



Alaska Department of Transportation and Public Facilities

Airport Concessions Disadvantaged Business Enterprise Program Plan

POLICY STATEMENT

Section 23.1, 23.23

Objectives/Policy Statement

The Alaska Department of Transportation & Public Facilities (Alaska DOT&PF), has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23. The Alaska DOT&PF owns primary airports and has received federal funds authorized for airport development after January 1988 (authorized under Title 49 of the United States Code). The Alaska DOT&PF has signed airport grant assurances that it will comply with 49 CFR Part 23.

It is the policy of Alaska DOT&PF to ensure that ACDBEs as defined in Part 23, have an equal opportunity to receive and participate in concession opportunities. It is also 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 our ACDBE program is narrowly tailored in accordance with applicable law;
- 4) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs at our airport(s);
- 5) To help remove barriers to the participation of ACDBEs in opportunities for concessions at our airport(s); and
- 6) To provide appropriate flexibility to our airports in establishing and providing opportunities for ACDBEs.

Rashaud Joseph, Civil Rights Office (CRO) Manager has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, Rashaud Joseph 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 Alaska DOT&PF in its financial assistance agreements with DOT.

I certify that Alaska DOT&PF has disseminated this policy statement to Alaska DOT&PF staff and all of the components of our organization. We have distributed this statement to ACDBE and non-ACDBE concessionaire communities in our area. A copy will be sent to all ACDBEs and Airport Concessionaires as well as posted to the CRO website here: <https://dot.alaska.gov/cvlrts/acdbe.shtml>

DocuSigned by:

5/15/2023



385C955630A34FB
Ryan Anderson, P.E., Commissioner

Alaska Department of Transportation & Public Facilities

Date

49 CFR Part 23: SUBPART A – GENERAL REQUIREMENTS

Section 23.3 Definitions

The Alaska DOT&PF will use terms in this program that have the meaning defined in Section 23.3 and Part 26 Section 26.5 where applicable.

Section 23.5 Applicability

Alaska DOT&PF has received federal grants for airport development after January 1988 that was authorized under Title 49 of the United States Code.

Section 23.7 Program Reviews

The Alaska DOT&PF will fully cooperate if at the discretion of the Secretary, U. S. Department of Transportation initiate review of the Alaska DOT&PF ACDBE program to determine if any modification is necessary.

Section 23.9 Non-discrimination Requirements

Alaska DOT&PF 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, Alaska DOT&PF 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.

Alaska DOT&PF acknowledges these representations are also in accordance with obligations contained in its Civil Rights, DBE and ACDBE Airport grant assurances.

Alaska DOT&PF will include the following assurances in all concession agreements and management contracts it executes with any firm after April 21, 2005:

- 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.

Section 23.11 Compliance and Enforcement

Alaska DOT&PF will comply with and is subject to the provisions of 49 CFR Part 26 (§§ 26.101 and 26.105 through 26.107).

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

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

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

The following enforcement actions apply to firms participating in the Alaska DOT&PF ACDBE program:

- 1) For a firm that does not meet the eligibility criteria of subpart C of this part and that attempts to participate as an ACDBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department of Transportation (DOT) or the Federal Aviation Administration (FAA) may initiate suspension or debarment proceedings against the firm under 49 CFR Part 29.
- 2) For a firm that, in order to meet ACDBE goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart C of this part, DOT or FAA may initiate suspension or debarment proceedings against the firm under 49 CFR Part 29.
- 3) In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the FAA may consider the fact that a purported ACDBE has been certified. However, such certification does not preclude DOT from determining that the purported ACDBE, or another firm that has used or attempted to use it to meet ACDBE goals, should be suspended or debarred.

- 4) DOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the ACDBE program whose conduct is subject to such action under 49 CFR Part 31.
- 5) DOT may refer to the Department of Justice, for prosecution under 18 U.S.C. §§ 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of an ACDBE in the Alaska DOT&PF ACDBE program or otherwise violates applicable Federal statutes.

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

Any person who knows of a violation of this part by the Alaska DOT&PF may file a complaint under 14 CFR Part 16 with the Federal Aviation Administration Office of Chief Counsel.

49 CFR Part 23 SUBPART B – ACDBE Programs

Section 23.21 Who must submit an ACDBE Program

As a condition of eligibility for FAA financial assistance, Alaska DOT&PF owns airports that are classified as primary airports and is required to have an ACDBE Program.

As a condition of eligibility for FAA financial assistance, the Alaska DOT&PF will submit its ACDBE program and overall goals to FAA according to 23.45(a) of this section.

This ACDBE program will be implemented at Ted Stevens Anchorage International Airport (ANC), Fairbanks International Airport (FAI), Bethel Airport (BET), Deadhorse Airport (SCC) Dillingham Airport (DLG), King Salmon (AKN), Klawock (AKW), Kodiak Airport (ADQ), Lake Hood (LHD), Merle K (Mudhole) Smith (CDV), Nome Airport (OME), Petersburg James A Johnson (PSG), Ralph Wien Memorial (OTZ), , Unalaska (DUT), and Wiley Post-Will Rogers Memorial (BRW). This ACDBE program may be implemented through co-sponsorship agreements at Ketchikan International Airport (KTN) and Sitka Rocky Gutierrez Airport (SIT).

Although this program document applies to all of the above Airports, as required by 23.21(c), we have established separate ACDBE goals for each primary airport (Attachment 4).

Section 23.23 Administrative Provisions

Policy Statement: Alaska DOT&PF is committed to operating its ACDBE program in a nondiscriminatory manner. Alaska DOT&PF's Policy Statement is elaborated on the first page of this program.

ACDBE Liaison Officer (ACDBELO):

Rashaud Joseph, Civil Rights Office Manager
P.O. Box 196900
Anchorage, AK 99519-6900
907-269-0848
rashaud.joseph@alaska.gov

The ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that Alaska DOT&PF complies with all provision of 49 CFR Part 23. The ACDBELO has direct, independent access to the Alaska DOT&PF Commissioner concerning ACDBE program matters. An organizational chart displaying the ACDBELO's position in the organization is found in Attachment 1.

The ACDBELO is responsible for developing, implementing and monitoring the ACDBE program, in coordination with other appropriate officials. The ACDBELO has delegated authority for ACDBE Program implementation to the Civil Rights Office (CRO), which has a staff of ten 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 DOT.
- 2) Reviews third party contracts and purchase requisitions for compliance with this program.
- 3) Works with all departments to set overall annual goals.
- 4) Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
- 5) Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals)
- 6) Analyzes Alaska DOT&PF primary airports progress toward attainment and identifies ways to improve progress.
- 7) Participates in pre-bid meetings.
- 8) Advises the CEO/governing body on ACDBE matters and achievement.
- 9) Chairs the ACDBE Advisory Committee.
- 10) Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance; acts as a liaison to the OSDBU-Minority Resource Center (MRC).
- 11) Plans and participates in ACDBE training seminars.
- 12) Acts as liaison to the Alaska Uniform Certification Program (AUCP).
- 13) Provides outreach to ACDBEs and community organizations to advise them of opportunities.
- 14) Maintains Alaska DOT&PF's updated directory on certified ACDBEs and distinguishes them from DBEs.
- 15) Alaska DOT&PF Statewide Leasing, along with ANC and FAI, are responsible for coordination and data collection from airport leaseholders and/or tenants and reporting to the ACDBELO annually or as needed.
- 16) The Alaska DOT&PF CRO is responsible for certification of ACDBE firms as the AUCP, updating the ACDBE Program and the annual reporting to the FAA.

Directory: Alaska DOT&PF through the AUCP 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 AUCP will ensure that the Directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The AUCP revises the Directory daily and it is available at: <https://dot.alaska.gov/cvlrts/directory.shtml>

Or by contacting the AUCP at:

Alaska Unified Certification Program
2200 E. 42nd Avenue
PO Box 196900
Anchorage AK 99519-6900
907-269-0851 Phone
907-269-0847 Fax

For those requiring TTY communications, please contact Alaska Relay at 711

The current ACDBE Directory may be found in Attachment 2 (26.31).

Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs

Alaska DOT&PF will take the following measures to ensure nondiscriminatory participation of ACDBEs in concession, and other covered activities (23.25(a)). A copy of the Alaska DOT&PF's nondiscrimination statement will be posted at the department's web site, as well as at each airport covered by this program. Additionally, the department has posted complaint procedures for those individuals/businesses that feel they have been subjected to discrimination prohibited by department's assurance.

Alaska DOT&PF will seek ACDBE participation in all types of concession activities, rather than concentrating participation in one category or a few categories to the exclusion of others. (23.25(c))

The Alaska DOT&PF's overall goal methodologies, a description of the race-neutral measures it will take to meet the goals are described in Section 23.25 and Attachment 4 of this plan. The goals are set consistent with the requirements of Subpart D. (23.25(b) (d))

If Alaska DOT&PF projects that race-neutral measures, standing alone, are not sufficient to meet an overall goal, it will use race-conscious measures as described in Section 23.25 (e) (1-2) and Attachment 5 of this plan. (23.25(e)).

The Alaska DOT&PF will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with ACDBEs (23.25(f)).

The Alaska DOT&PF will not use set-asides or quotas as a means of obtaining ACDBE participation. (23.25(g))

Section 23.27 Reporting

Alaska DOT&PF will retain sufficient basic information about our ACDBE program implementation, ACDBE certification and the award and performance of agreements and contracts to enable the FAA to determine our compliance with Part 23. This data will be retained for a minimum of 3 years following the end of the concession agreement or other covered contract.

Annually the Alaska DOT&PF will submit ACDBE participation reports, on the form in Appendix A of Part 23, to the FAA Regional Civil Rights Office.

Section 23.29 Compliance and Enforcement Procedures

Alaska DOT&PF will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 23.

- 1) Alaska DOT&PF will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
- 2) Alaska DOT&PF will consider similar action under our own legal authorities, including responsibility determinations in future contracts. We will incorporate applicable regulations, provisions, and contract remedies available in the event of non-compliance with the ACDBE regulation by a participant in our procurement activities.
- 3) Alaska DOT&PF will also 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 for a running tally of actual ACDBE attainments (e.g., payment made to ACDBE firms), including a means of comparing these attainments to commitments.
- 4) Alaska DOT&PF's ACDBE FAA participation reports will show both commitments and attainments, as required by the DOT reporting form.

49 CFR SUBPART C – CERTIFICATION AND ELIGIBILITY

Section 23.31 We will use the procedures and standards of Part 26, except as provided in 23.31, for certification of ACDBEs to participate in our concessions program and such standards are incorporated

herein. We will review the eligibility of currently certified ACDBEs to make sure that they meet the standards of Part 23 annually.

The AUCP is administered by Alaska DOT&PF Civil Rights Office, which makes certification decisions on behalf of Alaska DOT&PF for ACDBEs.

The AUCP's directory of eligible DBEs will specify whether a firm is certified as a DBE for purposes of Part 26, and ACDBE for purposes of part 23, or both.

Section 23.33 Size Standards

We will treat a firm as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous three fiscal years do not exceed \$56.42 million. The size standard for banks and other financial institutions is \$1 billion in assets, for car rental companies it is \$75.23 million, for pay telephone companies the standard is 1,500 employees, and for automobile dealers the standard is 350 employees (23.33). The personal net worth standard used in determining eligibility for purposes of part 23 is \$1.32 million.

Section 23.35 Personal Net Worth Standard

We recognize that in calculating personal net worth, the following exclusions apply: the individual's ownership interest in an ACDBE firm or a firm that is applying for ACDBE certification; the individual's equity in his or her primary place of residence; and other assets that the individual can document are necessary to obtain financing or a franchise agreement for the initiation or expansion of his or her ACDBE firm, to a maximum of \$3 million. Any person who has a personal net worth exceeding this amount is not a socially and economically disadvantaged individual, even if a member of a group otherwise presumed to be disadvantaged. (See 23.3 - *Personal Net Worth* definition and 23.35)

Section 23.37 Firms Eligible to Participate as ACDBEs

We 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, we will ensure that the disadvantaged owners of a DBE certified under part 26 are able to control the firm with respect to its activity in our concessions program. We are not obligated to certify a part 26 DBE as an ACDBE if the firm does not do work relevant to our concessions program.

Section 23.39 Other Requirements

We recognize that the provisions of part 26, sections 26.83(c) (2-6) do not apply to certifications for purposes of part 23. We will obtain resumes or work histories of the principal owners of the firm and personally interview these individuals. We will analyze the ownership of stock of the firm, if it is a corporation. We will analyze the bonding and financial capacity of the firm. We will determine the work history of the firm, including any concession contracts or other contracts it may have received. We will 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. We will obtain a statement from the firm of the types of concessions

it prefers to operate or the type of other contracts it prefers to perform. We will ensure that the ACDBE firm meets the applicable size standard.

We acknowledge that a prime contractor includes a firm holding a prime contract with an airport concessionaire to provide goods or services to the concessionaire or a firm holding a prime concession agreement with a recipient. We recognize that the eligibility of Alaska Native Corporations (ANC) owned firms for purposes of part 23 is governed by part 26 section 26.73(h).

We will use the certification standards of part 23 to determine the ACDBE eligibility of firms that provide goods and services to concessionaires.

In instances when the eligibility of a concessionaire is removed after the concessionaire has entered into a concession agreement because the firm exceeded the size standard or the owner has exceeded the PNW standard, and the firm in all other respects remains an eligible DBE, we may continue to count the concessionaire's participation toward ACDBE goals during the remainder of the current concession agreement. We 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 removal of ACDBE certification.

We will use the Uniform Application Form found in appendix F to part 26 with additional instruction as stated in.

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a)

We will ensure the AUCP reviews the eligibility of ACDBEs that we certified, to make sure that they will meet the standards of Subpart C of Part 23 and Subpart E of Part 26.

“No Change” Declaration and Notices of Change (26.83(j))

The AUCP requires all ACDBEs owners to inform us, in a written declaration of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the application for certification.

The AUCP also requires all ACDBE owners we have certified to submit every year, on the anniversary date of their certification, a “no change” declaration meeting the requirements of 26.83(j). The text of this affidavit is the following:

I declare there have been no changes in circumstances affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26 and 13 CFR Part 121. I further declare there have been no material changes in the information provided with the most recent DBE/ACDBE application submitted by this business, except for any changes about which I have provided written notice to the Alaska Department of Transportation & Public Facilities Civil Rights office (DOT&PF CRO) pursuant to 49 CFR § 26.83(i).

I declare I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups, identified in 49 CFR §26.5, without regard to my individual qualities. I further declare that I am economically disadvantaged as described and in accordance with 49 CFR §26.67 and that my personal net worth does not exceed \$1.32 million. In addition, I specifically declare that this business and its affiliates continues to meet the Small Business Administration (SBA) pursuant to SBA, NAICS size criteria and the overall gross receipts cap of 49 CFR Part 26. I specifically declare that this business average annual gross receipts (as defined by SBA rules) over the previous three fiscal years do not exceed the USDOT's limit of \$28.48 million for FHWA or FTA assisted work and does not exceed the NAICS size criteria for FAA assisted work. I provide the attached business tax return(s) for this and any affiliate businesses in support of this declaration.

I further authorize the ADOT&PF CRO to verify the accuracy of the information I provided in order to determine whether I meet the standards of social and economic disadvantage for participation in the DBE/ACDBE Program with the AUCP. Any material misrepresentation or falsification of the information provided is grounds for certification denial or immediate decertification, whichever applies.

Please note that the ADOT&PF CRO is required to report to the US Department of Transportation (USDOT) any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the US 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 49 CFR §26.107. The ADOT&PF CRO will consider similar action under our own legal authorities, including responsibility determination in future contracts.

The AUCP requires ACDBEs to submit with this affidavit documentation of the firm's size and gross receipts.

The AUCP will notify all currently certified ACDBE firms of these obligations [program should state how and when]. This notification will inform ACDBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 23/26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a Part 23/26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

Section 26.85 Interstate Certification

The AUCP chooses not to automatically accept ACDBE certification of a firm from other State Unified Certification Programs as provided in 49 CFR 26.85, the applicant firm must provide the following information.

- 1) The applicant firm must provide to the AUCP a complete copy of the application form, all supporting documents, and any other information the applicant firm has submitted to the State Unified Certification Program in its home state related to the applicant firm's

certification. This includes affidavits of no change (*see* §26.83(j)) and any notices of changes (*see* §26.83(i)) that the applicant firm has submitted to the State Unified Certification Program in its home state, as well as any correspondence the applicant firm has had with the State Unified Certification Program in its home state or any other recipient concerning the applicant firm's application or status as a DBE firm.

- 2) The applicant firm must also provide to the AUCP any notices or correspondence from states other than the State Unified Certification Program in its home state relating to the applicant firm's status as an applicant or certified DBE in those states. For example, if the applicant firm has been denied certification or decertified in another state, or subject to a decertification action there, the applicant firm must inform the AUCP of this fact and provide all documentation concerning this action.
- 3) If the applicant firm has filed a certification appeal with DOT (*see* §26.89), the applicant firm must inform the AUCP of the fact and provide the letter of appeal and DOT's response.
- 4) The applicant firm must submit an affidavit sworn to by the firm's owners before a State of Alaska Notary Public executed under penalty of perjury of the laws of the United States attesting to the truthful nature of their application package.

Section 26.86 Denials of Initial Requests for Certification

If the AUCP denies a firm's application or decertifies it, it may not reapply until 12 months have passed from the AUCP's action.

Section 26.87 Removal of a DBE's Eligibility

Any person may file a written complaint alleging that a currently certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. Anonymous complaints are not accepted. In a timely fashion, the AUCP must review the records concerning the firm, any material provided by the firm and the complainant, and other available information. You may request additional information from the firm or conduct any other investigation that you deem necessary. AUCP staff may conduct an onsite review on an unannounced basis at the firm's office and job sites. If we determine, based on this review, that there is reasonable cause to believe that the firm is ineligible, we must provide written notice to the firm that we propose to find the firm ineligible, setting forth the reasons for the determination. If we determine that such reasonable cause does not exist, we must notify the complainant and the firm in writing of this determination and the reasons for it. All statements of reasons must specifically reference the evidence in the record on which each reason is based.

The AUCP will send a certified letter of the Notice of Intent (NOI) to remove DBE eligibility. The DBE has 15 days, from the date the NOI was sent, to submit a request for an informal hearing or present information and arguments in writing without going to a hearing. If we do not hear from the DBE, our office will send a certified letter to notify the firm that they have been decertified. The firm can file an appeal, in writing, to the USDOT within 90 days of the date of the final decision from the AUCP. The AUCP will include the regulations and the address for the DBE to file an appeal.

The informal hearing will be presided by a neutral third party, such as a Civil Rights Manager from another state. The AUCP records the informal hearing and creates an audio transcript. The DBE remains certified until, and unless, it is decertified through the due process set forth in section 26.87

Section 26.89 Certification Appeals

Any firm or complainant may appeal the AUCP's decision in a certification matter to DOT. Such appeals may be sent to: S33AppealsManagementRecords@dot.gov

The AUCP will promptly implement any DOT certification appeal decisions affecting the eligibility of ACDBEs.

49 CFR Part 26 SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 Basic Overall Goal Requirement

Alaska DOT&PF 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 Alaska DOT&PF will review the goals annually to make sure the goal continues to fit the circumstances. Alaska DOT&PF will report any significant overall goal adjustments to the FAA.

If the average annual concession revenues for car rentals over the preceding 3 years do not exceed \$200,000, we need not submit an overall goal for car rentals. Likewise, if the average annual concession revenues for concessions other than car rentals over the preceding 3 years do not exceed \$200,000, we need not submit an overall goal for concessions other than car rentals. We understand that revenue means total revenue generated by concessions, not the fees received by the airport from concessionaires. Our overall goals will provide for participation by all certified ACDBEs and will not be subdivided into group-specific goals.

Section 23.43 Consultation in Goal Setting

The Alaska DOT&PF will consult with stakeholders before submitting the overall goals to the FAA. Stakeholders will include, but not be limited to, minority and women's business groups, community organizations, trade associations representing concessionaires currently located at the airport, as well as existing concessionaires themselves, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs, and the Alaska DOT&PF's efforts to increase participation of ACDBEs.

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

Section 23.45 Overall Goals

Since Alaska DOT&PF owns and operates primary airports, we are required to have an ACDBE program and ACDBE Overall Goals. As a condition of eligibility for FAA financial assistance, Alaska DOT&PF will submit its overall goals every three years.

If a new concession opportunity arises at a time that falls between the normal submission dates and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the Alaska

DOT&PF will submit an appropriate adjustment to our overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity. (23.45i)

Alaska DOT&PF will establish overall goals in accordance with the 2-Step process as specified in section 23.51. After determining the total gross receipts for the concession activity, the first step is to determine the relative availability of ACDBEs in the market area, “base figure”. The second step is to examine all relevant evidence reasonably available in the Alaska DOT&PF’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 Alaska DOT&PF 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 methodology to calculate the overall goals for concessions other than car rentals and for car rentals can be found in Attachment 4.

Section 23.45 & 23.25 Projection of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found with the goal methodologies in Attachment 4 to this program. This section of the program will be reviewed annually when the goal calculation is reviewed under 23.41(c).

Section 23.25 Concession Specific Goals

Alaska DOT&PF will use concession specific goals to meet any portion of the overall goals. If applicable, concession specific goals are established so that, over the period to which the overall goals apply, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

Alaska DOT&PF will establish concession specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities. If applicable, Alaska DOT&PF will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with DBEs (23.25 (f)). Car rental firms are not required to change their corporate structure to provide for direct ownership arrangements. In the case of a car rental goal, where it appears that all or most of the goal is likely to be met through the purchases by car rental companies of vehicles or other goods or services from ACDBEs, one permissible alternative is to structure the goal entirely in terms of purchases of goods and services.

Alaska DOT&PF need not establish a concession specific goal on every such concession, and the size of concession specific goals will be adapted to the circumstances of each such concession (e.g., type and location of concession, availability of ACDBEs.)

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

If the concession specific goal applies to purchases and/or leases of goods and services, Alaska DOT&PF will calculate the goal by dividing the estimated dollar value of such purchases and/or leases from ACDBEs by the total estimated dollar value of all purchases to be made by the concessionaire.

Good Faith Efforts on Concession Specific Goals

To be eligible to be awarded a concession that has a concession specific goal; bidders/offerors must make good faith efforts to meet the goal. A bidder/offeror may do so either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so. (23.25(e)(1)(iv)). Examples of good faith efforts are found in Appendix A to 49 CFR Part 26. The procedures applicable to 49 CFR Sections 26.51 and 26.53, regarding contract goals apply to Alaska DOT&PF's concession specific goals.

Demonstration of good faith efforts (26.53(a) & (c))

The following personnel are responsible for coordinating with the CRO and determining whether a concessionaire who has not met the concession specific goal has documented sufficient good faith efforts to be regarded as *responsive*.

- Sara Haley, Leasing Specialist Manager for ANC
- Christel Burgess - Chief of Leasing for FAI
- Clark Cox - Program Manager for Statewide Aviation Leasing

Alaska DOT&PF will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the concession agreement with the bidder/offeror.

Information to be submitted (26.53(b))

Alaska DOT&PF treats bidder/offeror's compliance with good faith effort requirements as a matter of *responsiveness*.

Each solicitation for which a concession specific goal has been established will require the concessionaires to submit the following information:

- 1) The names and addresses of ACDBE firms or ACDBE suppliers of goods and services that will participate in the concession.
- 2) A description of the work that each ACDBE will perform.
- 3) The dollar amount of the participation of each ACDBE firm/supplier participating.
- 4) Written and signed documentation of commitment to use a ACDBE whose participation it submits to meet a contract goal.

- 5) Written and signed confirmation from the ACDBE that it is participating in the concession as provided in the prime concessionaire's commitment and
- 6) If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within three business days of being informed by ANC that it is not *responsive* because it has not documented sufficient good faith efforts, a concessionaire may request administrative reconsideration. Concessionaire should make this request in writing to the following reconsideration official:

Rashaud Joseph
Civil Rights Office Manager
PO Box 196900
Anchorage, AK 99519-6900
(907) 269-0848
rashaud.joseph@alaska.gov

The reconsideration official will not have played any role in the original determination that the concessionaire did not document sufficient good faith efforts.

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

Good Faith Efforts when an ACDBE is replaced on a concession (26.53(f))

Alaska DOT&PF will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its concession agreement, lease, or subcontract with another certified ACDBE, to the extent needed to meet the concession specific goal. Alaska DOT&PF will require the concessionaire to notify the ACDBELO immediately of the ACDBEs inability or unwillingness to perform and provide reasonable documentation.

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

Sample Proposal/Bid Specification:

The requirements of 49 CFR Part 23, regulations of the U.S. Department of Transportation, applies to this concession. It is the policy of the Alaska DOT&PF to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under

this solicitation are encouraged to submit bids/proposals. Award of this concession will be conditioned upon satisfying the requirements of this proposal/bid specification. These requirements apply to all concessions firms and suppliers, including those who qualify as an ACDBE. An ACDBE concession specific goal of ____ percent of (annual gross receipts; value of leases and/or purchases of goods and services) has been established for this concession. The concession firm shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 6), to meet the concession specific goal for ACDBE participation in the performance of this concession.

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

Note: When a concession specific goal is established pursuant to the Alaska DOT&PFs ACDBE program, the sample proposal/bid specification can be used to notify concession firms of the requirements to make good faith efforts.

Section 23.53 Counting ACDBE Participation for Car Rental Goals

Alaska DOT&PF will count ACDBE participation toward overall goals for car rental concessions as provided in 49 CFR 23.53.

Section 23.55 Counting ACDBE Participation for Concessions Other than Car Rentals

Alaska DOT&PF will count ACDBE participation toward overall goals other than car rental concessions as provided in 49 CFR 23.55.

Section 23.57 (b) Goal shortfall accountability

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

- (1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems we have identified in our analysis to enable us to fully meet our goal for the new fiscal year;

Section 23.61 Quotas or Set-asides

Alaska DOT&PF will not use quotas or set-asides as a means of obtaining ACDBE participation.

49 CFR Part 23 SUBPART E – OTHER PROVISIONS

Section 23.71 Existing Agreements

Alaska DOT&PF will assess potential for ACDBE participation when an extension or option to renew an existing agreement is exercised, or when a material amendment is made. We 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

Alaska DOT&PF will pass through applicable provisions of part 23 to private terminal owner or lessee via our agreement with the owner or lessee. We will ensure that the owner or lessee complies with part 23. We will obtain from the owner or lessee the goals and other elements of the ACDBE program required under Part 23 and it is incorporated herein and submitted as Attachment 10.

Section 23.75 Long-Term Exclusive Agreements

Alaska DOT&PF will not enter into a long-term exclusive agreement for concessions without prior approval of the FAA Regional Civil Rights Office. We understand that a “long-term” agreement is one having a term of longer than 5 years. We understand that an “exclusive” agreement is one in which an entire category of a particular business opportunity is limited to a single business entity. If special, local circumstances exist that make it important to enter into a long-term and exclusive agreement, we will submit detailed information to the FAA Regional Civil Rights Office for review and approval.

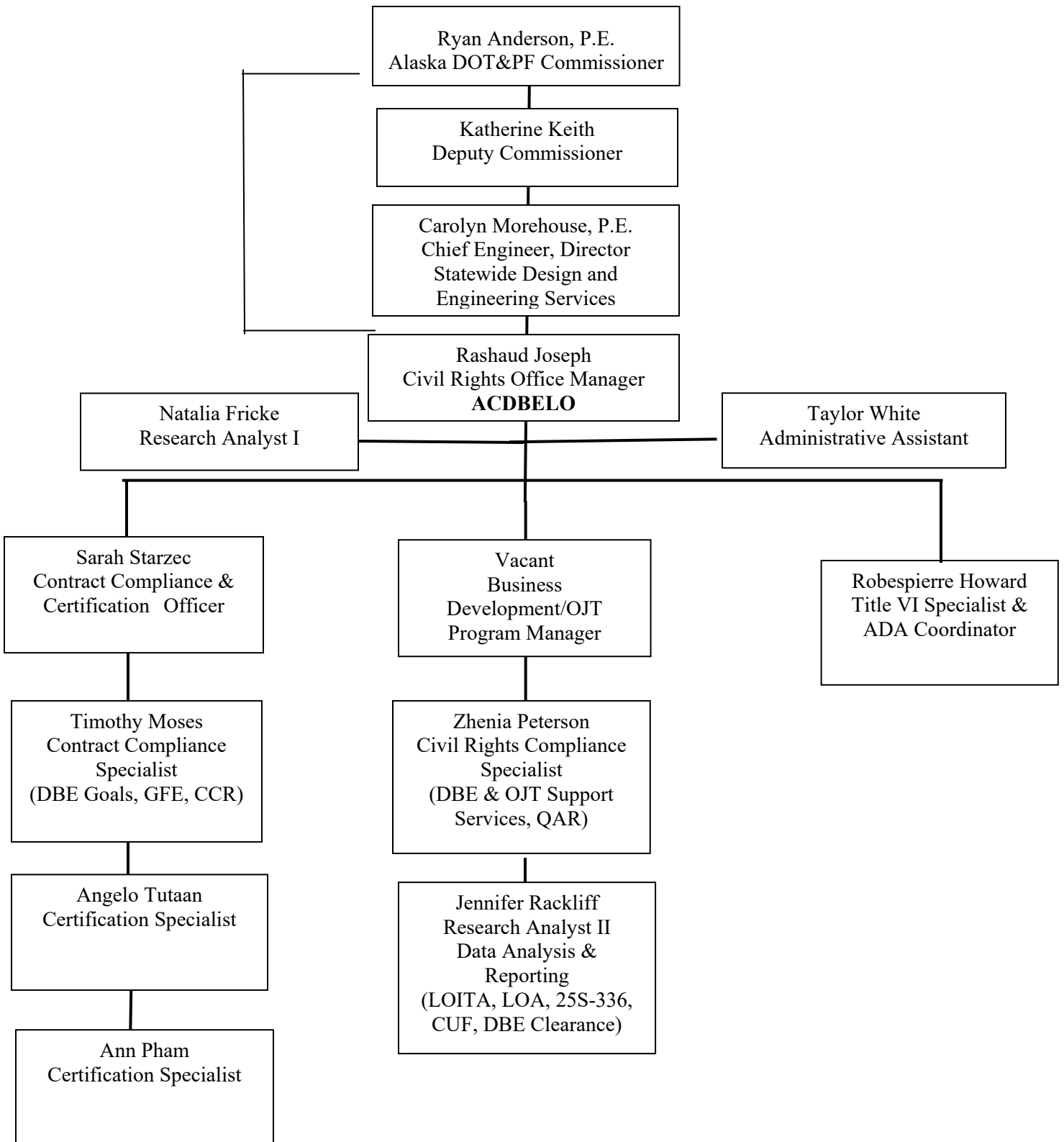
Section 23.79 Geographic Preferences

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

ATTACHMENTS

Attachment 1	ACDBELO Organizational Chart
Attachment 2	ACDBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall ACDBE Goals for primary airports
Attachment 5	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 6	Certification Application Forms
Attachment 7	Removing ACDBE Eligibility
Attachment 8	Regulations: 49 CFR Part 23
Attachment 9	AUCP Agreement
Attachment 10	Privately Owned Terminal Buildings

Attachment 1
ACDBELO Organization Chart
 April 2023



Attachment 2

The ACDBE Directory can be found here:

<https://dot.alaska.gov/cvlrts/directory.shtml>

Attachment 3

Sample Monitoring and Enforcement Mechanisms

Alaska DOT&PF has available several remedies to enforce the ACDBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to AS 36.30.640(4); and
3. 49 CFR 23.29, part 26 (§§26.101 and 26.105 through 26.109)

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the ACDBE problem, 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.

Alaska DOT&PF will implement various mechanisms to monitor program participants to ensure they comply with Part 23, including, but not limited to the following:

Alaska DOT&PF will insure the insertion of the following provisions into concessions agreements and management contracts:

- 1) The Concessionaire shall submit the monthly certified activity report in a form that is acceptable to the State and that reflects the Concessionaire's Gross Revenues for the Food & Beverage Facility broken out by any State-approved Percentage Fee category for both the previous calendar month and for the Agreement year-to date in terms of United States of America currency. DBE Gross Revenues shall be clearly and separately identified.
- 2) State Policy: It is State of Alaska policy that DBEs have the maximum opportunity to participate in the performance of Airport concession contracts.
- 3) This Agreement is subject to the applicable requirements of the United States Department of Transportation's regulations, 49 CFR Part 23, Subpart E. The Concessionaire will not discriminate against any business owner because of the owner's race, color, religion, national origin, sex, age, or disability in connection with the award or performance of any concession subcontract or other arrangement covered by 49 CFR Part 23, Subpart E. In addition, the Concessionaire will include the previous two sentences in any subsequent concession subcontract or other arrangement that it enters into and require those businesses to similarly include the same language in any further subcontracts.
- 4) The Concessionaire will comply with all applicable laws and regulations that concern the fair and equitable treatment of DBEs now in effect or which may subsequently take effect during this Agreement. The Concessionaire will include a provision to this effect in any subcontract or other DBE participation arrangement the Concessionaire enters into under this Agreement.

The Alaska DOT&PF will implement our compliance and monitoring procedures as follows:

- 1) The ACDBELO and CRO staff will conduct trainings and provide ongoing guidance on Part 23 to airport and leasing staff.
- 2) The ACDBELO and CRO staff will monitor ACDBE participation on an annual and ongoing basis.
- 3) Written certification of contract, lease, joint venture, and other concession-related agreements will be reviewed.
- 4) The ACDBELO and CRO staff will conduct regular meetings with airport and leasing staff.
- 5) The ACDBELO and CRO staff will include airport concessionaires, and airport and leasing staff, in our yearly DBE training conference.

Attachment 4

Overall ACDBE Goals for Primary Airports can be found here:

<https://dot.alaska.gov/cvlrts/acdbe.shtml>

Attachment 5

Forms 1 & 2 for Demonstration of Good Faith Efforts

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

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

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

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

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of ACDBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by ACDBE firm:

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

Affirmation

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

By _____
(Signature) (Title)

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

(Submit this page for each ACDBE subcontractor.)

Attachment 6

Certification Application Forms can be found here:

<https://dot.alaska.gov/cvlrts/dbecert.shtml>

Attachment 7

49 CFR Part 26.87 Removing ACDBE Eligibility

Any person may file a written complaint alleging that a currently certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. Anonymous complaints are not accepted. In a timely fashion, the AUCP must review the records concerning the firm, any material provided by the firm and the complainant, and other available information. You may request additional information from the firm or conduct any other investigation that you deem necessary. The Certification Specialist and/or Officer may conduct an onsite review on an unannounced basis at the firm's office and job sites. If we determine, based on this review, that there is reasonable cause to believe that the firm is ineligible, we must provide written notice to the firm that we propose to find the firm ineligible, setting forth the reasons for the determination. If we determine that such reasonable cause does not exist, we must notify the complainant and the firm in writing of this determination and the reasons for it. All statements of reasons must specifically reference the evidence in the record on which each reason is based.

The AUCP will send a certified letter of the Notice of Intent (NOI) to remove ACDBE eligibility. The ACDBE has 15 days, from the date the NOI was sent, to submit a request for an informal hearing or present information and arguments in writing without going to a hearing. If we do not hear from the ACDBE, our office will send a certified letter to notify the firm that they have been decertified. The firm can file an appeal, in writing, to the USDOT within 90 days of the date of the final decision from the AUCP. The AUCP will include the regulations and the address for the ACDBE to file an appeal

The informal hearing will be presided by a neutral third party, such as a Civil Rights Manager from another state. The AUCP records the informal hearing and creates an audio transcript. The ACDBE remains certified until, and unless, it is decertified through the due process set forth in section 26.87

49 CFR Part 26.88 Summary Suspensions of Certification

The AUCP immediately suspends the firm's certification when the disadvantaged owner(s), whose ownership and control is relied upon for ACDBE certification, perishes or is incarcerated. The AUCP notifies the ACDBE of the suspension by certified mail, return receipt requested, to the last known address of the disadvantaged owner(s). The suspension is in effect when the ACDBE receives, or is deemed to have received the Notice of Suspension. The ACDBE may voluntarily withdraw from the program, or the ACDBE must provide the AUCP information demonstrating that the firm is eligible notwithstanding its changed circumstances. The AUCP will lift the suspension and reinstate the firm's certification, or commence a decertification action, under CFR 26.87 within 30 days of receiving the information. The AUCP decision to suspend a ACDBE is not appealable to the US Department of Transportation. If the AUCP fails to either lift the suspension and reinstate the firm, or commence a decertification proceeding as required by 26.88 (g), then it is appealable to the US Department of Transportation under CFR 26.89 as a constructive decertification.

Attachment 8

ACDBE regulations 49 CFR 23 can be found here:

<https://www.ecfr.gov/current/title-49/subtitle-A/part-23?toc=1>

Attachment 9

The AUCP Agreement can be found here:

<https://dot.alaska.gov/cvlrts/forms/aucp-agreement.pdf>

Attachment 10

Privately Owned Terminal Buildings ACDBE Program

Airport Name:

Goal Period:

Overall ACDBE Goal For This Period:

Location	All Concessionaires (Including Car Rentals)	Gross Receipts Earned by All Concessionaires (Including Car Rentals)	Business Type	Contract Begin Date	Contract End Date
	TOTAL				

Certificate Of Completion

Envelope Id: D0C82BC95A4B4238BC9E5A12BEF99E93	Status: Completed
Subject: Complete with DocuSign: Alaska DOT&PF ACDBE Program Plan.pdf	
Source Envelope:	
Document Pages: 30	Signatures: 1
Certificate Pages: 4	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Disabled	Caro Rosier-Polley
Time Zone: (UTC-09:00) Alaska	PO Box 110206
	Juneau, AK 99811
	caro.rosier-polley@alaska.gov
	IP Address: 136.226.56.245

Record Tracking

Status: Original	Holder: Caro Rosier-Polley	Location: DocuSign
5/15/2023 1:04:58 PM	caro.rosier-polley@alaska.gov	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: State of Alaska	Location: DocuSign

Signer Events

Ryan Anderson
 ryan.anderson@alaska.gov
 State of Alaska
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 3BFC855630834FF...
 Signature Adoption: Uploaded Signature Image
 Using IP Address: 10.233.17.184

Timestamp

Sent: 5/15/2023 1:06:20 PM
 Viewed: 5/15/2023 1:07:02 PM
 Signed: 5/15/2023 1:07:25 PM

Electronic Record and Signature Disclosure:
 Accepted: 9/16/2022 8:28:28 AM
 ID: 0e0865b3-66fe-4128-a526-28275fb5c7c1
 Company Name: State of Alaska

In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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John Binder john.binder@alaska.gov State of Alaska Security Level: Email, Account Authentication (None)	COPIED	Sent: 5/15/2023 1:07:26 PM
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Electronic Record and Signature Disclosure:
 Accepted: 11/9/2021 11:32:12 AM
 ID: be333c1f-1092-41b2-9024-fee80b0a6555
 Company Name: State of Alaska

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	5/15/2023 1:06:20 PM
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Envelope Summary Events	Status	Timestamps
Certified Delivered	Security Checked	5/15/2023 1:07:02 PM
Signing Complete	Security Checked	5/15/2023 1:07:25 PM
Completed	Security Checked	5/15/2023 1:07:26 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

Please read this Electronic Records and Signature Disclosure (ERSD). It concerns your rights regarding electronically undertaking, and the conditions under which you and the State of Alaska agree to electronically undertake, the transaction to which it relates (the "TRANSACTION").

Consent to Electronically Undertake the TRANSACTION

You can electronically undertake the TRANSACTION only if you confirm that you meet the following requirements by selecting the box next to "I agree to use electronic records and signature" (the "AGREE BOX"):

1. you can fully access and have read this ERSD;
2. you can fully access all of the information in the other TRANSACTION records;
3. you can retain all of the TRANSACTION records in a form that you will be able to fully access for later reference;
4. you consent to undertake the TRANSACTION electronically; and
5. you are authorized to undertake the TRANSACTION. (Please note that falsely undertaking the TRANSACTION may subject you to civil liabilities and penalties and/or to criminal penalties.)

If you cannot or are not willing to confirm each of these five things, do not select the AGREE BOX.

Withdrawing Consent

If you select the AGREE BOX, you can withdraw your consent to electronically undertake the TRANSACTION at any time before you complete the TRANSACTION: simply do not finalize it. The only consequence of withdrawing your consent is that you will not finalize the TRANSACTION.

If you select the AGREE BOX, your consent will apply only to this TRANSACTION. You must separately consent to electronically undertake any other transaction with the State of Alaska.

Paper Option for Undertaking the TRANSACTION

You may undertake the TRANSACTION with the State of Alaska using paper records. (State of Alaska employees who want to undertake the TRANSACTION in paper should contact the agency responsible for the TRANSACTION.) Print the paper records on the website of the State of Alaska agency responsible for the TRANSACTION, or request them from the agency. The State of Alaska homepage is at <http://alaska.gov/>.

Copies of TRANSACTION Records

After completing the TRANSACTION but before closing your web browser, you should download the TRANSACTION records. Or you can download the records within 30 days after

completing the TRANSACTION using the link in the DocuSign email sent to the email address you used to complete the TRANSACTION. The State of Alaska will not provide a paper copy of the TRANSACTION records as part of the TRANSACTION. Under the Alaska Public Records Act (APRA), AS 40.25.100–.295, you can request a copy from the agency responsible for the TRANSACTION, but if too much time has passed, the agency may no longer have the records when you make your request. If required under the APRA, the agency will charge a fee.

Required Hardware and Software

For the minimum system requirements to electronically undertake the TRANSACTION, including accessing and thereby retaining the TRANSACTION records, visit <https://support.docusign.com/guides/signer-guide-signing-system-requirements>. These requirements may change. In addition, you need access to an email account.

How to Contact the State of Alaska

To ask a question on this ERSD or the DocuSign document generated after you complete the TRANSACTION or on using DocuSign to electronically undertake the TRANSACTION, contact the Alaska Department of Administration at either of the following addresses:

State of Alaska
Department of Administration
550 West 7th Avenue
Suite 1970
Anchorage, AK 99501
Reference: DocuSign

doa.commissioner@alaska.gov
Subject: DocuSign

To ask any other question on the TRANSACTION records or to update the information for contacting you electronically, contact the State of Alaska agency responsible for the TRANSACTION using the contact information in the TRANSACTION records or, if those records contain no contact information, using the contact information on the agency's website. Again, the State of Alaska homepage is at <http://alaska.gov/>.