



Metropolitan Airports Commission
6040 28th Avenue South
Minneapolis, Minnesota 55450

Airport Concessions Disadvantaged Business Enterprise Plan

Adopted: March 2000

ACDBE PLAN

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Introduction

The Metropolitan Airports Commission (MAC) is committed to the development of Airport Concessions Disadvantaged Business Enterprises (ACDBE). To accomplish that mission, MAC implements this plan to facilitate participation in concessions opportunities.

The MAC, as a recipient of U.S. Department of Transportation (DOT) funding for airport improvement projects (AIP), is required under 49 CFR §23 and §26 to develop and implement this Plan. These regulations require the Plan to provide ACDBEs the maximum opportunity to participate in the performance of concession contracts. In accordance with this regulation, MAC and its concessionaires will take all necessary and reasonable steps to ensure ACDBEs have the maximum opportunity to compete for and perform on concession contracts. MAC and its concessionaires will not discriminate based on race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

This document will be available on-line and when requested distributed to internal and external clients by MAC's Office of Civil Rights and Small Business Development. The document will be used in a variety of ways including but not limited to a tool for: training new staff, educating, marketing and clarification of policy and procedures. MAC is committed to building on its past success in achieving ACDBE concession goals, and to expanding its base of ACDBE contractors, professional services providers, concessionaires and vendors.

This Plan is designed to provide guidance to MAC staff regarding Federal Aviation Administration (FAA) requirements for MAC's ACDBE concession program. The Plan is intended to assist in conducting effective outreach, setting goals, and monitoring and reporting results to assess performance and achievement of its ACDBE goals. MAC believes that careful planning, implementation and monitoring of its Plan for concessions will not only meet the established DBE requirements of the FAA but will set MAC apart as a leader in the aviation industry, nationally, regionally and locally, producing significant benefits to MAC and the community.

The ACDBE Concessions Plan will be updated as new policies and procedures are developed.

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Policy Statement**Section 23.1, 23.23 Objectives/Policy Statement**

The Metropolitan Airports Commission (MAC) has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR part 23. MAC 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). MAC has signed airport grant assurances that it will comply with 49 CFR part 23.

It is the policy of MAC 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 non-discrimination 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 ACDBEs in opportunities for concessions 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 airports receiving DOT financial assistance in establishing and providing opportunities for ACDBEs.

The Director of the Office of Civil Rights and Small Business Development has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, the Director of the Office of Civil Rights and Small Business Development 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 MAC in its financial assistance agreements with the Department of Transportation.

MAC has disseminated this policy statement to the MAC's Commission and staff. We have distributed this statement to DBE, ACDBE and non-DBE business communities that perform work for us on DOT-assisted contracts. The distribution was accomplished by posting the Plan on metroairports.org.

DocuSigned by:

Brian Ryks

08/06/25

Brian Ryks, Executive Director/CEO

Date

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

MAC 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

MAC is a primary 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

MAC 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, MAC 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. MAC will include the following assurances in all concession agreements and management contracts it executes with any firm:

“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.

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.”

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Section 23.11 Compliance and Enforcement

MAC 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 MACs and programs under Part 26.

ACDBE PROGRAM**Section 23.21 ACDBE Program Updates**

MAC is the operator of at least one primary airport and is required to have an ACDBE program. This ACDBE program is applicable to the following airport(s):

- **Minneapolis International Airport (MSP)**
- **Reliever Airports (Airlake, Anoka County-Blaine, Crystal, Flying Cloud, Lake Elmo, St. Paul Downtown)**

Although the program applies to the above airports, MAC will submit a separate goal methodology for each primary airport, if applicable.

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

Section 23.23 Administrative Provisions

MAC is committed to operating its ACDBE program in a non-discriminatory manner. The Policy Statement is elaborated on the first page of this program.

MAC 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. MAC will also encourage prime concessionaires to use such institutions.

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

Tekia S. Jefferson
6040 28th Avenue South
Minneapolis MN 5450
612-726-8196
tekia.jeffeson@mspmac.org

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that MAC complies with all provision of 49 CFR part 23. The ACDBELO has direct, independent access to MAC's Chief Executive Officer

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

The ACDBELO is responsible for developing, implementing, and monitoring the ACDBE program, in coordination with other appropriate officials. The ACDBELO has a staff of two to assist in the administration of the program and has designated MAC's Small Business Manager to manage and lead these duties and responsibilities. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by FAA or DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all 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. Analyses MAC's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Commission on ACDBE achievement.
9. Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance.
10. Plans and participates in ACDBE training seminars.
11. Acts as liaison to the Unified Certification Program (UCP) in Minnesota.
12. Provides outreach to ACDBEs and community organizations to advise them of opportunities.
13. Assist with maintain the MNUCP's updated directory on certified ACDBEs and distinguishes them from DBEs.

Directory: Minnesota Unified Certification Program (UCP) maintains a directory identifying all firms eligible to participate as DBEs and ACDBEs. The Directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as an ACDBE. The Directory clearly specifies whether a firm is certified as a DBE for purposes of part 26, an ACDBE for purposes of part 23, or both.

Section 23.25 Ensuring Non-discriminatory Participation of ACDBEs

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

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

MAC 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.

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MAC will take the following measures to ensure non-discriminatory participation of ACDBEs in concessions, and other covered activities (23.25(a)):

Race-neutral measures may include but are not limited to:

- 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 MAC's ACDBE program will affect the procurement process; and
- 6) Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.

MAC 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, MAC will explore, to the maximum extent practicable, all available options to set goals that concessionaires can meet through direct ownership arrangements. A concession-specific goal for any concession other than car rental may be based on purchases or leases of goods and services only when the analysis of the relative availability of ACDBEs and all relevant evidence reasonably supports that there is *de minimis* availability for direct ownership arrangement participation for that concession opportunity.
 - b. In setting car rental concession-specific goals, MAC 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, MAC 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, MAC will calculate the goal as a percentage of the total estimated annual gross receipts from the concession.

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- d. If the goal applies to purchases or leases of goods and services from ACDBEs, MAC 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, MAC 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, § § 26.51 through 26.53. apply with respect to concession-specific goals.
 - g. In setting car rental concession-specific goals, MAC 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, MAC 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.
 - h. If the objective of the concession-specific goal is to obtain ACDBE participation through a direct ownership arrangement with an ACDBE, MAC will calculate the goal as a percentage of the total estimated annual gross receipts from the concession.
 - i. If the goal applies to purchases or leases of goods and services from ACDBEs, MAC will calculate the goal as a percentage of the total estimated dollar value of all purchases to be made by the concessionaire.
 - j. When a concession-specific goal is set, MAC 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.
 - k. The administrative procedures applicable to contract goals in part 26, § § 26.51 through 26.53. apply with respect to concession-specific goals.
2. Negotiate with a potential concessionaire to include ACDBE participation, 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.

MAC 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.

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Section 23.26 Fostering Small Business Participation

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

The small business element is incorporated as Attachment 10 to this ACDBE Program. The program elements will be actively implemented to foster small business participation. MAC acknowledges that active use of the small business element is a requirement of the good faith implementation of this ACDBE program.

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

Section 23.27 Reporting

MAC 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.

MAC 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) MAC will create and maintain active participants list information and enter it into a system designated by the FAA. MAC 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 sex 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.

MAC 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

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negotiated procurements. MAC will enter this data in FAA's designated system no later than March 1 following the fiscal year in which the relevant concession opportunity was awarded.

The state department of transportation in each Unified Certification Program (UCP) established pursuant to 49 CFR § 26.81 must report certain information from the UCP directory to DOT's Departmental Office of Civil Rights each year. MAC, if a certifying member of the state UCP, ensures the collection and reporting of the following information in the UCP directory:

- 1) The number and percentage of in-state and out-of-state ACDBE certifications for socially and economically disadvantaged by sex and ethnicity (Black American, Asian-Pacific American, Native American, Hispanic American, Subcontinent-Asian Americans, and non-minority);
- 2) The number of ACDBE certification applications received from in-state and out-of-state firms and the number found eligible and ineligible;
- 3) The number of decertified firms;
 - i) Total in-state and out-of-state firms decertified;
 - ii) Names of in-state and out-of-state firms decertified because SEDO exceeded the personal net worth cap;
 - iii) Names of in-state and out-of-state firms decertified for excess gross receipts beyond the relevant size standard.
- 4) Number of in-state and out-of-state ACDBEs summarily suspended;
- 5) Number of in-state and out-of-state ACDBE applications received for an individualized determination of social and economic disadvantage status; and
- 6) Number of in-state and out-of-state ACDBEs whose owner(s) made an individualized showing of social and economic disadvantaged status.

Section 23.29 Compliance and Enforcement Procedures

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

1. MAC will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 49 CFR § 26.107.
2. 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 the ACDBE regulation by a participant in our procurement activities (See Attachment 4).

CERTIFICATION AND ELIGIBILITY

Section 23.31 Certification Standards and Procedures

MAC is a certifying member of the Minnesota Unified Certification Program (UCP). MAC 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. MAC makes all certification decisions based on the facts as a whole. Detailed certification processes are described in the Minnesota UCP agreement. The full UCP agreement can be found at: <https://mnucp.org/about/about-the-mnucp/>

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

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

Jeffrey Weinhagen
Small Business Program Manager
6040 28th Avenue South
Minneapolis, MN 55450
612-726-8193
Jeffrey.weinhagen@mspmacc.org
<https://sbcp.mn.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.



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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

MAC 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, MAC 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, MAC 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. MAC will review those persons' résumés and/or work histories. MAC will maintain a complete audio recording of the interviews. MAC 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 MAC will keep in its files.
- 2) Analyse 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) Analyse 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;

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- 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), MAC 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 MAC.

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).

MAC will use the Uniform Certification Application found in part 26 of this chapter without change. If MAC seeks to supplement the form by requesting specified additional information consistent with this part, we will first seek written approval of the concerned Operating Administration and update this ACDBE program plan.

MAC will require every applicant to 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.

GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 Overall Goals

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



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If the average annual concession revenues for car rentals over the preceding three (3) years do not exceed \$200,000, MAC is not required to develop and submit an overall goal for car rentals. Likewise, if the average annual concession revenues for concessions other than car rentals over the preceding three (3) years do not exceed \$200,000, MAC is not required to develop and submit an overall goal for concessions other than car rentals. MAC understands that “revenue” means total revenue generated by concessions, not the revenue received by the airport from concessions agreements.

MAC’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

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

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

The requirements of this section do not apply if no new concession opportunities will become available during the goal period. However, MAC 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 are due based on a schedule established by the FAA and posted on the FAA’s website.

The goals must be submitted every three years based on the published schedule.

If a new concession opportunity arises at a time that falls between the normal submission dates above and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the sponsor will submit an appropriate

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adjustment to our overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity.

MAC will establish overall goals in accordance with the 2-Step process as specified in § 23.51. After determining the total gross receipts for the concession activity, the first step is to determine the relative availability of ACDBEs in the market area, “base figure”. The second step is to examine all relevant evidence reasonably available in the sponsor’s jurisdiction to determine if an adjustment to the Step 1 “base figure” is necessary so that the goal reflects as accurately as possible the ACDBE participation the sponsor would expect in the absence of discrimination. Evidence may include, but is not limited to past participation by ACDBEs, a disparity study, evidence from related fields that affect ACDBE opportunities to form, grow, and compete (such as statistical disparities in ability to get required financing, bonding, insurance; or data on employment, self-employment, education, training, and union apprenticeship).

MAC 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 MAC’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 MAC.

Section 23.53 Counting ACDBE Participation for Car Rental Goals

MAC 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

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

Section 23.57 Goal shortfall accountability.

If the awards and commitments on the Uniform Report of ACDBE participation at the end of any fiscal year are less than the overall goal applicable to that fiscal year, we will:

- (1) Analyse in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;

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- (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;
- (3) MAC will submit the analysis and corrective actions developed under paragraphs (b)(1) and (2) of this section to the FAA for approval by April 1 following the report submittal.

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

MAC 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:

- (1) MAC does not submit the analysis and corrective actions to FAA in a timely manner as required under paragraph (b)(3) of § 23.57;
- (2) FAA disapproves the analysis or corrective actions; or
- (3) MAC does not fully implement:
 - a. The corrective actions to which we have committed, or
 - b. Conditions that FAA has imposed following review of our analysis and corrective actions.
 - c. If information coming to the attention of FAA demonstrates that current trends make it unlikely that we, as an airport, will achieve ACDBE awards and commitments that would be necessary to allow us to meet our overall goal at the end of the fiscal year, FAA may require us to make further good faith efforts, such as modifying our race-conscious/race-neutral split or introducing additional race-neutral or race-conscious measures for the remainder of the fiscal year.

Section 23.61 Quotas or Set-asides

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

OTHER PROVISIONS

Section 23.71 Existing Agreements

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

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Section 23.73 Privately-Owned or Leased Terminal Buildings

MAC will pass through applicable provisions of part 23 to any private terminal owner or lessee via our agreement with the owner or lessee, if any. We will ensure that the owner or lessee complies with part 23. We will obtain from the owner or lessee the goals and other elements of the ACDBE program required under Part 23.

Section 23.75 Long-Term Exclusive Agreements

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

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

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

- 1) A description of the special local circumstances that warrant a long-term, exclusive agreement;
- 2) A copy of the solicitation;
- 3) ACDBE contract goal analysis developed in accordance with this part;
- 4) Documentation that ACDBE participants are certified in the appropriate NAICS code in order for the participation to count towards ACDBE goals;
- 5) A general description of the type of business or businesses to be operated by the ACDBE, including location and concept of the ACDBE operation;
- 6) Information on the investment required on the part of the ACDBE and any unusual management or financial arrangements between the prime concessionaire and ACDBE, if applicable;

**AIRPORT CONCESSIONS DISADVANTAGED BUSINESS
ENTERPRISE PLAN**

- 7) Final long-term exclusive concession agreement, subleasing or other agreements;
- 8) In order to obtain FAA approval of a long-term exclusive concession agreement that has been awarded through direct negotiations, MAC will submit the items in paragraphs (1) and (3) through (7) of this section at least 45 days before contract award;
- 9) In order to obtain FAA approval of an exclusive concession agreement that becomes long-term as a result of a holdover tenancy, MAC 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:
 - a. A description of the special local circumstances that warrant the holdover;
 - b. Anticipated date for renewal or re-bidding of the agreement;
 - c. The method to be applied for renewal or re-bidding of the agreement;
 - d. 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, MAC 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 pre-empts any State or local law, regulation, or policy enacted by the governing body of MAC, or the authority of any State or local government or MAC 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

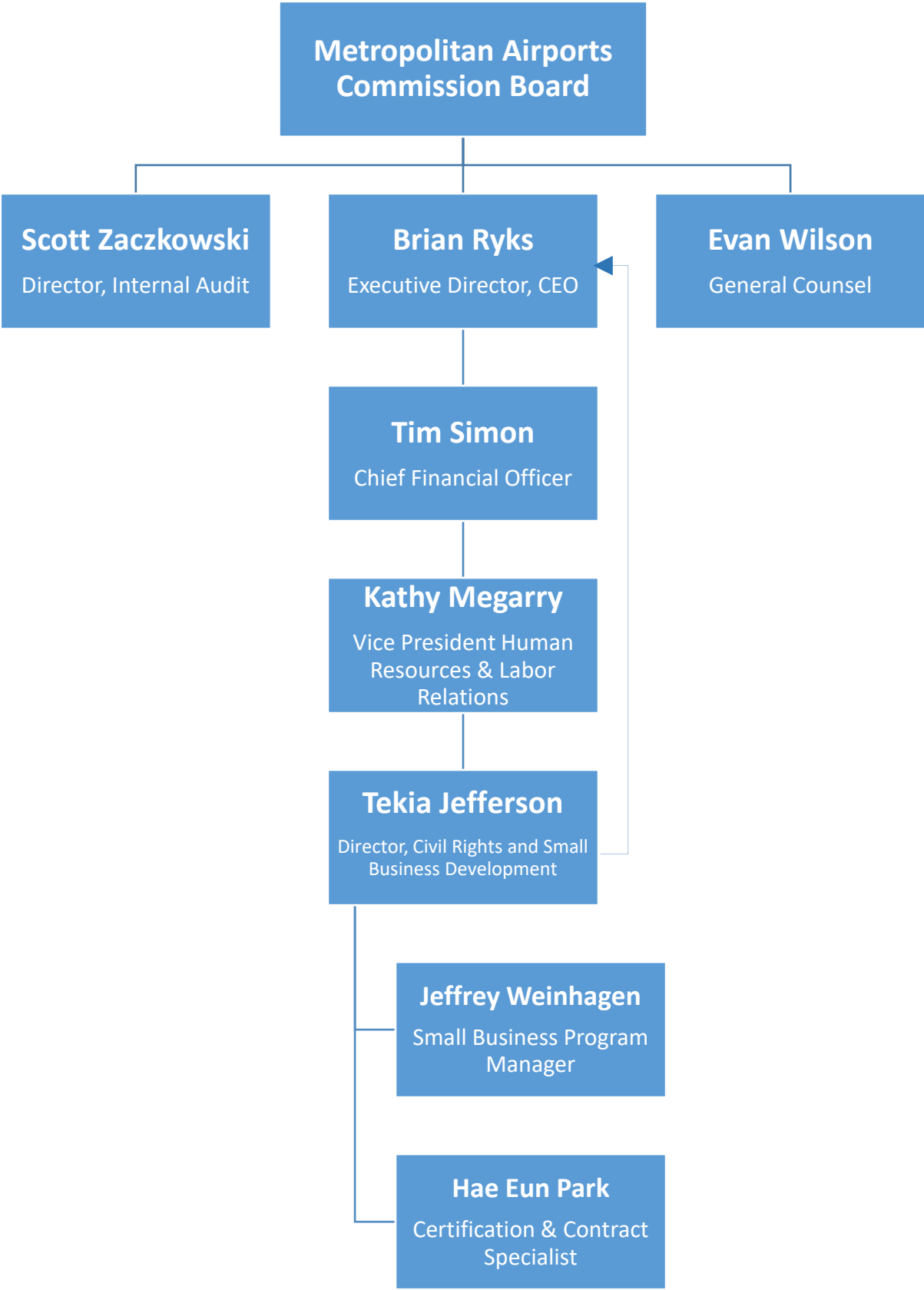
MAC will not use local geographic preferences. For purposes of this section, a local geographic preference is any requirement that gives a concessionaire located in one place (e.g., our local area) an advantage over concessionaires from other places in obtaining business as, or with, a concession at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

ACDBE PLAN

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE/ACDBE Directory
Attachment 3	Active Participant List Collection Form and Other ACDBE Forms
Attachment 4	ACDBE Monitoring and Enforcement Mechanisms
Attachment 5	Overall Goal Methodology – Concessions and Car Rental
Attachment 6	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 7	Certification Application Forms
Attachment 8	State's UCP Agreement
Attachment 9	Regulations: 49 CFR part 23
Attachment 10	Race-Neutral Small Business Element

Attachment 1
Organizational Chart



Attachment 2 – MNUCP Directory Link

<https://mnucp.metc.state.mn.us/>

**Attachment 3 – Active Participant List Collection Form & Other ACDBE
Forms**

Airport Concessions Disadvantaged Business Enterprise (ACDBE) Participant List Collection Form

The Metropolitan Airports Commission (MAC) is required by federal regulations 49 CFR Part 23.27 (c) to collect the following information from each proposer to assist in maintaining an active participant list. As such, it is the responsibility of the proposer to complete the following information as a condition of submitting a proposal for this contract. **Please include your company's information AND all sub-concessionaires solicited for this contract.**

Please note that the information requested below must be completed for each inquiry or proposal received by the proposer, regardless of ACDBE status. It is important to note that providing this information does not commit the proposer to using any of the listed sub-concessionaires.

Provide the following information for both ACDBE sub-concessionaire and non-ACDBE sub-concessionaire inquiries and proposals submitted to the proposer for this contract.

Proposer Company Name: _____ Date: _____

Contract No.: _____ Contract Name: _____ ACDBE Goal for Project: _____

Prime and/or Sub-Concessionaire Information						
Firm Name	Firm Address, City, State, Zip Code, Phone No.	ACDBE or non-ACDBE	Majority Owner's Race and Sex	NAICS Code(s) for Scope of Work	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> ACDBE	<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American		<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-3 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million
		<input type="checkbox"/> Non-ACDBE	<input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Other <input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> more than 10 years	<input type="checkbox"/> \$1 – 2 million <input type="checkbox"/> \$2 – 5 million <input type="checkbox"/> Greater than \$5 million
		<input type="checkbox"/> ACDBE	<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American		<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-3 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million
		<input type="checkbox"/> Non-ACDBE	<input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Other <input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> more than 10 years	<input type="checkbox"/> \$1 – 2 million <input type="checkbox"/> \$2 – 5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address, City, State, Zip Code, Phone No.	ACDBE or non-ACDBE	Majority Owner's Race and Sex	NAICS Code(s) for Scope of Work	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> ACDBE	<input type="checkbox"/> Black American		<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
		<input type="checkbox"/> Non-ACDBE	<input type="checkbox"/> Hispanic American		<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1 million
			<input type="checkbox"/> Native American	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 – 2 million	
			<input type="checkbox"/> Asian Pacific American	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 – 5 million	
			<input type="checkbox"/> Subcontinent Asian American	<input type="checkbox"/> more than 10 years	<input type="checkbox"/> Greater than \$5 million	
		<input type="checkbox"/> Other				
		<input type="checkbox"/> Male				
		<input type="checkbox"/> Female				
		<input type="checkbox"/> ACDBE	<input type="checkbox"/> Black American		<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
		<input type="checkbox"/> Non-ACDBE	<input type="checkbox"/> Hispanic American		<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1 million
			<input type="checkbox"/> Native American	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 – 2 million	
			<input type="checkbox"/> Asian Pacific American	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 – 5 million	
			<input type="checkbox"/> Subcontinent Asian American	<input type="checkbox"/> more than 10 years	<input type="checkbox"/> Greater than \$5 million	
		<input type="checkbox"/> Other				
		<input type="checkbox"/> Male				
		<input type="checkbox"/> Female				
		<input type="checkbox"/> ACDBE	<input type="checkbox"/> Black American		<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
		<input type="checkbox"/> Non-ACDBE	<input type="checkbox"/> Hispanic American		<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1 million
			<input type="checkbox"/> Native American	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 – 2 million	
			<input type="checkbox"/> Asian Pacific American	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 – 5 million	
			<input type="checkbox"/> Subcontinent Asian American	<input type="checkbox"/> more than 10 years	<input type="checkbox"/> Greater than \$5 million	
		<input type="checkbox"/> Other				
		<input type="checkbox"/> Male				
		<input type="checkbox"/> Female				
		<input type="checkbox"/> ACDBE	<input type="checkbox"/> Black American		<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
		<input type="checkbox"/> Non-ACDBE	<input type="checkbox"/> Hispanic American		<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1 million
			<input type="checkbox"/> Native American	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 – 2 million	
			<input type="checkbox"/> Asian Pacific American	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 – 5 million	
			<input type="checkbox"/> Subcontinent Asian American	<input type="checkbox"/> more than 10 years	<input type="checkbox"/> Greater than \$5 million	
		<input type="checkbox"/> Other				
		<input type="checkbox"/> Male				
		<input checked="" type="checkbox"/> Female				

Please submit additional sheets if necessary.

Airport Concessions Disadvantaged Business Enterprise Program
Airport Concessions Disadvantaged Business Enterprise (ACDBE) Commitment Form
(Must be submitted with Proposal submission)

Proposer's Company Name:	
Date of Submission:	ACDBE Goal:
RFP Title:	ACDBE Participation Commitment:

ACDBE Name <i>(Business name used for certification)</i>	Description of Work and Applicable NAICS Code(s)	Participating As? <i>(Prime Concessionaire, Joint Venture Partner, Sublessor, Supplier, Manufacturer)</i>	ACDBE Credit <i>(%)</i>
Total ACDBE %			

I have read the ACDBE requirements in the Utilization of Airport Concessions Disadvantaged Business Enterprise (ACDBE) section of the Request for Proposals. I further certify that the Proposer has made appropriate efforts to comply with the ACDBE requirements for this Proposal by making Good Faith Efforts to meet the established ACDBE goal specified in the Utilization of Airport Concessions Disadvantaged Business Enterprise (ACDBE) section of the Request for Proposals. I am authorized on behalf of the Proposer to submit this certification to the Metropolitan Airports Commission. This certification is a representation of fact on which the Metropolitan Airports Commission may rely in awarding the contract.

Proposer Name: _____

Title: _____ Phone: _____ Email: _____

Proposer Representative's Signature: _____

Airport Concessions Disadvantaged Business Enterprise (ACDBE) Letter of Intent
(Must be completed and signed by each ACDBE listed on Commitment Form and submitted with proposal submission)

Proposer Company Name:	Contract Number:	Contract Name:

ACDBE Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Participating As: ☐ Master Concessionaire ☐ Sub-Concessionaire ☐ Supplier ☐ Joint Venture Partner
☐ Sub-Lessor

Description of Work and NAICS Code(s)	Total ACDBE %

- 1. This is a letter of intent between the bidder on this project and an ACDBE firm to perform work on this project.
- 2. By signing below, the bidder is committing to utilize the above-named ACDBE to perform the work described above.
- 3. By signing below, the above-named ACDBE is committing to perform the work described above.

Affirmation: The undersigned bidder/offeror is committed to utilizing the above-named ACDBE firm for the work described above. The total percentage of this work is ____%. The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into an agreement with the ACDBE firm identified above that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate that ACDBE listed above without following procedures of 49 CFR Part 26.53.

Bidder Representative Name: _____ Title: _____

Bidder Representative Signature: _____ Date: _____

Affirmation: The undersigned ACDBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for ACDBE participation therefore.

ACDBE Representative Name: _____ Title: _____

ACDBE Representative Signature: _____ Date: _____

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

Attachment 4 – ACDBE Monitoring & Enforcement Mechanisms

ACDBE/DBE
CONCESSION UTILIZATION FORM

Prime Contractor _____
Length of Contract _____
Contract Manager/E-mail _____
Contract Start Date _____

REPORTING PERIOD
Initial Report 10/1/ - 9/30/

Completion Date _____

Name/Address/Phone of Contact for DBE	Group	Type of Concession	Gross Receipts This Period **

Prepared by:

Date:
Ph:
Email:



ACDBE Car Rental Participation Report

For period from: October 1, 20__ to September 30, 20__

Dear Car Rental Agency,

Annually, per 49 CFR Part 23.55 requires the Metropolitan Airports Commission to report specific gross revenue and expenses to the FAA from airport rental car concessionaires. Please provide the following information for your company:

Automobile Rental Car Brand or Trade Name: _____

Automobile Rental Agency Name: _____

- | | |
|---|----------|
| 1. Gross Receipts/Revenues for this Period | \$ _____ |
| 2. Concession Fees paid to Airport for this Period | \$ _____ |
| 3. Total Goods & Services purchased or leased for this Period | \$ _____ |
| 4. Total number of vendors providing goods / services for this reporting period | _____ |

<u>ACDBE Name</u>	<u>Amount Paid to ACDBE Vendor</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Payments to ACDBE Vendors	\$ _____

Percentage of ACDBE Participation _____ %
 ACDBE Goal **3%**

ACDBE Goal met: Yes ☐ No ☐

If the ACDBE goal is not met, please provide detailed explanation of efforts made to attract qualified ACDBE participants and reasons for the deficiency.

I certify that the above information is true and accurate to the best of my knowledge and accurately reflects our ACDBE participation and good faith efforts during the period indicated.

DocuSigned by:
Signature Brian Ryks **Date** _____
CB1F3ED5E9AD4C1...

Printed Name: _____ Title: _____



ACDBE Goods and Services Participation Report

For period from: **October 1, 20__** to **September 30, 20__**

Annually, per 49 CFR Part 23.55 requires the Metropolitan Airports Commission to report specific gross revenue and expenses to the FAA from airport rental car concessionaires. Please provide the following information for your company:

Automobile Rental Car Brand or Trade Name: _____

Automobile Rental Agency Name: _____

1. Gross Receipts/Revenues for this Period \$ _____
2. Concession Fees paid to Airport for this Period \$ _____
3. Total Goods & Services purchased or leased for this Period \$ _____
4. Total number of vendors providing goods / services for this reporting period _____

ACDBE Name

Amount Paid to ACDBE Vendor

_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Payments to ACDBE Vendors	\$ _____

Percentage of ACDBE Participation _____ %
ACDBE Goal **3%**

ACDBE Goal met: Yes ☐ No ☐

If the ACDBE goal is not met, please provide detailed explanation of efforts made to attract qualified ACDBE participants and reasons for the deficiency.

I certify that the above information is true and accurate to the best of my knowledge and accurately reflects our ACDBE participation and good faith efforts during the period indicated.

Signature _____

Date _____

Printed Name: _____

Title: _____

Attachment 5 – Overall ACDBE Goal Methodology

Attached Separately

Attachment 6 – Form for Demonstrating Good Faith Efforts

METROPOLITAN AIRPORTS COMMISSION
6040 28th Avenue S.
Minneapolis, MN 55450

Airport Concessions Disadvantaged Business Enterprise Program
ACDBE Good Faith Efforts Information Sheet

Instructions:

- 1. If the Proposer cannot commit to an ACDBE participation percentage at least equal to the ACDBE contract goal, this ACDBE Good Faith Efforts Information Sheet shall be completed in its entirety and submitted with support documentation.
- 2. This ACDBE Good Faith Effort Information Sheet shall be submitted to the MAC with the submission of your proposal.
- 3. The MAC reserves the right to request additional information and documentation if a Good Faith Efforts Review is conducted.

RFP INFORMATION

RFP Name	ACDBE Goal	Overall ACDBE Commitment

In order to remain a responsive proposer for this Request for Proposals the following information must be provided by the Proposer as a commitment of Good Faith Efforts to utilize ACDBEs:

PROPOSER’S INFORMATION

Name: _____

Mailing Address: _____

Contact Person for RFP: _____

Phone Number: _____

Fax Number: _____

Email Address: _____

PROPOSER REPRESENTATIVE’S SIGNATURE

_____ Proposer Representative’s Signature	_____ Date
_____ Name (please print)	_____ Title

ACDBE GOOD FAITH EFFORT INFORMATION

Total ACDBE participation percentage from the ACDBE Commitment Form: _____ %

1. Document how the portions/sections of the work have been divided into smaller tasks or quantities to permit maximum participation of ACDBE businesses.
-

2. Why were you unable to meet the ACDBE contract goal?
-

3. Identification of publications in which announcements or notifications were placed and published, and dates of all announcements/notifications. Attach copies of proof for each announcement/notification.
-

- 4. Identification of ACDBE associations that received written notification and fates of all notifications. Provide name of person and date of follow-up call. If no follow-up calls made, explain why not. Attach copies of each letter as proof for each notification.

- 5. List all ACDBE firms to whom a letter of solicitation was sent and date of issuance. Include: (1) ACDBE company name, address, phone number and name of person to contact; (2) area of ACDBE work expertise; and (3) date of original solicitation, dates of follow-up contacts, and person spoken to. Attach copies of each solicitation letter and each follow-up letter.

- 6. Document established methods used in which encouraged participation by ACDBE business.

- 7. Document efforts made to assist ACDBEs in obtaining financing, lines of credit, and insurance coverage.

8. Document efforts made to assist ACDBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

9. Other comments you wish the Metropolitan Airports Commission to consider.

**Attachment 8 – Link to Certification Application and Personal Net
Worth Statement**

<https://mnucp.org/db-forms/>

Attachment 9 – MNUCP Program Document Link

<https://mnucp.org/about/about-the-mnucp/>

Attachment 9 – Link to ACDBE Regulations 49 CFR Part 23

<https://www.ecfr.gov/current/title-49/subtitle-A/part-23?toc=1>

**Attachment 10 – MSP ASCEND: Race Neutral Small Business
Concessions Element**

ATTACHMENT 10

MSP Small Business Concessions Program
(MSP ASCEND Program)

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Introduction

The Metropolitan Airports Commission (MAC) is committed to the development of small businesses in the airport concessions industry. To accomplish the development of small businesses, the MAC has established and facilitates participation in the MSP Small Business Concessions Program (MSP ASCEND).

The MAC, as a recipient of U.S. Department of Transportation (USDOT) funding for airport improvement projects (AIP), is required under 49 CFR §23.26 to develop and implement a small business element concessions program. MAC is required to structure concessions opportunities to facilitate competition by small business concerns, and take all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of concessions opportunities which may preclude small business participation in solicitations. Further, MAC, its contractors, and its master concessionaires will not discriminate based on race, color, national origin, or sex in the award and performance of concessions opportunities.

The MSP ASCEND Program Plan will be updated as new policies and procedures are developed.

Implementation Timeline

- **October 2025:**
 - Develop/Create external application portal and directory
 - Develop marketing materials for program
 - Conduct outreach/promotion meetings to announce new program to internal and external stakeholders
- **October 2025:**
 - Rebrand Cart Program
 - Revise Concession contract language to include new program
- **January 2026:**
 - Open Application Portal and began accepting applications for new program

Objective/Strategies

1. Ensure non-discrimination in the award and administration of concessions contracts;
2. Take all reasonable steps to remove barriers to the participation of small businesses in concessions contracts;

3. Establish a race-neutral small business set-aside for certain concession opportunities. MAC will document the rationale for selecting small business set-aside concession opportunities which may include consideration of size and availability of small businesses to operate the concession.
4. Consider the concession opportunities available through all types of concession models and car rental contracts.
5. When concession opportunities do not include an ACDBE contract goal, MAC requires all concession models and car rental operators to provide subleasing opportunities of the size that small businesses, including ACDBEs, can reasonably operate; and/or make a good faith effort to utilize products, supplies or services from a certified MSP ASCEND company.
 - a. Concessionaires awarded a concession opportunity that does not include an ACDBE goal will present a plan during the RFP process on how they will utilize certified companies that are in the MSP ASCEND program.
 - b. Concessionaires awarded a concession opportunity would need to demonstrate good faith efforts to meet this requirement.
6. Create opportunities in which certified small businesses in the MSP ASCEND Program can compete fairly for contracts.
7. Identify alternative concession contracting approaches to facilitate the ability of small businesses, including ACDBEs, to compete for and obtain direct leasing and contracting opportunities. This will include, but will not be limited to:
 - a. Reviewing concession space for opportunities for “pop up” locations;
 - b. Ensuring bonding and insurance requirements are right sized and considerate of small businesses;
 - c. Provide right of first refusal of vending contracts to MSP ASCEND companies;
 - d. Transform the MSP Cart Program into a key opportunity for MSP ASCEND companies; and
 - e. Identify opportunities and encourage master concessionaires and car rental companies to utilize MSP ASCEND companies in all areas, including when contracting for professional services, technical services, consultants, legal services, security systems, advertising, building cleaning and maintenance, computer programming, or managerial services.

1. Definition

For the purposes of the MSP ASCEND program, a small business eligible for this program is defined as:

- A. A business certified through MAC's Office of Civil Rights and Small Business Development whose gross receipts of the firm and its affiliates, as calculated in accordance with 13 CFR 121.104 and averaged over the firm's previous five fiscal years, do not exceed \$56.42 million.
- B. The following types of businesses have size standards that differ from the standard set forth in above:
 - (1) ***Banks and financial institutions.*** \$1 billion in assets;
 - (2) ***Passenger car rental companies.*** \$75.23 million average annual gross receipts over the firm's previous five fiscal years;
 - (3) ***Pay telephones.*** 1,500 employees; and
 - (4) ***New car dealers.*** 350 employees.
- C. Any business already certified in Minnesota as an Airport Concessions Disadvantaged Business Enterprise (ACDBE) participant will be eligible for participation in the MSP ASCEND program.

For size purposes, gross receipts of affiliates should be 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, the owner of the applicant 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 applicant and its joint ventures (e.g., subcontracts from a joint venture entity to joint venture partners).

An owner whose Personal Net Worth ("PNW") exceeds \$2,047,000 will not qualify for the MSP ASCEND program. PNW is explained in Section 5. The MAC will follow the U.S. DOT's regulations and guidance for regarding adjustments to PNW.

Note all businesses meeting the criteria outlined in this program will be considered a small business without regard to race or sex.

2. Verification

The MAC's Office of Civil Rights and Small Business Development will:

1. Receive MSP ASCEND Program applications via an online certification portal.
2. Process the applications and conduct pre-certification activities, including, document collection, analysis of application data, and conduct an on-site review to determine eligibility for the program.
3. Approvals and Denials of MSP ASCEND certifications are handled through the MAC's Office of Civil Rights and Small Business Development. All Certification Memos should be sent to the internal MSP ASCEND Program Committee, which includes members from the MAC's Office of Civil Rights and Small Business Development and the Business and Revenue Development Department.
4. Ensure that only Firms certified in the MSP ASCEND program can participate on MSP ASCEND contracting opportunities.
5. Perform all obligations with respect to certifications, reviews, monitoring and annual recertifications.
6. Maintain a centralized MSP ASCEND Directory reflecting all certified MSP ASCEND firms.
7. Make updated directory information available to contractors and master concessionaires on request.
8. Provide public access to the directory electronically, via the Internet and in hard-copy print.
9. Update the directory with new certifications, deletions, changes to geographic locations, and corrections on a regular basis.
10. Cooperate fully with oversight, review, and monitoring activities of the MSP ASCEND Program.

All applications and certification materials relevant to the MSP ASCEND Program will be maintained by and stored, electronically, in secured shared folder within the MAC's Office of Civil Rights and Small Business Development's Shared Drive.

3. Application and Certification Decisions

A firm located within the United States that request to become certified in the MSP ASCEND Program must complete an application for certification and submit that

application to the MAC's Office of Civil Rights and Small Business Development, along with their supporting documentation.

The Firm seeking certification has the burden of demonstrating to the MAC's Certification Specialist, by a preponderance of the evidence, that it meets the eligibility criteria laid out in the 'Definition' section of this program plan.

The MAC's Certification Specialist must request the applicant describe their nature of work within the Concessions Program and what they seek to achieve with this certification. If the applicant's response reasonably suggests to the Certification and Contract Specialist that the applicant firm would likely not have opportunities to participate in, or has no intention of pursuing participation in, MAC's Concessions Program, the Certification and Contract Specialist should encourage the applicant to withdraw their application in order to avoid unnecessary expenditures of time and effort by all parties. The Certification and Contract Specialist may recommend other local small business program (i.e. TGB, VET, SUBP, MCUB, and CERT) to the business.

The MAC's Office of Civil Rights and Small Business Development must make decisions on applications for certification within 90 days of deeming the application complete. If all the information is not received within 30 days of the application submission, the MAC's Office of Civil Rights and Small Business Development may, with written notice to the applicant, extend this time period once for no more than 30 days.

A complete application should contain the following documents, unless it is not applicable or is specified otherwise:

- Work experience resumes for all owners and officers of the business
- Personal Net Worth Statement for each owner of the business
- Personal tax returns and attached schedules for the past three years
- Company tax returns and all related schedule for the last five years
- Documented proof of contributions used to acquire ownership for each owner
- Company's signed loan agreements, security agreements, bonding agreements, and insurance information
- List of equipment, leased or owned (if applicable)
- Documented proof of any transfer of assets to/from the firm and/or to/from any of its owners over the past two years (if applicable)
- All relevant licenses and permits (if applicable)
- Bank authorization and signatory cards
- Schedule of salaries paid to all officers, managers, owners, and/or directors of the firm
- Trust agreements held by any owner (if applicable)
- Foreign Corporation registration documents with the Minnesota Secretary of State (if applicable)
- Original and any amended Partnerships or Joint Venture agreements (if applicable)

- Official Articles of Incorporation, signed by the State official
- Shareholders Agreement (if applicable)
- Minutes of all stockholders and board of directors' meetings
- Corporate by-laws and any amendments (if applicable)
- Official Certification of Formation and Operating Agreement with any amendments (For LLCs only)

For ACDBEs already certified with the MNUCP at the time the MSP ASCEND program is established, they must submit a signed MSP ASCEND Program Declaration of Eligibility within 90-days of notification of their eligibility for the MSP ASCEND Program. If a current certified ACDBE in the state of Minnesota does not submit a signed affidavit within the 90-days, they must complete an application for the program if they wish to become eligible.

All newly certified ACDBEs with the MNUCP will be sent a MSP ASCEND Program Declaration of Eligibility upon certification in Minnesota. Newly certified firms must complete the affidavit within 30-days of certification as an ACDBE in the state of Minnesota, or a complete application will be required after the 30-day time frame expires.

4. Certification Specialist's Responsibilities

1. Review the application and all supporting documentation. Ensure the application is complete by verifying that all attachments and forms are properly completed and signed. An application is not complete until all applicable documents have been received.

If the Certification and Contract Specialist determines the company to be eligible for the ACDBE program, the Certification and Contract Specialist should encourage the applicant to pursue ACDBE certification before moving forward with any other steps within the MSP ASCEND Program certification process. If the applicant chooses not to pursue ACDBE certification, the Certification and Contract Specialist should proceed with the MSP ASCEND certification process.

2. Notify the applicant of any missing information within 10 days of receiving the application. The applicant has 10 business days from the date of notification to send the requested information or provide a written explanation as to why it's not available. An applicant may request, in writing, an extension of no more than 30 days to provide the requested information.
3. If the requested information is not received within 10 business days of receipt of the notification and an extension has not been requested or granted, the Small Business Program Manager or designee shall deny the application based on their failure to cooperate.

4. An applicant may voluntarily withdraw their pending application at any point before the Certification and Contract Specialist makes a recommendation. The applicant must voluntarily withdraw their application, in writing. The Certification and Contract Specialist must notify the Small Business Program Manager of the change in the applicant's status. A record of the request to withdraw must be kept as a part of the certification file. The applicant is eligible to reapply at any time for certification.
5. Ensure the applicant attests to the accuracy and truthfulness of the information on the application form by signing a formal Declaration of Eligibility for the MSP ASCEND Program.

The Certification and Contract Specialist must take all the following steps in determining whether an applicant meets the eligibility criteria listed within this program plan:

1. Analyze the ownership of stock in the Firm, examine all stock certificates and share transfers, and the capital investments made to obtain said stock, Articles of Incorporation, Bylaws, and Minutes. This is an important step to help determine if the owners are in fact the owners of the small business.
 - a. Analyze the bonding, insurance, and financial capacity of the firm.
 - b. Determine the work history of the Firm, including contracts it has obtained (if applicable) to see if their business is providing a concessions related service.
 - c. Obtain a statement from the Firm of the type of work it intends to perform as a part of the MSP ASCEND Program. If the type of work does not align with work that can be provided to the MSP Concessions Program, the Certification and Contract Specialist should encourage the applicant to withdraw their application.
 - d. Obtain a complete list of the equipment and vehicles owned by or used by the firm, Titles or proof of ownership and any necessary licenses the firm needs to operate their business successfully.
 - e. Examine the operational structure of the firm, paying particular close attention to who performs key tasks.
 - f. Review and verify all assets and liability information contained on the Personal Net Worth Statement(s), tax returns, and supporting documentation. Confirm real estate holdings, retirement assets, stocks, trusts, personal property, etc. If available, examine the past five years of business tax returns for the Firm and determine an average of the Firm's

gross receipts to ensure the Firm meets the size standards for the program.

- i. If the Certification and Contract Specialist has a reasonable basis to believe that the PNW statement is incomplete or inaccurate, the Certification and Contract Specialist may seek further information or investigate to obtain clarification. The Firm seeking certification has the burden of demonstrating to the Certification and Contract Specialist, by a preponderance of the evidence that it meets the requirements and does not exceed \$2,047,000.
2. Perform an on-site visit to the applicant firm's office or virtually via Microsoft Teams. The on-site visit must include interviews with the small business owner(s). The MAC's Office of Civil Rights and Small Business Development must maintain a complete audio and visual recording of the interviews. The Certification and Contract Specialist must use the official approved MSP ASCEND Program on-site form during the visit and record all responses and findings and maintain a written report of these files.
3. Prepare a brief written memo outlining the company history, expertise of owners, company structure, initial capital investment, management, gross receipts, independence, equipment, personnel and banking information. The Certification and Contract Specialist must recommend either certification or denial of certification based on a thorough review of all information. All certification memos will be reviewed by the MSP ASCEND Program Committee.

6. Personal Net Worth (PNW) Verification

An owner whose PNW exceeds the program limit of \$2,047,000 is not eligible for the Program. Each owner of the firm must submit the Personal Net Worth (PNW) statement, including the required attachments. The Certification and Contract Specialist may require an owner to provide additional information on a base-by-case basis to verify the accuracy and completeness of the PNW statement. The Certification and Contract Specialist must have a legitimate and demonstrable need for additional information. Below is a list of inclusions and exclusions for the PNW statement. Please note that the following must be provided without regard to state community property rules or laws, equitable distribution rules, or similar rules.

Inclusions:

- a. Assets and liabilities that he/she/they own or is deemed to own. The person who has the title to the asset owns it in proportion to the share as listed in the title (i.e., other businesses owned, vacation homes, etc.).

- b. Full value of the contents the company owner's primary residence, unless the owner cohabits with a spouse or domestic partner, in which MAC may exclude 50 percent of the asset.
- c. Value of all motor vehicles, including watercraft and ATVs, titled in the company owner's name or of which the company owner is the principal operator.
- d. Proportional share of the balance of a debt, even if the company owner is jointly and/or servable liable with other debtors.
- e. Assets transferred to relatives (i.e., owner's spouse or domestic partner, children, siblings, and parents) related entities (i.e., for-profit privately held companies of which any relative is an owner, officer, director or equivalent, or family or other trusts) within the two years preceding any Declaration of Eligibility, when the asset was transferred during the period has an aggregate value of more than \$20,000.

Exclusions:

- a. Ownership interest in the applicant firm.
- b. The Company Owner's share in the primary residence, if applicable.
- c. The liabilities of any other party (i.e., personal loans to other individuals from the owner) and those contingent on a future event or of undermined value as of the date of the PNW statement.
- d. Direct payments, on behalf of immediate family members or their children, to unrelated providers of healthcare, education, or legal services.
- e. Direct payments to providers of goods or services directly related to a celebration of an immediate family member's or that family member's child's significant, normally non-recurring life event.
- f. All assets in qualified retirement accounts. However, the company owner **MUST** report these accounts, including the value and any significant terms and restrictions concerning the assets' use.

7. Program On-Site Reviews

The Certification and Contract Specialist must conduct an on-site review for all eligible firms who apply for the MSP ASCEND Program either virtually, or in person. For on-site reviews, the Certification and Contract Specialist may utilize a computer, tablet, or mobile device to conduct the interview via Microsoft Teams. The on-site review interview should be with the small business owners. The applicant must always be visible on the camera during the interview. If the applicant does not possess the

necessary technology to perform the on-site review, then the Certification and Contract Specialist will determine the appropriate method to perform the on-site review, include by phone or in-person.

The Certification and Contract Specialist must complete the on-site review form at the interview. The on-site form should be retained in the company's certification file.

8. Assignment of NAICS Codes

In order to receive credit for its work on MSP ASCEND Program opportunities, the certified firm must be certified for that work and the work must be covered by NAICS code(s) that are listed on its directory entry.

The Certification and Contract Specialist must grant NAICS codes to a firm only on specific types of work they intend to perform within the MSP Concessions Program. To become certified in an additional type of work after certification, the firm must demonstrate to the Certification and Contract Specialist that they have the ability to perform that work and complete the NAICS Expansion form.

A correct NAICS code is the one that describes, as specifically as possible, the principal goods and services in which the firm would provide the MAC. Multiple NAICS codes may be assigned where appropriate. Program participants must rely on the plain meaning of NAICS code descriptions in determining the scope of the firm's certification.

If there is not a NAICS code that fully, clearly, or sufficiently narrowly describes the type(s) of work for which the firm seeks certification, the Certification and Contract Specialist must supplement or limit the assigned NAICS Code(s) with a clean, specific and concise narrative description of the type of work in which the firm is certified. A vague, general, or confusing description is insufficient.

The Firm and the Certification and Contract Specialist must check carefully to make sure the NAICS codes cited in the certification are kept up-to-date and accurately reflect the work which the MAC's Office of Civil Rights and Small Business Development has determined the firm's owner can perform. The firm bears the burden of providing detailed company information to MAC to make an appropriate NAICS code resignation.

The Certification and Contract Specialist may change a certification classification or description if there is a factual basis in the record, in this case it must notify the firm 30 days before making the change. The Certification and Contract Specialist may not apply such changes retroactively.

A. NAICS Code Expansions

If a certified MSP ASCEND company expands its services after the time of certification, the firm must apply to be certified for additional NAICS codes, if the work does not fall under its existing NAICS codes. It is the Certification and Contract Specialist's

responsibility to ensure the certified firm's business description in the directory accurately reflects the work conducted by the certified firm. NAICS codes may be searched here:

<https://www.census.gov/eos/www/naics/>

The request should be submitted to the MAC's Office of Civil Rights and Small Business Development. The certified firm must complete the NAICS Expansion Form. In addition to the NAICS Expansion Form, the certified firm must also submit proof of the firm's ability to perform the work. This includes listing and documenting any equipment needed to perform the requested services, such as photographs, lease agreements, contracts, Joint Venture Agreements, purchase orders, etc., and the experience of the employee(s) capable of performing the added service(s). The certified firm should also list and document any projects or contracts it has performed the requested services on, whether private, a 100% state/county/city funded project, or a federally funded project.

The Certification and Contract Specialist will review the NAICS Code Expansion Form and all supplemental documentation. Additional information may be requested to support a firm's capability to perform the services. If the certified firm does not sufficiently document its ability to perform the new services, it will not affect the firm's certification for its existing services. There is no specific amount of time a certified firm must wait before reapplying to add services.

9. Written Explanation for Denial of Certification

When the MAC's Office of Civil Rights and Small Business Development denies a Firm's application for MSP ASCEND Program status, the Small Business Program Manager or designee must provide the applicant with a written explanation of the reason(s) for the denial, specifically referencing the evidence in the record that supports the reason(s) for denial. All documents and other information which the denial is based must be made available to the applicant, upon request.

10. Annual Declaration of Eligibility

Once a small business has been certified as an MSP ASCEND company, the certified business will remain certified unless its certification is removed through the procedures in the "Decertification and Removals" section below. The MAC's Office of Civil Rights and Small Business Development will review certified firms' eligibility annually and may conduct on-site reviews as needed. The MAC's Office of Civil Rights and Small Business Development may not require small businesses to reapply for certification as a condition of continuing to participate in the program.

Annually, certified firms must provide the MAC's Office of Civil Rights and Small Business Development with a Declaration of Eligibility sworn by the owner(s) on the anniversary of their certification date every year. The anniversary date for ACDBEs will

mirror their anniversary date with the ACDBE program. ACDBEs can submit the same Declaration of Eligibility form for the ACDBE program for the MSP ASCEND program.

The Declaration of Eligibility must affirm there have been no changes in the certified firm's circumstances affecting its ability to meet size standards and personal net worth requirements. The Declaration of Eligibility shall specifically state that the certified firm continues to meet the business size standards and overall gross receipt cap, and personal net worth limit for the Program. The certified firm must send supporting documentation that, at a minimum, includes the certified firm's federal income tax returns and/or federal personal tax returns with appropriate schedules of the owner(s). Personal net worth statements should be submitted with the initial application for certification and can be requested again by the Certification and Contract Specialist on a case-by-case basis if program eligibility is in question.

All certified MSP ASCEND companies must provide written notice to the MAC's Office of Civil Rights and Small Business Development stating any changes in circumstances affecting its ability to meet size standards and personal net worth requirements or any other material changes. Failure to notify the MAC's Office of Civil Rights and Small Business Development may result in an "Intent to Remove" from the program for failure to cooperate. The certified firm must attach supporting documentation describing in detail the nature of the changes within their business.

The MSP ASCEND Certified business owner must inform the MAC's Office of Civil Rights and Small Business Development of changes in writing within 30 days of the date of the changes. If the certified firm fails to notify the MAC's Office of Civil Rights and Small Business Development within 30 days, it may be deemed to have failed to cooperate. If the MAC's Office of Civil Rights and Small Business Development requests information from the certified firm related to Personal Net Worth and the certified firm does not respond, an "Intent to Remove" will be initiated.

If a certified firm is removed from the Program, a written notice of removal must be sent to the certified firm, via email. This letter should include detailed information for the removal from the Program, with specific dates requests for the Declaration of Eligibility was sent to the owner(s).

11. Decertification and Removals

The Small Business Program Manager or designee is charged with determining if a small business should be decertified or removed from the MSP ASCEND program. An MSP ASCEND company can be decertified or removed, based on the following circumstances:

- A. The Small Business Program Manager or designee determines they have reasonable cause to decertify an MSP ASCEND certified firm. This includes information provided by the MSP ASCEND Company during the annual

declaration of eligibility process. The Small Business Program Manager or designee must immediately commence the proceedings to decertify if there is good reason and evidence that the firm no longer qualifies for the Program.

- B. After investigating a third-party's filed complaint, the Small Business Program Manager or designee determined the MSP ASCEND Company no longer qualifies to be in the program.
 - a. In this case, the third-party complainant must have submitted to MAC's Office of Civil Rights and Small Business Development a detailed complaint that states why the Small Business Program Manager or designee should decertify a certified MSP ASCEND company.
 - b. Any person may file a written complaint alleging that a small business is ineligible to participate in the MSP ASCEND Program. The Small Business Program Manager or designee will provide written confirmation for the complainant that the complaint has been received and that it is being reviewed. The Small Business Program Manager or designee must keep the complainants' identity confidential and retain the complaint in the certification file. Note the Small Business Program Manager or designee is not obligated to accept general allegations or an anonymous complaint.
 - c. The Small Business Program Manager or designee must review its records concerning the certified firm, any material the certified firm and/or complainant provides, and any other available information. The Small Business Program Manager or designee may request additional information from the certified firm or conduct any other investigation that it deems necessary, including an on-site review.
 - d. If the Small Business Program Manager or designee determines there is insufficient evidence to decertify a firm, they should send a written Notice of Decision to the complainant and the certified firm. When sending a copy of the Notice of Decision to the complainant, it must not include information reasonably construed as confidential business information, unless there has been written consent from the firm that submitted the information.
- C. If the MSP ASCEND Company fails to cooperate in the Annual Declaration of Eligibility Process and thus removed.
 - a. MSP ASCEND Certified companies are required, annually, to submit a Declaration of Eligibility. If a certified firm does not respond by the date given, the Small Business Program Manager or designee will send a written notice via email with a 'read receipt' of the 'Intent to Remove' allowing five (5) additional days to respond to the request. The Intent to

Remove letter should include reasons for the intention to remove certification. If the information is not received by the date given in the written letter, the certified firm will be removed for failure to cooperate

- b. There is no waiting period for reapplying for certification for no response to the annual Declaration of Eligibility process.
- c. The MSP ASCEND Company can be removed for failing to comply with other requirements of the program as well. Including, but not limited to, notifying the Office of Civil Rights and Small Business Development of business changes that affect eligibility within 30 days.

D. The MSP ASCEND Company voluntarily removes itself from the MSP ASCEND program in writing.

In circumstances A-B, if the Small Business Program Manager or designee determines that there is reasonable cause to decertify a firm or remove the firm, they should initiate a decertification proceeding by sending a written Notice of Decision explaining, in detail, why the firm is being decertified or removed from the MSP ASCEND program. The Small Business Program Manager or designee must immediately commence the proceedings to decertify if there is good reason and evidence that the firm no longer qualifies for the Program.

The Small Business Program Manager or designee bears the burden of proving, by a preponderance of the evidence, that the small business does not meet the eligibility criteria.

A. Notice of Decision for Decertification

The MAC's Office of Civil Rights and Small Business Development must send a firm a Notice of Decision no later than 30 days after the Small Business Program Manager or designee determines ineligibility. The Notice of Decision ("NOD") must describe with particularity the reason(s) for the decision, including specific references to the evidence in the record that supports each reason. The Notice of Decision must also inform the firm of the consequences of the decision.

The Notice of Decision should be sent electronically via email and a copy of the NOD should be retained in the certification file.

B. Reconsideration Meeting

The decertified MSP ASCEND Company will have 10 business days from the date of the NOD to request a reconsideration meeting. This request must be in writing and submitted to the Small Business Program Manager or designee. Once received the Small Business Program Manager or designee will schedule a reconsideration meeting

with the Director of Civil Rights and Small Business Development within 30 days of receiving the decertified MSP ASCEND Company's written request.

During the reconsideration meeting, the decertified MSP ASCEND Company may submit the reasons it believed they should not be decertified. The Civil Rights Director will consider this information and the file to make a final decision. The Civil Rights Director will have 30 days to issue a written response to the decertified MSP ASCEND Company. The decision of the Civil Rights director is not appealable and will serve as the final decision.

12. Monitoring/Record Keeping

Activities within the MSP ASCEND Program will be monitored to ensure the participation of MSP ASCEND certified firms in concessions activities. The MAC's Office of Civil Rights and Small Business Development will monitor the actual performance of work performed by small businesses within the Program, and to be sure the work identified in the bid or proposal documents is being performed by certified small businesses. MAC will also ensure monitoring for the performance of a commercially useful function (CUF) by the MSP ASCEND firm.

During the contract performance period, the MAC will ensure that contractors and concessionaires are in fact abiding by the terms and conditions of their contract in regard to MSP ASCEND Program participation. The MAC's Office of Civil Rights and Small Business Development, in conjunction with the Business and Revenue Development Department are responsible for monitoring a contractor's or concessionaire's compliance with the MSP ASCEND Program requirements established by the MAC. The MAC actively monitors participation by maintaining a running tally of actual MSP ASCEND Program attainments.

All attainments within the MSP ASCEND Program will be reported out to the FAA on an annual basis by the MAC's Office of Civil Rights and Small Business Development and will be included in the ACDBE report that is submitted to the FAA annually on March 1. The information that is retained is as follows:

- Total Small Business Element Dollars
- Total Small Business Element Companies Utilized
- Total Small Business Element ACDBE Dollars
- Total Small Business Element ACDBE Locations/Contracts
- Total Percentage of Race-Neutral Small Business Element Dollars to ACDBEs

The MAC's Office of Civil Rights and Small Business Development shall advise contractors and concessionaires in bid/proposal documents of MSP ASCEND program participation requirements. The successful bidder/proposer will be advised that failure to carry out its commitments to MAC policies regarding the MSP ASCEND Program may result in termination of the contract, or such other remedy as deemed appropriate by the MAC. Contractors and concessionaires with the MAC are therefore obligated to take

positive actions to ensure that MSP ASCEND Program participation requirements are met.

The aim of MAC's compliance monitoring system is to ensure that contractors and concessionaires comply with their contract provisions, including participation of MSP ASCEND certified firms.

The MAC's Finance Department will be responsible for generating reports as requested by the Office of Civil Rights and Small Business Development that document the volume of MSP ASCEND program sales as a proportion of total gross concessions sales. The MAC's Office of Civil Rights and Small Business Development will have access to and be provided any reports necessary to assess participation in the MSP ASCEND Program.

Concessionaires that are subject to MSP ASCEND Program requirements must submit quarterly reports to the MAC's Office of Civil Rights and Small Business Development to assess the level of participation of MSP ASCEND certified firms on any given contract. Reports will provide an early warning system to identify problems and thereby allow the MAC to take corrective measures to ensure accomplishments of MSP ASCEND participation are met.

The Certification and Contract Specialist, in coordination with the MAC's Business and Revenue Development Department, may undertake random visits to MSP ASCEND operations to evaluate performance and to assess operational concerns of MSP ASCEND certified firms. The MAC's Office of Civil Rights and Small Business Development will make any problems or concerns raised by MSP ASCEND companies known to the Director of Business and Revenue Development and will assist in the resolution of the issues.

A. Monitoring Process

The Small Business Program Manager or designee will have the overall responsibility of tracking participation in the MSP ASCEND Program on all concession opportunities. This requires communications and cooperation with the contract initiating department, as well as the contractors and concessionaires.

The Small Business Program Manager or designee must ensure that all contractors and concessionaires have been advised of the reporting responsibilities during the performance of the contract, have received the reporting forms, and understands the quarterly reporting requirements. The Small Business Program Manager or designee must make sure that the contractor or concessionaire for a specific contract has submitted the appropriate reports on a quarterly basis.

B. Desk Audits

A desk audit is a review of payment history submitted by a contractor or concessionaire. This is usually done via email by sending a request for information to the contractor or concessionaire, and the MSP ASCEND certified firm. The Small Business Program Manager or designee conducts an initial review of the MSP ASCEND Program utilization on contracts. If a desk audit reveals inconsistencies in the MSP ASCEND program utilization on contracts, issues with payments to certified firms, or suggests that participation is lower, the contractor or concessionaire will be notified of this problem, in writing, and is required to clarify the inconsistencies or offer appropriate resolutions for the issue.

If a certified firm's information is necessary to verify or corroborate information submitted by a contractor or concessionaire, then the certified firm will be notified of a compliance desk audit. The certified firm is requested to supply the necessary information or agree to a scheduled on-site visit in an effort to resolve the contractual issue.

If the information collected indicates that the contractor or concessionaire is in non-compliance with the MSP ASCEND Program requirements, The Small Business Program Manager or designee notifies the contractor or concessionaire, in writing, of its noncompliance status.

If a desk audit reveals that the contractor or concessionaire is in compliance with the MSP ASCEND Program requirements, the contractor or concessionaire will be notified, in writing, of the results.

13. Program Utilization Information

The Small Business Program Manager or designee is charged with monitoring contractor and concessionaire utilization. The MSP ASCEND Program utilization information is compared to the contractual obligations of the contractor or concessionaire. The MSP ASCEND certified firm being utilized verifies the utilization information. If a desk audit for utilization yields inconsistencies in the information submitted, then a meeting with all parties may be warranted. Contractors and concessionaires are obligated to submit quarterly reports with utilization information.

14. Record Keeping and Reporting

In order to monitor the progress of the MSP ASCEND Program, a recordkeeping system will be established to identify and assess contract obligations and progress. The following information concerning MSP ASCEND certified firms is collected and retained by the MAC's Office of Civil Rights and Small Business Development:

- a. The number of contracts awarded to certified MSP ASCEND companies on concessions contracts;

- b. The number and identity of certified MSP ASCEND companies contacted and invited to bid or propose on specific contracts and concession opportunities;
- c. The quarterly reports from contractors or concessionaires reporting their progress in meeting contractual MSP ASCEND Program obligations;
- d. The number of MSP ASCEND companies utilized by master concessioners and car rental companies; and
- e. Correspondence and other documents related to communication and contact with MSP ASCEND certified companies.

Additionally, the MAC's Office of Civil Rights and Small Business Development shall submit reports to the MAC's Finance and Administration Committee.

These reports will include at a minimum:

- Total Small Business Element Dollars
- Total Small Business Element Companies Utilized
- Total Small Business Element ACDBE Dollars
- Total Small Business Element ACDBE Locations/Contracts
- Total Percentage of Race-Neutral Small Business Element Dollars to ACDBEs

The MAC's Office of Civil Rights and Small Business Development will also comply with all reporting requirements of the FAA for the MSP ASCEND Program.

15. Assurances

- This small business element program is authorized under Minnesota statute 16C.16 and relevant rules ;
- Certified ACDBEs that meet the size criteria established under this small business element are presumptively eligible to participate;
- There are no geographic preferences or limitations imposed on any concession opportunities included in this small business element;
- There are no limits on the number of concession opportunities awarded to firms participating in this element, but every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses;
- MAC will take aggressive steps to encourage those minority and women owned firms that are eligible for ACDBE certification to become certified; and

- This element is open to small businesses regardless of their location. There is no local or other geographic preference as part of this small business element.