

HILLSBOROUGH COUNTY AVIATION AUTHORITY

AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE

POLICY AND PROGRAM



**Tampa
International
Airport**

HILLSBOROUGH COUNTY AVIATION AUTHORITY

Post Office Box 22287

Tampa, Florida 33622

Revised August 6, 2026

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POLICY STATEMENT

Section 23.1, 23.23

Objectives/Policy Statement

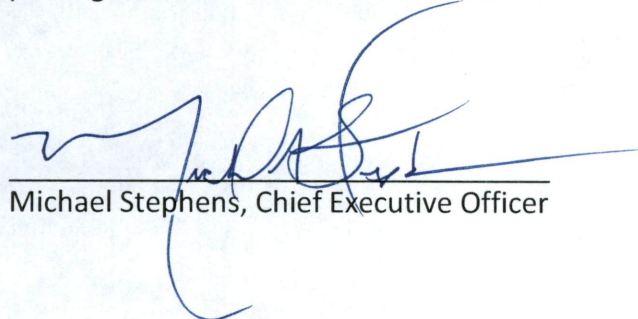
The Hillsborough County Aviation Authority (Authority), owner of Tampa International Airport (Airport), has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 23 (Part 23). TPA 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 has signed airport grant assurances that it will comply with Part 23.

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

1. To ensure nondiscrimination in the award and administration of opportunities for concessions;
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions;
3. To ensure that the ACDBE program operates in a nondiscriminatory manner and without regard to race or sex, while maximizing efficiency of service;
4. To ensure that only firms that fully meet this ACDBE Policy and Program's eligibility standards are permitted to participate as ACDBEs;
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at Tampa International Airport;
6. To promote the use of ACDBEs in all types of concessions activities at our Airport;
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 financial assistance in establishing and providing opportunities for ACDBEs.

The Business Opportunity Programs Manager has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, the Business Opportunity Programs Manager 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.

The Authority has disseminated this policy statement to its Board of Directors and all of the components of the organization. This statement has been distributed to ACDBE and non-ACDBE concessionaire communities that may have a concession at Tampa International Airport by posting the statement on the website.



Michael Stephens, Chief Executive Officer

8/6/20
Date

GENERAL REQUIREMENTS

Section 23.1f¹ 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) can be found in Attachment 7.

Section 23.3 Definitions

The Authority will use terms in this program that have the meaning defined in part 23, § 23.3 and part 26, § 26.5, where applicable.

Section 23.5 Applicability

Tampa International Airport is a primary airport, operated by the Authority. The Authority 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 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 part 23 on the basis of race, color, sex, or national origin.

In administering its ACDBE program, the Authority 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 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.

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.

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

Section 23.11 Compliance and Enforcement

The Authority acknowledges that the compliance and enforcement provisions of part 26 (§§ 26.101 and 26.105 through 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 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:

- Tampa International Airport

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

Section 23.23 Administrative Provisions

Policy Statement: The Authority 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:

Business Opportunity Programs Manager
Tampa International Airport
P. O. Box 22287 Tampa, FL 33622-2287
Telephone: (813) 554-1450
Email: BusinessOpportunity@TampaAirport.com

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that the Authority complies with all provisions of part 23. The ACDBELO has direct, independent access to the Authority's 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) Gathers and reports statistical data and other information as required by FAA or USDOT.

- 2) Reviews third party contracts and purchase requisitions for compliance with this program.
- 3) Works with various departments to set overall tri-annual goals.
- 4) Identifies contracts and procurements so that ACDBE goals are included in solicitations (both ACDBE-neutral methods and contract specific goals) and monitors results.
- 5) Analyzes the Authority's progress toward attainment and identifies ways to improve progress.
- 6) Participates in pre-proposal meetings.
- 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.
- 10) Acts as liaison to the Unified Certification Program (UCP) in Florida.
- 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 directory. 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 will not use ACDBE-conscious set-asides or quotas as a means of obtaining ACDBE participation.

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

The Authority will maximize the use of ACDBE-neutral measures, obtaining as much as possible of the ACDBE participation needed to meet overall goals through such measures. The Authority 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-neutral measures may include but are not limited to:

- 1) Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires;

- 2) Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
- 3) When practical, structuring concession activities to encourage and facilitate the participation of ACDBEs;
- 4) Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the recipient's ACDBE program will affect the procurement process;
- 5) Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.

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

- 1) Establish concession-specific goals for particular concession opportunities.
 - a. In setting concession-specific goals for concession opportunities other than car rental, the Authority 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 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 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 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 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 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.

- 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) 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 requires businesses subject to car rental and non-car rental ACDBE goals at the 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 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.

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

Section 23.27 Reporting

The Authority will retain sufficient basic information about its ACDBE program implementation, ACDBE certification and the award and performance of agreements and contracts to enable the FAA to determine its 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 Authority 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 Authority will create and maintain active participants list information and enter it into a system designated by the FAA. The Authority will collect the following information about ACDBE and non-ACDBEs who seek to work on each of our concession opportunities.

- 1) Firm name;
- 2) Firm address including ZIP code;
- 3) Firm status as an ACDBE or non-ACDBE;

- 4) NAICS code applicable to the concession contract in which the firm is seeking to perform;
- 5) Age of the firm; and
- 6) The annual gross receipts of the firm.

The Authority 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 Authority 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 2.

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

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

Section 23.29 Compliance and Enforcement Procedures

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

- 1) The Authority will bring to the attention of the USDOT any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in part 26, § 26.107.
- 2) The Authority will consider similar action under its own legal authorities, including responsiveness determinations in future contracts. It has listed the regulations, provisions, and contract remedies available to it in the events of non-compliance

with the ACDBE regulation by a participant in our procurement activities (see Attachment 3).

- 3) The Authority 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 staff has 1) reviewed records of all contracts, leases, joint venture agreements, and other concession-related agreements, and 2) monitored onsite operations for the purpose of compliance with ACDBE contract requirements and the Authority's ACDBE Program.
- 4) The Authority will show ACDBE commitments and attainments in the annual Uniform Report of ACDBE Participation as required by the FAA.
- 5) All required contract provisions from part 23, part 26, § 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 is a certifying member of the FLUCP. The Authority will use the certification standards of Subpart C of 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 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 certification portal at <https://tampaairport.gob2g.com/>.

The FLUCP directory of eligible firms 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
ACDBE/DBE Certification
Tampa International Airport
P.O. Box 22287
Tampa, FL 33622
Telephone: (813) 554-1450
Email: BusinessOpportunity@Tampaairport.com
Application portal: <https://tampaairport.gob2g2.com>

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) The limit for passenger car rental companies is \$75.23 million, averaged over the firm's previous five (5) fiscal years.
- 2) The size standard for banks and other financial institutions is \$1 billion in assets.
- 3) The size standard for pay telephone companies is 1500 employees.
- 4) The size standard for new car dealers is 350 employees.

For size purposes, gross receipts (as defined in 13 CFR 121.104(a)) of affiliates are included in a manner consistent with 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 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 part 23.

Section 23.37 Firms Certified as DBEs

Certifying members of the FLUCP 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 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) do not apply to ACDBE certifications. Instead, in determining whether a firm is an eligible ACDBE, certifying FLUCP 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 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, a written report of which the certifying FLUCP 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 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), 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 members will use the Uniform Certification Application (application) found in part 26 without change. If the FLUCP seeks to supplement the form by requesting specified additional information consistent with part 23 and part 26, the FLUCP will first seek written approval of the concerned Operating Administration.

Certifying FLUCP 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 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 will review the goals annually to make sure the goal continues to fit the Authority's circumstances. The Authority 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 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 is not required to develop and submit an overall goal for concessions other than car rentals. The Authority understands that "revenue" means total revenue generated by concessions, not the revenue received by the airport from concessions agreements.

The Authority'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 consults with stakeholders before submitting the overall goals to the FAA. Stakeholders will include, 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' efforts to increase participation of ACDBEs.

When submitting its overall goals, the Authority will identify the stakeholders that it 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 become available during the goal period. However, the Authority 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 will submit an appropriate adjustment to its overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity.

The Authority 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 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 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 will also include a projection of the portions of the overall goal expected to be met through ACDBE-neutral and ACDBE-conscious measures, respectively.

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

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

Section 23.53 Counting ACDBE Participation for Car Rental Goals

The Authority will count ACDBE participation toward overall goals for car rental as provided in part 23, § 23.53.

Pursuant to 49 CFR part 23.55(i), 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 will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, the Authority 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 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 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 in writing of any change in circumstances affecting their ability to meet ownership or control requirements of subpart C of this part or any material change. Reporting must be made as provided in §26.83(i).

Section 23.55 Counting ACDBE Participation for Concessions Other than Car Rentals

The Authority will count ACDBE participation toward overall goals other than car rental as provided in part 23, § 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 will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, the Authority 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 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 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 in writing of any change in circumstances affecting their ability to meet ownership or control requirements of subpart C or any material change. Reporting must be made as provided in §26.83(i).

Section 23.57 Goal 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 will:

- 1) Analyze in detail the reasons for the difference between the overall goal and its awards and commitments in that fiscal year;
- 2) Establish specific steps and milestones to correct the problems it has identified in its analysis to enable it to fully meet its goal for the new fiscal year; and
- 3) Submit the analysis and corrective actions developed under the above 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 analysis and corrective actions including, but not limited to, modifications to the Authority's overall goal methodology, changes in its ACDBE-conscious/ACDBE-neutral split, or the introduction of additional ACDBE-neutral or ACDBE-conscious measures.

The Authority may be regarded as being in noncompliance with this part, and therefore subject to the remedies in §23.11 and other applicable regulations, for failing to implement its ACDBE program in good faith if any of the following things occur:

- 1) The Authority 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 does not fully implement:
 - a. The corrective actions to which we have committed, or
 - b. Conditions that FAA has imposed following review of its analysis and corrective actions.

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

Section 23.61 Quotas or Set-Asides

The Authority 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 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 will pass through applicable provisions of part 23 to any private terminal owner or lessee via its agreement with the owner or lessee. The Authority will ensure that the owner or lessee complies with part 23. The Authority 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 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 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 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 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 plan for meeting the standards of paragraph (c) of §23.75.

To obtain FAA approval of a long-term exclusive concession agreement, the Authority 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 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.

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

In order to obtain FAA approval of an exclusive concession agreement that becomes long-term as a result of a holdover tenancy, the Authority 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:

- 1) A description of the special local circumstances that warrant the holdover;
- 2) Anticipated date for renewal or re-bidding of the agreement;
- 3) The method to be applied for renewal or re-bidding of the agreement; and
- 4) 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 or local law, regulation, or policy differs from the requirements of this part, the Authority will, as a condition of remaining eligible to receive Federal financial assistance from the USDOT, take such steps as may be necessary to comply with the requirements of part 23. However, nothing in part 23 preempts any state or local law, regulation, or policy enacted by the governing body of the Authority, or the authority of any 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

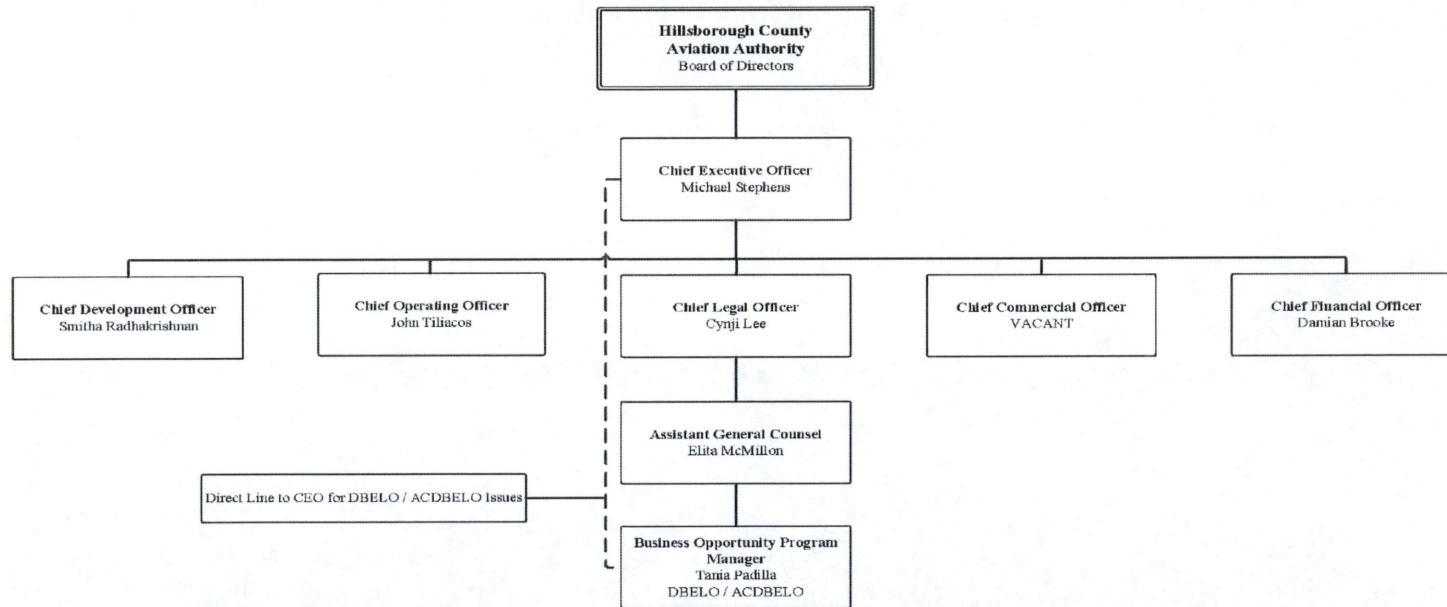
The Authority will not use a local geographic preference. For purposes of this section, a local geographic preference is any requirement that gives a concessionaire located in one place (e.g., the Authority's local area) an advantage over concessionaires from other places in obtaining business as, or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

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	Active Participants List Collection Form
Attachment 3	Sample Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Methodology – Concessions Other Than Car Rental
Attachment 5	Overall Goal Methodology – Car Rental
Attachment 6	Forms 1 and 2 ACDBE Utilization and Letter of Intent
Attachment 7	Regulations: 49 CFR part 23
Attachment 8	Small Business Element

Attachment 1 – Organizational Chart

HCAA Organizational Chart



Attachment 2² - 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

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

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

Attachment 3 - Sample Monitoring and Enforcement Mechanisms

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 23;
- 2) Enforcement action pursuant to 49 CFR part 31; and
- 3) Prosecution pursuant to 18 USC 1001.

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

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

- 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. 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 Management System.
 - B. The Business Opportunity Programs Manager verifies that ACDBEs utilized are currently certified with the Florida UCP.

Attachment 4 - Overall Goal Methodology – Concessions Other Than Car Rental

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

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

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 has met the ACDBE goal

The bidder/offeror is committed to a minimum of ____ % ACDBE participation in this opportunity.

☐ 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: _____

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 26, §26.53.

Signature of Bidder/Respondent's Authorized Representative

Date: _____

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.

Signature of ACDBE's Authorized Representative

Date: _____

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 - Regulations: 49 CFR part 23

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

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

Attachment 8 - Small Business Element

I. SMALL BUSINESS ENTERPRISE CONCESSIONAIRE PROGRAM POLICY

The Authority 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 Small Business Enterprise Concessionaire (SBEC) 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-neutral tool that may assist small businesses, including ACDBEs, to participate more fully in the Authority'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 will utilize procedures that promote inclusion and opportunity, while maintaining race and sex-neutral measures.

II. AUTHORIZATION

In accordance with the regulations governing the U.S. Department of Transportation (USDOT) Airport Concession Disadvantaged Business Enterprise (ACDBE) Program, 49 CFR part 23, the Authority is required to set overall ACDBE goals every three years. Pursuant to 49 CFR part 23, section 23.25, recipients are required to maximize the use of ACDBE-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 Program has been developed in compliance with this directive.

III. NON-DISCRIMINATION

In accordance with 49 CFR part 23, section 23.9, each concession contract or lease that the Authority signs with a concessionaire will include the following assurance. In addition, the Authority 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 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, 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 VERIFICATION

A firm who wishes to participate as an SBEC and is not certified as an ACDBE by the Florida Unified Certification Program (FLUCP), may apply for verification 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. Firms with a current, valid ACDBE certification from the FLUCP are automatically eligible for certification as an SBEC 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.

Firms applying for certification as an SBEC must provide all information and documentation required by the Authority 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.

The Authority will work with SBEC verified 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 manages the ACDBE certification process and will follow the same administrative

procedures currently in place for the ACDBE policy and program. SBEC verification will be valid for one year with annual updates required for continued certification.

VI. SCOPE OF THE PROGRAM

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

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.

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

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 ACDBE Program under an ACDBE-neutral environment.

VII. TRACKING/REPORTING ACDBE AND SBEC PARTICIPATION

The Authority will track and monitor participation by ACDBEs and SBECs 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-neutral environment for this element of the ACDBE Program will be implemented in the same manner as concession projects containing ACDBE goals.

IX. ASSURANCES

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

- This small business element is authorized [*i.e., not prohibited*] under 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 will take steps to encourage those 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.