

POLICY STATEMENT

Section 23.1, 23.23 Objectives/Policy Statements

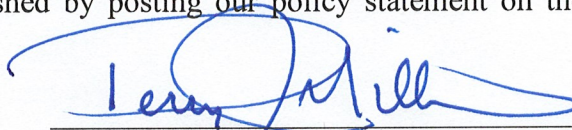
The Capital Region Airport Commission (Commission) has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) Program for Richmond International Airport (RIC or Airport) in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23. Richmond International Airport is a primary airport and has received federal funds authorized for airport development after January 1988 (authorized under title 49 of the United States Code). The Commission has signed airport grant assurances that it will comply with 49 CFR Part 23.

It is the policy of the Commission 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 49 CFR Part 23 eligibility standards are permitted to participate as ACDBEs at our airport;
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at our airport; and
6. To provide appropriate flexibility to our airport in establishing and providing opportunities for ACDBEs.

Russell L. Peaden, Director of Properties & Concessions, has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, Mr. Peaden 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 Commission in its financial assistance agreements with the Department of Transportation.

The Commission has disseminated this policy statement to all departments of the Commission. We have distributed this statement to ACDBE and non-ACDBE concessionaire communities in our area. This distribution is accomplished by posting our policy statement on the Airport's website at <https://flyrichmond.com/>.



Perry J. Miller, AAE, IAP
President & Chief Executive Officer
Capital Region Airport Commission

Date: 08/26/21

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

AMOUNT OF GOAL: 19.09%

NAME OF RECIPIENT: Capital Region Airport Commission/Richmond International Airport

GOAL PERIOD: FFYs 2022 - 2024 (October 1, 2021 through September 30, 2024)

OVERALL THREE-YEAR GOAL: 19.09%, to be accomplished 4.34% through race-neutral measures and 14.75% through race-conscious measures.

MARKET AREA. The Commission's market area for non-car rental concessionaires is the geographical 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. The Commission has established the following market areas for concession opportunities anticipated during this goal setting period:

1. Executive Sedan/Irregular Route Service: City of Richmond and the counties of Chesterfield and Henrico, Virginia
2. Terminal Advertising Services: National
3. Snack & Beverage Vending: City of Richmond and the counties of Chesterfield, and Henrico, Virginia
4. Taxi Dispatch: City of Richmond and the counties of Chesterfield, Hanover and Henrico, Virginia
5. Parking Management: Virginia, Maryland, and the District of Columbia

BASE OF NON-CAR RENTAL GOAL. To calculate the base of the goal, the Commission considered the previous three years of non-car rental gross concession receipts, as shown in Table 1, and the projected concession revenue (gross receipts) three years into the future including upcoming new opportunities.

**Table 1 – Gross Receipts (Revenue) for Previous 3 Years
Non-Car Rental Concessions**

Federal Fiscal Year	Non-Car Rental Concessions Revenue (Gross Receipts)
2018	\$19,327,801
2019	\$21,368,574
2020	\$12,115,329
Total	\$52,811,704
Average	\$17,603,901.33

The Commission does not anticipate any major changes that would increase or decrease concession revenues of the next three years.

(2020) \$12,115,329 x 3 years = \$36,345,987 is the Commission's base of goal for non-car rental concessions.

The non-car rental concession opportunities anticipated during this goal period are: (1) Executive Sedan/Irregular Route Service; (2) Indoor Advertising; (3) Snack & Beverage Vending; (4) Taxi Dispatch, and (5) Parking Management with estimated gross receipts of \$32,181,706.¹

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 Commission 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.

OVERALL GOAL CALCULATION METHODOLOGY

Goods and Services

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

¹ Excludes Parking Management gross receipts.

purchases of goods and services from all firms (ACDBEs and non-ACDBEs) may be added to the denominator.

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 Base Figure

The Virginia UCP Directory, the FAA National Certified Directory, and our active participants list were the sources utilized to determine the number of ready, willing and able ACDBEs in the Commission's market areas (numerator). US Census Bureau 2019 County Business Patterns data was used to determine the number of all ready, willing and able businesses available in our market areas (denominator) for new concession opportunities.²

Table 2 – Relative Availability of ACDBEs for New Opportunities

Concession Opportunity	NAICS Code	Total ACDBEs in Market Area	Total Firms in Market Area	% ACDBE Availability
Terminal Advertising Services	541850	33	2,462	1.34%
Irregular Route Service	485999	1	22	4.54%
Parking and Shuttle Bus Management	812930	9	977	0.92%
Snack & Beverage Vending	454210	0	20	0.00%
Taxi Dispatch	485310	6	31	19.35%
Total		49	3,512	1.39%

Note: Percentages are rounded.

² The latest 2018 US Census Bureau County Business Patterns data was utilized for Taxi Dispatch.

As shown in Table 3, the Commission then calculated its overall ACDBE availability step one base figure of 17.00% for 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.

Table 3 - Base Figure Calculation

Concession Category	Estimated Total Gross Receipts	ACDBE \$s of Total Estimated Gross Receipts	ACDBE Participation Goal %
Food and Beverage	\$14,637,640	\$2,195,646	15%
Retail	\$16,383,367	\$3,276,673*	20%*
Parking Management	\$ - **	\$ -	0%
Baggage Carts	\$ 83,807	\$ -	0%
Terminal Advertising Services	\$ 442,015	\$ -	0%
Irregular Route Service	\$ 65,228	\$ -	0%
Shoe Shine	\$ 11,646	\$ -	0%
Snack & Beverage Vending	\$ 422,098	\$ -	0%
Taxi Dispatch	\$ 135,905	\$ -	0%
TOTAL/ FFYs 2021-2024 BASE FIGURE	\$32,181,706	\$5,472,319	17.00%

*Goal is 15%; 20% achievement expected.

** Excludes non-ACDBE management fees.

Note: Percentages are rounded.

Step Two Adjustments to the Base Figure

After calculating a base figure of the relative availability of ACDBEs, we examined evidence to determine what adjustment, if any, 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 Participation. As shown in Table 4, median past ACDBE participation in the Commission's non-car rental concessions was 21.18%.

Table 4 - Past Participation Achievements

Federal Fiscal Year	Total Gross Receipts (excluding rental cars)	ACDBE Gross Receipts (excluding rental cars)		ACDBE Goal (excluding rental cars)	ACDBE Past Participation Achievement	ACDBE Over/Under Achievement
2016	\$14,347,639	\$2,532,615		17.19%	17.65%	+0.46%
2017	\$15,627,950	\$2,844,279		17.19%	18.20%	+1.01%
2018	\$19,327,801	\$4,107,410		17.19%	21.25%	+4.06%
2019	\$21,368,574	\$4,526,049		17.75%	21.18%	+3.43%
2020	\$12,115,329	\$2,961,237		17.75%	24.44%	+6.69%
MEDIAN ACDBE PAST PARTICIPATION = <u>21.18 %</u>						

Source: Uniform Reports of ACDBE Participation, Richmond International Airport (FFYs 2016-2020)

Note: ACDBE achievement percentages are rounded.

To arrive at an overall goal, we added our Step 1 base figure (17.00%) with our Step 2 adjustment figure (21.18%) and then averaged the total arriving at an overall goal of 19.09%. We feel this adjusted goal figure will accurately reflect ACDBE non-car rental concession participation that can be achieved during this goal period.

We did not identify any disparity studies conducted anywhere within our jurisdiction that examine ACDBE participation in airport non-car rental concessions. Thus, we did not use a disparity study in determining an adjustment to the base figure.

The Commission will review its goal annually to determine whether the 19.09% goal is appropriate or can be adjusted. We will inform the FAA of any significant adjustments to the goal before our next scheduled plan submission.

CONSULTATION WITH STAKEHOLDERS [To Be Completed]

BREAKOUT OF ESTIMATED RACE-NEUTRAL & RACE CONSCIOUS PARTICIPATION

The Commission estimates that, in meeting our overall goal of 19.09%, we will obtain 4.34% from race-neutral participation and 14.75% from race-conscious participation. This estimate is based on past race-neutral participation in Retail, Taxi Dispatch, and Terminal Advertising Services.

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

- Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires;
- Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
- When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;
- Providing advice to ACDBEs in overcoming limitations such as the inability to obtain bonding, financing, or technical assistance;
- Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the Commission's ACDBE program will affect the procurement process;
- Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation;
- Providing information to ACDBE firms about the Commission, its function and full range of contractual needs;
- Offering instructions and clarifications on solicitation requirements, the Commission's procurement policies, procedures, and general proposal requirements;
- Conducting debriefing sessions to explain why certain proposals were unsuccessful;
- Providing information to ACDBE firms on future concession opportunities, contracting schedules, subcontracting opportunities and bonding requirements;
- Providing instructions about job performance requirements;

- Placing solicitation notices in periodicals of interest to the disadvantaged business community; and
- Taking other race-neutral steps to foster ACDBE participation in the Commission'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 as a percentage of the total estimated annual gross receipts from the concession.
 - 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 the Commission'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 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. 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.

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

Section 23.49: Overall Goal Calculation for Car Rentals

A. AMOUNT OF GOAL: 2.58%

B. NAME OF RECIPIENT: Capital Region Airport Commission/Richmond International Airport (RIC)

C. GOAL PERIOD: FFYs 2022-2024 (October 1, 2022 through September 30, 2024)

D. OVERALL THREE-YEAR GOAL: 2.58%, to be accomplished 100% through race-conscious measures.

E. GOAL BASED ON GOODS AND SERVICES PURCHASES - DETERMINATION:

Upon review of the market, it appears that all or most of the goal is likely to be met through the purchases by car rental companies of vehicles or other goods/services from ACDBEs. This is due to the fact that there are not certified ACDBE car rental companies within our market area. As such, the Commission has structured the goal entirely in terms of the 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 goods and services goal. We will continue to consult and work with our car rental concessionaires at the Airport, minority and women businesses in the State, minority and women business organizations, and targeted media to find prospective ACDBE firms. We will work with our car rental companies to outreach to Virginia UCP certified ACDBEs and encourage other firms that may be eligible for ACDBE certification to apply for certification in Virginia. The Virginia UCP is aware of this requirement and is on board to assist and process certifications as required by 49 CFR Part 23, Subpart C.

Alamo, Avis, Budget, Dollar, Enterprise, Hertz, and National currently operate at RIC. These car rental companies¹ provided the categories and dollar amounts of goods and services that they anticipate purchasing during this goal period. Total estimated gross receipts for these goods and services are \$141,765,066.

¹ Avis Budget Group; Enterprise Holdings; Hertz

F. MARKET AREA. The market area is defined as the geographical area in which the majority of firms which seek to do concessions business with the airport are located and the geographical area in which the firms that receive a substantial majority of concessions-related revenues are located. The substantial majority of firms which seek to do car rental concessions business with the Commission and the firms receiving the substantial majority of car rental concessions revenues at RIC are national brands and none of these companies are ACDBE-owned. The Airport believes that ACDBE participation in the purchase of goods and services can be achieved by the car rental concessionaires from businesses located in the Commonwealth of Virginia. Therefore, the Commission is proposing to use the Commonwealth of Virginia as its market area for these purchases.

Base of Car Rental Goal. To calculate the base of the goal, the Commission 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, including new opportunities (shown in Table 2).

Table 1
Car Rental Goods and Services Expenditures - Previous 3 Years

FFY	Total Goods & Services Purchases	% Growth
2018	\$ 51,211,256	-0.59%
2019	\$ 56,110,424	9.56%
2020	\$ 34,729,655	-38.10%
Total	\$142,051,335	

Source: RIC Uniform Reports of ACDBE Participation, FFYs 2018-2020

The dollar value of goods/services expenditures is projected to be flat over the next three years and slightly less when compared with the previous three fiscal years. The total projected expenditures over the goal period are \$141,765,066.

Table 2
Car Rental Goods and Services Expenditures – FFYs 2022-2024

FFY	Total Goods & Services Purchases
2022	\$ 47,255,022
2023	\$ 47,255,022
2024	\$ 47,255,022
Total	\$141,765,066

Source: Avis Budget Group; Enterprise Holdings; Hertz

If new car rental concession opportunities arise 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 Airport will submit an appropriate adjustment to the overall goal. This will be submitted to the Federal Aviation Authority (FAA) for approval at least 90 days before executing the new concession agreement (23.45(i)). Table 3 lists the current car rental operations and their lease dates.

Table 3
Car Rental Operations and Lease Dates

Car Rental Concession	Lease Start	Lease End*
Avis	7/1/2018	6/30/2022
Budget	7/1/2018	6/30/2022
Alamo	7/1/2018	6/30/2022
Enterprise	7/1/2018	6/30/2022
National	7/1/2018	6/30/2022
Dollar	7/1/2018	6/30/2022
Hertz	7/1/2018	6/30/2022

*Excludes optional renewal periods.

G. METHODOLOGY USED TO CALCULATE OVERALL GOAL

1. Step One Base Figure (§23.51(c)). The Virginia Unified Certification Program Directory and the Virginia Department of Small Business & Supplier Diversity SWAM Directory were utilized to determine the number of ACDBEs currently in the Commission's market area (numerator). These Directories include ACDBE certified firms and DBE-, MBE- and WBE-certified firms that may be eligible for ACDBE certification. U.S. Census Bureau 2019 County Business Patterns (CBP) data was used to determine the number of all ready, willing and able businesses available in our market area (denominator).

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 3.60% as shown in Table 4 on the next page.

Table 4 – Relative Availability of ACDBEs

Type of Goods/Services	NAICS Code	Potential ACDBEs in Market Area	All Firms in Market Area	Percentage Potential ACDBE Availability
Fence Repair	238990	66	1,309	5.04%
Computer Tech/Suppliers	423430	10	187	5.35%
Car Wash Equipment/Supplies	423850	9	78	11.54%
Office Supplies	424120	3	87	3.45%
Automotive Chemicals	424690	4	140	2.86%
Petroleum and Petroleum Products	424720	6	37	16.22%
New Car Dealers	441110	1	549	0.18%
Automobile Parts	441310	0	991	0.00%
Tire Dealers	441320	0	537	0.00%
Fuel Distributor	454310	2	194	1.03%
Motor Vehicle Towing	488410	2	325	0.61%
Insurance Agencies & Brokerages	524210	7	2,945	0.24%
Administrative Mgmt. and Consulting	541611	352	3,451	10.20%
Facility Maintenance	561210	49	342	14.33%
Employment Agencies	561311	26	118	22.03%
Security Guard Services	561612	15	322	4.66%
Security/Safety Products	561621	28	169	16.57%
Locksmith	561622	1	96	1.04%
Pest Control	561710	3	398	0.75%
Janitorial Services	561720	69	2,233	3.09%
Landscape Services	561730	70	2,842	2.46%
Sign & Lighting Maintenance	561790	36	330	10.91%
Sludge Removal	562212	4	40	10.00%
General Automobile Repair	811111	6	2,286	0.10%
Other Auto Services	811118	0	60	0.00%
Automotive Body, Paint, and Interior Repair and Maintenance	811121	3	782	0.38%
Automotive Glass Replacement	811122	0	142	0.00%
Automotive Oil Change and Lubrication Shops	811191	1	177	0.56%
Automotive Cleaning Services	811192	3	387	0.77%
Relative Availability of ACDBEs		776	21,554	3.60%

2. Step Two Adjustment to the Base Figure (§23.51(d)). Step two 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. After calculating a base figure of the relative availability of ACDBEs, RIC 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 FFYs 2016 through 2020 were examined. All of RIC's past ACDBE participation in the car rental concessions has been achieved from goods and/or services purchases by the car rental concessionaires. As shown in Table 5, median past ACDBE participation in the Commission's car rental concessions from FFYs 2016 through 2020 has been 1.57%.

Table 5 – Past Participation Achievements

Federal Fiscal Year	Total Goods and Services Gross Receipts	ACDBE Goods & Services Gross Receipts	Overall ACDBE Goal	Race-Neutral Achievement	Race-Conscious ACDBE Achievement	Overall ACDBE Participation Achievement	ACDBE Over/Under Achievement
2016	\$90,018,452	\$630,124	1.76%	-0.92%	-0.41%	0.43%	-1.33%
2017	\$50,907,970	\$600,966	1.76%	1.17%	0.01%	1.18%	-0.58%
2018	\$51,211,256	\$804,997	1.76%	-0.92%	0.73%	1.57%	-0.19%
2019	\$56,110,424	\$1,406,059	1.05%	1.46%	1.05%	2.51%	+1.46%
2020	\$34,729,655	\$770,735	1.05%	1.17%	1.05%	2.22%	+1.17%
Median ACDBE Past Participation						1.57%	

Source: Uniform Report of ACDBE Participation, Richmond International Airport (FFYs 2016-2020)

When we added the Step 1 base figure (3.60%) to median past ACDBE participation achievement (1.57%) and averaged this sum, the result was 2.58%.

b. Other Factors.

1. Although ACDBE participation in the car rental concessions has exceeded RIC's goal over the last two years (see Table 5), over 78% of that participation in those years and the preceding three years is attributed primarily to one ACDBE firm utilized by one car rental company.
2. The car rental concessionaires provided additional goods and services opportunities that they had not identified in the past, but may have at RIC during this goal period.
3. The availability of ACDBEs in our market area is limited in many goods and services categories (see Table 4).
4. RIC did not identify any disparity studies conducted anywhere within our jurisdiction that examine ACDBE participation in airport car rental concessions or include categories of

goods and services utilized in RIC's car rental concessions. Thus, we did not use a disparity study in determining an adjustment to the base figure.

H. PROPOSED OVERALL GOAL. Based on past participation and the other factors discussed above, RIC proposes to set the overall ACDBE participation goal for car rental concessionaires' purchases at the adjusted figure of 2.58%. This proposed car rental goal is set as a race-conscious goal because even though goals have been achieved in the preceding two years, more than 78% of past ACDBE participation over the last five years is attributed to the same firm.

The Commission will review its car rental goal annually to determine whether the 2.58% goal is appropriate or can be adjusted. We will inform the FAA of any significant adjustments to the goal before our next scheduled plan submission.

I. CONSULTATION WITH STAKEHOLDERS. Prior to submitting the ACDBE goal for car rental concessions to the FAA, the Commission sponsored a supplier diversity outreach event on **November 17**, 2021, 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 the Commission's efforts to increase participation of ACDBEs. Individuals representing the following organizations participated in the meeting:

[To be completed]

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

The Commission estimates that, in meeting our overall goal of 2.58%, we will obtain 100% from race-conscious participation because even though goals have been achieved in the preceding two years, more than 78% of past ACDBE participation over the last five years is attributed to one firm.

In accordance with the provisions of Section 23.53, car rental concessionaires' purchases of goods and services from ACDBEs certified by the Virginia 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;
3. The entire amount of the fee or commission charged by an ACDBE to manage a car rental concession under an agreement with a car rental concessionaire, provided that such fee or commission is reasonable and not excessive as compared with fees or commissions customarily allowed for similar services;
4. 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.
5. If a car rental 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 RIC will be counted toward ACDBE participation.
6. 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 as ACDBE participation.

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

- Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires;
- Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
- When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;

- Providing advice to ACDBEs in overcoming limitations such as the inability to obtain bonding, financing, or technical assistance;
- Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the Commission's ACDBE program will affect the procurement process;
- Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation;
- Providing information to ACDBE firms about the Commission, its function and full range of contractual needs;
- Offering instructions and clarifications on solicitation requirements, the Commission's procurement policies, procedures, and general proposal requirements;
- Conducting debriefing sessions to explain why certain proposals were unsuccessful;
- Providing information to ACDBE firms on future concession opportunities, contracting schedules, subcontracting opportunities and bonding requirements;
- Providing instructions about job performance requirements;
- Placing solicitation notices in periodicals of interest to the disadvantaged business community; and
- Taking other race-neutral steps to foster ACDBE participation in the Commission'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 as a percentage of the total estimated annual gross receipts from the concession.
 - 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 the Commission’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 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. 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.

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