small hub primary airport required to have an ACDBE program. As a condition of eligibility for FAA financial assistance, the GARAA will submit its ACDBE program and overall goals to FAA. This ACDBE program will be implemented at Asheville Regional Airport only. When the GARAA makes significant changes to its ACDBE program, the amended program will be sent to FAA for approval prior to implementing the changes.
- b. **Policy Statement.** The GARAA is committed to operating its ACDBE program in a non-discriminatory manner. The Policy Statement is elaborated on the first page of this program.
- c. **ACDBE Liaison Officer (ACDBELO).** The GARAA has appointed the following individual to carry out the responsibilities of the ACDBELO.

Development Coordinator
61 Terminal Drive, Suite 1
Fletcher, NC 28732
P: (828) 654-3252
E: ryanz@flyavl.com

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that the GARAA complies with all provisions of 49 CFR Part 23. The ACDBELO has direct, independent access to the Executive Director on ACDBE program matters. An organization chart displaying the ACDBELO's position in the organization is found in Attachment 1.

The ACDBELO is responsible for developing, implementing and monitoring the ACDBE program, in coordination with other appropriate officials. The ACDBELO has a staff of one with approximately 4 additional resources to assist in the administration of the program. The duties and responsibilities

include the following:

1. Gather and report statistical data and other information as required by FAA or DOT.
 2. If applicable, request a review of third party contracts and purchase requisitions for compliance with this program.
 3. Work with the GARAA departments to set overall goals.
 4. Ensure that bid notices and requests for proposals are available to ACDBEs.
 5. Identify contracts and procurements so that ACDBE goals are included in solicitations, both race-conscious and race-neutral specific goals.
 6. Analyze the GARAA's progress toward attainment and identify ways to improve progress.
 7. Participate in pre-proposal meetings.
 8. Advise the Executive Director of the GARAA on ACDBE matters and achievements.
 9. Acts as Liaison to the Unified Certification Program (UCP) in North Carolina.
 10. Participate with the Engineer Team, legal counsel and senior staff, to determine contractor compliance with good faith efforts, if necessary.
 11. Research certification of ACDBEs according to the criteria set by DOT/FAA listed on the DOT website for the State of North Carolina, to ensure ACDBE compliance.
 12. Participates in ACDBE training seminars.
 13. Participate with local government/private entities to provide outreach to ACDBE's and community organizations to advise them of opportunities.
- d. **ACDBE Directory.** The GARAA does not maintain a directory of certified DBE/ACDBE firms. The North Carolina UCP maintains a directory identifying all firms eligible to participate as ACDBEs and DBEs. The directory includes the ACDBE company name, address, phone number, date of recent certification, type of work according to the NAICS code available and point of contact. This directory is updated annually and can be found at this website link.
- <https://www.ebs.nc.gov/VendorDirectory/default.html>
- e. **Non-discrimination Participation.** The GARAA will take the following measures to ensure non-discrimination participation of ACDBEs in concession and other covered activities.
1. Lessees to include a non-discriminatory clause in agreements with the GARAA. The GARAA 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 a contract covered by 49 CFR Part 23 based on race, color, sex or national origin.

2. The GARAA will seek ACDBE participation in all types of concession activities, rather than concentrating on participation in one category or a few categories to the exclusion of others.
 3. The GARAA overall goal methodology, a description of the race-neutral measures, are set consistent with the federal requirements. If necessary, the overall goals will be achieved by race-conscious measures.
 4. The GARAA will require businesses subject to ACDBE goals at the airport, except rental car agencies, to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with ACDBEs.
 5. The GARAA will not use set-asides or quotas as a means of obtaining ACDBE participation.
- f. **Reporting Requirements.** The GARAA 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 3 years following the end of the concession agreement or other covered contract.

The GARAA submits an annual report to the FAA Regional Civil Rights Office for its ACDBE participation, utilizing the form in Attachment 2.

- g. **Compliance and Enforcement Procedures.** The GARAA will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 23.
1. The GARAA will alert the DOT if knowledge of any false, fraudulent, or dishonest conduct, in connection with the program, so that DOT can take the steps provided in Part 26.
 2. The GARAA will consider similar action under our own legal authority, including responsibility determinations in future contracts.

III CERTIFICATION AND ELIGIBILITY. The GARAA will use the procedures and standards of Part 26, except as provided for certification of ACDBEs to participate in our concessions program and such standards are incorporated herein.

- a. The GARAA is a member of a UCP administered by the State of North Carolina. The UCP will meet all the requirements of this section for both Part 26 for DBEs and Part 23 for ACDBEs on behalf of the GARAA.
- b. The UCP's directory of eligible DBEs specifies whether a firm is certified as a DBE for purposes of Part 26, and ACDBE for purposes of Part 23 or both.
- c. Prior to entering into a new contract, extension or option with a current certified ACDBE, the GARAA will review their eligibility at that time, rather than waiting until the latest date allowed under Part 23. Contracts are

- reviewed one year prior to the expiration date, regardless of type or activity.
- d. The GARAA will treat a 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 for non-rental car ACDBEs and \$75.23 for car rental ACDBEs. The size standard for banks and other financial institutions is \$1 million in assets, for pay telephone company's is 1500 employees and for ACDBE automobile dealers is 350 employees.
 - e. The personal net worth standard used in determining eligibility for purposes of Part 23 is 1.32 million. The GARAA recognize that Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth (PNW) does not include the following:
 - 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; and
 - 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 (or have in fact been encumbered to support existing financing for the individual's ACDBE business) to a maximum of \$3 million.

The effectiveness of this paragraph (3) of this definition is suspended with respect to any application for ACDBE certification made or any financing or franchise agreement obtained after June 20, 2012. (23.3)

An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

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 otherwise presumed to be disadvantaged. (See 23.3 - *Personal Net Worth* definition and 23.35)

The GARAA will presume that a firm that is certified as a DBE under part 26 is eligible to participate as an ACDBE. However, before the UCP certifies such a firm, they 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 our concessions program. The UCP handles all certification processes. The GARAA will obtain a statement from the firm of the types of concessions it prefers to operate or the type of other contracts it prefers to perform. The GARAA will ensure that the ACDBE firm meets the applicable size standard. (23.39(a)(b)).

The GARAA 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 GARAA recognize that the eligibility of Alaska Native Corporations (ANC)

owned firms for purposes of part 23 is governed by part 26 section 26.73(h). (23.39(c)(d)).

The GARAA will rely on the UCP to use the certification standards of Part 23 to determine the ACDBE eligibility of firms that provide goods and services to concessionaires. (23.39(i))

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 GARAA may continue to count the concessionaire's participation toward ACDBE goals during the remainder of the current concession agreement. The GARAA 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. (23.39(e))

The GARAA will use the Uniform Application Form found in appendix F to Part 26 with additional instruction as stated in 23.39(g).

IV GOALS, GOOD FAITH EFFORTS AND COUNTING

- a. **Basic Overall Goal Requirements.** The GARAA 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 (3) year period and the sponsor will review the goals annually to make sure the goal continues to fit the sponsor's circumstances. If any significant changes occur in overall goal adjustments, they will be reported to the FAA.

If the average annual concession revenues for car rentals or non-car rental concessions over the preceding 3 years do not exceed \$200,000, the GARAA will not need to submit an overall goal for either areas of ACDBEs. The GARAA understand that "revenue" means total revenue generated by concessions, not the fees received by the airport from concessionaires. Our overall goals will provide for participation by all certified ACDBEs and will not be subdivided into group-specific goals.

- b. **Consultation in Goal Setting.** The GARAA consults with stakeholders before submitting the overall goals to the FAA. Stakeholders will include, but not be limited to, minority and women's business groups, 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 sponsors efforts to

increase participation of ACDBEs.

When submitting our overall goals, the GARAA will identify the stakeholders that were consulted with and provide a summary of the information obtained from the stakeholders.

- c. **Overall Goals.** The GARAA is a small hub primary airport. As a condition of eligibility for FAA financial assistance, the GARAA will submit its overall goals according to the schedule set aside by FAA for our specific sized airport.

Primary Airport Size	Region	Date Due	Period Covered	Next Goal Due
Large/Medium Hubs	All regions	October 1, 2014	2015/2016/2017	October 1, 2017 (2018/2019/2017)
Small Hubs	All regions	October 1, 2015	2016/2017/2018	October 1, 2018 (2019/2020/2021)
Non-Hubs	All regions	October 1, 2016	2017/2018/2019	October 1, 2019 (2020/2021/2022)

If a new concession opportunity arises at a time that falls between the normal submission dates and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, then the GARAA will submit an appropriate adjustment to our overall goal to FAA for approval no later than 90 days before issuing the solicitation for new concession opportunity.

The GARAA will establish overall goals in accordance with the 2-step process. 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 to examine all relevant evidence reasonably available in the sponsor’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 sponsor would expect in the absence of discrimination. Evidence may include past participation by ACDBEs, a disparity study, and/or evidence from related fields that affect ACDBE opportunities to form. (i.e., statistical disparities, inability to get required financing, bonding, insurance; or data on employment, self-employment, education, training and union apprenticeship)

The GARAA’s 3 year Methodology Report for ACDBEs on Rental Car and Non-Rental Car Concessions is attached. This report contains estimated race-neutral and race-conscious participation.

- d. Concession Specific Goals.** The GARAA will use concession specific goals to meet any portion of the overall goals it does not project being able to meet using race-neutral means. Concession specific goals are established so that, over the period to which the overall goals apply, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

The GARAA will establish concession specific goals only on those that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities. The GARAA will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with DBEs. Car rental firms are not required to change their corporate structure to provide for direct ownership arrangements. In the case of a car rental goal, where it appears that all or most of the goal is likely to be met through the purchases by car rental companies of vehicles or other goods or services from ACDBEs, one permissible alternative is to structure the goal entirely in terms of purchases of goods and services.

The GARAA need not establish a concession 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 concession specific goal is to obtain ACDBE participation through direct ownership with an ACDBE, the GARAA will calculate the goal as a percentage of the total estimated annual gross receipts from the concession.

If the concession specific goal applies to purchases and/or leases of goods and services, the GARAA 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.

- e. Good Faith Efforts on Concession Specific Goals.** To be eligible to be awarded a concession that has a concession specific goal, a firm must make good faith efforts to meet the goal. Firms 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 GARAA's concession specific goals. Specifically:

1. Good Faith Efforts Procedures:

- a) Demonstration of good faith efforts.** The obligation of the firm is to

make good faith efforts and can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26. ACDBELO is responsible for determining whether a firm who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible. The GARAA will ensure that all information is complete and accurate and adequately documents the bidder/offeree's good faith efforts before commitment to the performance of the contract by the bidder/offeree.

b) Information to be Submitted. The GARAA will require the following for concession contracts when a contract goal has been established:

- 1) Award of the contract will be conditioned on meeting the requirements of this section;
- 2) All bidders/offerees will be required to submit the following information to the GARAA, at the time provided in paragraph 2.(c) of this section;
 - (a) The names and addresses of ACDBE firms that will participate in the contract;
 - (b) 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;
 - (c) The dollar amount of the participation of each ACDBE firm participating;
 - (d) Written documentation of the firm's commitment to use an ACDBE sub-concession whose participation it submits to meet a contract goal;
 - (e) 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; and
 - (f) If the contract goal is not met, evidence of good faith efforts and 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.
- 3) The GARAA will require that the bidder/offeree present the information required no later than 5 days after bid opening as a manner of responsibility. Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeree may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required before the final selection for the contract is made by the recipient.

- f. Administrative Reconsideration.** Within 7 business days of being informed by the GARAA that the bidder/offeror is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidders/Offerors should make this request in writing to the following Reconsideration Official: Lew Bleiweis, Executive Director, 61 Terminal Drive, Suite 1, Fletcher, NC 28732, lbleiweis@flyavl.com or (828) 684-2226. The Reconsideration Official will not have played any role in the original determination that the firm did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The firm will have the opportunity to meet in person with the Reconsideration Official to discuss the issue of whether it met the goal or made adequate good faith efforts. The GARAA will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding the bidder/offeror did or did not meet the goal or made adequate good faith efforts. The result of the reconsideration process is not administratively appealable to the DOT.

- g. Good Faith Efforts When an ACDBE is Replaced on a Concession.** The GARAA 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, to the extent needed to meet the concession specific goal. The GARAA will require the concessionaire to notify the ACDBELO immediately of the ACDBEs inability or unwillingness to perform and provide reasonable documentation.

In this situation, the GARAA, 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 GARAA will provide such written consent only if in agreement, for reasons stated in our 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. 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, good cause would exist.
3. The listed ACDBE sub-concession fails or refuses to meet the prime concession's reasonable, non-discriminatory bond requirements.
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 1200 or applicable state laws.
 6. The GARAA have determined that the listed ACDBE subcontractor is not responsible.
 7. The listed ACDBE sub-concession voluntarily withdraws from the project and provides written notice of its withdrawal.
 8. The listed ACDBE is ineligible to receive ACDBE credit for the type of work required;
 9. The 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 the GARAA have determined compels the termination of the ACDBE sub-concession. (Example, 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 or so that the prime contractor can substitute another ACDBE or non-ACDBE concession after contract award.)

Before transmitting to us 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 the GARAA, of its intent to request to terminate and/or substitute and the reason for the request.

The prime concession must give the ACDBE 5 days to respond to the prime concession's notice and advise us and the concessionaire of the reasons, if any, why it objects to the proposed termination of its sub-concession and why the GARAA should not approve the prime concession's action. If required in a particular case, as a matter of public necessity (i.e., safety), the GARAA may provide a response period shorter than 5 days.

The GARAA 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 GARAA established for the procurement. The good faith efforts shall be documented by the concessionaire. If the GARAA requests documentation from the concessionaire under this provision, the concessionaire shall submit the documentation to us within 7 days, which may be extended for an additional 7 days if necessary at the request of the concessionaire, and the recipient shall provide a written determination to the concessionaire stating whether or not good faith efforts have been demonstrated.

The GARAA 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 the GARAA deem appropriate if the prime concessionaire fails to comply with the requirements of this section.

If the concessionaire fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the concessionaire still fails to comply, the contracting officer may issue a termination for default proceeding.

- h. Sample Proposal/Bid Specification.** The requirements of 49 CFR Part 23, regulations of the US DOT, applies to this concession. It is the policy of the GARAA to practice non-discrimination 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 concessions firms and suppliers, including those who qualify as an ACDBE. An ACDBE concession specific goal of **2%** of annual gross receipts; value of leases and/or purchases of goods and services has been established for this concession. The concession firm shall make good faith efforts, as defined in Appendix A, 49 CFR part 26, to meet the concession specific goal for ACDBE participation in the performance of this concession.

The concession firm will be required to submit the following information:

1. 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 an 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.

[Note: When a concession specific goal is established pursuant to the sponsor's ACDBE program, the sample proposal/bid specification can be used to notify concession firms of the requirements to make good faith efforts. The forms found at Attachment 3 can be used to collect information necessary to determine whether the concession firm has satisfied these requirements. A proposal/bid specification is required only when a concession specific is established.]

- i. Counting ACDBE participation for Car Rental Goals.** The GARAA will count ACDBE participation towards overall goals other than car rental as provided in 49 CFR 23.53.
- j. Counting ACDBE Participation for Concessions Other Than Car Rental**

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

- k. Goal Shortfall Accountability.** If the awards and commitments on our Uniform Report for ACDBE Participation at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the GARAA will;
 - 1. Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year; and
 - 2. Establish specific steps and milestones to correct the problems the GARAA identified in our analysis to enable us to fully meet our goal for the new fiscal year.
- l. Quotas or Set-Asides.** The GARAA will not use quotas or set-asides as a means of obtaining ACDBE participation.

V OTHER PROVISIONS

- a. Existing Agreements.** The GARAA 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 GARAA will use any means authorized by Part 23 to obtain a modified amount of ACDBE participation in the renewed or amended agreement.
- b. Long-Term Exclusive Agreements.** The GARAA will not enter into a long-term and exclusive agreement for concessions without prior approval of the FAA Regional Civil Rights Office. The GARAA understand that:
 - 1. a “long-term” agreement is one having a term of longer than 5 years.
 - 2. an “exclusive” agreement is 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 GARAA will submit detailed information to the FAA Civil Rights Office for review and approval.

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

Attachment

1

OBJECTIVE

The Greater Asheville Regional Airport Authority (GARAA) has established an Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program in accordance with the regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23. The GARAA receives federal financial assistance from the DOT and Federal Aviation Administration (FAA) authorized for airport development. As a condition of receiving this financial assistance, the GARAA has signed grant assurances that it will comply with the above listed regulation.

POLICY

The GARAA will ensure that ACDBEs, as defined in Part 23, have an equal opportunity to receive and participate in concession opportunities. Within our program we will also:

- a. Ensure non-discrimination in the award and administration of opportunities for concessions by airports receiving DOT financial assistance;
- b. Create a level playing field and provide opportunities in which ACDBEs can compete fairly for airport concessions;
- c. Ensure that the ACDBE Program is narrowly tailored in accordance with applicable law;
- d. Ensure that only firms that fully meet 49 CFR Part 23 eligibility standards are permitted to participate as ACDBEs at our airport;
- e. Help remove barriers to the participation of ACDBEs in opportunities for concessions at our airport; and
- f. Provide appropriate flexibility to our airport in establishing and providing opportunities for ACDBEs.

GENERAL

The GARAA will designate, from its staff, an ACDBE Liaison Officer (ACDBELO), who will be responsible for implementing all aspects of the ACDBE Program at the Asheville Regional Airport, including maintenance and revisions to the ACDBE Program as required, on those schedules required. Implementation of the ACDBE Program is accorded the same priority as compliance with all other legal obligations incurred by the GARAA in its financial assistance agreements with the Department of Transportation. Updates will be made to the ACDBE program when changes occur to the Federal Regulations 49 CFR Part 23.

The GARAA has disseminated this policy statement to all relevant departments and its Board of Directors. The GARAA will publicize this statement on the airport website to reach the registered companies and both DBE and non-DBE business communities in our area.

**APPROVAL AND
UPDATE HISTORY**

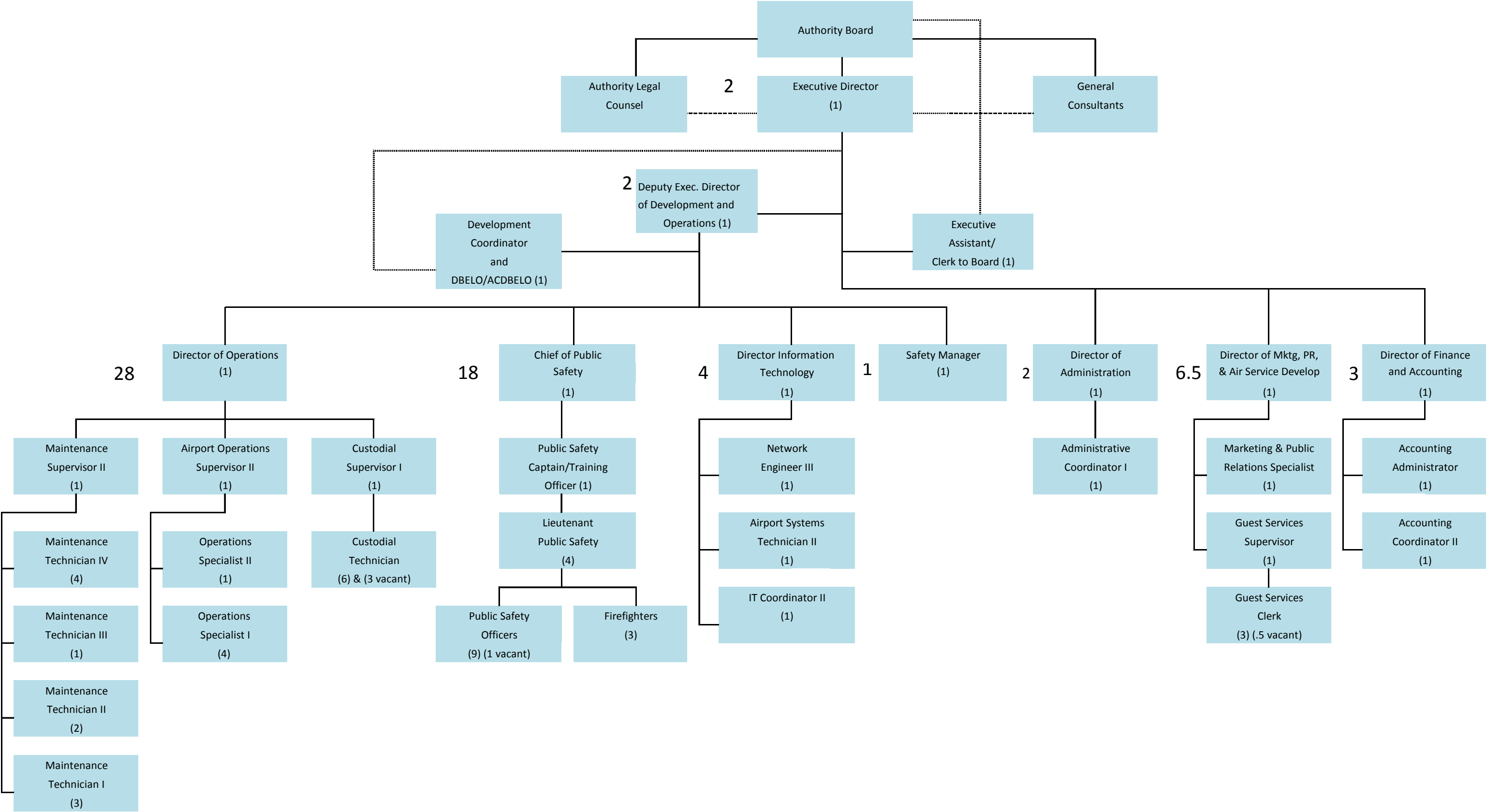
APPROVAL August 10, 2018

Attachment

2

Greater Asheville Regional Airport Authority
(Organizational Chart)

Total Staffing - 66.5 FTEs
FY 2018



Attachment

3

UNIFORM REPORT OF ACDBE PARTICIPATION							
Please refer to the Instructions sheet for directions on filling out this form							
1. Name of Recipient: <u>Greater Asheville Regional Airport Authority</u>							
2. Contact Information: Preparer's Name: _____ Phone No. () _____ Fax No. () _____ email address: _____							
3a. Federal fiscal year in which reporting period falls: <u>FY</u> <u>Oct. 1,</u> to <u>Sep. 30,</u>				3b. Date This Report Submitted: _____			
4. Current Non-Car Rental ACDBE Goal:		Race Conscious Goal %		Race Neutral Goal %		ACDBE OVERALL Goal %	
5. NON-CAR RENTAL CUMULATIVE ACDBE PARTICIPATION	A Total Dollars (Everyone)	B Total Number (Everyone)	C Total to ACDBEs (dollars) [E+F]	D Total to ACDBEs (number)	E Total to ACDBEs /Race Conscious (dollars)	F Total to ACDBEs/Race Neutral (dollars)	G Percentage of total dollars to ACDBEs [C/A]
Prime Concessions							
Subconcessions							
Management Contracts							
Goods and Services							
Total Cumulative Non-Car Rental ACDBE Participation							
6. NON-CAR RENTAL NEW ACDBE PARTICIPATION THIS PERIOD	A Total Dollars (Everyone)	B Total Number (Everyone)	C Total to ACDBEs (dollars) [E+F]	D Total to ACDBEs (number)	E Total to ACDBEs /Race Conscious (dollars)	F Total to ACDBEs/Race Neutral (dollars)	G Percentage of total dollars to ACDBEs [C/A]
Prime Concessions							
Subconcessions							
Management Contracts							
Goods and Services							
Total Non-Car Rental New ACDBE Participation							
7. Current Car Rental ACDBE Goal:		Race Conscious Goal %		Race Neutral Goal %		ACDBE OVERALL Goal %	
8. CAR RENTAL CUMULATIVE ACDBE PARTICIPATION	A Total Dollars (Everyone)	B Total Number (Everyone)	C Total to ACDBEs (dollars) [E+F]	D Total to ACDBEs (number)	E Total to ACDBEs /Race Conscious (dollars)	F Total to ACDBEs/Race Neutral (dollars)	G Percentage of total dollars to ACDBEs [C/A]
Prime Concessions							
Subconcessions							
Goods and Services							
Total Cumulative Car Rental ACDBE Participation							

	A	B	C	D	E	F	G
9. CAR RENTAL NEW ACDBE PARTICIPATION THIS PERIOD	Total Dollars (Everyone)	Total Number (Everyone)	Total to ACDBEs (dollars) [E+F]	Total to ACDBEs (number)	Total to ACDBEs /Race Conscious (dollars)	Total to ACDBEs/Race Neutral (dollars)	Percentage of total dollars to ACDBEs [C/A]
Prime Concessions							
Subconcessions							
Goods and Services							
Total Cumulative Car Rental New ACDBE Participation							

	A	B	C	D	E	F	G	H
10. CUMULATIVE ACDBE PARTICIPATION BY RACE/GENDER	Black Americans (numbers & dollars)	Hispanic Americans (numbers & dollars)	Asian-Pacific Americans (numbers & dollars)	Asian - Indian Americans (numbers & dollars)	Native Americans (numbers & dollars)	Non-Minority Women (numbers & dollars)	Other (i.e. not of any other group listed here) (numbers & dollars)	TOTALS [A+B+C+D+E+F+G] (numbers & dollars)
Car Rental								
Non-Car Rental								
Total Cumulative Race/Gender ACDBE Participation								

11. For each ACDBE firm that is participating, please fill out the attached Report of Certified ACDBE Form or list the following information for each ACDBE firm participating in your program during this report: (1) Firm name; (2) Type of business; (3) Beginning and expiration dates of agreement, including options to renew; (4) Dates that material amendments have been or will be made to agreement (if known); and (5) Estimate gross receipts for the firm during this reporting period.

Attachment

4



FY 2017-2019 Airport Concession DBE Goal Methodology

(Non-Car Rental Concessions)

for

Asheville Regional Airport

Fletcher, North Carolina

September 2016

METHODOLOGY for establishing the FY2017 – FY2019 Airport Concession Disadvantaged Business Enterprise (ACDBE) Goal for:

Asheville Regional Airport, Fletcher, NC (49 CFR Part 23)

In fulfillment of the requirements of 49 CFR Part 23, the Greater Asheville Regional Airport Authority has developed a proposed Overall Goal for FY2017 – FY2019 for Concessions other than Car Rentals.

1. Amount of Goal

The Greater Asheville Regional Airport Authority's (Authority) overall goal for concessions other than car rental (i.e., non-car rental) during the period beginning October 1, 2016 and ending September 30, 2019, is the following: 2 % of the total gross receipts for concessions at the Asheville Regional Airport. 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 concession receipts anticipated during this goal period for all non-car rental concessions is \$7,158,343.00. If a new concession opportunity arises prior to the end of this goal period and estimated average of annual gross receipts are anticipated to be \$200,000 or greater, the Authority will submit an appropriate adjustment to the overall goal. This adjustment to the overall goal will be submitted to the FAA for approval no later than 90 days before issuing the solicitation for the new concession (23.45(i)).

The Authority has determined that its market area is Buncombe and Henderson Counties of North Carolina. This is the geographical area in which the substantial majority of firms which seek to do concessions business with the Authority are located and the geographical area in which the firms which receive a substantial majority of concessions related receipts are located.

A. Projected Concessions Opportunities: October 1, 2016 – September 30, 2019

Concessions receipts opportunity for the 3-year period is based upon gross receipts for the preceding three years. The table below describes the gross concession receipts for that period.

Table 1: Gross Receipts for Concessions (Non-Car Rental) or “All Other Concessions”

Fiscal Year	Concessions (Excluding Car Rentals)
FY 2013	1,982,096
FY 2014	2,334,577
FY 2015	2,677,995
Totals	6,994,668

Source: Authority Financial Report

Based on the information provided in the table above, the total gross receipts for the three (3) year period for all other concessions is \$6,994,668.00. This base number was multiplied by 2.34% (e.g., historical 3 prior years compared to these three years averaging difference). The expected growth in non-car rental concessions receipts at the airport for a total non-car rental concessions base of \$7,158,343.00. The airport expects consistent revenue and does not anticipate major changes to increase or decrease concession revenue.

B. Determination of Market Area

The 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 receipts are located.

The Authority believes that the normal market of potential ACDBEs that would participate would be local, especially for the purchase of goods and services. Therefore, the Authority is proposing the “normal” market area for all other concessions (non-car rental) was determined to be Buncombe and Henderson Counties in North Carolina, included in Divisions 13 and 14.

2. Methodology Used to Calculate Overall Goal

A. Goods and Services

The Authority can meet the percentage goal by including the purchases from ACDBEs of goods and services used in business at the Airport. The Authority and the non-car rental concessionaires at the Airport, should 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.

B. Management Contract or Subcontract

The Authority can meet the percentage goal by including any non-car rental concessions operated through a management contract or subcontract with an ACDBE. The Authority and the non-car rental concessions at the airport, 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 receipts of business activities to which the management contract or subcontract pertains will not be added to this base in either the numerator or denominator.

C. Step 1 (23.51c)

The Authority determined the base figure for the relative availability of non-car rental ACDBEs. The base figure was calculated as follows:

The Step 1 DBE Base Figure was determined by dividing the number of ACDBE firms available by the total number of firms available to determine the relative availability of ACDBEs for each concession type. That relative availability or projected participation was multiplied by the percentage of total estimated receipts to determine the weighted availability of ACDBEs in the Airport's market area for each concession type as indicated in Table 2 below.

Table 2: Determination of Relative Availability of ACDBEs (suppliers of goods and services)

Concession Type	NAICS Code	# of ACDBE Firms Market Area	/	Total # of All Firms	=	Relative Availability of ACDBEs or Projected Participation	X	Estimated % Projected Receipt for Concessions	=	Projected % of ACDBE Participation Based on Availability
Limited Service Restaurant	722513	0	/	4	=	0%	X	55%	=	0%
News & Gifts	453220	0	/	16	=	0%	X	35%	=	0%
Personal Services	812990	0	/	7	=	0%	X	10%	=	0%
Total:		0		27				100%		0%

Source:

NCDOT Connect Website

NAICS Website

The Step 1 base goal for non-car rental (all other) ACDBEs is 0 %

D. Step 2 (23.51d)

After calculating a base figure of the relative availability of ACDBEs, the Authority examined evidence to determine whether or not the base figure needs to be adjusted in order to arrive at the overall goal.

The data used to determine the adjustment to the base figure was:

- 1) Past Participation – The Authority evaluated the current capacity of ACDBEs to perform work in non-car rental concessions program by measuring the volume of work ACDBEs have performed in the past.

Specifically, annual ACDBE accomplishments for the reporting periods listed below were assessed. The annual ACDBE percent accomplishment for each year and the median for the periods reported are noted.

Table 3: Asheville Regional Airport ACDBE Accomplishments for FY2010 – 2012

Report Period	ACDBE Goal	Total ACDBE % Achieved	Over/Under Achieved
FY2013	5	0	-5
FY2014	5	2.62	-2.38
FY2015	5	2.06	-2.94
Median	5	2.06	-2.3

Source: Concession Activity Reports, Airport records

The Airport will adjust the Step 1 DBE base figure of 0 % by adding to the annual historic median DBE participation noted in Table 3 above (2.06 %) for a total of 2.06 %, and averaging this total, for a final adjusted overall goal of 2 %.

- 2) Disparity Study

The Authority is not aware of any disparity studies that have been conducted in the Asheville area.

3. Consultation with Stakeholders (23.43)

Prior to establishing the ACDBE Non-Car Rental Concessions goal, the Authority consulted with stakeholders in its concession program to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs and the Airport's efforts to establish a level playing field for the participation of ACDBEs.

4. Breakout of Estimated Race-Neutral and Race-Conscious Participation (23.51)

The Authority will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. The Authority uses the race-neutral measures listed below to increase ACDBE participation. The Authority understands that it will be expected to actually take these steps.

- A. Locating and identifying ACDBEs and other small businesses who 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;
- C. When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;
- D. Submit information on company website for concession opportunities;
- E. Provide guided steps on how the Airport's ACDBE program works, when opportunities are available;
- F. Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation; and
- G. Provide technical assistance to ACDBEs in overcoming limitations.

The Authority estimates to meet the overall goal of 2 %, the Authority will obtain 0 % from race-neutral participation and 2 % through race-conscious measures. The reason for this projected split is there is no recent past ACDBE race-neutral utilization or other data which to project a race-neutral split. Therefore, the Authority expects to meet its entire overall goal using race-conscious measures.

If the Authority projects that race-neutral measures, standing alone, are not sufficient to meet an overall goal, it will use the following race-conscious measures to meet the overall goal:

- A. Establish concession-specific goals for particular concession opportunities;
- B. Utilize other methods, with FAA approval, that allow a competitor's ability to provide ACDBE participation into account in awarding a concession; and
- C. Negotiate with potential concessionaires to include ACDBE participation through direct ownership arrangements or measures in the operation of the concession.

In order to ensure that the ACDBE program will be adjusted to overcome the effects of discrimination, the Authority may need to adjust the estimated race-neutral and race-conscious participation as needed to reflect actual ACDBE participation (26.51(f)) and will track the reporting separately. 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 ACDBE goal, ACDBE participation

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

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

Resources used: Authority FY2017-2019 Airport Concession ACDBE Program Methodology (Non-Car Rental Concessions) and Connect NCDOT Business Partner Resources.



FY 2017-2019 Airport Concession DBE Goal Methodology

(Car Rental Concessions)

for

Asheville Regional Airport

Fletcher, North Carolina

September 2016

METHODOLOGY for establishing the FY2017 – FY2019 Airport Concession Disadvantaged Business Enterprise (ACDBE) Goal for:

Asheville Regional Airport, Fletcher, NC (49 CFR Part 23)

In fulfillment of the requirements of 49 CFR Part 23, the Greater Asheville Regional Airport Authority has developed a proposed Overall Goal for FY2017 – FY2019 for Car Rentals Concessions.

1. Amount of Goal

The Greater Asheville Regional Airport Authority's overall car rental goal for the period beginning October 1, 2016 and ending September 30, 2019, is the following: 2.5% of the total gross receipts of car rental operations at the Asheville Regional Airport.

There are no new car rental concession opportunities anticipated for this time period. If any additional car rental concession opportunities arise 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 Authority will submit an appropriate adjustment to the overall goal. This will be submitted to FAA for approval at least 6 months before executing the new concession agreement (23.45(i)).

The Authority has determined that its market area for car rental concessions is the local area of Buncombe and Henderson Counties of North Carolina. The market area is usually 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 a substantial majority of concessions related receipts are located.

A. Projected Concessions Opportunities: October 1, 2016 – September 30, 2019

Concessions revenue opportunity for the 3-year period is based upon gross receipts for the preceding three years. The table below describes the gross concession receipts for that period.

Table 1: Gross Receipts for Car Rental Concessions

Fiscal Year	Car Rental Concessions
FY 2013	11,514,455
FY 2014	12,823,976
FY 2015	13,961,114
Totals	38,299,545

Source: Airport Financial Report

Based on the information provided in the table above, the total gross receipts for the three (3) year period for car rental concessions is \$38,299,545. This base number was multiplied by 2.71% (e.g., historical 3 prior years compared to these three years averaging the difference between the 6yr period.) expected growth in car rental concessions receipts at the airport for a total car rental concessions base of \$39,337,463.00.

B. Determination of Market Area

The 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 receipts are located.

The Authority believes that, although firms that are currently doing business with the airport are located nationally, ACDBEs that would participate would be local. Therefore, the Authority is proposing to use Buncombe and Henderson Counties of North Carolina as the market area.

2. Methodology Used to Calculate Overall Goal

A. Goods and Services

The Authority can meet the percentage goal by including the purchases from ACDBEs of goods and services used in business at the Airport. 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.

B. Management Contract or Subcontract

The Authority can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. The businesses at the airport will add the dollar amount of the 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 receipts of business activities to which the management contract or subcontract pertains, will not be added to this base in either the numerator or denominator.

C. Step 1 (23.51c)

The Authority determined the base figure for the relative availability of car rental ACDBEs. The base figure was calculated as follows:

The Step 1 DBE Base Figure was determined by dividing the number of ACDBE firms available by the total number of firms available to determine the relative availability of ACDBEs as indicated in Table 2 below.

Table 2: Determination of Relative Availability of ACDBEs (suppliers of goods and services)

Concession Type	NAICS Code	ACDBE Firms in Market Area	All Firms in Market Area	% of ACDBE Firms Available
Motor Vehicle Supplies	423120	0	5	0%
Automobile Parts and Acces	441310	0	1	0%
General Automotive Repair	811111	1	2	50%
Specialized Freight Trucking (Local)	484220	0	297	0%
Specialized Freight Trucking (Long Distance)	484230	0	23	0%
Recyclable Materials	423930	0	2	0%
Automotive Tire Dealer	441320	0	2	0%
Keys-Hardware Merchant	423710	1	8	12.5%
Insurance	524210,524298	1	10	10%
Customer Service Consult	541613	4	75	5.3%
Management Development	611430	4	30	13.3%
Totals		11	455	2.4%

Source: NCDOT UCP, DBE Directory

The Step 1 base goal for car rental ACDBEs is 2.4%

D. Step 2 (23.51d)

After calculating a base figure of the relative availability of ACDBEs, the Authority examined evidence to determine whether or not the base figure needs to be adjusted in order to arrive at the overall goal.

The data used to determine the adjustment to the base figure was:

- 1) Past Participation – The Authority reviewed past years ACDBE utilization available in which to adjust the ACDBE figure. The annual ACDBE percent accomplishment for each year and the median for the periods reported are noted.

Table 3: Asheville Regional Airport ACDBE Accomplishments for FY2013 – 2015

Report Period	ACDBE Goal	Total DBE % Achieved	Under Achieved
FY2013	6	0%	6%
FY2014	6	2.76%	3.24%
FY2015	6	.10%	5.9%
Median	6	.10%	5.9%

The median ACDBE accomplishment for each of the reporting periods as shown above is .10 %, compared to the Step 1 DBE base figure for the airport of 2.4 %. This may indicate that the Step 1 base figure over-estimates ACDBE capacity at the Airport.

The Airport will adjust the Step 1 DBE base figure of 2.4 % by adding to the annual historic median DBE participation noted in Table 3 above (.10 %) for a total of 2.5 %, for a final adjusted overall goal of 2.5 %.

2) Disparity Study

The Authority is not aware of any disparity studies that have been conducted in the Asheville or Hendersonville areas.

E. Adjustment of the Step 1 Base Figure

The Authority chose not to adjust the base figure. The ACDBE participation that the Authority would expect, in the absence of discrimination, is achievable. The Authority will use the adjusted base figure of 2.5 % overall goal for car rental concessions.

3. Consultation with Stakeholders (23.43)

Before establishing the ACDBE Car Rental Concessions goal, the Authority consulted with stakeholders in its concession program to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs and the Airport's efforts to establish a level playing field for the participation of ACDBEs.

4. Breakout of Estimated Race-Neutral and Race-Conscious Participation (23.51)

The Authority will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. The Authority uses the race-neutral measures listed below to increase ACDBE participation. The Authority understands that it will be expected to actually take these steps and this is not merely a paper exercise.

- A. Locating and identifying ACDBEs and other small businesses who 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;
- C. When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;
- D. Provide technical assistance to ACDBEs with concession opportunities in overcoming limitations; and
- E. Providing information concerning pre-solicitation meetings about the availability of opportunities for ACDBE firms to competitors for concessions to assist them in obtaining ACDBE participation.

The Authority estimates that, in meeting its overall goal of 2.5%, it will obtain 0% from race-neutral participation and 2.5% through race-conscious measures. The reason for this projected split is that the median amount by which the Authority under achieved its goals over the preceding three (3) year period as shown in Table 3 is 5.9 %. Therefore, the Authority expects to meet its entire overall goal using race-conscious means.

If the Authority projects that race-neutral measures, standing alone, are not sufficient to meet an overall goal, it will use the following race-conscious measures to meet the overall goal:

- A. Establish concession-specific goals for particular concession opportunities;
- B. Utilize other methods, with FAA approval, that allow a competitor's ability to provide ACDBE participation into account in awarding a concession; and
- C. Negotiate with potential concessionaires to include ACDBE participation through direct ownership arrangements or measures in the operation of the concession.

In order to ensure that the ACDBE program will be adjusted to overcome the effects of discrimination, the Authority may need to adjust the estimated race-neutral and race-conscious participation as needed to reflect actual ACDBE participation (26.51(f)) and will track the reporting separately. 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 ACDBE goal; ACDBE participation on a prime contract exceeding a concession specific goal; and ACDBE participation through a subcontract from a prime contractor that did not consider a firm's ACDBE status in making the award.

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

Resources:

1. Asheville Regional Airport FY2017 – 2019 Airport Concessions DBE Program Methodology (Car Rental Concessions)
2. North Carolina UCP DBE Directory

Attachment

5

Demonstration of Good Faith Efforts

FORM 1: AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid/proposal specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of _____ % ACDBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the ACDBE goal of _____%) is committed to a minimum of _____% ACDBE utilization on this contract and submitted documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

[Forms 1 and 2 should be provided as part of the solicitation documents.]

Demonstration of Good Faith Efforts

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of ACDBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _()_____ Point of Contact: _____

Description of work to be performed by ACDBE firm:

The bidder/offeror is committed to utilizing the above-named ACDBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named ACDBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each ACDBE subcontractor.)