POLICY STATEMENT

Section 23.1, 23.23 Objectives/Policy Statement

The Rhode Island Airport Corporation (RIAC) 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. RIAC 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). RIAC has signed airport grant assurances that it will comply with 49 CFR Part 23.

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

1. To ensure nondiscrimination in the award and administration of opportunities for concessions by T.F. Green Airport (PVD);
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions;
3. To ensure that our ACDBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet this part’s eligibility standards are permitted to participate as ACDBEs at our airport(s);
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at our airport(s); and
6. To provide appropriate flexibility to our airports in establishing and providing opportunities for ACDBEs.

Mr. Jeffrey P. Goulart, RIAC’s Assistant Vice President of Financial Administration, has been delegated as the ACDBE Liaison Officer (ACDBELO). In that capacity, Jeffrey P. Goulart 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 RIAC in its financial assistance agreements with the Department of Transportation.

RIAC will disseminate this policy statement to the RIAC Board of Directors and all the components of the organization. Where appropriate, RIAC will obtain, maintain, and update a list of ACDBE concessionaires; publish notice of this policy; hold future ACDBE participation workshops; work with prime contractors to identify ACDBE participation opportunities in appropriate trades; and will otherwise distribute this policy statement to ACDBE and non-ACDBE concessionaires for RIAC on USDOT-assisted contracts.

Iftikhar Ahmad
President and CEO

3/1/2021

ACDBE Plan – Rev. Feb. 2019
T. F. Green Airport
Federal Fiscal Year – 2018 - 2021
SUBPART A – GENERAL REQUIREMENTS

Section 23.1 Objectives

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

Section 23.3 Definitions

RIAC 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

RIAC 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

RIAC 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, RIAC 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.

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

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

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

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

Section 23.11 Compliance and Enforcement

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

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

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

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

The following enforcement actions apply to firms participating in RIAC’s ACDBE program:

(a) For a firm that does not meet the eligibility criteria of subpart C of this part and that attempts to participate as an ACDBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department of Transportation (DOT) or the Federal Aviation Administration (FAA) may initiate suspension or debarment proceedings against the firm under 49 CFR part 29.

(b) For a firm that, in order to meet ACDBE goals or other ACDBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart C of this part, DOT or FAA may initiate suspension or debarment proceedings against the firm under 49 CFR part 29.

(c) In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the FAA may consider the fact that a purported ACDBE has been certified. However, such certification does not preclude DOT from determining that the purported ACDBE, or another firm that has used or attempted to use it to meet ACDBE goals, should be suspended or debarred.

(d) DOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the ACDBE program whose conduct is subject to such action under 49 CFR part 31.

(e) DOT may refer to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of an ACDBE in RIAC’s ACDBE program or otherwise violates applicable Federal statutes.
SUBPART B – ACDBE Programs

Section 23.21 ACDBE Program Updates

Since RIAC is a small hub primary airport we are required to have an ACDBE program. As a condition of eligibility for FAA financial assistance, RIAC will submit its ACDBE program and overall goals to the FAA every three (3) years on October 1.

Until our new ACDBE program is submitted and approved we will continue to implement our ACDBE program that was in effect before October 1, 2008, except with respect to any provision that is contrary to 49 CFR Part 23.

This ACDBE Program will be implemented at T. F. Green Airport located in Warwick, RI.

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

Section 23.23 Administrative Provisions

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

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

Mr. Jeffrey P. Goulart  
AVP of Financial Administration  
Rhode Island Airport Corporation  
2000 Post Road  
Warwick, RI 02886  
jgoulart@pvdairport.com

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that RIAC complies with all provision of 49 CFR Part 23. The ACDBELO has direct, independent access to RIAC’s President and CEO concerning ACDBE program matters. An organization chart displaying the ACDBELO’s position in the organization is found in Attachment 1 of 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 one to assist in the administration of the program. The duties and responsibilities to ensure compliance with the ACDBE program include but are not limited to:

1. Gathers and reports statistical data and other information as required by FAA or DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
5. Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals).
6. Analyzes RIAC’s progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on ACDBE matters and achievement.
9. Assists in the coordination of ACDBE firms with the State of Rhode Island Uniform Certification Program.
10. Plans and participates in ACDBE training seminars.
11. Acts as liaison to the Uniform Certification Process in Rhode Island.
12. Provides outreach to ACDBEs and community organizations to advise them of opportunities.
13. Maintains RIAC’s updated directory on certified ACDBEs and distinguishes them from ACDBEs.

The duties and responsibilities of the ACDBELO and other officials include the following:

**Financial Analyst and Administrator**

- Assists the ACDBELO in accomplishing the duties and responsibilities listed above.
- Coordinates, processes’ and administers FAA Grants necessary to fund RIAC CIP.
- Coordinates activities necessary to prepare, execute, process, and track the performance of contracts related to the CIP.
- Administers invitations for bid, request for proposals, and other competitive solicitations.
- Maintains clear audit trail of all bid and vendor determinations.
- Examines purchase requisitions and combines and clarifies such requisitions as necessary.

**Directory:** The Rhode Island Department of Administration (RIDOA) Office of Diversity, Equity & Opportunity and Minority Business Enterprise Compliance Office maintains a directory identifying all firms eligible to participate as ACDBEs and updates the directory at least annually. The directory lists the firm’s name, address, phone number, and the type of work the firm has been certified to perform as an ACDBE. An updated directory may be obtained at [http://odeo.ri.gov/offices/mbeco/dbe-program.php](http://odeo.ri.gov/offices/mbeco/dbe-program.php) or upon written request to the RIAC ACDBELO.

Mr. Jeffrey P. Goulart  
AVP of Financial Administration  
Rhode Island Airport Corporation  
2000 Post Road  
Warwick, RI 02886  
jgoulart@pvdairport.com

**Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs**

RIAC will take the following measures to ensure nondiscriminatory participation of ACDBEs in concession, and other covered activities (23.25(a))

RIAC will seek ACDBE participation in all types of concession activities, rather than concentrating participation in one category or a few categories to the exclusion of others. (23.25(c))
RIAC’s overall goal methodology, a description of the race-neutral measures it will take to meet the goals are described in Section 23.25 and Attachments 3 and 4 of this plan. The goals are set consistent with the requirements of Subpart D (23.25(b), (d)).

If RIAC projects that race-neutral measures, standing alone, are not sufficient to meet an overall goal, it will use race-conscious measures as described in Section 23.25 and Attachments 3 and 4 of this plan (23.25(e)).

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

Section 23.27 Reporting

RIAC 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 three (3) years following the end of the concession agreement or other covered contract.

We will submit to the FAA Regional Civil Rights Office, an annual ACDBE participation report using the form as required in Appendix A of Part 23.

Section 23.29 Compliance and Enforcement Procedures

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.

2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

3. We will also implement a monitoring and enforcement mechanism to ensure that work committed to ACDBEs at contract award is actually performed by the ACDBEs. This mechanism will provide for a running tally of actual ACDBE attainments (e.g., payment actually made to ACDBE firms), including a means of comparing these attainments to commitments. This will be accomplished by periodically auditing and monitoring the development staff.

4. In our reports of ACDBE participation to FAA, we will show both commitments and attainments, as required by the DOT reporting form.
Section 23.31 We will use the procedures and standards of Part 26, except as provided in 23.31, for certification of ACDBEs to participate in our concessions program and such standards are incorporated herein.

RIAC will use the Rhode Island Department of Administration (RIDOA) Office of Diversity, Equity & Opportunity (ODEO) and Minority Business Enterprise Compliance Office (MBECO) of the State of Rhode Island for RIAC's ACDBE Certification Process. Firms wishing to be certified as a ACDBE-Owned Business must comply with CFR 26.61-26.91 as published in the Federal Register on February 2, 1999, as amended. Those firms seeking to be qualified as a Rhode Island Certified ACDBE-Owned Business should contact the following department of the RIDOA:

Department of Administration
Office of Diversity, Equity & Opportunity
Minority Business Enterprise Compliance Office
One Capitol Hill
Providence, Rhode Island 02908
Website: http://odeo.ri.gov/

RIAC utilizes the Rhode Island Statewide Certification Program.

RIAC has entered into a Memorandum of Understanding (MOU) with the Rhode Island Department of Transportation, Rhode Island Public Transit Authority and RIDOA for the establishment of a Unified Certification Program (UCP). Under this MOU, RIDOA agrees to perform all ACDBE certification activities in accordance with the criteria and procedures of 49 CFR Part 26, Subparts D and E and to otherwise comply with all provisions of Subparts D and E, unless specifically exempt.

RIAC will use RIDOA's ODEO MBECO to confirm the eligibility of ACDBEs that are certified under Part 26 to make sure that they meet the standards of Subpart D. As needed, RIAC will confirm with RIDOA to ensure that ACDBE certificates are current.

RIAC will presume that a firm that is certified as an ACDBE under Part 26 is eligible to participate as an ACDBE. However, before determining such eligibility, we will ensure that the disadvantaged owners of an ACDBE certified under part 26 are able to control the firm with respect to its activity in our concessions program. We are not obligated to deem a firm that is ACDBE eligible under Part 26 as an ACDBE if the firm does not do work relevant to our concessions program (23.37).

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

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

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

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

Section 23.41 Basic Overall Goal Requirement

RIAC 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 (3) year period and the sponsor will review the goals annually to make sure the goal continues to fit the sponsor’s circumstances. The sponsor will report any significant overall goal adjustments to the FAA.

If the annual car rental concession revenues averaged over the preceding three (3) years do not exceed $200,000, we need not submit an overall goal for car rentals. If the annual concession revenues other than car rentals averaged over the preceding three (3) years do not exceed $200,000, we need not submit an overall goal for non-car rentals. We understand that “revenue” means total revenue generated by concessions, not the fees received by the airport from concessions.

The sponsor’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

RIAC will consult 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.

In its submission of its overall goals, the sponsor will identify the stakeholders that it consulted with and provide a summary of the information obtained from the stakeholders.

Section 23.45 Overall Goals

RIAC is a small hub primary airport. As a condition of eligibility for FAA financial assistance, the sponsor will submit its overall goals to FAA every three (3) years on October 1.

If a new concession opportunity arises at a time that falls between the normal submission dates above and the estimated average of annual gross revenues are anticipated to be $200,000 or greater, the sponsor will submit an appropriate adjustment to our overall goal to FAA for approval at least six (6) months before executing the new concession agreement.

RIAC will establish overall goals in accordance with the two-step process as specified in section 23.51. After determining the total gross receipts for the concession activity, the first step is to determine the relative availability of ACDBEs in the market area, “base figure”. The second step is 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).

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

A description of the methodology to calculate the overall goal for concessions other than car rentals, the goal calculations, and the data we relied on can be found in Attachments 3 and 5 to this program.

A description of the methodology to calculate the overall goal for car rentals, the goal calculations, and the data we relied on can be found in Attachments 4 and 5 to this program.

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

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

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

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

We will establish concession specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities.

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

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

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

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

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

**Section 26.53 Good Faith Efforts Procedures**

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

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

Mr. Jeffrey P. Goulart  
AVP of Financial Administration  
Rhode Island Airport Corporation  
2000 Post Road  
Warwick, RI 02886-1533  
jgoulart@pvdairport.com

We will ensure that all information is complete and accurate and adequately documents the concessionaire’s good faith efforts before we commit to the concession agreement with the bidder/offeror.

**Information to be submitted (26.53(b))**

RIAC treats concessionaire’s compliance with good faith efforts’ requirements as a matter of responsiveness.

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

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

**Administrative reconsideration (26.53)(d))**

Within seven (7) days of being informed by RIAC that it is not responsive because it has not documented sufficient good faith efforts, a concessionaire may request administrative reconsideration. Concessionaire should make this request in writing to the following reconsideration official:

Airport Legal Counsel  
Rhode Island Airport Corporation  
2000 Post Road  
Warwick, RI 02886
An informational copy of this request should be sent to:

Mr. Iftikhar Ahmad  
President and CEO  
Rhode Island Airport Corporation  
2000 Post Road  
Warwick, RI 02886

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

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

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

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

In this situation, we will require the concessionaire to obtain our prior approval of the substitute ACDBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

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

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

If the concessionaire fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the concessionaire still fails to comply, the contracting officer may issue a termination for default proceeding.
Sample Proposal/Bid Specification:

The requirements of 49 CFR Part 23, regulations of the U.S. Department of Transportation, applies to this concession. It is the policy of RIAC to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this concession will be conditioned upon satisfying the requirements of this proposal/bid specification. These requirements apply to all concessions firms and suppliers, including those who qualify as an ACDBE. An ACDBE concession specific goal of __% percent of (annual gross receipts; value of leases and/or purchases of goods and services) has been established for this concession. The concession firm shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 2), to meet the concession specific goal for ACDBE participation in the performance of this concession.

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

Section 23.53 Counting ACDBE Participation for Car Rental Goals

We 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

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

Section 23.57(b) Goal Shortfall Accountability

If the awards and commitments on our Uniform Report of ACDBE Participation (found in Appendix A to this Part) at the end of any fiscal year are less than the overall goal applicable to that fiscal year, we will:

1. Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
2. Establish specific steps and milestones to correct the problems we have identified in our analysis to enable us to fully meet our goal for the new fiscal year;
3. Submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (b)(1) and (2) of this section to the FAA for approval.

Section 23.61 Quotas or Set-Asides

We will not use quotas or set-asides as a means of obtaining ACDBE participation.
**SUBPART E – OTHER PROVISIONS**

**Section 23.71 Existing Agreements**

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

**Section 23.75 Long-Term Exclusive Agreements**

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

**Section 23.79 Geographic Preferences**

We will not use a: “local geographic preference”, i.e., any requirement that gives an ACDBE located in one place (e.g., the local area) an advantage over ACDBEs from other places in obtaining business as, or with, a concession at T.F. Green Airport.

**ATTACHMENTS**

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Organizational Chart
ATTACHMENT 2

Monitoring and Enforcement Mechanisms and Demonstration of Good Faith Efforts
Monitoring and Enforcement Mechanisms

RIAC has available several remedies to enforce the ACDBE requirements contained in its contracts, including, but not limited to, breach of contract action, pursuant to the terms of the contract.

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

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

RIAC will implement various mechanisms to monitor program participants to ensure they comply with Part 23 and demonstrate good faith efforts, including, but not limited to the following:

1. Concessionaire shall submit an ACDBE Plan, which shall be attached to this Agreement as Exhibit __ upon approval by the Airport. Concessionaire agrees that within ten (10) days following the end of each month of the Term, it will provide a report to the Rhode Island Airport Corporation in a form acceptable to RIAC, describing the gross receipts of each ACDBE described on attached Exhibit “__” (and each substitute ACDBE obtained pursuant to paragraph (3) below), or in the case of a rental car concession, the dollar value of vehicles and other goods and services purchased by the Concessionaire from each such ACDBE, for each month of the Term. Concessionaire shall also submit within sixty (60) days of the end of each year of the Term of this Agreement, an annual statement requirements of 49 CFR Part 23.

2. Concessionaire agrees that it will also submit within the same periods described in (1) above a report to RIAC, in a form acceptable to RIAC, describing the Concessionaire’s total gross receipts for each month of the term and each year of the term as provided in paragraph 1 above or in the case of a rental car concession, the total dollar value of vehicles and other goods and services purchased by the Concessionaire for each year of the Term of this Agreement.

3. Concessionaire will have no right to terminate an ACDBE for convenience without RIAC’s prior written consent. If an ACDBE is terminated by the Concessionaire with RIAC’s approval or because of the ACDBE’s default, then the Concessionaire must make a good faith effort, in accordance with the requirements of 49 CFR section 23.25 (e)(1)(iii) and (iv), and 49 CFR section 26.53, to find another ACDBE to substitute for the original ACDBE to perform the same estimated gross receipts (or in the case of a rental car concession, to sell the same amount of vehicles and other goods and services) under the contract as the ACDBE that was terminated.

4. The Concessionaires breach of its obligations under (1), (2) or (3) above shall be a default by Concessionaire under Section __ (the default provisions of this Agreement) and shall entitle RIAC to exercise all of its contractual and legal remedies, including termination of this Agreement.
Demonstration of Good Faith Efforts

The following forms will be provided as part of the solicitation documents:

Exhibit 1 Letter of Intent

Exhibit 2 Airport Concession Disadvantaged Business Enterprise (ACDBE) Waiver Form

Exhibit 3 Airport Concession Disadvantaged Business Enterprise (ACDBE) Utilization Plan
EXHIBIT 1

LETTER OF INTENT TO PERFORM
AS A QUALIFIED AIRPORT CONCESSIONS DISADVANTAGED BUSINESS

To: ___________________________  Project: ___________________________
   (Name of Concessionaire)     Contract #: ___________________________

The undersigned intends to perform work in connection with the above project as (check one):

    ______ an individual       ______ a corporation
    ______ a partnership       ______ a joint venture

The undersigned certifies the company is a Disadvantaged Business Enterprise as defined by the Rhode Island Department of Administration.

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail work to be performed).

Subconcessionaire: ___________________________  Contract Amount ___________________________
   (Name)                                           

Supplier: ___________________________  Contract Amount ___________________________
   (Name)                                           

The Bid Price agreed upon is: $________________________   Dated ___________________________

The undersigned agrees that the contract conditions above are true and accurate and will be performed by the above, who will enter into a formal agreement for the above work with you, conditioned upon your execution of a contract with

Name of company, signature and title of authorized official of the company and the date must be properly executed on this document or the bid will be deemed nonresponsive.

_________________________________________       ___________________________
   (Date)                                           (Name of Disadvantaged Company)

*As determined by ___________________________

_________________________________________
   (Signature of Authorized Official)

_________________________________________
   (Title of Authorized Official)
EXHIBIT 2

ACDBE WAIVER FORM

(Required for All Bids Requesting Waiver of the ____% ACDBE Requirement)

I, ____________________________, ____________________________, of ____________________________

(Name) (Title) (Company)

certify that on ____________, I contacted the following ACDBE Firm to obtain a bid for work
(date)
items to be performed on Contract # ____________.

ACDBE Firm Name and Address Work Items Sought

__________________________ ____________________________
__________________________ ____________________________
__________________________ ____________________________

To the best of my knowledge and belief, said ACDBE Firm was unavailable (exclusive of
unavailability due to lack of agreement on price) for work on this project, or unable to
prepare a bid for the following reason(s):

Signature ____________________________ Date ____________________

This portion to be completed by ACDBE Contractor:

__________________________ was offered an opportunity to bid or make an offer on the
(Name of ACDBE)

above identified work on ____________ by _____________________________.
(Date) (Source)

The above statement is a true and accurate account of why I did not submit an offer/bid on this project.

____________________________________
(Signature of ACDBE)

____________________________________
(Title)
EXHIBIT 3

AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION PLAN

The undersigned hereby further assures that the information included herein is true and correct, and that the ACDBE firm(s) listed herein have agreed to perform a commercially useful function in the work items noted for each firm. The undersigned further understands that no changes to this statement may be made without prior approval from the Civil Rights Staff of the Federal Aviation Administration.

1. Name of Project

2. Contract #

3. Total Dollar Amount of Bid

4. Disadvantaged Business Enterprise Participation $ Goal

   a. Name of Bidder

      Address

      Phone(s)

   b. If the Bidder is an Airport Concessions Disadvantaged Business Enterprise (Subconcession, Contractors, suppliers, vendors), the services they will provide and the approximate amount of money they will receive. (Include joint venture partner, if applicable.)

      Total of listed amounts $

      (Use back of sheet for additional space, if needed)

Contractor:

By:

Address:

Phone Number: Zip Code:
ATTACHMENT 3

Goal Calculation for Concessions Other Than Car Rentals
Step One
RIAC ACDBE concession goals for federal fiscal years 2018 - 2021 have been set based on current concession contracts and available ACDBE firms to service such concessions based on relevant industry types and the associated ACDBE firms registered in the State of Rhode Island as follows:

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>Industry Description</th>
<th>RI Establishments (1)</th>
<th>RI ACDBE Firms Primary (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>446130</td>
<td>Optical Goods Stores</td>
<td>34</td>
<td>0</td>
</tr>
<tr>
<td>448100</td>
<td>Clothing Stores</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>448150</td>
<td>Clothing Accessories Stores</td>
<td>30</td>
<td>0</td>
</tr>
<tr>
<td>448190</td>
<td>Other Clothing Stores</td>
<td>46</td>
<td>0</td>
</tr>
<tr>
<td>448210</td>
<td>Shoe Stores</td>
<td>71</td>
<td>0</td>
</tr>
<tr>
<td>448310</td>
<td>Jewelry Stores</td>
<td>86</td>
<td>0</td>
</tr>
<tr>
<td>448320</td>
<td>Luggage and Leather Stores</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>451211</td>
<td>Book Stores</td>
<td>21</td>
<td>0</td>
</tr>
<tr>
<td>451212</td>
<td>News Dealers and Newsstands</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>453220</td>
<td>Gift, Novelty and Souvenir Stores</td>
<td>102</td>
<td>2</td>
</tr>
<tr>
<td>517110</td>
<td>Wired Telecommunications Carriers</td>
<td>134</td>
<td>0</td>
</tr>
<tr>
<td>517210</td>
<td>Wireless Telecommunications Carriers (non-satellite)</td>
<td>48</td>
<td>0</td>
</tr>
<tr>
<td>517919</td>
<td>All other Telecommunications</td>
<td>21</td>
<td>0</td>
</tr>
<tr>
<td>522110</td>
<td>Commercial Banking</td>
<td>248</td>
<td>0</td>
</tr>
<tr>
<td>541810</td>
<td>Advertising Agencies</td>
<td>47</td>
<td>0</td>
</tr>
<tr>
<td>713120</td>
<td>Amusement Arcades</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>722310</td>
<td>Food Service Contractors</td>
<td>151</td>
<td>0</td>
</tr>
<tr>
<td>722410</td>
<td>Drinking Places</td>
<td>239</td>
<td>0</td>
</tr>
<tr>
<td>722500</td>
<td>Restaurants and Other Eating Places</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>722511</td>
<td>Full-Service Restaurants</td>
<td>1144</td>
<td>0</td>
</tr>
<tr>
<td>722513</td>
<td>Limited-Service Restaurants</td>
<td>842</td>
<td>1</td>
</tr>
<tr>
<td>722515</td>
<td>Snack and Non-Alcoholic Beverage Bars</td>
<td>415</td>
<td>0</td>
</tr>
<tr>
<td>812199</td>
<td>Other Personal Care Services</td>
<td>77</td>
<td>0</td>
</tr>
<tr>
<td>812990</td>
<td>All Other Personal Services</td>
<td>38</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>3802</strong></td>
<td><strong>5</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source:
(1) United State Census Bureau, American Fact Finder
https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t

(2) State of Rhode Island, Office of Diversity, Equity & Opportunity, Minority Business Enterprise Compliance Office
http://odeo.ri.gov/offices/mbeco/dbe-program.php

Total ACDBE Firms Available for Concessions-PRIMARY  
Total Relevant RI Establishments

\[
\frac{5}{3802} = 0.13\%
\]

RIAC has determined that its market area is the State of Rhode Island. This is the geographical area in which the substantial majority of firms which seek to do concessions business with the airport are located and the geographical area in which the firms receive a substantial majority of concessions related revenues are located.
Step Two
After calculating the base figure of the relative availability of ACDBE’s as noted at 0.13% above, RIAC has evaluated the current capacity of ACDBE’s to perform work in the concessions program by measuring the volume of work ACDBE’s have performed in the past to determine if adjustment to the base goal is necessary. Table 1 in Attachment 5 shows the part participation for the previous three (3) year goal period and calculated as follows:

$$\text{Actual ACDBE Revenue JV % Interest} \times \frac{153,639}{1} = 0.27\%$$

$$\text{Total Gross Revenues - Other than Car Rental} \times \frac{56,748,402}{1} = 0.27\%$$

1 Pleasant News, Inc., ACDBE is a joint venture with 10% interest.

Based on the above results, RIAC has chosen to adjust the other than car rental ACDBE goal to 0.20%. This adjustment is based on actual performance and our commitment to seeking ACDBE concession opportunities. Considering the current base goal of 0.13%, and our actual ACDBE performance of 0.27% for the previous three (3) year period the average for the period equates to 0.20%.

Based on the current concessionaire agreements, RIAC expects new concessionaire agreements that may impact the above concession revenue analysis during the goal period from October 1, 2017 through September 30, 2021. Should new or terminating contracts arise that would materially affect the above analysis, RIAC will amend this plan accordingly, once such conditions are made known.
ATTACHMENT 4

Goal Calculation for Car Rentals
Section 23.45: Overall Goal Calculation for Car Rentals

RIAC ACDBE concession goals for federal fiscal years 2018 - 2021 have been set based on current concession contracts and available ACDBE firms to service such concessions based on relevant industry types and the associated ACDBE firms registered in the State of Rhode Island as follows:

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>Industry Description</th>
<th>RI Establishments (1)</th>
<th>RI ACDBE Firms (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>532111</td>
<td>Passenger Car Rental</td>
<td>49</td>
<td>0</td>
</tr>
<tr>
<td>811121</td>
<td>Automotive Body, Paint and Interior Repair Maintenance</td>
<td>188</td>
<td>1</td>
</tr>
<tr>
<td>811122</td>
<td>Automotive Glass Replacement</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>249</td>
<td>2</td>
</tr>
</tbody>
</table>

Source:
1. United State Census Bureau, American Fact Finder
https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t
http://odeo.ri.gov/offices/mbeco/dbe-program.php

Step One
Total ACDBE Firms Available for Car Rental
Total Relevant RI Establishments

\[
\frac{2}{249} = 0.80\%
\]

Step Two
Actual ACDBE Gross Revenues
Total Gross Revenues - Car Rental

\[
\frac{\$134,744,022}{2} = 0.00\%
\]

RIAC has determined that its market area is the State of Rhode Island. This is the geographical area in which the substantial majority of firms which seek to do concessions business with the airport are located and the geographical area in which the firms receive a substantial majority of concessions related revenues are located.

RIAC’s overall goal for car rentals during the period beginning October 1, 2017 and ending September 30, 2021 is the following: 0% of the total gross receipts of car rental operations at T.F. Green Airport.

There are no concession opportunities anticipated during this goal period. The current car rental contracts do not expire until October 2030, which is after the goal period. RIAC intends to pursue the collection of information relating to purchasing of goods and services and ACDBE availability for rental car opportunities during this period in order to be prepared to set goals for these concessions at their expiration.
ATTACHMENT 5

Overall Concession Goal
Proposed ACDBE Overall Concession Goals

2018 – 2021
Airport Sponsor: Rhode Island Airport Corporation
T.F. Green Airport (PVD)
Warwick, Rhode Island

<table>
<thead>
<tr>
<th>Goal Period</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2018</td>
<td>October 1, 2017</td>
<td>September 30, 2018</td>
</tr>
<tr>
<td>FY 2019</td>
<td>October 1, 2018</td>
<td>September 30, 2019</td>
</tr>
<tr>
<td>FY 2020</td>
<td>October 1, 2019</td>
<td>September 30, 2020</td>
</tr>
<tr>
<td>FY 2021</td>
<td>October 1, 2020</td>
<td>September 3, 2021</td>
</tr>
</tbody>
</table>

ACDBE Goal for Car Rental Concession:
- FY 2018: 0.0%
- FY 2019: 0.0%
- FY 2020: 0.0%
- FY 2021: 0.0%

ACDBE Goal for Terminal Concession:
- FY 2018: 0.20%
- FY 2019: 0.20%
- FY 2020: 0.20%
- FY 2021: 0.20%
# TABLE 1

**RHODE ISLAND AIRPORT CORPORATION**  
**CONCESSION ACTIVITIES**

**OVERALL GOAL AND METHODOLOGY FOR THE PERIOD OF:**  
October 1, 2015 to September 30, 2017

<table>
<thead>
<tr>
<th>Name of Firm</th>
<th>Type of Business</th>
<th>FFY15 Gross Revenue</th>
<th>FFY16 Gross Revenue</th>
<th>FFY17 Gross Revenue</th>
<th>FFY15-FFY17 Total Revenue</th>
<th>ACDBE Gross Revenue 3-Year Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advantage Rent A Car</td>
<td>Car Rental</td>
<td>$161,185</td>
<td>-</td>
<td>$161,185</td>
<td>$161,185</td>
<td>-</td>
</tr>
<tr>
<td>Alamo Rent A Car</td>
<td>Car Rental</td>
<td>3,918,988</td>
<td>4,104,522</td>
<td>4,258,267</td>
<td>12,281,777</td>
<td>-</td>
</tr>
<tr>
<td>Avis Rent A Car</td>
<td>Car Rental</td>
<td>5,975,012</td>
<td>5,674,619</td>
<td>5,816,351</td>
<td>17,465,981</td>
<td>-</td>
</tr>
<tr>
<td>Budget Rent A Car</td>
<td>Car Rental</td>
<td>6,600,682</td>
<td>7,063,449</td>
<td>7,660,157</td>
<td>21,324,287</td>
<td>-</td>
</tr>
<tr>
<td>Dollar Rent A Car</td>
<td>Car Rental</td>
<td>2,833,674</td>
<td>2,129,469</td>
<td>2,153,697</td>
<td>7,116,839</td>
<td>-</td>
</tr>
<tr>
<td>Hertz Corporation</td>
<td>Car Rental</td>
<td>5,342,400</td>
<td>5,816,960</td>
<td>5,858,126</td>
<td>17,017,486</td>
<td>-</td>
</tr>
<tr>
<td>National Car Rental</td>
<td>Car Rental</td>
<td>5,772,574</td>
<td>6,187,218</td>
<td>6,215,669</td>
<td>18,175,461</td>
<td>-</td>
</tr>
<tr>
<td>Payless Car Rental</td>
<td>Car Rental</td>
<td>1,460,572</td>
<td>1,376,409</td>
<td>781,903</td>
<td>3,618,884</td>
<td>-</td>
</tr>
<tr>
<td>Thrifty Car Rental</td>
<td>Car Rental</td>
<td>2,960,543</td>
<td>3,945,938</td>
<td>4,123,160</td>
<td>11,029,641</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL CAR RENTAL</strong></td>
<td></td>
<td>$43,539,738</td>
<td>$44,861,456</td>
<td>$46,342,828</td>
<td>$134,744,022</td>
<td>-</td>
</tr>
<tr>
<td>Atlas ATM</td>
<td>ATM</td>
<td>$12,893</td>
<td>$12,380</td>
<td>$13,745</td>
<td>$39,017</td>
<td>-</td>
</tr>
<tr>
<td>Atlas Vending</td>
<td>Arcade</td>
<td>14,441</td>
<td>16,271</td>
<td>14,806</td>
<td>45,517</td>
<td>-</td>
</tr>
<tr>
<td>Bank of America</td>
<td>ATM</td>
<td>19,386</td>
<td>16,137</td>
<td>14,253</td>
<td>49,776</td>
<td>-</td>
</tr>
<tr>
<td>Candy Hangar</td>
<td>Food &amp; Beverage</td>
<td>140,414</td>
<td>173,976</td>
<td>172,144</td>
<td>486,534</td>
<td>-</td>
</tr>
<tr>
<td>Citizens Bank</td>
<td>ATM</td>
<td>38,576</td>
<td>36,061</td>
<td>31,352</td>
<td>105,989</td>
<td>-</td>
</tr>
<tr>
<td>ClearChannel Airport Advertising (formerly Interspace)</td>
<td>Advertising</td>
<td>782,531</td>
<td>708,385</td>
<td>777,074</td>
<td>2,267,990</td>
<td>-</td>
</tr>
<tr>
<td>Concour Communications</td>
<td>Wi-fi</td>
<td>-</td>
<td>31,098</td>
<td>81,589</td>
<td>112,688</td>
<td>-</td>
</tr>
<tr>
<td>Geneva Murano Glass Jewelry</td>
<td>Retail</td>
<td>-</td>
<td>159,626</td>
<td>185,920</td>
<td>345,546</td>
<td>-</td>
</tr>
<tr>
<td>Healing Hands</td>
<td>Massage Services</td>
<td>40,214</td>
<td>41,101</td>
<td>34,222</td>
<td>115,537</td>
<td>-</td>
</tr>
<tr>
<td>Host International</td>
<td>Food &amp; Beverage</td>
<td>9,826,761</td>
<td>10,635,195</td>
<td>11,259,196</td>
<td>31,721,152</td>
<td>-</td>
</tr>
<tr>
<td>International Shoppes</td>
<td>Duty Free</td>
<td>98,728</td>
<td>327,568</td>
<td>424,421</td>
<td>850,717</td>
<td>-</td>
</tr>
<tr>
<td>Paradies Shops</td>
<td>Gift/New s</td>
<td>5,816,540</td>
<td>6,077,636</td>
<td>6,636,900</td>
<td>18,531,076</td>
<td>153,639</td>
</tr>
<tr>
<td>PVD Shines</td>
<td>Shoeshine Stand</td>
<td>73,893</td>
<td>70,274</td>
<td>66,710</td>
<td>210,877</td>
<td>-</td>
</tr>
<tr>
<td>Shades</td>
<td>Retail</td>
<td>281,060</td>
<td>226,556</td>
<td>236,454</td>
<td>744,070</td>
<td>-</td>
</tr>
<tr>
<td>Smarte Carte</td>
<td>Luggage Cart Rental</td>
<td>76,635</td>
<td>78,435</td>
<td>78,578</td>
<td>233,647</td>
<td>-</td>
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<tr>
<td>Travelex</td>
<td>Currency Exchange</td>
<td>394,375</td>
<td>-</td>
<td>394,375</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Zoom Systems</td>
<td>Retail</td>
<td>147,723</td>
<td>151,749</td>
<td>194,422</td>
<td>493,893</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL OTHER THAN CAR RENTAL</strong></td>
<td></td>
<td>$17,764,169</td>
<td>$18,782,447</td>
<td>$20,221,786</td>
<td>$56,748,402</td>
<td>$153,639</td>
</tr>
<tr>
<td><strong>TOTAL CONCESSION REVENUES</strong></td>
<td></td>
<td>$61,303,907</td>
<td>$63,623,903</td>
<td>$66,564,614</td>
<td>$191,492,424</td>
<td>$153,639</td>
</tr>
</tbody>
</table>

1. Pleasant News, Inc., ACDBE is a joint venture with 10% interest.
Methodology used to Calculate Overall Goal

Goods and Services

We can meet the percentage goal by including the purchase from ACDBEs of goods and services used in businesses conducted at the airport. We, and the businesses at the airport, shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises. The dollar value from purchases of goods and services from ACDBEs may be added to the numerator, and the dollar value from purchases of goods and services from all firms (ACDBEs and non-ACDBEs) may be added to the denominator.

Management Control of Subcontract

We can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. We, and the business at the airport, will add the dollar amount of a management contract or subcontract with an ACDBE to the participation by ACDBEs in airport concessions (both the numerator and denominator) and to the base from which the airport's percentage goal is calculated. However, the dollar amount of a management contract or subcontract with a non-ACDBE and the gross revenue of business activities to which the management contract or subcontract pertains will not be added to this base in either the numerator or denominator. While we realize that this appears to go against the normal rules and rationale for goal-setting, we understand that this method is nevertheless required by statute.

Consultation with Stakeholders (23.43)

RIAC may facilitate a stakeholders meeting for each concession opportunity during the goal setting process for the specified opportunity, when applicable. We will invite the current concessionaires, ACDBEs listed in the State of Rhode Island DBE Directory for the appropriate trades, and members of the various organizations listed in Attachment 5 of the ACDBE Program. A summary of the information provided by the stakeholders will be documented for each contract opportunity.

Breakout of Estimated Race-Neutral & Race Conscious Participation Section 23.51

RIAC will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. RIAC uses the following race-neutral measures to increase ACDBE participation. We understand that we will be expected to actually take these steps, and this is not merely a paper exercise.

1. Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;
2. Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
3. When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;
4. Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the sponsor’s ACDBE program will affect the procurement process;
5. Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation; and
6. Establishing a business development program (see 49 CFR Part 26.35); technical assistance program or taking other steps to foster ACDBE participation in concessions.
ATTACHMENT 6

Certification Application Forms and Procedures for Removal of ACDBE’s Eligibility
Certification Application Forms and Procedures for Removal of ACDBE’s Eligibility

RIAC has entered into a Memorandum of Understanding (MOU) with the Rhode Island Department of Transportation (RIDOT), Rhode Island Public Transit Authority (RIPTA) and the RIDOA for the establishment of a Unified Certification Program (UCP). Under this MOU, the RIDOA agrees to perform all ACDBE/DBE certification activities in accordance with the criteria and procedures of Part 23 and 26, Subparts D and E and to otherwise comply with all provisions of Subparts D and E, unless specifically exempt.

RIAC will use the Office of Diversity, Equity & Opportunity and the Minority Business Enterprise Compliance Office of the State of Rhode Island for RIAC’s ACDBE/DBE Certification Process. Firms wishing to be certified as an ACDBE/DBE-Owned Business must comply with CFR 26.61-26.91 as published in the Federal Register on February 2, 1999, as amended. Those firms seeking to be qualified as a Rhode Island Certified ACDBE/DBE-Owned Business should contact the following department of the State of Rhode Island:

Department of Administration
Office of Diversity, Equity & Opportunity
Minority Business Enterprise Compliance Office
One Capitol Hill
Providence, Rhode Island 02908-5890
Website: http://odeo.ri.gov/offices/mbeco/

Since the Rhode Island Airport Corporation is not a certifying agency, it does not have responsibility for removal of ACDBE eligibility. The Office of Diversity, Equity & Opportunity and the Minority Business Enterprise Compliance Office of the State of Rhode Island handles any such removal.
ATTACHMENT 7

Regulations: 49 CFR Part 23

http://www.ecfr.gov
The Regulations 49 CFR Part 23 can be obtained at [http://www.ecfr.gov](http://www.ecfr.gov)
ATTACHMENT 8

ACDBE Directory

http://odeo.ri.gov/offices/mbeco/dbe-program.php