



TUCSON
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TUCSON AIRPORT AUTHORITY

ACDBE PROGRAM (Updated 9-4-24)

49 CFR PART 23

APPROVED BY: *D. Bewley*
Danette M. Bewley, A.A.E., President/CEO

EXHIBIT A

**TUCSON AIRPORT AUTHORITY
AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (ACDBE)
POLICY STATEMENT**

**Tucson Airport Authority Airport
 Concession Disadvantaged Business
 Enterprise (ACDBE) Program Policy
 Statement**

Policy No.	2024-09
Effective Date	09/04/2024
Authorized By	President/CEO
Supersedes Policy No.	New Policy

Tucson Airport Authority (TAA), certificated operator of Tucson International Airport, has established an Airport Concession Disadvantages Business Enterprise (ACDBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR part 23. TAA is a primary airport and has received federal funds authorized for airport development after January 1988 (authorized under Title 49 of the United States Code). TAA has signed airport grant assurances that it will comply with 49 CFR part 23.

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


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

The Compliance Administrator has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, the Compliance Administrator is responsible for implementing all aspects of the ACDBE program. Implementation of the ACDBE program is accorded the same priority as

compliance with other legal obligations incurred by the TAA in its financial assistance agreements with the Department of Transportation.

TAA has disseminated this policy statement to the TAA Board of Directors, for their approval, and all of the components of our organization. Upon TAA Board of Directors' approval, this policy statement will be distributed to ACDBE and non-ACDBE concessionaire communities in our area. The distribution will be accomplished by reviewing and disseminating the policy at the public comment meeting for the ACDBE program and via the TAA website at the earliest opportunity. A copy of this policy statement shall be available through the solicitation processes for all concession contracts.

Authorized by:



Danette Bewley
President/CEO

9/4/24

Date

TUCSON AIRPORT AUTHORITY
AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PROGRAM

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

TAA 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

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

Section 23.9 Non-discrimination Requirements

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

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

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

TAA 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

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

SUBPART B – ACDBE PROGRAM

Section 23.21 ACDBE Program Updates

TAA is the operator of at least one primary airport, Tucson International Airport, and Ryan Airfield, a general reliever airport, and is required to have an ACDBE program. This ACDBE program is applicable to the following airport(s):

- Tucson International Airport

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

Section 23.23 Administrative Provisions

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

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

ACDBE Liaison Officer (ACDBELO): TAA has designated the following individuals as ACDBE Liaison Officers:

ACDBE Liaison Officer

Bert Resimont
Compliance Audit Administrator
7250 S. Tucson Blvd, Suite 300
Tucson, AZ 85756
Telephone Number: (520) 573-4892
Fax Number: (520) 573-8029
E-mail Address: bresimont@flytucson.com

Assistant ACDBE Liaison Officer

Carolyn Laurie
Director of Grants and Compliance
7250 S. Tucson Blvd., Suite 300
Tucson, AZ 85756
Telephone Number: (520) 573-4859
Fax Number: (520) 573-8029
E-mail Address: claurie@flytucson.com

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that TAA complies with all provision of 49 CFR Part 23. The ACDBELO has direct, independent access to the President/Chief Executive Officer (CEO) of Tucson Airport Authority concerning ACDBE

program matters. An organizational chart displaying the ACDBELO's position in the organization is found in Attachment 1 to this program.

The ACDBELO is responsible for developing, implementing, and monitoring the ACDBE program, in coordination with other appropriate officials. The ACDBELO works closely with the TAA Procurement and Legal Departments in the administration of the program. The duties and responsibilities of the group include the following:

1. Gathers and reports statistical data and other information as required by FAA or DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
5. Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals).
6. Analyzes TAA's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on ACDBE matters and achievement.
9. Consults with TAA legal counsel and project director to determine contractor compliance with good faith efforts.
10. Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance.
11. Plans and participates in ACDBE training seminars and events.
12. Acts as liaison to the Uniform Certification Program in Arizona.
13. Provides outreach to ACDBEs and community organizations to advise them of opportunities.
14. Verifies ACDBE certification using the Arizona Uniform Certification Program directory of certified ACDBEs and distinguishes them from DBEs.

Directory: TAA participates in the Arizona Unified Certification Program ("AZUCP") developed by the Arizona Department of Transportation (ADOT), City of Phoenix, and City of Tucson. Any entity that is a member of the AZUCP recognizes the ACDBE certifications made by any of the three partners. All certification functions (including certification, de-certification, re-certification, and no-change affidavits) are performed centrally by the AZUCP.

TAA utilizes the State of Arizona ACDBE directory, produced, and maintained by the three partners of the AZUCP. The directory lists the firm's name, address, phone number, fax number, ethnicity, gender, certifying agency, certification type and the type of work the firm has been certified to perform as an ACDBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. The Directory clearly specifies whether a firm is certified as a DBE for purposes of part 26, an ACDBE for purposes of part 23, or both.

The State of Arizona revises the Directory on an on-going basis. TAA provides access information to the Directory in bid documents and on the TAA website. The Directory may be found in Attachment 2 to this program document. (26.31).

Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs

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

TAA will seek ACDBE participation in all types of concession activities.

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

1. Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under this part;
2. Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
3. When practical, structuring concession activities to encourage and facilitate the participation of ACDBEs;
4. Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing;
5. Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the recipient's ACDBE program will affect the procurement process;
6. Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation;
7. TAA's overall goal methodology and a description of the race-neutral measures it will use to meet the goals are described in Section 23.25 and Attachments 4 and 5 of this plan. The goals are set consistent with the requirements of Subpart D. (23.25(b), (d))

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

1. Establishing concession-specific goals for particular concession opportunities.
 - a. In setting concession-specific goals for concession opportunities other than car rental, TAA will explore, to the maximum extent practicable, all available options to set goals that concessionaires can meet through direct ownership arrangements. A concession-specific goal for any concession other than car rental may be based on purchases or leases of goods and services only when the analysis of the relative availability of ACDBEs and all relevant evidence supports that there is *de minimis* availability for direct ownership arrangement participation for that concession opportunity.
 - b. In setting car rental concession-specific goals, TAA will not require a car rental company to change its corporate structure to provide for participation via direct ownership arrangement. When the overall goal for car rental concessions is based on purchases or leases of goods and services, TAA is not required to explore options for direct ownership arrangements prior to setting a car rental concession-specific goal based on purchases or leases of goods and services.

- c. If the objective of the concession-specific goal is to obtain ACDBE participation through a direct ownership arrangement with an ACDBE, TAA will calculate the goal as a percentage of that total estimate annual gross receipts from the concession.
 - d. If the goal applies to purchases or leases of goods and services from ACDBEs, TAA will calculate the goal as a percentage of the total estimated dollar value of all purchases to be made by the concessionaire.
 - e. When a concession-specific goal is set, TAA will require competitors to make good faith efforts to meet this goal. A competitor may do so either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so.
 - f. The administrative procedures applicable to contract goals in part 26, SS26.51 through 26.53. apply with respect to concession-specific goals.
 - g. To be eligible to be awarded the concession, competitors must make good faith efforts to meet this goal. A competitor may do so either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so.
2. Negotiate with a potential concessionaire to include ACDBE participation, through direct ownership arrangements or measures, in the operation of the non-car rental concessions.
 3. With the prior approval of FAA, other methods that take a competitor's ability to provide ACDBE participation into account in awarding a concession.

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

Section 23.26 Fostering Small Business Participation

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

TAA's Small Business Program Element is incorporated as Attachment 12 to this ACDBE Program. The program elements will be actively implemented to foster small business participation. TAA acknowledges that active use of the small business element is a requirement of the good faith implementation of this ACDBE program.

TAA will submit an annual report on small business participation obtained through the use of this small business element. The report will be submitted in the format acceptable to the FAA based on a schedule established and posted to the agency's website

Section 23.27 Reporting

TAA will retain sufficient basic information about our ACDBE program implementation, ACDBE certification and the award and performance of agreements and contracts to enable the FAA to determine

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.

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

1. TAA will create and maintain active participants list information and enter it into a system designated by the FAA. TAA will collect the following information about ACDBE and non-ACDBEs who seek to work on each of our concession opportunities.
 - a. Firm name;
 - b. Firm address including ZIP code;
 - c. Firm status as an ACDBE or non-ACDBE;
 - d. Race and gender information for the firm's majority owner;
 - e. NAICS code applicable to the concession contract in which the firm is seeking to perform;
 - f. Age of the firm; and
 - g. The annual gross receipts of the firm.

TAA will collect the data from all active participants for concession opportunities by requiring the information to be submitted with their proposals or initial responses to negotiated procurements. TAA will enter this data in FAA's designated system no later than March 1 following the fiscal year in which the relevant concession opportunity was awarded.

The state department of transportation in each Unified Certification Program (UCP) established pursuant to 49 CFR 526.81 must report certain information from the UCP directory to DOT's Departmental Office of Civil Rights each year. TAA is not a certifying member of the state of Arizona UCP.

Section 23.29 Compliance and Enforcement Procedures

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

TAA has available to it all normal contract remedies for any concessionaire violation of ACDBE requirements. These remedies include auditing, monitoring, verification of organizational records, auditing authority in contracts, review of organization documents and updates, delaying payment, terminating the contract, and/or debarring the concessionaire from future contract participation to the extent consistent with federal and state law.

Using a monitoring and enforcement mechanism such as audits and interviews, TAA will verify that the work committed to ACDBEs is actually performed by the ACDBEs. This mechanism will include a written certification that TAA has reviewed records of all contracts, leases, joint venture agreements, or other concession-related agreements and monitored the work on-site at the airport for this purpose. The monitoring to which this paragraph refers may be conducted in conjunction with monitoring of concession performance for other purposes.

TAA will ensure that entity identifying information and personal identifying information (as such terms are defined in A.R.S. § 13-2001) is secure and cannot be accessed, viewed, or acquired unless authorized or required by law. TAA will safeguard from disclosure to third parties information that may be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, TAA will not release personal financial information submitted by ACDBE firms without the written consent of the submitter.

1. TAA will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 49 CFR SS26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. We have listed the regulations, provisions, and contract remedies available to us in the events of non-compliance with ACDBE regulation by a participant in our procurement activities (see attachment 4).

SUBPART C – CERTIFICATION AND ELIGIBILITY OF ACDBEs

Section 23.31 Certification Standards and Procedures

TAA is a **non-certifying member**; of the Arizona Unified Certification Program (UCP) and relies upon the UCP’s determinations of certification eligibility. Arizona UCP will use the certification standards of Subpart C of Part 23 to determine the eligibility of firms to participate as ACDBEs in airport concessions contracts. To be certified as an ACDBE, a firm must meet all certification eligibility standards. Certifying Arizona UCP members make all certification decisions based on the facts as a whole. Detailed certification processes are described in the Arizona UCP agreement. The full UCP agreement is in Attachment 9.

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

Prior to entering into a new contract, extension, or option with a currently certified ACDBE, TAA will review their certification status at that time (i.e., “as soon as possible”).

As a member of the AZUCP, TAA recognizes, and honors certifications made by the AZUCP. The AZUCP follows the certification procedures of Subpart E of the Regulations. ***A firm's certification with the AZUCP must be complete prior to the due date on a proposal or bid in order for the firm to be eligible to participate as an ACDBE on that solicitation/contract.*** For further information about the certification process, or to apply for certification, firms should contact the TAA Liaison Officer or one of the certifying agencies as listed under Attachment 9.

Certification application instructions and documentation requirements can be found at the Unified Certification Program (UCP) website. See Attachment 2 for further information.

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

ACDBE Certification Application Link
Administered by City of Phoenix Equal Opportunity Department –
<https://phoenix.diversitycompliance.com>

Link to State of Arizona UCP website
Administered by Arizona Department of Transportation
Business Engagement and Compliance Office
– <https://utracs.azdot.gov>

The Uniform Certification Application form, Personal Net Worth statement, and documentation requirements can be reviewed at:

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

Section 23.33 Business Size Standards

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

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

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

Section 23.35 Personal Net Worth Limits

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

Section 23.37 Firms Certified as DBEs

Certifying members of Arizona UCP will presume that a firm that is certified as a DBE under part 26 is eligible to participate as an ACDBE. However, before certifying such a firm, certifying Arizona UCP

members will ensure that the disadvantaged owners of a DBE certified under part 26 are able to control the firm with respect to its activity in the concessions program.

Section 23.39 Other ACDBE Certification Requirements

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

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

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

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

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

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

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

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

SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 Overall Goals

TAA 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 TAA will review the goals annually to make sure the goal continues to fit the TAA's circumstances. TAA will submit 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, TAA is not required to develop and submit an overall goal for car rentals. Likewise, if the average annual concession revenues for concessions other than car rentals over the preceding (3) years do not exceed \$200,000, TAA is not required to submit an overall goal for concessions other than car rentals. TAA understands that "revenue" means total revenue generated by concessions, not the revenue received by the airport from concessions agreements.

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

Section 23.43 Consultation in Goal Setting

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

When submitting overall goals, TAA will identify the stakeholders and provide a summary of the information obtained from the stakeholders.

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

Section 23.45 Overall Goals

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

<https://www.faa.gov/about/dbe-and-acdbe-program-reporting-requirements-recipients>

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

TAA 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 available in the sponsor's jurisdiction to determine if an adjustment to the Step 1 "base figure" is necessary so that the goal reflects as accurately as possible the ACDBE participation the sponsor would expect in the absence of discrimination. Evidence may include, but is not limited to past participation by ACDBEs, a disparity study, evidence from related fields that affect ACDBE opportunities to form, grow, and compete (such as statistical disparities in ability to get required financing, bonding, insurance, or data on employment, self-employment, education, training, and union apprenticeship).

TAA will also include a projection of the portions of the overall goal expected to be met through race-neutral and race-conscious measures, respectively.

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

Section 23.53 Counting ACDBE Participation for Car Rental Goals

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

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

personal net worth. TAA will not count the concessionaire's participation toward ACDBE goals beyond the termination date for the concession agreement in effect at the time of the decertification (*e.g.*, in a case where the agreement is renewed or extended, or an option for continued participation beyond the current term of the agreement is exercised).

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

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

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

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

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

Section 23.57 (b) **Goal shortfall accountability**

If the awards and commitments on TAA's Uniform Report of ACDBE Participation (at the end of any fiscal year are less than the overall goal applicable to that fiscal year, TAA will:

- Analyze in detail the reasons for the difference between the overall goal and awards and commitments in that fiscal year;
- Establish specific steps and milestones to correct the problems identified in the analysis to enable TAA to fully meet the goal for the new fiscal year;
- As an airport not meeting the criteria of paragraph (b)(3)(i) of this section, we will retain analysis and corrective actions in our records for three years and make it available to the FAA, on request, for their review.

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

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

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

Section 23.61 Quotas or Set asides

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

SUBPART E – OTHER PROVISIONS

Section 23.71 Existing Agreements

If permitted by the existing agreement, TAA 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

This section does not apply.

Section 23.75 Long-Term Exclusive Agreements

TAA will not enter into a long-term and exclusive agreements for concessions without prior approval of the FAA Regional Civil Rights Office. TAA understands that a “long-term” agreement is one having a term of more than 10 years, including any combination of base term and options or holdovers to extend the term of the agreement if the effect is a term of more than ten years. TAA understands that an exclusive

agreement is one in having a type of business activity that is conducted solely by a single business entity on the entire airport, irrespective of ACDBE participation.

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

1. Special local circumstances exist that make it important to enter such agreement; and
2. FAA approves TAA's plan for meeting the standards of paragraph (c) of SS23.75.

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

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

Section 23.77 Preemption of Local Requirements

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

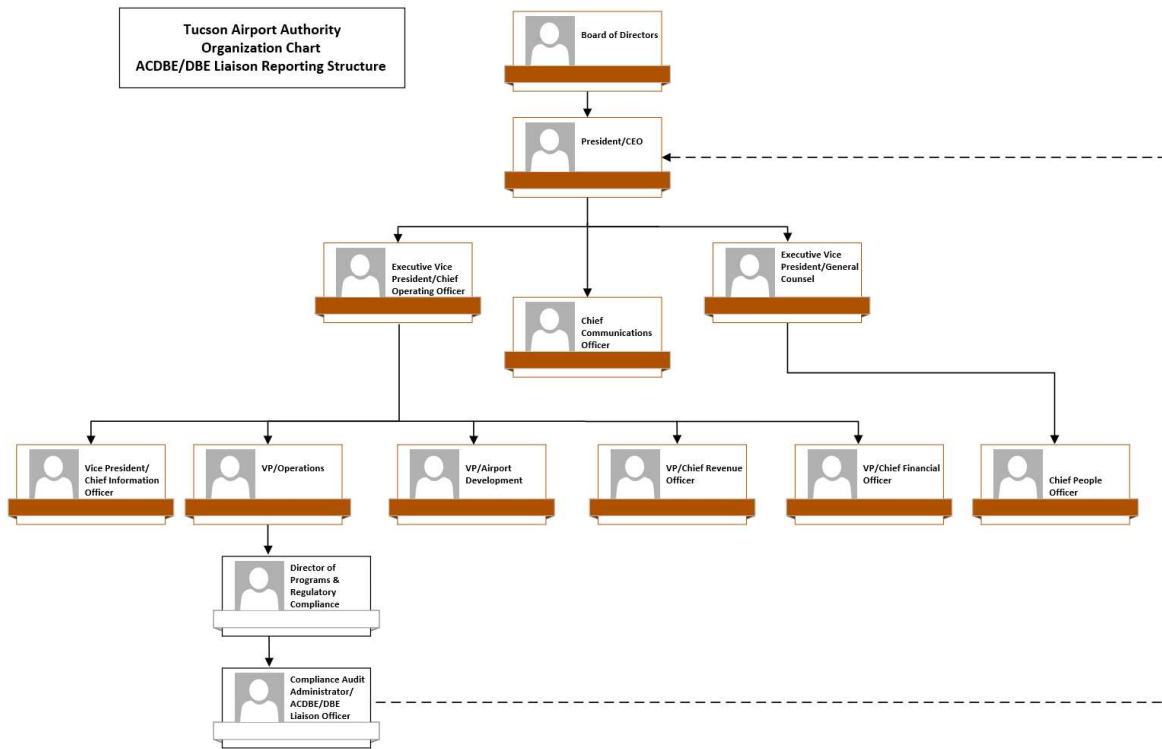
Section 23.79 Geographic Preferences

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

ATTACHMENTS

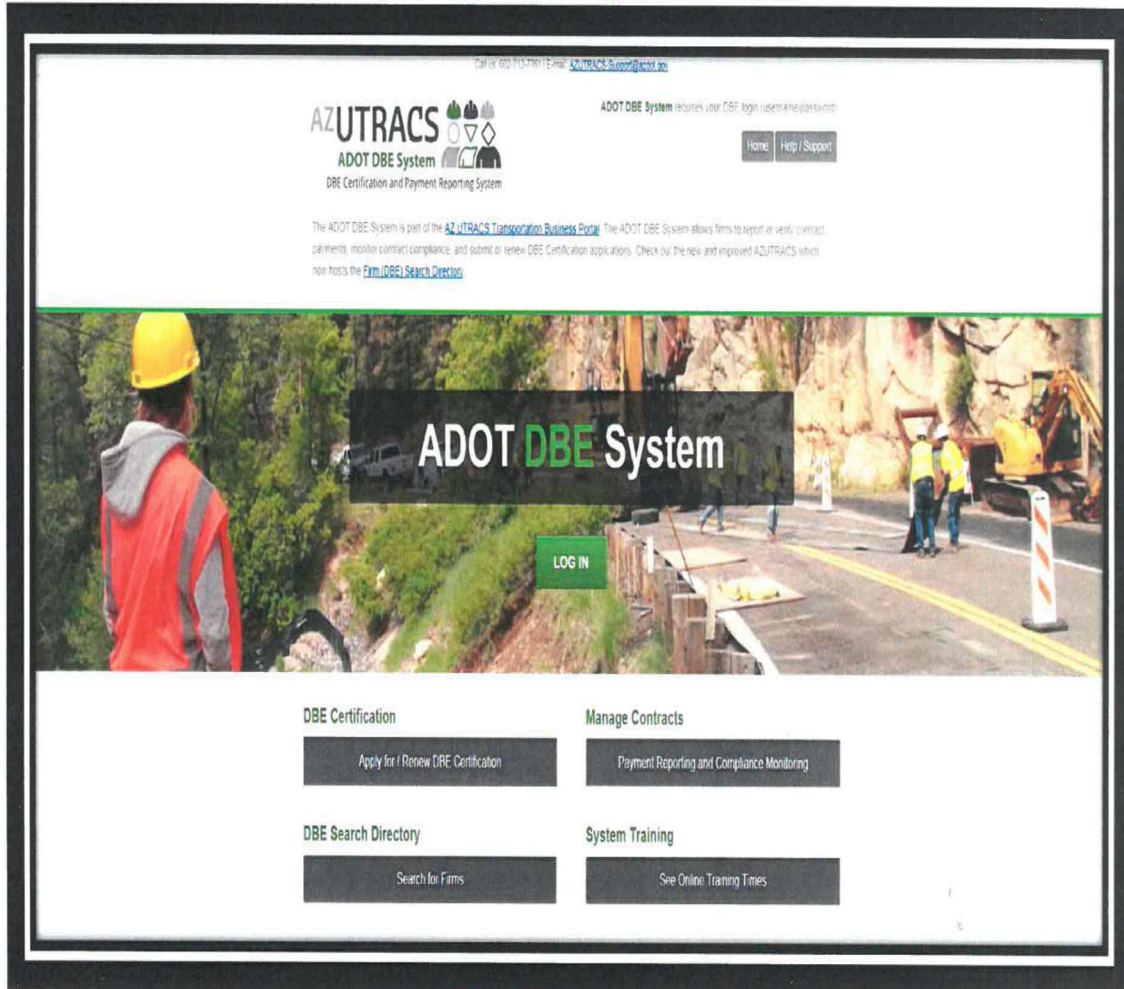
- Attachment 1 Organizational Chart
- Attachment 2 DBE/ACDBE/SBC Directory Link
- Attachment 3 Active Participants List
- Attachment 4 Monitoring and Enforcement Mechanisms
- Attachment 5 Overall Goal Calculations/Methodology - Concessions Other Than Car Rentals
- Attachment 6 Overall Goal Calculations/Methodology - Car Rental
- Attachment 7 Demonstration of Good Faith Efforts – Form 1 & 2
- Attachment 8 ACDBE Certification Application Form Link/Link to State’s UCP website
- Attachment 9 Procedures for Removal of ACDBEs Eligibility
- Attachment 10 State’s UCP Agreement
- Attachment 11 Regulations: 49 CFR Part 23
- Attachment 12 Form of Published Notice Regarding Overall Goals
- Attachment 13 Race-Neutral Small Business Element Program

ATTACHMENT 1
Organizational Chart



ATTACHMENT 2
Arizona DBE / ACDBE / SBC Directory

<https://utracs.azdot.gov>



ATTACHMENT 3
Active Participants List Collection Form

ACDBE Active Participants List

Company	Address	ACDBE Status	NAICS Code(s) of Scopes(s) Bid	Age of Firm	Race/Gender of Majority Owner	Annual Gross Receipts	Notes
x	x			x			
x	x			x			
x	x			x			
x	x			x			
x	x			x			
x	x			x			
x	x			x			
x	x			x			
x	x			x			
x	x			x			
x	x			x			



**TUCSON AIRPORT AUTHORITY
BIDDER INFORMATION FORM (Completion Required)**

The Tucson Airport Authority ("TAA"), in compliance with USDOT regulations, requires completion of the following information about firms submitting bids for federally funded projects or airport concession business. Please complete the form and submit with your bid/proposal.

Firm understands and agrees that the following information will be submitted to the United States Department of Transportation for statistical tracking.

Name of Firm: _____

Contact Person: _____

Address of Firm: _____

Telephone: _____

Fax: _____

Email Address: _____

Specialty of Firm: _____

Is the firm currently certified as a Disadvantaged Business Enterprise (DBE), Airport Concession Disadvantaged Enterprise (ACDBE), Small Business Enterprise (SBE) by any partner of the Arizona Unified Certification Program (City of Tucson, City of Phoenix, Arizona Department of Transportation)?

DBE: ___ Yes ___ No ACDBE: ___ Yes ___ No SBE: ___ Yes ___ No

If yes, please state from which certifying agency the firm received certification: _____

Age of firm (number of years since commencing business): _____

Firm Majority Owner Race: _____ Firm Majority Owner Gender: _____

NAICS code(s) applicable to each scope of work the firm seeks to perform in this bid:

Annual gross receipts of the firm:

_____ Less than \$500,000 _____ \$15,000,000 - \$20,000,000

_____ \$500,000 - \$999,999 _____ Over \$20,000,000

_____ \$1,000,000 - \$1,999,999

_____ \$2,000,000 - \$4,999,999

_____ \$5,000,000 - \$9,999,999

_____ \$10,000,000 - \$14,999,999

ATTACHMENT 4

Monitoring and Enforcement Mechanisms

Monitoring and Enforcement Mechanisms

TAA has several available 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.
2. Breach of contract action, pursuant to Arizona Revised Statute, ARS. 38-511. Cancellation of political subdivision and state contracts; definition.
3. Other actions deemed appropriate including responsibility reviews on future concession award opportunities.

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

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

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

1. TAA will insert the following provisions into concessions agreements and management contracts:
 - This agreement is subject to the requirements of the U.S. Department of Transportation's regulation, 49 CFR Part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23.
 - The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR Part 23 that it enters and cause those businesses to similarly include the statements in further agreements.
2. TAA will implement the following additional monitoring and compliance procedures.
 - Use online diversity compliance software application B2Gnow to keep a running tally of actual payments to ACDBE firms for work committed to them at the time of contract award.
 - Conduct site visits and interview with contractors and concessionaires (primes and subs)
 - Coordinate with TAA departments to monitor concession contracts for compliance with ACDBE requirements.
 - Review and work to resolve contractual compliance problems, including recommending corrective action.

- TAA will implement our compliance and monitoring procedures as follows:
 - TAA will require concessionaires submit written confirmation annually, that there are no changes in certification, duties, functions, and responsibilities of ACDBEs and small businesses, including terms and conditions of joint venture agreements.
 - TAA will use appropriate personnel to perform, quarterly, reviews of ACDBEs and small businesses to ensure their activities correspond to the previously submitted list of duties, functions, and responsibilities. All ACDBEs and small businesses will be reviewed within a three-year period from the start of the review process, at which time the review process will begin again. Reviews will include site visits, reviews of appropriate records, contracts, financial information, joint venture agreements, certification information and other relevant information deemed necessary.
 - TAA will request from concessionaires any expenditures made with ACDBEs, DBEs, or small businesses in performing services and supplying goods. Those expenditures will be reported periodically to TAA, but no less than semi-annually.
 - Joint ventures will be reviewed in accordance with 49 CFR Part 23, the July 2008 FAA Joint Venture Guidance, and this section.
 - TAA will include, in the contract files, a written certification that it has reviewed records of all contracts, leases, joint venture agreements, or other concession-related agreements and monitored the work on-site for each concession contract to which 49 CFR Part 23 applies.
 - TAA will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that the 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.
 - Implement similar action under TAA's own legal authorities, including responsibility determinations in future contracts.
 - TAA will utilize online diversity compliance monitoring software B2Gnow to monitor and provide for a running tally of actual ACDBE, DBE, and small business attainments (e.g., payment actually made to ACDBE firms), including a means of comparing these attainments to commitments. In reports of ACDBE participation to the DOT, TAA will show both commitments and attainments, as required by the DOT uniform reporting form.

ATTACHMENT 5

Overall Goal Calculation for Concessions Other than Car Rentals

Overall Goal Calculation for Non-Car Rental Concessions FY 2025-27

Name of Recipient: **TUCSON INTERNATIONAL**

Name of Airport(s): **TUCSON INTERNATIONAL AIRPORT**

Goal Period: **FY 2025-27 (10/1/2024 through 9/30/2027)**

Overall Three-Year Goal: **9.6%, to be accomplished through 0.0% Race Conscious and 9.5% Race Neutral**

Market Area

TAA has determined that the market area for TUCSON INTERNATIONAL AIRPORT is the State of Arizona. The market area is the geographical area in which the substantial majority of firms which seek to do concessions business with the airport are located and in which the firms which receive the substantial majority of concessions-related revenues are located.

The concession opportunities anticipated during this goal period for this market area are: Food and beverage, advertising, news and gifts, books, electronics, apparel, ATM services, luggage carts and goods and services.

Base of the goal

To calculate the base of the goal, TUCSON INTERNATIONAL considered the most recent previous 3 years of gross concession receipts and the projected potential concession revenue (gross receipts) three years into the future including upcoming new opportunities.

[Recipient] will add the dollar amount of a management contract or subcontract with an ACDBE to the total participation by ACDBEs in airport concessions (both the numerator AND the denominator) and to the base from which the airport's percentage goal is calculated. However, the dollar amount of a management contract or subcontract with a non-ACDBE and the gross revenue of business activities to which the management contract or subcontract pertains will not be added to this base in either the numerator or denominator.

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

Year	Non-Car Rental Concessions Gross Receipts
2021	\$10,205,438
2022	\$16,735,568
2023	\$18,607,374

TUCSON INTERNATIONAL estimates that revenues to existing concessions will grow by an average of 2% each year over the next three years due to increased passenger traffic, improved concessions efforts, and a terminal expansion which will allow travelers to access all concessions from both gates.

Year	Annual Growth / Reduction Estimate	Annual Gross Receipts Estimate
2025	3%	\$19,740,563
2026	3%	\$20,332,780
2027	3%	\$20,942,763
Three-Year Total Gross Receipts:		\$61,016,106
Average Annual Growth Rate:		2%

$\$19,740,563 + \$20,331,780 + \$20,942,763 = \mathbf{\$61,016,106}$ which is the recipient's base of goal for non-car rental concessions.

The following are not included in the total gross receipts for concessions: (a) the gross receipts of car rental operations, (b) the dollar amount of a management contract or subcontract with a non-ACDBE, (c) the gross receipts of business activities to which a management contract or subcontract with a non-ACDBE pertains, and (d) any portion of a firm's estimated gross receipts that will not be generated from a concession.

If a new concession opportunity arises prior to the end of this goal period, TUCSON INTERNATIONAL will submit to the FAA an appropriate adjustment to the overall goal. This will be submitted to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity.

Methodology used to Calculate Overall Goal

TUCSON INTERNATIONAL can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. TUCSON INTERNATIONAL, and the businesses at

the airport, will add the dollar amount of a management contract or subcontract with an ACDBE to the total participation by ACDBEs in airport concessions (both the numerator AND the denominator) and to the base from which the recipients’ percentage goal is calculated. However, the dollar amount of a management contract or subcontract with a non-ACDBE and the gross revenue of business activities to which the management contract or subcontract pertains will not be added to this base in either the numerator or denominator.

TUCSON INTERNATIONAL, and the businesses at the airport, shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises.

TUCSON INTERNATIONAL will include goods and services purchases from ACDBEs toward meeting the goal.

Step 1 - Actual Relative Availability of ACDBEs - §23.51 (c)

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

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

1.5 _____ 19.91 _____ divided by _____ 13 _____

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

The data source(s) used in the calculation included:

- State of Arizona UCP Data showing the number of ACDBEs that are certified within the market area (<https://utracs.azdot.gov>)
- Census Bureau Data (<https://data.census.gov>)

The calculation and explanation for this is as follows:

Concession Activity	NAICS	# ACDBE Certified Firms	# Total Firms	% Availability
Food & Beverage	722515	3	1458	0.2%
Food & Beverage	722511	6	4290	0.1%
Food & Beverage	722513	13	5153	0.3%

News, Gifts & Specialty Retail	453220	16	311	5.1%
News, Gifts & Specialty Retail	453998	10	494	2.0%
News, Gifts & Specialty Retail	443142	2	289	0.7%
News, Gifts & Specialty Retail	445120	0	369	0.0%
News, Gifts & Specialty Retail	448140	1	545	0.2%
News, Gifts & Specialty Retail	448310	1	338	0.3%
News, Gifts & Specialty Retail	451120	0	157	0.0%
News, Gifts & Specialty Retail	451211	6	118	5.1%
News, Gifts & Specialty Retail	448320	1	17	5.9%
Other Services	541870	0	40	0.0%
Average ACDBE Availability:				1.5%

When we calculated the average availability we arrived at the Step 1 base figure for our overall goal for non-car rental concessions of **1.5%**.

Step 2 Adjustment

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

Past History Participation

FY	Race Conscious (%)	Race Neutral (%)	Total Achievement (%)
FY 21	0.0%	17.4%	17.4%
FY 22	0.0%	17.8%	17.8%
FY 23	0.0%	17.5%	17.5%

Arranging this historical data from low to high (17.44%, 17.48%, 17.77%), the median is **17.5%**, which is our Step 2 figure.

Step 1 Base averaged with historical median: $(1.5\% + 17.5\%) / 2 = 9.5\%$

To arrive at an overall goal, the Step 1 base figure was added to the Step 2 adjustment figure and the total was averaged, arriving at an overall goal of **9.5%**. TUCSON INTERNATIONAL believes this adjusted goal accurately reflects ACDBE participation that can be achieved for the types of concession activities at the airport during this three-year goal period (FY 2025-27). **However, TAA believes that keeping the goal at the previous percentage of 9.6% is justified.**

Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation

TUCSON INTERNATIONAL will make every reasonable effort to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE and other small business participation. TUCSON INTERNATIONAL will use the following race-neutral measures.

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

- Locate and identify ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23
- Notify ACDBEs and other small businesses of concession opportunities and encourage them to compete, when appropriate
- When practical, structure concession activities so as to encourage and facilitate the participation of ACDBEs and other small businesses
- Provide technical assistance to ACDBEs and other small businesses in overcoming limitations, such as inability to obtain bonding or financing
- Ensure that competitors for concession opportunities are informed during pre-solicitation meetings about how the sponsor's ACDBE and Small Business Element program will affect the procurement process
- Provide information concerning the availability of ACDBE firms and other small businesses to competitors to assist them in obtaining ACDBE and small business participation

- Establish a small business development program (see 49 CFR Part 26.35); technical assistance program or taking other steps to foster ACDBE and small business participation in concessions

If race-neutral measures, standing alone, are not sufficient to meet an overall goal, the following race-conscious measures will be used to meet the overall goal:

- There will be no ACDBE concession goals as TUCSON INTERNATIONAL is a Ninth Circuit recipient.

TUCSON INTERNATIONAL estimates that, in meeting the overall goal of 9.5%, it will obtain 9.5% from race-neutral participation and 0.0% through race-conscious measures. The reason for the breakout is that TUCSON INTERNATIONAL has not been able to achieve its goal in recent past years and will use ACDBE concession goals to achieve this goal.

- TUCSON INTERNATIONAL exceeded the ACDBE goals in the past:
 - FY 2021 Goal was 13.47% on a Race Neutral Basis
 - FY 2022 Goal was 9.6% on a Race Neutral Basis
 - FY 2023 Goal was 9.6% on a Race Neutral Basis
- TUCSON INTERNATIONAL'S accomplishments exceeded the goal in prior FY 2021-2023, which is evidence of race-neutral participation, therefore, 100% of our goal is being applied to race-neutral and 0% is applied to race-conscious participation.

In order to ensure that TUCSON INTERNATIONAL'S ACDBE program will be narrowly tailored to overcome the effects of discrimination, if concession specific goals are used, Airport will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual ACDBE and small business participation and race-neutral and race conscious participation will be tracked separately. For reporting purposes, race-neutral ACDBE and small business participation includes, but is not necessarily limited to, the following: ACDBE and small business participation through a prime contract that an ACDBE or small business obtains through customary competitive procurement procedures; ACDBE or small business participation through a subcontract on a prime contract that does not carry an ACDBE goal; ACDBE or small business participation on a prime contract exceeding a concession specific goal; and ACDBE or small business participation through a subcontract from a prime contractor that did not consider a firm's ACDBE or small business status in making the award.

TUCSON INTERNATIONAL will maintain data separately on ACDBE and small business achievements in those contracts with and without concession specific goals, respectively.

Consultation

TUCSON INTERNATIONAL routinely meets with stakeholders in an effort to increase ACDBE and small business participation. Stakeholders consulted included 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 sponsor's efforts to increase participation of ACDBEs and small businesses.

Specifically, TUCSON INTERNATIONAL sent the consultation notice to the current concessionaires, their ACDBE's, TAA's business interest list and all of the NAICS code contacts from the AZUCP. The consultation was done via video conference on May 28, 2024, at 2:00 p.m. with 10 attendees.

The following comments were received during the course of the consultation: General discussion and review of the proposed FY 2025-2027 participation goals. No specific comments were received on the goal setting process or the proposed goals. Attendees were more interested in knowing how to look up certified ACDBEs and small businesses in the various systems.



RESOLUTION NO. 2024-13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TUCSON AIRPORT AUTHORITY, INC., APPROVING THE AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ASPIRATIONAL GOALS AND POLICY STATEMENT FOR FY 2025 THROUGH FY 2027 AND AUTHORIZING ITS SUBMITTAL TO THE FAA IN COMPLIANCE WITH 49 CFR PART 23.

WHEREAS the United States Department of Transportation (USDOT) requires entities receiving grants from the Federal Aviation Administration (FAA) to establish and implement an Airport Concession Disadvantaged Business Enterprise (ACDBE) Program in compliance with Title 49 of the Code of Federal Regulations, Part 23 ("49 CFR Part 23" or "Part 23"); and

WHEREAS the Tucson Airport Authority (TAA) desires to apply for and receive such grants from the FAA to fund various programs and initiatives; and

WHEREAS USDOT regulations require TAA to establish aspirational goals every three years for ACDBE participation in airport concession contracts; and

WHEREAS TAA conducted a review and analysis and solicited feedback from interested parties and developed its proposed ACDBE aspirational goals for FY 2025 through FY 2027 as follows:

- 9.6% for Airport Concessions (Other than Car Rental Contracts)
- 8% for Car Rental Contracts; and

WHEREAS the Board of Directors accepts the staff recommendations as detailed in the Board Memorandum.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE TUCSON AIRPORT AUTHORITY, INC., AS FOLLOWS:

1. The Board of Directors supports the Airport Concession Disadvantaged Business Enterprise (ACDBE) Program aspirational goals for FY 2025 through FY 2027 as follows: **9.6% for Airport Concessions (Other than Car Rental Contracts) and 8% for Car Rental Contracts.**
2. The Board of Directors directs the President/CEO to sign the ACDBE Program Policy Statement, attached to this resolution and incorporated herein by reference, and authorizes the President/CEO or her designee(s) to take all actions and to submit all documents to the Federal Aviation Administration (FAA) to comply with Title 49 of the Code of Federal Regulations, Part 23.

RESOLUTION NO. 2024-13

1

PASSED AND ADOPTED by the Board of Directors of the Tucson Airport Authority, Inc., this fourth day of September, 2024.

ATTEST:


Phil Swaim, Secretary


Keri Silbyn, Chair of the Board

APPROVED AS TO FORM:


Christopher Schmalz, Executive Vice President and General Counsel

ATTACHMENT 6

Overall DBE Three-Year Goal Methodology Car Rental

Overall Goal Calculation for Car Rental Concessions FY 2025-27

Name of Recipient: **TUCSON INTERNATIONAL**

Goal Period: **FY 2025-27 (10/1/2024 through 9/30/2027)**

Overall Three-Year Goal: **8.0%, to be accomplished through 0.0% Race Conscious and 8.0% Race Neutral**

Goal Based on Goods and Services Purchases - Determination

Upon review of the market, it appears that all or most of the goal is likely to be met through the purchases by car rental companies of vehicles or other goods/services from ACDBEs. This is due to the fact that no certified ACDBE car rental companies exist within the market. As such, TUCSON INTERNATIONAL has structured the goal entirely in terms of the purchases of goods and services.

We determined the goal based on outreach for the purchases of goods and services from certified ACDBE firms and/or potential ACDBE firms in the market area. This basis is in lieu of a goal based upon a percentage of total gross receipts of car rental operations at the airport. We will make a good faith effort to pursue opportunities to meet the goods and services goal. We will continue to consult and work with the State DOT & UCP, our car rental concessionaires at the airport, similarly situated airports in our region, minority and women businesses in the State, minority serving institutions, local pro-business organizations, and targeted media publications to find prospective ACDBE firms. We will work with our car rental companies to strategize outreach to State DOT & UCP certified ACDBEs that may be able to provide car rental goods and services, to encourage current vendors who may be eligible for ACDBE certification to apply, and to encourage firms already working at the airport but certified as ACDBE in other states, to apply via the interstate certification process. The State DOT & UCP is aware of this requirement and is on board to assist and process certifications as required by 49 CFR Subpart C.

We have the following car rental agencies operating at the airport: Avis, Budget, Dollar, Enterprise, Hertz, National and SIXT.

After collaboration and discussion with TUCSON INTERNATIONAL, car rental company concessionaires at the airport stated that the goods and services they may need in the goal period are: Printing, Automobile parts and Repair Services, Stationery and Office Supplies, Insurance Services, Towing, Locksmiths and Consulting Services.

Market Area

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

TUCSON INTERNATIONAL has determined that its market area is the State of Arizona.

Base of the goal

To calculate the base of the goal, TUCSON INTERNATIONAL considered the previous 3 years of car rental expenditures/purchases and the projected potential car rental expenditures/purchases three years into the future.

Car Rental Companies Goods and Services Purchases for Previous 3 Years

Year	Car Rental Companies Goods and Services Purchases	Increase/Decrease
2021	\$1,507,633	
2022	\$6,442,097	327%
2023	\$11,055,602	72%
	Average Annual Increase:	211%

TUCSON INTERNATIONAL estimates expenditures will grow by an average of 2% each year over the next three years due to Tucson International estimates that revenues to existing concessions will grow due to increased passenger traffic and concession improvements.

Year	Annual Growth / Reduction Estimate	Annual Gross Receipts Estimate
2025	3%	\$11,728,888
2026	3%	\$12,080,755
2027	3%	\$12,443,178
Three-Year Total Gross Receipts:		\$36,252,821
Average Annual Growth Rate:		2%

$\$11,728,888 + \$12,080,755 + \$12,443,178 = \mathbf{\$36,252,821}$ which is the recipient's base of goal for car rental goods and services purchases. The following are not included in this base: (a) non-car rental operations.

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 TUCSON INTERNATIONAL will submit to the FAA an appropriate adjustment to the overall goal. This will be submitted to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity. (23.45(i))

Step 1 - Actual Relative Availability of ACDBEs - §23.51 (c)

We determined the base figure for the relative availability of ACDBEs for car rental goods and services purchases. The base figure was calculated as follows:

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

2.8 8.91 divided by 19

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

The data source(s) used in the calculation included:

- State of Arizona UCP Data showing the number of ACDBEs that are certified within the market area (<https://utracs.azdot.gov>)
- Census Bureau Data (<https://data.census.gov>)

The calculation and explanation for this is as follows:

Concession Activity	NAICS	# ACDBE Certified Firms	# Total Firms	% Availability
New Car Purchases	441310	0	722	0.0%
New Car Purchases	441320	0	437	0.0%
New Car Purchases	484230	6	203	3.0%
Rental Car Purchases	488410	1	178	0.6%
Rental Car Purchases	524210	1	2884	0.0%
Rental Car Purchases	541612	22	180	12.2%
Rental Car Purchases	541620	23	184	12.5%
Rental Car Purchases	561622	1	79	1.3%
Rental Car Purchases	811111	2	1607	0.1%
Rental Car Purchases	812332	1	26	3.8%
Rental Car Purchases	441310	1	722	0.1%

Rental Car Purchases	323111	3	275	1.1%
Rental Car Purchases	445120	4	369	1.1%
Rental Car Purchases	423130	2	43	4.7%
Rental Car Purchases	423850	1	78	1.3%
Rental Car Purchases	424110	1	12	8.3%
Rental Car Purchases	424120	0	52	0.0%
Rental Car Purchases	424130	0	64	0.0%
Rental Car Purchases	424710	1	35	2.9%
Average ACDBE Availability:				2.8%

When we calculated the average availability we arrived at the Step 1 base figure for our overall goal for car rental concessions of **2.8%**.

Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation

TUCSON INTERNATIONAL will make every reasonable effort to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. The airport will use the following race-neutral measures.

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

- Locate and identify ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23

If race-neutral measures, standing alone, are not sufficient to meet an overall goal, the following race-conscious measures will be used to meet the overall goal:

- There will be no ACDBE concession goals as TUCSON INTERNATIONAL is a Ninth Circuit recipient.

TUCSON INTERNATIONAL estimates that, in meeting the overall goal of 8.0%, it will obtain 8.0% from race-neutral participation and 0.0% through race-conscious measures.

- TUCSON INTERNATIONAL exceeded the ACDBE goals in the past:

- FY 2021 goal was 1.2% - Achievement was 28.8% on a Race Neutral Basis
- FY 2022 goal was 1.2% - Achievement was 8.9% on a Race Neutral Basis
- FY 2023 goal was 1.43% - Achievement was 13.3% on a Race Neutral Basis

In order to ensure that TUCSON INTERNATIONAL's ACDBE program will be narrowly tailored to overcome the effects of discrimination, if concession specific goals are used, Airport will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual ACDBE participation and race-neutral and race conscious participation will be tracked separately. For reporting purposes, race-neutral ACDBE participation includes, but is not necessarily limited to, the following: ACDBE participation through a prime contract that an ACDBE obtains through customary competitive procurement procedures; ACDBE participation through a subcontract on a prime contract that does not carry ACDBE goal; ACDBE participation on a prime contract exceeding a concession specific goal; and ACDBE participation through a subcontract from a prime contractor that did not consider a firm's ACDBE status in making the award.

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

Consultation – Public Participation

TUCSON INTERNATIONAL routinely meets with stakeholders in an effort to increase ACDBE and small business participation. Stakeholders consulted included 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 sponsor's efforts to increase participation of ACDBEs.

Specifically, TUCSON INTERNATIONAL consulted with and sent the consultation notice to the current concessionaires, their ACDBE's, TAA's interest list and all of the NAICS code contacts from the AZUCP. The consultation was done via video conference on May 28, 2024, at 2:00 p.m. with 10 attendees.

The following comments were received during the course of the consultation: General discussion and review of the proposed FY 2025 - 2027 participation goals. No specific comments were received on the goal setting process or the proposed goals.

ATTACHMENT 7
Demonstration of Good Faith Efforts
Forms 1 & 2

Form 1: ACDBE/DBE/SB Utilization Commitment

On behalf of the proposer, I certify under the penalty of perjury that the information submitted herein is true and correct:

- 1) The firms indicated as selected in Attachment XX will participate in this concessions contract.
- 2) I understand and agree that all changes or substitutions must be authorized by TAA prior to implementation; and
- 3) The following breakdown of participation by ACDBEs certified or expect to be certified and small businesses certified or self-identified is true and correct.

Proposed participation as sublessees or joint venture partners as a percentage of this contract's value:

ACDBE _____% Goal Met ____Yes _____No Small Business _____%

Proposed participation as suppliers of goods and services as a percentage of the operating expenses or cost of goods sold associated with this contract:

ACDBE _____% Goal Met ____Yes _____No Small Business _____%

Name of Proposer: _____

Printed Name Authorized Person: _____

Signature of Authorized Person: _____

Form 2: Letter of Intent

Name of bidder/proposer's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Type of Contract: _____ Joint Venture _____ Subtenant _____ Other

If Other was selected, please list: _____

Description of work to be performed by firm (Include NAICS codes):

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

Affirmation

The above-named 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/proposer does not receive award of the prime contract, all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each ACDBE or small business subcontractor.)

ATTACHMENT 8

ACDBE Certification – Link to AZUCP Partners Websites

ACDBE Certification Application Link
Administered by City of Phoenix Equal Opportunity Department –
<https://phoenix.diversitycompliance.com>

Link to State of Arizona UCP website
Administered by Arizona Department of Transportation
Business Engagement and Compliance Office
– <https://utracs.azdot.gov>

ATTACHMENT 9
Procedures for Removal of ACDBEs Eligibility

Per the ARIZONA UNIFIED CERTIFICATION PROGRAM PLAN (April 2003) –

SECTION 11. PROCESS TO DECERTIFY

11.1 Decertification Process – The AZUCP will follow an established process for the decertification of firms. That process may proceed as follows:

- A. The AZUCP will notify the firm in writing of the intent to decertify and document the evidence to substantiate the finding.
- B. The firm is provided an opportunity to request, in writing, an informal hearing to present its arguments and evidence why this action should not occur.
- C. The AZUCP bears the burden of proving, through a preponderance of evidence, that the firm does not meet the certification standards.
- D. The hearing will be recorded either by a tape recorder or court reporter. A Copy of the hearing will be made available to the firm upon request. If the firm appeals the determination to USDOT, a copy of the transcript will be sent to USDOT.
- E. If the firm prefers, it may submit its arguments and information in writing without having an informal hearing. The AZUCP Partners bears the burden of proof in its position to decertify.

11.2 Decision maker – The individual who reviews a written rebuttal or who serves as the hearing officer will not have been involved in seeking to remove a firm’s eligibility or in making the determination to do so. The individual will also not be in a position to be influenced by the office or person who made the determinations. The decision maker will be knowledgeable about the program and the certification standards.

11.3 Certification Status during a Proceeding – During the process of removing a firm’s eligibility, it remains certified and eligible to participate as a DBE in federally assisted contracts. The firm does not become ineligible until a determination is made and the firm receives written notification of the decision to remove its certification.

11.4 Notice of Decertification Decision – A written determination containing specific references to evidence that support the decision will be provided to all firms. If the determination was that the firm is not eligible to participate as a DBE, the notice will inform the firm of the consequences of the decision. The notice will also provide notification to the firm of the USDOT appeal process.

11.5 Effects of Removing Eligibility – If the decertified firm has been listed to meet a project DBE goal on bid documents or subsequent submittals approved by a AZUCP Partner, the prime contractor will be informed of the decertification action by the appropriate AZUCP partner.

In instances where a contract or subcontract has not been executed, the prime contractor will be informed that the decertified DBE cannot be counted towards the established project goal. The prime contractor will be provided the opportunity to make “good faith” efforts to replace the decertified DBE with an eligible DBE firm.

If the subcontract has been executed prior to the date of the decertification, the prime contractor is not required to replace the decertification in determining whether or not the reduced goal has been met.

The AZUCP Partner will not receive credit for work attributable to the decertified DBE in calculating the overall annual DBE participation.

If a firm exceeds the size standards and is therefore no longer eligible, work performed is credited towards both the contract and overall goals.

ATTACHMENT 10
State of Arizona UCP Agreement



ARIZONA UNIFIED CERTIFICATION PROGRAM
(AZUCP)

Memorandum of Understanding

This Memorandum of Understanding acknowledges that you (recipient named below) are a recipient of United States Department of Transportation (USDOT) funding and as such, you are a partner in the efforts related to the inclusion of Disadvantaged Business Enterprises (DBE) and Airport Concession Disadvantaged Enterprises (ACDBE) certified in the State of Arizona. The AZUCP, comprised of the Arizona Department of Transportation, City of Phoenix, and City of Tucson, certify firms consistent with the AZUCP Agreement and according to 49 CFR Parts 23 and 26.

Tucson Airport Authority

Name of Federal-Aid Recipient

By signing this Memorandum of Understanding, the federal-aid recipient (named above) understands and will agree to all of the following:

1. We will comply with the administration of the DBE Program as prescribed by the regulations and requirements of USDOT and its modal agencies (i.e. Federal Aviation Administration, Federal Highway Administration, and Federal Transit Administration).
2. We will support the efforts of the AZUCP in conducting outreach and certifying firms as DBE and/or ACDBE in accordance with the eligibility requirements and guidelines outlined in 49 CFR Parts 23 and 26.
3. We acknowledge that we are not a DBE/ACDBE certifying agency within the state of Arizona and we agree to accept all firms certified by the AZUCP as DBE's and/or ACDBE's in order to be utilized for DBE credit on all applicable USDOT-assisted contracts.
4. We will ensure non-discrimination in the award and administration of all USDOT-assisted contracts and create a level playing field on which DBE's can compete by removing barriers for the participation of DBE firms.
5. We will provide outreach, education, and/or training to assist in the development of firms to compete in the relevant market area outside of the DBE Program.
6. We herein affirm that we will immediately notify the AZUCP of any firm that does not meet the DBE eligibility criteria or if any firm is suspected or confirmed to have provided false, fraudulent, deceitful statements or representations or any other circumstances that indicate an issue regarding any firm's eligibility to participate in the DBE Program.

On the 5 day of September, 2018, by signature below, the undersigned Federal-Aid Recipient agrees to the terms and conditions cited herein as a matter of compliance with 49 CFR Parts 23 and 26 and the AZUCP Agreement.

Bonnie A. Allin
Authorized Signature

Bonnie A. Allin, President/CEO
Name and Title

September 5, 2018
Date

ATTACHMENT 11
Regulations: 49 CFR Part 23

Title 49 Subtitle A Part 23

<https://www.ecfr.gov/cgi-bin/text-idx?SID=4ec3745efcd1f75d7ecf53249ee8fe22&mc=true&node=pt49.1.23&rgn=div5>

ATTACHMENT 12
Forms of Published Notice Regarding Overall Goals



PUBLIC NOTICE

Bert Resimont
Compliance Audit Administrator
bresimont@flytucson.com
520-573-4892

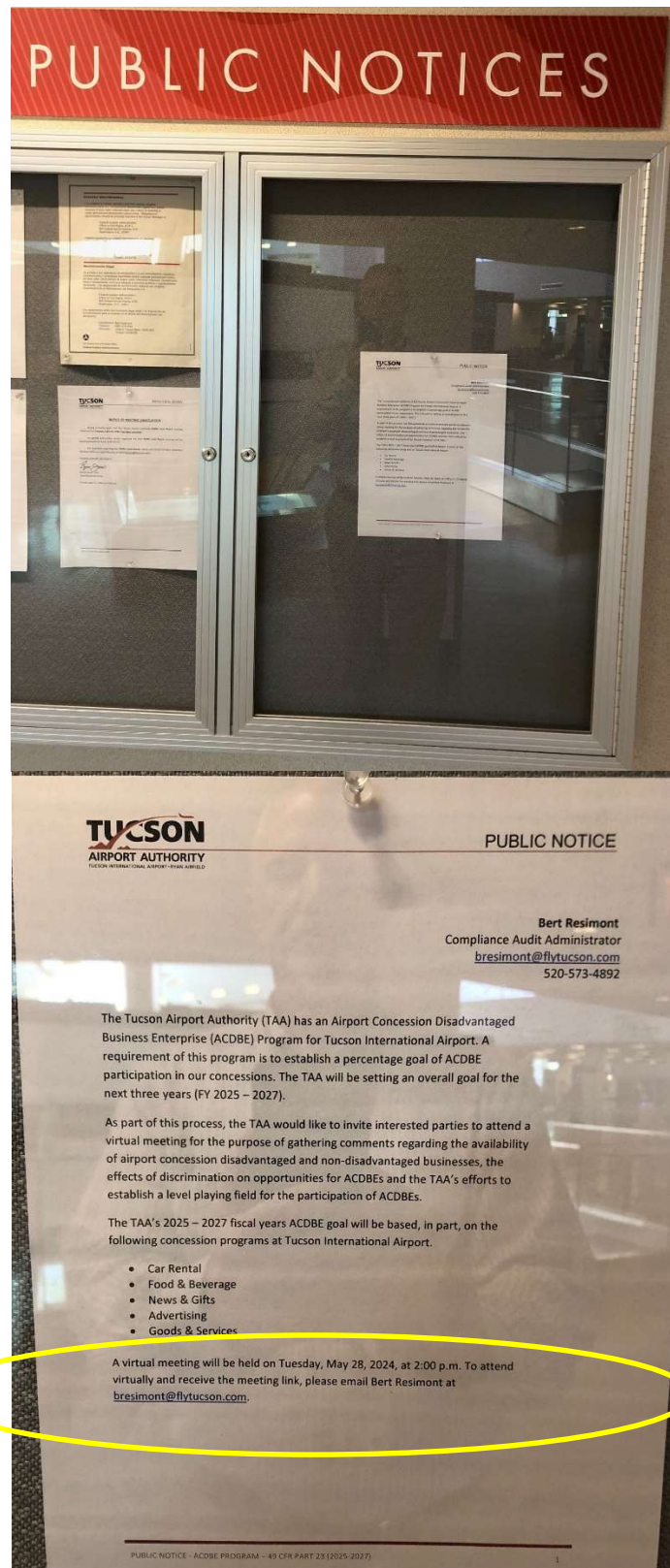
The Tucson Airport Authority (TAA) has an Airport Concession Disadvantaged Business Enterprise (ACDBE) Program for Tucson International Airport. A requirement of this program is to establish a percentage goal of ACDBE participation in our concessions. The TAA will be setting an overall goal for the next three years (FY 2025 – 2027).

As part of this process, the TAA would like to invite interested parties to attend a meeting for the purpose of gathering comments regarding the availability of airport concession disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs and the TAA's efforts to establish a level playing field for the participation of ACDBEs.

The TAA's 2025 – 2027 fiscal years ACDBE goal will be based, in part, on the following concession programs at Tucson International Airport.

- Car Rental
- Food & Beverage
- News & Gifts
- Advertising
- Goods & Services

A virtual meeting will be held on Tuesday, May 28, 2024, at 2:00 p.m. For further information, please contact Bert Resimont, TAA Compliance Audit Administrator & ACDBE Liaison Officer at (520) 573-4892.



**PUBLIC NOTICE
TUCSON AIRPORT
AUTHORITY
PUBLISHED NOTICE OF
OVERALL ACDBE PARTICI-
PATION GOALS
FISCAL YEARS 2025, 2026,
2027**

The Tucson Airport Authority (TAA), pursuant to 49 Code of Federal Regulations Parts 23 and 26, hereby announces its aspirational Airport Concession Disadvantaged Business Enterprise (ACDBE) Goals for Federal Fiscal Years (FFYs) 2025 - 2027 for ACDBE participation in concession contracts at Tucson International Airport as follows: FEDERAL AVIATION ADMINISTRATION GOALS FOR FFYs 2025 2027 (to be achieved entirely through Race- and Gender-Neutral measures): 9.6% Concessions Other Than Car Rentals, 8% Car Rental Concessions.

The proposed goals and methodology for TAA's Triennial ACDBE Goals are available for public review and inspection at the following locations following the date of this notice: TAA offices at Tucson International Airport, 7250 S. Tucson Blvd., Suite 300 during normal business hours and online at www.flytucson.com/taa/business/dbe-vendor-registration/airport-concessions-disadvantaged-business-enterprise-programs-acdbe-dbe. Public comments will be received for a period of 45 days from the date of this notice. Please send written comments to: Tucson Airport Authority, Attention: DBE Liaison Officer, 7250 S. Tucson Blvd., Suite 300, Tucson, Arizona 85756. Based upon a review of comments and additional information received, TAA reserves the right to adjust the proposed goal.

It is TAA policy to ensure that ACDBE firms have a fair and equal opportunity to participate in TAA concession contracts. TAA is a member of the Arizona Unified Certification Program and accepts ACDBE certifications issued by the Arizona Department of Transportation, The City of Phoenix, and The City of Tucson. If your firm is not currently certified and you would like further information on becoming a certified ACDBE firm, please contact the DBE Liaison Officer at the above-mentioned address.

Publish: The Daily Territorial
Date: May 29, 2024



**THE DAILY
TERRITORIAL**

100 N. Stone Ave, Suite #300
Tucson, AZ 85701

AFFIDAVIT OF PUBLICATION

Daily Territorial (Tucson)
100 N Stone Ave, Suite 300
(520) 294-1200

I, Kevin King, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Daily Territorial (Tucson), a publication that is a "legal newspaper" as that phrase is defined for the city of Tucson, for the County of Pima, in the state of Arizona, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
May. 29, 2024

Notice ID: 8YsBU2Xbvm2EzMgmXTEC
Publisher ID: DTT006821
Notice Name: TUCSON AIRPORT AUTHORITY

Request of: Bert Resimont
7250 South Tucson Blvd, Suite 300 Tucson AZ 85756

I declare under penalty of perjury that the foregoing is true and correct.

Kevin King

Agent

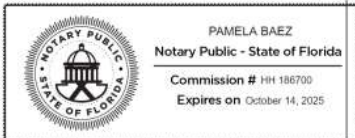
VERIFICATION

State of Florida
County of Orange

Signed or attested before me on this: 05/29/2024

[Signature]

Notary Public
Notarized remotely online using communication technology via Proof.



**PUBLIC NOTICE
TUCSON AIRPORT
AUTHORITY
PUBLISHED NOTICE OF
OVERALL ACDBE PARTICI-
PATION GOALS
FISCAL YEARS 2025, 2026,
2027**

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Tucson Airport favorites Sites Digicast Google Training TAA ABRM Product... TAA ASOCs Produc... TAA Bamboo HR TAA Email Archiver TAA Entervo Parking TAA Everbridge DNS TAA Intranet TAA Move Orders TAA Outlook Webm... TAA PMWeb > Other favorites

TUCSON INTERNATIONAL AIRPORT TUCSON AIRPORT AUTHORITY RYAN AIRFIELD

TUCSON AIRPORT AUTHORITY

Airport Concessions/Disadvantaged Business Enterprise Programs (ACDBE/DBE)

Disadvantaged Business Enterprise (DBE) Program

Tucson Airport Authority (TAA), owner and transit authority for Tucson International Airport (TUS) and Ryan Airfield (RYN), has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 for all DOT assisted contracts and Airport Concessions Disadvantaged Business Enterprises (ACDBE) in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23 for airport concessions. The purpose of these programs is to increase the diversity of and opportunities for disadvantaged, minority, and women-owned business enterprises (D/M/WBE).

[TAA DBE Policy Statement](#)

*A copy of this policy statement will be available through the solicitation process for all DOT-assisted or airport concession contracts.

[TAA DBE Part 26 Consultation Meeting Presentation April 2023](#)

[TAA DBE Part 26 Program 2024-2026](#)

[TAA ACDBE Part 23 Consultation Meeting Presentation September 2021](#)

[TAA ACDBE Part 23 Program 2022-2024](#)

[TAA ACDBE FY 25-27 3-Year Goal Calculation Presentation May 2024](#)

TAA DBE Liaison Officer:
 Bert Heuser
 Compliance Audit Administrator
 (520) 573-4892

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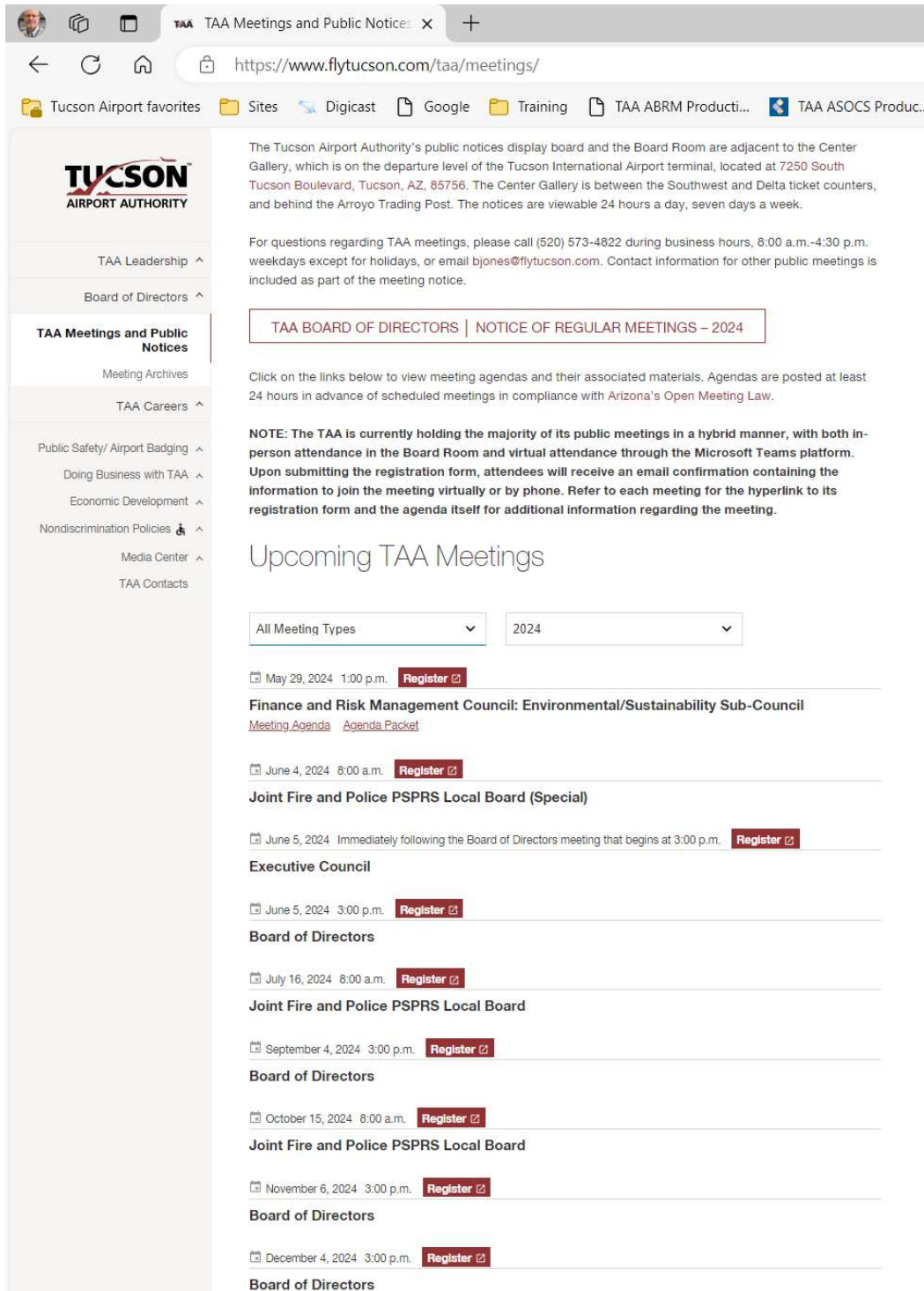
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[Comments & Questions](#) →

Tucson Airport Authority
 7250 South Tucson Boulevard, Suite 300
 Tucson, AZ 85756
 (520) 573-6100

AWSTOP
 FOR EASY TRAVEL



The Tucson Airport Authority's public notices display board and the Board Room are adjacent to the Center Gallery, which is on the departure level of the Tucson International Airport terminal, located at 7250 South Tucson Boulevard, Tucson, AZ, 85756. The Center Gallery is between the Southwest and Delta ticket counters, and behind the Arroyo Trading Post. The notices are viewable 24 hours a day, seven days a week.

For questions regarding TAA meetings, please call (520) 573-4822 during business hours, 8:00 a.m.-4:30 p.m. weekdays except for holidays, or email bjones@flytucson.com. Contact information for other public meetings is included as part of the meeting notice.

TAA BOARD OF DIRECTORS | NOTICE OF REGULAR MEETINGS - 2024

Click on the links below to view meeting agendas and their associated materials. Agendas are posted at least 24 hours in advance of scheduled meetings in compliance with Arizona's Open Meeting Law.

NOTE: The TAA is currently holding the majority of its public meetings in a hybrid manner, with both in-person attendance in the Board Room and virtual attendance through the Microsoft Teams platform. Upon submitting the registration form, attendees will receive an email confirmation containing the information to join the meeting virtually or by phone. Refer to each meeting for the hyperlink to its registration form and the agenda itself for additional information regarding the meeting.

Upcoming TAA Meetings

All Meeting Types | 2024

- May 29, 2024 1:00 p.m. [Register](#)
- Finance and Risk Management Council: Environmental/Sustainability Sub-Council**
[Meeting Agenda](#) [Agenda Packet](#)
- June 4, 2024 8:00 a.m. [Register](#)
- Joint Fire and Police PSPRS Local Board (Special)**
- June 5, 2024 Immediately following the Board of Directors meeting that begins at 3:00 p.m. [Register](#)
- Executive Council**
- June 5, 2024 3:00 p.m. [Register](#)
- Board of Directors**
- July 16, 2024 8:00 a.m. [Register](#)
- Joint Fire and Police PSPRS Local Board**
- September 4, 2024 3:00 p.m. [Register](#)
- Board of Directors**
- October 15, 2024 8:00 a.m. [Register](#)
- Joint Fire and Police PSPRS Local Board**
- November 6, 2024 3:00 p.m. [Register](#)
- Board of Directors**
- December 4, 2024 3:00 p.m. [Register](#)
- Board of Directors**

ATTACHMENT 13
Small Business Element Program

Small Business Element

1. Objective/Strategies

As part of this program element, Tucson Airport Authority will implement the following strategies:

- On concession contracts, require the prime contractor to provide subcontracting opportunities of a size that small businesses, including ACDBEs, can reasonably perform, rather than self-performing all the work involved.
- Provide information on resources to assist and support small businesses in the community.

2. Definition

- ACDBE firms and small businesses are eligible under the TAA small business program.
- The small business standard must be no larger than the Small Business Administration's size standards.
- The personal net worth standard used in determining eligibility is posted online on the Departmental Office of Civil Rights webpage, available at <https://www.transportation.gov/DBEPNW>.
- All businesses meeting the criteria outlined in this small business element will be considered to be small businesses, without regard to race or gender.

3. Verification

- TAA will document proper certifications or small business status and will refer to the State or other proper authority any concerns of potential/suspected fraudulent certifications.
- At time of bid, TAA will verify small business size standards and tax records.
- Small business enterprises that are not certified by the state will be verified by TAA as to their size, ownership, business record, tax records, and any other documentation available from business to prove eligibility as a small business. Verification will be accomplished via owner interview(s) and document verification.

4. Monitoring/Record Keeping

TAA will:

- Review contracts by both ACDBE and SBC (Small Business Concern) status on a quarterly basis via B2Gnow compliance software to monitor participation and achievements.
- Review the Small Business Program annually to determine if program objectives are being met, and if not, document actions to be taken to meet objectives.
- Conduct quarterly meetings with departments to discuss non-compliant contracts.
- Maintain a bidders and active participants list for ACDBE tracking and submissions on solicitations.

5. Assurance

- TAA makes the following assurances:
 1. This program is authorized under state law;
 2. Small businesses, in addition to certified ACDBEs and SBCs that meet the size criteria established under the program are eligible to participate in the program and will be determined under the guidelines of the Arizona UCP program;
 3. No geographic preferences or limitations will be imposed on any procurement included in the program;
 4. There is no limit on the number of contracts awarded to firms participating in the program but that efforts will be made to avoid creating barriers to the use of new, emerging, or untried businesses;
 5. Steps will be taken to encourage those firms that are eligible for ACDBE and SBC certification to become certified;
 6. The program is open to small businesses regardless of their locations (i.e., there is no local or other geographic preference).