

POLICY STATEMENT

Section 23.1, 23.23 Objectives/Policy Statement

The Gulfport-Biloxi Regional Airport Authority 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 GBRAA is a small hub primary airport and has received federal funds authorized for airport development after January 1988 (authorized under Title 49 of the United States Code). The GBRAA has signed airport grant assurances that it will comply with 49 CFR Part 23.

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

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

Carl Breland has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, the Manager of Construction and Professional Services 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 GBRAA in its financial assistance agreements with the Department of Transportation.

GBRAA has disseminated this policy statement to all of the components of our organization.

Clay Williams, Executive Director

Date

SUBPART A – 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 GBRAA will use terms in this program that have the meaning defined in Section 23.3 and Part 26 Section 26.5 where applicable.

Section 23.5 Applicability

The GBRAA is a small hub 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 GBRAA 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 GBRAA 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 GBRAA acknowledges these representations are also in accordance with obligations contained in its Civil Rights, DBE and ACDBE Airport grant assurances.

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

(1) "This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23.

(2) "The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR part 23, that it

enters and cause those businesses to similarly include the statements in further agreements.”

Section 23.11 Compliance and Enforcement

The GBRAA will comply with and is subject to the provisions of 49 CFR Part 26 (§§ 26.101, 26.105, 26.107 and 2 CFR parts 180 and 1200.

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

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

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

The following enforcement actions apply to firms participating in the GBRAA’s ACDBE program:

- (a) For a firm that does not meet the eligibility criteria of subpart D of this part and that attempts to participate as an ACDBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department of Transportation (DOT) or the Federal Aviation Administration (FAA) may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
- (b) For a firm that, in order to meet ACDBE goals or other AC/DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, DOT or FAA may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.

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

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

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

SUBPART B – ACDBE PROGRAMS

Section 23.21 ACDBE Program Updates

The GBRAA is a small hub primary airport required to have an ACDBE program.

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

Type of Airport	Current Goal	Next Goal Due	Subsequent Goals Due
Small Hub Primary	October 1, 2019	October 1, 2022	Every 3 years - Oct 1

Until the GBRAA's new ACDBE program is submitted and approved, we will continue to implement our ACDBE program that was in effect previously, except with respect to any provision that is contrary to 49 CFR Part 23.

This ACDBE program will be implemented at GBRAA.

When the GBRAA makes significant changes to its ACDBE program, we will provide the amended program to the FAA for approval prior to implementing the changes.

Section 23.23 Administrative Provisions

Policy Statement: The GBRAA is committed to operating its ACDBE program in a nondiscriminatory manner.

The GBRAA's Policy Statement is elaborated on the first page of this program.

ACDBE Liaison Officer (ACDBELO): We have designated the following individual as our ACDBELO:

Carl Breland, Manager of Construction and Professional Services
Gulfport-Biloxi Regional Airport Authority
14035-L Airport Road
Gulfport, Mississippi 39503

Phone: (228) 863-5951
Fax: (228) 863-5953
Email: cbreland@flygpt.com

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that the GBRAA complies with all provision of 49 CFR Part 23. The ACDBELO has direct, independent access to Clay Williams, Executive Director of Gulfport-Biloxi Regional Airport Authority 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 who will 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 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 GBRAA's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director and Commission on ACDBE matters and achievement.
9. Chairs the ACDBE Advisory Committee.
10. Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance.
11. Plans and participates in ACDBE training seminars.
12. Acts as liaison to the Unified Certification Program (UCP) in Mississippi.
13. Provides outreach to ACDBEs and community organizations to advise them of opportunities.

Directory: The GBRAA uses the Mississippi DOT Unified Certification Program (UCP), directory identifying all firms eligible to participate as DBEs and ACDBEs. The Directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as an ACDBE.

The UCP directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. The UCP will make any changes to the current directory entries necessary to meet the requirements of this paragraph.

Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs

The GBRAA will take the following measures to ensure nondiscriminatory participation of ACDBEs in concessions, and other covered activities (23.25(a)).

- a) Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires.
- b) Notifying ACDBEs of concessionaire opportunities and encouraging them to compete.
- c) Structuring concession activities to encourage and facilitate participation of ACDBEs when practical.
- d) Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing.
- e) Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the recipient's ACDBE program will affect the procurement process.
- f) Providing information concerning availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.

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

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

If the GBRAA projects that race-neutral measures alone, are not sufficient to meet an overall goal, it will use race-conscious measures as described in Section 23.25 (e) (1-2) and Attachment 4 and 5 of this plan. (23.25(e))

The GBRAA will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet

goals, to the maximum extent practicable, through direct ownership arrangements with ACDBEs. (23.25(f))

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

Section 23.27 Reporting

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

The GBRAA will submit to the FAA Regional Civil Rights Office, an annual ACDBE participation report on the form in Appendix A of Part 23.

Section 23.29 Compliance and Enforcement Procedures

The GBRAA will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 23.

- a) Bring to the attention of the MDOT any false, fraudulent, or dishonest conduct in connection with the program, so that MDOT can take 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 Part 26.107.
- b) Consider similar action under our own legal authorities, including responsibility determinations in future contracts. The law firm of Dukes, Dukes, Keating and Faneca will handle all contract remedies available to us in the events of non-compliance with the ACDBE regulation by a participant in our procurement activities.
- c) Implement a monitoring and enforcement mechanism to ensure that work committed to ACDBEs at contract award is actually performed by ACDBEs. This mechanism will provide for a running tally of actual ACDBE attainments (e.g., payment actually made to ACDBE firms), including a means of comparing these attainments to commitments. This will be accomplished by annual review of ACDBE accomplishments versus pre-determined goals.
- d) For all future contract renewals and new contracts, specific provisions will be inserted into concession agreements and management contracts setting forth the enforcement mechanisms and other means used to ensure compliance in accordance with Attachment 3. GBRAA will certify review of contracts, leases, joint venture agreements or other concession-related agreements and monitor work on-site and/or contact DBE joint-venture firms when compiling annual reports.

- e) In reports of ACDBE participation to the FAA, GBRAA will show both commitments and attainments, as required by the DOT reporting form.

SUBPART C – CERTIFICATION AND ELIGIBILITY

Sections 23.31, 23.33, 23.35, 23.37, 23.39

Gulfport-Biloxi Regional Airport Authority is a member of a United Certification Program (UCP), administered by Mississippi Department of Transportation, which will make certification decisions on behalf of Gulfport-Biloxi International Airport for ACDBEs.

SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 Basic Overall Goal Requirement

The GBRAA 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. We will report any significant overall goal adjustments to the FAA.

If the average annual concession revenues for car rentals over the preceding 3 years do not exceed \$200,000, we need not submit an overall goal for car rentals. Likewise, if the average annual concession revenues for concessions other than car rentals over the preceding 3 years do not exceed \$200,000, we need not submit an overall goal for concessions other than car rentals. We understand that “revenue” means total revenue generated by concessions, not the fees received by the airport from concessionaires.

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

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

Section 23.45 Overall Goals

The sponsor is a small hub primary airport. As a condition of eligibility for FAA financial assistance, the sponsor will submit its overall goals according to the following schedule:

Primary Airport Size	Region	Date Due	Period Covered	Next Goal Due
Small Hubs	All regions	October 1, 2019	2020/2021/2022	October 1, 2022 (2023/2024/2025)

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. (23.45i)

The sponsor will establish overall goals in accordance with the 2-Step process as specified in section 23.51. After determining the total gross receipts for the concession activity, the first step is to determine the relative availability of ACDBEs in the market area, “base figure”. The second step is to examine all relevant evidence reasonably available in the sponsor’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 sponsor would expect in the absence of discrimination. Evidence may include, but is not limited to past participation by ACDBEs, a disparity study, evidence from related fields that affect ACDBE opportunities to form, grow, and compete (such as statistical disparities in ability to get required financing, bonding, insurance; or data on employment, self-employment, education, training and union apprenticeship)

The sponsor will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by ACDBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39 of this part.

A description of the methodology to calculate the overall goal for concessions other than car rentals, the goal calculations, and the data we relied on can be found in Attachment 4 to this program.

A description of the methodology to calculate the overall goal for car rentals, the goal calculations, and the data we relied on can be found in Attachment 5 to this program.

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

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

Concession Specific Goals (23.25 (c)(e)(1)(iv))

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

We will establish concession specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities. We will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with DBEs (23.25 (f)). Car rental firms are not required to change their corporate structure to provide for direct ownership arrangements.

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

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

If the concession specific goal applies to purchases and/or leases of goods and services, the GBRAA will calculate the goal by dividing the estimated dollar value of such purchases and/or leases from ACDBEs by the total estimated dollar value of all purchases to be made by the concessionaire. (23.25(e)(1)(ii))

Good Faith Efforts on Concession Specific Goals (23.25(e)(1)(iii), (iv))

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

Section 26.53 Good Faith Efforts Procedures

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

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

Carl Breland, Manager of Construction and Professional Services is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as Responsive.

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

In our solicitations for concession contracts for which a contract goal has been established, we will require the following:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (b)(3) of this section:
 - (i) The names and addresses of ACDBE firms that will participate in the contract;
 - (ii) A description of the work that each ACDBE will perform. To count toward meeting a goal, each ACDBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - (iii) The dollar amount of the participation of each ACDBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use an ACDBE sub-concession whose participation it submits to meet a contract goal; and
 - (v) Written confirmation from each listed ACDBE firm that it is participating in the contract in the kind and amount of work provided in the prime concessionaire's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of this part). The documentation of good faith efforts must include copies of each ACDBE and non-ACDBE sub-concession quote submitted to the bidder when a non-ACDBE sub-concession was selected over an ACDBE for work on the contract; and
- (3) We will require that the bidder/offeror present the information required by paragraph (b)(2) of this section:

Under sealed bid procedures, as a matter of **responsiveness**.

Administrative reconsideration (26.53(d))

Within 7 business days of being informed by GBRAA that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Mr. Clay Williams, Executive Director
Gulfport-Biloxi International Airport
14035-L Airport Road
Gulfport, MS 39503
Phone: (228) 863-5951
Facsimile: (228) 863-5953
Email: cwilliams@flygpt.com

Or

Mr. Don Shepley, Director of Planning & Business Development
Gulfport-Biloxi International Airport
14035-L Airport Road
Gulfport, MS 39503
Phone: (228) 863-5951
Facsimile: (228) 863-5953
Email: DShepley@flygpt.com

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

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

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

The GBRAA will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its concession agreement, lease, or subcontract with another certified ACDBE, to the extent needed to meet the concession specific goal. We will require the concessionaire to notify the

ACDBELO immediately of the ACDBEs inability or unwillingness to perform and provide reasonable documentation.

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

We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime concession has good cause to terminate the ACDBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed ACDBE sub-concession fails or refuses to execute a written contract;
- (2) The listed ACDBE sub-concession fails or refuses to perform the work of its sub-concession in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the ACDBE sub-concession to perform its work on the sub-concession results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed ACDBE sub-concession fails or refuses to meet the prime concession's reasonable, non-discriminatory bond requirements.
- (4) The listed ACDBE sub-concession becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed ACDBE sub-concession is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) We have determined that the listed ACDBE subcontractor is not responsible;
- (7) The listed ACDBE sub-concession voluntarily withdraws from the project and provides to us written notice of its withdrawal;
- (8) The listed ACDBE is ineligible to receive ACDBE credit for the type of work required;
- (9) An ACDBE owner dies or becomes disabled with the result that the listed ACDBE concession is unable to complete its work on the contract;
- (10) Other documented good cause that we have determined compels the termination of the ACDBE sub-concession. Provided, that good cause does not exist if the prime concession seeks to terminate an ACDBE it relied upon to obtain the contract so that the prime concession can self-perform the work for which the ACDBE concession was engaged or so that the prime contractor can substitute another ACDBE or non-ACDBE concession after contract award.

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

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

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

We will include in each prime concession contract the contract clause required by § 26.13(b) stating that failure by the concessionaire to carry out the requirements of this part is a material breach of the contract and may result in the termination of the concession contract or such other remedies set forth in that section that we deem appropriate if the prime concessionaire fails to comply with the requirements of this section.

If the concessionaire fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the concessionaire still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Proposal/Bid Specification:

Requirements of 49 CFR Part 23, Regulations of the U.S. Department of Transportation, apply to this concession. It is the policy of Gulfport-Biloxi International Airport to practice nondiscrimination based on race, color, sex, or national origin in the award and performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this concession will be conditioned upon satisfying requirements of this proposal/bid specification. Requirements apply to all concessions firms and suppliers, including those who qualify as an ACDBE. An ACDBE concession specific goal which will be determined by an ACDBE consultant will be established for this contract. The concession firm shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 4), to meet concession specific goal for ACDBE participation in performance of this concession.

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

Section 23.53 Counting ACDBE Participation for Car Rental Goals

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

Section 23.55 Counting ACDBE Participation for Concessions Other than Car Rentals

We will count ACDBE participation toward overall goals other than car rental as provided in 49 CFR 23.55.

Section 23.57 (b) Goal shortfall accountability. If the awards and commitments on our Uniform Report of ACDBE Participation (found in Appendix A to this Part) at the end of any fiscal year are less than the overall goal applicable to that fiscal year, we will:

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

Section 23.61 Quotas or Set-asides

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

SUBPART E – OTHER PROVISIONS

Section 23.71 Existing Agreements

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

Section 23.75 Long-Term Exclusive Agreements

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

Section 23.79 Geographic Preferences

We will not use a “local geographic preference”, i.e., any requirement that gives an ACDBE located in one place an advantage over ACDBEs from other places in obtaining business as, or with, a concession at your airport.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	ACDBE Directory (or website link)
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal for Concessions other than Car Rental Calculation, Consultation, Breakout of Estimated Race-Neutral & Race-Conscious Participation
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Attachment 7	Certification Application Forms
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Attachment 1
Organizational Chart

Attachment 2

Mississippi DBE Directory

http://mdot.ms.gov/bidsystem_data/bidderspdf/DBE%20Listing.pdf

Attachment 3

Sample Monitoring and Enforcement Mechanisms

The GBRAA has several remedies available to enforce the ACDBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;

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

1. Suspension or debarment proceedings pursuant to 49 CFR part 23 and 2 CFR parts 180 and 1200
2. Enforcement action pursuant to 49 CFR part 31; and
3. Prosecution pursuant to 18 USC 1001.

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

1. We will insert the following provisions into concessions agreements and management contracts:
 - A. Prime concessionaires shall notify GBRAA and seek approval prior to termination of any ACDBE. Concessionaires will be required to make good faith effort to replace a terminated ACDBE with an ACDBE. Good faith efforts shall be documented by concessionaires.
 - B. GBRAA will provide written certification that the airport has reviewed contracts, leases, joint venture agreements and other concession related agreements.
2. We will implement our compliance and monitoring procedures as follows:
 - A. Monitoring will occur annually prior to submission of annual report.

Attachment 4

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

Name of Recipient: Gulfport-Biloxi Regional Airport Authority

Goal Period: FY-2020-2021-2022 – October 1, 2019 through September 30, 2022

Overall Three-Year Goal:

7.32%, to be accomplished through 7.32% RC and 0% RN

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

We will establish concession specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities. We will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with ACDBEs (23.25 (f)). Car rental firms are not required to change their corporate structure to provide for direct ownership arrangements.

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

We can meet the percentage goal by including the purchase from ACDBEs of goods and services used in businesses conducted at the airport. We, and the businesses at the airport, shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises. The dollar value from purchases of goods and services from ACDBEs may be added to the numerator, and the dollar value from purchases of goods and services from all firms (ACDBEs and non-ACDBEs) may be added to the denominator.

Market Area for Non-Car Rental Concessionaires

The market area is the state of Mississippi. The number of ACDBE firms within the state of Mississippi increases annually and this market area is deemed adequate.

Base of Goal

To calculate the base of the goal GBRAA 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.

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

Fiscal Year	Concessions Revenue (Excluding Car Rental)
2016	\$2,760,415
2017	\$2,824,790
2018	\$2,633,600
Total	\$8,218,805
Average	\$ 2,739,602

The GBRAA estimates that revenue growth at existing concessions will not substantially increase during the three year period.

There are no new concession opportunities anticipated during this goal period.

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 GBRAA 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. (23.45(i)).

Methodology used to Calculate Overall Goal

Management Contract or Subcontract

We can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. We, and the businesses at the airport, will add the dollar amount of a management contract or subcontract with an ACDBE to the total participation by ACDBEs in airport concessions (both the numerator AND the denominator) and to the base from which the airport’s percentage goal is calculated. However, the dollar amount of a management contract or

subcontract with a non-ACDBE and the gross revenue of business activities to which the management contract or subcontract pertains will not be added to this base in either the numerator or denominator. *While we realize that this appears to go against the normal rules and rationale for goal-setting, we understand that this method is nevertheless required by statute.*

Step 1: 23.51(c)

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

Numerator: Ready, willing, and able non-car rental ACDBEs in the market area
 _____ divided by _____

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

Table 1:

NAICS	Description	ACDBE	All Firms
445120	Convenience Stores	2	269
451212	News Dealers and Newsstands	1	2
453220	Gift, Novelty, and Souvenir Stores	4	176
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)	2	148
488190	Other Support Activities for Air Transportation	1	27
541611	Administrative Management and General Management Consulting Services	7	178
541613	Marketing management consulting services	5	72
541614	Transportation management consulting services	1	33
541618	Other Management Consulting Services	4	15
541810	Advertising agencies	3	50
541820	Public relations agencies	2	38
541840	Media advertising representatives (i.e., independent of media owners)	1	1
541850	Advertising services, indoor or outdoor display	1	20
541910	Office administration services	1	6
561110	Food service contractors, concession operator (e.g., convention facilities, entertainment facilities, sporting facilities)	2	127
722310	Full-Service Restaurants	1	203
722511	Limited-Service Restaurants	3	1732
722513	Automobile parking garages or lots	4	2222
812930	Convenience Stores	7	12
	TOTALS	52	5331

The data source or demonstrable evidence used to derive the **numerator** was the Mississippi Department of Transportation listing found at:

http://mdot.ms.gov/bidsystem_data/bidderspdf/DBE%20Listing.pdf

The Census Bureau's County Business Pattern (CBP) data base was used to derive the **denominator** was:

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?_afpt=table

Concession	ACDBE	All Firms	
Retail	9	595	1.51%
Management	27	464	5.82%
Advertising	8	115	6.96%
Food/Beverage	7	4157	0.17%
Availability of ACDBEs			14.46%

When we divided the numerator by the denominator we arrived at the Step 1 base figure for our overall goal for non-car rental concessions of: 14.46 %

Step 2: 23.51(d)

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

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

Past History Participation

Data used to determine the adjustment to the base figure was the median of historical ACDBE accomplishments, weighted base figure and availability of ACDBEs.

Concession	ACDBE	All Firms	ACDBE Availability	Weighted by Concession	Weighted Availability
Retail	9	595	1.51%	31.09%	0.47%
Management	27	464	5.82%	1.65%	0.10%
Advertising	8	115	6.96%	21.75%	1.51%
Food/Beverage	7	4157	0.17%	45.51%	0.08%
Base figure weighted availability					2.16%

FFY	ACDBE Accomplishment	ACDBE Goal	Difference
2016	8.70%	6.49%	2.21%
2017	3.40%	6.99%	-3.59%
2018	5.34%	6.99%	-1.65%

Median ACDBE participation: 5.34%.

- Availability of ACDBEs: 14.46%
- Weighted base figure: 2.16%
- Median past participation: 5.34%
- An average of the above factors provides a logical method of calculating an overall ACDBE goal.
- Goal = $(14.46\% + 2.16\% + 5.34\%) / 3$
- Goal = 7.32%

To arrive at an overall goal, we added our Step 1 base figure with our Step 2 adjustment figures and then averaged the total arriving at an overall goal of 7.32%. We feel this adjusted goal figure is optimistic but accurately reflects ACDBE non-car rental concession participation that can be achieved during this 3-year period.

PUBLIC PARTICIPATION

Consultation: Section 23.43.

Prior to submitting this goal to the FAA, GBRAA consulted with the following current concessionaires.

*MSE Branded
Ed Jones, Vice President*

*Cindee Brason
Clear Channel Airports, Paralegal*

*Walter Janokowicz
Faber International, Vice President of Operations*

A summary of the information these stakeholders provided is as follows:

MSE Branded:

- 1. Did MSE Branded have any problems locating an ACDBE sub-contractor? No, we had an existing relationship with Taylor Foodservice, LLC.*
- 2. If so, was the problem due to finding an ACDBE certified in Mississippi? No.*
- 3. If in-state DOT certification was not required, would MSE prefer ACDBE subs that are certified in states other than Mississippi? No. Due to our relationship with Taylor, we are not seeking other partners. However, any company certified in other states can get certified in Mississippi.*
- 4. Are there enough Mississippi DOT certified food/beverage ACDBEs to meet need? Yes, for our needs.*
- 5. Does Taylor Foodservice and MSE Branded have prime/ACDBE relationship in states other than Mississippi? Yes.*

Clear Channel:

- 1. Does Clear Channel provide advertising services to airports other than GBRAA? Yes.*
- 2. If so, is ACDBE participation part of the contract/agreement? Yes.*
- 3. Does a lack of Mississippi certified ACDBEs (advertising) impact including ACDBE sub-contractors or joint ventures? Yes.*

Faber International:

- 1. Did Faber have any problems locating an ACDBE sub-contractor? Initially yes.*
- 2. If so, was the problem due to finding an ACDBE certified in Mississippi? Yes*
- 3. If in-state DOT certification was not required, would Faber prefer ACDBE subs that are certified in states other than Mississippi? Yes*
- 4. Are there enough Mississippi DOT certified retail ACDBEs to meet need? No*
- 5. Does Faber and Irmatean Watson have prime/ACDBE relationship in states other than Mississippi? No, just Mississippi*

Breakout of Estimated Race-Neutral & Race Conscious Participation

The GBRAA will meet the maximum feasible portion of its overall goal by using race-conscious means of facilitating ACDBE participation. The GBRAA uses the following race-neutral measures.

We understand that we will be expected to actually take these steps, and this is not merely a paper exercise.

1. *Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;*
2. *Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;*
3. *When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;*
4. *Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing;*
5. *Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the sponsor's ACDBE program will affect the procurement process;*
6. *Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation; and*
7. *Establishing a business development program (see 49 CFR Part 26.35); technical assistance program or taking other steps to foster ACDBE participation in concessions.*

We estimate that, in meeting our overall goal of 7.32%, we will obtain 0% from race-neutral participation and 7.32% through race-conscious measures.

We will use the following race-conscious measures to meet the overall goal:

- We will negotiate with potential concessionaires to include ACDBE participation through direct ownership arrangements or measures, in the operation of the concession.

The Airport Authority does not have a history of ACDBE participation or over-achievement of goals to reference and expects to obtain its ACDBE participation through the use of ACDBE goals or a conscious effort to obtain ACDBE participation. Therefore, we are applying the entire goal of 7.32% to race-conscious participation.

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 (see 26.51(f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral ACDBE

participation includes, but is not necessarily limited to, the following: ACDBE participation through a prime contract that an ACDBE obtains through customary competitive procurement procedures; ACDBE participation through a subcontract on a prime contract that does not carry ACDBE goal; ACDBE participation on a prime contract exceeding 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, respectively.

Attachment 5

Section 23.45: Overall Goal Calculation for Car Rentals

Amount of Goal *(submit if average annual gross receipts exceed \$200,000)*

Name of Recipient:

Gulfport-Biloxi Regional Airport Authority

Goal Period: FY-2020-2021-2022 – October 1, 2019 through September 30, 2022

Overall Three-Year Goal: The Airport Authority overall goal for car rentals during the period beginning October 1, 2019 and ending September 30, 2022 is the following: **1.02%.**

The GBRAA has determined that its market area is the United States of America because car rental companies typically are national chains.

The GBRAA does not anticipate any major changes that would increase or decrease concession revenues over next three years.

We determined the goal based on purchases of goods and services from certified ACDBEs or potential ACDBE firms. This basis is in lieu of a goal based upon a percentage of total gross receipts of car rental operations at the Airport. We will make a good faith effort to pursue opportunities to meet the goal. We will continue to consult with the Mississippi DOT UCP, our car rentals at the airport, airports in our region, minority and women businesses in the State and other publications to find prospects. We will work with our car rental agencies and outreach to ACDBEs for car rental goods and services and encourage certified ACDBEs to apply for certification in Mississippi so we can count the ACDBE participation in goals and uniform form reports.

We have the following car rentals operating at the Airport: Enterprise, Hertz, Alamo, Budget,

Base of Car Rental Goal

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 GBRAA 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. (23.45(i)).

Methodology used to Calculate Overall Goal

Goods and Services

Step 1: 23.51(c)

We determined the goal based on purchases of goods and services. This basis is in lieu of a goal based upon a percentage of total gross receipts of car rental operations at the Airport. We will make a good faith effort to pursue opportunities to meet the goal. We will continue to consult with the Mississippi DOT UCP, our car rentals at the airport, airports in our region, minority and women businesses in the State and other publications to find prospects. We will work with our car rental agencies and outreach to ACDBEs for car rental goods and services and encourage certified ACDBEs to apply for certification in Mississippi so we can count the ACDBE participation in goals and uniform form reports. The Mississippi DOT UCP is aware of this requirement and is on board to assist and process certifications as required.

We have the following car rentals operating at the airport: *Avis, Budget, Dollar, Hertz, National and Enterprise.*

Car Rentals stated the services they may need are: *new vehicles, oil change services, insurance, office supplies, janitorial services, keys, auto repair and maintenance services and auto part supplies.*

Step 1: Base of Goal

The GBRAA does not anticipate any major changes that would increase or decrease concession revenues over next three years.

2019 revenues = \$14,029,688

$\$14,029,688 + \$14,029,688 + \$14,029,688 = \$42,089,064$

Therefore, the recipient's base of goal is the car rental goods and services purchases of \$42,089,064.

Step 1:

GBRAA used census bureau and Mississippi DBE/ACDBE directory to determine Step 1.

Concession Type	NAICS	DBE Firms	All Firms in Market Area	% of DBE Firms that may be available
Janitorial	561720	7	344	2.03%
Insurance	524210	5	1226	0.41%
Motor Vehicle Parts	423120	1	81	1.23%
Towing	488410	1	81	1.23%
Key Drop Boxes	423120	1	81	1.23%
Automotive Repair	811121	1	320	0.31%
TOTAL		16	2,133	0.75%

The data source or demonstrable evidence used to derive the **numerator** was the Mississippi Department of Transportation listing found at:

http://mdot.ms.gov/bidsystem_data/bidderspdf/DBE%20Listing.pdf

The Census Bureau's County Business Pattern (CBP) data base was used to derive the **denominator** was:

<https://data.census.gov/cedsci/table?q=MISSISSIPPI%20561720&tid=CBP2018.CB1800CBP&hidePreview=false>

When we divided the numerator by the denominator we arrived at the Step 1 base figure for our overall goal for car rental concessions of: 0.75 %

Step 2: 23.51(d)

Our history of achievements is as follows:

2017 1.29%
2018 1.31%
2019 1.01%

The median is 1.29% which is our Step 1 adjustment figure.

We do not have an applicable disparity study or any other evidence to use to adjust the goal.

Overall Goal:

To arrive at our overall goal, we averaged Step 1 and Step 2:

0.75% plus 1.29% = 2.04% divided by 2 = **1.02%** which is our overall goal.

PUBLIC PARTICIPATION

Consultation: Section 23.43.

No comments have been received.

Breakout of Estimated Race-Neutral & Race Conscious Participation

The GBRAA will meet the maximum feasible portion of its overall goal by using race-conscious means of facilitating ACDBE participation. The GBRAA uses the following race-neutral measures.

We understand that we will be expected to actually take these steps, and this is not merely a paper exercise.

1. *Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;*
2. *Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;*
3. *When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;*
4. *Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing;*
5. *Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the sponsor's ACDBE program will affect the procurement process;*
6. *Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation; and*
7. *Establishing a business development program (see 49 CFR Part 26.35); technical assistance program or taking other steps to foster ACDBE participation in concessions.*

We estimate that, in meeting our overall goal we will obtain \$0 from race-neutral participation.

Attachment 6

Forms 1 & 2 for Demonstration of Good Faith Efforts

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

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

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

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

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ Title _____
(Signature)

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of ACDBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by ACDBE firm:

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

Affirmation

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

By _____
(Signature) (Title)

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

(Submit this page for each ACDBE subcontractor.)

Attachment 7

ACDBE Certification Application Form

<http://sp.mdot.ms.gov/Civil%20Rights/Documents/DBE%20Certification%20Application%202011-3-2014.pdf>

Attachment 8

Procedures for Removal of ACDBEs Eligibility

Mississippi DOT certifies ACDBEs and maintains the Unified Certification Program in the state of Mississippi. We will report suspect activity and program non-compliance to MDOT for appropriate action.

ATTACHMENT 9
State's UCP Agreement

Attachment 10

Regulations: 49 CFR Part 23

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

Attachment 11

Goals and Elements for Privately-Owned or Leased Terminal Buildings

GBRAA does not have privately-owned or leased terminal buildings.

Attachment 12

PUBLIC NOTICE

Airport Concessions Disadvantaged Business Enterprise (ACDBE)
Goal for FY 2020-2022

Gulfport-Biloxi Regional Airport Authority

GBRAA hereby announces its proposed Airport Concessions Disadvantaged Business Enterprise (ACDBE) participation goal of 7.32% for non-car rentals and \$267,225 for car rentals. The proposed goal pertains to federal fiscal years 2020 - 2022.

The proposed goal and its attendant methodology are available for inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the administrative offices of Gulfport-Biloxi Regional Airport Authority, Gulfport, MS 39503. Comments on the proposed DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

Carl T. Breland
Manager of Construction and Professional Services
14035-L Airport Road
Gulfport, MS 39503
CBreland@flygpt.com

AND

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