



**Alaska Department of Transportation
and Public Facilities**

**Airport Concessions
Disadvantaged Business Enterprise Program Plan**

October 8, 2024

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POLICY STATEMENT

Section 23.1, 23.23 Objectives/Policy Statement

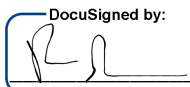
The Alaska Department of Transportation & Public Facilities (Alaska DOT&PF) has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23. The Alaska DOT&PF owns primary airports and 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;
- 5) To help remove barriers to the participation of ACDBEs in opportunities for concessions at our airport(s);
- 6) To promote the use of ACDBEs in all types of concessions activities at our airport(s);
- 7) To assist the development of firms that can compete successfully in the marketplace outside the ACDBE program; and
- 8) To provide appropriate flexibility to airports receiving DOT financial assistance 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.

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

DocuSigned by:

DE8B08F7F6734C7...
Ryan Anderson, P.E., Commissioner
Alaska Department of Transportation & Public Facilities

10/9/2024

Date

GENERAL REQUIREMENTS

Section 23.1 Objectives

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

Section 23.3 Definitions

The 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. A link to 49 CFR part 23 may be found in Attachment 8.

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

This ACDBE program will be implemented at airports designated as primary by the FAA, according to the CY 2023 Passenger Boarding Data the following Alaska DOT&PF airports meet this definition: Ted Stevens Anchorage International Airport (ANC), Fairbanks International Airport (FAI), Bethel Airport (BET), Kodiak (ADQ), Deadhorse Airport (SCC), Nome Airport (OME), Ralph Wien Memorial (OTZ), Wiley Post-Will Rogers Memorial (BRW), King Salmon (AKN), Dillingham Airport (DLG), Homer (HOM), Petersburg James A. Johnson (PSG), Unalaska (DUT), Merle K (Mudhole) Smith (CDV), Klawock (AKW), Wrangell (WRG), Yakutat (YAK), and Edward G Pitka Sr. (GAL).

Through a co-sponsorship agreement, the City and Borough of Sitka may choose to implement this program at Sitka Rocky Gutierrez Airport (SIT) and the details of responsibility are outlined in a Memorandum of Agreement that is signed by both parties.

Through a co-sponsorship agreement, the Ketchikan Gateway Borough may choose to implement this program at Ketchikan International Airport (KTN) and details of responsibility are outlined in a Memorandum of Agreement that is signed by both parties.

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).

Prior to implementing significant changes to this ACDBE program, Alaska DOT&PF will provide the amended program to FAA for review and approval.

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, Disadvantaged Business Enterprise (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:

- 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 acknowledges that the compliance and enforcement provisions of 49 CFR 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.

SUBPART B – ACDBE Program

Section 23.21 ACDBE Program Updates

Alaska DOT&PF is the operator of primary airports and is required to have an ACDBE program. This ACDBE program is applicable to the following airport(s) which are designated as Primary Airports according to the CY 2023 Passenger Boarding Data:

- Bethel Airport (BET)
- Deadhorse Airport (SCC)
- Dillingham Airport (DLG)
- Edward G Pitka Sr. (GAL)
- Fairbanks International Airport (FAI)
- Homer (HOM)

- Ketchikan International Airport (KTN)
- King Salmon (AKN)
- Klawock (AKW)
- Kodiak (ADQ)
- Merle K (Mudhole) Smith (CDV)
- Nome Airport (OME)
- Petersburg James A. Johnson (PSG)
- Ralph Wien Memorial (OTZ)
- Sitka Rocky Gutierrez Airport (SIT)
- Ted Stevens Anchorage International Airport (ANC)
- Unalaska (DUT)
- Wiley Post-Will Rogers Memorial (BRW)
- Wrangell (WRG)
- Yakutat (YAK)

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).

Prior to implementing significant changes to this ACDBE program, Alaska DOT&PF will provide the amended program to FAA for review and approval.

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.

Alaska DOT &PF will thoroughly investigate, on an annual basis, the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community and make reasonable efforts to use these institutions. Alaska DOT &PF will also encourage prime concessionaires to use such institutions.

ACDBE Liaison Officer (ACDBELO): We have designated the following individual as our 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 provisions 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 as specified in this plan, and other information as required by FAA or DOT.
- 2) Periodically reviews third party contracts and purchase requisitions for compliance with this program.
- 3) Works within the Alaska DOT&PF to set overall triennial goals for all Primary airports that require a goal.
- 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 ACDBE participation.
- 7) Advises the governing body on ACDBE matters and achievement.
- 8) Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance; acts as a liaison to the SBDC (Small Business Development Center) staff, APEX Accelerator (Small Business Procurement Technical Assistance Center), SBA (Small Business Administration, and Business Impact Northwest (Alaska Chapter).
- 9) Plans and participates in ACDBE training opportunities and outreach events and participate in outreach events sponsored by others.
- 10) Provides information about the Alaska Unified Certification Program (AUCP) at outreach events. Provides outreach to ACDBEs and community organizations to advise them of opportunities and to encourage applicable firms to become ACDBE certified.
- 11) Maintains Alaska DOT&PF's updated directory on certified ACDBEs and distinguishes them from DBEs.
- 12) 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.
- 13) 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 Alaska Unified Certification Program (AUCP) maintains a directory identifying all firms eligible to participate as DBEs and ACDBEs. The Directory lists the firm's name, address, status as ACDBE or non-ACDBE, NAICS code(s), 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.

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. A link to the ACDBE Directory is included in Attachment 2.

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

Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs

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

The Alaska DOT&PF will seek ACDBE participation in all types of concession activities.

Alaska DOT&PF will maximize the use of race-neutral measures, obtaining as much as possible of the ACDBE participation needed to meet overall goals through such measures. Alaska DOT&PF will take the following measures to ensure nondiscriminatory participation of ACDBEs in concessions, and other covered activities (23.25(a)):

The Alaska DOT&PF will take the following measures to ensure nondiscriminatory participation of ACDBEs in concession and other covered activities. Race-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 under this part; the Alaska DOT&PF actively engages in outreach at both local and state events to identify potential ACDBEs and small businesses. This effort includes participating in events organized by partners, stakeholders, and local governing bodies. These entities include Alaska APEX Accelerators, Alaska Black Caucus, Alaska Works Partnership, Anchorage Municipality, AGC of Alaska, Alaska Transit Authority, Alaska SBDC, Alaska SBA, 49th State Angel Fund, Umoja, Business Impact NW, Alaska Chamber of Commerce, Ketchikan Commerce Borough, and Homer Chamber.
2. Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate, by including information provided by ANC, FAI, and Statewide aviation in the CRO quarterly newsletter and in the annual DBE/ACDBE conference.
3. When practical, structuring concession activities to encourage and facilitate the participation of ACDBEs; the Alaska DOT&PF actively informs ACDBEs about concession opportunities and encourages their participation when appropriate. To support this, the department publishes Requests for Proposals (RFPs) as part of the Tentative Advertising Schedule for Construction-Related Professional Service Agreements. This initiative aims to increase awareness and provide ACDBEs with clear access to upcoming opportunities, fostering greater engagement and competition within the industry.

4. Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing; the Alaska DOT&PF provides comprehensive technical assistance to ACDBEs through a variety of workshops and training sessions in collaboration with stakeholders. For instance, the department has offered Bonding Education training to help businesses enhance their financial capacity. Additionally, DOT&PF promotes training opportunities provided by partners, including sessions on BidMatch, Building and Growing Your Surety Relationship, Meeting Lenders One-on-One, and Identifying Opportunities for Your Government Contracting Pipeline. These initiatives are designed to equip ACDBEs with the tools and knowledge needed to succeed in securing and managing government contracts.
5. Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the recipient's ACDBE program will affect the procurement process by including the current applicable ACDBE goal information in the meeting agenda.
6. Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation; the Alaska DOT&PF manages the AUCP Directory, which provides a comprehensive listing of available ACDBE firms. This directory serves as a key resource for businesses and agencies seeking to engage with certified firms.
7. The Alaska DOT&PF has established a business development program (see part 2 § 26.35); technical assistance programs; and other steps to foster ACDBE participation in concessions. The Alaska DOT&PF has developed a comprehensive business development program aimed at fostering the participation of ACDBEs in airport concessions. This program provides targeted technical assistance and implements strategic initiatives to enhance ACDBE involvement. Key components of the program include hosting events tailored for ACDBE firms and small businesses, which are promoted through various channels such as GovDelivery lists, the DOT&PF website, the Transporter Newsletter, as well as direct emails and phone communication. These events feature specialized training, such as Bonding Education, which helps businesses strengthen their financial capacity and improve their ability to meet surety requirements. In addition to internally organized events, DOT&PF actively promotes valuable training opportunities from external partners. These include sessions on topics such as BidMatch, Building and Growing Your Surety Relationship, Meeting Lenders One-on-One, and Identifying Opportunities for Your Government Contracting Pipeline. Each of these training opportunities is specifically designed to equip ACDBEs with the tools, resources, and knowledge necessary to compete effectively for government contracts and operate successfully in the concessions industry.

A cornerstone of the program is the monthly onboarding sessions for new DBE/ACDBE firms, developed in collaboration with Alaska APEX Accelerators. These sessions cover essential topics, including procurement, bidding processes, and key considerations for doing business with the government. Additionally, the program culminates each year in the Annual DBE/ACDBE Conference, which focuses on airport operations and provides targeted training to help firms succeed in this specialized environment. Together, these initiatives demonstrate Alaska DOT&PF's commitment to empowering ACDBEs by offering them the technical support, education, and resources they need to thrive in government contracting and airport concession opportunities.

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

1. Establishing concession-specific goals for particular concession opportunities.
 - a. In setting concession-specific goals for concession opportunities other than car rental, Alaska DOT&PF 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, Alaska DOT&PF 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, Alaska DOT&PF 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, Alaska DOT&PF 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, Alaska DOT&PF 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, Alaska DOT&PF 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. A copy of proposal forms to be used in the event of a contract goal may be found in Attachment 6.
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.

Alaska DOT&PF 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.

Section 23.26 Fostering Small Business Participation

Alaska DOT&PF 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 12 to this ACDBE Program. The program elements will be actively implemented to foster small business participation. Alaska DOT&PF acknowledges that active use of the small business element is a requirement of the good faith implementation of this ACDBE program.

Alaska DOT&PF will submit an annual report on small business participation obtained through the use of this small business element. The report must be submitted in the format acceptable to the FAA based on a schedule established and posted to the agency's website, available at: https://www.faa.gov/about/office_offices/acr/bus_ent_program.

Section 23.27 Reporting

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.

Alaska DOT&PF 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.

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

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

Alaska DOT&PF 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 (See attachment 7). Alaska DOT&PF 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.

The state department of transportation in each Unified Certification Program (UCP) established pursuant to 49 CFR § 26.81 must report certain information from the UCP directory to DOT's Departmental Office of Civil Rights each year. Alaska DOT&PF if a certifying member of the state UCP, ensures the collection and reporting of the following information in the UCP directory:

- 1) The number and percentage of in-state and out-of-state ACDBE certifications for socially and economically disadvantaged by gender and ethnicity (Black American, Asian-Pacific American, Native American, Hispanic American, Subcontinent-Asian Americans, and non-minority);
- 2) The number of ACDBE certification applications received from in-state and out-of-state firms and the number found eligible and ineligible;
- 3) 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 (Socially and economically disadvantaged owner) SEDO exceeded the personal net worth cap;
 - iii) Names of in-state and out-of-state firms decertified for excess gross receipts beyond the relevant size standard.
- 4) Number of in-state and out-of-state ACDBEs summarily suspended;
- 5) Number of in-state and out-of-state ACDBE applications received for an individualized determination of social and economic disadvantage status; and
- 6) Number of in-state and out-of-state ACDBEs whose owner(s) made an individualized showing of social and economic disadvantaged status.

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 DOT 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. See attachments 3 and 4.

CERTIFICATION AND ELIGIBILITY

Section 23.31 Certification Standards and Procedures

Alaska DOT&PF is the only certifying member of the Alaska Unified Certification Program (AUCP). Alaska DOT&PF 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. Alaska DOT&PF makes all certification decisions based on the facts as a whole. Detailed certification processes are described in the Alaska DOT&PF UCP agreement. The full UCP agreement can be found at: <https://dot.alaska.gov/cvlrts/forms/aucp-agreement.pdf>

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

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

State of Alaska, DOT&PF Civil Rights Office
Attn: Certification
P.O. Box 196900
Anchorage, AK 99519-6900
Telephone No: (907) 269-0851
Fax No: (907) 269-0847
sarah.starzec@alaska.gov
<https://dot.alaska.gov/cvlrts/civilrights.shtml>

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

A link to the AUCP Agreement may be found in 10.

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 Standard

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

Section 23.37 Firms Certified as DBEs

Alaska DOT&PF 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, Alaska DOT&PF 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 Requirements

The provisions of § 26.83(c)(1) of 49 CFR part 26 do not apply to ACDBE certifications. Instead, in determining whether a firm is an eligible ACDBE, Alaska DOT&PF 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. Alaska DOT&PF will review those persons' résumés and/or work histories. Alaska DOT&PF will maintain a complete audio recording of the interviews. Alaska DOT&PF will also visit one or more active job sites (if there is one). These activities comprise the “on-site review” (OSR), a written report of which Alaska DOT&PF 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. A link to the certification application may be found in Attachment 9.

In reviewing the Declaration of Eligibility required by § 26.83(j), Alaska DOT&PF 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 (ANCs), the provisions of § 26.63(c)(2) do not apply. The eligibility of ANC-owned firms for purposes of this part is governed by § 26.63(c)(1).

Alaska DOT&PF will use the Uniform Certification Application found in part 26 of this chapter without change. If Alaska DOT&PF seeks to supplement the form by requesting specified additional information consistent with this part, we will first seek written approval of the concerned Operating Administration and update this ACDBE program plan.

Alaska DOT&PF will require every applicant to state that it is applying for certification as an ACDBE and complete all of section 5.

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

Alaska DOT&PF will establish separate overall ACDBE goals for each primary airport meeting the thresholds; 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 revenue received by the airport from concessionaires.

The Alaska DOT&PF overall goals will provide for participation by all certified ACDBEs and will not be subdivided into group-specific goals. A link to the ACDBE Goals may be found in Attachment 5.

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.

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

Section 23.45 Overall Goals

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 sponsor 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.

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).

Alaska DOT&PF will also include a projection of the portions of the overall goal expected to be met through race-neutral and race-conscious measures, respectively.

If the FAA determines that Alaska DOT&PF goals have not been correctly calculated or the justification is inadequate, the FAA may, after consulting with us, adjust the overall goal or race-conscious/race-neutral "split." In such a case, the adjusted goal is binding on Alaska DOT&PF.

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.

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, Alaska DOT&PF will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, Alaska DOT&PF 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. Alaska DOT&PF 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 Alaska DOT&PF 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\(i\) of this chapter](#).

Section 23.55 Counting ACDBE Participation for Concessions Other than Car Rentals

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

When an ACDBE is decertified because one or more of its disadvantaged owners exceed the PNW cap or the firm exceeds the business size standards of part 23 during the performance of a contract or other agreement, the firm's participation may continue to be counted toward ACDBE goals for the remainder of the term of the contract or other agreement. However, Alaska DOT&PF will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, Alaska DOT&PF 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. Alaska DOT&PF 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 Alaska DOT&PF 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\(i\) of this chapter](#).

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;
- (3) As airports not meeting the criteria of paragraph (b)(3)(i) of this section, we will retain analysis and corrective actions in our records for three years and make it available to the FAA, on request, for their review.

FAA may impose conditions as part of its approval of Alaska DOT&PF analysis and corrective actions including, but not limited to, modifications to our overall goal methodology, changes in our race-conscious/race-neutral split, or the introduction of additional race-neutral or race-conscious measures.

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

- Alaska DOT&PF does not submit the analysis and corrective actions to FAA in a timely manner as required under paragraph (b)(3) of § 23.57;
- FAA disapproves the analysis or corrective actions; or
- Alaska DOT&PF does not fully implement:
 - a. The corrective actions to which we have committed, or
 - b. Conditions that FAA has imposed following review of our analysis and corrective actions.
 - c. If information coming to the attention of FAA demonstrates that current trends make it unlikely that we, as an airport, will achieve ACDBE awards and commitments that would be necessary to allow us to meet our overall goal at the end of the fiscal year, FAA may require us to make further good faith efforts, such as modifying our race-conscious/race-neutral split or introducing additional race-neutral or race-conscious measures for the remainder of the fiscal year.

Section 23.61 Quotas or Set-asides

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

OTHER PROVISIONS

Section 23.71 Existing Agreements

If permitted by the existing agreement, Alaska DOT&PF 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 11.

Section 23.75 Long-Term Exclusive Agreements

Alaska DOT&PF will not enter into a long-term and exclusive agreements 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 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. We understand that an exclusive agreement is one having a type of business activity that is conducted solely by a single business entity on the entire airport, irrespective of ACDBE participation.

Alaska DOT&PF 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 Alaska DOT&PF plan for meeting the standards of paragraph (c) of § 23.75.

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

- 1) A description of the special local circumstances that warrant a long-term, exclusive agreement;
- 2) A copy of the solicitation;
- 3) ACDBE contract goal analysis developed in accordance with this part;
- 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;
- 7) Final long-term exclusive concession agreement, subleasing or other agreements;
 - a) In order to obtain FAA approval of a long-term exclusive concession agreement that has been awarded through direct negotiations, Alaska DOT&PF will submit the items in paragraphs (1) and (3) through (7) of this section at least 45 days before contract award;
 - b) In order to obtain FAA approval of an exclusive concession agreement that becomes long-term as a result of a holdover tenancy, Alaska DOT&PF will submit to the responsible FAA regional office a holdover plan for FAA approval at least 60 days prior to the expiration of the current lease term. The holdover plan shall include the following information:
 - i. A description of the special local circumstances that warrant the holdover;
 - ii. Anticipated date for renewal or re-bidding of the agreement;
 - iii. The method to be applied for renewal or re-bidding of the agreement;
 - iv. Submission of all items required under (3), (4), (6), and (7) of this section for the agreement in holdover status or an explanation as to why the item is not available or cannot be submitted.

Section 23.77 Preemption of Local Requirements

In the event that a State or local law, regulation, or policy differs from the requirements of this part, Alaska DOT&PF will, as a condition of remaining eligible to receive Federal financial assistance from the DOT, take such steps as may be necessary to comply with the requirements of 49 CFR part 23. However, nothing in part 23 preempts any State or local law, regulation, or policy enacted by the governing body of Alaska DOT&PF, 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

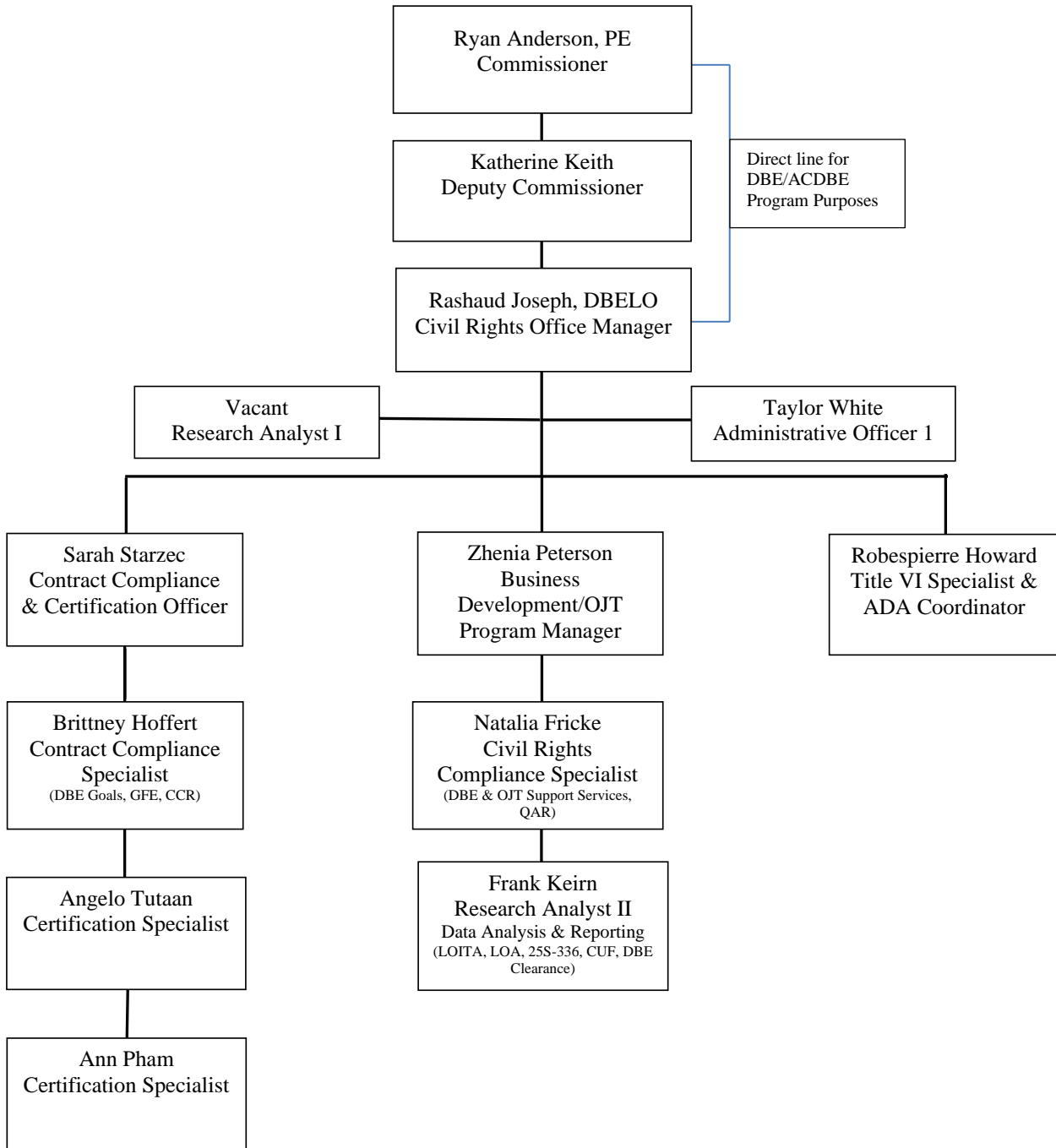
Alaska DOT&PF will not use a local geographic preference. For purposes of this section, a local geographic preference is any requirement that gives a concessionaire located in one place (e.g., our local area) an advantage over concessionaires from other places in obtaining business as, or with, a concession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

Attachments

Attachment 1	Organizational Chart
Attachment 2	ACDBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Contract Monitoring and Compliance Checklist
Attachment 5	Overall ACDBE Goals for primary airports
Attachment 6	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 7	Active Participants List Collection Form
Attachment 8	Certification Application Forms
Attachment 9	Regulations: 49 CFR Part 23
Attachment 10	AUCP Agreement
Attachment 11	Privately Owned Terminal Buildings
Attachment 12	Small Business Enterprise Concession (SBEC) Program

Attachment 1 ACDBELO Organizational Chart

Civil Rights Office Organization Chart



Attachment 2 ACDBE Directory

The ACDBE Directory can be found here:

<https://dot.alaska.gov/cvlrts/results.shtml?chkACDBE=ACDBE&chkDBE=DBE&txtSearch=&selRegion=All&selNAICS=All&selWorkCat=All>

The search feature of the Alaska UCP DBE Directory may be found here:

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

Attachment 3 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 ensure 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 ACDBEs 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 training 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. Alaska DOT&PF Aviation staff will submit Concession requests for proposals and agreements to the CRO Research Analyst and ACDBELO in order to complete Attachment 4.
- 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 ACDBE Contract Monitoring and Compliance Checklist

Contract #:				
Name of Project(s):				
Contract Lead:				
Civil Rights Specialist and/or ACDBELO				
Pre-Award				
Collect And Review Subcontracts and Joint Venture (JV) Agreements				
Date Completed	Staff	Task	Verification	Notes/Issues
		Reviewed for non-discrimination and prompt payment language (flow-down provisions)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		Reviewed for requirements of 49 CFR, Part 23	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		<u>Review/approval of subcontracts/JVs sent to Civil Rights Office and/or ACDBELO</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Contract				
Inclusion of ACDBE Federal Provisions in the lease, concession agreement, or contract				
Date Completed	Staff	Task	Verification	Notes/Issues
		ACDBE Goal and relevant provisions	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		ACDBE GFE Requirements	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		ACDBE Participation Plan	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		Active Participants List https://dot.alaska.gov/cvlrts/pdfs/Part%2023-Active-Participant-in-Airport-Concessions-Form-and-Instructions.pdf	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		Requirements of 49 CFR, Part 26 (names, addresses, etc. from 26.53) https://www.ecfr.gov/current/title-49/section-26.53	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		Reviewed solicitation to ensure the following are *not* included: -Geographic preference	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

		-Race or gender preferences/set-asides		
		<u>Review/approval of required provisions sent to the Civil Rights Office and/or ACDBELO</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

Inclusion of ACDBE Federal Provisions

Date Completed	Staff	Task	Verification	Notes/Issues
		Non-discrimination Contract Language	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		ACDBE Termination/Substitution Language (if there is a project goal)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		<u>Review/approval of required provisions sent to Civil Rights Office and/or ACDBELO</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

Ongoing Monitoring

Date Completed	Staff	Task	Verification	Notes/Issues
		ACDBE Review to verify that the work committed to ACDBEs is actually performed by the ACDBEs (<u>separate ACDBE monitoring checklist</u>)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		Approve/deny any terminations/substitutions -If a termination or substitution is approved, GFE and or new firm is approved prior to starting <u>Approval/denial sent to Civil Rights Office and/or ACDBELO</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		Ensure participation is counted in annual Achievement Report	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

Certification

I, _____ (Civil Rights Specialist or ACDBELO) hereby certify that the ACDBE contracting records for this contract have been reviewed and monitored as noted above.

Signature Civil Rights Specialist or ACDBELO

Date:

Other Notes

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Attachment 5 - Overall ACDBE Goals for Primary Airports

ACDBE Goals for both car rental and non-car rental concessions at Alaska DOT&PF Primary Airports can be found here:

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

Attachment 6 - Forms 1 & 2 for Demonstration of Good Faith Efforts

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:

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

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

Legal name of bidder/respondent's firm: _____

Bidder/Respondent Representative:

Name & Title

Signature

Date

FORM 2: LETTER OF INTENT

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

Name of bidder/respondent's firm: _____

Name & title of firm's AR: _____

Phone: _____ Email: _____

Name of ACDBE firm: _____

Name & title of ACDBE firm's AR: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Role to be performed by ACDBE firm:

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

**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 – Active Participants List Collection Form

<https://dot.alaska.gov/cvlrts/pdfs/Part%202023-Active-Participant-in-Airport-Concessions-Form-and-Instructions.pdf>

Attachment 8 - Certification Application Forms

Certification Application Forms can be found here:

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

Attachment 9 - Regulations: 49 CFR Part 23

ACDBE regulations 49 CFR 23 can be found here:

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

Attachment 10 - AUCP Agreement

The AUCP Agreement can be found here:

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

Attachment 11 - Privately Owned Terminal Buildings

Airport: _____

Reporting Period: _____

ACDBE Goal: _____

Check here for Rental Car Concessions Concessions

Check here for Other-than-Rental Car

Name of Airport Concessionaire (Lease holder): _____

Airport / Concessionaire Prime Point of Contact: _____

Lease Agreement Date: _____

Lease Renewal Date: _____

Current Reporting Period (Fiscal Year): _____

Quarter (Current Year): _____

SECTION 1: Amount of gross revenue earned by prime concessionaire this period: _____

Prime type of Business / Goods or Services category: _____

NAICS Code(s): _____ Amount: _____

Prime type of Business / Goods or Services category: _____

NAICS Code(s): _____ Amount: _____

Prime type of Business / Goods or Services category: _____

NAICS Code(s): _____ Amount: _____

Prime type of Business / Goods or Services category: _____

NAICS Code(s): _____ Amount: _____

SECTION 2: Amount paid to ACDBE during this period: _____ Certified ACDBE Vendor Name: _____

Address: _____

Contact Email: _____

ACDBE category (BLK/HISP/NAAM/WMN, etc.): _____

ACBDE type of Goods or Services sold to Pime category: _____

NAICS Code(s): _____ Amount: _____

ACBDE type of Goods or Services sold to Pime category: _____

NAICS Code(s): _____ Amount: _____

ACBDE type of Goods or Services sold to Pime category: _____

NAICS Code(s): _____ Amount: _____

ACBDE type of Goods or Services sold to Pime category: _____

NAICS Code(s): _____ Amount: _____

Detailed description of goods or services provided by the certified ACDBE firm (examples include vehicle repairs, auto parts, insurance, baked goods, beverages, gifts, novelties, restaurant supplies, etc.): _____

Check here if goods or services procured from the ACDBE are only a one-time transaction.

Check here if goods or services procured from the ACDBE are part of an on-going contract or agreement.

Check here if the ACDBE firm's Alaska DOT AUCP certification has been confirmed and/or verified.

Total amount paid to ACDBE Provider to date this calendar year: _____

Check if payments to ACDBE have been made promptly (within 30 days of completed delivery of goods or services).

As the authorized representative of the above Concessionaire, I state that, the above information is accurate and the amounts were paid in accordance to lease or contractual obligations, and that documentation of these payments, any canceled checks, or supporting information is available within 5 business days of request.

As the authorized representative of the above Concessionaire, I state that, the above information is accurate and the amounts were paid in accordance to lease or contractual obligations, and that documentation of these payments, any canceled checks, or supporting information is available within 5 business days of request.

Alaska DOT&PF Leasing Officer _____

Concessionaire 's Authorized Representative Title: _____

Signature: _____ Email address: _____ Date: _____

SECTION 3:

This section to be completed by the Alaska DOT&PF Civil Rights Office

Alaska DOT&PF ACDBELO or Civil Rights Specialist:	
Signature:	
Date Received:	
Comments:	

Instructions: Use additional sheets as needed.

ACDBE Category acronyms:

BLK = Black Americans

HISP = Hispanic Americans

NAAM = Native Americans

WMN = Women

ASPA = Asian-Pacific Americans

SAAM = Subcontinent Asian Americans

OTH = Others

A firm's ACDBE certification can be verified by searching the following database: <https://dot.alaska.gov/cvlrts/directory.shtml>

Attachment 12 - Small Business Enterprise Concession (SBEC) Program

The Small Business Element Programs for Alaska DOT&PF Primary Airports Can be found here:

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