



CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT

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

December 1, 2024

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**US DEPARTMENT OF TRANSPORTATION
DBE & ACDBE PROGRAMS - 49 CFR PARTS 23 & 26
POLICY STATEMENT**

§23.1 & §23.23

§26.1 & §26.23

FOR

THE CITY OF CHARLOTTE, NORTH CAROLINA

The City of Charlotte, North Carolina (City), has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) Program and a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U. S. Department of Transportation (USDOT), 49 CFR Parts 23 & Part 26. The City has received direct Federal financial assistance from various federal agencies and as a sub-recipient to North Carolina Department of Transportation. As a condition of receiving this assistance, the City has signed grant assurances that it will comply with 49 CFR Parts 23 & 26 through the City departments directly benefiting from such assistance.

It is the policy of the City to ensure that ACDBEs and DBEs, as defined in 49 CFR Part 23 or Part 26, have an equal opportunity to receive and participate in airport concession opportunities and/or federally assisted contracts. It is also the policy of the City to engage in the following actions on a continuing basis:

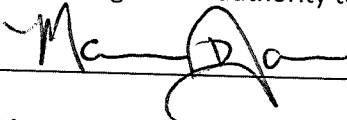
1. To ensure nondiscrimination in the award and administration of opportunities for concessions by airports receiving USDOT financial assistance and to ensure nondiscrimination in the award and administration of federally assisted contracts;
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions and DBEs can compete fairly for federally assisted contracts;
3. To ensure that both the ACDBE and DBE Programs are narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 23 or Part 26 eligibility standards are permitted to participate as ACDBEs or DBEs;
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at our airport(s) and to the participation of DBEs in federally assisted contracts;
6. To promote the use of ACDBEs in all types of concessions activities at our airport(s) and the use of DBEs in all types of federally assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the marketplace outside the ACDBE or DBE Programs; and
8. To make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for ACDBEs and DBEs.

The City disseminates this policy statement to all applicable governing boards, City Departments, and it is made available to the public (including the ACDBE, DBE, non-ACDBE, and non-DBE business communities) online and is also distributed through various other methods and events.

Implementation of the ACDBE and DBE Programs will occur with the same priority with which the City complies with all other legal obligations imposed by its federal financial assistance agreements.

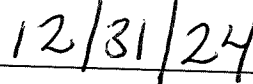
Each City department benefitting from Federal financial assistance must work with and comply with the requirements of the Federal agency granting the Federal assistance. For this reason, certain City departments, as set forth below, must be fully responsible for the implementation, maintenance, monitoring, and periodic amendment and update of their specific ACDBE and DBE programs administered through their departments in compliance with this City policy. Each shall ensure that their department's programs fully comply with all federal law and guidance and, if required by such law or guidance, shall assign a Disadvantaged Business Enterprise Liaison Officer (DBELO) (and an Airport Concessions Disadvantaged Business Enterprise Liaison Officer (ACDBELO) as applicable) who shall be responsible for implementing all aspects of their respective City department's ACDBE or DBE Program.

As such, I delegate the authority to create and implement separate DBE and ACDBE (as applicable) programs for their respective City departments to the Director of Aviation and the Director of Transit. For all other departments and any remainder of the City not under a specific City department program, I shall delegate the authority to create and implement additional DBE programs as needed.



Marcus D. Jones

City of Charlotte, Manager



DATE

SECTION I: GENERAL REQUIREMENTS

A. Section 23.1 – Objectives

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

B. Section 23.3 – Definitions

The City, through its Aviation Department, will use terms in this program that have the meaning defined in 49 CFR Part 23 [Section 23.3](#) and Part 26 [Section 26.5](#) where applicable.

C. Section 23.5 – Applicability

Charlotte Douglas International Airport (CLT) is a primary airport, and The City (for CLT) is the sponsor of federal airport funds authorized for airport development after January 1988 that was authorized under Title 49 of the United States Code.

D. Section 23.9 – Non-discrimination Requirements

CLT 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, CLT 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.

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

CLT 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."

E. Section 23.11 – Compliance and Enforcement

CLT acknowledges that the compliance and enforcement provisions of 49 CFR Part 26 (§§ 26.101 and 26.105 through 26.109) apply to the concessions program under Part 23 in the same way that they apply to FAA recipients and programs under Part 26.

SECTION II: ACDBE PROGRAM

A. Section 23.21 – ACDBE Program Updates

CLT is the operator of at least one primary airport and is required to have an ACDBE program. This ACDBE program will be implemented at Charlotte Douglas International Airport. The ACDBELO will submit a goal methodology for the airport.

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

B. Section 23.23 – Administrative Provisions

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

CLT, 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. CLT, will also encourage prime concessionaires to use such institutions.

ACDBE Liaison Officer (ACDBELO): CLT, has designated the following individual as its ACDBELO:

Jasmyne N. Turman, Accessibility & Equity Manager

City of Charlotte Aviation Department

5601 Wilkinson Blvd.

Charlotte, NC 28202

Telephone: 980.348.8477

Email: Jasmyne.Turman@cltairport.com

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that CLT complies with all provision of 49 CFR Part 23. The ACDBELO has direct, independent access to CLT's Chief Executive Officer 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 has an additional staff member 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 divisions to set overall annual goals.
4. Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals)
5. Analyzes CLT's progress toward attainment and identifies ways to improve progress.
6. participates in pre-bid meetings.
7. Advises the CEO/governing body on ACDBE matters and achievement.
8. Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance,
9. Plans and participates in ACDBE training seminars.
10. Acts as liaison to the Unified Certification Program (UCP) in North Carolina.
11. Provides outreach to ACDBEs and community organizations to advise them of opportunities.

Directory: The North Carolina 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, date of the most recent certification, 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.

C. Section 23.25 – Ensuring Nondiscriminatory Participation of ACDBEs

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

CLT, will seek ACDBE participation in all types of concession activities.

The City, will use race-neutral measures, obtaining ACDBE participation needed to meet overall goals through such measures. CLT, will take the following measures to ensure nondiscriminatory participation of ACDBEs in concessions, and other covered activities (23.25(a)):

- 1) CLT 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.
- 2) CLT will include the following assurances in all concession agreements and management contracts it executes with any firm after April 21, 2005:

- (a) "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."
 - (b) "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."
- 3) CLT, will review the contract size, term, and specifications and make changes that will allow ACDBEs an equitable opportunity to compete for all.

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

1. Establishing concession-specific goals for particular concession opportunities.
 - a. In setting concession-specific goals for concession opportunities other than car rental, CLT 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. The administrative procedures applicable to contract goals in Part 26, § § 26.51 through 26.53 apply with respect to concession-specific goals.
 - c. In setting car rental concession-specific goals, CLT 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 City 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.
 - d. If the objective of the concession-specific goal is to obtain ACDBE participation through a direct ownership arrangement with an ACDBE, CLT will calculate the goal as a percentage of the total estimated annual gross receipts from the concession.
 - e. If the goal applies to purchases or leases of goods and services from ACDBEs, CLT will calculate the goal as a percentage of the total estimated dollar value of all purchases to be made by the concessionaire.

- f. When a concession-specific goal is set, CLT 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.
 - g. 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 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.

CLT 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. CLT, will require businesses subject to ACDBE goals at the airport to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable with ACDBEs.

D. Section 23.26 – Fostering Small Business Participation

CLT 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 Section III to this ACDBE Program. The program elements will be actively implemented to foster small business participation. CLT acknowledges that active use of the small business element is a requirement of the good faith implementation of this ACDBE program.

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

F. Section 23.27 – Reporting

CLT 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 our compliance with Part 23. This data will be retained for a minimum of three (3) years following the end of the concession agreement or other covered contract.

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

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

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

CLT 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. CLT 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. CLT is a non-certifying member of the North Carolina UCP, and as such, it does not collect and report information in the UCP directory.

G. Section 23.29 – Compliance and Enforcement Procedures

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

1. CLT 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. CLT will consider similar action under its own legal authorities, including responsibility determinations in future contracts. We have listed the regulations, provisions, and contract remedies available to us in the events of non-compliance with the ACDBE regulation by a participant in our procurement activities as described in this plan.

SECTION III: SMALL BUSINESS ELEMENT

A. Overview

CLT 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 program elements will be actively implemented to foster small business participation. CLT acknowledges that active use of the small business element is a requirement of the good faith implementation of this ACDBE program.

CLT 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 [here](#).

B. Objectives/ Strategies

CLT has identified the following, but not limited to, alternative concession contracting approaches to facilitate the ability of small businesses, including ACDBEs:

1. Designated locations throughout the CLT Airport terminal for "pop-up" concessions, specifically allocated for the race- and gender-neutral small business element.
2. Allowing Prime Concessionaires to utilize suppliers that are not (yet) ACDBE-certified to count towards small business element participation.

C. Small Business Definition

A business which meets the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121). A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field and be physically located and operate in the U.S. or its territories.

All businesses meeting the criteria outlined in this element will be considered small businesses, without regard to race or gender.

ACDBE firms are eligible for participation in the small business element.

D. Verification

CLT will accept the following certifications for participation in the small business element:

1. SBA 8(a) Business Development Certification
2. Women-Owned Small Business (WOSB)
3. Veteran-owned small businesses (VOSB)
4. Service-disabled veteran-owned small businesses (SDVOSB)
5. Airport Concessions Disadvantaged Business Enterprise Certification from any state Unified Certification Program

6. North Carolina Small Business Enterprise (SBE)
7. North Carolina Department of Administration Historically Utilized Business (HUB)

Minority and women-owned business enterprises which are awarded contracts under the small business element will be strongly encouraged to seek ACDBE certification.

E. Monitoring/Record Keeping

CLT 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.

The small business element will be monitored using methods described in Attachment 3. This includes tracking and reporting revenues for small businesses separately from ACDBE firms. Attachment 3 describes the specific provisions which are inserted into concession agreements and management contracts, the enforcement mechanisms, and other means used to ensure compliance with the small business element.

F. Assurances

1. This small business element is 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. CLT will take steps to strongly 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.

SECTION IV: CERTIFICATION AND ELIGIBILITY

A. Section 23.31 – Certification Standards and Procedures

CLT is a **non-certifying member** of the North Carolina Unified Certification Program (UCP) and relies upon the UCP's determinations of certification eligibility. North Carolina 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 North Carolina UCP members make all certification decisions based on the facts as a whole.

The North Carolina 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:

Benny F. Sloan, EI, DBE Certification Manager

North Carolina Department of Transportation Office of Civil Rights

1511 Mail Service Center

Raleigh, NC 27699-1511

Telephone: 984.236.1260

E-mail: bfsloan@ncdot.gov

<https://connect.ncdot.gov/business/SmallBusiness/Online-Cert-App-Portal/Pages/default.aspx>

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>.

B. 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).

C. 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.

D. Section 23.37 – Firms Certified as DBEs

Certifying members of North Carolina 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 North Carolina 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.

E. Section 23.39 – Other 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 North Carolina 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 North Carolina UCP members will review those persons' résumés and/or work histories and 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 North Carolina 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 five (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 North Carolina 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 North Carolina UCP members will use the Uniform Certification Application found in part 26 of this chapter without change. If North Carolina UCP seeks to supplement the form by requesting specified additional information consistent with Part 23 and Part 26, the North Carolina UCP will first seek written approval of the concerned Operating Administration.

Certifying North Carolina UCP members 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.

SECTION V: GOALS, GOOD FAITH EFFORTS, AND COUNTING

A. Section 23.41 – Overall Goals

CLT will establish two (2) 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. CLT 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, CLT 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, CLT is not required to develop and submit an overall goal for concessions other than car rentals. CLT understands that "revenue" means total revenue generated by concessions, not the revenue received by the airport from concessions agreements.

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

B. Section 23.43 – Consultation in Goal Setting

CLT 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.

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

C. Section 23.45 – Overall Goals

Overall goals will be submitted to the FAA for approval. The overall goals meeting the requirements of this subpart are due based on a schedule established by the FAA and posted on the FAA's website. The goals must be submitted every three (3) 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.

CLT 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 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).

CLT 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 CLT's 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 CLT.

D. Section 23.53 – Counting ACDBE Participation for Car Rental Goals

CLT 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, CLT will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, CLT 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. CLT 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 CLT 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](#).

E. Section 23.55 – Counting ACDBE participation for Concessions Other than Car Rentals

CLT 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, CLT will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, CLT 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. CLT 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 CLT 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](#).

F. 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, we will:

- Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- 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; and
- CLT will submit the analysis and corrective actions developed under paragraphs (b)(1) and (2) of this section to the FAA for approval by April 1 following the report submittal.

FAA may impose conditions as part of its approval of CLT'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.

CLT 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:

- CLT does not submit the analysis and corrective actions to FAA in a timely manner as required under paragraph (b)(3) of § 23.57;
- FAA disapproves the analysis or corrective actions; or
- CLT 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.

G. Section 23.61 – Quotas or Set-Asides.

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

SECTION VI: OTHER PROVISIONS

A. Section 23.71 – Existing Agreements

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

B. Section 23.73 – Privately-Owned or Leased Terminal Buildings

CLT 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.

C. Section 23.75 – Long-Term Exclusive Agreements

CLT will not enter into a long-term and exclusive agreements for concessions without prior approval of the FAA Regional Civil Rights Office. We understand that a “long-term” agreement is one having a term of more than ten (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 (10) years. We understand that an exclusive agreement is one having a type of business activity that is conducted solely by a single business entity on the entire airport, irrespective of ACDBE participation.

CLT 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 CLT’s plan for meeting the standards of paragraph (c) of § 23.75.

To obtain FAA approval of a long-term exclusive concession agreement, CLT 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, CLT 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, CLT will submit to the responsible FAA regional office a holdover plan for FAA approval at least 60 days prior to the expiration of the current lease term. The holdover plan shall include the following information:

- i. A description of the special local circumstances that warrant the holdover;
- ii. Anticipated date for renewal or re-bidding of the agreement;
- iii. The method to be applied for renewal or re-bidding of the agreement;
- iv. Submission of all items required under (3), (4), (6), and (7) of this section for the agreement in holdover status or an explanation as to why the item is not available or cannot be submitted.

D. 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, CLT 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 City, 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.

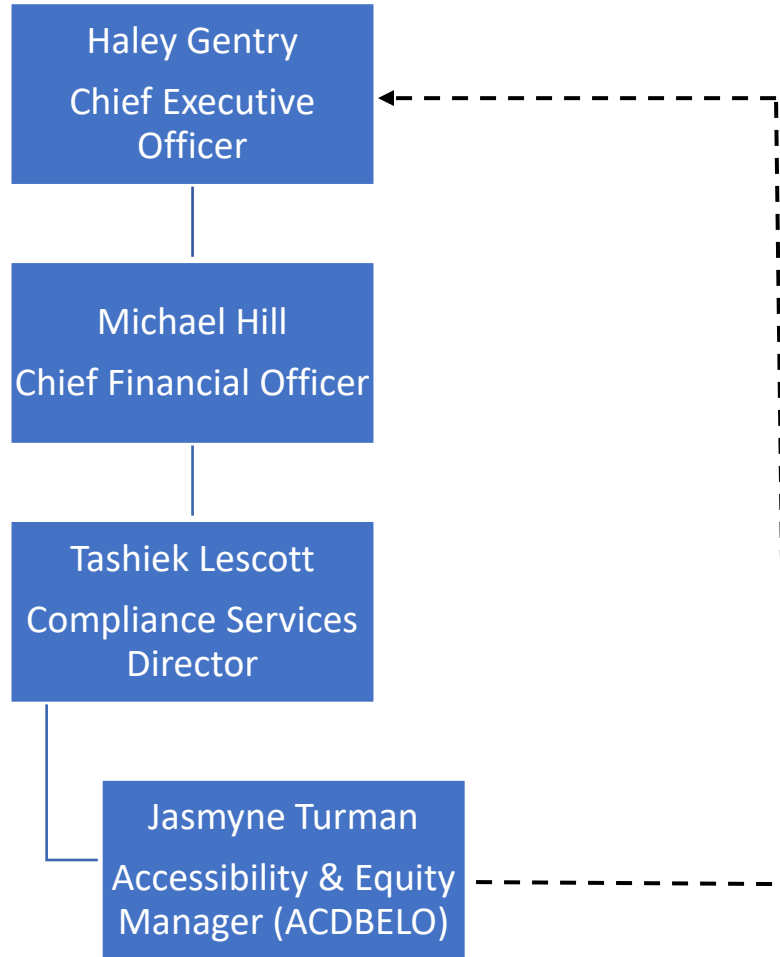
E. Section 23.79 – Geographic Preferences

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

ATTACHMENTS

Attachment 1	CLT Organizational Chart (ACDBELO)
Attachment 2	Monitoring and Enforcement Mechanisms
Attachment 3	Overall Goal Methodology – Concessions Other Than Car Rental
Attachment 4	Overall Goal Methodology – Car Rental
Attachment 5	CLT's ACDBE Forms 3 and 4, for Demonstration of Good Faith Efforts
Attachment 6	Directory of Certified DBE/ACDBE Firms
Attachment 7	Certification Application Forms
Attachment 8	State's UCP Agreement
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ATTACHMENT 1: CLT ORGANIZATIONAL CHART (ACDBELO)



ATTACHMENT 2: MONITORING AND ENFORCEMENT MECHANISMS

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

1. Breach of contract action, pursuant to the terms of the contract.
2. Other actions deemed appropriate including responsibility reviews on future concession award opportunities.

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:
In a suspension or debarment proceeding, the FAA may consider the fact that a purported ACDBE has been certified. However, such certification does not preclude USDOT from determining that the purported ACDBE, or another firm that has used or attempted to use it to meet ACDBE goals, should be suspended or debarred.
2. Enforcement action pursuant to 49 CFR Part 31:
USDOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the ACDBE program whose conduct is subject to such action under 49 CFR Part 31; and
3. Prosecution pursuant to 18 USC 1001:
USDOT may refer to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of an ACDBE in CLT's ACDBE program or otherwise violates applicable Federal statutes.

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

1. CLT will insert the following provisions into concessions agreements and management contracts:
 - (a) This agreement is subject to the requirements of the U.S. Department of Transportation's regulation, 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.
 - (b) 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.

2. CLT uses the following monitoring and compliance procedures:
 - (a) Concessionaires or contractors are required to submit gross revenue earned by ACDBEs and expenditures to ACDBEs monthly.
 - (b) Concessionaires are required to list the specific duties, functions, and responsibilities that ACDBEs will perform.
 - (c) Concessionaires or contractors are required to submit, for review, a written notification of any material change in the duties, functions, and responsibilities of ACDBEs prior to implementing the change.
 - (d) CLT will review, annually, the specific duties, functions, and responsibilities of each ACDBE to confirm that no material change has occurred.
 - (e) CLT will perform reviews, including site visits, each year on selected concessionaires and contractors to confirm ACDBEs are performing listed duties, functions, and responsibilities.
3. CLT will implement its compliance and monitoring procedures as follows:
 - (a) CLT will utilize existing compliance software to capture quarterly gross revenues of concessionaires, including ACDBEs and monitor progress of concessionaire commitments to ACDBEs versus actual participation.
 - (b) CLT will use appropriate personnel to perform annual reviews of ACDBEs to ensure that their activities correspond to the previously submitted list of duties, functions and responsibilities. Reviews will include site visits, reviews of appropriate records, contracts, financial information, joint venture agreements, certification information and other relevant information deemed necessary.
 - (c) CLT will request from concessionaires any expenditures made with ACDBEs in performing services and supplying goods. Those expenditures will be reported quarterly.
 - (d) Joint ventures will be reviewed in accordance with 49 CFR Part 23 and the July 2008 FAA Joint Venture Guidance. For each concession joint venture in operation at the airport that includes an ACDBE participant and for which ACDBE participation is being counted, CLT will undertake the following monitoring tasks:
 - i. Certification Verification - ACDBE certification for firms being counted in joint ventures will be verified annually.
 - ii. Reports – CLT will monitor gross revenues for the joint venture and the ACDBE dollar and percentage share of gross revenues.
 - iii. Annual On-Site Observation/Review - CLT will conduct site visits to the joint venture operation not less than annually.
 - iv. JV documentation - CLT will require the submission of activity reports detailing the activity of the ACDBE partner in relation to its assigned role in the operation.
 - v. Required Notifications: CLT will require joint venture participants to submit any changes in the joint venture Agreement, changes in the roles and responsibilities performed by each partner or changes in the financial participation of any partner for review and approval prior to the effective date.

- (e) CLT will include, in the contract files, a written certification that it has reviewed records of all contracts, leases, joint venture agreements, or other concession-related agreements and monitored the work on-site for each concession contract to which 49 CFR part 23 applies.

ATTACHMENT 3: OVERALL GOAL METHODOLOGY – CONCESSIONS OTHER THAN RENTAL CAR

Overall Goal Calculation for Concessions Other Than Car Rentals

A. Amount of Goal: 20.66%

B. Name of Recipient: City of Charlotte/Charlotte Douglas International Airport (CLT)

C. Goal Period: FFYs 2024-2026 (October 1, 2023 through September 30, 2026)

D. Overall Three-Year Goal: 20.66%, to be accomplished 0% through race-neutral measures and 100% through race-conscious measures.

E. Methodology Used to Calculate Overall Goal:

Market Area. CLT's market areas for non-car rental concessions is the geographical area in which the substantial majority of firms which seek to do concessions business with the Airport are located and the geographical area in which the firms receiving a substantial majority of concessions related revenues are located. CLT has established the following market areas for new concession opportunities anticipated during this goal setting period:

Valet Parking Goods and Services – Mecklenburg County, North Carolina

Goods and Services. CLT can meet the percentage goal by including the purchase from ACDBEs of goods and services used in concessions conducted at the Airport. CLT, and the businesses at the Airport, will 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.

Management Contract or Subcontract. CLT can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. CLT, 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.

Base of Non-Car Rental Goal. To calculate the base of the goal, CLT considered the previous three years of non-car rental gross concession receipts (shown in Table 1) and projected potential concession revenue (gross receipts) three years into the future.

Table 1 – Non-car Rental Concessions Gross Receipts for Previous 3 Years

Federal Fiscal Year	Gross Receipts
2020	\$205,543,511.00
2021	\$248,494,979.00
2022	\$342,929,461.00
Total	\$796,967,951.00
Average	\$265,655,983.67

Source: CLT Uniform Reports of ACDBE Participation, FFYs 2020-2022

New concession opportunities anticipated during this goal period are Valet Parking Goods and Services.

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 \$200,00 or greater, CLT will submit to the FAA an appropriate adjustment to the overall goal. This will be submitted to the FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity. (23.45(i)).

Step 1: Base Figure (\$23.51(c)). The North Carolina UCP Directory (UCP Directory) and the FAA National Certified Directory (FAA Directory) were the sources utilized to determine the number of ready, willing, and able ACDBEs in CLT's market areas for new concession opportunities other than car rentals. The UCP Directory includes ACDBE-, DBE-, MBE- WBE- and HUB-certified firms. The FAA Directory includes ACDBE- and DBE-certified firms. As suggested in USDOT's tips for goal setting guidance¹, potentially ACDBE-certifiable firms (e.g., DBEs, MBEs, WBEs, and Historically Underutilized Businesses (HUB)) that are listed in the UCP Directory were also included in the Step 1 base figure calculation (numerator).

US Census Bureau 2021 County Business Patterns data (denominator) was the source used to determine the number of all ready, willing, and able businesses available in our market areas for new concession opportunities other than car rentals.

¹ <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/tips-goal-setting-disadvantaged-business-enterprise>

When we divided the numerator by the denominator, we arrived at an overall goal of 37.03% for Valet Parking Goods and Services, representing the relative availability of ACDBEs for these new concession opportunities, as shown in Table 2.

Table 2 – Relative Availability of ACDBEs for Valet Parking Goods & Services

NAICS	CLTACDBE	ADCBE+	Census
541850	Signage	16	20
541613	Marketing Services	129	276
423850	Car Wash Supplies	7	25
541219	Billing Services	34	146
448190	Uniform	1	38
		187	505
			37.03%

CLT then calculated its overall ACDBE availability Step 1 Base Figure of 21.74% for all new and existing non-car rental concessions by dividing the estimated non-car rental gross receipts from ACDBEs by the estimated gross receipts from all non-car rental concessions, as shown in Table 3.

Table 3 – Relative Availability of ACDBEs – FFYs 2021-2023

Concession Opportunity	Estimated Total Gross	Estimated ACDBE	
	FY24-26	FY24-26	Goal 24-26
Advertising	\$15,980,770	\$2,397,116	15.00%
ATMs	\$690,710	\$0	0.00%
Luggage Carts	\$635,268	\$0	0.00%
Food and Beverage	\$751,076,673	\$150,215,335	20.00%
Non-Exclusive Common Use Lounge Goods & Services	\$18,397,966	\$4,599,491	25.00%
Non-Exclusive Customer Lounge Goods & Services	\$3,211,268	\$642,254	20.00%
News, Gifts & Specialty Retail	\$311,255,561	\$80,926,446	26.00%
Parking Facility Management*	\$0	\$0	
Parking Facility Goods & Services	\$11,581,221	\$2,939,314	25.38%
Valet Parking Goods & Services	\$1,110,000	\$411,030	37.03%
Total	\$1,113,939,437	\$242,130,985	21.74%

*Excludes estimated non-ACDBE management fees

Step 2: Adjustment to the Base Figure (§23.51(d)). Step 2 of the goal setting process requires an assessment of whether an adjustment to the base figure is necessary to reflect as accurately as possible the level of ACDBE participation expected to be achieved, or to provide an explanation of why an adjustment to the base figure was not made.

The following data was examined to determine whether an adjustment to the Step 1 base figure was needed in order to arrive at the overall goal:

Past Participation. Past ACDBE achievements from FFYs 2018 through 2022 were examined. As shown in Table 4 below, median past ACDBE participation in CLT's concessions other than car rental concessions from FFYs 2018 through 2022 was 19.59%.

Table 4 - Past Participation Achievements

Federal Fiscal Year	Total Goods & Services Purchases	ACDBE Goods & Services Purchases	ACDBE Goal	ACDBE Participation Achievement	ACDBE Under/Over Achievement
2018	\$ 280,303,319.00	\$ 47,646,768.00	18.67%	17.00%	-1.67%
2019	\$ 300,147,526.00	\$ 50,394,785.00	18.67%	16.79%	-1.88%
2020	\$ 205,543,511.00	\$ 40,267,852.00	19.01%	19.59%	0.58%
2021	\$ 248,494,979.00	\$ 53,129,616.00	19.01%	21.38%	2.37%
2022	\$ 342,929,461.00	\$ 71,923,722.00	19.02%	20.97%	1.95%
			Median	19.59%	

Source: CLT Uniform Reports of ACDBE Participation, FFYs 2015-2019

F. Proposed Overall Goal. To arrive at an overall goal, the Step 1 base figure (21.74%) was added to the Step 2 adjustment figure (19.59%) and then averaged, arriving at an overall goal of 20.66%.

CLT will review its overall non-car rental goal annually to determine whether it is appropriate or can be adjusted. CLT will inform the FAA of any significant adjustments to the goal before the next scheduled plan submission.

G. Consultation with Stakeholders (§23.43). Prior to submitting the ACDBE goal for non-car rental concessions to the FAA, CLT sponsored a virtual stakeholder consultation meeting on October 31, 2023 at 1:00 p.m. to consult with minority and women's business groups, community organizations, trade associations representing concessionaires currently located at the airport, as well as with existing and potential concessionaires, 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 CLT's efforts to increase participation of ACDBEs.

At the stakeholder meeting, CLT's ACDBE program consultant (Armand Resource Group, Inc.) presented the ACDBE Program objectives and goal-setting requirements. The methodology that was utilized to develop the proposed 20.66% race-conscious goal for ACDBE participation in CLT's non-car rental concessions was discussed. The consultant also explained USDOT regulatory requirements and guidance for determining the market areas and availability of firms; both resources were used to prepare CLT's goal methodology. The steps of the goal-setting process were outlined. No questions were posed during the meeting or the public comment period specific to the goal.

The meeting attendees were as follows:

Turman, Jasmyne (host)
Terry Wimpy
Sam Willhite
Ellis, Michael
Long, Jennifer
Vasquez Chaver, Elyana
Coleman, Jonathan
Philip Richardson
Compton, Diana

BREAKOUT OF ESTIMATED RACE-NEUTRAL & RACE CONSCIOUS PARTICIPATION

CLT estimates that, in meeting its overall goal of 20.64%, it will be obtained 100% from race-conscious participation. This estimate is based on past participation and the extent that our ACDBE goals have been underachieved in the past (see Table 4).

Race-Neutral Measures. CLT uses the following race-neutral measures in its ACDBE Program:

1. Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 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 the inability to obtain bonding or financing;
5. Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how CLT's ACDBE program will affect the procurement process;

6. Providing information to competitors concerning the availability of ACDBE firms to assist them in obtaining ACDBE participation;
7. Providing information to ACDBE firms about CLT, its function and range of concession needs;
8. Offering instructions and clarifications on solicitation requirements, CLT's procurement policies, procedures, and general proposal requirements;
9. Conducting debriefing sessions to explain why certain proposals were unsuccessful;
10. Providing information to ACDBE and other small businesses on future concession opportunities, contracting schedules, contracting opportunities and bonding requirements;

11. Providing instructions about job performance requirements; and
12. Taking other race-neutral steps to foster ACDBE participation in CLT's concession opportunities.

Race-Conscious Measures. If CLT projects that race-neutral measures, standing alone, are not sufficient to meet an overall goal, the airport will use the following race-conscious measures to meet the overall goal:

1. Establishing concession-specific goals for particular concession opportunities.
 - a. If the objective of the contract-specific goal is to obtain ACDBE participation through a direct ownership arrangement with an ACDBE, the goal will be calculated as a percentage of the total estimated annual gross receipts from the concession.
 - b. If the goal applies to purchases and/or leases of goods and services, the goal will be calculated by dividing the estimated dollar value of such purchases from ACDBEs by the total estimated dollar value of all purchases to be made by car rental companies.
 - c. To be eligible to be awarded the concession, competitors must make good faith efforts to meet the 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.
 - d. The administrative procedures applicable to contract goals in part 26, §26.51–53, apply with respect to CLT's concession-specific goals.
2. Negotiating with a potential concessionaire to include ACDBE participation, through direct ownership arrangements or measures, in the operation of the concession.
3. With FAA's prior approval, other methods that take a competitor's ability to provide ACDBE participation into account in awarding a concession.

In order to ensure that CLT's 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. We will maintain data separately on ACDBE achievements in those contracts with and without concession specific goals, respectively.

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.

ATTACHMENT 4: OVERALL GOAL METHODOLOGY – CAR RENTAL

Overall Goal Calculation for Car Rentals

A. Amount of Goal: 1.84%

B. Name of Recipient. City of Charlotte/Charlotte Douglas International Airport (CLT)

C. Goal Period: FFYs 2024-2026 (October 1, 2023 through September 30, 2026)

D. Overall Three-Year Goal: 1.84%, to be accomplished 100% through race-conscious measures.

E. Methodology Used to Calculate Overall Goal

Market Area. CLT's market area for car rental concessions is National. This is the geographical area in which the substantial majority of firms that seek to do concessions business with CLT are located and the geographical area in which the firms receiving the substantial majority of concessions-related revenues are located.

Goods and Services. CLT determined the goal based on purchases of goods and services from certified ACDBEs or potential/ACDBE firms in lieu of a goal based upon a percentage of total gross receipts of car rental operations at the Airport. CLT will make a good-faith effort to pursue opportunities to meet the goal. We will continue to consult with the North Carolina 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 North Carolina so we can count the ACDBE participation in goals and uniform form reports. The North Carolina UCP is aware of this requirement and is on board to assist and process certifications as required.

Advantage, Alamo, Avis, Budget, Dollar, Enterprise, Hertz, Sixt, and National currently operate at CLT. These car rental companies¹ stated that the goods and services they may need are: auto detailing, auto repair, auto parts, tires, auto windshields, recruiting services, temporary labor, office and cleaning supplies, auto cleaning supplies, electrical service, marketing, locksmith, alarm and security, janitorial, copy/printing, towing, vehicle transportation, vehicle reposition, printer ink, crowd control products, computer equipment, signs, appraisals, IT services, pest control, uniforms, uniform cleaning services, fuel, and fence repairs.

Base of Car Rental Goal. To calculate the base of the goal, CLT considered the previous three years of car rental goods and services purchases (shown in Table 1) and the car rental companies' projected goods and services purchases three years into the future.

¹ Advantage; Avis Budget Group; Enterprise Holdings; Hertz

Table 1 - Goods and Services Purchases for Previous 3 Years

FFY	Total Goods & Services Purchases
2020	\$ 89,716,538.00
2021	\$ 77,534,545.54
2022	\$ 71,136,662.27
Total	\$ 238,387,745.81
Average	\$ 79,462,581.94

Source: CLT Uniform Reports of ACDBE Participation, FFYs 2020, 2021 and 2022

As in previous years, this estimate excludes vehicle purchases because there are not ACDBE-certified car dealerships in North Carolina.

Step 1: Base Figure (\$23.51(c)). Based on information concerning CLT’s proposed projects for FFY 2024-2026, the relative availability of DBEs to non-DBE firms was developed based on the specific North American Industry Classification System (NAICS) code and descriptions corresponding to the projects identified in Table 1.

The data sources used for this analysis include:

1. 2019 County Business Patterns (CBP), US Census Bureau
2. State Unified Certification Program (UCP) DBE Directory for North Carolina

Table 2 shows the Step 1 calculation with an average availability of DBE firms of 2.32%. Considering the CLT defined Market Areas, the North Carolina UCP Directories noted above were used to identify the number of firms certified to perform work in each NAICS code, as represented in the column labeled ACDBE adjusted count. The total number of all firms identified in the US Census Bureau County Business Patterns database is represented in the column labeled “Census Number of Establishments”.

Table 2. Availability by NAICS Codes

NAICS	Description	ACDBE Adj Count	2021 - Census NC.Number of establishments	%ALL/ '21NCC
334220	GPS Devices	3	11	27.27%
339950	Signage	14	148	9.46%
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	5	369	1.36%
423130	Tire and Tube Merchant Wholesalers	2	92	2.17%
423140	Motor Vehicle Parts (Used) Merchant Wholesalers	1	52	1.92%
423850	Service Establishment Equipment and Supplies Merchant Wholesalers	7	130	5.38%
424720	Fuel/Oil/Energy	15	62	24.19%
441110	New Car Dealers	1	700	0.14%
484230	Specialized Freight (except Used Goods) Trucking, Long-Distance	47	244	19.26%
488410	*Roadside Assistance/Towing	4	335	1.19%
561720	Janitorial Services	81	2256	3.59%
621999	Drug Testing	7	207	1.92%
811111	General Automotive Repair	5	2724	0.18%
811121	Automotive Body, Paint, and Interior Repair and Maintenance	7	1004	0.70%
811191	Automotive Oil Change and Lubrication Shops	2	279	0.72%
811192	Car Washes	12	625	1.92%
812331	*Linen and Uniform Supply	2	24	8.33%
	Totals	215	9262	2.32%

2. Step 2: Adjustment to the Base Figure (\$23.51(d)). After calculating a base figure of the relative availability of ACDBEs, CLT examined the following evidence to determine whether an adjustment to the Step 1 base figure was needed in order to arrive at the overall goal:

a. Past Participation. Past ACDBE achievements from goods and/or services purchases by the car rental concessionaires from FFYs 2020 through 2022 were examined. As shown in Table 3, the median past ACDBE participation in CLT’s car rental concessions from FFYs 2020 through 2022 was 1.35%.

Table 3 - Past ACDBE Participation Achievements

Federal Fiscal Year	Total Goods & Services Purchases	ACDBE Goods & Services Purchases	ACDBE Goal	ACDBE Participation Achievement
2020	\$ 89,716,538.00	\$ 1,004,501.00	1.00%	1.12%
2021	\$ 77,534,546.00	\$ 1,047,557.00	1.00%	1.35%
2022	\$ 71,136,662.00	\$ 1,596,169.00	1.00%	2.24%
3 Year Total	\$ 238,387,746.00			Median
Average 3 Years	\$ 79,462,582.00			1.35%

Source: Uniform Report of ACDBE Participation, CLT, FFYs 2020-2022 Note: ACDBE participation achievement percentages are rounded.

F. Proposed Overall Goal. When the Step 1 base figure (2.32%) was added to the median historical ACDBE participation achievements (1.35%) and this sum was averaged, the result was 1.84%. An adjustment was not made to the base figure because there is an insignificant difference between the base figure and the Step 2 adjustment figure. CLT’s overall ACDBE participation goal for car rental goods and services is 1.84% for the FFYs 2024-2026 goal period. This goal is set as a race-conscious goal.

CLT will review its car rental goal annually to determine whether the 1.84% goal is appropriate or can be adjusted. CLT will inform the FAA of any significant adjustments to the goal before our next scheduled plan submission.

G. Consultation with Stakeholders. Prior to submitting the ACDBE goal for car rental concessions to the FAA, CLT sponsored a virtual stakeholder consultation meeting on October 31, 2023 at 1:00 p.m. to consult with minority and women’s business groups, community organizations, trade associations representing concessionaires currently located at the airport, as well as with existing and potential concessionaires, 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 CLT’s efforts to increase participation of ACDBEs.

At the stakeholder meeting, CLT’s ACDBE program consultant (Armand Resource Group, Inc.) presented the ACDBE Program objectives and goal-setting requirements. The methodology that was utilized to develop the proposed 1.84% race-conscious goal for ACDBE participation in CLT’s car rental concessions was discussed. The consultant also explained USDOT regulatory requirements and guidance for the determination of the market areas and availability of firms; both resources were used to prepare CLT’s goal methodology. The steps of the goal-setting process were outlined. No questions were posed during the meeting or the public comment period specific to the goal

The meeting attendees were as follows:

Turman, Jasmyne (host)
Terry Wimpy
Sam Willhite
Ellis, Michael
Long, Jennifer
Vasquez Chaver, Elyana
Coleman, Jonathan
Philip Richardson
Compton, Diana

BREAKOUT OF ESTIMATED RACE-NEUTRAL & RACE CONSCIOUS PARTICIPATION (\$23.51)

CLT estimates that, in meeting the overall goal of 1.84%, it will be obtained 100% from race-neutral participation and 0% from race-conscious participation. The reason for this projected split is that CLT has overachieved its goals over the preceding three-year period (*see Table 3*).

In accordance with the provisions of §23.53, rental car concessionaires' purchases of goods and services from ACDBEs certified by the North Carolina UCP will be counted as follows:

1. All purchases or leases of vehicles from an ACDBE vendor;
2. The entire amount of the cost charged by an ACDBE for repairing vehicles, provided that such cost is reasonable and not excessive as compared with fees customarily allowed for similar services;

² Armand Resource Group, Inc.

3. No portion of a fee paid by a manufacturer to an ACDBE car dealership for reimbursement of work performed under the manufacturer's warranty will be counted toward ACDBE goals.
4. The entire amount of the fee charged by an ACDBE to manage a car rental concession under an agreement with a rental car concessionaire, provided that such fee is reasonable and not excessive as compared with fees customarily allowed for similar services;
5. For other goods and services, ACDBE participation will be counted as provided in 49 CFR Part 26, §26.55 and Part 23, §23.55. In the event of any conflict between these two sections, §23.55 controls; and
6. If a rental car company has a national or regional contract with an ACDBE, the pro-rated share of the amount of that contract that is attributable to its car rental concession at CLT will be counted toward ACDBE participation.

Example to 6. Car Rental Company X signs a regional contract with an ACDBE car dealer to supply cars to all five airports in a state. The five airports each account for 20 percent of X's gross receipts in the state. Twenty percent of the value of the cars purchased through the ACDBE car dealer would count toward the goal of each airport.

Race-Neutral Measures. CLT uses the following race-neutral measures in its ACDBE Program:

1. Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 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 the inability to obtain bonding or financing;
5. Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how CLT's ACDBE program will affect the procurement process;
6. Providing information to competitors concerning the availability of ACDBE firms to assist them in obtaining ACDBE participation;
7. Providing information to ACDBE firms about CLT, its function and range of concession needs;
8. Offering instructions and clarifications on solicitation requirements, CLT's procurement policies, procedures, and general proposal requirements;
9. Conducting debriefing sessions to explain why certain proposals were unsuccessful;
10. Providing information to ACDBE and other small businesses on future concession opportunities, contracting schedules, contracting opportunities and bonding requirements;

11. Providing instructions about job performance requirements; and

12. Taking other race-neutral steps to foster ACDBE participation in CLT's concession opportunities.

Race-Conscious Measures. 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. Establishing concession-specific goals for particular concession opportunities.
 - a. If the objective of the contract-specific goal is to obtain ACDBE participation through a direct ownership arrangement with an ACDBE, the goal will be calculated as a percentage of the total estimated annual gross receipts from the concession.
 - b. If the goal applies to purchases and/or leases of goods and services, the goal will be calculated by dividing the estimated dollar value of such purchases from ACDBEs by the total estimated dollar value of all purchases to be made by car rental companies.
 - c. To be eligible to be awarded the concession, competitors must make good faith efforts to meet the 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.
 - d. The administrative procedures applicable to contract goals in part 26, §26.51–53, apply with respect to CLT's concession-specific goals.
2. Negotiating with a potential concessionaire to include ACDBE participation, through direct ownership arrangements or measures, in the operation of the concession.
3. With FAA's prior approval, other methods that take a competitor's ability to provide ACDBE participation into account in awarding a concession.

In order to ensure that CLT's 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. We will maintain data separately on ACDBE achievements in those contracts with and without concession specific goals, respectively.

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.

ATTACHMENT 5: CLT’S ACDBE FORMS 3 AND 4 – DEMONSTRATION OF GOOD FAITH EFFORTS



Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program

Subcontractor / Supplier Utilization Commitment – FORM #3

Submit this form with Proposal package

Copy this Form 3 as needed, to document additional Subcontracting commitments. Indicate page # range: Page _____ of _____

Proposer Name:			
Proposer Address:			
Project Name:			
Project Number:		Established ACBE Goal:	To Be Negotiated

1. List below all **ACDBEs** that you have identified so far, as intending to use on this contract

ACDBE Vendor Name & Address	Description of work / materials	NAICS Code	Total Projected Utilization (\$)

2. List below all **Non-ACDBEs** that you intend to use on this contract

Vendor Name & Address	Description of work / materials	NAICS Code	Total Projected Utilization (\$)

A. Total Subcontractor/Supplier Utilization (ACDBEs and Non-ACDBEs): \$ _____

B. Total Subcontractor/Supplier ACDBE Utilization: \$ _____

C. Percent ACDBE Util. (B÷A): _____ % Must be rounded to two (2) decimal places

Signature:

Your signature below indicated that the undersigned Company certifies and agrees that:

a) It is willing to comply with the City's ACDBE Program and negotiate ACDBE participation in good faith.

Signature of Authorized Official	Printed Name	Title	Submitted Date
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Airport Concession Disadvantaged Business Enterprise Program ACDBE Form 4

Letter of Intent

Letter of Intent must be executed by both the ACDBE subcontractor and the Contractor

v.1.26.15

Contract Name:	
Contract N°:	

To be completed by the Contractor

Name of Contractor: _____

Address: _____

Contact Person: _____

Email: _____

Telephone: _____

Fax: _____

Identify the scope of work to be performed or item(s) to be supplied by the ACDBE: _____

Reporting #: _____

NAICS Code #: _____

Cost of work to be performed by ACDBE: \$ _____

To be completed by ACDBE

Name of ACDBE: _____

Address: _____

Owner's ☐ Black American ☐ Hispanic American ☐ Native American ☐ Subcont. Asian American

Ethnicity/
Gender: ☐ Asian-Pacific American ☐ Non-Minority Women ☐ Other

Contact Person: _____

Email: _____

Telephone: _____

Fax: _____

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 46 CFR part 23 & 26. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Upon execution of a Contract with the City for the above referenced project, the Contractor certifies that it intends to utilize the ACDBE listed above, and that the description, cost and percentage of work to be performed by the ACDBE as described above is accurate. The ACDBE Firm certifies that it has agreed to provide such work/supplies for the amount stated above.

Contractor: _____	Date: _____
Signature and Title	
ACDBE Firm: _____	Date: _____
Signature and Title	

ATTACHMENT 6: DIRECTORY OF CERTIFIED DBE/ACDBE FIRMS

Available at the North Carolina Department of Transportation website – [NCDOT Directory](#)

ATTACHMENT 7: CERTIFICATION APPLICATION FORMS

Available at the North Carolina Department of Transportation website – [DBE/ACDBE Application](#)

ATTACHMENT 8: STATE UCP AGREEMENT

Available at the North Carolina Department of Transportation website – [State UCP Agreement](#)

ATTACHMENT 9: 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 at: <https://www.ecfr.gov/current/title-49/subtitle-A/part-23>