HILLSBOROUGH COUNTY AVIATION AUTHORITY

AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE

~~(ACDBE)~~ POLICY AND PROGRAM

Tampa International Airport

HILLSBOROUGH COUNTY AVIATION AUTHORITY
Post Office Box 22287
Tampa, Florida 33622

Revised August 6, 2026~~October 1, 2024~~

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POLICY STATEMENT

Section 23.1, 23.23 Objectives/Policy Statement

~~-~~The Hillsborough County Aviation Authority (~~(“HCAA” or the “~~Authority), owner of Tampa International Airport (Airport),~~”)~~ has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT~~DOT~~), 49 CFR Part~~part~~ 23 (Part 23). TPA ~~. Tampa International Airport~~ is a primary airport and has received federal funds authorized for airport development after January 1988 (authorized under Title 49 of the United States Code). The Authority~~HCAA~~ has signed airport grant assurances that it will comply with Part~~49 CFR part~~ 23.

It is the policy of the Authority to ensure that ACDBEs as defined in Part~~part~~ 23 have an equal opportunity to receive and participate in concession opportunities at TPA. It is also the Authority’s~~our~~ policy:

1. To ensure nondiscrimination in the award and administration of opportunities for concessions~~ by airports receiving DOT financial assistance~~;
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions;
3. To ensure that the~~our~~ ACDBE program operates~~is narrowly tailored~~ in a nondiscriminatory manner and without regard to race or sex, while maximizing efficiency of service~~accordance with applicable law~~;
4. To ensure that only firms that fully meet this ACDBE Policy and Program's~~part's~~ eligibility standards are permitted to participate as ACDBEs;
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at ~~our airport(s);~~Tampa International Airport~~;~~
6. To promote the use of ACDBEs in all types of concessions activities at our Airport;~~airport(s);~~
7. To assist the development of firms that can compete successfully in the marketplace outside the ACDBE program; and
8. To provide appropriate flexibility to airports receiving USDOT~~DOT~~ financial assistance in establishing and providing opportunities for ACDBEs.

The Business Opportunity Programs Manager~~Director of Ethics, Diversity and Administration~~ has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, the Business Opportunity Programs Manager~~Director of Ethics, Diversity and Administration~~ 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 Authority in its financial assistance agreements with the USDOT~~Department of Transportation~~.

The Authority ~~HCAA~~ has disseminated this policy statement to its ~~the Hillsborough County Aviation Authority~~ Board of Directors and all of the components of the~~our~~ organization. This statement has been ~~We have~~ distributed ~~this statement~~ to ACDBE and non-ACDBE concessionaire communities that may have a concession at Tampa International Airport by posting the statement~~in our area through publication~~ on the website.

~~and providing information on how to access the Program at pre-proposal meetings and tenant meetings.~~

Michael Stephens, Chief Executive Officer Date~~Joe Lopano, CEO Date~~

GENERAL REQUIREMENTS

Section 23.1f[1]~~1~~ Objectives

The objectives are found in the policy statement on the first page of this program. A link to 49 CFR part 23 (part 23)~~26~~ can be found in Attachment 7~~9~~.

Section 23.3 Definitions

The Authority~~HCAA~~ 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

Tampa International Airport~~TPA~~ is a primary airport, operated by the Authority. The Authority~~HCAA. HCAA~~ is the sponsor of federal airport funds authorized for airport development after January 1988 that was authorized under Title 49 of the United States Code.

Section 23.9 Non-discrimination Requirements

The Authority~~HCAA~~ 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 on the basis of race, color, sex, or national origin.

In administering its ACDBE program, the Authority~~HCAA~~ 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 Authority~~HCAA~~ will include the following assurances in all concession agreements and management contracts it executes with any firm:

> ~~-~~"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.

[1] Section reference in headings throughout correspond to the applicable section of 49 CFR part 23.

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.~~.~~"

Section 23.11 ~~-~~ Compliance and Enforcement

The Authority~~HCAA~~ acknowledges that the compliance and enforcement provisions of ~~49 CFR~~ part 26 (§§ 26.101~~(§§ 26.101~~ and 26.105~~26.105~~ through 26.109)~~26.109)~~ apply to the concessions program under part 23 in the same way that they apply to FAA recipients and programs under part 26.

ACDBE PROGRAM

Section 23.21 ~~-~~ ACDBE Program Updates

The Authority~~HCAA~~ is the operator of at least one primary airport and is required to have an ACDBE program. This ACDBE program is applicable to the following airport:~~(s):~~

- Tampa International Airport

Prior to implementing significant changes to this ACDBE program, the Authority~~HCAA~~ will provide the amended program to FAA for review and approval.

Section 23.23 ~~-~~ Administrative Provisions

Policy Statement: The Authority
~~HCAA~~ is committed to operating its ACDBE program in a nondiscriminatory manner. The Policy Statement is elaborated on the first page of this program.

ACDBELO Liaison Officer (ACDBELO): The Authority has designated the following individual as its ACDBELO:~~HCAA will thoroughly investigate, on an annual basis, the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community and make reasonable efforts to use these institutions. HCAA will also encourage prime concessionaires to use such institutions.~~

~~There are currently no certified DBE Financial Institutions listed in the Florida Unified Certification Program ("FL UCP") directory. HCAA will monitor the Florida UCP Directory quarterly to determine if any financial institutions are added to the DBE/ACDBE list. HCAA also monitors quarterly the FDIC list of Minority Owned Banks, The Bureau of the Fiscal Service, Office of the Comptroller of the Currency and other internet sources such as Forbes and Investopedia to locate minority and women~~

~~owned banks. Information on the availability of such institutions, if any, will be made at pre-proposal conferences.~~

~~HCAA has designated the following individual as our ACDBELO:~~

Business Opportunity Programs Manager~~Director of Government Affairs & Community Relations~~
Tampa International Airport~~Hillsborough County Aviation Authority~~
P. O. Box 22287 Tampa, FL 33622-2287
Telephone: -(813) 554-1450
Email: BusinessOpportunity@TampaAirport.com~~Email: DBEProgram@tampaairport.com~~

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that the Authority~~HCAA~~ complies with all provisions~~provision~~ of ~~49 CFR~~ part 23. The ACDBELO has direct, independent access to the Authority's~~HCAA~~ Chief Executive Officer concerning ACDBE program matters. An organizational chart displaying the ACDBELO's position in the organization is found in Attachment 1 to this program.

The ACDBELO is responsible for developing, implementing, and monitoring the ACDBE program, in coordination with other appropriate officials. The ACDBELO has a staff of two (2) to assist in the administration of the program. The duties and responsibilities include the following:

~~1.~~ 1) Gathers and reports statistical data and other information as required by FAA or USDOT~~DOT~~.
~~2.~~ 2) Reviews third party contracts and purchase requisitions for compliance with this program.
~~3.~~ 3) Works with various~~all~~ departments to set overall tri-annual goals.
~~4.~~ 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 ACDBE-neural methods and contract specific goals)~~HCAA's progress toward attainment~~ and monitors results~~identifies ways to improve progress~~.
5) Analyzes the Authority's progress toward attainment and identifies ways to improve progress.
~~6.~~ 6) Participates in pre-proposal meetings.
~~7.~~ 7) Advises the CEO/governing body on ACDBE matters and achievement.
8) Determines concessionaire compliance with good faith efforts.
9) Plans and participates in ACDBE training seminars.
~~8.~~ 10) Acts as liaison to the Unified Certification Program (UCP) in Florida.
~~9.~~ 11) Provides outreach to ACDBEs and community organizations to advise them of opportunities.

Directory

~~:~~ The Authority is a certifying member of the Florida Unified Certification Program (FLUCP). A link to the Florida DOT Business Growth & Engagement Office can be found at https://www.fdot.gov/BusinessGrowth and will provide access to the FLUCP ~~UCP) maintains a~~ directory. ~~identifying all firms eligible to participate as DBEs and ACDBEs.~~ The Directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as an ACDBE. The Directory clearly specifies whether a firm is certified as a DBE for purposes of part 26, an ACDBE for purposes of part 23, or both.

Section 23.25 - Ensuring Nondiscriminatory Participation of ACDBEs

The Authority~~HCAA~~ will not use ACDBE-conscious set-asides or quotas as a means of obtaining ACDBE participation.

The Authority~~HCAA~~ will seek ACDBE participation in all types of concession activities.

The Authority~~HCAA~~ will maximize the use of ACDBE~~race~~-neutral measures, obtaining as much as possible of the ACDBE participation needed to meet overall goals through such measures. The Authority~~HCAA~~ will take measures to ensure nondiscriminatory participation of ACDBEs in concessions, and other covered activities (part 23, § 23.25(a)), ~~)~~ through monitoring of ACDBE participation, tenant meetings, debriefings with unsuccessful proposers, community outreach and open communications with ACDBE participants. In addition, nondiscrimination language is included in every concession contract.

ACDBE
~~Race~~-neutral measures may include but are not limited to:

~~1)~~ 1) Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires; ~~under this part;~~

~~2)~~ 2) Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;

~~3)~~ 3) When practical, structuring concession activities to encourage and facilitate the participation of ACDBEs;

~~4)~~ 4) ~~Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing;~~

~~5)~~ Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the recipient's ACDBE program will affect the procurement process;

~~6)~~ 5) Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation. ~~; and~~

~~7) Establishing a business development program (see part 2 § 26.35); technical assistance programs; or taking other steps to foster ACDBE participation in concessions.]~~

The Authority~~HCAA~~ will also provide for the use of ACDBE~~race~~-conscious measures when ACDBE~~race~~-neutral measures, standing alone, are not projected to be sufficient to meet an overall goal. The following are examples of ACDBE~~race~~-conscious measures the Authority~~we~~ will implement, as needed:

~~1.~~ 1) Establish~~Establishing~~ concession-specific goals for particular concession opportunities.

a. In setting concession-specific goals for concession opportunities other than car rental, the Authority~~HCAA~~ will explore, to the maximum extent practicable, all available options to set goals that concessionaires can meet through direct ownership arrangements. A concession-specific goal for any concession other than car rental may be based on purchases or leases of goods and services only when the analysis of the relative availability of ACDBEs and all relevant evidence reasonably supports that there is *de minimis* availability for direct ownership arrangement participation for that concession opportunity.

b. In setting car rental concession-specific goals, the Authority~~HCAA~~ will not require a car rental company to change its corporate structure to provide for participation via direct ownership arrangement. When the overall goal for car rental concessions is based on purchases or leases of goods and services, the Authority~~HCAA~~ is not required to explore options for direct ownership arrangements prior to setting a car rental concession-specific goal based on purchases or leases of goods and services.

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

d. If the goal applies to purchases or leases of goods and services from ACDBEs, the Authority~~HCAA~~ will calculate the goal as a percentage of the total estimated dollar value of all purchases to be made by the concessionaire.

e. When a concession-specific goal is set, the Authority~~HCAA~~ will require competitors to make good faith efforts to meet this goal. A competitor 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.

f. The administrative procedures applicable to contract goals in part 26, §~~§~~ 26.51 through §26.53~~.~~ apply with respect to concession-specific goals.

~~g.~~ 2) ~~In setting car rental concession-specific goals, HCAA will not require a car rental company to change its corporate structure to provide for participation via direct ownership arrangement. When the overall goal for car rental concessions is based on purchases or leases of goods and services, HCAA is not required to explore options for direct ownership arrangements prior to setting a car rental concession-specific goal based on purchases or leases of goods and services.~~

h. ~~If the objective of the concession-specific goal is to obtain ACDBE participation through a direct ownership arrangement with an ACDBE, HCAA will calculate the goal as a percentage of the total estimated annual gross receipts from the concession.~~
i. ~~If the goal applies to purchases or leases of goods and services from ACDBEs, HCAA will calculate the goal as a percentage of the total estimated dollar value of all purchases to be made by the concessionaire.~~
j. ~~When a concession-specific goal is set, HCAA will require competitors to make good faith efforts to meet this goal. A competitor 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.~~
k. ~~The administrative procedures applicable to contract goals in part 26, § § 26.51 through 26.53. apply with respect to concession-specific goals.~~

~~2.~~ Negotiate with a potential concessionaire to include ACDBE participation, through direct ownership arrangements or measures, in the operation of the non-car rental concessions.

~~3.~~ 3) With the prior approval of FAA, other methods that take a competitor's ability to provide ACDBE participation into account in awarding a concession.

The Authority~~HCAA~~ requires businesses subject to car rental and non-car rental ACDBE goals at the Airport~~airport~~ to make good faith efforts to meet goals set pursuant to this section. Examples of good faith efforts are found in Appendix A of 49 CFR part 26. An example~~A copy~~ of forms used in Request for Proposals (RFP) can be found in Attachment 6 which will be revised, modified and updated based on the RFP~~7~~.

Good faith efforts procedures contained in the DBE Policy and Program will be followed for ACDBE contract goals established under this program.

Section 23.26 - Fostering Small Business Participation

The Authority~~HCAA~~ has created a small business element to provide for the structuring of concession opportunities to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of concession opportunities that may preclude small business participation in solicitations.

The small business element is incorporated as Attachment 8~~10~~ to this ACDBE Program. The program elements will be actively implemented to foster small business participation. The Authority~~HCAA~~ acknowledges that active use of the small business element is a requirement of the good faith implementation of this ACDBE program.

~~HCAA will submit an annual report on small business participation obtained through the use of this small business element. The report must be submitted in the format~~

~~acceptable to the FAA based on a schedule established and posted to the agency's website, available at https://www.faa.gov/about/office_offices/acr/bus_ent_program.~~

Section 23.27 - Reporting

The AuthorityHCAA will retain sufficient basic information about itsour ACDBE program implementation, ACDBE certification and the award and performance of agreements and contracts to enable the FAA to determine itsour 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 AuthorityHCAA will submit an annual report on ACDBE participation to the FAA by March 1 following the end of each fiscal year. This report will be submitted in the format acceptable to the FAA and contain all of the information described in the Uniform Report of ACDBE Participation.

The AuthorityHCAA will create and maintain active participants list information and enter it into a system designated by the FAA. The AuthorityHCAA will collect the following information about ACDBE and non-ACDBEs who seek to work on each of our concession opportunities.

~~a.~~ 1) Firm name;
~~b.~~ 2) Firm address including ZIP code;
~~c.~~ 3) Firm status as an ACDBE or non-ACDBE;
~~d.~~ 4) ~~Race and gender information for the firm's majority owner;~~
~~e.~~ NAICS code applicable to the concession contract in which the firm is seeking to perform;
~~f.~~ 5) Age of the firm; and
~~g.~~ 6) The annual gross receipts of the firm.

The AuthorityHCAA will collect the data from all active participants for concession opportunities by requiring the information to be submitted with their proposals or initial responses to negotiated procurements. The AuthorityHCAA will enter this data in FAA's designated system no later than March 1 following the fiscal year in which the relevant concession opportunity was awarded. A copy of the Active Participants List Collection Form can be found in Attachment 23.

The state department of transportation in each Unified Certification Program (UCP) established pursuant to part 26,49 CFR § 26.81 must report certain information from the UCP directory to USDOT'sDOT's Departmental Office of Civil Rights each year. The FLUCPFlorida UCP ensures the collection and reporting of the following information in the UCP directory:

~~1) The number and percentage of in-state and out-of-state ACDBE certifications for socially and economically disadvantaged by gender and ethnicity (Black American, Asian-Pacific American, Native American, Hispanic American, Subcontinent-Asian Americans, and non-minority);~~

~~2)~~1) The number of ACDBE certification applications received from in-state and out-of-state firms and the number found eligible and ineligible;

~~3)~~2) The number of decertified firms;

- i) Total in-state and out-of-state firms decertified;
- ii) Names of in-state and out-of-state firms decertified because the Socially and Economically Disadvantaged Owner (SEDO) exceeded the personal net worth cap;
- iii) Names of in-state and out-of-state firms decertified for excess gross receipts beyond the relevant size standard.

~~4)~~3) Number of in-state and out-of-state ACDBEs summarily suspended;

The Authority is a certifying member of the Florida Unified Certification Program (FLUCP). A link to the directory may be found at https://www.fdot.gov/BusinessGrowth. The directory will list all firms eligible to participate as a DBE and/or ACDBE in the program and will include all required information.

~~5) Number of in-state and out-of-state ACDBE applications received for an individualized determination of social and economic disadvantage status; and~~

~~6) Number of in-state and out-of-state ACDBEs whose owner(s) made an individualized showing of social and economic disadvantaged status.~~

~~A link to the Florida UCP DBE/ACDBE Directory can be found in Attachment 2~~

Section 23.29 - Compliance and Enforcement Procedures

The Authority~~HCAA~~ will take the following monitoring and enforcement mechanisms to ensure compliance with ~~49 CFR~~ part 23.

~~1.~~1) The Authority~~HCAA~~ will bring to the attention of the USDOT~~Department of Transportation~~ any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT~~DOT~~ can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT~~DOT~~ Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in part 26,~~49 CFR~~ § 26.107.

~~2.~~2) The Authority~~HCAA~~ will consider similar action under its~~our~~ own legal authorities, including responsiveness determinations in future contracts. It has~~We have~~ listed the regulations, provisions, and contract remedies available to it~~us~~ in the events of non-compliance with the ACDBE regulation by a participant in our procurement activities (see~~See~~ Attachment 3).~~4).~~

~~3.~~3) The Authority~~HCAA~~ will implement a monitoring and enforcement mechanism to ensure that work committed to ACDBEs at contract award is performed by the ACDBEs. This mechanism will provide a running tally of ACDBE attainments (e.g., gross receipts earned by ACDBE firms), including a means of comparing these attainments to commitments. This will be accomplished by documenting ongoing, scheduled, and unscheduled onsite visits to the operations and meetings with staff. –The contract monitoring files will contain written certification that the Authority~~HCAA~~ staff has 1) reviewed records of all contracts, leases, joint venture agreements, and other concession-related agreements, and 2) monitored onsite ~~Airport~~ operations for the purpose of compliance with ACDBE contract requirements and the Authority's~~Airport's~~ ACDBE Program.

~~4.~~4) The Authority~~HCAA~~ will show ACDBE commitments and attainments in the annual Uniform Report of ACDBE Participation as required by the FAA.

~~5.~~5) All required contract provisions from ~~49 CFR~~ part 23, ~~49 CFR~~ part 26, §~~section~~ 26.53 and the FAA contract provisions document will be included in concession leases as applicable.

CERTIFICATION AND ELIGIBILITY

Section 23.31 - Certification Standards and Procedures

The Authority~~HCAA~~ is a certifying member of the FLUCP. The Authority~~Florida Unified Certification Program (UCP). HCAA~~ will use the certification standards of Subpart C of part~~Part~~ 23 to determine the eligibility of firms to participate as ACDBEs in airport concessions contracts. -To be certified as an ACDBE, a firm must meet all certification eligibility standards. The Authority~~HCAA~~ makes all certification decisions based on the facts as a whole. The ACDBE application form can be accessed through the Tampa International Airport – Business Opportunity Management System~~Detailed~~ certification portal~~processes are described in the Florida UCP agreement. A link to the full UCP agreement can be found~~ at https://tampaairport.gob2g.com/.~~the link in Attachment 8.~~

The FLUCP~~Florida UCP~~ directory of eligible firms~~ACDBEs~~ specifies whether a firm is certified as a DBE for purposes of part 26, an ACDBE for purposes of part 23, or both.

For information about the certification process or to apply for certification, firms should contact:

Hillsborough County Aviation Authority ~~(HCAA)~~
ACDBE/DBE Certification
Tampa International Airport
P.O. Box 22287
Tampa, FL 33622

Telephone: ~~Cheryl Hawkins~~
(813) 554-1450~~870-8738~~
Email: BusinessOpportunity@Tampaairport.com
~~chawkins@tampaairport.com~~

Application portal:
https://tampaairport.gob2g2.com~~https://tampaairport.diversitycompliance.com/~~

~~The Uniform Certification Application form, Personal Net Worth statement, and documentation requirements can be reviewed at https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply.~~

Section 23.33 - Business Size Standards

In general, a firm will be considered as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous five (5) fiscal years, do not exceed $56.42 million. The following special exceptions apply to the general small business size limit:

~~1.~~ 1) The limit for passenger car rental companies is $75.23 million, averaged over the firm's previous five (5) fiscal years.

~~2.~~ 2) The size standard for banks and other financial institutions is $1 billion in assets.

~~3.~~ 3) The size standard for pay telephone companies is 1500 employees.

~~4.~~ 4) The size standard for new car dealers is 350 employees.

For size purposes, gross receipts (as defined in 13 CFR 121.104(a))~~13 CFR 121.104(a))~~ of affiliates are included in a manner consistent with 13 CFR 121.104(d),~~13 CFR 121.104(d),~~ except in the context of joint ventures. For gross receipts attributable to joint venture partners, a firm must include in its gross receipts its proportionate share of joint venture receipts, unless the proportionate share already is accounted for in receipts reflecting transactions between the firm and its joint ventures (*e.g.,* subcontracts from a joint venture entity to joint venture partners).

Section 23.35 - Personal Net Worth Limits

The personal net worth (PNW) standard used in determining eligibility for purposes of part 23 is posted online ~~on the Departmental Office of Civil Rights' webpage, available~~ at https://www.transportation.gov/DBEPNW. Any individual who has a PNW exceeding this amount is not a socially and economically disadvantaged individual for purposes of 49 CFR~~this~~ part 23.~~, even if the individual is a member of a group otherwise presumed to be disadvantaged.~~

Section 23.37 - Firms Certified as DBEs

Certifying members of the FLUCP~~Florida UCP~~ 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, certifying FLUCP~~the Florida UCP~~ members 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 concessions program.

Section 23.39 - Other ACDBE Certification Requirements

The provisions of part 26, § 26.83(c)(1) ~~of 49 CFR part 26~~ do not apply to ACDBE certifications. Instead, in determining whether a firm is an eligible ACDBE, certifying FLUCP~~Certifying Florida UCP~~ members will take the following steps:

1) Visit the firm's principal place of business, virtually or in person, and interview the SEDO, officers, and key personnel. Certifying FLUCP~~Florida UCP~~ members will review those persons' résumés and/or work histories and maintain a complete audio recording of the interviews. Certifiers will also visit one or more active job sites (if there is one). These activities comprise the ~~“~~on-site review,~~” (OSR),~~ a written report of which the certifying FLUCP~~Florida UCP~~ member will keep in its files;~~.~~
2) Analyze documentation related to the legal structure, ownership, and control of the applicant firm. This includes, but is not limited to, articles of incorporation/organization; corporate by-laws or operating agreements; organizational, annual and board/member meeting records; stock ledgers and certificates; and State-issued certificates of good standing;
3) Analyze the bonding and financial capacity of the firm; lease and loan agreements; and bank account signature cards;
4) Determine the work history of the firm, including any concession contracts or other contracts it may have received; and payroll records;
5) Obtain or compile a list of the licenses of the firm and its key personnel to perform the concession contracts or other contracts it wishes to receive;
6) Obtain a statement from the firm of the type(s) of concession(s) it prefers to operate or the type(s) of other contract(s) it prefers to perform;
7) Obtain complete Federal income tax returns (or requests for extensions) filed by the firm, its affiliates, and the socially and economically disadvantaged owners for the last 5 years. A complete return includes all forms, schedules, and statements filed with the Internal Revenue Service; and
8) Require applicants for ACDBE certification to complete and submit an appropriate application form, except as otherwise provided in § 26.85 of part 26.

In reviewing applications and annual updates, certifying FLUCP~~the Declaration of Eligibility required by § 26.83(j), Certifying Florida UCP~~ members will ensure that the ACDBE applicant provides documentation that it meets the applicable size standard in § 23.33.

For purposes of this part, the term *prime contractor* in § 26.87(j) includes a firm holding a contract with an airport concessionaire to provide goods or services to the concessionaire or a firm holding a prime concession agreement with a recipient.

With respect to firms owned by Alaska Native Corporations (ANC~~ANCs~~), the provisions of § 26.63(c)(2) do not apply. The eligibility of ANC-owned firms for purposes of this part is governed by § 26.63(c)(1).

Certifying FLUCP~~Florida UCP~~ members will use the Uniform Certification Application (application) found in part 26 ~~of this chapter~~ without change. If the FLUCP~~Florida UCP~~ seeks to supplement the form by requesting specified additional information consistent with part 23 and part 26, the FLUCP~~Florida UCP~~ will first seek written approval of the concerned Operating Administration.

Certifying FLUCP~~Florida UCP~~ members will require every applicant to clearly state that it is applying for certification as an ACDBE and complete all of section 5 of the application.

Car rental companies and private terminal owners or lessees are not authorized to certify firms as ACDBEs.

GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 ~~-~~ Overall Goals

The Authority~~HCAA~~ 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 Authority~~sponsor~~ will review the goals annually to make sure the goal continues to fit the Authority's~~sponsor's~~ circumstances. The Authority~~HCAA~~ will submit any significant overall goal adjustments to the FAA.

If the average annual concession revenues for car rentals over the preceding three (3) years do not exceed $200,000, the Authority~~HCAA~~ is not required to develop and submit an overall goal for car rentals. Likewise, if the average annual concession revenues for concessions other than car rentals over the preceding three (3) years do not exceed $200,000, the Authority~~HCAA~~ is not required to develop and submit an overall goal for concessions other than car rentals. The Authority~~HCAA~~ understands that "revenue" means total revenue generated by concessions, not the revenue received by the airport from concessions agreements.

The Authority's~~HCAA'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 Authority~~HCAA~~ 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, business groups, 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 and~~,~~ the sponsors'~~effects of discrimination on opportunities for ACDBEs, and the sponsors~~ efforts to increase participation of ACDBEs.

When submitting its~~our~~ overall goals, the Authority~~we~~ will identify the stakeholders that it~~we~~ consulted with and provide a summary of the information obtained from the stakeholders.

The requirements of this section do not apply if no new concession opportunities ~~will~~ become available during the goal period. However, the Authority~~HCAA~~ will take appropriate outreach steps to encourage available ACDBEs to participate as concessionaires whenever there is a concession opportunity.

Section 23.45 ~~-~~ Overall Goals Submission to the FAA

Overall goals will be submitted to the FAA for approval. The overall goals meeting the requirements of this subpart are due based on a schedule established by the FAA and posted on the FAA's website.

The goals must be submitted every three years based on the published schedule.

If a new concession opportunity 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 Authority~~sponsor~~ will submit an appropriate adjustment to its~~our~~ overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity.

The Authority~~HCAA~~ will establish overall goals in accordance with the 2-Step process as specified in §~~-~~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 to examine all relevant evidence reasonably available in the Authority's~~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 Authority~~sponsor~~ 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 Authority~~HCAA~~ will also include a projection of the portions of the overall goal expected to be met through ACDBE~~race~~-neutral and ACDBE~~race~~-conscious measures, respectively.

If the FAA determines that the Authority's~~HCAA's~~ goals have not been correctly calculated or the justification is inadequate, the FAA may, after consulting with the Authority~~us~~, adjust the overall goal or ACDBE~~race~~-conscious/ACDBE~~race~~-neutral "split." In such a case, the adjusted goal is binding on the Authority~~HCAA~~.

Overall goals for non-car rental concessions can be found in Attachment 4. ~~5.~~ Overall goals for car rental concessions can be found in Attachment 5~~6~~.

Section 23.53 - Counting ACDBE Participation for Car Rental Goals

The Authority~~HCAA~~ will count ACDBE participation toward overall goals for~~other than~~ car rental as provided in part 23,~~49 CFR~~ § 23.53.

Pursuant to 49 CFR part 23.55(i), when~~When~~ an ACDBE is decertified because one or more of its disadvantaged owners exceed the PNW cap or the firm exceeds the business size standards of part 23 during the performance of a contract or other agreement, the firm's participation may continue to be counted toward ACDBE goals for the remainder of the term of the contract or other agreement. However, the Authority~~HCAA~~ will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, the Authority~~HCAA~~ will require the firm to provide, annually on December 1, a Declaration of Eligibility, affirming that there have been no changes in the firm's circumstances affecting its ability to meet ownership or control requirements of subpart C~~subpart C~~ of part 23 or any other material changes, other than changes regarding the firm's business size or the owner's personal net worth. The Authority~~HCAA~~ 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 (*e.g.,* in a case where the agreement is renewed or extended, or an option for continued participation beyond the current term of the agreement is exercised).

Firms are required to inform the Authority~~HCAA~~ in writing of any change in circumstances affecting their ability to meet ownership or control requirements of subpart C of this part~~subpart C of this part~~ or any material change. Reporting must be made as provided in §26.83(i).~~§ 26.83(i) of this chapter.~~

Section 23.55 Counting ACDBE ~~participation~~ Participation for Concessions Other than Car Rentals

The Authority~~HCAA~~ will count ACDBE participation toward overall goals other than car rental as provided in part 23,~~49 CFR~~ § 23.55.

When an ACDBE is decertified because one or more of its disadvantaged owners exceed the PNW cap or the firm exceeds the business size standards of part 23 during the performance of a contract or other agreement, the firm's participation may continue to be counted toward ACDBE goals for the remainder of the term of the contract or other agreement. However, the Authority~~HCAA~~ will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, the Authority~~HCAA~~ will require the firm to provide, annually on December 1, a Declaration of Eligibility, affirming that there have been no changes in the firm's circumstances affecting its ability to meet ownership or control requirements of subpart C~~subpart C~~ of part 23 or any other material changes, other than changes regarding the firm's business size or the owner's personal net worth. The Authority~~HCAA~~ will not count the former ACDBE's participation toward ACDBE goals beyond the termination date for the agreement in effect at the time of the decertification (*e.g.,* in a case where the agreement is renewed or extended, or an option for continued participation beyond the current term of the agreement is exercised).

Firms are required to inform the Authority~~HCAA~~ in writing of any change in circumstances affecting their ability to meet ownership or control requirements of subpart C~~subpart C of this part~~ or any material change. Reporting must be made as provided in §26.83(i).~~§ 26.83(i) of this chapter.~~

Section 23.57 Goal Shortfall Accountability~~shortfall accountability~~

If the awards and commitments on the Uniform Report of ACDBE participation at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the Authority~~HCAA~~ will:

1) Analyze in detail the reasons for the difference between the overall goal and its~~our~~ awards and commitments in that fiscal year;
2) Establish specific steps and milestones to correct the problems it has~~we have~~ identified in its~~our~~ analysis to enable it~~us~~ to fully meet its~~our~~ goal for the new fiscal year; and
3) Submit~~HCAA will submit~~ the analysis and corrective actions developed under the above~~paragraphs (b)(1) and (2) of this section~~ to the FAA for approval by April 1 following the report submittal.

FAA may impose conditions as part of its approval of the Authority's~~HCAA's~~ analysis and corrective actions including, but not limited to, modifications to the Authority's~~HCAA~~ overall goal methodology, changes in its ACDBE~~our race~~-conscious/ACDBE~~race~~-neutral split, or the introduction of additional ACDBE~~race~~-neutral or ACDBE~~race~~-conscious measures.

The Authority~~HCAA~~ 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 its~~our~~ ACDBE program in good faith if any of the following things occur:

1) The Authority~~HCAA~~ does not submit the analysis and corrective actions to FAA in a timely manner as required under paragraph (b)(3) of § 23.57;
2) FAA disapproves the analysis or corrective actions; or
3) The Authority~~HCAA~~ does not fully implement:
   a. The corrective actions to which we have committed, or
   b. Conditions that FAA has imposed following review of its~~our~~ analysis and corrective actions.

~~c.~~ If information coming to the attention of FAA demonstrates that current trends make it unlikely that the Authority~~we~~, as an airport, will achieve ACDBE awards and commitments that would be necessary to allow it~~us~~ to meet its~~our~~ overall goal at the end of the fiscal year, FAA may require the Authority~~us~~ to make further good faith efforts, such as modifying its ACDBE~~our race~~-conscious/ACDBE~~race~~-neutral split or introducing additional ACDBE~~race~~-neutral or ACDBE~~race~~-conscious measures for the remainder of the fiscal year.

Section 23.61 ~~-~~ Quotas or Set-Asides~~asides~~

The Authority~~We~~ will not use ACDBE-conscious quotas or set-asides as a means of obtaining ACDBE participation.

OTHER PROVISIONS

Section 23.71 ~~-~~ Existing Agreements

If permitted by the existing agreement, the Authority~~HCAA~~ will use any means authorized by part 23 to obtain a modified amount of ACDBE participation in the renewed or amended agreement.

Section 23.73 ~~-~~ Privately-Owned or Leased Terminal Buildings

The Authority~~HCAA~~ will pass through applicable provisions of part 23 to any private terminal owner or lessee via its~~our~~ agreement with the owner or lessee. The Authority ~~We~~ will ensure that the owner or lessee complies with part 23. The Authority~~We~~ will obtain from the owner or lessee the goals and other elements of the ACDBE program required under part 23.

Section 23.75 ~~-~~ Long-Term Exclusive Agreements

The Authority~~HCAA~~ will not enter into a long-term and exclusive agreements for concessions without prior approval of the FAA Regional Civil Rights Office. The Authority understands~~We understand~~ that a "long-term" agreement is one having a term of more than 10 years, including any combination of base term and options or holdovers to extend the term of the agreement, if the effect is a term of more than ten years. The Authority understands~~We understand~~ that an exclusive agreement is one having a type of business activity that is conducted solely by a single business entity on the entire airport, irrespective of ACDBE participation.

The Authority~~HCAA~~ may enter into a long-term, exclusive concession agreement only under the following conditions:

1) Special local circumstances exist that make it important to enter such agreement; and
2) FAA approves the Authority's~~HCAA's~~ plan for meeting the standards of paragraph (c) of §23.75.

To obtain FAA approval of a long-term exclusive concession agreement, the Authority~~HCAA~~ will submit the following information to the FAA. The items in paragraphs (1) through (3) below will be submitted at least 60 days before the solicitation is released and items in paragraphs (4) through (7) will be submitted at least 45 days before contract award:

1) A description of the special local circumstances that warrant a long-term, exclusive agreement;
2) A copy of the solicitation;
3) ACDBE contract goal analysis developed in accordance with ~~this~~ part 23;
4) Documentation that ACDBE participants are certified in the appropriate NAICS code in order for the participation to count towards ACDBE goals;
5) A general description of the type of business or businesses to be operated by the ACDBE, including location and concept of the ACDBE operation;
6) Information on the investment required on the part of the ACDBE and any unusual management or financial arrangements between the prime concessionaire and ACDBE, if applicable; and
7) Final long-term exclusive concession agreement, subleasing or other agreements.~~;~~

~~a)~~ In order to obtain FAA approval of a long-term exclusive concession agreement that has been awarded through direct negotiations, the Authority~~HCAA~~ will submit the items in paragraphs (1) and (3) through (7) of this section at least 45 days before contract award;

~~b)~~ In order to obtain FAA approval of an exclusive concession agreement that becomes long-term as a result of a holdover tenancy, the Authority~~HCAA~~ will submit to the responsible FAA regional office a holdover plan for FAA approval at least 60 days prior to the expiration of the current lease term. The holdover plan shall include the following information:

~~i.~~1) A description of the special local circumstances that warrant the holdover;
~~ii.~~2) Anticipated date for renewal or re-bidding of the agreement;
~~iii.~~3) The method to be applied for renewal or re-bidding of the agreement; and
~~iv.~~4) All~~Submission of all~~ items required under ~~(~~3), ~~(~~4), ~~(~~6), and ~~(~~7) of this section for the agreement in holdover status or an explanation as to why the item is not available or cannot be submitted.

Section 23.77 ~~-~~ Preemption of Local Requirements

In the event that a state~~State~~ or local law, regulation, or policy differs from the requirements of this part, the Authority~~**HCAA**~~ will, as a condition of remaining eligible to receive Federal financial assistance from the USDOT~~DOT~~, take such steps as may be necessary to comply with the requirements of ~~49 CFR~~ part 23. However, nothing in part 23 preempts any state~~State~~ or local law, regulation, or policy enacted by the governing body of the Authority~~**HCAA**~~, or the authority of any state~~State~~ or local government or recipient to adopt or enforce any law, regulation, or policy relating to ACDBEs, as long as the law, regulation, or policy does not conflict with part 23.

Section 23.79 ~~-~~ Geographic Preferences

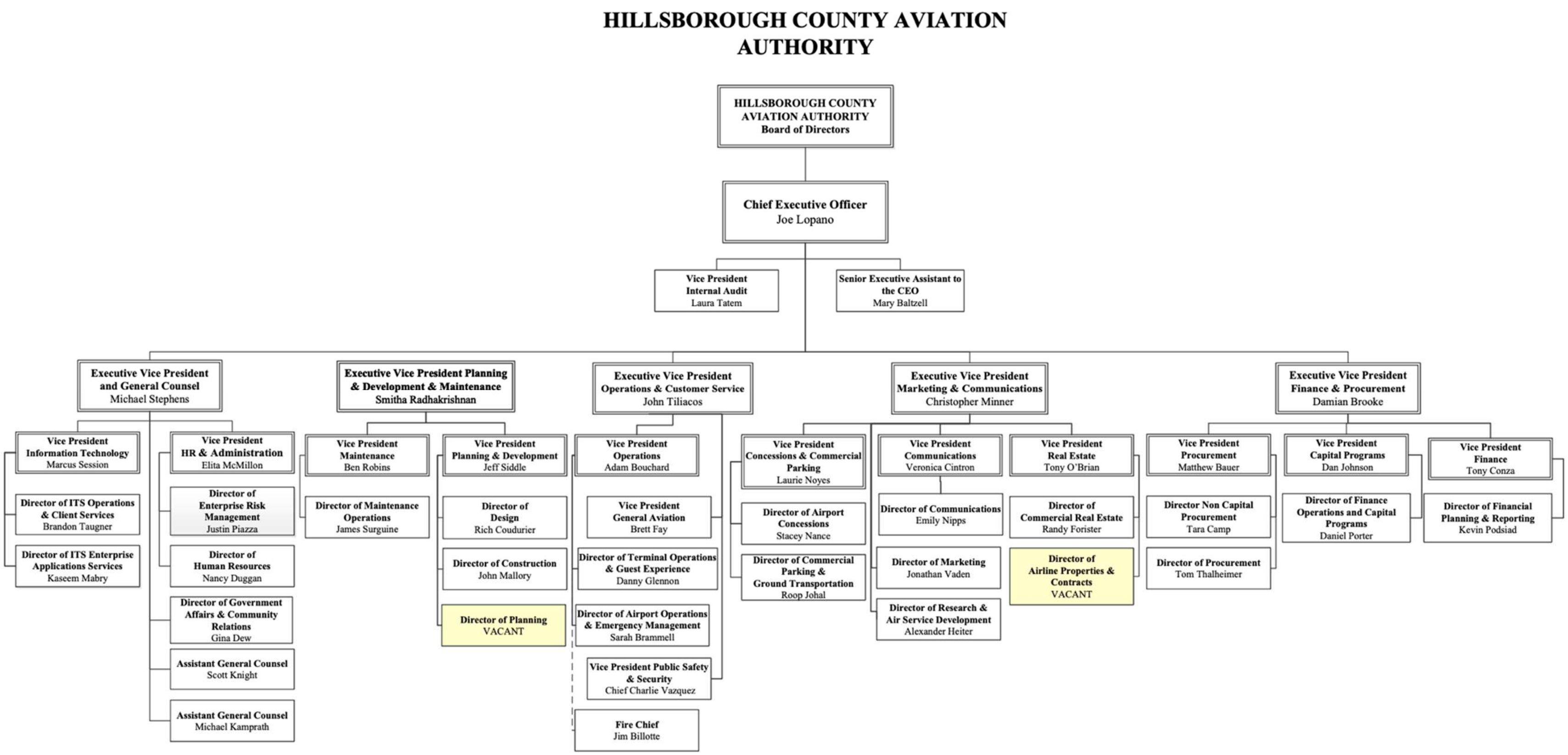
The Authority~~HCAA~~ will not use a local geographic preference. For purposes of this section, a local geographic preference is any requirement that gives a concessionaire located in one place (e.g., the Authority's~~our~~ local area) an advantage over concessionaires from other places in obtaining business as, or with, a concession at the Airport~~our airport~~.

ATTACHMENTS

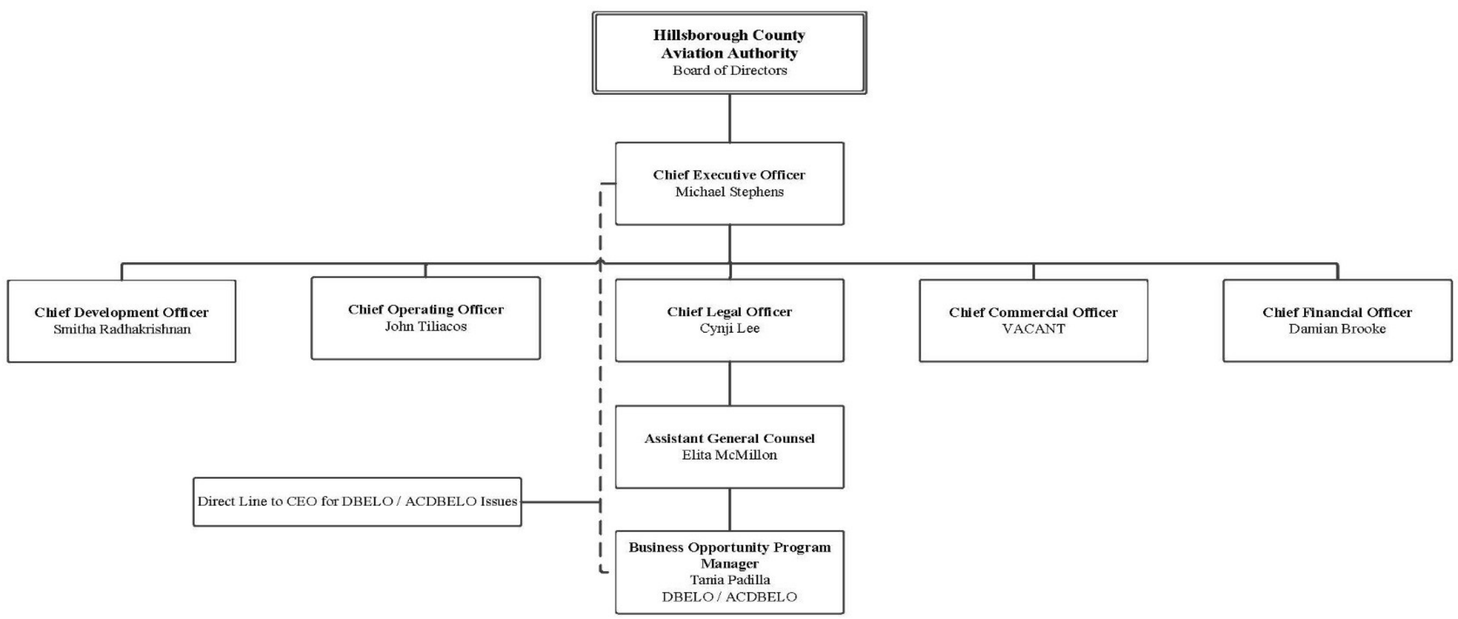
Attachment 1	Organizational Chart
Attachment 2	~~DBE/ACDBE Directory~~
~~Attachment 3~~	Active Participants List Collection Form
Attachment 3	Sample ~~4~~ Monitoring and Enforcement Mechanisms
Attachment 4~~5~~	Overall Goal Methodology – Concessions Other Than Car Rental
Attachment 5 ~~6~~	Overall Goal Methodology – Car Rental
Attachment 6	Forms 1 and 2 ACDBE Utilization and Letter of Intent
Attachment 7	~~Form 1 & 2 for Demonstration of Good Faith Efforts~~
~~Attachment 8~~	~~State's UCP Agreement~~
~~Attachment 9~~	Regulations: 49 CFR part 23
Attachment 8	~~10~~ ~~Race-Neutral~~ Small Business Element

Attachment 1 –

Organizational Chart



HCAA Organizational Chart



Attachment 2[2] -

~~**Florida Directory of Certified DBE/ACDBE Firms**~~

~~The Florida UCP DBE/ACDBE Directory may be found at:~~

~~https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/~~

[2] Forms may be revised or updated from time-to-time.

~~Attachment 3~~

Active Participants List Collection Form

List all entities (Both ACDBE and Non-ACDBE) that expressed interest to your firm in participating in this concession opportunity.

Prime Contractor (Bidder) Name	Bidder Address/ Phone #	ACDBE or Non-ACDBE Status	NAICS Code Applicable to the Work Proposal for this Contract	Age of Firm	Annual Gross Receipts
		☐ ACDBE ☐ Non-ACDBE		☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $1 million ☐ $1-3 million ☐ $3-6 million ☐ $6-10 million ☐ Greater than $10 million
		☐ ACDBE ☐ Non-ACDBE		☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $1M ☐ $1-3M ☐ $3-6M ☐ $6-10M ☐ $10-$15M ☐ $15-$20M ☐ $20-$30M ☐ $30-$40M ☐ Over$40M
		☐ ACDBE ☐ Non-ACDBE		☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $1M ☐ $1-3M ☐ $3-6M ☐ $6-10M ☐ $10-$15M ☐ $15-$20M ☐ $20-$30M ☐ $30-$40M ☐ Over$40M

Prime Contractor (Bidder) Name	Bidder Address/ Phone #	ACDBE or Non-ACDBE Status	NAICS Code Applicable to the Work Proposal for this Contract	Age of Firm	Annual Gross Receipts
		☐ ACDBE ☐ Non-ACDBE		☐ Less than 1 year ☐ 1- 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than $1M ☐ $1-3M ☐ $3-6M ☐ $6-10M ☐ $10-$15M ☐ $15-$20M ☐ $20-$30M ☐ $30-$40M ☐ Over$40M

~~RFP#:~~ ______________________

~~Prime Contractor (Bidder) Name~~	~~Bidder Address/ Phone #~~	~~DBE or Non-DBE Status~~	~~Race and Gender of Firm's Majority Owner(s)~~	~~NAICS Code Applicable to the Work Bid for this Contract~~	~~Age of Firm~~	~~Annual Gross Receipts~~
		☐ ~~DBE~~ ☐ ~~Non-DBE~~	☐ ~~Female~~ ☐ ~~Male~~ ☐ ~~Black American~~ ☐ ~~Hispanic American~~ ☐ ~~Native American~~ ☐ ~~Asian Pacific American~~ ☐ ~~Subcontinent Asian American~~ ☐ ~~Other~~		☐ ~~Less than 1 year~~ ☐ ~~1- 3 years~~ ☐ ~~4-7 years~~ ☐ ~~8-10 years~~ ☐ ~~More than 10 years~~	☐ ~~Less than $1 million~~ ☐ ~~$1-3 million~~ ☐ ~~$3-6 million~~ ☐ ~~$6-10 million~~ ☐ ~~Greater than $10 million~~

~~Interested Subcontractor, JV Partner, Supplier (ACDBE and non-ACDBE)~~	~~Firm Address/ Phone #~~	~~DBE or Non-DBE Status (verify via State's UCP Directory)~~	~~Race and Gender of Firm's Majority Owner(s)~~	~~NAICS Code Applicable to the Work Bid for this Contract (see NAICS.com)~~	~~Age of Firm~~	~~Annual Gross Receipts~~
		☐ ~~DBE~~ ☐ ~~Non-DBE~~	☐ ~~Female~~ ☐ ~~Male~~ ☐~~Black American~~ ☐~~Hispanic American~~ ☐~~Native American~~ ☐~~Asian Pacific American~~ ☐~~Subcontinent Asian American~~ ☐~~Other~~		☐ ~~Less than 1 year~~ ☐ ~~1- 3 years~~ ☐ ~~4-7 years~~ ☐ ~~8-10 years~~ ☐ ~~More than 10 years~~	☐ ~~Less than $1M~~ ☐ ~~$1-3M~~ ☐ ~~$3-6M~~ ☐ ~~$6-10M~~ ☐ ~~$10-$15M~~ ☐ ~~$15-$20M~~ ☐ ~~$20-$30M~~ ☐ ~~$30-$40M~~ ☐ ~~Over$40M~~
		☐ ~~DBE~~ ☐ ~~Non-DBE~~	☐ ~~Female~~ ☐ ~~Male~~ ☐~~Black American~~ ☐~~Hispanic American~~ ☐~~Native American~~ ☐~~Asian Pacific American~~ ☐~~Subcontinent Asian American~~ ☐~~Other~~		☐ ~~Less than 1 year~~ ☐ ~~1- 3 years~~ ☐ ~~4-7 years~~ ☐ ~~8-10 years~~ ☐ ~~More than 10 years~~	☐ ~~Less than $1M~~ ☐ ~~$1-3M~~ ☐ ~~$3-6M~~ ☐ ~~$6-10M~~ ☐ ~~$10-$15M~~ ☐ ~~$15-$20M~~ ☐ ~~$20-$30M~~ ☐ ~~$30-$40M~~ ☐ ~~Over$40M~~
		☐ ~~DBE~~ ☐ ~~Non-DBE~~	☐ ~~Female~~ ☐ ~~Male~~ ☐~~Black American~~ ☐~~Hispanic American~~ ☐~~Native American~~ ☐~~Asian Pacific American~~ ☐~~Subcontinent Asian American~~ ☐~~Other~~		☐ ~~Less than 1 year~~ ☐ ~~1- 3 years~~ ☐ ~~4-7 years~~ ☐ ~~8-10 years~~ ☐ ~~More than 10 years~~	☐ ~~Less than $1M~~ ☐ ~~$1-3M~~ ☐ ~~$3-6M~~ ☐ ~~$6-10M~~ ☐ ~~$10-$15M~~ ☐ ~~$15-$20M~~ ☐ ~~$20-$30M~~ ☐ ~~$30-$40M~~ ☐ ~~Over$40M~~

Attachment 3 - ~~4~~

Sample Monitoring and Enforcement Mechanisms

~~HCAA has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:~~

The Authority has available the following remedy to enforce the ACDBE requirements contained in its contracts: breach of contract action, pursuant to the default and termination terms of the contract.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the ACDBE program, including, but not limited to, the following:

1) Suspension or debarment proceedings pursuant to 49 CFR part~~Part~~ 23;
2) Enforcement action pursuant to 49 CFR part~~Part~~ 31; and ~~3.~~
3) Prosecution pursuant to 18 USC 1001.

The Authority will implement various mechanisms to monitor program participants to ensure they comply with part~~Part~~ 23, including, but not limited to the following:

~~1.~~ 1) The Authority will monitor the compliance and good faith efforts of concessionaires in meeting the requirements of this Program. The Authority will have access to the necessary records to examine such information as may be appropriate for the purpose of investigating and determining compliance with this Program, including, but not limited to, records, records of expenditures, contracts between concessionaire and the ACDBE participant, and other records pertaining to the ACDBE participation plan. The extent of the ACDBE participation will be reviewed prior to the exercise of any renewal, extension or material amendment to the agreement to consider whether an adjustment in the ACDBE requirement is warranted. Without limiting the requirements of the agreement, the Authority reserves the right to review and approve all sub-leases or subcontracts, in advance of their commitment, utilized by the concessionaire for the achievement of its goals.

~~2.~~ 2) The Authority will also implement a monitoring and enforcement mechanism to ensure that work committed to ACDBEs at contract award is actually performed by the ACDBEs. This mechanism will provide for a running tally of actual ACDBE attainments (e.g., gross revenues generated by ACDBEs and/or payments made to ACDBE firms), including a means of comparing these attainments to commitments. This will be accomplished by observation and monthly reporting of gross receipts. In carrying out these monitoring and enforcement activities, the Authority will analyze its organization structure and staff resources needed to ensure compliance with these ACDBE regulations and recommend additional staff as needed.

~~3.~~ 3) The Authority will insert paragraph 1 above into its concession agreements and applicable management contracts.

~~4.~~ 4) The Authority will monitor for compliance all car rental, other than car rental, concessions and applicable management companies for each month submitted quarterly by following these procedures:

~~a.~~ a. Each company is required to submit a monthly gross receipts report to Finance. Finance in turn uploads these reports into Propworks software system whereby revenue data is uploaded into the Airport's Business Opportunity~~Diversity~~ Management System.

~~b.~~ B. The ~~Senior Manager,~~ Business Opportunity Programs Manager~~Diversity~~ verifies that ACDBEs utilized are currently certified with the Florida UCP.

~~c. The Senior Manager, Business Diversity creates a monthly ACDBE report that compares the gross receipts for each company and previous year.~~

~~d. Reports are distributed to the DBE Liaison Officer.~~

~~Attachment 5~~

~~OVERALL ACDBE CONCESSION GOALS~~
~~Federal Fiscal Years 2024 - 2026~~
~~Tampa International Airport~~Attachment 4 - Overall
~~Hillsborough County Aviation Authority~~

~~Airport Sponsor: Tampa International Airport~~
~~Hillsborough County Aviation Authority~~

Goal **Methodology –**~~Period: From: October 1, 2023~~
~~Through: September 30, 2026~~

~~ACDBE Goal for Terminal~~ **Concessions** **Other Than** ~~: 26.9%~~
~~(excluding rental cars)~~

~~Race-Conscious ACDBE Goal: 26.9%~~

~~Race-Neutral ACDBE Goal: 0.0%~~

~~ACDBE Goal for~~ **Car Rental** ~~Concessions: 2.8%~~

The ~~Race-Conscious ACDBE Goal: 2.8%~~

~~Race-Neutral ACDBE Goal: 0.0%~~

~~Introduction~~

~~Tampa International Airport (the "Airport") is owned and operated by the Hillsborough County Aviation Authority (the "Authority"). Pursuant to the requirements of 49 CFR part 23 (the "Regulation"), the Airport is required to develop an~~ overall ~~three-year~~ goal calculation ~~for non-car rental concessions every three years.~~

~~Amount of Goal~~

~~The Authority's overall goal~~ for concessions other than car rental can be found at https://www.tampaairport.com/business/business-opportunities/policies-and-programs.~~during the period beginning October 1, 2023 and ending September 30, 2026 is 26.5%. The goal is expressed as a percentage of the total estimated gross receipts for non-car rental concessions at the 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 Authority determines the market area for each concession opportunity as it arises based on~~
~~factors specific to the opportunity. The market area is defined as the geographical area in which the substantial majority of firms which seek to do the specific concessions business with the airport are located and the geographical area in which the firms receive a substantial majority of concessions related receipts are located.~~

~~Methodology Used to Calculate Overall Goal~~

Attachment 5 - Overall Goal Methodology – Car Rental

The overall goal calculation for car retail concessions can be found at https://www.tampaairport.com/business/business-opportunities/policies-and-programs.

ATTACHMENT 6~~Overall goals have been determined by consolidating the total estimated gross receipts and estimated ACDBE gross receipts for concession agreements that are or 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 in the relevant geographic region who are ready, willing and able to perform under the agreement. Gross receipts have been projected in consideration of the effects of COVID-19 and its impact on the travel industry.~~

~~In accordance with 49 CFR part 23.51(c) ACDBE goals for specific opportunities are determined as follows:~~

~~Step 1: 23.51(c)~~

~~The Authority determines the base figure for the relative availability of ACDBEs for the specific opportunity. The base figure may be calculated in a number of ways, depending upon what is most appropriate for the specific opportunity.~~
~~Examples are as follows:~~

~~Option 1: Ready, willing, and able ACDBEs in the appropriate trade in the determined market area ÷ All ready, willing and able companies in the appropriate trade in the determined market area.~~

~~The data source or demonstrable evidence used to derive the numerator may be either the DBE/ACDBE directory (23.51(c)(1)) or an active participant list (23.51(c)(2)).~~

~~Option 2: Disparity Study -There are no relevant disparity studies for concessions from the Authority's geographic area at this time. In the future, the Authority may elect to utilize a disparity study should one become available.~~

~~Option 3: Goal of another sponsor – The Authority may use the goal of another airport or DOT sponsor in the same, or substantially similar market if their overall goal is in compliance with 49 CFR parts 23. There are currently no other similar sponsors in the market area.~~

~~Option 4: Alternative Methods – The Authority may elect to use other methods to determine the base figure, however it must be based on demonstrable evidence of local market conditions and be designed arrive at a goal that is rationally related to the relative availability of ACDBEs in the market area.~~

~~Step 2: 23.51(d)~~

~~After calculating a base figure of the relative availability of ACDBEs, the Authority will examine evidence to determine what adjustment, if any, is needed to the base figure in order to arrive at the overall goal.~~

~~In accordance with 23.51(d), any adjustment will be designed to reflect as accurately as possible the ACDBE participation the Authority would expect in the absence of discrimination. In addition, the Authority will document the basis on which the base figure was adjusted using the specific data, if any.~~

~~Concession Agreements~~

~~Tampa International Airport's ACDBE Overall Goal for fiscal years 2024-2026 has been set by consolidating contract goals for each concession category as described below.~~

~~Food/Beverage:~~ ~~Food/Beverage concessions at the airport are operated under six contracts, expiring in 2027, 2028, and 2029. An ACDBE goal analysis was conducted prior to the award of the new concession agreements and resulted in a goal of 29.0% for all food/beverage operations. Since none of the Food/Beverage contracts are expiring during this goal period, the established contract goal for each concession will continue throughout the three-year goal period and apply to all food/beverage operations.~~

~~News/Gift/Specialty Retail/Duty Free:~~ ~~Retail concessions at the airport are operated under five contracts. None of the retail agreements expire during this three-year goal period. Current goals for news/gift and specialty retail agreements are set between 23.0% and 30% for retail concessions, averaging 25.5%. The current goals will continue throughout the three-year goal period.~~

~~Foreign Currency Exchange:~~ *~~The foreign currency exchange concession contract ceased operation in 2020 as a result of the Covid-19 pandemic and has not yet been replaced. It is expected to be resolicited and recommence operations in FFY 2025-2026. Given the uncertainty of the industry and the fact that there are no ACDBEs in this industry in the Florida UCP DBE/ACDBE Directory other than one firm located in Los Angeles, the Authority anticipates that this concession will not have ACDBE participation. A goal analysis for the concession will be conducted prior to the solicitation.~~*

~~Luggage Carts:~~ *~~The luggage cart contract expires in January 2025. The concession currently contains an 11.0% ACDBE goal and is expected to continue with the goal throughout the goal period.~~*

~~Ground Transportation.~~ *~~Ground transportation concessions consist of taxis and shared ride limos. An ACDBE participation goal of 5% of trips has been set for the taxi concession. The concession reports only per-trip fees for this agreement. The Authority assumes that 5% of trips equate to 5% of fees and has carried this goal throughout the three-year goal period. There is currently no concession agreement for shared ride limos.~~*

~~Security Bin Advertising~~*~~: The security bin advertising contract will expire in March 2027, after this three-year goal period. The current contract has no ACDBE goal and will continue without a goal for the duration of this goal period.~~*

~~Advertising:~~ ~~The current advertising concession contract will expire in March 2024. The agreement currently includes an ACDBE goal of 8.7% based on gross receipts. It is anticipated that the goal will continue throughout the three-year goal period. A goal analysis will be conducted when the concession is resolicited.~~

~~Summary~~

~~Based on the above description of each non-rental car concession at the airport, the Authority estimated gross receipts for each concession for each year and weighted and consolidated the data to develop the overall three-year goal. The forecasts were developed in consideration of historical information, projected enplanements, and data from various industry resources, including the International. Air Transport Association (IATA) and the Federal Aviation Administration (FAA). These forecasts represent the Authority's best efforts to develop a current assessment, based on data available at the time this report was compiled. Actual results may differ significantly from forecasts due to the current unpredictability of such factors.~~

~~Table 1 below provides the estimated gross receipts for each year of the three-year goal period.~~

~~Table 1. Concessions Projected Gross Receipts - FFY 2024 - 2026~~				
~~Concession~~	**~~Projected 2024~~**	**~~Projected 2025~~**	**~~Projected 2026~~**	**~~Projected 2024-2026~~**
~~Food/Beverage~~	~~$117,322,742~~	~~$123,188,879~~	~~$129,348,323~~	~~$369,859,944~~
~~News/Gift/Specialty/Duty Free~~	~~$61,586,631~~	~~$64,665,963~~	~~$67,899,261~~	~~$194,151,854~~
~~Foreign Currency Exchange~~		~~$1,500,000~~	~~$1,575,000~~	~~$3,075,000~~
~~Luggage Cart~~	~~$766,870~~	~~$805,214~~	~~$845,474~~	~~$2,417,558~~
~~Ground Transportation~~	~~$655,691~~	~~$688,476~~	~~$722,899~~	~~$2,067,066~~
~~Security Bin Advertising~~	~~$211,200~~	~~$221,760~~	~~$232,848~~	~~$665,808~~
~~Advertising~~	~~$2,983,000~~	~~$3,132,150~~	~~$3,288,758~~	~~$9,403,908~~
~~Total Projected Gross Receipts~~	~~$183,526,134~~	~~$194,202,441~~	~~$203,912,563~~	~~$581,641,138~~

~~ACDBE goals by category have been applied to the projected gross receipts by industry from Table 1 above with the following result:~~

~~Table 2. Concessions Receipts and Goals - FFY 2024 - 2026~~			
~~Concession~~	**~~Estimated Gross Receipts~~**	**~~ACDBE % Goal~~**	**~~ACDBE Goal $~~**
~~Food/Beverage~~	~~$369,859,944~~	~~29.0%~~	~~$107,259,384~~
~~News/Gift/Specialty/Duty Free~~	~~$194,151,854~~	~~25.5%~~	~~$49,508,723~~
~~Foreign Currency Exchange~~	~~$3,075,000~~	~~0.0%~~	~~$0~~
~~Luggage Cart~~	~~$2,417,558~~	~~11.0%~~	~~$265,931~~
~~Ground Transportation~~	~~$2,067,066~~	~~5.0%~~	~~$103,353~~
~~Security Bin Advertising~~	~~$665,808~~	~~0.0%~~	~~$0~~
~~Advertising~~	~~$9,403,908~~	~~8.0%~~	~~$818,140~~

~~Table 2. Concessions Receipts and Goals - FFY 2024 - 2026~~			
~~Concession~~	**~~Estimated Gross Receipts~~**	**~~ACDBE % Goal~~**	**~~ACDBE Goal $~~**
~~Total Projected Gross Receipts~~	~~$581,641,138~~	~~27.2%~~	~~$157,955,531~~

~~Overall Weighted Base ACDBE Goal~~

~~Using the above information, the Authority has calculated a weighted ACDBE base goal of 27.2% for FFYs 2024-2026. The base figure for the overall ACDBE goal was calculated by taking the ACDBE estimated three-year gross receipts value of $157.9 million and dividing it by the total estimated three-year gross receipts value of $581.6 million.~~

~~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 the concession program, as measured by the volume of work ACDBEs have performed in recent years. Table 3 below provides the ACDBE achievement for the most recent five-year period.~~

~~Table 3. Past History of ACDBE Participation~~			
~~Federal Fiscal Year~~	~~Total Gross Receipts~~	~~ACDBE Gross Receipts~~	~~% Achievement~~
~~2022~~	~~$145,650,724~~	~~$40,178,234~~	~~27.6%~~
~~2021~~	~~$93,140,468~~	~~$24,532,892~~	~~26.3%~~
~~2020~~	~~$83174,456~~	~~$23,422,375~~	~~28.2%~~
~~2019~~	~~$147,073,493~~	~~$38,952,362~~	~~26.5%~~
~~2018~~	~~$128,322,304~~	~~$33,840,002~~	~~26.4%~~

~~Adjusting the base goal for the adjusted past history results in the following:~~

~~Base goal of 27.2% + Median ACDBE Participation (2018-2022) of 26.5% = 53.7%~~

~~53.7% ÷ 2 = 26.9%~~

~~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 26.9%.~~

~~Proposed Overall Three-Year Goal for FFY 2024-2026 = 26.9%~~

~~Breakout of Estimated Race-Neutral & Race Conscious Participation~~
~~Section 23.51~~

~~The ACDBE goals set forth in this document have been set as race-conscious goals in the current agreements. As these contracts will continue throughout the three-year goal period, the ACDBE goals expressed herein have been implemented as race-conscious goals. In the event future opportunities become available, efforts will be made to utilize race neutral methods to achieve any established goal to the maximum extent practicable.~~

~~The Authority will use the following race-neutral measures 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.~~

1. ~~*Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;*~~
2. ~~*Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;*~~
3. ~~*When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;*~~
4. ~~*Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing;*~~
5. ~~*Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the Airport's ACDBE program will affect the procurement process;*~~
6. ~~*Providing information concerning the availability of ACDBE firms to proposers to assist them in obtaining ACDBE participation.*~~

~~Consultation with Stakeholders (23.43)~~

~~Approximately 99.5% of concession gross receipts will be generated over the three-year goal period by continuing contracts. Stakeholder consultations were held as each opportunity became available. Since the goals have already been set for each of these contracts, further stakeholder consultation would have no impact. The Authority will conduct meetings with stakeholders, including trade and minority/women business organizations, ACDBE firms and current concessionaires prior to soliciting any new opportunity.~~

~~New Opportunities~~

~~If a new concession opportunity arises prior to the end of this goal period and the 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 will be submitted to FAA for approval prior to executing the new concession agreement. (23.45(i)).~~

~~Goods and Services~~

~~The Authority can meet the percentage goal by including the purchase from ACDBEs of goods and services used in businesses conducted at the airport. The Authority, and the businesses at the airport, 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 Authority can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. The Authority 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 we realize that this appears to go against the normal rules and rationale for goal-setting, we understand that this method is nevertheless required by statute.~~

~~Joint Venture Agreements~~

~~The Authority can also meet the percentage goal by including any business operated through a joint venture agreement that includes a certified ACDBE as one of the participants. In July 2008, the FAA issued Guidance for counting ACDBE participation in joint venture agreements (the "Guidance"). The Airport will count such participation in strict accordance with the Guidance.~~

~~Attachment 6~~

~~Overall Goal Calculation for Car Rentals~~

~~Overall Goal Calculation for Car Rentals (23.45)~~
~~FFY 2024-2026~~

~~Introduction~~

~~Tampa International Airport (the "Airport") is owned and operated by the Hillsborough County Aviation Authority (the "Authority"). Pursuant to the requirements of 49 CFR part 23 (the "Regulation"), the Authority is required to develop an overall three-year goal for car rental concessions every three years.~~

~~Amount of Goal~~

~~The Authority's overall goal for ACDBE participation in car rental concessions at Tampa International Airport during the period beginning October 1, 2023 and ending September 30, 2026 is 2.8%.~~

~~Background Information~~

~~There are currently eight (8) rental car companies operating at Tampa International Airport out of a consolidated car rental facility, hereafter referred to as Rental Car Center ("RCC") operated by an RCC third-party operator. Purchases for FFY 2022, including purchases made directly by car rental firms and those made by the RCC third-party operator, were approximately $192.2 million and are estimated at approximately $636.2 million for the three-year period. The projections used in the preparation of the car rental ACDBE concession goal, including purchasing forecasts, represent the Authority's best efforts to develop a current assessment, based on data available at the time this report was compiled.~~

~~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 gross receipts are located. Your market area may be different for different types of concessions.*~~

~~**Counting Participation in Car Rentals**~~

~~As provided and permitted by 49 CFR part 23, we have elected to set the Car Rental concession goal based on the purchase of goods/services. 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 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**~~

~~The Car Rental Concessions at Tampa International Airport are currently operated by eight (8) different companies. Based on the types of goods/services purchased by these firms (e.g., auto repair, insurance, fuel, etc.), we have determined that the market area for the purchase of goods and services is the state of Florida for purchases of goods/services that must be provided on-site and national for other purchases.~~

~~**Goal-Setting Step I**~~

~~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 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. 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 survey of car rental concessionaires and research and are shown on the chart below. For trades that must be local as the work occurs on-site, we have used state of Florida as the relevant geographic market. For all other trades, we have used a national market.~~

~~**Table 1 – U.S. Census / Florida Unified Certification Program Directory**~~				
~~Description~~	~~NAICS~~	~~2021 Census~~	~~FL UCP Directory~~	~~DBE/ACDBE %~~
~~Towing~~	~~488410~~	~~618~~	~~7~~	~~1.1%~~
~~Security~~	~~561621~~	~~719~~	~~18~~	~~2.5%~~
~~Keys/Locks~~	~~561622~~	~~475~~	~~3~~	~~0.6%~~
~~Janitorial Services~~	~~561720~~	~~6,604~~	~~219~~	~~3.3%~~
~~Auto Repair~~	~~811111~~	~~5,059~~	~~4~~	~~0.1%~~
~~Auto Body Repair~~	~~811121~~	~~2,086~~	~~9~~	~~0.4%~~
~~Windshield Repair~~	~~811122~~	~~532~~	~~0~~	~~0.0%~~
~~Total Local~~	-	~~16,093~~	~~260~~	~~1.6%~~
~~Description~~	~~NAICS~~	~~2021 Census~~	~~DBe-Connect Directory~~	~~DBE/ACDBE %~~
~~Auto Parts~~	~~423120~~	~~12,416~~	~~69~~	~~0.6%~~
~~Tires~~	~~423130~~	~~2,581~~	~~27~~	~~1.0%~~
~~Computer Support/Materials~~	~~423430~~	~~7,182~~	~~266~~	~~3.7%~~

~~Table 1 – U.S. Census / Florida Unified Certification Program Directory~~				
~~Description~~	~~NAICS~~	~~2021 Census~~	~~FL UCP Directory~~	~~DBE/ACDBE %~~
~~Cleaning Supplies~~	~~423850~~	~~4,487~~	~~274~~	~~6.1%~~
~~Fuel/Oil/Energy~~	~~424720~~	~~2,607~~	~~170~~	~~6.5%~~
~~Car Dealerships~~	~~441110~~	~~21,622~~	~~5~~	~~0.0%~~
~~Auto Transport~~	~~484230~~	~~11,798~~	~~544~~	~~4.6%~~
~~Insurance~~	~~524210~~	~~135,939~~	~~242~~	~~0.2%~~
~~Asset Recovery~~	~~561491~~	~~725~~	~~5~~	~~0.7%~~
~~Human Resource Consulting~~	~~541612~~	~~8,664~~	~~1236~~	~~14.3%~~
~~Uniforms~~	~~812331~~	~~830~~	~~15~~	~~1.8%~~
~~Total National~~	~~-~~	~~208,851~~	~~2,853~~	~~1.4%~~
~~Total~~	~~-~~	~~224,944~~	~~3,113~~	~~1.4%~~

~~Weighting the above availability by utilization by trade results in the following:~~

~~Table 2 – U.S. Census / Florida Unified Certification Program Directory~~				
~~Description~~	~~NAICS~~	~~DBE/ACDBE %~~	~~Weighting~~	~~DBE/ACDBE Weighted %~~
~~Towing~~	~~488410~~	~~1.1%~~	~~0.1%~~	~~0.0%~~
~~Security~~	~~561621~~	~~2.5%~~	~~8.4%~~	~~0.2%~~
~~Keys/Locks~~	~~561622~~	~~0.6%~~	~~1.9%~~	~~0.0%~~
~~Janitorial Services~~	~~561720~~	~~3.3%~~	~~1.0%~~	~~0.0%~~
~~Auto Repair~~	~~811111~~	~~0.1%~~	~~0.1%~~	~~0.0%~~
~~Auto Body Repair~~	~~811121~~	~~0.4%~~	~~1.1%~~	~~0.0%~~
~~Windshield Repair~~	~~811122~~	~~0.0%~~	~~0.2%~~	~~0.0%~~
~~Total Local~~	~~-~~			~~0.2%~~
~~Auto Parts~~	~~423120~~	~~0.6%~~	~~0.4%~~	~~0.0%~~
~~Tires~~	~~423130~~	~~1.0%~~	~~0.2%~~	~~0.0%~~
~~Computer Support/Materials~~	~~423430~~	~~3.7%~~	~~0.5%~~	~~0.0%~~
~~Cleaning Supplies~~	~~423850~~	~~6.1%~~	~~1.0%~~	~~0.1%~~
~~Fuel/Oil/Energy~~	~~424720~~	~~6.5%~~	~~1.5%~~	~~0.1%~~
~~Car Dealerships~~	~~441110~~	~~0.0%~~	~~80.0%~~	~~0.0%~~
~~Auto Transport~~	~~484230~~	~~4.6%~~	~~0.2%~~	~~0.0%~~
~~Insurance~~	~~524210~~	~~0.2%~~	~~1.6%~~	~~0.0%~~
~~Asset Recovery~~	~~561491~~	~~0.7%~~	~~0.1%~~	~~0.0%~~
~~Human Resource Consulting~~	~~541612~~	~~14.3%~~	~~1.5%~~	~~0.2%~~
~~Uniforms~~	~~812331~~	~~1.8%~~	~~0.2%~~	~~0.0%~~
~~Total National~~	~~-~~			~~0.4%~~
~~Total~~	~~-~~		~~100.0%~~	~~0.6%~~

~~**We therefore propose the base goal at 0.6%.**~~

~~**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 three-year period for car rental purchases to provide for an adjustment of the base goal as follows.~~

~~Year~~	~~Total Purchases~~	~~ACDBE Purchases~~	~~ACDBE %~~
~~2022~~	~~$192,242,068~~	~~$11,553,066~~	~~6.0%~~
~~2021~~	~~$155,674,154~~	~~$7,765,985~~	~~5.0%~~
~~2020~~	~~**$384,672,363**~~	~~$6,724,799~~	~~1.8%~~

~~Base goal of 0.6% + Median ACDBE Participation (2020-2022) of 5.0% = 5.6%~~
~~5.6% ÷ 2 = 2.8%~~

~~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 2.8%.~~

~~***Proposed Overall Three-Year Goal for Car Rental for FFY 2024-2026 = 2.8%.***~~

~~**Race-Neutral/ Race-Conscious Split**~~

~~The car rental goals set forth in this document have been set as race-conscious goals in the current agreements. We do not believe that it will be possible to achieve the goal using race neutral methods alone as those methods have not been successful in achieving ACDBE participation in car rentals throughout the country.~~

~~**Consultation with Stakeholders (23.43)**~~

~~Consultation with stakeholders is conducted in conjunction with annual outreach and whenever new opportunities become available. In addition, the Airport is conducting its car rental outreach on October 10, 2023 as the event was rescheduled from August 29, 2023 as a result of Hurricane Idalia. The goal was be discussed at that time. No comments were received.~~

~~**Attachment 7**~~

~~**Demonstration of Good Faith Efforts - Forms 1 and 2**~~

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

The undersigned bidder/respondent has satisfied the ACDBE requirements of the concession **[*bid/RFP/RLI*]** in the following manner:

□ Respondent~~Bidder/respondent~~ has met the ACDBE goal
The bidder/offeror is committed to a minimum of ____ % ACDBE participation in this opportunity.

□ Respondent~~Bidder/respondent~~ has not met the ACDBE goal
The bidder/respondent is committed to a minimum of ____% ACDBE participation in this opportunity and has submitted documentation demonstrating good faith efforts.

Legal name of bidder/respondent's firm: ______________________________________

Bidder/Respondent Representative:

____
Name & Title

____ ____________________
Signature Date

FORM 2: LETTER OF INTENT

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

Name of bidder/respondent's firm: ______________________________

Name & title of firm's AR: ______________________________

Phone: ______________________________ Email: ______________________________

Name of ACDBE firm: ______________________________

Name & title of ACDBE firm's AR: ______________________________

Address: ______________________________ ~~Address:~~ ______________________________

City: ______________________________ State: ______________ Zip: ______________

Phone: ______________________________ Email: ______________________________

Role to be performed by ACDBE firm:

Description of Work	*NAICS*	*Projected Dollar Amount / %*	*Joint Venture/Subtenant/ Supplier**

**For suppliers only, state how the ACDBE will perform (e.g., regular dealer, manufacturer, broker). Count only fees and commissions if the supplier performs as a broker.*

The undersigned bidder/respondent is committed to utilizing the above-named ACDBE firm for the work described above. The total expected dollar value of this work is $ ____________. The bidder/respondent understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into an agreement ACDBE firm identified above that reflects the type and amount of participation listed. Bidder/respondent understands that upon submitting this form, it may not substitute or terminate the ACDBE listed above without following the procedures of 49 CFR part~~Part~~ 26, §26.53.

____ Date: ____________________

Signature of Bidder/Respondent's Authorized Representative

The undersigned ACDBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for ACDBE participation therefore.

____ Date: ____________________

Signature of ACDBE's Authorized Representative

If the bidder/respondent does not receive award of the prime concession opportunity, all representations in this Letter of Intent shall be null and void.

Submit this page for each ACDBE participant.

Attachment 7 - ~~8~~

~~State's UCP Agreement~~

~~The Florida UCP Agreement may be found at:~~

~~https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopporunity/dbecertification/ucp-agreement.pdf?sfvrsn=e6ca3bd4_0~~

~~Attachment 9~~

Regulations: 49 CFR part 23

ACDBE program regulations are found in Title 49 of the Code of Federal Regulations, part 23. The ~~They can be retrieved using the~~ following link is to the Electronic Code of Federal Regulations:

https://www.ecfr.gov/current/title-49/subtitle-A/part-23~~https://www.ecfr.gov/current/title-49/subtitle-A/part-23~~

Attachment 8 -~~10~~

~~Race Neutral~~ Small Business Element

I. ~~CONCESSION~~ SMALL BUSINESS ENTERPRISE CONCESSIONAIRE PROGRAM POLICY

The Authority~~Tampa International Airport ("TPA")~~ is committed to ensuring that small businesses are offered an equitable opportunity to participate in the airport concession program contracting and procurement process. The Authority's~~TPA's Concession~~ Small Business Enterprise Concessionaire (SBEC) Program~~, (the "Small Business Program" or the "Program"),~~ as described herein, applies to airport concessions as defined by 49 CFR part 23. The Program does not replace the ACDBE Program or otherwise operate as a substitute for the ACDBE Program. It operates as a race-and sex~~gender~~-neutral tool that may assist small businesses, including ACDBEs, to participate more fully in the Authority's~~TPA's~~ concession opportunities.

This Small Business Enterprise Concessionaire Program will not be used to discriminate against any company or groups of companies. The SBEC Program is designed to include all segments of the business community and is open to participation without regard to race, color, sex, religion, national or ethnic origin, age, disability, or geographic location.

The SBEC~~Small Business Program~~ will utilize procedures that promote inclusion and opportunity, while maintaining race and sex~~gender~~-neutral measures.

II. AUTHORIZATION

In accordance with the regulations governing the U.S. Department of Transportation (USDOT~~DOT~~) Airport Concession Disadvantaged Business Enterprise (ACDBE) Program, 49 CFR part 23, the Authority~~TPA~~ is required to set overall ACDBE goals every three years. Pursuant to 49 CFR part~~Part~~ 23, section 23.25, recipients are required to maximize the use of ACDBE~~race~~-neutral measures, obtaining as much as possible of the ACDBE participation needed to meet overall goals through such measures. (49 CFR part 23, § 23.25(d)). This SBEC Policy and~~Small Business~~ Program has been developed in compliance with this directive.

III. NON-DISCRIMINATION

In accordance with 49 CFR part~~Part~~ 23, section 23.9, each concession contract or lease that the Authority~~TPA~~ signs with a concessionaire will include the following assurance. In addition, the Authority~~TPA~~ will require each contractor to include this clause in its subcontracts.

(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 and cause those businesses to similarly include the statements in further agreements."

IV. SMALL BUSINESS ENTERPRISE CONCESSIONAIRE DEFINITION

A Small Business Enterprise Concessionaire~~Concession (SBEC) shall be defined as follows:~~

~~A small business concern concession~~ is defined as a for-profit business concern for which gross receipts, including gross receipts of all affiliate firms as defined by the Small Business Administration, averaged over the firm's previous five fiscal years, do not exceed $56.42 million.

Further, the owners of a minimum of 51% of the applicant small business shall not have a personal net worth exceeding $2.047 million. For purposes of verification as an SBEC~~SBE~~, personal net worth shall be reviewed in accordance with the definition, policy and procedure detailed in 49 CFR parts 23 and 26.

Generally, 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 does not include: The individual's ownership interest in the applicant firm; the individual's equity in his or her primary place of residence; or the individual's assets in qualified retirement accounts. An individual's personal net worth includes only his or her own share of assets held jointly with the individual's spouse. Instructions for completing the personal net worth form are included in the form.

V. SMALL BUSINESS ENTERPRISE CONCESSIONAIRE~~CONCESSION~~ VERIFICATION

A firm who wishes to participate as an SBEC and is not certified as an ACDBE by the Florida Unified Certification Program (FLUCP),~~("FL UCP"),~~ may apply for verification ~~certification~~ as an SBEC by filing a Small Business Enterprise Concessionaire (SBEC) application and submitting the form to the Tampa International Airport - Business Opportunity Management System along with all required attachments.~~ to the Hillsborough County Aviation Authority at least 30 days prior to the submission date for a small business concession opportunity.~~ Firms with a current, valid ACDBE certification from the FLUCP~~FL UCP~~ are automatically eligible for certification as an~~considered to~~ SBEC ~~firms~~ in the same NAICS codes as their ACDBE certification. Only ACDBE firms who have been recertified under the new certification standards, as set forth in the October 3, 2025, Interim Final Rule (IFR), will be accepted~~ without further procedure~~.

Firms applying for certification as an SBEC must provide all information and documentation required by the Authority~~HCAA~~ necessary to verify that the firm meets the definition of a Small Business Enterprise Concessionaire. The SBEC application form can be accessed through the Tampa International Airport - Business Opportunity Management System certification portal at https://tampaairport.gob2g.com/. Applicants must create an account to gain access to the application.
~~Concession.~~

The Authority~~only eligibility criteria for certification are that the firm, including affiliates meet the appropriate size threshold and that the owner(s) of a minimum of 51% pf the firm fall below the personal net worth threshold. A site visit to the firm is not required.~~

~~HCAA~~ will work with SBEC verified~~certified~~ firms that appear to meet the eligibility criteria for ACDBE certification to encourage and assist the firms in applying for ACDBE certification. SBEC firms will not be required to apply for ACDBE certification to be eligible to participate in the SBEC. The Authority ~~Concession Small Business Program. HCAA currently~~ manages the ACDBE certification process ~~for various certification classifications~~ and will follow the same administrative procedures currently in place for the ACDBE policy and program. SBEC verification~~with the exception that the only criteria for eligibility will be size and personal net worth. SBEC certification~~ will be valid for one year with annual updates required for continued certification.

VI. SCOPE OF THE PROGRAM

The intent of the Authority's~~HCAA's~~ Small Business Enterprise Concessionaire Program is to provide opportunities for participation by small businesses in the Airport's~~TPA's~~ concession program.

~~All concession solicitations are reviewed by TPA concession staff to determine if single unit solicitations or unbundling the contract to provide for small business set-aside opportunities is appropriate for the solicitation.~~

Food/beverage and retail concessions represent more than 98% of non-car rental concession gross revenues generated at the Airport. Therefore, these types of concessions have been selected as being best-suited for the SBEC participation~~small business program~~.

It is the intent that~~TPA will consider including~~ SBEC contract goals will be set for a concession contract when it has been determined that an ACDBE~~a race~~-conscious contract goal will not be set and that, instead, ACDBE~~race~~-neutral measures will be used. An SBEC goal may be used as a race-neutral measure for concessions that have subcontracting opportunities.~~ only.~~

All concession solicitations are reviewed by the Authority's Concession department in coordination with the Business Opportunity Programs department, to determine if single unit solicitations or unbundling of multi-unit packages are appropriate for the race-neutral SBEC set-aside.

The criteria used to determine if an opportunity is appropriate for the SBEC program shall include small business capacity, small business availability, nature of the contract, past experiences with small business participation with similar contracts, and subcontracting opportunities.

~~–~~Procedures for implementation, including good faith efforts requirements, forms and information submitted with proposal and reporting procedures shall be consistent with procedures utilized in the Authority's~~TPA's~~ ACDBE Program under an ACDBE-~~a race~~ neutral environment.

~~TPA is currently fully leased for its food/beverage and retail concessions program with contracts not expiring until 2028 – 2031. The existing terminal does not contain sufficient space to develop a kiosk program. TPA's Master Plan calls for the construction of a new Terminal D to be completed in 2028. The project is currently in design and concessions for that terminal will include locations to be set-aside for small businesses as appropriate. The planning process for the new terminal and new solicitations for the existing concessions will include a review of the financial viability of unbundling locations to be set-aside for small businesses as well as opportunities for small business subcontracts from larger concessionaires. In the meantime, if any opportunities arise, they will be considered under the small business program described herein.~~

VII. TRACKING/REPORTING ACDBE AND SBEC~~SBE~~ PARTICIPATION

The Authority~~TPA~~ will track and monitor participation by ACDBEs and SBECs~~other small businesses~~ that results from the implementation of this small business element. Participation will be reported annually as part of the Uniform Report of ACDBE Participation in compliance with 49 CFR part 23, section 23.26.

VIII. COMPLIANCE PROCEDURES

Monitoring and enforcement procedures applicable to an ACDBE-~~a race~~ neutral environment for this element of the ACDBE Program will be implemented in the same manner as concession projects containing ACDBE goals~~, excluding the race and gender component of the Program~~.

IX. ASSURANCES

The Authority~~TPA~~ makes the following assurances regarding this small business element:

- This small business element is authorized [*i.e., not prohibited*] under state~~State~~ law;
- Certified ACDBEs that meet the size criteria established under this element are presumptively eligible to participate therein;
- There are no geographic preferences or limitations imposed on any concession opportunities included in this small business element;
- There are no limits on the number of concession opportunities awarded to firms participating in this element, but every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses;

- The Authority~~TPA~~ will take ~~aggressive~~ steps to encourage those ~~minority and women owned~~ firms that are eligible for ACDBE certification to become certified; and
- This element is open to small businesses regardless of their location. There is no local or other geographic preference as part of SBEC certification~~this small business element~~.