

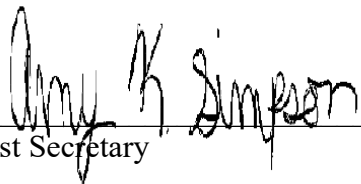
**AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE
(ACDBE) PROGRAM**

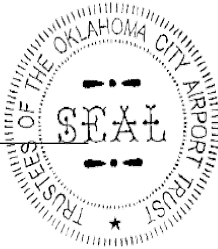


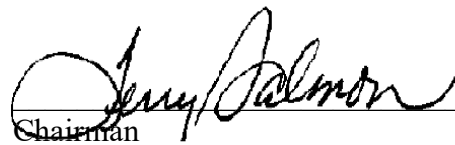
APPROVED by the Oklahoma City Airport Trust and signed by the Chairman this 27TH day of
FEBRUARY, 2025.

ATTEST:

OKLAHOMA CITY AIRPORT TRUST


Trust Secretary




Chairman

REVIEWED for form and legality.

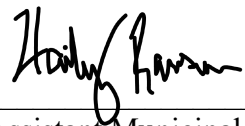

Assistant Municipal Counselor/
Attorney for the Trust

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OKLAHOMA CITY AIRPORT TRUST ACDBE PROGRAM

POLICY STATEMENT

Section 23.1, 23.23 Objectives/ Policy Statement

The Oklahoma City Airport Trust (Trust) has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), [49 CFR part 23](#). The Trust's OKC Will Rogers International Airport (OKC) is a primary airport and has received federal funds authorized for airport development after January 1988 (authorized under Title 49 of the United States Code). The Trust has signed airport grant assurances that it will comply with 49 CFR part 23.

It is the policy of the Trust to ensure that ACDBEs, as defined in part 23, have an equal opportunity to receive and participate in concession opportunities. It is also our policy:

1. To ensure nondiscrimination in the award and administration of opportunities for concessions by airports receiving DOT financial assistance;
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions;
3. To ensure that our ACDBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs;
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at our airport;
6. To promote the use of ACDBEs in all types of concessions activities at our airport.
7. To assist the development of firms that can compete successfully in the marketplace outside the ACDBE program; and
8. To provide appropriate flexibility to airports receiving DOT financial assistance in establishing and providing opportunities for ACDBEs.

The Property Supervisor has been designated by the Director of Airports (Director) as the ACDBE Liaison Officer (ACDBELO). In that capacity, the Property Supervisor is responsible for implementing all aspects of the ACDBE program. Implementation of the ACDBE program is accorded the same priority as compliance with all other legal obligations incurred by the Trust in its financial assistance agreements with the Department of Transportation.

The Trust has disseminated this policy statement to the stakeholders and all of the components of our organization. We have distributed this statement to ACDBE and non-ACDBE concessionaire communities in our area. The distribution was accomplished by email notification, consultation meeting, and placed on the airport website.



Jeff Mulder
Director of Airports

2/27/2025
Date

GENERAL REQUIREMENTS

Section 23.1 Objectives

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

Section 23.3 Definitions

The 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

OKC is a primary airport, and the sponsor of federal airport funds authorized for airport development after January 1988 that was authorized under Title 49 of the United States Code.

Section 23.9 Non-discrimination Requirements

The Trust will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any concession agreement, management contract or subcontract, purchase or lease agreement or other agreement covered by 49 CFR part 23 on the basis of race, color, sex, or national origin.

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

The Trust will include the following assurances in all concession agreements and management contracts it executes with any firm:

1. "This agreement is subject to the requirements of the DOT'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 acknowledges that the compliance and enforcement provisions of 49 CFR part 26 (§§ 26.101 and 26.105 through 26.109) apply to the concessions program under part 23 in the same way that they apply to Federal Aviation Administration (FAA) recipients and programs under part 26.

ACDBE PROGRAM

Section 23.21 ACDBE Program Updates

The Trust is the operator of one primary airport and is required to have an ACDBE program. This ACDBE program is applicable to OKC.

The Trust will submit the goal methodology for OKC.

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

Section 23.23 Administrative Provisions

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

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

ACDBE Liaison Officer (ACDBELO): The Trust, by and through the Director, has designated the following individual as its ACDBELO:

Carolyn Windham, ACDBE Liaison Officer
7100 Terminal Drive, Unit 937
Oklahoma City, OK 73059-0937
(405) 316-3202
wrwaACDBE@okc.gov
<https://flyokc.com/nondiscrimination-policies>

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that the Trust complies with all provision of 49 CFR part 23. The ACDBELO has direct, independent access to the Director concerning ACDBE program matters. An organizational chart displaying the ACDBELO's position in the organization is found in [Attachment 1](#) to this program.

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

1. Gathers and reports statistical data and other information as required by FAA or DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
5. Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals).

6. Analyzes the Trust's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Director on ACDBE matters and achievement.
9. Provides ACDBEs with information on bid process.
10. Participates in ACDBE training seminars.
11. Provides outreach to ACDBEs and community organizations to advise them of opportunities.
12. Acts as liaison to the Unified Certification Program (UCP) in Oklahoma.
13. Maintains the Trust's updated directory on certified ACDBEs and distinguished them from DBEs.

Directory: The Oklahoma Unified Certification Program (UCP) maintains a directory identifying all firms eligible to participate as DBEs and ACDBEs. The Directory lists the firm's name, address, phone number(s), date of the most recent certification, email and/or web address, NAICS number, and the type of work the firm has been certified to perform as an ACDBE. The Directory clearly specifies whether a firm is certified as a DBE for purposes of part 26, an ACDBE for purposes of part 23, or both.

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

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

The Trust will maximize the use of race-neutral measures, obtaining as much as possible of the ACDBE participation needed to meet overall goals through such measures. The Trust will take the following measures to ensure nondiscriminatory participation of ACDBEs in concessions, and other covered activities ([§ 23.25\(a\)](#)):

The Trust's ACDBE program a narrative description of the race-neutral measures may include, but are not limited to:

1. Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under this part;
2. Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
3. When practical, structuring concession activities to encourage and facilitate the participation of ACDBEs;
4. Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the OKC's ACDBE program will affect the procurement process; and
5. Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.

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

1. Establishing concession-specific goals for particular concession opportunities.
 - a. In setting concession-specific goals for concession opportunities other than car rental, the Trust will explore, to the maximum extent practicable, all available options to set goals that concessionaires can meet through direct ownership arrangements. A concession-specific goal for any concession other than car rental may be based on purchases or leases of goods and services only when the analysis of the relative availability of ACDBEs and all relevant evidence reasonably supports that there is *de minimis* availability for direct ownership arrangement participation for that concession opportunity.
 - b. In setting car rental concession-specific goals, the Trust will not require a car rental company to change its corporate structure to provide for participation via direct ownership arrangement. When the overall goal for car rental concessions is based on purchases or leases of goods and services, the Trust is not required to explore options for direct ownership arrangements prior to setting a car rental concession-specific goal based on purchases or leases of goods and services.
 - c. If the objective of the concession-specific goal is to obtain ACDBE participation through a direct ownership arrangement with an ACDBE, the Trust will calculate the goal as a percentage of the total estimated annual gross receipts from the concession.
 - d. If the goal applies to purchases or leases of goods and services from ACDBEs, the Trust will calculate the goal as a percentage of the total estimated dollar value of all purchases to be made by the concessionaire.
 - e. When a concession-specific goal is set, the Trust will require competitors to make good faith efforts to meet this goal. A competitor may do so either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so.
 - f. The administrative procedures applicable to contract goals in part 26, [§§ 26.51 through 26.53](#), apply with respect to concession-specific goals.
 - g. In setting car rental concession-specific goals, the Trust will not require a car rental company to change its corporate structure to provide for participation via direct ownership arrangement. When the overall goal for car rental concessions is based on purchases or leases of goods and services, the Trust is not required to explore options for direct ownership arrangements prior to setting a car rental concession-specific goal based on purchases or leases of goods and services.
 - h. If the objective of the concession-specific goal is to obtain ACDBE participation through a direct ownership arrangement with an ACDBE, the Trust will calculate the goal as a percentage of the total estimated annual gross receipts from the concession.
 - i. If the goal applies to purchases or leases of goods and services from ACDBEs, the Trust will calculate the goal as a percentage of the total estimated dollar value of all purchases to be made by the concessionaire.
 - j. When a concession-specific goal is set, the Trust will require competitors to make good faith efforts to meet this goal. A competitor may do so either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so.
 - k. The administrative procedures applicable to contract goals in part 26, [§ § 26.51 through 26.53](#), apply with respect to concession-specific goals.
2. Negotiate with a potential concessionaire to include ACDBE participation, through direct ownership arrangements or measures, in the operation of the non-car rental concessions.

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

The Trust requires businesses subject to car rental and non-car rental ACDBE goals at the airport to make good faith efforts to meet goals set pursuant to this section.

Section 23.26 Fostering Small Business Participation

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

The small business element is incorporated as [Attachment 11](#) to this ACDBE program. The program elements will be actively implemented to foster small business participation. The Trust acknowledges that active use of the small business element is a requirement of the good faith implementation of this ACDBE program.

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

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 3 years following the end of the concession agreement or other covered contract.

The Trust will submit an annual report on ACDBE participation to the FAA by March 1 following the end of each fiscal year. This report will be submitted in the format acceptable to the FAA and contain all of the information described in the Uniform Report on ACDBE Participation.

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

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

The Trust will collect the data from all active participants for concession opportunities by requiring the information to be submitted with their proposals or initial responses to negotiated

procurements. The Trust will enter this data in FAA's designated system no later than March 1 following the fiscal year in which the relevant concession opportunity was awarded.

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

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

Section 23.29 Compliance and Enforcement Procedures

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 Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in [49 CFR § 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 4](#)).

CERTIFICATION AND ELIGIBILITY

Section 23.31 Certification Standards and Procedures

The Trust is a non-certifying member of the Oklahoma Unified Certification Program (UCP) and relies upon the UCP's determination of certification eligibility. Oklahoma UCP will use the certification standards of Subpart C of Part 23 to determine the eligibility of firms to participate as ACDBEs in airport concessions contracts. To be certified as an ACDBE, a firm must meet all

certification eligibility standards. Certifying Oklahoma UCP members make all certification decisions based on the facts as a whole.

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

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

Name: Jennifer Hankins

Title: Division Manager

Address: 200 N.E. 21st Street, Room 1-C1, Oklahoma City, OK 73105

Telephone Number: (405) 521-3186, Toll Free :(800) 788-4539

Fax Number: (405) 522-2136

E-mail Address jhankins@odot.org

Website of certification office: <https://oklahoma.gov/odot/business-center/contract-compliance.html>

Link to electronic application portal (if any): <https://okdot.gob2g.com>

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

Section 23.33 Business Size Standards

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

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

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

Section 23.35 Personal Net Worth Limits

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

Section 23.37 Firms Certified as DBEs

Certifying member of Oklahoma UCP will presume that a firm that is certified as a DBE under part 26 is eligible to participate as an ACDBE. However, before certifying such a firm, certifying UCP members will ensure that the disadvantaged owners of a DBE certified under part 26 are able to control the firm with respect to its activity in the concessions program.

Section 23.39 Others ACDBE Certification Requirements

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

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

In reviewing the Declaration of Eligibility required by [§ 26.83\(j\)](#), Certifying Oklahoma UCP members will ensure that the ACDBE applicant provides documentation that it meets the applicable size standard in [§ 23.33](#).

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

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

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

Certifying Oklahoma UCP members certifier will require every applicant to clearly state that it is applying for certification as an ACDBE and complete all of section 5.

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

GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 Overall Goals

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 cover a three-year period, and the sponsor will review the goals annually to make sure the goal continues to fit the sponsor's circumstances. The Trust will submit any significant overall goal adjustments to the FAA.

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

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 OKC, 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.

When submitting the Trust's overall goals, the ACDBELO will identify the stakeholders that the Trust consulted with and provide a summary of the information obtained from the stakeholders.

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

Section 23.45 Overall Goals

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

Primary Airport Size	Region	Date Due	Period Covered	Next Goal Due
Small Hubs	All regions	October 1, 2024	2025/2026/2027	October 1, 2027 (2028/2029/2030)

The goals must be submitted every three years based on the published schedule. If a new concession opportunity arises at a time that falls between the normal submission dates above and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the sponsor will submit an appropriate adjustment to our overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity.

The Trust will establish overall goals in accordance with the 2-Step process as specified in [§ 23.51](#). After determining the total gross receipts for the concession activity, the first step is to determine the relative availability of ACDBEs in the market area, “base figure”. The second step is to examine all relevant evidence reasonably available in the 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 also include a projection of the portions of the overall goal expected to be met through race-neutral and race-conscious measures, respectively.

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

Section 23.53 Counting ACDBE Participation for Car Rental Goals

The Trust will count ACDBE participation toward overall goals other than car rental as provided in [49 CFR § 23.53](#).

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

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

Section 23.55 Counting ACDBE Participation for Concessions Other than Car Rentals

The Trust will count ACDBE participation toward overall goals other than car rental as provided in [49 CFR § 23.55](#).

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

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

Section 23.57 Goal shortfall accountability

If the awards and commitments on the Uniform Report of ACDBE participation at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the 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 to correct the problems the Trust has identified in the analysis to enable us to fully meet our goal for the new fiscal year; and
3. As an airport not meeting the criteria of paragraph (b)(3)(i) of this section, we will retain analysis and corrective actions in our records for three years and make it available to the FAA, on request, for their review.

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

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

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

Section 23.61 Quotas or Set-asides

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

OTHER PROVISIONS

Section 23.71 Existing Agreements

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

Section 23.73 Privately-Owned or Leased Terminal Buildings

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

Section 23.75 Long-Term Exclusive Agreements

The Trust will not enter into a long-term and exclusive agreements 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 more than 10 years, including any combination of base term and options or holdovers to extend the term of the agreement, if the effect is a term of more than ten years. The Trust understands that an exclusive agreement is one having a type of business activity that is conducted solely by a single business entity on the entire airport, irrespective of ACDBE participation.

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

1. Special local circumstances exist that make it important to enter such agreement; and
2. FAA approves the Trust’s plan for meeting the standards of paragraph (c) of [§ 23.75](#).

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

1. A description of the special local circumstances that warrant a long-term, exclusive agreement;
2. A copy of the solicitation;
3. ACDBE contract goal analysis developed in accordance with this part;
4. Documentation that ACDBE participants are certified in the appropriate NAICS code in order for the participation to count towards ACDBE goals;
5. A general description of the type of business or businesses to be operated by the ACDBE, including location and concept of the ACDBE operation;
6. Information on the investment required on the part of the ACDBE and any unusual management or financial arrangements between the prime concessionaire and ACDBE, if applicable;
7. Final long-term exclusive concession agreement, subleasing or other agreements;
 - a. In order to obtain FAA approval of a long-term exclusive concession agreement that has been awarded through direct negotiations, the Trust will submit the items in paragraphs (1) and (3) through (7) of this section at least 45 days before contract award;
 - b. In order to obtain FAA approval of an exclusive concession agreement that becomes long-term as a result of a holdover tenancy, the Trust will submit to the responsible FAA regional office a holdover plan for FAA approval at least 60 days prior to the expiration of the current lease term. The holdover plan shall include the following information:
 - 1) A description of the special local circumstances that warrant the holdover;
 - 2) Anticipated date for renewal or re-bidding of the agreement;
 - 3) The method to be applied for renewal or re-bidding of the agreement;
 - 4) Submission of all items required under (3), (4), (6), and (7) of this section for the agreement in holdover status or an explanation as to why the item is not available or cannot be submitted.

Section 23.77 Preemption of Local Requirements

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

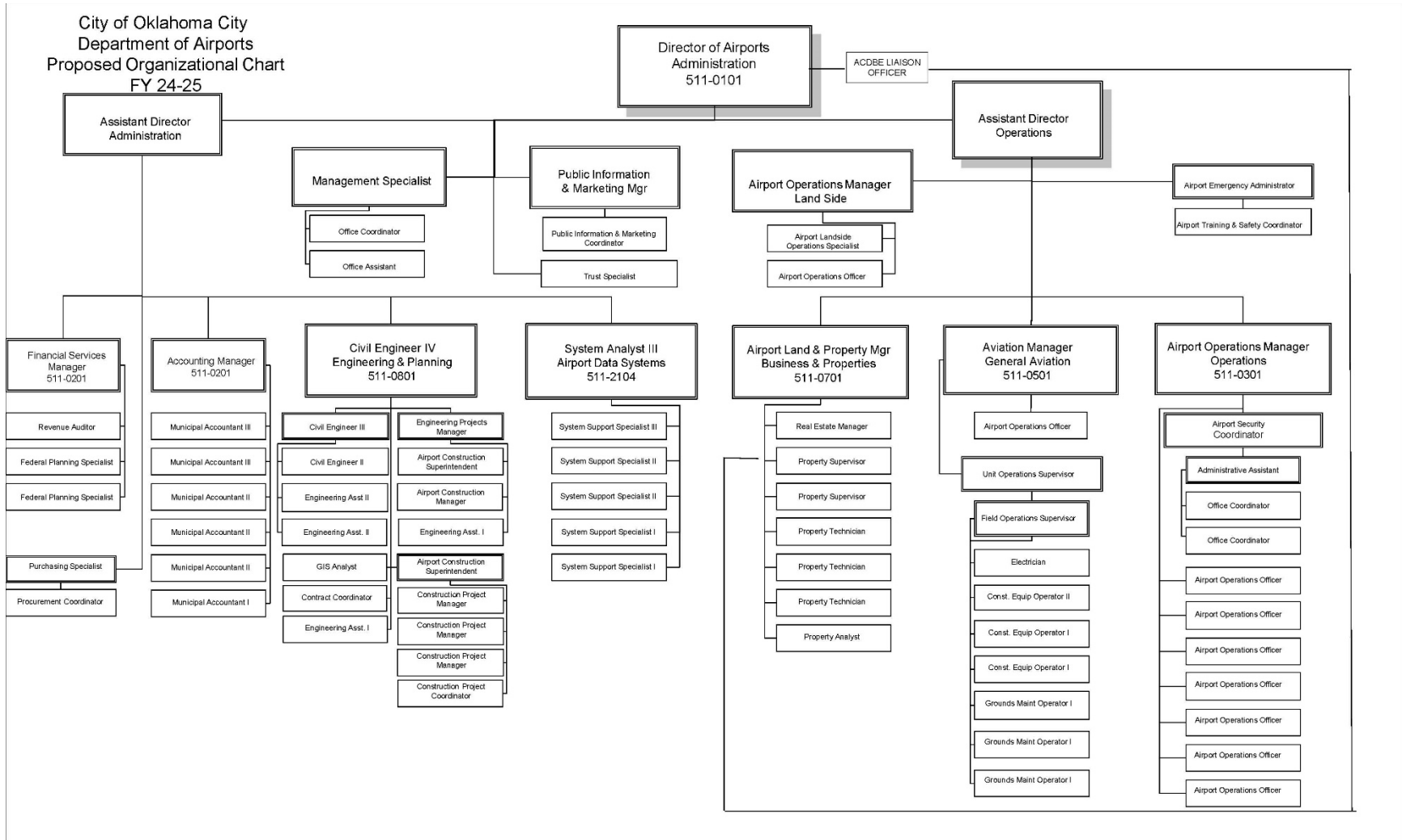
Section 23.79 Geographic Preferences

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

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE/ACDBE Directory
Attachment 3	Active Participants List Collection Form
Attachment 4	Sample Monitoring and Enforcement Mechanisms
Attachment 5	Overall Goal Methodology – Concessions Other Than Car Rental
Attachment 6	Overall Goal Methodology – Car Rental
Attachment 7	Form 1 and 2 Demonstration of Good Faith Efforts
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Attachment 11	Race-Neutral Small Business Element
Attachment 12	Public Participation

ATTACHMENT 1 - ORGANIZATIONAL CHART



ATTACHMENT 2 - DBE/ACDBE DIRECTORY

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

Civil Rights Staff

<u>NAME</u>	<u>TITLE</u>	<u>EMAIL</u>
Jennifer Hankins	Contract Compliance Division Manager	jhankins@odot.org
LaTashia Thompson	Assistant Division Manager	lthompson@odot.org
Katrina Fire	Title VI and VII Coordinator	kfire@odot.org
Chris Thompson	ADA/504/508 Coordinator	cmthompson@odot.org
Clay Swanson	Contract Compliance Officer - (Preconstruction)	cswanson@odot.org
Brian Thompson	Subcontractor Compliance Specialist	bthompson@odot.org
Jessica Patterson	DBE Reviewer	jpatterson@odot.org
Melanie Solis	DBE Reviewer	msolis@odot.org

Oklahoma Directory of Certified DBE/ACDBE Firms Department of Transportation

Civil Rights Certification and Compliance System

[\(http://www.okladot.state.ok.us/\)](http://www.okladot.state.ok.us/)

Unified Certification Program (UCP) Application for the State of Oklahoma

<https://okdot.gob2g.com>

ATTACHMENT 3 - ACTIVE PARTICIPANTS LIST COLLECTION FORM



The Oklahoma City Airport Trust is required to develop and maintain a **Participants List** to comply with **49 CFR § 23.37**. All firms that are participating or attempting to participate in the Concession opportunities are required to provide the following information. The Bidders/Proposers shall submit this form with their Bid and/or their response to the solicitation.

Firm's Contact Information

Name of Firm: _____
Address: _____
City: _____ State: _____ Zip: _____
Email Address: _____ Phone: _____

Firm's Business Information

NAICS Code Applicable to Concession: _____

Age of Firm: _____

Firm's Annual Gross Receipts: *(Select one of the following)*

- Less than \$1 Million
- \$1 - \$3 Million
- \$3 - \$6 Million
- \$6 - \$10 Million

Firm's Organization Type (LLC, Sole Proprietorship, etc.): _____

Firm's State of Organization: _____

Is Firm authorized to do business in the State of Oklahoma? Yes No

Is Firm registered with the Oklahoma Secretary of State? Yes No

Firm's Status

ACDBE: _____

Firm's Majority Owner: Gender _____

Race: (Select one)

- Black American
- Hispanic American
- Native American
- Asian Pacific American
- Subcontinent Asian American
- Other

NON-ACDBE: _____

Will you be using a Contractor to supply goods or services to satisfy the good faith effort in engaging the services?

If yes, provide the Contractor's name and contact information.

If no, explain how you plan to provide a good faith effort to engage the services of an ACDBE for this concession.

Proposer: _____

State Registration Number: _____

Authorized Representative

Printed Name

Title

Signature

Date



OKC

WILL ROGERS INTERNATIONAL AIRPORT

Airport Concession Disadvantaged Business Enterprise (ACDBE) Active Participants List Collection Form

#	Name of Firm	Address First Line	Address Second Line	City	State	ACDBE Status	NON-ACDBE Status	NAICS Code of Proposed Scope of Work	Age of Firm	Gender of Majority Owner	Race of Majority Owner
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											

ATTACHMENT 4 - SAMPLE MONITORING AND ENFORCEMENT MECHANISMS

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

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 (“Event of Default”), may terminate the agreement. Prior to termination for non-monetary of Events of Default, the Trust shall give thirty (30) days written notice to Contractor to use due diligence to correct such condition or Event of 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 Trust 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 laws, policies, administrative regulations, and standard rules applicable to Contractor or the Trust for the intended use of OKC premises, including by way of example, but not of limitation, all general rules and regulations promulgated from time to time by the Director in connection with the administration of OKC.
 - c. ACDBE Participation. The Trust, 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 OKC’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 OKC has an annual non-rental car overall goal for ACDBE participation in OKC 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) 522-3186. Current ACDBEs may also be found on the ODOT website.

[OR]

Goal - The OKC has an annual non-rental car overall goal for ACDBE participation in OKC concession agreements _____. However, this Agreement does not have a concession specific ACDBE goal. Even though there is not a concession specific goal associated with this Agreement, 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 purchase 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) 522-3186. 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 or his designated representative for this concession.

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

1. Documentation that the ACDBE participant(s) are properly certified with ODOT.
 2. The names and addresses of ACDBE companies and/or suppliers that will participate in the concession.
 3. A copy of agreement(s) with ACDBE participant(s).
 4. 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.
 5. 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].
 6. 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.
 7. Information on the estimated gross receipts and net profit to be earned by the ACDBE.
 8. Written and signed documentation of commitment to use an ACDBE whose participation it submits to meet a contract goal.
 9. Written and signed confirmation from the ACDBE that it is participating in the concession as provided in the prime concessionaire's commitment.
 10. 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 – Specific Goal. 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 – No Specific Goal. 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 OKC'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:
 1. Suspension or debarment 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 USC § 1001; or
 4. 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-concession and to Trust 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 Trust. Trust 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 Trust may provide a response

period shorter than five (5) days. No termination or substitution of an ACDBE shall be effective until approved by the Trust.

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 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 Trust within seven (7) days, which may be extended for an additional seven (7) days, if necessary, at the request of the Concessionaire, and the Trust 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.

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.

ATTACHMENT 5 - OVERALL GOAL METHODOLOGY – CONCESSIONS OTHER THAN CAR RENTAL

Overall Goal Calculation for Concessions Other Than Car Rentals

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

Goal Period: October 1, 2024, through September 30, 2027

Overall Three-Year Goal:

6.97%, to be accomplished through 6.92% RC and 0.05% RN

Methodology used to Calculate Overall Goal

The Trust in conducting this goal-setting process is evaluating the extent, if any, to which the firms in the market area have suffered discrimination or its effects in connection with concession opportunities and related business opportunities.

Market Area

The market area is the geographical area in which the substantial majority of firms which seek to do concessions business with OKC are located and in which the firms which receive the substantial majority of concessions-related revenues are located.

The Trust has determined that its market area for concessions other than car rental is as follows:

COMPANY	MARKET AREA
Airport Advertising	Nation Wide
All Other Personal Services	Nation Wide
ATM Services	OKC MSA
Food Service	Nation Wide
Ground Transportation	OKC MSA
News/Gifts	Nation Wide
Other Support Activities For Air Transportation	Nation Wide
Shoeshine	OKC MSA
Vending Services	OKC MSA
Wi-Fi Service	OKC MSA

Reference: OKC MSA – Oklahoma City Metropolitan Statistical Area

Base of 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.

Management Contract or Subcontract:

At the current time, there are no management or management subcontractors that generate revenues from passengers at the airport. Should a new opportunity be identified meeting the criteria above, 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.

The Trust’s OKC parking and shuttle operator is not a concessionaire under part 23. The operator only provides management services to the Trust for the parking services the Trust provides to passengers and patrons of OKC. All monies collected from parking services at OKC are exclusively those of the Trust. The OKC parking operator is paid only a management fee by the Trust and is reimbursed for its operating expenses. The operator does not deduct or directly receive a percentage of any funds from the parking services.

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

FISCAL YEAR	CONCESSIONS REVENUE (EXCLUDING CAR RENTAL)
2021	\$13,328,045
2022	\$19,275,889
2023*	\$26,021,060
TOTAL	\$58,624,994

* Effective 12/1/2022, a new Concessionaire, ALCLEAR, LLC, dba CLEAR®, a new Concessionaire effective 12/1/2022.

The Trust estimates that revenues to existing concessions will grow by 2% over the next three years due to increase of passenger travel as shown below.

PRIOR YEAR	PROJECTED NON-CAR REVENUE	CONCESSIONS GROWTH BY PERCENTAGE	AMOUNT OF CONCESSION GROWTH ESTIMATE	FORECASTS 2024
2023	\$26,021,060	2%	\$520,421	\$26,541,481

GOAL PERIOD	PROJECTED NON-CAR REVENUE	CONCESSIONS GROWTH BY PERCENTAGE	AMOUNT OF CONCESSION GROWTH ESTIMATE	FORECASTS
2025	\$26,541,481	2%	\$530,830	\$27,072,311
2026	\$27,072,311	2%	\$541,446	\$27,613,757
2027	\$27,613,757	2%	\$552,275	\$28,166,032
TOTAL				\$82,852,100

\$82,852,100 is the recipient’s base of the goal for non-car rental concessions.

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 no later 90 days before issuing the solicitation for the new concession opportunity.

Goal Calculations

Step 1:

The Step 1 figure was calculated as follows.

The data source used was: ODOT DBE/ACDBE Certification Directory (<https://okdot.gob2g.com>) for the numerator and US Census Bureau’s County Business Patterns 2022 Table (<https://www.census.gov/programs-surveys/cbp/data/tables.2022.html>) for the denominator.

NAICS CODE	TYPE OF CONCESSION ACTIVITY	OKC MSA		OK STATEWIDE		NATIONAL		% AVAILABLE
		ACDBE FIRMS	ALL FIRMS	ACDBE FIRMS	ALL FIRMS	ACDBE FIRMS	ALL FIRMS	
812990	All Other Personal Services (Smarte Carte, Shoeshine Services)	1	83	1	186	1	22,597	0.004%
522320	ATM Network Operation	0	9	0	31	0	5,035	0.000%
541850	Display Advertising	0	16	0	41	1	2,549	0.039%
453220/ 459420	Gift, Novelty & Souvenir Stores	0	95	0	202	0	19,220	0.000%
485310	Ground Transportation (Taxi/Shuttle)	0	5	0	11	0	3,162	0.000%
722513	Limited-Service Restaurants	2	1,214	3	2,961	8	265,179	0.003%
488190	Other Support Activities for Air Transportation	0	39	0	100	2	4,096	0.049%
454210/ 445132	Vending Machine Operations	1	13	1	41	1	3,243	0.031%
517312	Wireless Telecommunications Carrier (except satellite)	0	112	0	368	0	28,798	0.000%
	TOTALS	4	1,586	5	3,941	13	353,879	0.004%

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

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

Using the identified market area for each NAICS code the base goal is divided the numerator by the denominator, we arrived at **Step 1 Base Figure** for our overall goal for non-car rental concession of **0.004%**. This calculation is illustrated below.

National ACDBE Firm (Numerator)	National All Firms (Denominator)	Non-Car Rental Concession Base Figure
13	353,879	0.004%

Since there were so few ACDBEs available in the MSA, the entire state of Oklahoma was evaluated for consideration as the market area for several NAICS codes. The ACDBEs available and the number of overall firms available in the entire state market area are included in the table in Step 1 as a reference. Increasing the market area would not significantly increase the number of ACDBEs available and based upon previous participation experience and constraints in the state’s geography, it is considered highly unlikely that those additional ACDBEs (outside the OKC MSA) could be expected to be available for participation in Trust contracts.

Step 2:

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.

In order to reflect as accurately as possible the ACDBE participation we would expect in the absence of discrimination we have adjusted our base figure by 13.94%. Our overall goal for non-car rental concessions is **6.97%**.

The data used to determine the adjustment to the base figure was as follows.

Past Participation

Data 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
2021	3.60%	0.00%	3.60%	13.94%	0%	13.94%
2022	5.88%	0.05%	5.93%	14.20%	0%	14.20%
2023	5.88%	0.05%	5.93%	13.51%	0%	13.51%

Source: Overall ACDBE Triennial Goal for FY 2021-2023 and Uniform Reports for FY 2021-2023

Arranging this historical data from low to high, the median is **13.94%** which is our Step 2 adjustment figure.

To arrive at an overall goal, the Trust summed the Step 1 base figure with the Step 2 adjustment figure and then averaged the total arriving at an overall goal of **6.97%**. The Non-Car Rental ACDBE Triennial Goal calculation is illustrated below.

<u>Step 1</u>		<u>Step 2</u>			
Non-Car Rental Concession Base Figure		Non-Car Rental Concession Median ACDBE Accomplishments			Non-Car Rental ACDBE Triennial Goal
0.004%	+	13.94%	÷ 2	=	6.97%

The Trust believes this adjusted goal figure will accurately reflect ACDBE non-car rental concession participation that can be achieved during this 3-year period.

PUBLIC PARTICIPATION

Prior to submitting this goal to the FAA, the Trust consulted with OKC stakeholders (see [Attachment 12](#) for Public Outreach Participation).

Breakout of Estimated Race-Neutral & Race Conscious Participation

The Trust will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. The primary measure the Trust will use to encourage race-neutral participation is the active implementation of our race-neutral small business element that is required by [§ 23.26](#). The small business element is detailed in the Trust’s FAA-approved ACDBE Program Plan.

The Trust estimates that, in meeting our overall goal of **6.97%**, the Trust will obtain **0.05%** through race-neutral participation and **6.92%** through race-conscious measures. The race-conscious goal will likely be achieved through the ACDBE joint venture of food, beverage and retail in terminal concessionaire.

If we project that race-neutral measures, standing alone, are not sufficient to meet an overall goal, we will use the following race-conscious measures to meet the overall goal:

1. Establish concession-specific goals for particular concession opportunities; and
2. Negotiation with a potential concessionaire to include the ACDBE participation, through direct ownership arrangements or measures, in the operation of the concession.

In order to ensure that our ACDBE program will be narrowly tailored to overcome the effects of discrimination, if we use concession specific goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual ACDBE participation and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral ACDBE participation includes, but is not limited to, the following: ACDBE participation through a prime contract that an ACDBE obtains through customary competitive procurement procedures; ACDBE participation in a concession opportunity that does not have an ACDBE goal; ACDBE participation that exceeds a concession specific goal; and ACDBE participation through a subcontract from a prime contractor that did not consider a firm’s ACDBE status in making the award.

We will maintain data separately on ACDBE achievements in those contracts with and without concession specific goals and report accordingly.

ATTACHMENT 6 - OVERALL GOAL METHODOLOGY – CAR RENTAL

Overall Goal Calculation for Car Rentals

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

Goal Period: October 1, 2024, through September 30, 2027

Overall Three-Year Goal:

0.05%, to be accomplished through 0.0% RC and 0.05% RN

Methodology used to Calculate Overall Goal

The OKC in conducting this goal-setting process is evaluating the extent, if any, to which the firms in the market area have suffered discrimination or its effects in connection with concession opportunities and related business opportunities.

Goal Based on Goods and Services Purchases - Determination

Upon review of the market, it appears that all or most of the goal is likely to be met through the purchases by car rental companies of goods and services from ACDBEs. There are no ACDBE car rental companies in the market. The Trust has therefore structured the goal entirely in terms of the purchases of goods and services.

Market Area

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 in which the firms which receive the substantial majority of concessions-related revenues are located.

The Trust has determined that its market area for car rental goods and services is as follows.

NAICS CODE	TYPE OF CONCESSION	MARKET AREA
811118	Automobile electrical and mechaical repair and maintenance	Nation Wide
811122	Automobile glass repair	Nation Wide
811121	Automotive body, paint, and interior repair and maintenance	Nation Wide
524210	Insurance Agencies & Brokerages	Nation Wide
561720	Janitorial Services	Nation Wide
423710	Key Replacemennts	Nation Wide
424120	Office Supplies	Nation Wide

Base of Goal

To calculate the base of the goal, the Trust considered the previous 3 years of car rental expenditures/purchases and the projected potential car rental expenditures three years into the future, including upcoming new opportunities.

Expenditures for Previous 3 Years - Car Rental

FISCAL YEAR	CAR RENTAL EXPENDITURES/PURCHASES	% Growth
2021	\$0	0%
2022	\$0	0%
2023	\$0	0%

The Trust does not anticipate any major changes in expenditures over the next three years.

\$0 x 3 years = \$0 is the recipient's base of the goal for car rental concessions.

The following are not included in this base: concessions other than car rental.

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 no later than 90 days before issuing the solicitation for the new concession opportunity.

Step 1:

The Step 1 figure was calculated as follows:

The data source used was: ODOT DBE/ACDBE Certification Directory (<https://okdot.gob2g.com>) for the numerator and US Census Bureau's County Business Patterns 2022 Table (<https://www.census.gov/programs-surveys/cbp/data/tables.2022.html>) for the denominator.

NAICS CODE	TYPE OF CONCESSION	ACDBE FIRMS CERTIFIED (OKLAHOMA)	ALL FIRMS (NATIONAL)
811122	Automobile glass repair	1	7,033
811118	Automotive electrical and mechanical repair and maintenance	0	3,755
811121	Automotive body, paint, and interior repair and maintenance	0	34,665
524210	Insurance Agencies & Brokerages	2	135,100
561720	Janitorial Services	9	67,295
423710	Key Replacements	0	5,904
424120	Office Supplies	0	33,219
	TOTALS	12	286,971

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

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

Using the ACDBEs Firms in the identified market area, the numerator is divided by the denominator, we arrived at **Step 1 Base Figure** for our overall goal for car rental concession of **0.004%**. This calculation is illustrated below.

ACDBE Firm Certified Oklahoma (Numerator)		All Firms National (Denominator)		Car Rental Concession Base Figure
12	÷	286,971	=	0.004%

[However, the Trust has decided to increase the base goal to **0.05%**, to continue to encourage ACDBE participation and support good faith efforts.]

Step 2:

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.

In order to reflect as accurately as possible, the ACDBE participation we would expect in the absence of discrimination we have adjusted our base figure by **0%**. Our overall goal for non-car rental concessions is **0.05%**.

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

Past Participation

Historically, there has been no reported ACDBE accomplishments at the airport as ACDBE goals have not been included in rental car contracts. Therefore, there is no historical data to utilize for an effective step 2 adjustment. However, below is the data that would commonly be utilized for a step 2 adjustment based on the historical rental car ACDBE accomplishment reports that have been provided by the Trust to the FAA.

FISCAL YEAR	ACDBE GOALS			ACCOMPLISHMENTS		
	RC	RN	TOTAL	RC	RN	TOTAL
2021	0.00%	0.05%	0.05%	0.00%	0%	0.00%
2022	0.00%	0.05%	0.05%	0.00%	0%	0.00%
2023	0.00%	0.05%	0.05%	0.00%	0%	0.00%

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

There is no historical ACDBE data to reference for an adjustment to the Step 1 base figure; therefore, the Trust is adopting its Step 1 base figure **0.05%** as its overall goal for this 3-year goal period.

The Trust believes this adjusted goal figure will accurately reflect ACDBE car rental concession participation that can be achieved during this 3-year period.

Consultation

Prior to submitting this goal to the FAA, the Trust consulted with OKC stakeholders (see [Attachment 12](#) for Public Outreach Participation).

Breakout of Estimated Race-Neutral & Race Conscious Participation

The Trust will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. The primary measure the Trust will use to encourage race-neutral participation is the active implementation of our race-neutral small business element that is required by § 23.26. The small business element is detailed in the Trust's FAA-approved ACDBE Program Plan.

The Trust estimates that, in meeting our overall goal of **0.05%**, we will obtain **0.05%** through race-neutral participation and **0.0%** through race-conscious measures.

The Trust has consulted with the on-airport rental car companies about finding ACDBE opportunities for their on-airport operations. Given the few ACDBE companies registered in Oklahoma and the fact that the Trust operates the CONRAC Facility, the opportunities for the rental car companies to incorporate ACDBE operations into their operations is limited.

If the Trust project that race-neutral measures, standing alone, are not sufficient to meet an overall goal, we will use the following race-conscious measures to meet the overall goal:

1. Establish concession-specific goals for particular concession opportunities.
2. Negotiation with a potential concessionaire to include the ACDBE participation, through direct ownership arrangements or measures, in the operation of the concession.
3. 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.
4. 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.
5. Providing information and directions to the City's Bidnet website where all available bidding opportunities with the City and the Trust are located.

In order to ensure that our ACDBE program will be narrowly tailored to overcome the effects of discrimination, if we use concession specific goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual ACDBE participation and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral ACDBE participation includes, but is not limited to, the following:

ACDBE participation through a prime contract that an ACDBE obtains through customary competitive procurement procedures; ACDBE participation in a concession opportunity that does not have an ACDBE goal; ACDBE participation that exceeds a concession specific goal; and ACDBE participation through a subcontract from a prime contractor that did not consider a firm's ACDBE status in making the award.

The Trust will maintain data separately on ACDBE achievements in those contracts with and without concession specific goals and report accordingly.

ATTACHMENT 7 - FORMS 1 AND 2 DEMONSTRATION OF GOOD FAITH EFFORTS

FORM 1 – ACDBE UTILIZATION FORM



Bid/Proposal Specifications

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

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

or

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.

Legal name of bidder/offeror's firm: _____

Bidder/Offeror Authorized Representative

Printed Name

Title

Signature

Date

FORM 2 – LETTER OF INTENT



OKC

WILL ROGERS INTERNATIONAL AIRPORT

**Airport Concession Disadvantaged Business Enterprise (ACDBE)
Letter of Intent**

Firm's Information

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

Name of bidder/offeror's firm: _____

Name and title of firm's AR: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

ACDBE's Information

Name of ACDBE firm: _____

Name and title of ACDBE firm's AR: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

ACDBE's Scope of Work

Description of work to be performed/goods or services to be supplied by ACDBE:

Type of Concession Service: _____ NAICS Code: _____

Bidder/Offeror's Affirmation

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

The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into an agreement with the ACDBE firm identified about that reflects the type and amount of participation listed.

The bidder/offeror understands that upon submitting this form, it may not substitute or terminate the ACDBE listed above without following the procedures of 49 CFR part 26, § 26.53

Signature of Bidder/Offeror's Authorized Representative

Date Signed

ACDBE's Affirmation

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

Signature of ACDBE's Authorized Representative

Date Signed

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

(Submit this page for each ACDBE participant.)

ATTACHMENT 8 - CERTIFICATION APPLICATION FORM

ACDBE Certification Application Form

U.S. Department of Transportation Unified Certification Program (UCP)

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>

Unified Certification Program (UCP) Application for the State of Oklahoma

<https://okdot.gob2g.com>

ATTACHMENT 9 - STATE OF OKLAHOMA UCP AGREEMENT

State of Oklahoma UCP Agreement can be found here:

<https://oklahoma.gov/odot/business-center/contract-compliance/dbe.html>

ATTACHMENT 10 - REGULATIONS: 49 CFR PART 23

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

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr23_main_02.tpl

ATTACHMENT 11 - RACE NEUTRAL SMALL BUSINESS ELEMENT

Small Business Element

The Trust has established an ACDBE Program in compliance with 49 CFR part 23. In accordance with [§ 23.26](#), the Trust implemented this race-neutral Small Business Element (SBE) for its ACDBE program. The SBE shall provide for the “structuring of concession opportunities to facilitate competition by small business concerns, taking all responsible steps to eliminate obstacles to their participation.....” § 23.26(a).

The Trust set forth the implementation of the SBE and it shall be incorporated within the ACDBE program. Trust’s SBE shall assist in meeting as much as possible of the overall goals through maximizing race-neutral measures or means to obtain ACDBE participation. Trust’s objectives of the ACDBE program policy shall be consistent with the purpose of the SBE, which are, in pertinent part:

1. To ensure nondiscrimination in the award and administration of opportunities for concessions by airports receiving DOT financial assistance.
2. To help remove barriers to the participation of ACDBEs in opportunities for concessions at OKC.
3. To promote the use of ACDBEs in all types of concessions activities at our airport.

The Trust shall implement the requirements of the SBE, without regards to race or gender. It is the policy of the Trust to ensure that ACDBEs, as defined in part 23, have an equal opportunity to receive and to participate in concession opportunities as OKC Will Rogers International Airport.

A. Objective/Strategies

The Trust shall follow the SBE strategies to support activities at the airport:

1. Establish a race-neutral small business set-aside for certain concession opportunities. The Trust will document the rationale for selecting small business set-aside concession opportunities which may include consideration of size and availability of small businesses to operate the concession.
2. Consider the concession opportunities available through all types of concession models.

B. Definition

Race-neutral means a measure or program that is, or can be, used to assist all small businesses, without making distinctions or classifications on the basis of race or gender.

Small Business means a for profit business with a concessions program and/or with control of its concession program activities that does not exceed the size standard of [§ 23.3](#) and personal net worth thresholds per the calculation rules in § 26.68 and is eligible to participate as an ACDBE by meeting the applicable race-neutral and gender-neutral disadvantage, ownership and control standards.

C. Verification

To minimize fraud and abuse in this element of the ACDBE Program, the Trust may request the following eligibility verification and/or certification, as part of this small business element.

1. United Certification Program (UCP). The Oklahoma Department of Transportation's UCP certifies a disadvantage business meets all DBE certification requirements in accordance with [§ 26.81\(b\)\(2\)](#) . The Trust is a non-certifying member of the Oklahoma UCP. The Oklahoma UCP does not include race or gender considerations as a condition of the certification. The Trust relies upon the UCP's determinations of certification eligibility. An ACDBE shall submit a letter of Oklahoma UCP certification as verification that the business is certified by the Oklahoma UCP at the time of response to a solicitation or bid submittal.
2. Small Business Eligibility Verification. A business shall provide the following information at the time of a response to a solicitation or bid submittal, as verification of its small business status:
 - a. SBA Certification
 - 1) Business Development Program certification or
 - 2) SBA Small Disadvantage Business (SDB) certification (as reference in [13 CFR part 121](#) and [part 124](#)).
 - b. Financial Verification
 - 1) A copy of the business' tax returns for the most recent five years of gross receipts and/or;
 - 2) A notarized statement from a Certified Public Accountant indicating the firm's average gross receipts for the past five years.
3. Personal Net Worth Eligibility Verification: The Trust may utilize a business owner's current personal net worth in addition with the ACDBE's verification documents to establish the business' eligibility.

D. Monitoring/Record Keeping

1. The Trust by and through its ACDBELO will track and monitor participation by ACDBEs and other small businesses that results from the implementation of this small business element. Participation will be reported annually as part of the Uniform Report of ACDBE Participation
2. The Trust by and through its ACDBELO will track and monitor data obtain in the verification process by retaining the records in an organized manner in accordance with the Trust's record keeping policy.
3. The Trust by and through its ACDBELO will track and monitor all small business' participations to ensure that the small businesses are meeting the applicable objectives and performing the applicable scope(s) of work as stated in the awarded contracts.

In accordance with [§ 23.26](#), the Trust implemented this race-neutral Small Business Element (SBE) for its ACDBE program. ACDBELO will meet with concessionaire monthly to review

checklist of expectations of the program and assist in removing any obstacles preventing concessionaire from meeting goals.

E. Assurances

The following assurances are included within this small business element.

1. This small business element is authorized [*i.e., not prohibited*] under State law;
2. Certified ACDBEs that meet the size criteria established under this element are presumptively eligible to participate therein element;
3. There are no geographic preferences or limitations imposed on any concession opportunities included in this small business element;
4. There are no limits on the number of concession opportunities awarded to firms participating in this element, but every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses;
5. The Trust will take aggressive steps to encourage those minority and women owned firms that are eligible for ACDBE certification to become certified; and
6. This element is open to small businesses regardless of their location. There is no local or other geographic preference as part of this small business element.

ATTACHMENT 12 - PUBLIC PARTICIPATION



WILL ROGERS INTERNATIONAL AIRPORT

**ACDBE GOAL DEVELOPMENT
STAKEHOLDER CONSULTATION MEETING**

January 24, 2025

Attendees – see attached sign-in sheets

PUBLIC PARTICIPATION

Consultation: 49 CFR Part 23.

OKC Will Rogers International Airport (Airport), owned and operated by the Oklahoma City Airport Trust (OCAT), will submit its overall Airport Concession Disadvantage Business Enterprise (ACDBE) three-year goal as required by the Federal Aviation Administration (FAA).

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

On January 24, 2025, the Airport conducted a virtual ACDBE Stakeholder Consultation Meeting in compliance with 49 CFR Section 23.43. Prior to the meeting, an extensive outreach effort was completed to encourage participation/awareness of the meeting. Public notice of the stakeholders meeting was published on the Airport website under the Business Opportunities section of the website. In addition, email invitations were sent to all identified stakeholders.

During the meeting, participants were provided with an overview of the FAA's ACDBE program and the proposed FY25 – FY27 ACDBE draft goals for the Airport. The participants were also given an overview of how to do business at the airport. After the presentation, participants were provided with the opportunity to provide feedback on the proposed goals and concession opportunities at the Airport.

There were no objections to the Airport's proposed ACDBE Goal for Concessions other than Car Rental or ACDBE Goal for Rental Cars for FY25 – FY27. 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.

OKC WILL ROGERS INTERNATIONAL AIRPORT
 AIRPORT CONCESSIONS DISADVANTAGE BUSINESS ENTERPRISES
 STAKEHOLDER'S CONSULTATION MEETING ATTENDEES
 January 24, 2025 - 11:00 A.M.

<u>Stakeholder Name</u>	<u>Business</u>	<u>Email address</u>	<u>Phone Number</u>
Ashley Walker	Big Hurt Transport LLC	bighurtransport@yahoo.com	(405) 269-2961
Carolyn Windham	Airport - ACDBE LO	carolyn.windham@okc.gov	(405) 316-3202
Dr. Valeria Milstead-Benabdallah	Valeria E. Milstead-Benabdallah, LCSW, PC dba VEMB Psychotherapy Services	valeriabenabdallah@hotmail.com	(405) 604-0180
Eric Cayot	Lamar Airport Advertising Company (Outdoor)	ecayot@lamar.com	(405) 516-4606
Hailey Rawson	Airport-Municipal Counselor II	hailey.rawson@okc.gov	(405) 316-3243
Karen Price	Kamber's at the Airport, LLC	jkprice3416@me.com	(405) 641-8033
Kayla Baker	North Line Ventures	kayla@northlineventures.com	(405) 205-7253
Krystle Robinson-Hershey	Sage & Elm Apothecary	contact@sageandelmapothecary.com	(405) 673-3811
Philip Bergeron	Paradies - Retail	philip.bergeron@paradies-na.com	(801) 698-5269
Riann Cruce	3XP Services In	3xpservicesinc@gmail.com	(539) 432-1181
Tiffany Lawson	Airport - Land and Properties Manager	tiffany.lawson@okc.gov	(405) 316-3266
Tim Thornton	Paradies - Resturant	tim.thornton@paradies-na.com	(918) 813-3194
Traci Walton	Plenty Mercantile LLC, DBA Plenty Mercantile	traci@plentymercantile.com	(405) 535-1428
Vivian Vo	Student/Entrepreneur	vvo806@ou.edu	(405) 473-6490

OKC

**WILL ROGERS
INTERNATIONAL
AIRPORT**

**Airport Concession Disadvantage Business Enterprise Program
Public Outreach
January 24, 2025**



**ACDBE GOAL DEVELOPMENT
CONSULTATION MEETING
FY 2025-2027**



Agenda

- Overview of the ACDBE Program
- Triennial Non-Car Rental Concessions Proposed ACDBE Goal Development
- Triennial Car Rental Concessions Proposed ACDBE Goal Development
- How to do Business with the Airport
- Questions/Answers

Triennial ACDBE Goal Development

ACDBE Program Overview

The Oklahoma City Airport Trust (Trust) has established an Airport Concession Disadvantage Business Enterprise (ACDBE) program for the OKC Will Rogers International Airport (Airport), in accordance with regulation of the U.S. Department of Transportation (DOT), **Title 49 CFR part 23 – Participation of Disadvantage Business Enterprise in Airport Concession.**

The Trust's Airport is a primary airport, and receives federal funds authorized for airport development. As the recipient of federal funds, the Airport will comply with Title 49 CFR part 23.

The policy of the Trust, as defined in the ACDBE program, is to ensure that ACDBEs, have an equal opportunity to receive and participate in concession opportunities.

Triennial ACDBE Goal Development

Trust's Objectives

In addition to the policy, the Trust will follow these objectives as established in the ACDBE Program for the Airport.

- To ensure nondiscrimination in the award and administration of opportunities for concessions by airports receiving DOT financial assistance.
- To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions.
- To ensure that our 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 our airport.
- To promote the use of ACDBEs in all types of concessions activities at our airport.
- To assist the development of firms that can compete successfully in the marketplace outside the ACDBE program.
- To provide appropriate flexibility to airports receiving DOT financial assistance in establishing and providing opportunities for ACDBEs

Triennial ACDBE Goal Development

Overall Proposed Goal Methodology

Concessions Other Than Car Rental (Non-Car Rental Concession)

Overall Proposed Goal Methodology

Car Rental Concessions

Triennial Non-Car Rental Concessions ACDBE Goal Development

Overall Proposed Goal Methodology – Concessions Other Than Car Rental

Step 1: Base Figure (for the relative availability of ACDBEs)

Ready, willing, and able non-car rental ACDBEs in the market area

All ready, willing and able non-car rental concession firms in the market area



Step 2: Adjusting the Base Figure

Adjust the base figure utilizing the historical ACDBE participation accomplishments



Overall Triennial Non-Car Rental *proposed* ACDBE Goal

Triennial Non-Car Rental Concessions ACDBE Goal Development FY 2025-2027

Overall Proposed Goal Methodology – Concessions Other Than Car Rental

NAICS CODE	TYPE OF CONCESSION ACTIVITY	<u>OKC MSA</u>		<u>OK STATEWIDE</u>		<u>NATIONAL</u>		% AVAILABLE
		ACDBE FIRMS	ALL FIRMS	ACDBE FIRMS	ALL FIRMS	ACDBE FIRMS	ALL FIRMS	
812990	All Other Personal Services (Smarte Carte, Shoeshine Services)	1	83	1	186	1	22,597	0.004%
522320	ATM Network Operation	0	9	0	31	0	5,035	0.000%
541850	Display Advertising	0	16	0	41	1	2,549	0.039%
453220/ 459420	Gift, Novelty & Souvenir Stores	0	95	0	202	0	19,220	0.000%
485310	Ground Transportation (Taxi/Shuttle)	0	5	0	11	0	3,162	0.000%
722513	Limited-Service Restaurants	2	1,214	3	2,961	8	265,179	0.003%
488190	Other Support Activities for Air Transportation	0	39	0	100	2	4,096	0.049%
454210/ 445132	Vending Machine Operations	1	13	1	41	1	3,243	0.031%
517312	Wireless Telecommunications Carrier (except satellite)	0	112	0	368	0	28,798	0.000%
	TOTALS	4	1,586	5	3,941	13	353,879	0.004%

Reference: OKC MSA – Oklahoma City Metropolitan Statistical Area. NAICS Code – The North American Industry System

The data source used was: ODOT DBE/ACDBE Certification Directory (<https://okdot.gob2g.com>) for the numerator and US Census Bureau’s County Business Patterns 2022 Table (<https://www.census.gov/programs-surveys/cbp/data/tables.2022.html>) for the denominator.

Triennial Non-Car Rental Concessions ACDBE Goal Development

Overall Proposed Goal Methodology – Concessions Other Than Car Rental

NAICS CODE	TYPE OF CONCESSION ACTIVITY	NATIONAL		% AVAILABLE
		ACDBE FIRMS	ALL FIRMS	
812990	All Other Personal Services (Smarte Carte, Shoeshine Services)	1	22,597	0.004%
522320	ATM Network Operation	0	5,035	0.000%
541850	Display Advertising	1	2,549	0.039%
453220/ 459420	Gift, Novelty & Souvenir Stores	0	19,220	0.000%
485310	Ground Transportation (Taxi/Shuttle)	0	3,162	0.000%
722513	Limited-Service Restaurants	8	265,179	0.003%
488190	Other Support Activities for Air Transportation	2	4,096	0.049%
454210/ 445132	Vending Machine Operations	1	3,243	0.031%
517312	Wireless Telecommunications Carrier (except satellite)	0	28,798	0.000%
	TOTALS	13	353,879	0.004%

Step 1: Base Figure

Ready, willing, and able non-car rental ACDBEs in the market area
All ready, willing and able non-car rental concession firms in the market area

National ACDBE Firm (Numerator)

13

÷

National All Firms (Denominator)

353,879

=

Non-Car Rental Concession Base Figure

0.004%

Triennial Non-Car Rental Concessions ACDBE Goal Development

Overall Proposed Goal Methodology – Concessions Other Than Car Rental

Step 2: Adjusting the Base Figure

FISCAL YEAR	ACDBE GOALS			ACCOMPLISHMENTS		
	RC	RN	TOTAL	RC	RN	TOTAL
2021	3.60%	0.00%	3.60%	13.94%	0%	13.94%
2022	5.88%	0.05%	5.93%	14.20%	0%	14.20%
2023	5.88%	0.05%	5.93%	13.51%	0%	13.51%

- Data used to arrive at the adjustment figure, is the median of the historical ACDBE accomplishments over the past three years.
- Median is derived by low to high of the historical ACDBE accomplishment.
- **Median is 13.94%**

Source: Overall ACDBE Triennial Goal for FY 2021-2023 and Uniform Reports for FY 2021-2023

(The accomplishment is the percentage total dollars for all concessionaires to ACDBEs total dollars).

Triennial Non-Car Rental Concessions ACDBE Goal Development

Overall Proposed Goal – Concessions Other Than Car Rental

Step 1		Step 2		
Non-Car Rental ACDBE Base Figure		Non-Car Rental Median ACDBE Accomplishments		Non-Car Rental ACDBE Triennial Goal
0.004%	+	13.94%	÷ 2 =	6.97%

Triennial Non-Car Rental Concessions ACDBE Goal Development FY 2025-2027

Overall *Proposed* Goal – Concessions Other Than Car Rental

6.97%

(Adjusting the goal figure, will accurately reflect ACDBE non-car rental concession participation that can be achieved during the 3-year period)

Non-Car Rental Concessions Race-Conscious and Race-Neutral Component

Race-Conscious Component – 6.92%

Race-Conscious is defined as a measure or program that is focused specifically on assisting only ACDBEs, including women-owned ACDBEs, to include gender-conscious measures

Race-Neutral Component – 0.05%

Race-Neutral is defined as a measure or program that is, or can be, used to assist all small businesses, without making distinctions or classification on the basis of race or gender

Triennial Car Rental Concessions ACDBE Goal Development

Overall *Proposed* Goal Methodology Car Rental Concessions

Triennial Car Rental Concessions ACDBE Goal Development

Overall Proposed Goal Methodology – Car Rental Concessions

Step 1: Base Figure (for the relative availability of ACDBEs)

Ready, willing, and able ACDBEs for purchases of goods and services

All ready, willing and able firms for purchases of goods and services



Step 2: Adjusting the Base Figure

Adjust the base figure utilizing the historical ACDBE participation accomplishments



Overall Triennial Car Rental Concession *proposed* ACDBE Goal

Triennial Car Rental Concessions ACDBE Goal Development

Overall Proposed Goal Methodology – Car Rental Concessions

NAICS CODE	TYPE OF CONCESSION	ACDBE FIRMS (OKLAHOMA)	ALL FIRMS (NATIONAL)
811122	Automobile glass repair	1	7,033
811118	Automotive electrical and mechanical repair and maintenance	0	3,755
811121	Automotive body, paint, and interior repair and maintenance	0	34,665
524210	Insurance Agencies & Brokerages	2	135,100
561720	Janitorial Services	9	67,295
423710	Key Replacements	0	5,904
424120	Office Supplies	0	33,219
	TOTALS	12	286,971

The data source used was: ODOT DBE/ACDBE Certification Directory (<https://okdot.gob2g.com>) for the numerator and US Census Bureau's County Business Patterns 2022 Table (<https://www.census.gov/programs-surveys/cbp/data/tables.2022.html>) for the denominator.

Step 1: Base Figure

Ready, willing, and able ACDBEs for purchases of goods and services
All ready, willing and able firms for purchases of goods and services

ACDBE Firms (Numerator)

12

÷

All Firms (Denominator)

286,971

=

Car Rental Concession Base Figure

0.004%

Triennial Car Rental Concessions ACDBE Goal Development

Overall Proposed Goal Methodology – Car Rental Concessions

Step 1 Base Figure



Due to the low percentage of the base figure, the Trust will adjust the base figure percentage to 0.05%, to continue to encourage ACDBE participation and to support good faith efforts.

Triennial Car Rental Concessions ACDBE Goal Development FY 2025-2027

Overall Proposed Goal Methodology – Car Rental Concessions

FISCAL YEAR	ACDBE GOALS			ACCOMPLISHMENTS		
	RC	RN	TOTAL	RC	RN	TOTAL
2021	0.00%	0.05%	0.05%	0.00%	0.00%	0.00%
2022	0.00%	0.05%	0.05%	0.00%	0.00%	0.00%
2023	0.00%	0.05%	0.05%	0.00%	0.00%	0.00%

Step 2: Adjusting the Base Figure

- Historically, there has been no reported ACDBE accomplishments at the Airport. Therefore, there is no historical data to utilize for an effective Step 2 adjustment to Step 1 Base Figure.

Source: Overall ACDBE Triennial Goal for FY 2021-2023 and Uniform Reports for FY 2021-2023

Triennial Car Rental Concessions ACDBE Goal Development

Overall Proposed Goal Methodology – Car Rental Concessions

Step 1		Step 2		
Car Rental		Car Rental		Car Rental ACDBE
ACDBE Base Figure		Median ACDBE Accomplishments		Triennial Goal
0.05%	+	0.00%	=	0.05%

Triennial Car Rental Concessions ACDBE Goal Development

Overall Proposed Goal Methodology – Car Rental Concessions

0.05%

(Adjusting the goal figure, will accurately reflect ACDBE Car Rental concession participation that can be achieved during the 3-year period)

Car Rental Concessions Race-Conscious and Race-Neutral Component

Race-Conscious Component – 0.00%

Race-Conscious is defined as a measure or program that is focused specifically on assisting only ACDBEs, including women-owned ACDBEs, to include gender-conscious measures

Race-Neutral Component – 0.05%

Race-Neutral is defined as a measure or program that is, or can be, used to assist all small businesses, without making distinctions or classification on the basis of race or gender

Triennial Non-Car and Car Rental Concessions ACDBE Goal

Overall Proposed ACDBE Goal – Non-Car Rental and Car Rental Concessions

Goal Period: Fiscal Year 2025-2027

Overall Proposed Non-Car Rental Concessions
ACDBE Goal

6.97%

Race-Conscious Component – **6.92%**

Race-Neutral Component – **0.05%**

Overall Proposed Car Rental Concessions
ACDBE Goal

0.05%

Race-Conscious Component – **0.00%**

Race-Neutral Component – **0.05%**

ACDBE GOAL DEVELOPMENT

How to do Business at the Airport

ACDBE GOAL DEVELOPMENT

Questions and Answers

ACDBE GOAL DEVELOPMENT

Additional Information

- Public can submit comments through February 10, 2025
 - wrwabusinessproperties@okc.gov
- ACDBE Program for the Airport will be approved by OCAT on February 27, 2025
- ACDBE Program will be submitted to FAA
- ACDBE Program will be available to the public by the first week of March 2025
 - <https://flyokc.com/business/business-opportunities/>



*For more information
contact:*

Carolyn Windham

ACDBE Liaison

405-316-3202

carolyn.windham@okc.gov

or

wrwabusinessproperties@okc.gov

Business Opportunities

[Home](#) / [Business](#) / Business Opportunities

DISADVANTAGED BUSINESS ENTERPRISE PROGRAMS

The Oklahoma City Airport Trust stands firmly behind its commitment to strengthening small businesses owned and operated by socially and economically disadvantaged individuals. Through this commitment, the Trust diligently works to level the playing field, ensuring that these businesses are not only given fair chances but are actively encouraged to vie for contracts and concessions within the airport.

- [About the Programs](#) +
- [What is the Difference?](#) +
- [Disadvantaged Business Enterprises \(DBEs\)](#) +
- [Airport Concession Disadvantaged Business Enterprises \(ACDBE\)](#) +

PROPOSED ACDBE GOALS 2025-2027

NOTICE TO THE PUBLIC

In accordance with Title 49 Code of Federal Regulations Part 23, the Oklahoma City Airport Trust (OCAT) hereby publishes proposed overall goals for OKC Will Rogers International Airport's (Airport) Airport Concession Disadvantaged Business Enterprise (ACDBE) Program for FY 2025-2027.

Proposed ACDBE Goals 2025-2027

Non-Car Rental Concession Goal -6.97%
To be accomplished through **6.92% RC** and **0.05% RN**

Car Rental Concession Goal -0.05%
To be accomplished through **0.0% RC** and **0.05% RN**

The proposed methodologies used in developing these goals are available for review and comment during normal business hours, 8:00 am and 5:00 pm Monday through Friday, at the airport administrative offices located at 7100 Terminal Drive, 3rd Floor, Oklahoma City, OK 73159.

The Airport will accept written comments via the form below on the goals or methodology for 30 days following the date of this notice. Public comments on the goals will be received through February 10, 2025.

Airport Stakeholder's Consultation Meeting

Interested stakeholders are invited to an Airport Concession Disadvantaged Business Enterprise (ACDBE) Stakeholder's Virtual Consultation Meeting on Friday, January 24, 2025, at 11:00 a.m. All interested stakeholders, including minority business owners, contractors, economic development groups or other interested parties are invited to attend. The purpose of the meeting is to present the methodology for establishing the proposed OKC Will Rogers International Airport (Airport) three-year ACDBE Goals for fiscal years 2025-2027, provide an opportunity for public comments, and answer questions on the Airport's ACDBE program. The Airport's ACDBE Goals for fiscal years 2025-2027 are listed above. **If you would like to attend the virtual meeting, please register by completing the registration form below on or before 5:00 p.m., January 21, 2025.**

For questions, comments or additional information, please contact Carolyn Windham at (405) 316-3202 or wrwabusinessproperties@okc.gov.

First Name*

Last Name*

Company/Organization*

Email*

Phone

Food/Service(s)

I would like to attend the virtual Airport Stakeholder's Consultation Meeting on the proposed ACDBE goals fiscal years 2025-2027*

Yes

Questions, Comments, Concerns*