

CEDAR RAPIDS AIRPORT COMMISSION

AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

POLICY STATEMENT

Section 23.1, 23.23 - Objectives/Policy Statement

The Cedar Rapids Airport Commission (Commission), operator of The Eastern Iowa Airport, has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23. The Commission as operator of The Eastern Iowa Airport, a primary small-hub airport, 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 at The Eastern Iowa Airport, a recipient of DOT financial assistance;
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions;
3. To ensure that our ACDBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs at our airport;
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.

The Director of Finance & Administration has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program. Implementation of the ACDBE program is accorded comparable 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 made this policy available on the Commission's website, www.flycid.com/dbe, to all Commission personnel and to members of the business community that perform or are interested in performing work on Commission concession-related contracts.



Marty Lenss, C.M.
Airport Director

September 24, 2018
Date

SUBPART A – GENERAL REQUIREMENTS

Section 23.1- Objectives

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

Section 23.3 - Definitions

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

Section 23.5 - Applicability

The Commission, operator of The Eastern Iowa Airport, is the sponsor of a small-hub primary airport and sponsor of federal airport funds authorized for airport development after January 1988 that was authorized under Title 49 of the United States Code.

Section 23.9 - Non-discrimination Requirements

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

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

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

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

1. This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23.
2. The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR Part 23, that it enters and cause those businesses to similarly include the statements in further agreements.

Section 23.11 - Compliance and Enforcement

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

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

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

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

The following enforcement actions apply to firms participating in the Commission's ACDBE program:

1. For a firm that does not meet the eligibility criteria of Subpart D of this part and that attempts to participate as an ACDBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department of Transportation (DOT) or the Federal Aviation Administration (FAA) may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
2. For a firm that, in order to meet ACDBE goals or other ACDBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of Subpart D of this part, DOT or FAA may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
3. DOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the ACDBE program whose conduct is subject to such action under 49 CFR Part 31.
4. DOT may refer to the Department of Justice, for prosecution under 18 U.S.C. §§ 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of an ACDBE in the Commission's ACDBE program or otherwise violates applicable Federal statutes.

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

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

SUBPART B – ACDBE PROGRAMS

Section 23.21 - ACDBE Program Updates

Since the Commission is a small hub primary airport required to have an ACDBE program. As a condition of eligibility for FAA financial assistance, the Commission will submit its ACDBE program and overall goals to FAA according to 23.45(a) of this section.

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

This ACDBE program will be implemented at The Eastern Iowa Airport, Cedar Rapids, Iowa.

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

Section 23.23 - Administrative Provisions

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

ACDBE Liaison Officer (ACDBELO): The Commission has designated the following individual as our ACDBELO:

Donald D. Swanson
Director of Finance & Administration
The Eastern Iowa Airport
2515 Arthur Collins Parkway SW
Cedar Rapids, Iowa 52404-8952
Phone: 319-731-5715
Fax: 319-362-1670
E-mail: d.swanson@flycid.com

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that the Commission complies with all provisions of 49 CFR Part 23. The ACDBELO has direct, independent access to the Airport Director concerning ACDBE program matters. An organizational chart displaying the ACDBELO's position in the organization is found in **Attachment 1** to this program. The ACDBELO will coordinate with the Commission's attorney and contract architectural/engineering firm on ACDBE matters as needed.

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

1. Gathers and reports statistical data and other information as required by FAA or DOT.
2. Reviews third-party contracts and purchase requisitions for compliance with this program.
3. Set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
5. Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract-specific goals) and monitors results.
6. Analyzes the Commission's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Airport Director and the Commission on ACDBE matters and achievement.
9. Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance.
10. Acts as liaison to the Iowa Department of Transportation (IDOT) Uniform Certification Program.
11. Provides outreach to ACDBEs and community organizations to advise them of opportunities.
12. Maintains a copy of the directory on certified ACDBEs and DBEs as maintained by the IDOT.

Directory: The Commission, through the Iowa Department of Transportation (IDOT) Uniform Certification Program (UCP), maintains a directory identifying all firms eligible to participate as ACDBEs. The Directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as an ACDBE. The UCP revises the Directory before each bid letting. The Directory is available as follows: Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, Telephone (515) 239-1422, FAX (515) 239-1325, http://www.iowadot.gov/civilrights/dbe_program.html. The Directory listing certified ACDBE may be found in **Attachment 2** to this program document.

Section 23.25 - Ensuring Nondiscriminatory Participation of ACDBEs

The Commission will not 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 contract covered by 49 CFR Part 23 on the basis of race, color, sex, or national origin. The Commission will take the following measures to ensure nondiscriminatory participation of ACDBEs in concession, and other covered activities (23.25(a)):

1. Identify opportunities for ACDBEs on all concession and management agreements and ensure the availability of qualified ACDBEs who are ready, willing and able to provide their services; review proposed agreements in order to identify opportunities for participation by certified ACDBEs; determine the level of participation on the basis of historic and actual ACDBE participation on previous agreements and the availability of certified ACDBEs.
2. In all concession and management agreements entered into with the Commission, the agreement signed by the concessionaire and each subconcession agreement the concessionaire signs with a subconcessionaire must assure the Commission that:

“The concessionaire and subconcessionaire will not discriminate on the basis of race, color, national origin, or sex in the performance of this agreement. The concessionaire will carry out applicable requirements of 49 CFR Part 23 in the award and administration of agreements. Failure by the concessionaire to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the Commission deems appropriate.”

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

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

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

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

The Commission will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with ACDBEs. The Commission will not use set-asides or quotas as a means of obtaining ACDBE participation. (23.25(f)(g))

Section 23.27 - Reporting

The Commission 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 its compliance with Part 23. This data will be retained for a minimum of 3 years following the end of the concession agreement or other covered contract.

Beginning March 1, 2007, the Commission submitted to the FAA Regional Civil Rights Office, an annual ACDBE participation report on the form in Appendix A of Part 23.

Section 23.29 - Compliance and Enforcement Procedures

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

1. In the event of a concessionaire's non-compliance with the Commission's ACDBE Policy and Program or failure to meet the prescribed ACDBE goal set forth in an agreement, or to establish a good faith effort to do so, the Commission, after due process, will impose contract sanctions as the Commission, the FAA or both may determine to be appropriate.
2. If at any time the Commission has reason to believe that the concessionaire is in default of this Policy and Program, the Commission may, in addition to pursuing any other available legal remedy, terminate, suspend or cancel the contract in whole or in part.
3. The Commission's monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 23 are found at Attachment 3.
4. The Commission 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 26.107.
5. The Commission will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Such action may include, but not be limited to, the following: (a) Breach of contract action, pursuant to the terms of the contract; and (b) Action authorized under Chapter 73A, Code of Iowa.
6. In the Commission's reports of ACDBE participation to FAA, it will show both commitments and attainments, as required by the DOT reporting form.

SUBPART C – CERTIFICATION AND ELIGIBILITY

Section 23.31 - Certification

The Commission will use the procedures and standards of Part 26, except as provided in 23.31, for certification of ACDBEs to participate in our concessions program and such standards are incorporated herein.

The Commission is a member of a Unified Certification Program (UCP) administered by the State of Iowa Department of Transportation, which will make ACDBE certification decisions on behalf of the Commission.

The UCP's directory of eligible DBEs lists firms certified as a DBE for purposes of Part 26, and ACDBE for purposes of Part 23, or both.

The Commission will confirm the UCP reviews the eligibility of currently certified ACDBEs to make sure that they will meet the standards of Part 23. The Commission will ensure the UCP completes the reviews no later than three years from the anniversary date of each firm's most recent certification. Also, prior to entering into a new contract, extension, or option with a currently certified ACDBE, the Commission will review their eligibility with the UCP at that time (i.e., "as soon as possible") rather than waiting until the latest date allowed under Part 23.

The Commission will confirm the UCP will treat a firm as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous three fiscal years do not exceed \$56.42 million. The size standard for ACDBE banks and other financial institutions is \$1 billion in assets, for car rental companies it is \$75.23 million, for pay telephone companies the standard is 1,500 employees, and for automobile dealers the standard is 350 employees (23.33).

Section 23.35 – Personal Net Worth Standard

The personal net worth standard used in determining eligibility for purposes of Part 23 is \$1.32 million. The Commission recognizes that Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. The Commission will ensure that the UCP will recognize that in calculating personal net worth, the following exclusions apply: the individual's ownership interest in an ACDBE firm or a firm that is applying for ACDBE certification; the individual's equity in his or her primary place of residence; and other assets that the individual can document are necessary to obtain financing or a franchise agreement for the initiation or expansion of his or her ACDBE firm, to a maximum of \$3 million. Any person who has a personal net worth exceeding this amount is not a socially and economically disadvantaged individual, even if a member of a group otherwise presumed to be disadvantaged.

The effectiveness of this paragraph of this definition is suspended with respect to any application for ACDBE certification made or any financing or franchise agreement obtained after June 20, 2012. (23.3)

An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Any person who has a personal net worth exceeding this amount is not a socially and economically disadvantaged individual, even if a member of a group otherwise presumed to be disadvantaged.

The Commission will confirm the 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, the Commission will ensure that the UCP will verify that disadvantaged owners of a DBE certified under Part 26 are able to control the firm with respect to its activity in our concessions program. The UCP is not obligated to certify a Part 26 DBE as an ACDBE if the firm does not do work relevant to our concession program. (23.37)

The Commission will recognize that the provisions of Part 26, Sections 26.83(c)(2-6) do not apply to certifications for purposes of Part 23. The Commission will confirm the UCP accomplishes the following: (i) obtain resumes or work histories of the principal owners of the firm and personally interview these individuals, and analyze the ownership of stock of the firm, if it is a corporation; (ii) analyze the bonding and financial capacity of the firm; (iii) determine the work history of the firm, including any concession contracts or other contracts it may have received; (iv) 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; (v) obtain a statement from the firm of the types of concessions it prefers to operate or the type of other contracts it prefers to perform; and (vi) ensure that the ACDBE firm meets the applicable size standard. (23.39(a)(b))

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

The Commission will confirm the UCP uses the certification standards of Part 23 to determine the ACDBE eligibility of firms that provide goods and services to concessionaires. (23.39(i))

In instances when the eligibility of a concessionaire is removed after the concessionaire has entered into a concession agreement because the firm exceeded the size standard or the owner has exceeded the PNW standard, and the firm in all other respects remains an eligible DBE, the Commission may continue to count the concessionaire's participation toward ACDBE goals during the remainder of the current concession agreement. The Commission will not count the concessionaire's participation toward ACDBE goals beyond the termination date for the concession agreement in effect at the time of the decertification. (23.39(e))

Since the Commission is a member of the Iowa Department of Transportation (IDOT) Unified Certification Program (UCP), the IDOT rather than the Commission will certify firms for the concession program. (23.39(f))

As applicable, the Commission will ensure that the UCP will use a Uniform Application Form that complies with 49 CFR Part 26 with additional instruction as stated in 23.39(g).

SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 - Basic Overall Goal Requirement

The Cedar Rapids Airport Commission will establish two separate overall ACDBE goals; one for car rentals and another for concessions other than car rentals. The overall goals will cover a three-year period and the Commission will review the goals annually to make sure the goal continues to fit the Commission's circumstances. The Commission will report any significant overall goal adjustments to the FAA.

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

The Commission's overall goals will provide for participation by all certified ACDBEs and will not be subdivided into group-specific goals, except to divide into car rental and other than car rental as noted in paragraph A. above.

Section 23.43 - Consultation in Goal Setting

The Commission will consult with stakeholders before submitting the overall goals to the FAA. Stakeholders may 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, the Commission will identify the stakeholders that it consulted with and provide a summary of the information obtained from the stakeholders.

Section 23.45 - Overall Goals

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

Primary Airport Size	Region	Date Due	Period Covered	Next Goal Due
Large/Medium Hubs	All regions	October 1, 2020	2021/2022/2023	October 1, 2020 (2021/2022/2023)
Small Hubs	All regions	October 1, 2018	2019/2020/2021	October 1, 2021 (2022/2023/2024)
Non-Hubs	All regions	October 1, 2019	2020/2021/2022	October 1, 2022 (2023/2024/2025)

If a new concession opportunity arises at a time that falls between the normal submission dates above and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the Commission will submit an appropriate adjustment to our overall goal to FAA for approval at least ninety days before issuing a solicitation for the new concession opportunity.

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

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

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

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

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

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

Concession Specific Goals (This language is also included in the DBE goal attachment) (23.25(c)(e)(1)(iv))

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

The Commission will establish concession specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities. We will work with businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, including direct ownership arrangements with DBEs (23.25(f)). Car rental firms are not required to change their corporate structure to provide for direct ownership arrangements. In the case of a car rental goal, where it appears that all or most of the goal is likely to be met through the purchases by car rental companies of vehicles or other goods or services from ACDBEs, one permissible alternative is to structure the goal entirely in terms of purchases of goods and services.

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

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

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

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

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

Section 26.53 - Good Faith Efforts Procedures

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

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

The Director of Finance and Administration is responsible for determining whether a concessionaire who has not met the concession specific goal has documented sufficient good faith efforts to be regarded as responsive.

The Director of Finance and Administration will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before the Commission commits to the concession agreement with the bidder/offeror.

Information to be submitted (26.53(b))

The Commission treats bidder/offeror's compliance with good faith effort requirements as a matter of responsiveness.

Each solicitation for which a concession specific goal has been established will require the concessionaires to submit the following information:

1. The names and addresses of ACDBE firms or ACDBE suppliers of goods and services that will participate in the concession;

2. A description of the work that each ACDBE will perform;
3. The dollar amount of the participation of each ACDBE firm/supplier participating;
4. Written and signed documentation of commitment to use a ACDBE whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the ACDBE that it is participating in the concession as provided in the prime concessionaire's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Required paper work is provided in **Attachment 6** of this program.

To be considered responsive to the ACDBE requirements, firms proposed to participate as ACDBE must be certified at the time bids/proposals are opened by the Commission.

In determining whether or not the apparent successful bidder has made such good faith efforts, some of the factors the Commission will consider are the following:

1. Whether the bidder attended any pre-bid/proposal meetings scheduled by the Commission to inform certified ACDBEs of contracting and subcontracting opportunities.
2. Whether the bidder advertised at least ten days prior to bid opening or proposal submission in newspapers of general circulation, trade associations, and minority-focus media concerning subcontracting opportunities.
3. Whether the bidder provided written notice at least ten days prior to bid/proposal opening to a reasonable number of specific certified ACDBEs that their interest in the contract was being solicited.
4. Whether the bidder followed up initial solicitations of interest by contacting certified ACDBEs to determine with certainty whether the certified ACDBEs were interested.
5. Whether the bidder selected portions of the work to be performed by certified ACDBEs in order to increase the likelihood of meeting the ACDBEs in order to increase the likelihood of meeting the ACDBE goals including, where appropriate, breaking down contracts into economically feasible units to facilitate ACDBE participation.
6. Whether the bidder provided interested certified ACDBEs with adequate information about the plans, specifications or requirements of the contract.
7. Whether the bidder negotiated in good faith with interested certified ACDBEs, not rejecting certified ACDBEs as unqualified without sound reasons after a thorough investigation of their capabilities.
8. Whether the bidder made efforts to assist interested certified ACDBEs in obtaining bonding, lines of credit, or insurance required by the Commission or bidder.
9. Whether the replies or quotes from certified ACDBEs in response to scopes of work submitted to them by concessionaires, either directly or indirectly, were fair and responsive.
10. Whether all other bidders achieved the ACDBE goal.
11. Whether the bidder contacted the Commission's ACDBELO for assistance in meeting the Commission's ACDBE goal.

Administrative reconsideration (26.53(d))

Within 5 days of being informed by the Commission that it is not responsive because it has not documented sufficient good faith efforts, a concessionaire may request administrative reconsideration. Concessionaire should make this request in writing to the following reconsideration team:

- ◆ Marty Lenss, C.M., Airport Director, E-mail: m.lenss@flycid.com
- ◆ Todd Gibbs, C.M., Director of Operations, E-mail: t.gibbs@flycid.com

- ◆ Office of the Airport Director
The Eastern Iowa Airport
2515 Arthur Collins Parkway SW
Cedar Rapids, IA 52404-8952

The reconsideration team will not have played any role in the original determination that the concessionaire did not document sufficient good faith efforts. As part of this reconsideration, the concessionaire will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so.

The concessionaire will have the opportunity to meet in person with our reconsideration team to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The Commission will send the concessionaire a written decision on reconsideration, explaining the basis for finding that the concessionaire did or did not meet the goal or make adequate good faith efforts to do so.

The result of the reconsideration process is not administratively appealable to the FAA or Department of Transportation.

Good faith efforts when an ACDBE is replaced on a concession (26.53(f))

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

In this situation, the Commission will require the concessionaire to obtain our prior approval of the substitute ACDBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime concession has good cause to terminate the ACDBE firm. For purposes of this paragraph, good cause includes the following circumstances:

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

seeks to terminate an ACDBE it relied upon to obtain the contract so that the prime concession can self-perform the work for which the ACDBE concession was engaged or so that the prime contractor can substitute another ACDBE or non-ACDBE concession after contract award.

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

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

The Commission will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its work on a concession with another certified ACDBE. These good faith efforts shall be directed at finding another ACDBE to perform at least the same amount of work under the concession contract as the ACDBE that was terminated, to the extent needed to meet the concession contract goal that we established for the procurement. The good faith efforts shall be documented by the concessionaire. If we request documentation from the concessionaire under this provision, the concessionaire shall submit the documentation to us within 5 days, which may be extended for an additional 10 days if necessary at the request of the concessionaire, and the recipient shall provide a written determination to the concessionaire stating whether or not good faith efforts have been demonstrated.

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

If the concessionaire fails or refuses to comply in the time specified, the ACDBELO will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the concessionaire still fails to comply, the ACDBELO may issue a termination for default proceeding. If the concessionaire fails or refuses to comply in the time specified, our contracting office will notify the concessionaire of the noncompliance, setting a date that the concessionaire must take satisfactory action to become compliant. If the concessionaire still fails to comply, the contracting officer may issue a notice of default outlining the appropriate procedures that will follow, which may lead to a termination proceeding.

Proposal/Bid Specification:

The requirements of 49 CFR Part 23, regulations of the U.S. Department of Transportation, applies to this concession. It is the policy of the Cedar Rapids Airport Commission to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this concession will be conditioned upon satisfying the requirements of this proposal/bid specification. These requirements apply to all concessions firms and suppliers, including those who qualify as an ACDBE. An ACDBE concession specific goal of ____ percent of (*annual gross receipts; value of leases and/or purchases of goods and services*) has been established for this concession. The concession firm shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 6), to meet the concession specific goal for ACDBE participation in the performance of this concession.

The concession firm will be required to submit the following information: (1) the names and addresses of ACDBE firms and suppliers that will participate in the concession, (2) A description of the work that each ACDBE will perform; (3) The dollar amount of the participation of each ACDBE firm participating; (4) Written and signed documentation of commitment to use a ACDBE whose participation it submits to meet a contract goal; (5) Written and signed confirmation from the ACDBE that it is participating in the concession as

provided in the prime concessionaire's commitment; and (6) If the contract goal is not met, evidence of good faith efforts.

Section 23.53 - Counting ACDBE Participation for Car Rental Goals

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

Section 23.55 - Counting ACDBE Participation for Concessions Other than Car Rentals

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

Section 23.57 - What Happens if Commission Falls Short of Meeting its Overall Goals

If the Commission falls short of meeting its overall goals as shown on its Uniform Report of ACDBE Participation at the end of any fiscal year, the Commission will do the following:

1. Analyze in detail the reasons for the difference between the overall goal and awards and commitments in that fiscal year.
2. Establish specific steps and milestones to correct the problems identified in the analysis enabling the Commission to meet its ACDBE overall goal for the new fiscal year.
3. Retain for three years the analysis and corrective actions as described herein and make it available to the FAA, on request, for their review.

Section 23.61 - Quotas or Set-asides

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

SUBPART E – OTHER PROVISIONS

Section 23.71 - Agreements

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

Section 23.73 - Privately-Owned or Leased Terminal Buildings

Not applicable.

Section 23.75 - Long-Term Exclusive Agreements

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

Section 23.79 - Geographic Preferences

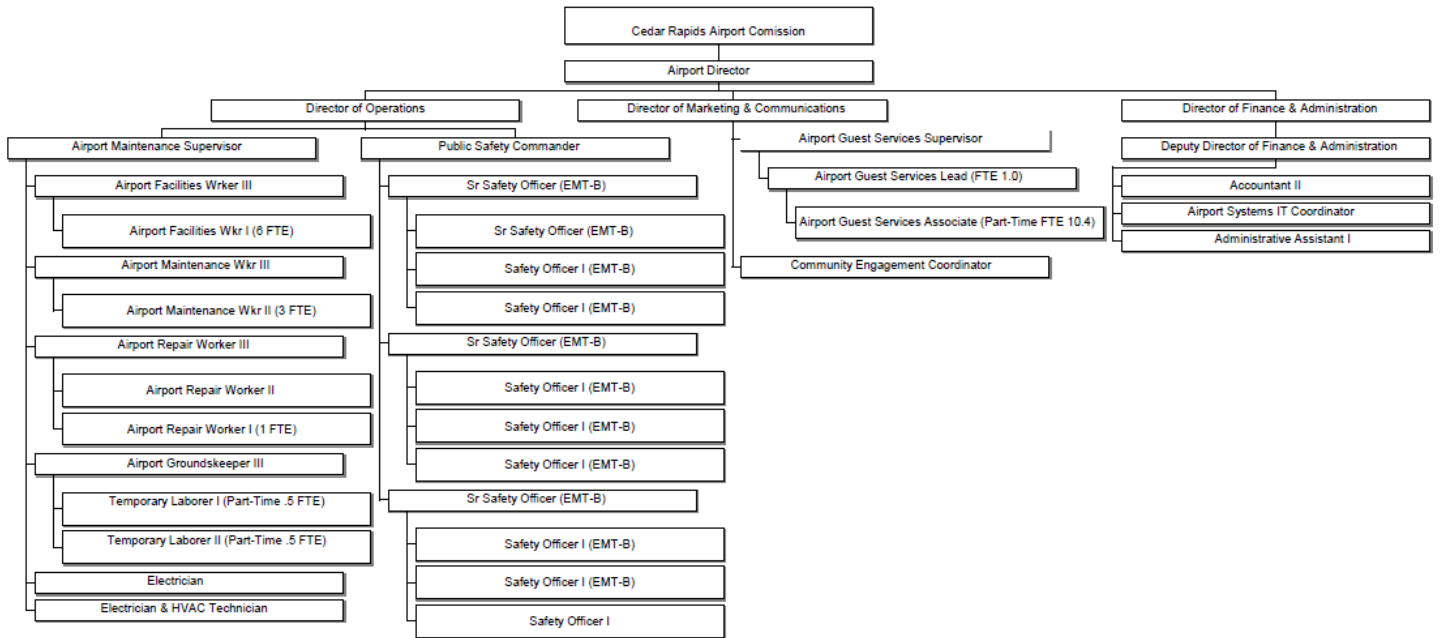
The Commission will not use a “local geographic preference,” any requirement that gives an ACDBE located in one place, such as Cedar Rapids, IA, an advantage over ACDBEs from other places in obtaining business as, or with, a concession at The Eastern Iowa Airport.

ATTACHMENTS

- Attachment 1 Organizational Chart
- Attachment 2 ACDBE Directory (website link)
- Attachment 3 Monitoring and Enforcement Mechanisms
- Attachment 4 Overall Goal for Concessions other than Car Rental Calculation, Consultation, Breakout of Estimated Race-Neutral & Race-Conscious Participation
- Attachment 5 Overall Goals for Car Rentals Calculation, Consultation, Breakout of Estimated Race-Neutral & Race-Conscious Participation
- Attachment 6 Form 1 & 2 for Demonstration of Good Faith Efforts
- Attachment 7 Certification Application Forms
- Attachment 8 Procedures for Removal of ACDBEs Eligibility
- Attachment 9 State of Iowa UCP Agreement
- Attachment 10 Regulations: 49 CFR Part 23
- Attachment 11 Goals and Elements for Privately-Owned or Leased Terminal Buildings

Attachment 1 - Organizational Chart

The Eastern Iowa Airport
 Organization Chart
 Res. 06-01-18



Attachment 2 - ACDBE Directory

Iowa Department of Transportation
800 Lincoln Way, Ames, Iowa 50010

Iowa Directory of Certified Disadvantaged Business Enterprises

Located at: http://www.iowadot.gov/civilrights/dbe_program.html

Attachment 3 - Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract; and
2. Breach of contract action, pursuant to Chapter 73A, Code of Iowa.

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

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

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

1. The Commission will insert the following provisions into concessions agreements and management contracts:
 - A. Concessionaire shall at all times maintain and keep books, ledgers, accounts or other records, wherein are accurately kept all entries reflecting the statistics, including but not limited to payments made to ACDBE firms, to be reported pursuant to the Commission. Such records shall be retained by Concessionaire for the greater period of three (3) years subsequent to the activities reported therein, or such other retention period as set forth in 49 CFR Part 23, and made available at Cedar Rapids, Iowa for audit and/or examination by Commission or its duly authorized representative during all normal business hours. Concessionaire shall produce such books and records at Cedar Rapids, Iowa within thirty (30) calendar days of Commission's notice to do so or pay all reasonable expenses, including but not limited to transportation, food and lodging, necessary for an auditor selected by Commission to audit said books and records.
 - B. The cost of audit, with the exception of the aforementioned expenses, shall be paid by Commission provided, however, the total cost of said audit shall be borne by Concessionaire if either or both of the following conditions exist:
 1. The audit reveals an underpayment of more than five percent (5%) of payments made to ACDBE firms as compared to the commitments made by Concessionaire, as determined by said audit; and/or
 2. Concessionaire has failed to maintain true and complete books, records, accounts, and supportive source documents as required herein.
2. The Commission will implement the following additional monitoring and compliance procedures:
 - A. The Commission will monitor that work committed to ACDBEs by the concessionaire at contract award is actually performed by the ACDBEs. The concessionaire will submit upon demand of the Commission a running tally of actual ACDBE attainments (e.g., payments actually made to ACDBE firm).
 - B. The Commission may conduct on-site reviews of the concessionaire's workplace to verify that ACDBEs are actually performing the work or providing the materials and supplies as reported by the concessionaire.

3. The Commission will implement our compliance and monitoring procedures as follows:
 - A. The Commission will review at a minimum the concessionaire's attainments report quarterly during the initial year of the lease and annually during subsequent lease years. The frequency of the reviews may increase based upon the findings.
 - B. On-site reviews of the concession workplaces will be conducted monthly during the initial year of the lease/contract, and quarterly during subsequent lease/contract years. The frequency of the reviews may increase based upon the findings.

**Attachment 4 - Overall Goal for Concessions other than Car Rental Calculation,
Consultation, Breakout of Estimated Race-Neutral & Race-Conscious Participation**

Federal Fiscal Years 2019 – 2021

**The Eastern Iowa Airport
Cedar Rapids, Iowa**

Airport Sponsor: Cedar Rapids Airport Commission

Goal Period: From: October 1, 2018
Through: September 30, 2021

ACDBE Goal for Concessions: 7.4%

Race-Conscious ACDBE Goal: 0.0%

Race-Neutral ACDBE Goal: 7.4%

OVERALL GOAL METHODOLOGY
Fiscal Years 2019 – 2021
Non-Car Rental

The Commission’s ACDBE Overall Goal for fiscal year 2019-2021 has been set by consolidating contract goals for each concession category as described below.

Market Area for Non-Car Rental Concessionaires

The Commission will determine its market area for each concession contract. This is the geographical area in which the substantial majority of firms that seek to do concessions business with the airport are located and the geographical area in which the firms receive a substantial majority of concessions related revenues are located.

Market Area – Location of Current Concessionaires

Type of Concession	Company	City	State
Retail News/Gifts	SSP America	Lansdowne	VA
Food Service	SSP America	Lansdowne	VA
Airport Advertising	Clear Channel Airports	Allentown	PA
Travel Agency	OnPeak	Chicago	IL
Shuttle & Limo Service	Airport Shuttle Service	Cedar Rapids	IA
Ground Transportation	American Class Taxi	Cedar Rapids	IA
Ground Transportation	Master Cab	Cedar Rapids	IA
Ground Transportation	Yellow Cab	Cedar Rapids	IA
ATM – Banking	Hills Bank & Trust	Hills	IA

Normally the market area is the geographical areas in which the substantial majority of firms that seek concessions business with the airport are located and the geographical area in which the firms receive a substantial majority of concessions related revenues are located.

Market Area – Non-Car Rental Concessionaires

Type of Concession	Company	City	State	Nationwide
Retail News/Gifts				XX
Food Service				XX
Shuttle & Limo Service			IA	
Ground Transportation			IA	
Airport Advertising				XX
Travel Agency				XX
ATM – Banking			IA	

Contracts Continuing Throughout the Three-year Goal Period

Retail/Food/Beverage - The Commission entered into a Lease and Concession Agreement for Retail, Food, and Beverage Services on January 23, 2017 with a twelve-year term commencing February 1, 2017 and ending January 31, 2029. The Concession Agreement has an ACDBE participation plan consisting of a joint venture operating agreement with an ACDBE firm that results in ACDBE participation of 10% in the Retail/Food/Beverage operations. The Commission anticipates this ACDBE participation will continue throughout the three-year goal period.

Ground Transportation (Shuttle/Limousine): Proposals for shuttle/limousine service agreement were solicited in Fiscal Year 2017. The Commission entered into a Shuttle/Limousine Service Agreement on April 24, 2017 for a three-year term commencing June 1, 2017 and ending May 31, 2020. The Agreement has two one-year renewal terms that extends the term until May 31, 2022. The Commission anticipates the renewal terms will be exercised and the agreement will continue during the three-year goal period. An ACDBE goal was not set for this agreement as it was determined that there was not a potential for subleasing.

Banking (ATM) – The current ATM concession contract will not expire during this three-year period. An ACDBE goal was not set for this agreement as it was determined that there was not a potential for subleasing.

Projected Concessions Opportunities: October 1, 2018 – September 30, 2021

The concession opportunities anticipated during this goal period are in the following areas: 1) Advertising; 2) Travel Agency (Online Booking Engine); 3) Ground Transportation (Taxicabs); and 4) Parking.

Advertising – The Advertising agreement is on a month-to-month term. Using a national market, the census data indicates total availability of 4,122 firms in the two NAICS codes that represent airport advertising (541840 – Media Representatives and 541850 – Outdoor Advertising). The dbE-connect directory indicates a total of 26 ACDBE firms in those two codes, which accounts to ACDBE availability of 0.63%. Based upon past advertising solicitation when just two proposals were received with no ACDBE participation, an ACDBE goal will not be set for this agreement.

Travel Agency (Online Booking Engine) – The Travel Agency Online Booking Engine agreement will expire on December 31, 2020. Using a national market, the census data indicates total availability of 14,797 firms in the 561510 Travel Agencies NAICS code. The dbE-connect directory indicates a total of 0 ACDBE firms in the 561510 code, which accounts to ACDBE availability of 0%. Based upon past Travel Agency Online Booking Engine solicitation when just one proposal was received with no ACDBE participation, an ACDBE goal will not be set for this agreement.

Ground Transportation (Taxicabs) – The Ground Transportation Taxicab Commercial Operators Permit are on a month-to-month term. Using a local market consisting of the State of Iowa, the census data indicates total availability of 22 firms in the 485310 NAICS code that represent taxi service. The Iowa DOT UCP DBE directory indicates a total of 1 firm in the code, which accounts to ACDBE availability of 4.54%. Based upon past Taxicab solicitation when just one ACDBE proposal was received, an ACDBE goal will not be set for this agreement.

Parking (Management Contract) – The current Parking contract, which is a management contract, will expire June 30, 2019. The current contract does not have an ACDBE goal. Opportunities for ACDBE participation in the purchase of goods and services are very limited. Using a local market consisting of the State of Iowa, the census data indicates total availability of 2,973 firms in the 5 NAICS codes (423990 - Other Misc. Durable Goods, 453210 - Office Supplies, 524210 - Insurance Agencies, 561330 - Temporary Help, and 561613 - Armored Car Services) that represent goods and service providers. The Iowa DOT DBE directory indicates a total of 5 firms in those 5 codes, which accounts to ACDBE availability of 0.17% to perform services and provide goods for the Parking operator. Due to the limited

number of ACDBEs relatively available to participate on the contract, an ACDBE goal will not be set for this agreement.

Summary

The following tables contain a summary of projected gross receipts for continuing and expiring concessions and a weighted base goals for Fiscal Years 2019-2021. The projected concession gross receipts for each year were increased by 1.19%, which is the projected annual enplanement growth rate for the three-year goal period.

Table 1. Concessions Projected Gross Receipts - FY 2019 - 2021

Concession	Projected 2019	Projected 2020	Projected 2021	Projected FY2019 - 2021
Food/Beverage	\$2,409,780	\$2,455,566	\$2,502,222	\$7,367,567
Retail News/Gift	\$920,453	\$937,942	\$955,762	\$2,814,157
Shuttle/Limousine	\$831,477	\$847,275	\$863,373	\$2,542,125
Banking (ATM)	\$10,715	\$10,919	\$11,126	\$32,760
Subtotal Continuing Contracts	\$4,172,425	\$4,251,701	\$4,332,483	\$12,756,609
Advertising	\$159,211	\$162,236	\$165,318	\$486,766
Travel Agency	\$2,372	\$2,417	\$2,463	\$7,252
Taxicabs	\$196,572	\$200,307	\$204,113	\$600,992
Subtotal Expiring Contracts	\$358,155	\$364,960	\$371,894	\$1,095,009
Total Concession Projected Gross Receipts	\$4,530,580	\$4,616,661	\$4,704,378	\$13,851,619

Source: Airport records

Table 2. Concessions Gross Receipts and Goals- FY 2019 - 2021

Concession	Estimated Gross		
	Receipts	ACDBE % Goal	ACDBE Goal \$
Food/Beverage	\$7,367,567	10.0%	\$736,757
News/Gift	\$2,814,157	10.0%	\$281,416
Shuttle/Limousine	\$2,542,125	0.0%	\$0
Banking (ATM)	\$32,760	0.0%	\$0
Subtotal Continuing Contracts	\$12,756,609	8.0%	\$1,018,172
Advertising	\$486,766	0.0%	\$0
Travel Agency	\$7,252	0.0%	\$0
Taxicabs	\$600,992	0.0%	\$0
Subtotal Expiring Contracts	\$1,095,010	0.0%	\$0
Total Concessions	\$13,851,619	7.4%	\$1,018,172

Source: Airport records

Overall Weighted Base ACDBE Goal

Using the above information, the Commission has calculated weighted ACDBE base goal of 7.4% for FY2019-2021. The base figure for the overall ACDBE goal was calculated by taking the ACDBE estimated three-year gross revenue of \$1,018,172 and dividing it by the total estimated three-year gross revenue of \$13,851,619.

Step 2: Adjustments

The Regulation provides for a Step 2 adjustment of the developed base goal for a variety of factors, including the current capacity of ACDBEs to perform work in the concession program, as measured by the volume of work ACDBEs have performed in recent years. We have reviewed the ACDBE achievement for the most recent three years as follows:

Year	% Goal	% Achievement
Historical Fiscal Year 2015	0.12%	0.19%
Historical Fiscal Year 2016	0.12%	0.20%
Historical Fiscal Year 2017	0.12%	2.10%
<i>Source: Airport records</i>		

Since ACDBE goals are being carried forward for continuing contracts and given the fact that a new joint venture operating agreement effective July 1, 2017 with an ACDBE firm resulting in ACDBE participation of 10% in the Retail/Food/Beverage operations, historical ACDBE participation is not a valid consideration. Consequently, there is no other relevant data to support an adjustment to the base goal. Therefore, the proposed overall ACDBE goal for the three-year period commencing October 1, 2018 and ending September 30, 2021 is 7.4%.

Proposed Overall Three Year Goal for FYs 2019-2021 = 7.4%

Consultation with Stakeholders (23.43)

Prior to submitting this goal to the FAA, the Commission consulted with existing concessionaires themselves concerning the ACDBE goal process and opportunities to increase participation of ACDBEs. The ACDBELO invited existing concessionaires by email and posted a meeting notice on the airport’s website inviting the public to attend the consultation meeting to be held on September 21, 2018. The ACDBELO conducted the meeting with existing concessionaires concerning the non-car rental ACDBE goals for FY2019 – FY2021. Discussion items were centered on opportunities for ACDBE participation, although the lack of DBE firms certified by the IUCP in work codes from which the concessionaires would use limits the opportunities for ACDBE participation.

NEW OPPORTUNITIES

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 an appropriate adjustment to the overall goal. This will be submitted to FAA for approval at least 90 days before advertising the solicitation of the new concession opportunity. (23.45(i)).

**Attachment 5 - Overall Goal for Car Rental Concessions, Consultation,
Breakout of Estimated Race-Neutral & Race-Conscious Participation**

Federal Fiscal Years 2019 – 2021

**The Eastern Iowa Airport
Cedar Rapids, Iowa**

Airport Sponsor: Cedar Rapids Airport Commission

Goal Period: From: October 1, 2018
Through: September 30, 2021

Car Rental ACDBE Goal
(Percentage of total expenditure of goods and services): 0.1%

Race-Conscious ACDBE Goal: 0.0%

Race-Neutral ACDBE Goal: 0.1%

Section 23.45: Overall Goal Calculation for Car Rentals

Introduction

In fulfillment of the requirements of 49 CFR Part 23, The Eastern Iowa Airport (Airport), owned by the City of Cedar Rapids (City) and operated by the Cedar Rapids Airport Commission (Commission) has developed an overall goal for fiscal years 2019, 2020, and 2021 for car rental concessions.

In accordance with 49 CFR Part 23, the overall goal has been prepared using a two-step process. The Commission first determines a base figure for the relative availability of ACDBEs in the relevant market area. Second, the Commission examines relevant evidence to determine what adjustment to the base figure, if any, is needed in order to arrive at the overall goal. The final adjusted figure is the Commission's overall goal, which represents the proportion of participation by ACDBEs in car rentals concessions during the subsequent three fiscal years. Once the adjusted overall goal is determined, the regulations require considering what portion of the goal will be met by race and gender-neutral measures.

Amount of Goal

The Commission's overall goal for car rentals during the period beginning October 1, 2018 and ending September 30, 2021 is the following: **0.10%**, to be accomplished through **0.0%** race and gender conscious (RC) measures and **0.10%** through race and gender-neutral (RN) measures.

1. Projected Concession Opportunities: October 1, 2108 – September 30, 2021

Historically, the Commission has expressed ACDBE participation as a percentage of the gross receipts of car rental operations at the Airport. The Commission does anticipate car rental concession opportunities during this goal period, as the current car rental concession leases are set to expire June 30, 2019. Current car rental companies consists of 2 national corporations and 1 local franchisee who is not a certified ACDBE. Consequently, since there are no certified ACDBE car rental companies in the Airport's market area, it is unlikely that ACDBE participation will be obtained through the competitive bids process for the car rental concession unless purchases from ACDBEs of goods and services used in businesses conducted at the airport is considered. However, obtaining ACDBE participation through goods and services is limited due to the very small number of ACDBE companies located in the State of Iowa in the goods and services areas normally utilized by the rental car companies. This includes companies performing transmission work, body shop work, auto glass repair, brake repair, janitorial services, and temporary services; and companies selling office supplies and security key drop containers. In reviewing the Iowa DOT UCP DBE Directory Listing, 5 ACDBE firms certified by the Iowa DOT were found in the service areas listed above and 1 ACDBE firm listed in providing goods. The Commission excluded the purchase of vehicles since there are no certified ACDBE vehicle dealerships in the Airport's market area. Therefore, the Commission requested information from each car rental company regarding the total expenditure on goods and services for the last three fiscal years, excluding the purchase of vehicles. Information for fiscal years 2015, 2016, and 2017 were not provided by all of the rental car companies. Reporting of total annual expenditures on goods and services will be a requirement in the new contract. Therefore, the Commission used data that was available from FFY2017 DBE quarterly reports and extrapolated an estimated total expenditure for all car rental companies based on the market share. The expenditure for each year was increased by 1.19%, which is the projected annual enplanement growth rate for the three-year period. Based on projections by the Commission, the total expenditure of goods and services for car rental operations anticipated during the FY2019-2021 goal period is \$7,642,913, as shown in the exhibit below.

**Projected Expenditure of Goods and Services
for Car Rental Concessions
FY2019-FY2021**

<u>Fiscal Year</u>	<u>Car Rental Concessions</u>
FY2019	\$2,499,840
FY2020	\$2,547,337
FY2021	\$2,595,736
Total Expenditures	\$7,642,913

Source: Airport records

2. Determination of Market Area

The market area is defined by the geographical area in which the substantial majority of firms which seek to do rental car concessions business with the Authority are located and the geographical area in which the firms which receive the substantial majority of concessions-related receipts are located. In the case of car rental concessions, the normal market area would be defined as the location of firms which do business and seek to do business with the car rental Concessionaires.

The Commission has determined that its market area is the State of Iowa. Historical data and anecdotal evidence indicates that the Commission's best opportunity for ACDBE participation for car rental concessions is through the purchase of goods and services. Therefore, the market area for car rental concessions is based on the location of vendors and suppliers.

Methodology Used to Calculate Overall Goal

Goods and Services

The Commission can meet the percentage goal by including the purchase from ACDBEs of goods and services used in businesses at the airport. The dollar value from purchases of goods and services from ACDBEs will be added to the numerator, and the dollar value from purchases of goods and services from all firms (ACDBEs and non-ACDBEs) will be added to the denominator.

Step 1: 23.51(c)

The Commission determined the base figure for the relative availability of car rental ACDBEs.

The Step 1 base figure was determined by dividing the number of potential ACDBE firms available by the total number of firms available to determine the relative availability of ACDBEs as indicted in Table 1 below.

Table 1: Actual Relative Availability of ACDBE Companies				
NAICS Code	Type of Work	Total ACDBE's ⁽¹⁾	All Firms ⁽²⁾	% of ACDBE Firms Available
423990	Other Misc. Durable Goods	2	53	3.77%
453210	Office Supplies	0	64	0.00%
524210	Insurance Agencies	2	2,134	0.09%
561330	Temporary Help	1	21	4.76%
561720	Janitorial Services	1	606	0.17%
811111	General Auto Repair	0	1,099	0.00%
811118	Brake Repair	0	31	0.00%
811121	Auto Collission Repair	0	472	0.00%
811122	Auto Glass Repair	0	66	0.00%
TOTAL		6	4,546	0.13%

Source:
(1) ACDBE data obtained form IDOT Disadvantaged Business Directory, 2018
(2) Census Bureau Information, 2016 County Business Patterns, State of Iowa

The Step 1 base goal for car rental ACDBEs is **0.13%**.

Step 2: 23.51(d)

After calculating a base figure of the relative availability of ACDBEs, the Commission examined evidence to determine what adjustment was needed to the base figure in order to arrive at the overall goal. In order to reflect as accurately as possible the ACDBE participation the Commission would expect in the absence of discrimination it did not adjust our base figure. Our overall goal for car rental concessions is **0.10%**.

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

1. Past participation

The Commission evaluated the current capacity of ACDBEs to perform work in the car rental concessions program by measuring the volume of work ACDBEs have performed in the past the fiscal years of 2015-2017 as shown below in Table 2:

Table 2: Past ACDBE Achievement			
FY2015 - FY2017			
(Based on Goods and Services Expenditure)			
Report Period	Total ACDBE Dollars	Total Goods and Services Dollars	Estimated ACDBE %
FY2015	\$4,415	\$2,160,349	0.20%
FY2016	\$1,552	\$2,169,558	0.07%
FY2017	\$478	\$2,453,228	0.02%
MEDIAN			0.07%

Arranging the historical data from low to high, (0.02%, 0.07%, 0.20%) the median ACDBE achievement for the reporting periods as shown above is 0.07%, compared to the Step 1 ACDBE base figure of 0.13%. This indicates that the Step 1 base fire overestimates ACDBE capacity at the Airport.

Adjustment of the Step 1 Base Figure

To arrive at an overall goal, the Step 1 base figure was added with the Step 2 adjustment figure and then averaged the total arriving at an overall goal of 0.10%. We believe this adjusted goal figure will accurately reflect ACDBE car rental concession participation that can be achieved during this 3-year period.

$$\text{ACDBE Car Rental Goal} = (0.13\% + 0.07\%)/2$$

ACDBE Goal = 0.10%

The Commission chose to adjust our figure using this data because it believes that past and current ACDBE participation by car rental concessions provides a more accurate prediction of future ACDBE participation at the Airport.

Consultation with Stakeholders (23.43)

Prior to submitting this goal to the FAA, the ACDBELO invited existing car rental companies by email and posted a meeting notice on the airport’s website inviting the public to attend a consultation meeting that was held on September 21, 2018. The ACDBELO conducted the meeting with representatives of existing car rental companies concerning the car rental ACDBE goals for FY2019 – FY2021 including the ACDBE goal process and opportunities to increase participation of ACDBEs. Discussion items were centered on opportunities for ACDBE participation, which were to be obtained through the purchase of goods and services. However, the lack of ACDBE firms certified by the IUCP in work codes from which the concessionaires would use limits the opportunities for ACDBE participation.

Breakout of Estimated Race-Neutral & Race Conscious Participation

Section 23.51

The Commission intends to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. The Commission uses the following race-neutral means to increase ACDBE participation:

1. Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;
2. Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
3. When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;
4. Ensuring that competitors for concession opportunities are informed during pre-proposal meetings about how the sponsor's ACDBE program will affect the procurement process; and
5. Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.

Since our overall goal is 0.10%, the Commission estimates 0.10% from race-neutral participation and 0.00% through race-conscious measures.

Based upon limited historic data as well as census data on available firms and the limited number of ACDBEs in the State of Iowa, it is believed from past operating procedures that the Commission may have a difficult time to obtain ACDBE participation on concessions through race-neutral measures.

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

1. The Commission may establish concession-specific goals for particular concession opportunities.
2. Negotiate with potential concessionaires to include ACDBE participation through direct ownership arrangements or measures, in the operation of the concession.
3. With prior FAA approval, other methods that consider 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 the Commission uses concession specific goals the Commission will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual ACDBE participation (see 26.51(f)) and the Commission will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral ACDBE participation includes, but is not necessarily limited to, the following:

1. ACDBE participation through a prime contract that an ACDBE obtains through customary competitive procurement procedures;
2. ACDBE participation through a subcontract on a prime contract that does not carry ACDBE goal;
3. ACDBE participation on a prime contract exceeding a concession specific goal; and
4. ACDBE participation through a subcontract from a prime contractor that did not consider a firm's ACDBE status in making the award.

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

If a new car rental 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 an appropriate adjustment to the overall goal. This will be submitted to FAA for approval at least ninety days before issuing a solicitation for the new concession opportunity. (23.45(i)).

Attachment 6 - Forms 1 & 2 for Demonstration of Good Faith Efforts

Forms 1 and 2 will be provided as part of the solicitation documents utilized by the Commission.

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

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

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

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

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ (Signature) _____ (Title)

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Name of ACDBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by ACDBE firm:

.....
.....
.....
.....

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

Affirmation

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

By _____
(Signature) (Title)

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

(Submit this page for each ACDBE subcontractor.)

Attachment 7 - Certification Application Forms

Since the Commission is a member of the Iowa Department of Transportation (IDOT) Unified Certification Program (UCP), the IDOT rather than the Commission will certify firms for the concession program.

**Iowa Department of Transportation
800 Lincoln Way, Ames, Iowa 50010**

Uniform Certification Application

Located at: http://www.iowadot.gov/civilrights/dbe_program.html

Attachment 8 - Procedures for Removal of ACDBEs Eligibility

Since the Commission is a member of the Iowa Department of Transportation (IDOT) Unified Certification Program (UCP), the IDOT rather than the Commission will set forth the procedures for removal of ACDBEs eligibility to participate in the concession program.

The IDOT DBE Program states the following:

Removal of Eligibility

Complaints: Iowa DOT will accept written complaints from any person alleging that a currently certified DBE firm is ineligible and stating a specific reason for ineligibility. Anonymous or general complaints will not be accepted. The Iowa DOT will thoroughly investigate the complaint and if reasonable cause is found, will notify the DBE and the complainant in writing.

IDOT Initiated: When Iowa DOT has reason to believe a certified DBE firm is ineligible, the DBE will be notified of the finding in writing. The letter will state the reason and cite the evidence.

USDOT Initiated: The USDOT may notify Iowa DOT of reasonable cause to find a certified DBE firm to be ineligible. The Iowa DOT must immediately initiate removal procedures.

Hearing: When a DBE firm receives written notice of intent to remove eligibility, the firm has 10 days to request an informal hearing to refute the allegations. The Iowa DOT must prove by a preponderance of evidence that the firm is ineligible. The Iowa DOT will provide a tape recorder to record the hearing and prepare a transcript. The decision-maker for the appeal hearing will be the Iowa DOT Appeal Committee.

Decision: The decision to remove eligibility will be based on circumstances that have changed since certification, evidence that was not available at certification, evidence that was concealed or misrepresented, a change in certification standards or a documentation of erroneous facts.

Notice of Decision: Following the decision, the Iowa DOT will notify the DBE firm in writing of the decision and any consequences. The firm remains an eligible DBE throughout the investigation and hearing process. The removal of eligibility becomes effective on the date of the decision letter.

Effects: The prime contractor will receive DBE credit for all DBE work that is currently under contract. If there was a bid commitment but no written subcontract was executed yet, the prime contractor must make a good faith effort to find another DBE firm for all or part of the committed amount.

Attachment 9 – State of Iowa UCP Agreement

IOWA DEPARTMENT OF TRANSPORTATION (Iowa DOT) UNIFIED CERTIFICATION PROGRAM (UCP) AGREEMENT

(Revised 10/18/02)

Development & Proposal

The new Disadvantaged Business Enterprise (DBE) requirements contained in 49 CFR Part 26 included a provision for a "one-stop" certification process. The process must be defined and submitted to the Secretary of Transportation for approval within 3 years of publication of the regulations, February 2002. (Attachment J) Failure to develop and execute a UCP agreement will result in a loss of USDOT funding.

Impact on Recipient Programs

Federal regulations, 49 CFR Part 26, require all USDOT fund recipients implement a UCP within three years. The statewide UCP must establish a single uniform process or "one stop- shopping" for DBE applications, certifications, and development of a single point DBE Directory. All USDOT recipients will be required to ratify the UCP agreement and all DBE certifications by the Iowa DOT will be binding.

The UCP will not establish, recommend or alter any agencies' overall DBE Program, other than to supplement an approved program submittal, DBE goal, or goal methodology.' DBE goal development, administration, monitoring, and reporting remains the soul responsibility of the agency with a USDOT approved DBE Program in accordance with 49 CFR Part 26, subject to any oversight requirements of the lead agency. Any agency that elects not to establish a DBE Program as set forth in 49 CFR Part 26 will be required to adopt and implement the lead agency's program. The lead agency in Iowa is the Iowa DOT for the majority of the recipient's USDOT federal funds.

Firms currently certified through local agencies, will not be decertified from working on local projects with local funds, if they wish to be in the UCP Directory and be available for working on projects with federal funds as certified DBEs they will have to apply and be approved by this office.

Reciprocity

The Iowa DOT may elect to enter into a written reciprocity agreement; with UCPs in other states or regions.

Process Review

The Iowa DOT has developed an application letter, approval letter, and certificate of approval. (Attachments B, C, & D) The current DBE application will be used due to the impending application under development by the USDOT. application under development by the USDOT.

Ratification Process

All recipients of federal funds administered by the USDOT, either directly or indirectly, must ratify and comply with the UCP agreement. Failure to ratify the agreement may result in the loss of federal funds from the Iowa DOT and/or the USDOT.

All recipients and sub-recipients are bound by the requirements of the UCP and will need to sign the agreement once it is finalized. The Iowa UCP will be implemented immediately upon its approval.

Initial Consolidation and Application

The Iowa DOT will review all firms that make a written request to determine eligibility under 49 CFR Part 26. The Iowa DOT will review any investigative information, the certification file, and any other documentation provided. The Iowa DOT will then make a determination as to whether or not the firm meets the eligibility requirements.

The Iowa DOT is prepared to accept applications for certification from concessionaires at this time. Except for the differences in PNW and AGR information all other certification procedures for the State of Iowa will remain the same.

All requirements of Subparts D and E of 49 CFR Part 26, which outlines certification standards and DBE certification procedures, shall be enforced by the Iowa DOT to determine eligibility for participation as a DBE in U.S. DOT assisted contracts. Certification decisions are based on the facts as a whole, and all certification standards must be met before a firm will be eligible for participation as a DBE. To apply for certification or obtain information about the process, firms should contact:

Iowa D.O.T. Office of Contracts
EEO Section 800 Lincoln Way
Ames, Iowa 50010
Phone: 515-239-1422
Fax: 515-239-1325

Applications will be processed as received, if the application is complete the process and a decision will be made in 90 days or less, if more information is required of the applicant extensions maybe needed.

Applications from outside the State of Iowa will be reviewed and processed provided the applicant is certified in their "home" state and information regarding that certification is available upon request.

Any applicant that is denied certification can appeal that decision to the Iowa DOT Appeals Committee. This committee is comprised of five Iowa DOT employees from outside the Office of Contracts who are appointed by the Director of the Iowa DOT's Highway Division. Members of this committee serve until they request to be removed or transfer from the area, retire etc. The committee is chaired by the Office of Contracts Assistant Engineer who will not have a vote and will not be considered a part of the committee. The chair and all committee members understand the certification requirements. They shall review all evidence provided by the Iowa DOT's Affirmative Action Officer who made the initial determination, and render a decision. A simple majority of votes constitutes their decision. If the applicant is still denied certification, they will be informed of their right to appeal to U.S. DOT. Such appeals may be sent to:

U.S. Department of Transportation Office of Civil Rights
Certification Appeals Branch
400 7th St., SW, Room 2104
Washington, D.C. 20590

After the effective date of this Agreement, only firms certified based on guidelines prescribed in 49 CFR Part 26 and provisions of this agreement, shall be recognized as certified by the Iowa DOT.

No applicant will be eligible to bid on a project as a DBE until the certification process is complete, the applicant approved, and the applicant being listed in our directory.

DBE Directory

All recipients in the State of Iowa have been informed and will be updated periodically that the only source of DBE Contractors that can be used on Federally assisted contracts in the State of Iowa are listed in our Directory under the Iowa UCP.

Our directory of Certified DBEs is available in print and on the internet at this time.

The directory is maintained by staff of the Iowa DOT Office of Contracts, updates and or changes to both versions are made as amendments and are changed or distributed with each monthly letting.

Appeals Process

The Appeals Committee will consist of 5 members. The Appeals Committee will give the firm the opportunity for administrative re-consideration of the eligibility determination. As required in the DBE regulations, a firm may appeal directly to the USDOT, however, if they choose to appeal to the Iowa DOT Appeals Committee, they do **not** forfeit the right to appeal to the USDOT, within the time frame provided in 49 CFR Part 26.

Initial Certification Applicant Denials - When a firm is denied certification, a certified letter is sent in which they are given the opportunity to appeal that decision, if they choose to appeal, a hearing will be scheduled before the Appeals Committee as listed above. To do this, they must request an appeal, in writing, within 15 days of their receipt of the letter. If an appeal is requested the firm is contacted within 3 days to schedule the appeal. If the denial is upheld by the Committee, the DBE firm has the right to appeal to the USDOT within 90 days of the notice.

Denial of Re-Certification and De-Certifications - When a certified firm is decertified or denied recertification, they are sent a certified letter in which they are given the opportunity to appeal that decision, to an internal DBE Appeals Committee. To do this, they must request an appeal, in writing, within 15 days of their receipt of the letter.

Administrative Removal of Eligibility - In circumstances where a certified firm, or a new applicant firm, has failed to submit required documentation or exceeded Personal Net Worth thresholds, there will be no administrative re-consideration. Those circumstances include:

1. Any certified firm that does not submit the annual update required in 49 CFR Part 26 will have certification removed for failure to comply after 45 days from the date the update was due. The update is due March 1st of every year. Failure to submit the update is not appealable.
2. Any firm previously certified and denied certification due to exceeding the Personal Net Worth cap by the disadvantaged owner is not appealable.
 - If any certified firm's disadvantaged owner's Personal Net Worth exceeds the cap within the 3 year period of certification, the eligibility of the firm will be removed. Removal of certification for exceeding Personal Net Worth is not appealable.

SIC/NAIC Codes

The Iowa DOT agrees to certify all firms in compliance with 49 CFR Part 26, including designating specific work types. The Iowa DOT agrees to use the SIC/NAIC codes for those designations.

Any firm may request modification and/or additions to their approved codes by making a written request to the Iowa DOT. The request must include the equipment and experience indicating the firm's ability to perform the particular work type. In addition, the firm must submit documentation of past contracts on which the firm has performed the specific type of work. A sample request application is set out in Attachment E.

During the certification process the department shall compile a list of equipment owned or leased by the applicant, licenses held by key employees if applicable and obtain a statement from the firm explaining what type of work they plan of performing as a certified DBE. This information will be verified during the "on site" visit.

3rd Party Challenges

The Iowa DOT will accept 3rd party challenges to a DBEs certification if it is in writing and signed by the complainant. If after a complete investigation it appears that the complaint has merit the department will notify the DBE and the complainant in writing.

Iowa DOT Initiated: When Iowa DOT has reason to believe a certified DBE firm is ineligible, the DBE will be notified of the finding in writing. The letter will state the reason and cite the evidence.

USDOT Initiated: The USDOT may notify Iowa DOT of reasonable cause to find a certified DBE firm to be ineligible. The Iowa DOT will immediately initiate removal procedures.

In any case, the DBE firm will receive written notice of intent to remove eligibility, the firm will have 10 days to request an informal hearing to refute the allegations. The Iowa DOT must prove by a preponderance of evidence that the firm should be considered ineligible. This hearing will take place before the Iowa DOT Appeal Committee. To ensure a separation of functions in all decisions, the members of the DBE appeal committee will not have participated in any way in the proceedings or the decision to initiate proceedings, leading to the proposal to decertify. This separation of functions will be maintained at all times whether the hearing is to decertify an existing DBE or the non approval of a new applicant.

Supportive Services

Assistance is provided to all DBE certified firms in the following areas.

- preparation of the certification application
- information about how to obtain bidding documents and plans
- plan reading
- dealing with contractors
- information about dealing with the Iowa DOT
- assistance in developing loan packages and financial statements

ATTACHMENTS

Attachment A

49 CFR Part 26

§26.81 What are the requirements for Unified Certification Programs?

- (a) You and all other DOT recipients in your state must participate in a Unified Certification Program(UCP).
- (1) Within three years of [insert date 30 days after date of publication in Federal Register], you and the other recipients in your state must sign an agreement establishing the UCP for that state and submit the agreement to the Secretary for approval. The Secretary may, on the basis of extenuating circumstances shown by the recipients in the state, extend this deadline for no more than one additional year.
 - (2) The agreement must provide for the establishment of a UCP meeting all the requirements of this section. The agreement must specify that the UCP will follow all certification procedures and standards of this part, on the same basis as recipients; that the UCP shall cooperate fully with oversight, review, and monitoring activities of DOT and its operating administrations; and that the UCP shall implement DOT directives and guidance concerning certification matters. The agreement shall also commit recipients to ensuring that the UCP has sufficient resources and expertise to carry out the requirements of this part. The agreement shall include an implementation schedule ensuring that the UCP is fully operational no later than 18 months following the approval of the agreement by the Secretary.
 - (3) Subject to approval by the Secretary, the UCP in each state may take any form acceptable to the recipients in that state.
 - (4) The Secretary shall review the UCP and approve it, disapprove it, or remand it to the recipients in the state for revisions. A complete agreement which is not disapproved or remanded within 180 days of its receipt is deemed to be accepted.
 - (5) If you and the other recipients in your state fail to meet the deadlines set forth in this paragraph (a), you shall have the opportunity to make an explanation to the Secretary why a deadline could not be met and why meeting the deadline was beyond your control.

If you fail to make such an explanation, or the explanation does not justify the failure to meet the deadline, the Secretary shall direct you to complete the required action by a date certain. If you and the other recipients fail to carry out this direction in a timely manner, you are collectively in noncompliance with this part.

- (b) The UCP shall make all certification decisions on behalf of all DOT recipients in the state with respect to participation in the DOT DBE Program.
- (1) Certification decisions by the UCP shall be binding on all DOT recipients within the state.
 - (2) The UCP shall provide "one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state.

- (3) All obligations of recipients with respect to certification and nondiscrimination must be carried out by UCPs, and recipients may use only UCPs that comply with the certification and nondiscrimination requirements of this part.
- (c) All certifications by UCPs shall be pre-certifications; i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE.
- (d) A UCP is not required to process an application for certification from a firm having its principal place of business outside the state if the firm is not certified by the UCP in the state in which it maintains its principal place of business. The "home state" UCP shall share its information and documents concerning the firm with other UCPs that are considering the firm's application.
- (e) Subject to DOT approval as provided in this section, the recipients in two or more states may form a regional UCP. UCPs may also enter into written reciprocity agreements with other UCPs. Such an agreement shall outline the specific responsibilities of each participant. A UCP may accept the certification of any other UCP or DOT recipient.
- (f) Pending the establishment of UCPs meeting the requirements of this section, you may enter into agreements with other recipients, on a regional or inter-jurisdictional basis, to perform certification functions required by this part. You may also grant reciprocity to other recipient's certification decisions.
- (g) Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this section), the information required by §26.31. The UCP shall make the directory available to the public electronically, on the internet, as well as in print. The UCP shall update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made.
- (h) Except as otherwise specified in this section, all provisions of this subpart and subpart D of this part pertaining to recipients also apply to UCPs.

Attachment B

Thank you for your interest in the Iowa Department of Transportation's Disadvantaged Business Enterprise Program.

The certification process is perhaps the most critical single element of DBE program administration, since it is to determine eligibility for participation in the program. As such, it is a state's first line of protection against program abuse.

In order to be certified, a firm must be:

- A small business as defined by Section 8(d) of the Small Business Act and as amended by TEA-21 of 1998. (*13 CFR, paragraph 121.3-8, lists definitions for small businesses by industry type.*). TEA-21 of 1998 restricts the size of small businesses to \$17.42 million three-year average gross income.
- Owned (*at least 51 percent*) by a socially and economically disadvantaged person or persons; and
- Controlled by a socially and economically disadvantaged person or persons.

To qualify as a Disadvantaged Business Enterprise (DBE) your firm must meet the eligibility standards established in Part 26, Title 49 of the Code of Federal Regulations, published February 2, 1999. Additional requirements were also passed in the Transportation Equity Act for the 21st Century (TEA-21). The Congress directed the U.S. Secretary of Transportation to establish minimum uniform criteria for state governments to use in certifying that a firm qualifies for participation in the DBE program. As a minimum, according to the Act, the criteria include on-site visits, field interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resumes of principal owners, financial capacity, type of work performed, and notarized statement of personal net worth and that each DBE owner is, in fact, socially and economically disadvantaged. A copy of the rules are available upon request from the Iowa Department of Transportation's Office of Contracts.

Upon receipt of the completed Certification Application, the Department will evaluate the information submitted to determine compliance with the above criteria. It is, therefore, imperative that your application and any attached documentation provide evidence of the ownership and control of your firm. You shall also show that your firm has the resources necessary to perform the work you indicated. Only those firms which have been certified under this process can be considered for participation in the Department's DBE Program.

To ensure a timely review of your application, you must answer all questions and submit all requested documentation. If yours is a recently established firm, and portions of the application do not seem applicable, please place (NA) on the questions that do not apply. Failure to complete portions of the application and to submit the requested documentation will delay the certification process.

Sincerely,

EEO Administrator

Attachment C

Certificate No.

**Disadvantage Business Enterprise
Certification**

This Certifies That

Has met the requirements under the rules promulgated by the U.S. Department of Transportation pursuant to 49 Code of Federal Regulations, Part 26, and is eligible to participate as a Disadvantaged Business Enterprise in the Iowa Department of Transportation DBE Program

Issue Date:

Expiration Date:

Craig J. Russell, EEO Administrator
Roger E. Bierbaum, P.E., Contracts Engineer

This certification may be revoked by the department upon finding of ineligibility and said company is subject to examination at any time and maybe required to supply additional information for review notwithstanding the issuance of this certificate.

Attachment D

Date

Co. Name Address City, ST Zip

Dear :

The Iowa Department of Transportation (Iowa DOT) has approved the eligibility of **COMPANY NAME** for credit on Iowa DOT contracts performing a commercially useful function in the area(s) of: **WORK TYPES CERTIFIED FOR**. For record-keeping purposes Iowa DOT is counting **COMPANY NAME** as a Woman/Disadvantaged Business Enterprise (W/DBE). If the firm should develop the resources, including equipment and personnel, to become involved in other areas, you should notify our office before quoting contracts in those other areas.

The certification of eligibility is valid for three years from Month Day, 201? to March 1, 201?. Enclosed with this approval letter is your DBE Certification Certificate. Your firm's name will be retained on our list of certified DBE's.

This determination is based on information provided to the Iowa DOT on the Schedule A Form Application for Determining Disadvantaged Business Enterprise, and the Social and Economic Disadvantaged Forms. Should this information change, you must complete a new application within 10 days of the change. In addition, Iowa DOT reserves the right to rescind this certification, should the information upon which it is based is proven false, inaccurate, or misleading.

You will be required to submit a Recertification Form to renew certification every three years, with Personal Financial Statements each year. These forms will be supplied by the Office of Contracts, EEO Section.

Iowa DOT has the responsibility for providing technical assistance to DBE firms for our highway projects. These services are currently being provided by the Office of Contracts at 515-239-1422. Certified firms are encouraged to utilize this office for assistance.

If you have any questions, please feel free to contact this office.

Sincerely,

Compliance Officer

Attachment E

DISADVANTAGED BUSINESS ENTERPRISE
Request for Standard Industry Classification (SIC) Code Review

Name of Firm:			
Street Address:			
City:		State:	Zip:
Description of SIC Code Addition Requested			

List and attach documentation of the 5 largest contracts or supply invoices completed for the SIC code requested.

List all equipment you own or lease used to perform the work for the SIC code requested. Copies of current lease agreements or proof of payment must be attached.

Type of Equipment	Make	Model	Year	Date Acquired	Present Value

Please attach any other documentation or information relevant to the review of the SIC code your firm requested. This can include documentation of technical licenses, leases of property or facilities, training or expertise.

Signature	
Printed name	
Title	
Date	

AIRPORTS

Albia	Council Bluffs	Independence	Oskaloosa
Algona	Creston	Iowa City	Ottumwa
Ames	Davenport	Iowa Falls	Pella
Ankeny	Decorah	Jefferson	Perry
Atlantic	Denison	Keokuk	Pocahontas
Audubon	Des Moines	Knoxville	Red Oak
Belle Plaine	Dubuque	Lamoni	Rockwell City
Bloomfield	Emmetsburg	LeMars	Sac City
Boone			
Burlington	Estherville	Mapleton	Sheldon
Carroll	Fairfield	Maquoketa	Shenandoah
Cedar Rapids	Forest City	Marshalltown	Sioux City
Centerville	Fort Dodge	Mason City	Spencer
Chariton	Fort Madison	Monticello	Storm Lake
Charles City	Greenfield	Mount Pleasant	Vinton
Cherokee			
Clarinda	Grinnell	Muscatine	Washington
Clarion	Guthrie County	Newton	Waterloo
Clinton	Hampton Harlan	Oelwein	Waverly
	Humboldt	Orange City	Webster City
		Osceola	West Union
			Winterset

TRANSITS

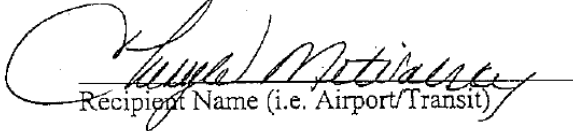
- Ames Transit Agency Bettendorf
- Transit System
- Cedar Rapids Five Seasons Transportation & Parking Coralville
- Transit System
- City of Council Bluffs Davenport
- CitiBus
- Des Moines Metropolitan Transit Authority (MTA) Keyline
- Transit - Dubuque
- Iowa City Transit
- University of Iowa - CAMBUS
- Sioux City Transit
- Dodger Area Rapid Transit (DART) - Fort Dodge

Recipient Signature(s)

Federal Regulations 49 CFR Part 26 requires all recipients in the state to sign this agreement establishing this document as the UCP for the State of Iowa.

By your signatures, you are completing that agreement. Please obtain all necessary signatures and return this page only to the Iowa Department of Transportation, Office of Contracts, 800 Lincoln Way, Ames, Iowa 50010.

CEDAR RAPIDS AIRPORT COMMISSION



Recipient Name (i.e. Airport/Transit)

Cheryle Mitvalsky, Chair

(Name & Title)

49 CFR Part 23

Attachment 10 - Regulations: 49 CFR Part 23

Located at: http://www.faa.gov/about/office_org/headquarters_offices/acr/

Attachment 11 - Goals and Elements for Privately Owned or Leased Terminal Buildings

NOT APPLICABLE