

**AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE  
(ACDBE) PROGRAM**



**APPROVAL RECOMMENDED:**

  
Director of Airports

**APPROVED** by the Trustees of the Oklahoma City Airport Trust this 20th day of December, 2018.

**ATTEST:**

**OKLAHOMA CITY AIRPORT TRUST:**

  
Trust Secretary



  
Chairman

**REVIEWED** for form and legality.

  
Assistant Municipal Counselor/  
Attorney for the Trust

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# OKLAHOMA CITY AIRPORT TRUST ACDBE PROGRAM

## POLICY STATEMENT

### **Section 23.1, 23.23 Policy Statement/Program Objectives**

The Oklahoma City Airport Trust (Trust or Sponsor) established an Airport Concession Disadvantaged Business Enterprise (ACDBE) Program (Program) in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 23. The Trust operates a primary airport and receives financial assistance through federal grants authorized under Title 49 of the United States Code for airport development. Through its grant assurances, the Trust agree to comply with 49 CFR Part 23.

The Trustees of the Oklahoma City Airport Trust established this ACDBE policy in compliance with 49 CFR Part 23. It is the expectation of the Trustees and the Director of Airports that all Department of Airports personnel and concessionaires who are subject to this policy shall adhere to the spirit as well as the letter of this policy and that the Director of Airports oversees the Program for compliance.

It is the policy of the Trust to ensure that all ACDBEs, as defined in Part 23, have an equal opportunity to receive and to participate in concession opportunities at Will Rogers World Airport (OKC). The objectives of the ACDBE Program are:

1. To ensure nondiscrimination in the award and administration of concession opportunities at OKC.
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions at OKC.
3. To ensure that our ACDBE Program is narrowly tailored in accordance with applicable law.
4. To ensure that only firms that fully meet Part 23's eligibility standards are permitted to participate as ACDBEs at OKC.
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at OKC.
6. To provide appropriate flexibility at OKC in establishing and providing opportunities for ACDBEs.

The Property Specialist in the Department of Airports has been designated by the Director as the ACDBE Liaison Officer (ACDBELO). The ACDBELO is responsible for implementing all aspects of the ACDBE Program in the same priority as compliance with all other legal obligations incurred by the Trust in its financial assistance agreements with the USDOT through the Federal Aviation Administration (FAA).

This ACDBE Program and Policy Statement are hereby approved by the Trust and the ACDBELO shall disseminate this policy statement as appropriate to all the applicable employees of our organization and with new and existing concession opportunities. This

ACDBE Policy Statement shall be on file at the Administrative Office of the Department of Airports, 7100 Terminal Drive, Unit 937, Oklahoma City, OK and available for public viewing by accessing a link on the Airport's website at <https://flyokc.com/nondiscrimination-policies>. This ACDBE Program and Policy Statement will be distributed to the ACDBE and non-ACDBE concession communities in our area, the City of Oklahoma City's (City) Procurement Division and the Oklahoma Department of Transportation's (ODOT) Civil Rights Division.

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 23.1 Objectives**

The objectives are found in the policy statement on the first page of this Program's Policy Statement.

### **Section 23.3 Definitions**

The Trust will use terms in this Program that have the meaning defined in Part 23 Section 23.3 and Part 26 Section 26.5 where applicable.

### **Section 23.5 Applicability**

As the operator of a primary airport and as a recipient/Sponsor of Airport Improvement Program grants authorized under Title 49 of the United States Code for airport development after January 1988 for grants, 49 CFR part 23 is applicable to the Trust.

### **Section 23.9 Non-discrimination Requirements**

The Trust will not knowingly exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any concession agreement, management contract or subcontract, purchase or lease agreement or other agreement covered by 49 CFR Part 23 on the basis of race, color, sex, or national origin.

In administering its ACDBE Program, the Trust will not knowingly, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the ACDBE Program with respect to individuals of a particular race, color, sex, or national origin.

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

The Trust will include the following assurances in all concession agreements and management contracts subject to Part 23:

(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**

The Trust will comply with and is subject to the provisions of 49 CFR Part 26 (Sections 26.101, 26.105, and 26.107) and 2 CFR Parts 180 and 1200.

The Trust agrees to comply with those parts and understands that it may be subject to formal enforcement action under Section 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 after being properly notified of any deficiencies in accordance with the applicable parts. Program sanctions may include actions consistent with 49 U.S.C. §§ 47106(d), 47111(d), and 47122.

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

The Trust's compliance with all requirements of Part 26 is enforced through the procedures of Title 49 of the United States Code, including Sections 47106(d), 47111(d), and 47122, and such applicable regulations implementing the Federal statutes.

The following enforcement actions apply to firms participating in the Trust's ACDBE Program:

- (a) For a firm that does not meet the eligibility criteria of subpart D of Part 26 and 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 (USDOT) or the Federal Aviation Administration (FAA) may initiate suspension or debarment proceedings against the firm under 2 CFR Parts 180 and 1200.
- (b) For a firm that, in order to meet ACDBE goals or other ACDBE Program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of Part 26, USDOT or FAA may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.

- (c) USDOT 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.
- (d) USDOT 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 Trust's ACDBE Program or otherwise violates applicable Federal statutes.

Compliance reviews: The FAA may review the Trust's compliance with Part 26 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 Part 26 by the Trust may file a complaint under 14 CFR Part 16 with the Federal Aviation Administration Office of Chief Counsel.

## **SUBPART B – ACDBE PROGRAMS**

### **Section 23.21 ACDBE Program Updates**

Will Rogers World Airport (Airport) is a small hub primary airport required to have an ACDBE Program for the Airport.

As a condition of eligibility for FAA financial assistance, the Trust will submit its ACDBE Program and overall goals to FAA according to Section 23.45(a) of this section.

Until this ACDBE Program is submitted and approved by FAA, the Trust will continue to implement its ACDBE Program at the Airport that was in effect previously, except with respect to any provision that is contrary to 49 CFR Part 23.

When the Trust makes significant changes to its ACDBE Program, the Trust will provide the amended Program to the FAA for approval prior to implementing the changes.

### **Section 23.23 Administrative Provisions**

**Policy Statement:** The Trust is committed to operating its ACDBE Program in a nondiscriminatory manner and the Trust's Policy Statement is elaborated on the first page of this Program.

**ACDBE Liaison Officer (ACDBELO):** The Trust, by and through the Director of Airports, has designated the following individual as its ACDBELO: Charlene Kirk, 7100 Terminal Drive, Unit 937, Oklahoma City, OK 73059-0937, (405) 316-3267, [wrwaACDBE@okc.gov](mailto:wrwaACDBE@okc.gov).



In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE Program and ensuring that the Trust complies with all provisions of 49 CFR Part 23. The ACDBELO has direct, independent access to the Director of Airports concerning ACDBE Program matters. An organizational chart displaying the ACDBELO's position in the organization regarding the implementation of the ACDBE Program is found in Attachment 1 to this Program.

The ACDBELO is responsible for developing, implementing and monitoring the ACDBE Program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by FAA or USDOT.
2. Reviews third party contracts and purchase requisitions for compliance with this Program.
3. Works with all departments to set overall annual ACDBE 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 the Trust's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Director of Airports or Trust, when appropriate, on ACDBE matters and achievement.
9. Directs ACDBEs on bid submission process.
10. Plans and participates in ACDBE training seminars.
11. Provides contact information for access to the Unified Certification Program (UCP) process in Oklahoma.
12. Provides outreach to ACDBEs and community organizations to advise them of opportunities.

**Directory:** The Trust, through Oklahoma's Unified Certification Program (UCP) provider, the Oklahoma Department of Transportation (ODOT), has access to a certified directory database identifying all firms eligible to participate as DBEs and ACDBEs. The certified directory database provides the user with the firm's name, person/owner, address, phone number(s), email and/or web address, NAICS number, and the type of work the firm has been certified to perform as an ACDBE.

The UCP updates the Directory monthly, and it is available at <http://www.okladot.state.ok.us/>.

### **Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs**

The Trust will include contract provisions as described in Attachment 3 to this Program to ensure nondiscriminatory participation of ACDBEs in concessions, and other covered



activities. See also compliance and enforcement procedures set forth in this Program. (§23.25(a))

The Trust 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 Trust's overall goal methodology and a description of the race-neutral measures it will use 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) and (d))

If the Trust projects that race-neutral measures 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 4 and 5 of this plan. (§23.25(e))

The Trust 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 Trust will not use set-asides or quotas as a means of obtaining ACDBE participation. (§23.25(g))

### **Section 23.27      Reporting**

The Trust will retain sufficient basic information about its ACDBE Program implementation, ACDBE certification and the award and performance of agreements and contracts to enable the FAA to determine the Trust's compliance with Part 23. This data will be retained for a minimum of three (3) years following the end of the concession agreement or other covered contract.

Beginning March 1, 2019, the Trust will submit to the FAA Regional Civil Rights Office, an annual ACDBE participation report on the form in Appendix A of Part 23.

### **Section 23.29      Compliance and Enforcement Procedures**

In addition to the contract provisions described in Attachment 3 to this Program, the Trust will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 23.

1. The Trust will bring to the attention of the USDOT any false, fraudulent, or dishonest conduct in connection with the Program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in Section 26.107.

2. The Trust will consider similar action under our own legal authorities, including responsibility determinations in future contracts. The Trust has listed the regulations, provisions, and contract remedies available to it in the events of non-compliance with the ACDBE regulation by a participant in our procurement activities (See Attachment 3). (§26.37)
3. The Trust will also implement a monitoring and enforcement mechanism to ensure that work committed to ACDBEs at contract award is actually performed by the ACDBEs. This mechanism will provide for a running tally of actual ACDBE attainments (e.g., payment actually made by ACDBE firms), including a means of comparing these attainments to commitments. This will be accomplished by communication with the ACDBEs and making any observations or obtaining any documentation deemed necessary to verify the ACDBE's actual participation.
4. In our reports of ACDBE participation to FAA, the Trust will show both commitments and attainments, as required by the USDOT reporting form. The Trust will also provide written certification that we have reviewed records of all contracts, leases, joint venture agreements, or other concession-related agreements and monitored the work on-site at the Airport for this purpose.

### **SUBPART C – CERTIFICATION AND ELIGIBILITY**

**Section 23.31** The Trust is a member of a Unified Certification Program (UCP) administered by The Oklahoma Department of Transportation (ODOT), which will make ACDBE certification decisions on behalf of the Trust. ODOT uses the procedures and standards of Part 26, except as provided in 23.31, for certification of ACDBEs to participate in the Trust's concessions program, and such standards are incorporated herein by reference.

The UCP's certified directory database of eligible DBEs specifies whether a firm is certified as a DBE for purposes of Part 26, and ACDBE for purposes of Part 23.

Prior to entering into a new contract, extension, or option with a currently certified ACDBE, the Trust will review their eligibility by checking the UCP's certified directory database. Our plan for this review process will be to verify each new or existing ACDBE through the UCP's certified directory database, as they contract, propose to contract or exercise any extension or option with us.

The Trust acknowledges that a prime contractor includes a firm holding a prime contract with an airport concessionaire to provide goods or services to the concessionaire or a firm holding a prime concession agreement with a recipient. The Trust recognizes that the eligibility of Alaska Native Corporations (ANC) owned firms for purposes of Part 23 is governed by Part 26 Section 26.73(h). (§23.39(c)(d))

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 Personal Net Worth (PNW) standard, and the firm in all other respects remains an eligible DBE, the Trust may continue to count the concessionaire's participation toward ACDBE goals during the remainder of the current concession agreement. The Trust will not count the concessionaire's participation toward ACDBE goals beyond the termination date for the concession agreement in effect at the time of the decertification. (§23.39(e))

## **SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Section 23.41 Basic Overall Goal Requirement**

The Trust will establish two separate overall ACDBE goals; one for car rentals and another for concessions other than car rentals. The overall goals will be approved by the Trust and will cover a three-year period. Interim annual reviews will be made by the Director to make sure the goal continues to fit the Trust's circumstances appropriately. The Trust will report any significant overall goal adjustments to the FAA.

If the average annual concession revenues for car rentals over the preceding three (3) years do not exceed \$200,000, the Trust will not submit an overall goal for car rentals. Likewise, if the average annual concession revenues for concessions other than car rentals over the preceding three (3) years do not exceed \$200,000, the Trust will not submit an overall goal for concessions other than car rentals. The Trust understands that "revenue" means the total revenue generated by concessions, not the fees received by the Trust from concessionaires.

The Trust's overall goals will provide for participation by all certified ACDBEs and will not be subdivided into group-specific goals.

### **Section 23.43 Consultation in Goal Setting**

The Trust consults with stakeholders before submitting the overall goals to the FAA. Stakeholders will include, but not be limited to, minority and women's business groups, community organizations, trade associations representing concessionaires currently located at the Airport, as well as existing concessionaires themselves, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs, and the Trust's efforts to increase participation of ACDBEs by means of an in-person consultation meeting to which the above stakeholders are invited and by receiving written comments.

When submitting our overall goals, the ACDBELO or such other person designated by the Director will identify the stakeholders that the Trust consulted with and provide a summary of the information obtained from the stakeholders.



**Section 23.45 Overall Goals**

Will Rogers World Airport is a small hub primary airport operated by the Trust. As a condition of eligibility for FAA financial assistance, the Trust will submit its overall goals according to the following schedule:

<b>Primary Airport Size</b>	<b>Region</b>	<b>Date Due</b>	<b>Period Covered</b>	<b>Next Goal Due</b>
<b>Small Hubs</b>	<b>All regions</b>	<b>October 1, 2018</b>	<b>2019/2020/2021</b>	<b>October 1, 2021 (2022/2023/2024)</b>

The Trust 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, or the “base figure”. The second step is to examine all relevant evidence reasonably available in the Trust’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 Trust would expect in the absence of discrimination. Evidence may include, but is not limited to, availability of ACDBEs in the market area, 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 Trust will attempt to arrange solicitations, times for the presentation of bids, and specifications in ways that facilitate participation by ACDBEs.

A description of the methodology to calculate the overall goal for car rentals, the goal calculations, and the data the Trust relied on can be found in Attachment 4 to this Program.

A description of the methodology to calculate the overall goal for concessions other than car rentals, the goal calculations, and the data the Trust relied on can be found in Attachment 5 to this Program.

**Projection of Estimated Race-Neutral & Race-Conscious Participation: (§23.45(f), 23.25(d-e))**

The breakout of estimated race-neutral and race-conscious participation can be found with the goal methodology in Attachments 4 and 5 to this Program. This section of the Program will be reviewed annually when the goal calculation is reviewed under 23.41(c).

### **Concession Specific: (§23.25 (c)(e)(1)(iv))**

To the extent it is reasonably possible, the Trust will use concession specific goals in future contracts to meet any portion of the overall goals that the Trust does not project being able to meet using race-neutral means. Concession specific goals are established so that, over the period to which the overall goals apply, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

The Trust will establish concession specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities. The Trust 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 other goods or services from ACDBEs, then it is permissible to structure the goal entirely in terms of purchases of goods and services.

The Trust 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, etc.)

If the objective of a concession specific goal is to obtain ACDBE participation through direct ownership with an ACDBE, the Trust will calculate the goal as a percentage of the total estimated annual gross receipts from the concession. (§23.25(e)(1)(i))

If the concession specific goal applies to purchases and/or leases of goods and services, the Trust 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. (§23.25(e)(1)(ii))

### **Good Faith Efforts on Concession Specific Goals: (§23.25(e)(1)(iii) and (iv))**

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 the Trust's concession specific goals. Specifically:



## Section 26.53 Good Faith Efforts Procedures

- Demonstration of good faith efforts: (§26.53(a) & (c))

The management staff of the Airport, as assigned by the Director of Airports based upon their expertise in a particular type of concession, is responsible for determining whether a concessionaire who has not met the concession specific goal has documented sufficient good faith efforts to be regarded as responsive.

The Trust will ensure that all information is complete and accurate and adequately documents the bidder/offeree's good faith efforts before committing to a concession agreement with the bidder/offeree.

- Information to be submitted: (§26.53(b))

The Trust treats concessionaire'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, but not be limited to, 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 copy of the contract/agreement(s) with the ACDBE participant(s).
  3. A description of the work that each ACDBE will perform.
  4. The dollar amount of the participation of each ACDBE firm/supplier participating.
  5. Written and signed documentation of commitment to use an ACDBE whose participation it submits to meet a contract goal.
  6. Written and signed confirmation from the ACDBE that it is participating in the concession as provided in the prime concessionaire's commitment.
  7. If the contract goal is not met, evidence of good faith efforts.
- Administrative reconsideration: (§26.53(d))

Within seven (7) business days of being informed by the Trust 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: Mark Kranenburg, Director of Airports, 7100 Terminal Drive, Unit 937, Oklahoma City, OK 73159, 405-316-3260, [mark.kranenburg@okc.gov](mailto:mark.kranenburg@okc.gov) or such other person who shall occupy the position of Director of Airports. 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. The Director 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 Department of Transportation.

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

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

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

The Trust, by and through the Director, will provide such written consent only if the Director agrees, for reasons stated in the concurrence document, that the prime concession has good cause to terminate the ACDBE firm. For purposes of this paragraph, good cause includes the following circumstances:

1. The listed ACDBE sub-concession fails or refuses to execute a written contract.
2. The listed ACDBE sub-concession fails or refuses to perform the work of its sub-concession in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the ACDBE sub-concession to perform its work on the sub-concession results from the bad faith or discriminatory action of the prime contractor.
3. The listed ACDBE sub-concession fails or refuses to meet the prime concession's reasonable, non-discriminatory bond requirements.
4. The listed ACDBE sub-concession becomes bankrupt, insolvent, or exhibits credit unworthiness.
5. The listed ACDBE sub-concession is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law.
6. The Trust has determined that the listed ACDBE subcontractor is not responsible.
7. The listed ACDBE sub-concession voluntarily withdraws from the project and provides to us written notice of its withdrawal.

8. The listed ACDBE is ineligible to receive ACDBE credit for the type of work required.
9. An ACDBE owner dies or becomes disabled with the result that the listed ACDBE concession is unable to complete its work on the contract.
10. Other documented good cause that the Trust has determined compels the termination of the ACDBE sub-concession. Provided, that good cause does not exist if the prime concession seeks to terminate an ACDBE it relied upon to obtain the contract so that the prime concession can self-perform the work for which the ACDBE concession was engaged or so that the prime contractor can substitute another ACDBE or non-ACDBE concession after contract award.

Before transmitting to the Trust its request to terminate and/or substitute an ACDBE sub-concession, the prime concession must give notice in writing to the ACDBE sub-concession, with a copy to us, of its intent to request to terminate and/or substitute, and the reason for the request.

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

The Trust will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its work on a concession with another certified ACDBE. These good faith efforts shall be directed at finding another ACDBE to perform at least the same amount of work under the concession contract as the ACDBE that was terminated, to the extent needed to meet the concession contract goal that the Trust established for the procurement. The good faith efforts shall be documented by the concessionaire. If the Trust requests documentation from the concessionaire under this provision, the concessionaire shall submit the documentation to us within seven (7) days, which may be extended for an additional seven (7) days if necessary at the request of the concessionaire, and the recipient shall provide a written determination to the concessionaire stating whether or not good faith efforts have been demonstrated.

The Trust will include in each prime concession contract the contract clause required by Section 26.13(b) stating that failure by the concessionaire to carry out the requirements of Parts 26 or 23 is a material breach of the contract and may result in the termination of the concession contract or such other remedies set forth in that section that the Trust deems appropriate if the prime concessionaire fails to comply with the requirements of this section.

If the concessionaire fails or refuses to comply in the time specified, our contracting office will follow the procedures outlined in each agreement, which requires written

notice of a default by the concessionaire. If the concessionaire still fails to comply, the contracting officer may issue a termination for default proceeding.

- Sample Proposal/Bid Specification:

The following will be included in all concession requests for proposal or bids:

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 Trust 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 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 with their bid/proposal: (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 an ACDBE whose participation it submits to meet a contract goal; (5) written and signed confirmation from the ACDBE that it is participating in the concession as provided in the prime concessionaire's commitment; and (6) if the contract goal is not met, evidence of good faith efforts.

### **Section 23.53      Counting ACDBE Participation for Car Rental Goals**

The Trust will count ACDBE participation toward overall goals for car rental as provided in 49 CFR § 23.53.

### **Section 23.55      Counting ACDBE Participation for Concessions Other than Car Rentals**

The Trust will count ACDBE participation toward overall goals other than car rental 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 Part 23) at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the Trust 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, when necessary, to correct any problems the Trust has identified in the analysis to enable us to fully meet our set goal.

### **Section 23.61 Quotas or Set-asides**

The Trust will not use quotas or set-asides as a means of obtaining ACDBE participation.

## **SUBPART E – OTHER PROVISIONS**

### **Section 23.71 Existing Agreements**

The Trust will assess potential for ACDBE participation when an extension or option to renew an existing agreement is exercised, or when a material amendment is made. The Trust will use any reasonable means authorized by Part 23 to obtain a modified amount of ACDBE participation in the renewed or amended agreement.

### **Section 23.75 Long-Term Exclusive Agreements**

The Trust will not enter into a long-term and exclusive agreement for concessions without prior approval of the FAA Regional Civil Rights Office. The Trust understands that a “long-term” agreement is one having a term of longer than five (5) years. The Trust understands 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, the Trust will submit detailed information to the FAA Regional Civil Rights Office for review and approval.

### **Section 23.79 Geographic Preferences**

The Trust will not use a “local geographic preference,” i.e., any requirement that gives an ACDBE located in one place (e.g., the City of Oklahoma City) an advantage over ACDBEs from other places in obtaining business as, or with, a concession at the Airport.

## **ATTACHMENTS**

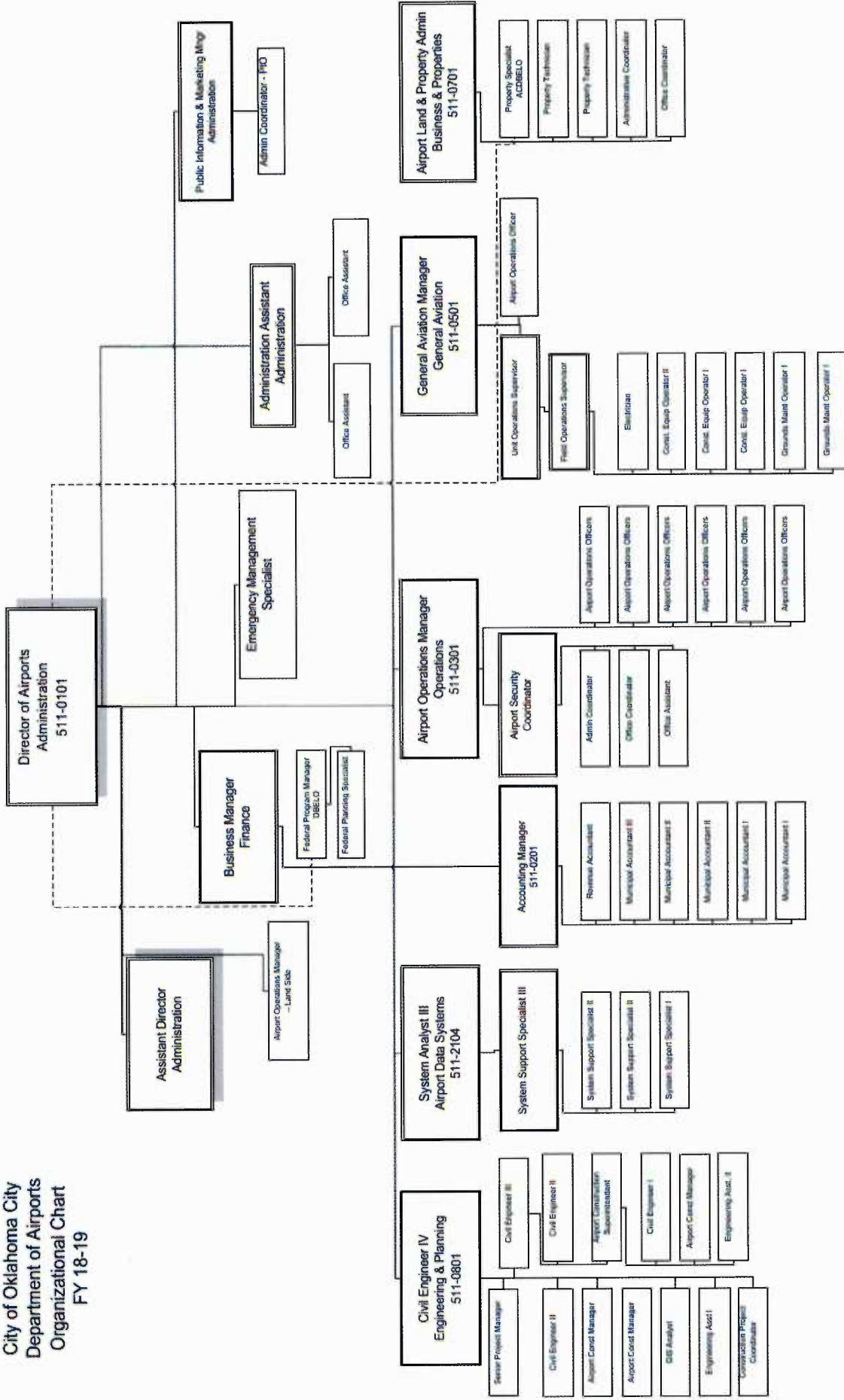
Attachment 1	Organizational Chart
Attachment 2	DBE/ACDBE Certified Directory Database ( <a href="http://www.okladot.state.ok.us/">http://www.okladot.state.ok.us/</a> )
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal for Concessions other than Car Rental Calculation, Consultation, Breakout of Estimated Race-Neutral & Race- Conscious Participation
Attachment 5	Overall Goals for Car Rentals Calculation, Consultation, Breakout of Estimated Race-Neutral & Race- Conscious Participation
Attachment 6	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 7	Regulations: 49 CFR Part 23

# **Attachment 1**

## **Organizational Chart**



City of Oklahoma City  
 Department of Airports  
 Organizational Chart  
 FY 18-19



# **Attachment 2**

## **DBE/ACDBE Certified Directory Database**

**Oklahoma Department of Transportation**  
**Civil Rights Division**  
**Disadvantaged Business Enterprise (DBE)**  
**200 N.E. 21<sup>st</sup> Street, Room 1-C1**  
**Oklahoma City, Oklahoma 73105**  
[www.okladot.state.ok.us](http://www.okladot.state.ok.us)  
**(405) 521-3186**  
**(800) 788-4539**  
**Fax (405) 522-2136**

**Civil Rights Staff**

<b>Name</b>	<b>Position</b>	<b>Phone #</b>	<b>Email</b>
Jenny Allen	Civil Rights Division Manager	(405) 521-2072	<a href="mailto:jallen@odot.gov">jallen@odot.gov</a>
Katrina Fire	Title VII and VI Coordinator	(405) 521-3379	<a href="mailto:kfire@odot.org">kfire@odot.org</a>
Boney Cherian	DBE - Reviewer	(405) 521-4139	<a href="mailto:bcherian@odot.org">bcherian@odot.org</a>
La Tashia Thompson	DBE - Support Services	(405) 521-6411	<a href="mailto:lthompson@odot.org">lthompson@odot.org</a>
Andy Penney	Contract Compliance Officer (Preconstruction: Consultant)	(405) 521-3174	<a href="mailto:apenney@odot.org">apenney@odot.org</a>
Michelle Whittington	Contract Compliance Officer (Construction)	(405) 521-2082	<a href="mailto:mwhittington@odot.org">mwhittington@odot.org</a>
Kyle Stevens	ADA/504/508 Coordinator	(405) 521-4140	<a href="mailto:kstevens@odot.org">kstevens@odot.org</a>
Melanie Solis	Administrative Programs Officer	(405) 521-3158	<a href="mailto:msolis@odot.org">msolis@odot.org</a>

**DBE Certified Directory Database State DOT Website**  
[\(http://www.okladot.state.ok.us/\)](http://www.okladot.state.ok.us/)

**Unified Certification Program (UCP) Application for the State of Oklahoma**  
 [\(https://okdot.gob2g.com\)](https://okdot.gob2g.com)



# **Attachment 3**

## **Monitoring and Enforcement Mechanisms**

## Sample Monitoring and Enforcement Mechanisms

The Trust has several remedies available to enforce the ACDBE requirements contained in its contracts, including, but not limited to, a breach of contract action pursuant to the terms of the contract.

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

1. Suspension or debarment proceedings pursuant to 49 CFR Part 23 and 2 CFR Parts 180 and 1200.
2. Enforcement action pursuant to 49 CFR Part 31.
3. Prosecution pursuant to 18 U.S.C. § 1001.

The Trust will implement various mechanisms to monitor Program participants to ensure they comply with Part 23, including, but not limited to the following:

1. The Trust will insert the following provisions into concessions agreements and management contracts:
  - A. In the event that Contractor shall fail to perform, keep, and observe any of the terms, covenants, or conditions to be performed, kept and observed, the Trust shall give thirty (30) days written notice to Contractor to use due diligence to correct such condition or default. If Contractor shall not abate or correct such condition or event of default for thirty (30) days after receipt of such notice, or such other time as agreed to in writing by Contractor and the Trust by and through the Director, the Lessor by and through the Director may terminate this Agreement by giving a ten (10) day termination notice and the term hereby demised shall thereupon cease and expire at the end of such ten (10) days in the same manner and effect as if it were the expiration of the leased term.
  - B. Contractor shall observe and comply with any and all present and future requirements of the constituted public authorities and with all federal, state, or local statutes, ordinances, regulations, and standard rules applicable to Contractor or the Trust for the intended use of the Airport premises, including by way of example, but not of limitation, all general rules and regulations promulgated from time to time by the Director of Airports of the City of Oklahoma City in connection with the administration of the Airport.
  - C. ACDBE Participation. The Lessor, as a recipient of federal financial assistance, is required to develop a program aimed at strengthening the participation of Airport Concessions Disadvantaged Business Enterprises (ACDBE) in the Airport's programs, projects and facilities.

"This [Agreement/Contract/Permit/etc.] 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 Agreement, or other agreement covered by 49 CFR Part 23.

The CONCESSIONAIRE or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR Part 23, that it enters and cause those businesses to similarly include the statements in further agreements."

(Reference 49 CFR Part 23.9)

- Goal - The Airport has an annual non-rental car overall goal for ACDBE participation in Airport concession agreements. This Agreement has an annual ACDBE concession specific participation goal of \_\_\_%. Prior to establishing this concession specific goal, [Concessionaire/Contractor/Permittee] mutually agreed with the Trust on the appropriate goal for this concession. [Concessionaire/Contractor/Permittee] understands that it may satisfy any goal specific requirements herein by direct certification as an ACDBE, through an approved joint venture arrangement, or by contracting with a certified ACDBE for the purchase of supplies, goods or services associated with this [Contract/Agreement/Permit].

In order to be considered as an ACDBE, the [Concessionaire/Contractor/Permittee] or its contractor/subcontractor must be certified as such by the State of Oklahoma, Department of Transportation (ODOT) under its Uniform Certification Program. Contact information for such certification may be obtained by contacting the State of Oklahoma Department of Transportation website at <http://www.okladot.state.ok.us> or by phone (405) 522-3379. Current ACDBEs may also be found on the ODOT website.

**[OR]**

Goal - The Airport has an annual non-rental car overall goal for ACDBE participation in Airport concession agreements. However, this Agreement does not have a concession specific ACDBE goal. If [Concessionaire/Contractor/Permittee] is unable to qualify directly as an ACDBE then [Concessionaire/Contractor/Permittee] shall utilize best efforts throughout the term of this [Contract/Agreement/Permit] to reasonably utilize the services of or to purchases goods and supplies from an ACDBE and/or to identify and to encourage ACDBE qualified subcontractors or suppliers to become ACDBE certified.



[Concessionaire/Contractor/Permittee] understands that it may satisfy the requirements herein by direct certification as an ACDBE, through an approved joint venture arrangement, or by contracting with a certified ACDBE for the purchase of supplies, goods or services associated with this Contract/Agreement/Permit.

In order to be considered as an ACDBE, the [Concessionaire/Contractor/Permittee] or its contractor/subcontractor must be certified as such by the State of Oklahoma, Department of Transportation (ODOT) under its Uniform Certification Program. Contact information for such certification may be obtained by contacting the State of Oklahoma Department of Transportation website at <http://www.okladot.state.ok.us/> or by phone (405) 522-3379. Current ACDBEs may also be found on the ODOT website.

- Reporting Requirements. An ACDBE concession specific goal or ACDBE participation when no specific goal is established in this Article is based on a percentage of the gross revenues or gross sales of the ACDBE's to the [Concessionaire/Contractor/Permittee] and [Concessionaire/Contractor/Permittee] shall report the gross revenues or gross sales of an ACDBE along with the [Concessionaire/Contractor/Permittee] gross revenues monthly/annually in writing to the Director of Airports or his designated representative for this concession.

[Concessionaire/Contractor/Permittee] may be required to submit the following information:

- (a) Documentation that the ACDBE participant(s) are properly certified with ODOT.
- (b) The names and addresses of ACDBE companies and/or suppliers that will participate in the concession.
- (c) A copy of agreement(s) with ACDBE participant(s).
- (d) A description of the type of business or businesses that ACDBE participant will operate or goods or services to be provided to [Concessionaire/Contractor/Permittee] by the ACDBE participant.
- (e) The dollars paid to an ACDBE or the gross revenues or gross payments made for the participation of each ACDBE firm participating in this [Contract/Agreement/Permit].
- (f) Information on the estimated investment required on the part of the ACDBE and any unusual management or financial arrangements between the [Concessionaire/Contractor/Permittee] and ACDBE.
- (g) Information on the estimated gross receipts and net profit to be earned by the ACDBE.

- (h) Written and signed documentation of commitment to use an ACDBE whose participation it submits to meet a contract goal.
  - (i) Written and signed confirmation from the ACDBE that it is participating in the concession as provided in the prime concessionaire's commitment.
  - (j) If the contract goal stated above is not met for each year of the Agreement/Contract/Permit/etc. or if there is no stated concession specific goal stated in this Article, evidence of good faith efforts to obtain participation or to meet the goal.
- Monitoring and Good Faith Efforts. The [Concessionaire/Contractor/Permittee] shall make good faith efforts, as required in Part 23 and defined in 49 CFR Part 26, Appendix A, to meet the concession specific goal for ACDBE participation in the performance of this concession. The TRUST reserves the right to implement monitoring and enforcement mechanisms to ensure [Concessionaire/Contractor/Permittee] compliance with 49 CFR Part 23. [Concessionaire/Contractor/Permittee] must make reasonable efforts to provide any requested documents to assist the TRUST in its enforcement and monitoring efforts. At any time a [Concessionaire/Contractor/Permittee] fails to reach its contractually required goal, said [Concessionaire/Contractor/Permittee] will be required to substantiate its good faith efforts to return to compliance. These reports will be required on a quarterly basis until compliance is achieved or until it is determined that the CONCESSIONAIRE'S efforts are insufficient.

**[OR]**

Monitoring and Good Faith Efforts. The CONCESSIONAIRE/CONTRACTOR/PERMITTEE shall make good faith efforts, as required in Part 23 and defined in 49 CFR Part 26, Appendix A, to utilize ACDBE participation in the performance of this concession even though no concession specific goal is established. The TRUST reserves the right to implement monitoring and enforcement mechanisms to ensure CONCESSIONAIRE'S/CONTRACTOR'S/PERMITTEE'S/etc. compliance with 49 CFR Part 23. CONCESSIONAIRE/CONTRACTOR/PERMITTEE/etc. must make reasonable efforts to provide any requested documents to assist the TRUST in its enforcement and monitoring efforts. CONCESSIONAIRE/CONTRACTOR/PERMITTEE/etc. will be required to periodically substantiate its good faith efforts to utilize ACDBE participation during the Airport's ACDBE compliance and reporting term.

- Failure to Comply - [Concessionaire/Contractor/Permittee] further understands that failure to cooperate in good faith with these provisions may result in:
  - Suspension or debarment pursuant to 49 CFR Part 23 and 2 CFR parts 180 and 1200;
  - Enforcement action pursuant to 49 CFR Part 31;
  - Prosecution pursuant to 18 USC § 1001; or
  - Termination of this Agreement/Contract/Permit/etc. as provided in this Agreement/Contract/Permit/etc.
  
- Good Faith Efforts when terminating or substituting an ACDBE sub-concessionaire. Concessionaire shall make good faith efforts to replace or to substitute an ACDBE sub-concessionaire 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 any concession specific goal. Concessionaire must give five (5) days prior written notice to the ACDBE sub-concessionaire and to Lessor of its intent to request to terminate and/or substitute and the reason for the request before such termination and/or substitution is effective. The Concessionaire must give the ACDBE sub-concessionaire at least five (5) days to respond to the Concessionaire's notice if the ACDBE objects with the termination or substitution. Such response by the ACDBE shall be provided to the Concessionaire and the Lessor. Lessor shall then have five (5) days to approve or to deny the Concessionaire's action. If required in a particular case as a matter of public necessity (e.g., safety), the Lessor may provide a response period shorter than five (5) days. No termination or substitution of an ACDBE shall be effective until approved by the Lessor.

Concessionaire's good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its work on a concession with another certified ACDBE shall include reasonable efforts in a timely manner to find another ACDBE to perform at least the same amount of work under the concession agreement/contract as the ACDBE that was terminated, to the extent needed to meet the concession agreement/contract goal that the Lessor established for the procurement. The good faith efforts shall be documented by the Concessionaire. If the Lessor requests documentation from the Concessionaire under this provision, the Concessionaire shall submit the documentation to Lessor within seven (7) days, which may be extended for an additional seven (7) days if necessary at the request of the Concessionaire, and the Lessor shall provide a written determination to the Concessionaire stating whether or not good faith efforts have been demonstrated.



2. The Trust will implement our compliance and monitoring procedures by reviews, to be conducted at least annually, of the percentages of gross revenues allocable to ACDBEs. If at any time a contractor fails to reach its contractually required goal, said contractor will be required to substantiate its good faith efforts to return to compliance. These reports will be required on a quarterly basis until compliance is achieved or until it is determined that the contractor's efforts are insufficient, and the procedures described in "Good Faith Efforts on Concession Specific Goals (§23.25(e)(1)(iii) and (iv))" above are implemented.

# **Attachment 4**

**Overall Goal for Concessions other than Car Rentals  
Calculation, Consultation, Breakout of Estimated  
Race-Neutral & Race- Conscious Participation**

**Section 23.45: Overall Goal Calculation for Concessions Other Than Car Rentals**

**Name of Recipient:** Will Rogers World Airport (OKC), Oklahoma City Airport Trust

**Goal Period:** October 1, 2019 through September 30, 2021

**Overall Three-Year Goal:**

***3.6%, to be accomplished through 3.6% RC and 0% RN***

The Trust has determined that its market area is as follows:

<b>Company</b>	<b>Market Area</b>
Mailing Services	OKC MSA
Vending Services	OKC MSA
Food Service	OKC MSA
News/Gifts	OKC MSA
ATM Services	OKC MSA
Shoe Shine	OKC MSA
Wi-Fi Service	OKC MSA
Hotel	OKC MSA
Airport Advertising	Nationwide

This is the geographical area in which the substantial majority of firms which seek to do concessions business with the Airport are located and the geographical area in which the firms receive a substantial majority of concessions related revenues are located. However, in the case of certain concession opportunities, this area may be widened to include the entire state or nation, dependent upon circumstances.

**Base of Goal:**

To calculate the base of the goal the Trust considered the previous three (3) years of gross concession receipts and the projected potential concession revenue (gross receipts) three years into the future including upcoming new opportunities. FY 2018 is not yet available.

**Gross Receipts for Previous 3 Years – Non-Car Rental Concessions**

<b>Fiscal Year</b>	<b>Concessions Revenue (Excluding Car Rental)</b>
2015	\$17,428,189
2016	\$17,417,305
2017	\$17,842,581
2018	Not Available



<b>Total</b>	<b>\$52,688,075</b>
<b>Average</b>	<b>\$17,562,692</b>

The Trust estimates that revenues to existing concessions is not likely to grow over the next three years due to a terminal expansion and renovation project that will commence during the first quarter of 2019 and is not anticipated to be complete until 2021. During the terminal project, some concession locations may be shut down or moved and passenger/customer access to food, beverage and retail concessions in certain locations in the airport will be limited. The Trust expects the project will likely disrupt sales. In addition, the current food, beverage and retail concessions contracts will terminate during this Program period, and the Trust will be soliciting new vendors which may result in changes in the types, amount, and locations of concession opportunities. As a result, Trust expects a gap in revenues as new concessions start up and existing concessions are phased out. Therefore,  $\$17,562,692 \times 1 + 0\% = \$17,562,692 = \text{Base of Goal}$ .

The concession opportunities anticipated during this goal period are:

*Mailing Services, Vending Services, Food and Beverage, News/Gifts, ATM Services, Shoe Shine, Wi-Fi Service, Hotel, and Airport Advertising* with estimated gross receipts of \$17,562,692 annually.

The following are not included in the total gross receipts for concessions: (a) the gross receipts of car rental operations, (b) the dollar amount of a management contract or subcontract with a non-ACDBE, (c) the gross receipts of business activities to which a management contract or subcontract with a non-ACDBE pertains, and (d) any portion of a firm's estimated gross receipts that will not be generated from a concession.

If a new concession opportunity arises prior to the end of this goal period and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the Trust will submit to the FAA an appropriate adjustment to the overall goal. This will be submitted to FAA for approval at least 90 days before issuing the solicitation for the new concession opportunity. (§23.45(i))

**Methodology used to Calculate Overall Goal:**

**Goods and Services**

The Trust can meet the percentage goal by including the purchase from ACDBEs of goods and services used in businesses conducted at the airport. In that case, the dollar value from purchases of goods and services from ACDBEs may be included as the numerator, and the dollar value from purchases of goods and services from all firms (ACDBEs and non-ACDBEs) may be included as the denominator.

The Trust, and the businesses at the airport, shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises.

**Management Contract or Subcontract:**

The Trust can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. In that case, the Trust, and the businesses at the airport, will add the dollar amount of a management contract or subcontract with an ACDBE to the total participation by ACDBEs in airport concessions (both the numerator AND the denominator) and to the base from which the airport's percentage goal is calculated. However, the dollar amount of a management contract or subcontract with a non-ACDBE and the gross revenue of business activities to which the management contract or subcontract pertains will not be added to this base in either the numerator or denominator. *While the Trust realizes that this appears to go against the normal rules and rationale for goal-setting, the Trust understands that this method is required by statute.*

**Step 1: §23.51(c)**

The Trust determined the base figure for the relative availability of ACDBEs other than car rentals. The base figure was calculated as follows:

$$\text{Base Figure} = \frac{\text{Ready, willing, and able non-car rental ACDBEs in the market area}}{\text{All ready, willing and able non-car rental concession firms in the market area}}$$

NAICS	Type of Concession	OKC MSA Firms	All OKC MSA Firms	All Firms (National)	OK DBE Firms	All Firms (Oklahoma)
561431	Parcel Mailing	0	12	-	0	40
454210	Vending Machine Operations	0	26	-	1	59
722513	Limited-Service Restaurants	0	1,109	-	1	2,771
453220	Gift, Novelty & Souvenir Stores	0	93	-	2	203
522320	ATM Network Operation	0	22	-	0	32
812990	Shoeshine Services	0	58	-	0	161
51721	Wireless Internet Service Providers	0	72	-	0	221
721110	Hotel	0	238	-	0	848
541850	Display Advertising	-	-	2,440		-
<b>Total</b>		<b>0</b>	<b>4,070</b>		<b>0</b>	<b>4,335</b>

Therefore, the base goal is  $0 / 4,070 = 0.0\%$ . The data source for the numerator was the ODOT DBE/ACDBE Certification Directory (<https://okdot.gob2g.com/Default.asp>). The data source for the denominator was the US Census Bureau's fact finder (<https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>).



## Step 2: §23.51(d)

After calculating a base figure of the relative availability of ACDBEs, the Trust examined evidence to determine what adjustment was needed to the Step 1 base figure in order to arrive at the overall goal.

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

### **Expansion of Market Area:**

Since there were so few ACDBEs available in the MSA, the entire state of Oklahoma was considered as a market area. The ACDBEs available and the number of overall firms available in the entire state market area are included in the table in Step 1. Increasing the market area did not significantly increase the number of ACDBEs available, and based upon previous participation experience and the constraints of the state geography, it is considered highly unlikely that those additional ACDBEs could be expected to be available for participation in Trust contracts. Therefore, the base goal was not adjusted to the expanded market area.

### **Past History Participation:**

One data element used to determine the adjustment to the base figure was the median of historical ACDBE accomplishments over the past three years as shown below.

Fiscal Year	ACDBE Goals			Accomplishments		
	RC	RN	Total	RC	RN	Total
2015	11%	0%	11%	7.2%	0%	7.2%
2016	11%	0%	11%	7.2%	0%	7.2%
2017	11%	0%	11%	6.5%	0%	6.5%

Arranging this historical data from low to high, the median is 7.2%.

### **Availability of ACDBE and Existing Local Conditions:**

The observed exit of ACDBEs from the market confirms the data concerning availability of ACDBEs calculated in the base goal, therefore it is not expected that the past history accomplishments can reasonably be expected to be attained over the next three-year period. Thus, it was determined to develop an overall goal from the median of the base goal and the past history participation percentage to reach a more reasonable goal expectation for the next three years.

To arrive at an overall goal, the Trust added our Step 1 base figure (0.0%) with our Step 2 historical median figure (7.2%) and then averaged the total. In order to reflect as accurately as possible the ACDBE participation the Trust would expect in the absence of discrimination, we have adjusted our base figure by 3.6%. The Trust's overall goal for non-car rental concessions is 3.6%. The Trust feels this adjusted goal figure will accurately reflect ACDBE non-car rental concession participation that can be achieved during this 3-year period.

## **PUBLIC PARTICIPATION**

**Consultation:** Refer to Section 23.43 of the Program.

### **Breakout of Estimated Race-Neutral & Race Conscious Participation** **Section 23.51**

The Trust will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation as outlined in the Projection of Estimated Race-Neutral & Race-Conscious Participation section in this Attachment 4 of the policy. The Trust understands that this is not a paper exercise, and the Trust will be expected to take these steps.

1. Providing outreach to ACDBEs and community organizations to advise them of opportunities by coordinating with ODOT's Civil Rights Division, participating in ODOT's DBE conferences and contracting fairs, and coordinating with the City's Procurement Division to include opportunities specific to the Trust.
2. Attending pre-solicitation meetings to ensure that competitors for concession opportunities are informed about how the Trust's ACDBE Program is involved in the procurement process.
3. Directing participants to ODOT's centralized registration website for access to the certified ACDBE directory concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.
4. Providing information and direction to the City's BidSync website where all available bidding opportunities with the City and the Trust are located.

The Trust estimates that, in meeting our overall goal of 3.6%, the Trust will obtain 0% from race-neutral participation and 3.6% through race-conscious measures.

If the Trust projects that race-neutral measures, standing alone, are not sufficient to meet an overall goal, the Trust will establish concession-specific goals for particular concession opportunities.

The Trust does not have a history of ACDBE participation or over-achievement of goals to reference and expects to obtain its ACDBE participation through the use of ACDBE goals or a conscious effort to obtain ACDBE participation. Therefore, we are applying the entire goal of 3.6% to race-conscious participation.



# **Attachment 5**

**Overall Goals for Car Rentals Calculation,  
Consultation, Breakout of Estimated Race-Neutral &  
Race- Conscious Participation**

## Section 23.45: Overall Goal Calculation for Car Rentals

**Name of Recipient:** Will Rogers World Airport (OKC), Oklahoma City Airport Trust

**Goal Period:** October 1, 2019 through September 30, 2021

### Overall Three-Year Goal:

**0.002%, to be accomplished through 0% RC and 0.002% RN**

The Trust has determined that its market area for car rental concessions is national. The market area is the geographical area in which the substantial majority of firms which seek to do concessions business with the airport are located and the geographical area in which the firms receive a substantial majority of concessions related revenues are located.

Due to the fact that national car rental concessions do not possess ACDBE status, the Airport is also evaluating the market area for car rental vendors that will play a role in the ACDBE goal accomplishment. The market area for the car rental vendors is national. This market area is based upon recent vendor participation.

### Base of Car Rental Goal:

To calculate the base of the goal, the Trust considered the previous 3 years of gross concession receipts and the projected potential concession revenue (gross receipts) three years into the future including upcoming new opportunities. FY 2018 data is not yet available.

### **Gross Receipts (Revenue) for Previous 3 Years - Car Rental Concessions**

<b>Fiscal Year</b>	<b>Concessions Revenue (Car Rental)</b>
2015	\$55,081,985
2016	\$53,335,978
2017	\$52,930,790
2018	Not Available
<b>Total</b>	<b>\$161,348,753</b>
<b>Average</b>	<b>\$53,782,918</b>

The Trust estimates that revenues to existing concessions will grow by 1% over the next three years due to a larger facility that is planned that will increase inventory to offer. Therefore,  $\$53,782,918 \times 1\% = \$537,829 = \$54,320,747$  (Base of the Goal).

The car rental concession opportunities anticipated during this goal period are:

Goods and Services, such as Insurance, Automobile Repairs, Office Supplies and Janitorial Services, with unknown estimated annual gross receipts due to no historical data at this time.

**Methodology used to Calculate Overall Goal:**

**Step 1: §23.51(c)**

The Trust determined the Step 1 base figure for the relative availability of ACDBEs. The base figure was calculated as follows:

$$\text{Base Figure} = \frac{\text{Ready, willing, and able ACDBEs for purchases of goods and services}}{\text{All ready, willing and able firms for purchases of goods and services}}$$

In order to determine the relative availability of ACDBEs in the area of car rental concessions, the availability of ACDBE car rental vendors in the market area must be compared to the overall availability of all car rental vendors in the market area. The data source for the numerator was the ODOT DBE/ACDBE Certification Directory (<https://okdot.gob2g.com/Default.asp>). The data source for the denominator was the US Census Bureau's fact finder (<https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>).

NAICS	Type of Concession	OK DBE Firms	All Firms
811121	Automotive body, paint, and interior repair and maintenance	0	33,950
811118	Automotive electrical and mechanical repair and maintenance	0	3,777
811122	Automobile glass repair	0	6,160
423710	Key Replacements	0	6,163
453210	Office Supplies	0	6,141
561720	Janitorial Services	5	57,898
524210	Insurance Agencies & Brokerages	0	134,423
<b>Total</b>		<b>5</b>	<b>248,512</b>

Therefore, the base goal for car rental is  $5 / 248,512 = 0.002\%$ .

**Step 2: §23.51(d)**

After calculating a base figure of the relative availability of ACDBEs, the Trust examined evidence to determine what adjustment was needed to the Step 1 base figure in order to arrive at the overall goal.

**Goods and Services:**

The Trust can meet the percentage goal by including the purchase from ACDBEs of goods and services used in business conducted at the Airport. The dollar value from purchases of goods and services from ACDBEs may be considered as the numerator, and the dollar value from purchases of goods and services from all firms (ACDBEs and non-ACDBEs) may be considered as the denominator.

Currently, there are so few ACDBE suppliers of goods and services available that it is expected that contract goals will be required to have any significant achievement of ACDBE participation. Contract goals are not currently included in the rental car agreements, and the agreements are not anticipated to be renegotiated within the three-year goal period. Therefore, an adjustment for goods and services suppliers will not be made for this goal development process.

It is anticipated that ACDBE goals will be included in the car rental concession agreements upon entering into new agreements, or upon renewal, extension or material amendment of the existing agreements, and goal development for future periods is expected to include an adjustment for goods and services provision by ACDBEs.

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

**Past History Participation:**

Data used to determine the adjustment to the base figure was the median of historical ACDBE accomplishments for the past three years as shown below:

Fiscal Year	ACDBE Goals			Accomplishments		
	RC	RN	Total	RC	RN	Total
2015	0%	11%	11%	0%	0%	0%
2016	0%	11%	11%	0%	0%	0%
2017	0%	11%	11%	0%	0%	0%

Arranging this historical data from low to high, the median is 0%.

There is no historical ACDBE data to reference to make an adjustment to the Step 1 base figure. Therefore, the Trust is adopting its Step 1 base figure as its overall goal for this 3-year goal period.

In order to reflect as accurately as possible the ACDBE participation the Trust would expect in the absence of discrimination, the Trust has adjusted its base figure by 0%. The Trust's overall goal for non-car rental concessions is 0.002%



## **PUBLIC PARTICIPATION**

**Consultation:** Refer to Section 23.43 of the Program.

### **Breakout of Estimated Race-Neutral & Race Conscious Participation** **Section 23.51**

The Trust will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation as outlined in the Projection of Estimated Race-Neutral & Race-Conscious Participation section in this Attachment 5 of the policy. The Trust understands that this is not a paper exercise, and the Trust will be expected to take these steps.

1. Providing outreach to ACDBEs and community organizations to advise them of opportunities by coordinating with ODOT's Civil Rights Division, participating in ODOT's DBE conferences and contracting fairs, and coordinating with the City's Procurement Division to include opportunities specific to the Trust.
2. Attending pre-solicitation meetings to ensure that competitors for concession opportunities are informed about how the Trust's ACDBE Program will affect the procurement process.
3. Directing participants to ODOT's centralized registration website for access to the certified ACDBE directory concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.
4. Providing information and direction to the City's BidSync website where all available bidding opportunities with the City and the Trust are located.

The Trust estimates that, in meeting our overall goal of 0.002%, the Trust will obtain 0.002% from race-neutral participation and 0% through race-conscious measures.

If the Trust projects that race-neutral measures, standing alone, are not sufficient to meet an overall goal, the Trust will establish concession-specific goals for particular concession opportunities through contract amendments as appropriate.

The Trust does not have contract goals included in the current concession agreements, and those agreements will not be renegotiated during the goal period. Consequently, the Trust expects to obtain its ACDBE participation through race-neutral participation. Therefore, we are applying the entire goal of 0.002% to race-neutral participation.

# **Attachment 6**

**Form 1 & 2 for Demonstration of Good Faith Efforts**

**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/goods or services to be supplied by ACDBE/DBE 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/DBE supplier.)



# **Attachment 7**

**Regulations: 49 CFR Part 23**

**Regulations: 49 CFR Part 23**

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr23\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr23_main_02.tpl)

# **Attachment 8**

## **ACDBE Goal Development: Public Outreach**



Will Rogers  
World Airport

**ACDBE Goal  
Development**

Public Outreach





**OKC ACDBE RENTAL CAR GOAL DEVELOPMENT  
STAKEHOLDER CONSULTATION MEETING**

October 25, 2018

**Attendees**

- Joe Olivera – Advantage Rental Car
- Delayna Clymer – Thrifty/Dollar Rental Car
- Charlene Kirk – OKC
- Suzanne Peyton – Garver
- Kimberly Cabe – Garver

Prior to the combined OKC ACDBE Goal Development Stakeholder's Consultation Meeting being held on Friday, November 2, 2018, OKC staff wanted to meet with the Rental Car companies (RACs) to discuss the ACDBE Rental Car goal specifically. The RACs currently do not have a goal in their lease agreements with OKC.

The participating RACs were briefed on the proposed ACDBE goal of 0.002%, and did not have any questions regarding the methodology used to obtain this goal.

Input was requested from the RACs regarding challenges faced in meeting ACDBE goals, and what is the relative availability of ACDBEs at OKC.

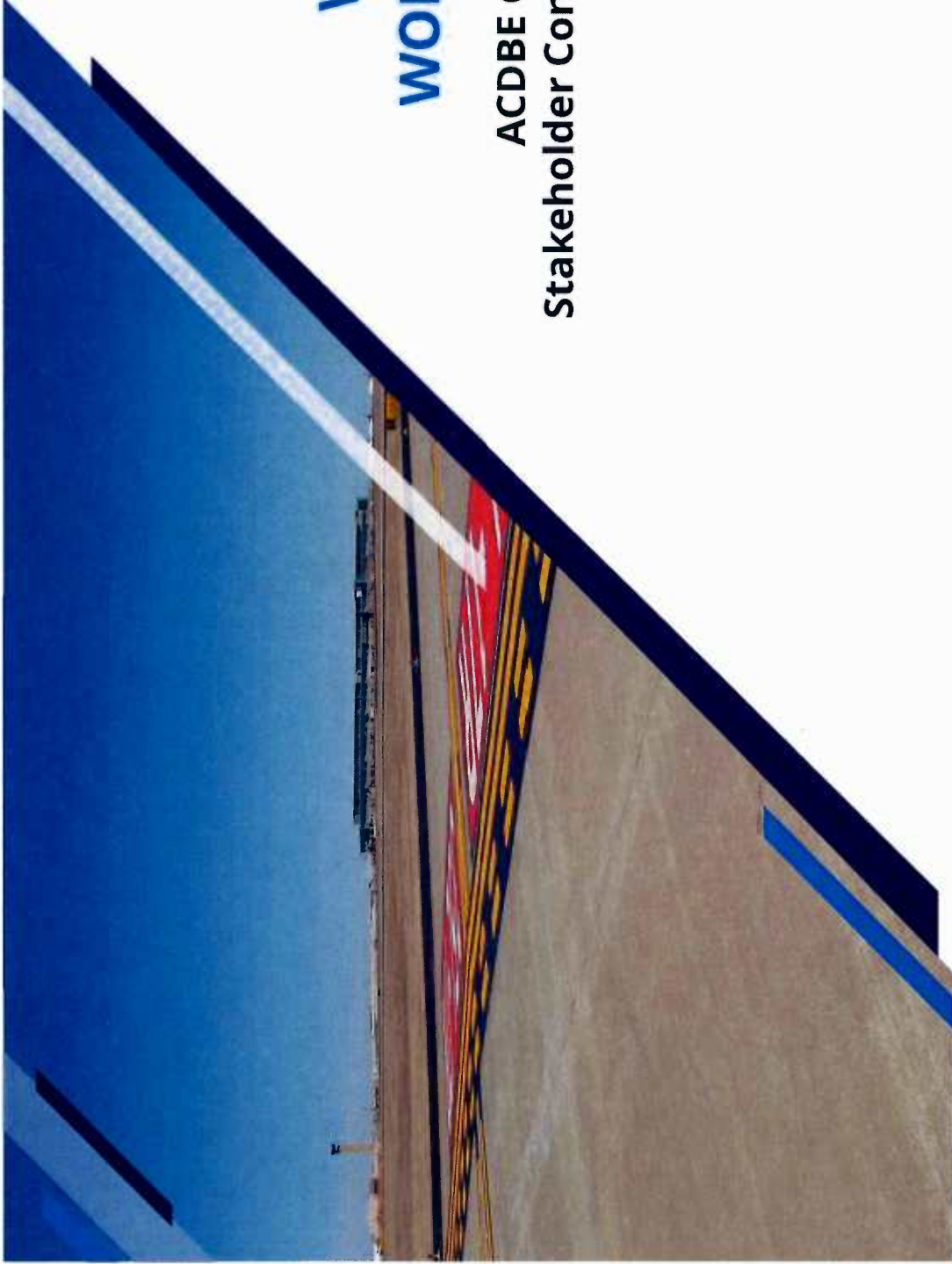
It was stated that the RACs have the following challenges:

- The cap-out for ACDBEs is a problem (both ways):
  - (a) the cap is reached too soon;
  - (b) the RACs lose access to a qualified vendor and any potential goal accomplishment(s), and;
  - (c) the vendor loses revenue.
- The difficulty of certification procedures for the businesses that are very small.
- Lack of a nationwide UCP for ACDBEs.
- RACs would prefer national goals developed per company and are currently working with FAA on the issue.

**Additional Input:**

- Most agreements are prepared nationally (at the Headquarters level) and then distributed down to the lower levels, leaving little opportunity for local ACDBEs.
- Local opportunities may be available for ACDBE participation to include on-demand services (i.e., tow truck, janitorial services/supplies, on-site oil changes, building repairs, etc).

Additional discussion focused on the strategy for the RACs to inform the ACDBELO of available opportunities, and that the ACDBELOs resources would be made available to the RACs, to include information about any potential ACDBEs that may be available to fill those opportunities. In addition, the RACs would ensure that local RAC management is aware of the process, and will also keep the ACDBELO informed of potential opportunities.



# WILL ROGERS WORLD AIRPORT

ACDBE Goal Development  
Stakeholder Consultation Meeting



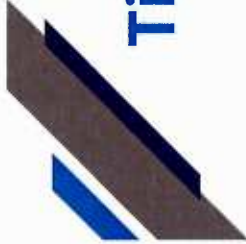
WILL ROGERS WORLD AIRPORT





# **WRWA ACDBE Program**





## Title 49 CFR Part 23

- **Airport Concession Disadvantaged Business Enterprise (ACDBE)**

- Means – a concession that is a for-profit small business concern-
  - 1) That is at least 51% owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51% of the stock is owned by one or more such individuals.
  - 2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.







## **Title 49 CFR Part 23**

- To ensure nondiscrimination in the award and administration of opportunities for concessions by airport
- To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions
- To ensure that the Department's ACDBE program is narrowly tailored in accordance with applicable law
- To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs
- To help remove barriers to the participation of ACDBEs in opportunities for concessions at airports receiving DOT financial assistance
- To provide appropriate flexibility to airports receiving DOT financial assistance in establishing and providing opportunities for ACDBEs





# 2019-2021 Draft Goal Development

## Section 23.45: Overall ACDBE 3-Year Goal Methodology for Car Rentals

Name of Recipient: Will Rogers World Airport

Goal Period: October 1, 2019 through September 30, 2021

Overall Three-Year Goal: 0.002% to be accomplished through 0% RC and 0.002% RN.



WILL ROGERS WORLD AIRPORT





## 2019-2021 Draft Goal Development

### Step 1: Establish Base Figure

- Based upon relative availability of ACDBE firms
- Base goal for car rental is  $5 / 248,512 = 0.002\%$

NAICS	Type of Concession	OK DBE Firms	All Firms
811121	Automotive body, paint, and interior repair and maintenance	0	33,950
811118	Automotive electrical and mechanical repair and maintenance	0	3,777
811122	Automobile glass repair	0	6,160
423710	Key Replacements	0	6,163
453210	Office Supplies	0	6,141
561720	Janitorial Services	5	57,898
524210	Insurance Agencies & Brokerages	0	134,423
	<b>Total</b>	<b>5</b>	<b>248,512</b>

Base Figure



WILL ROGERS WORLD AIRPORT



## 2019-2021 Draft Goal Development

### Step 2: Adjust Goal

- There is no historical data to make an adjustment to the Step 1 figure.

Fiscal Year	ACDBE Goals			Accomplishments		
	RC	RN	Total	RC	RN	Total
2015	0%	11%	11%	0%	0%	0%
2016	0%	11%	11%	0%	0%	0%
2017	0%	11%	11%	0%	0%	0%







# 2019-2021 Draft Goal Development

- Questions?
- Input?





## **WRWA ACDBE Goals – Stakeholder Input**

- **Relative availability of ACDBE and Non-ACDBE Contractors**
  - Any proximity issues?
  - Any trade availability issues?

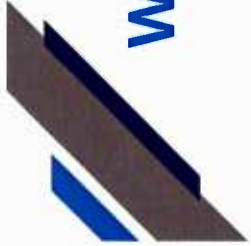




## **WRWA ACDBE Goals – Stakeholder Input**

- **What are challenges for ACDBEs in the Oklahoma City area that should be considered?**



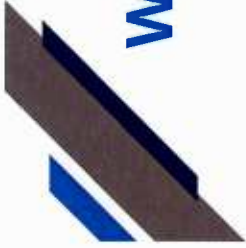


## WRWA ACDBE Goals – Stakeholder Input

- **WRWA efforts to establish a level playing field for ACDBE participation**
  - Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
  - Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals).
  - Analyzes the Trust's progress toward attainment and identifies ways to improve progress.
  - Participates in pre-bid meetings.
  - Advises the Director of Airports or Trust, when appropriate on ACDBE matters and achievement.
  - Directs ACDBEs on bid submission process.
  - Plans and participates in ACDBE training seminars.
  - Provides contact information for access to the Unified Certification Program (UCP) process in Oklahoma.
  - Provides outreach to ACDBEs and community organizations to advise them of opportunities.







## **WRWA ACDBE Goals Development**

- **Next Steps - Goals submittal 11/30/2018, implementation 12/1/2018**
- **How to obtain information about future opportunities with WRWA**
- **How to obtain information about certification**



# For more information contact:

Charlene Kirk  
Property Specialist/ACDBE Liaison  
405-316-3267  
[Charlene.kirk@okc.gov](mailto:Charlene.kirk@okc.gov)



WILL ROGERS WORLD AIRPORT



## **Will Rogers World Airport**

### **Announcement of Airport Stakeholder's Consultation Meeting on 2019-2021 Draft ACDBE Goals**

Interested stakeholders are invited to an Airport Concession Disadvantaged Business Enterprise (ACDBE) Stakeholder's Consultation Meeting at Will Rogers World Airport (WRWA) on Friday, November 2, 2018 at 2:00 p.m. The meeting will be held in the Cherokee Conference Room on the Third Floor of the Will Rogers World Airport Terminal Building, 7100 Terminal Drive, Oklahoma City, Oklahoma. The purpose of the meeting is to receive input regarding WRWA's three-year ACDBE Goals for the years 2019 - 2021.

If you would like to review WRWA's ACDBE Goals for 2019 - 2021, please visit the airport website at <https://flyokc.com/nondiscrimination-policies>. If you would like to provide comments or attend the Stakeholder's meeting, please submit comments and/or RSVP at [wrwabusinessproperties@okc.gov](mailto:wrwabusinessproperties@okc.gov) on or before 5:00 p.m., Thursday, November 1, 2018.

Visitors are welcome to park in the Short-Term parking lot. Please bring in your parking stub for validation.

If you have questions or need additional information, please contact Charlene Kirk at (405) 316-3267 or [charlene.kirk@okc.gov](mailto:charlene.kirk@okc.gov).

Brittany David  
 Federal Program Manager/ADA § 504 and Title VI Compliance Coordinator  
 7100 Terminal Drive, Unit 937  
 Oklahoma City, OK 73159  
 405-316-3223  
[brittany.david@okc.gov](mailto:brittany.david@okc.gov)

## **AMERICAN WITH DISABILITIES ACT/REHABILITATION ACT SELF-EVALUATION PRACTICES**

The Oklahoma City Airport Trust (OCAT) periodically conducts a self-evaluation of the programs, services, activities and facilities at its three airports to ensure that they comply with Title II of the American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act as required by the Federal Aviation Administration (FAA). A comprehensive evaluation is conducted at least once every three years. [Click here to view the entire American with Disabilities Act/Rehabilitation Act Self-Evaluation Policy](#). For additional information or concerns contact OCAT's designated ADA coordinator:

Brittany David  
 Federal Program Manager/ADA § 504 and Title VI Compliance Coordinator  
 7100 Terminal Drive, Unit 937  
 Oklahoma City, OK 73159  
 405-316-3223  
[brittany.david@okc.gov](mailto:brittany.david@okc.gov)

## **NOTICE TO THE PUBLIC: DISADVANTAGED AIRPORT CONCESSION BUSINESS ENTERPRISE (ACDBE) GOALS FOR OKLAHOMA CITY AIRPORT TRUST**

Oklahoma City Airport Trust hereby publishes proposed overall goals for Will Rogers World Airport's Airport Concession Disadvantaged Business Enterprise (ACDBE) Program for FY 2019-2021.

- Will Rogers World Airport
  - Non-Car Rental Concession Goal - 3.6%
  - Car Rental Concession Goal - 0.002%

The methodology used in developing these goals is available for review and comment during normal business hours, at the Oklahoma City Airport Trust's administrative offices, 7100 Terminal Drive, Unit 937, Oklahoma City, OK 73159. Comments on the goal or methodology will be accepted in writing at [wrwabusinessproperties@okc.gov](mailto:wrwabusinessproperties@okc.gov) until November 1, 2018.

For additional information please contact Charlene Kirk at (405)-316-3267 or [charlene.kirk@okc.gov](mailto:charlene.kirk@okc.gov).

## **DISADVANTAGED BUSINESS ENTERPRISES (DBE) & AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISES (ACDBE)**

All responses to requests for bids or proposals for the Oklahoma City Airport Trust must be submitted electronically through the City of Oklahoma City's online solicitation vendor, BidSync. Potential bidders and proposers must pre-register for electronic bidding at [www.bidsync.com](http://www.bidsync.com) before being able to review or submit a bid or proposal. Once registered, interested parties may receive notifications of upcoming jobs, updates and submit bids or proposals through the same site, [www.bidsync.com](http://www.bidsync.com). The Oklahoma City Airport Trust will not receive any bids or proposals via mail or in-person delivery. [Click here](#) to view a training video that will get you started.



**OKC ACDBE GOAL DEVELOPMENT  
STAKEHOLDER CONSULTATION MEETING**  
November 2, 2018

Attendees – see attached sign-in sheets

**PUBLIC PARTICIPATION**

Consultation: 49 CFR Part 23.

Will Rogers World Airport (OKC and/or Airport), owned and operated by the Oklahoma City Airport Trust (Trust), will submit its overall ACDBE three-year goal on or before December 31, 2018, as required by the Federal Aviation Administration (FAA).

As part of OKC's on-going effort to encourage public participation, staff members participate in various community outreach initiatives. In addition, OKC ensures that bid notices and request for proposals are available to ACDBEs; plan and participate in ACDBE training seminars; and attend events sponsored by the Oklahoma Department of Transportation (ODOT) encouraging ACDBE participation.

On November 2, 2018, OKC conducted an ACDBE Stakeholder Consultation Meeting in compliance with 49 CFR Section 23.43. The meeting was held at the Airport at 2:00 PM CST with a conference call option.

Prior to the meeting, an extensive outreach effort was completed to encourage participation/awareness of the meeting. The draft goals and public notice of the stakeholders meeting were published on the OKC website under the Nondiscrimination Policies section of the website. In addition, email invitations were sent to all identified stakeholders. The emails were followed up with personal reminders to the same stakeholders.

During the meeting, participants were provided with an overview of the FAA's ACDBE program and the proposed FY19 – FY21 ACDBE goals for OKC. The participants were also given an overview of how the proposed ACDBE goals for FY19 – FY21 were calculated and the Airport's past performance in meeting their ACDBE goals.

After the presentation, participants were provided opportunities to provide feedback on the proposed goals, the effects of discrimination on opportunities for ACDBEs, and the Airport's efforts to ensure a level playing field. Most of the comments/questions from those participating was from rental car company representatives who also provided feedback regarding some of the challenges they face in trying to meet certain ACDBE goals. The representatives were informed that the Rental Car goal set by OKC is based on the purchase of goods and services.

There were no objections to OKC's proposed ACDBE Goal for Concessions other than Car Rental or ACDBE Goal for Rental Cars for FY19 – FY21.

The discussion and related information received during the meeting did not impact the goal or methodology. No specific problems or areas of concern were identified by the attendees.

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WILL ROGERS WORLD AIRPORT



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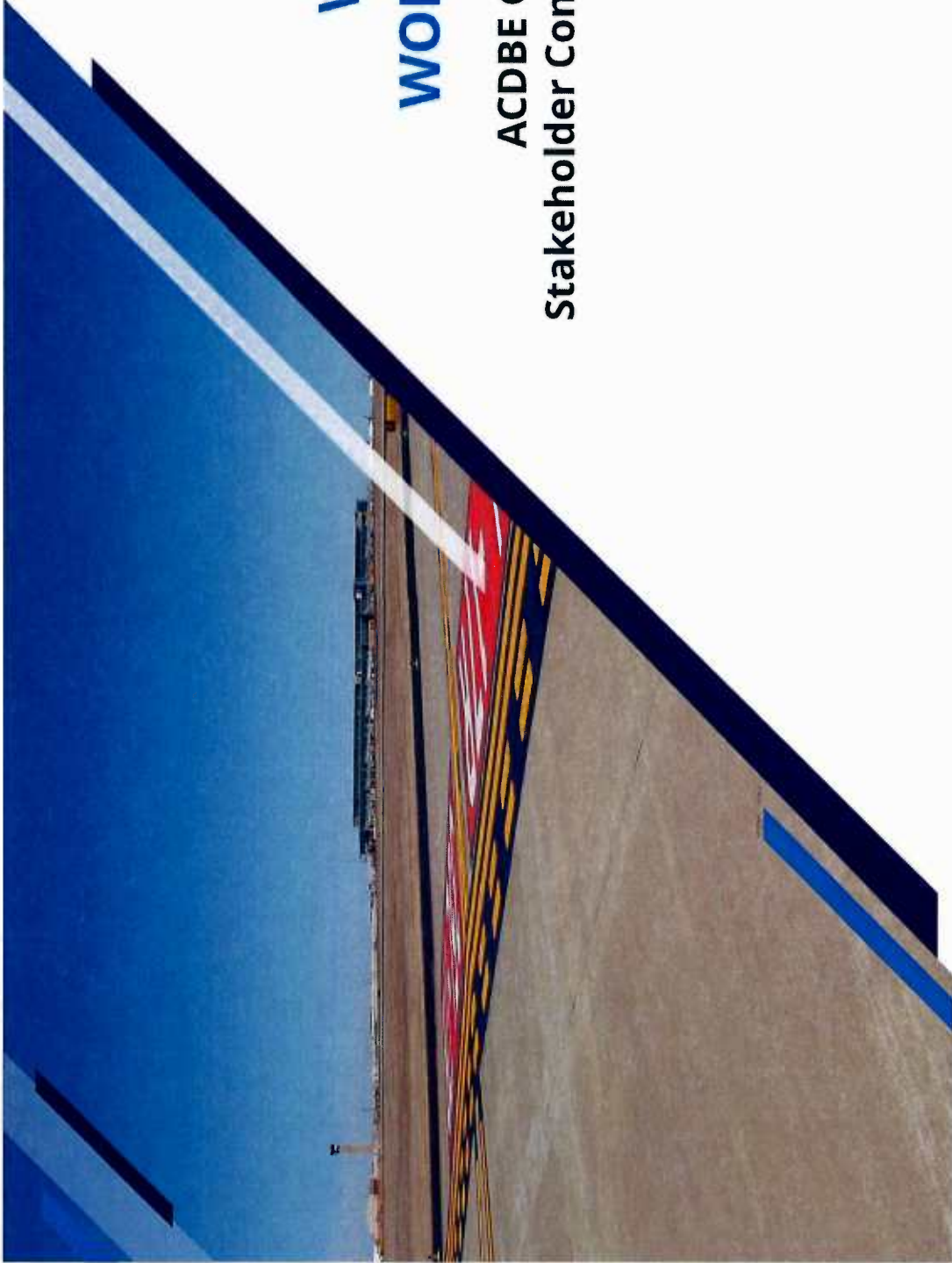
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Phone





# WILL ROGERS WORLD AIRPORT

ACDBE Goal Development  
Stakeholder Consultation Meeting



WILL ROGERS WORLD AIRPORT





# **WRWA ACDBE Program**





## Title 49 CFR Part 23

- **Airport Concession Disadvantaged Business Enterprise (ACDBE)**

- Means – a concession that is a for-profit small business concern-
  - 1) That is at least 51% owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51% of the stock is owned by one or more such individuals.
  - 2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.





## **Title 49 CFR Part 23**

- To ensure nondiscrimination in the award and administration of opportunities for concessions by airport
- To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions
- To ensure that the Department's ACDBE program is narrowly tailored in accordance with applicable law
- To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs
- To help remove barriers to the participation of ACDBEs in opportunities for concessions at airports receiving DOT financial assistance
- To provide appropriate flexibility to airports receiving DOT financial assistance in establishing and providing opportunities for ACDBEs





# 2019-2021 Draft Goal Development

## Section 23.45: Overall ACDBE 3-Year Goal Methodology for Other Than Car Rentals

Name of Recipient: Will Rogers World Airport

Goal Period: October 1, 2019 through September 30, 2021

Overall Three-Year Goal: 3.6% to be accomplished through 3.6% RC and 0% RN.



WILL ROGERS WORLD AIRPORT





# 2019-2021 Draft Goal Development

Step 1: Establish Base Figure

- Based upon relative availability of ACDBE firms
- Base goal for car rental is 0 / 4,070 = 0%

NAICS	Type of Concession	OKC MSA Firms	All OKC MSA Firms	All Firms (National)	OK DBE Firms	All Firms (Oklahoma)
561431	Parcel Mailing	0	12	-	0	40
454210	Vending Machine Operations	0	26	-	1	59
722513	Limited-Service Restaurants	0	1,109	-	1	2,771
453220	Gift, Novelty & Souvenir Stores	0	93	-	2	203
522320	ATM Network Operation	0	22	-	0	32
812990	Shoeshine Services	0	58	-	0	161
51721	Wireless Internet Service Providers	0	72	-	0	221
721110	Hotel	0	238	-	0	848
541850	Display Advertising	-	-	2,440	-	-
	<b>Total</b>	<b>0</b>	<b>4,070</b>	<b>4,070</b>	<b>0</b>	<b>4,335</b>

Base Figure

WILL ROGERS WORLD AIRPORT





## 2019-2021 Draft Goal Development

### Step 2: Adjust Goal

- Added Step 1 base figure of 0.0% with Step 2 historical median of 7.2% and then averaged the total = 3.6%
- Thus, the goal has been adjusted by 3.6%
- The Trust's overall goal for non-rental car concessions is 3.6%

Fiscal Year	ACDBE Goals			Accomplishments		
	RC	RN	Total	RC	RN	Total
2015	11%	0%	11%	7.2%	0%	7.2%
2016	11%	0%	11%	7.2%	0%	7.2%
2017	11%	0%	11%	6.5%	0%	6.5%

Arranging historical data from low to high, the median is 7.2%.





# 2019-2021 Draft Goal Development

## Section 23.45: Overall ACDBE 3-Year Goal Methodology for Car Rentals

Name of Recipient: Will Rogers World Airport

Goal Period: October 1, 2019 through September 30, 2021

Overall Three-Year Goal: 0.002% to be accomplished through 0% RC and 0.002% RN.



WILL ROGERS WORLD AIRPORT





## 2019-2021 Draft Goal Development

### Step 1: Establish Base Figure

- Based upon relative availability of ACDBE firms
- Base goal for car rental is  $5 / 248,512 = 0.002\%$

NAICS	Type of Concession	OK DBE Firms	All Firms
811121	Automotive body, paint, and interior repair and maintenance	0	33,950
811118	Automotive electrical and mechanical repair and maintenance	0	3,777
811122	Automobile glass repair	0	6,160
423710	Key Replacements	0	6,163
453210	Office Supplies	0	6,141
561720	Janitorial Services	5	57,898
524210	Insurance Agencies & Brokerages	0	134,423
	<b>Total</b>	<b>5</b>	<b>248,512</b>

Base Figure



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## Step 2: Adjust Goal

- There is no historical data to make an adjustment to the Step 1 figure.

Fiscal Year	ACDBE Goals			Accomplishments		
	RC	RN	Total	RC	RN	Total
2015	0%	11%	11%	0%	0%	0%
2016	0%	11%	11%	0%	0%	0%
2017	0%	11%	11%	0%	0%	0%





## 2019-2021 Draft Goal Development

- Questions?
- Input?





## **WRWA ACDBE Goals – Stakeholder Input**

- **Relative availability of ACDBE and Non-ACDBE Contractors**
  - Any proximity issues?
  - Any trade availability issues?





## **WRWA ACDBE Goals – Stakeholder Input**

- **What are challenges for ACDBEs in the Oklahoma City area that should be considered?**







# WRWA ACDBE Goals – Stakeholder Input

- **WRWA efforts to establish a level playing field for ACDBE participation**
  - Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
  - Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals).
  - Analyzes the Trust's progress toward attainment and identifies ways to improve progress.
  - Participates in pre-bid meetings.
  - Advises the Director of Airports or Trust, when appropriate on ACDBE matters and achievement.
  - Directs ACDBEs on bid submission process.
  - Plans and participates in ACDBE training seminars.
  - Provides contact information for access to the Unified Certification Program (UCP) process in Oklahoma.
  - Provides outreach to ACDBEs and community organizations to advise them of opportunities.





## **WRWA ACDBE Goals Development**

- **Next Steps - Goals submittal 11/30/2018, implementation 12/1/2018**
- **How to obtain information about future opportunities with WRWA**
- **How to obtain information about certification**



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