



SAVANNAH HILTON HEAD INTERNATIONAL AIRPORT

Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program

Mar 10, 2018

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TABLE of CONTENTS

POLICY STATEMENT		3
Section 23.1, 23.23	Objectives/Policy Statement	3
SUBPART A – GENERAL REQUIREMENTS		1
Section 23.1	Objectives	1
Section 23.3	Definitions	1
Section 23.5	Applicability	1
Section 23.9	Non-discrimination Requirements	1
Section 23.11	Compliance and Enforcement	2
SUBPART B – ACDBE PROGRAMS		3
Section 23.21	ACDBE Program Updates	3
Section 23.23	Administrative Provisions	4
Section 23.25	Ensuring Nondiscriminatory Participations of ACDBEs	5
Section 23.27	Reporting	6
Section 23.29	Compliance and Enforcement Procedures	6
SUBPART C - CERTIFICATION AND ELIGIBILITY		7
Section 23.31	Eligibility	7
Section 23.35	Net Worth	8
SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING		9
Section 23.41	Basic Overall Goal Requirement	9
Section 23.43	Consultant in Goal Setting	10
Section 23.45	Overall Goals	10
Section 23.53	Counting ACDBE Participation for Car Rentals	14
Section 23.55	Counting ACDBE Participation for Concessions Other than Car Rentals	14
Section 23.61	Quotas or Set-asides	15
Section 23.71	Existing Agreements	15
Section 23.73	Privately-Owned or Leased Terminal Buildings	15
Section 23.75	Long-Term Exclusive Agreements	15
Section 23.79	Geographic Preferences	16

**UNITED STATES DEPARTMENT OF TRANSPORTATION
ACDBE PROGRAM – 49 CFR PART 23
Savannah Airport Commission
for the Savannah / Hilton Head International Airport
Savannah GA**

POLICY STATEMENT

Section 23.1, 23.23 Objectives/Policy Statement

The Savannah Airport Commission ('the Commission') has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT) 49 CFR Part 23. The Commission has received Federal financial assistance from USDOT, and as a condition of receiving this assistance, the Commission has signed an assurance that it will comply with 49 CFR Part 23.


It is the policy of the Commission to ensure that ACDBEs, as defined in 49 CFR Part 23, have an equal opportunity to receive and participate in concession opportunities. It is also our policy:

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

Dawoud Stevenson, 400 Airways Avenue, Savannah, Georgia 31408, (912) 964-0514; DStevenson@savannahairport.com, has been designated as the ACDBE Liaison Officer for the Savannah Airport Commission. In that capacity, Mr. Stevenson is responsible for implementing all aspects of the ACDBE program. Implementation of the ACDBE program is accorded the same priority as compliance with all other legal obligations incurred by the Savannah Airport Commission in its financial assistance agreements with the Department of Transportation.

The Commission has disseminated this policy statement to its board members and all of the components of the organization. The Commission will distribute this statement by mail to ACDBE and non-ACDBE concessionaire communities in our area in the following manner. The policy is also posted on the Savannah/Hilton Head International Airport Website at www.savannahairport.com.

1. *This Policy statement will be prepared as a handout, and made available at pre-bid conferences, and/or outreach meetings conducted by the Commission.*
2. *Copies of the Policy statement will be mailed to all of the agencies/organizations consulted during the development of the ACDBE goal methodology. This will make the Commission's policy for the Savannah/Hilton Head International Airport available to additional small, minority, and women business development agencies.*



Gregory B. Kelly, A.A.E.
Executive Director



Date

SUBPART A – GENERAL REQUIREMENTS

Section 23.1 Objectives

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

Section 23.3 Definitions

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

Section 23.5 Applicability

The Savannah / Hilton Head International Airport is a Small Hub Airport and the sponsor of federal airport funds authorized for airport development after January 1988 that was authorized under Title 49 of the United States Code.

Section 23.9 Non-discrimination Requirements

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

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

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

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

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

(2) The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR part 23, that it enters and cause those businesses to similarly include the statements in further agreements.

Section 23.11 Compliance and Enforcement

The Savannah Airport Commission will comply with and is subject to the provisions of 49 CFR Part 26 (§§ 26.101, 26.105, through 26.109 (2 CFR parts 180 and 1200).

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

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

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

The following enforcement actions apply to firms participating in the Savannah Airport Commission ACDBE program:

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

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

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

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

SUBPART B – ACDBE PROGRAMS

Section 23.21 ACDBE Program Updates

The Savannah / Hilton Head International Airport is a Small Hub Airport required to have an ACDBE program.

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

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

This ACDBE program will be implemented at the Savannah / Hilton Head International Airport.

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

Section 23.23 Administrative Provisions

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

The Savannah Airport Commission's Policy Statement is elaborated on the first page of this program.

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

Dawoud Stevenson
Savannah Airport Commission
400 Airways Avenue, Savannah, Georgia 31408
Phone: (912) 964-0514
dstevenson@savannahairport.com

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that the Savannah Airport Commission complies with all provision of 49 CFR Part 23. The ACDBELO has direct, independent access to the Commission's Executive Director concerning ACDBE program matters. An organizational chart displaying the ACDBELO's position in the organization is found in Attachment 3 to this program.

The ACDBELO is responsible for developing, implementing and monitoring the ACDBE program, in coordination with other appropriate officials. The duties and responsibilities of the ACDBELO 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 the Commission's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director on ACDBE matters and achievement.
9. Chairs the ACDBE Advisory Committee.
10. Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance; acts as a liaison to the OSD-BU-Minority Resource Center (MRC).

11. Plans and participates in ACDBE training seminars.
12. Acts as liaison to the Unified Certification Program (UCP) in Georgia.
13. Provides outreach to ACDBEs and community organizations to advise them of opportunities.
14. Maintains the Commission's updated directory on certified ACDBEs and distinguishes them from DBEs.

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

The UCP will ensure that 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 UCP will make any changes to the current directory entries necessary to meet the requirements of this paragraph.

The Directory is available as follows:

Georgia DOT Website - <http://www.dot.ga.gov>

Georgia UCP Directory - <https://gdotbiext.dot.ga.gov/analytics/saw.dll?Dashboard>

Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs

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

The Savannah Airport Commission will follow all federal, state and local nondiscrimination laws, and comply with all City Policies and procedures designed to ensure nondiscrimination. These laws, policies and procedures include but are not limited to; Title VI and the regulations found at 49 CFR Parts 23 and 26.

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

The Savannah Airport Commission overall goal methodology and a description of the race-neutral measures it will use to meet the goals are described in Section 23.25 and Attachment 1 and Attachment 2 of this plan. The goals are set consistent with the requirements of Subpart D. (23.25(b), (d))

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

The Savannah Airport Commission will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with ACDBEs. (23.25(f))

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

Section 23.27 Reporting

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

Beginning March 1, 2006, we will submit to the FAA Regional Civil Rights Office, an annual ACDBE participation report on the form in Appendix A of Part 23.

Section 23.29 Compliance and Enforcement Procedures

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

1. The Savannah Airport Commission will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. The Savannah Airport Commission 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 the ACDBE regulation by a participant in our procurement activities.
3. The Savannah Airport Commission will also implement a monitoring and enforcement mechanism to ensure that work committed to ACDBEs at contract award is actually performed by the ACDBEs. This mechanism will provide for a running tally of actual ACDBE attainments (e.g., payment actually made to ACDBE firms), including a means of comparing these attainments to commitments.

4. The Savannah Airport Commission will utilize contract clauses to ensure compliance with the procurement specifications and the Program. After award of the contract, The ACDBELO will conduct such audits and reviews as necessary to ensure the Commission that the concessionaire is in compliance.
5. Prime contractors must also report to the ACDBELO when an ACDBE is terminated for any reason.
6. The ACDBELO will make prompt compliance determinations regarding its prime contractors. Documentations of noncompliance will include the specific areas in which the concessionaire / sub-concessionaire failed to comply. In these instances, appropriate legal action consistent with the ACDBE and other contract provisions will be taken.
7. In the Savannah Airport Commissions reports of ACDBE participation to the FAA, the Commission will show both commitments and attainments, as required by the DOT reporting form.

SUBPART C – CERTIFICATION AND ELIGIBILITY

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

The Savannah Airport Commission is the member of a Unified Certification Program (UCP) administered by the State of Georgia. The UCP will meet all the requirements of this section.

The Savannah Airport Commission is a member of a Unified Certification Program (UCP) administered by the State of Georgia which will make ACDBE certification decisions on behalf of the Commission.

The Savannah Airport Commission uses the Georgia Department of Transportations (GDOT) DBE directory to identify all firms eligible to participate as ACDBEs. The GDOT directory identifying all firms eligible to participates as ACDBEs can be found at the following website:
<https://gdotbiext.dot.ga.gov/analytics/saw.dll?Dashboard>

The UCP's directory of eligible DBEs will specify whether a firm is certified as a DBE for purposes of Part 26, and ACDBE for purposes of Part 23, or both. The UCP will review the eligibility of currently certified ACDBEs to make sure that they will meet the standards of Part 23. The UCP will complete these review as soon as possible, but in no case later than April 21, 2006 or three years form the anniversary date of each firm's most recent certification, whichever is later.

Prior to entering into a new contract, extension, or option with a currently certified ACDBE, we will review their eligibility at that time (i.e., "as soon as possible") rather than waiting until the latest date allowed under Part 23.

All currently certified ACDBEs were directed to submit by April 21, 2006 a personal net worth statement, a certification of disadvantage, and an affidavit of no change.

The UCP will treat a firm as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous three fiscal years do not exceed \$56.42 million for non-car rental ACDBEs and \$75.23 million for car rental ACDBEs. The size standard for banks and other financial institutions is \$1 billion in assets, for pay telephone companies is 1500 employees and for ACDBE automobile dealers is 350 employees.

Section 23.35 The personal net worth standard used in determining eligibility for purposes of Part 23 is \$1.32 million.

The UCP *recognizes that Personal net worth* means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth (PNW) does not include the following:

- (1) The individual's ownership interest in an ACDBE firm or a firm that is applying for ACDBE certification;
- (2) The individual's equity in his or her primary place of residence; and
- (3) Other assets that the individual can document are necessary to obtain financing or a franchise agreement for the initiation or expansion of his or her ACDBE firm (or have in fact been encumbered to support existing financing for the individual's ACDBE business) to a maximum of \$3 million.

The effectiveness of this paragraph (3) of this definition is suspended with respect to any application for ACDBE certification made or any financing or franchise agreement obtained after June 20, 2012. (23.3)

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

Any person who has a personal net worth exceeding this amount is not a socially and economically disadvantaged individual, even if a member of a group otherwise presumed to be disadvantaged. (See 23.3 - *Personal Net Worth* definition and 23.35)

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

our concessions program. The UCP is not obligated to certify a part 26 DBE as an ACDBE if the firm does not perform work relevant to our concessions program. (23.37).

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

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

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

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

The UCP will use the Uniform Application Form found in appendix F to part 26 with additional instruction as stated in 23.39(g).

SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 Basic Overall Goal Requirement

The Savannah Airport Commission will establish two separate overall ACDBE goals; one for car rentals and another for concessions other than car rentals. The overall goals will cover a (3) year period and the sponsor will review the goals annually to make sure the goal continues to fit the sponsor's circumstances. We will report any significant overall goal adjustments to the FAA.

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

The Savannah Airport Commissions overall goals will provide for participation by all certified ACDBEs and will not be subdivided into group-specific goals.

Section 23.43 Consultation in Goal Setting

The Savannah Airport Commission consults with stakeholders before submitting the overall goals to the FAA. Stakeholders will include, but not be limited to, minority and women 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 Commission’s efforts to increase participation of ACDBEs.

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

Section 23.45 Overall Goals

The Savannah / Hilton Head International Airport is a Small Hub Airport. As a condition of eligibility for FAA financial assistance, the Savannah Airport Commission will submit its overall goals according to the following schedule:

Initial Goal Due	Second Goal Due	Subsequent Goal Due
October 1, 2012	October 1, 2015	every 3 years on October 1

If a new concession opportunity arises at a time that falls between the normal submission dates above and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the Commission will submit an appropriate adjustment to our overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity. (23.45i)

The Savannah Airport Commission will establish overall goals in accordance with the 2-Step process as specified in section 23.51. After determining the total gross receipts for the concession activity, the first step is to determine the relative availability of ACDBEs in the market area, “base figure”. The second step is to examine all relevant evidence reasonably available in the Commission’s jurisdiction to determine if an adjustment to the Step 1 “base figure” is necessary so that the goal reflects as accurately as possible the ACDBE participation the

Commission would expect in the absence of discrimination. Evidence may include, but is not limited to past participation by ACDBEs, a disparity study, evidence from related fields that affect ACDBE opportunities to form, grow, and compete (such as statistical disparities in ability to get required financing, bonding, insurance; or data on employment, self-employment, education, training and union apprenticeship)

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

A description of the methodology to calculate the overall goal for car rentals, the goal calculations, and the data we relied on can be found in *Attachment 1* to this program.

A description of the methodology to calculate the overall goal for concessions other than car rentals, the goal calculations, and the data we relied on can be found in *Attachment 2* to this program.

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

The breakout of estimated race-neutral and race-conscious participation can be found with the goal methodology in Attachments 1 and Attachment 2 to this program. This section of the program will be reviewed annually when the goal calculation is reviewed under 23.41(c).

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

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

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

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

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

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

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

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

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

The following personnel are responsible for determining whether a concessionaire who has not met the concession specific goal has documented sufficient good faith efforts to be regarded as responsive.

Dawoud Stevenson
Savannah Airport Commission
400 Airways Avenue, Savannah, Georgia 31408
Phone: (912) 964-0514
dstevenson@savannahairport.com

The Savannah Airport Commission will ensure that all information is complete and accurate and adequately documents the bidder / offeror's good faith efforts before we commit to the concession agreement with the bidder / offeror.

Information to be submitted (26.53(b))

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

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

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

Administrative reconsideration (26.53(d))

Within 3 days of being informed by the Savannah Airport Commission that it is not responsive or responsible because it has not documented sufficient good faith efforts, a concessionaire may request administrative reconsideration. Concessionaire should make this request in writing to the following reconsideration official:

Andy Adkins
M/WBE Compliance Coordinator
City of Savannah
801 E. Gwinnett Street
Savannah, GA
Phone (912) 652-3582
aadkins@savannahga.gov

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

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

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

The Savannah Airport Commission will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its concession

agreement, lease, or subcontract with another certified ACDBE, to the extent needed to meet the concession specific goal. We will require the concessionaire to notify the ACDBELO immediately of the ACDBEs inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the concessionaire to obtain our prior approval of the substitute ACDBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the concessionaire continues to fail to comply, the contracting officer may issue a termination for default proceeding.

Sample Proposal / Bid Specification:

The requirements of 49 CFR Part 23, regulations of the U.S. Department of Transportation, applies to this concession. It is the policy of the Savannah Airport Commission to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids / proposals. Award of this concession will be conditioned upon satisfying the requirements of this proposal / bid specification. These requirements apply to all concessions firms and suppliers, including those who qualify as an ACDBE. An ACDBE concession specific goal of X % of (*annual gross receipts; value of leases and / or purchases of goods and services*) has been established for this concession. The concession firm shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 7), to meet the concession specific goal for ACDBE participation in the performance of this concession.

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

Section 23.53 Counting ACDBE Participation for Car Rental Goals

The Savannah Airport Commission will count ACDBE participation toward overall goals other than car rental as provided in 49 CFR 23.53.

Section 23.55 Counting ACDBE Participation for Concessions Other than Car Rentals

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

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

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

Section 23.61 Quotas or Set-asides

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

SUBPART E – OTHER PROVISIONS

Section 23.71 Existing Agreements

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

Section 23.73 Privately-Owned or Leased Terminal Buildings

The Savannah / Hilton Head International Airport does not have any privately-owned or leased terminal Buildings.

Section 23.75 Long-Term Exclusive Agreements

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

Section 23.79 Geographic Preferences

The Savannah Airport Commission will not use a "local geographic preference", i.e., any requirement that gives an ACDBE located in one place (e.g., Savannah, GA) an advantage over ACDBEs from other places in obtaining business as, or with, a concession.

ATTACHMENTS

Attachment 1	Overall Goal for Car Rentals Concessions and Methodology
Attachment 2	Overall Goal for Non-Car Rentals Concessions and Methodology
Attachment 3	Organization Chart
Attachment 4	Website link for DBE / ACDBE Directory
Attachment 5	Website link for Certification Application Forms
Attachment 6	Website link for 49 CFR Part 23
Attachment 7	49 CFR Part 23
Attachment 8	State's UCP Agreement

ATTACHMENT 1

Overall Goal for Car Rentals Concessions and Methodology

(Currently working with ACDBE Consultant to prepare Methodology)

ATTACHMENT 2

Overall Goal for Non-Car Rentals Concessions and Methodology

(Currently working with ACDBE Consultant to prepare Methodology)

ATTACHMENT 4

Website Link for DBE / ACDBE Directory

<https://gdotbiext.dot.ga.gov/analytics/saw.dll?Dashboard>

ATTACHMENT 5

ACDBE Certification Application Form

<http://www.dot.ga.gov/PS/Business/DBE#tab-2>

ATTACHMENT 6

Website Link for 49 CFR Part 23

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

ATTACHMENT 7

Regulations: 49 CFR Part 23

http://www.ecfr.gov/cgi-bin/texidx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

ATTACHMENT 8

State's UCP Agreement

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
THE GEORGIA DEPARTMENT OF TRANSPORTATION,
And SAVANNAH HILTON HEAD INTERNATIONAL AIRPORT**

This Memorandum of Understanding documents the participation of U.S. DOT Recipients and in certain instances, funding arrangements for the continued implementation and operation of the Unified Certification Program (UCP) in the State of Georgia.

PREAMBLE

WHEREAS, the Georgia Department of Transportation (GDOT), an agency of the State of Georgia, has undertaken a Unified Certification Program to certify all Disadvantaged Business Enterprises in the State of Georgia with the cooperation of The Metropolitan Atlanta Rapid Transit Authority (MARTA)

WHEREAS, the initial assessment involved compiling information and developing tools regarding the development of a UCP in the State of Georgia; and

WHEREAS, this MOU establishes the certification procedures for Disadvantaged Business Enterprises participating in federally funded projects; and

WHEREAS, the Georgia Department of Transportation has been and continues to be the Lead Agency for the Unified Certification Program and has accepted the responsibility for the statewide certification program, and;

WHEREAS, the State of Georgia Unified Certification Program is consistent with the laws, rules and regulations of Title VI of the 1964 Civil Rights Act and 49 Code of Federal Regulation, Parts 23 and 26 and,

WHEREAS, the U.S. DOT Recipients have a mission to:

1. Coordinate and participate in the certification review processes that affect socially and economically disadvantaged businesses.
2. Promote and maintain a UCP directory of socially and economically disadvantaged businesses.

Now, therefore, in consideration of the mutual promises and covenants herein contained, it is hereby agreed by and between the parties:

1) PURPOSE

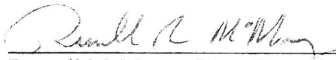
- a) This Memorandum of Understanding outlines the scope of work including any obligations and responsibilities.
- b) GDOT, FHWA, MARTA, FAA, FTA and other recipients will have access to all work completed as part of the Unified Certification Program.

2. SUPPORTIVE SERVICES FOR THE UNIFIED CERTIFICATION PROGRAM:

- a) All of the signatory parties have consulted and agreed on services required to complete the work described in the certification procedures and processes prior to the work beginning.
- b) All of the signatory parties agree to consult on the use of services for work described in the certification procedure and process provided that all services will be used for documentation and dissemination of the information on Disadvantaged Business Enterprises.

This agreement is entered into, by and between the Georgia Department of Transportation and **SAVANNAH HILTON HEAD INTERNATIONAL AIRPORT**. This agreement will take effect at the time of approval by all entities.

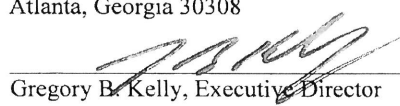
The signatory parties mutually agree to consult regarding any amendments or issues to be addressed. This agreement may be modified by written mutual consent of the signatory parties.



Russell McMurry, P.E., Commissioner
Georgia Department of Transportation
600 West Peachtree Street, N.W.
Atlanta, Georgia 30308

4/25/17

Date



Gregory B. Kelly, Executive Director
SAVANNAH HILTON HEAD INTERNATIONAL AIRPORT
400 Airways Ave
Savannah, GA 31408

April 11, 2017

Date