



October 31, 2022

U.S. Department of Transportation
12000 New Jersey Avenue SE
Room W12-140
Washington, D.C. 20590-0001

RE: Airport Minority Advisory Council (AMAC) Comments on Proposed Rulemaking - Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program Implementation Modifications - DOT-OST-2022-0051/RIN 2105-AE98

The Airport Minority Advisory Council (AMAC) respectfully files comments to the DOT's Notice Proposed Rulemaking (NPRM), docket number DOT-OST-2022-0051.

AMAC is a national non-profit trade association dedicated to promoting and ensuring the full participation of ethnic minority-owned and women-owned disadvantaged business enterprises in contract and professional development opportunities throughout the aviation and airport industries. AMAC's membership is diverse. Members include firms certified (per U.S. DOT regulations) as "disadvantaged business enterprises" (DBEs) and/or "airport concessions disadvantaged business enterprises" (ACDBEs), as well as firms of all sizes involved in airport contracting but which are not certified, airport executives and managers and airports.

Since 1984, AMAC has been at the forefront of nearly every national policy initiative impacting the participation of disadvantaged businesses in airport contracting. In this regard, AMAC consistently engages and/or works with the U.S. Congress, federal executive branch departments and agencies, aviation and airport trade associations and with strategic partners as a resource for information, education, and guidance concerning diversity and inclusion in the airport industry.

AMAC's comments are the product of extensive outreach to its members. AMAC conducted several listening sessions during which key provisions of the NPRM were summarized and discussed. Participating AMAC members asked insightful questions and offered their perspective on specific issues. In this sense, AMAC's comments represent the consensus of a diverse cross section of DBE and ACDBE program stakeholders.

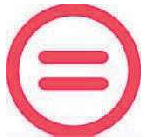
Strong DBE and ACDBE regulations are important to us all. Please see the attached letter of support from our industry partner and detailed comments and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Eboni Wimbush", written over a horizontal line.

Eboni Wimbush
President & CEO

Cc: Ricky Smith, Chair, AMAC Board of Directors, CEO, Baltimore/Washington International Thurgood Marshall Airport



**National
Urban League**

*Empowering Communities.
Changing Lives.*

RE: Response to NPRM
DOT Docket ID Number DOT-OST-2022-0051
Regulatory Identification Number (RIN) 2105-AE98
U. S. Department of Transportation

The Honorable Pete Buttigieg
Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590 0001

Secretary Buttigieg:

We write on behalf of the National Urban League, an organization with a 111-year history of advocating for policies that promote economic empowerment for African Americans and other historically underserved communities. As a leader in the movement to create more equitable opportunities for minority businesses, the National Urban League is deeply invested in the success of the Disadvantaged Business Enterprise (DBE) Program.

In partnership with the Airport Minority Advisory Council (AMAC), we are pleased to have the opportunity to comment on the USDOT-proposed Changes to DBE and Airport Concession DBE Regulations Implementation Modifications. By fostering entrepreneurship among women, communities of color, and other underrepresented groups, the US DOT's DBE program is a catalyst for advancing an equitable transportation and business development agenda. If leveraged well, this program can foster more sustainable and opportunity-rich communities nationwide. While we recognize and applaud the hard work that went into developing such an extensive NPRM, there are a few important areas for improvement that we highlight regarding the specific proposals in the NPRM. These areas of interest include:

- Interstate Certification
- Socially and Economically Disadvantaged Owner (SEDO) Ownership Rules
- Personal Net Worth (PNW)
- Business Size Standards

We encourage the US DOT to incorporate the attached suggestions, which are offered to ensure that all communities share fairly in the benefits and burdens of the plans and federal-funded projects. We stand ready to assist you in that endeavor. Should you have any questions, please contact Shayla Moon (smoon@nul.org), Senior Director of Housing and Economic Policy at the National Urban League.

Sincerely,

Marc H. Morial
President and Chief Executive Officer
National Urban League

Joi O. Chaney
Executive Director, Washington Bureau
Senior Vice President, Policy & Advocacy
National Urban League



AIRPORT MINORITY ADVISORY COUNCIL (AMAC)

Comments Regarding

U.S. Department of Transportation

NOTICE OF PROPOSED RULEMAKING

Disadvantaged Business Enterprise and Airport Concessions

Disadvantaged Business Enterprise

Program Implementation Modifications¹

U.S. Department of Transportation (DOT)

DOT Docket ID Number

DOT-OST-2022-0051

Regulatory ID Number 2105-AE98

October 31, 2022

¹ Federal Register/Volume. 87, No. 139/Thursday, July 21, 2022/Proposed Rules



1. Introduction.

The Airport Minority Advisory Council (AMAC) respectfully files comments to the DOT's Notice Proposed Rulemaking (NPRM), docket number DOT-OST-2022-0051.

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Since 1984, AMAC has been at the forefront of nearly every national policy initiative impacting the participation of disadvantaged businesses in airport contracting. In this regard, AMAC consistently engages and/or works with the U.S. Congress, federal executive branch departments and agencies, aviation and airport trade associations and with strategic partners as a resource for information, education, and guidance concerning diversity and inclusion in the airport industry.

AMAC's comments are the product of extensive outreach to its members. AMAC conducted several listening sessions during which key provisions of the NPRM were summarized and discussed. Participating AMAC members asked insightful questions and offered their perspective on specific issues. In this sense, AMAC's comments represent the consensus of a diverse cross section of DBE and ACDBE program stakeholders.

2. Policy Overview: Program Principles.

AMAC strongly agrees that, at its core, the DOT DBE and ACDBE programs ("the Programs") are intended to foster inclusion and equity for disadvantaged businesses seeking and/or participating in airport concessions and/or federally assisted projects. AMAC concurs that, as stated in the NPRM, the Programs "are small business initiatives intended to prevent discrimination and remedy the effects of past discrimination in federally assisted contracting." AMAC applauds DOT for undertaking a comprehensive review of Program rules and for its sincere efforts to "update" the Program given dramatic changes in airport contracting as well as related business challenges for DBE and ACDBE firms.² While, as noted previously, that AMAC strongly supports the Programs, we do have concerns about certain specific DOT proposals as further discussed herein.

Embodied in the Programs' design are certain principles:

² For example, the per square foot build costs for concessions locations has dramatically increased since the ACDBE program was enacted in 1987. Bonding and insurance costs have dramatically increased since the DBE program was enacted in 1983.



- Certified firms must be small.
- The majority owners of certified firms must be both socially and economically disadvantaged.
- Economic disadvantage is determined with reference to an individual's "net worth."
- Firm size is determined by its revenues averaged over a period of years.
- DBE and ACDBE contract participation goals must be grounded in factual data.

The above-referenced principles are reflected in a host of program rules. Moreover, certain program rules are often justified as being necessary elements to meet constitutional requirements for a "race-conscious" government program. However, the interaction or relationship between a constitutional requirement, a program rule, and a market reality can be in tension.³

An example of this concern is the constitutional mandate that the Programs must be "narrowly tailored" and not overly inclusive. It is said that the Programs' "Personal Net Worth" (PNW) test flows directly from this constitutional precept. However, the use of a PNW is very problematic for a program whose goal is to remedy/redress racial and gender discrimination—given that AMAC is not aware of any academic study or court holding that racial or gender discrimination ends when a socially disadvantaged person's PNW exceeds the current limits. This becomes even more problematic, for example, when one considers that the capital/costs required to start and operate an airport concession and that the bonding and insurance costs required to engage in concessions and/or construction projects have substantially increased since the inception of the Programs. Consequently, the assets needed by an ACDBE to finance or participate in a concessions opportunity⁴ or the assets needed by a DBE to finance an airport contract and obtain bonding and insurance have also increased.

As noted above, AMAC strongly supports the Programs, and we applaud DOT's effort to "update" the Programs' rules. However, we note that the NPRM substantially adheres to the same framework established many years ago. AMAC believes that this rulemaking process is an opportunity for DOT to re-imagine the Program design, to re-think program assumptions, to address the business challenges faced by disadvantaged businesses, and to explore alternatives to the current methods to "narrowly tailor" the Program or alternatives to measure firm size. Ideas to enhance the Programs' business development elements also need to be considered.

What follows are AMAC's comments regarding the specific proposals in the NPRM. While on certain issues/provisions we may express concerns, AMAC nevertheless supports the general thrust and spirit of DOT's program review.

³ Or it may be the case that a constitutional requirement is misinterpreted.

⁴ Either for a direct contract with the airport, as a subcontractor of a prime contractor, and/or as a joint venture participant.

3. Comments on Specific Issues.

A. Processing of Certification Applications.

1. (a) Timely Processing. AMAC supports DOT's proposal to reduce the amount of time that a certifier may extend the processing of an applicant's DBE/ACDBE application (from 90 to 60 days). AMAC notes that a certifier's failure to make an eligibility decision within the allotted timeframe is a constructive denial of eligibility. AMAC believes that the current default is unfair to an applicant because the current process requires the applicant to file an appeal with the DOT, which unfairly prolongs the certification review and determination process. Alternatively, we believe that eligibility of the applicant should be deemed approved if a certifier fails to process an application during the allotted timeframe.

(b) Virtual Site Visits. Site visits are an important element of the certification process. AMAC supports DOT's proposal to permit certifiers to continue to employ virtual visits in the certification and continued eligibility processes. As noted in the NPRM, DOT permitted virtual site visits during the height of the COVID-19 pandemic. The NPRM notes various efficiencies and cost savings as well as benefits to firms derived from the use of virtual visits.

2. In-State Certification Denials. If a firm's certification is denied, most certifiers have adopted a 12-month waiting period before a denied firm may re-apply. AMAC supports DOT's proposal to provide certifiers specific flexibility to adopt a shorter waiting period that would include a 30-, 60-, 90-day or other reasonable cure period to resolve the specific deficiencies cited in the certification denial.

B. Interstate Certification.

AMAC supports DOT's proposals to enhance certification reciprocity. AMAC strongly urges DOT to implement full reciprocity. We agree that such reciprocity will reduce administrative burdens on firms and certifiers. In addition, AMAC urges DOT to make the national directory of certified firms more user friendly⁵ and to consider the option of authorizing contracting out certifications to a non-profit entity.

C. Decertification Procedures.

⁵ And to enforce the full participation of all certifiers.

1. Virtual Hearings. DOT program rules permit a firm facing decertification to request an informal hearing⁶. DOT proposes that hearings must take place within 45 days of the notice of intent to decertify and certifiers would have 30 days after the hearing to render a decision. DOT also proposes that hearings can be held in-person or virtually. As further discussed herein, AMAC supports these specific rule changes. However, AMAC does not support DOT's proposal that on issues related to firm control, only socially and disadvantaged owners (SEDO) be allowed to answer a hearing officer's questions. We believe that the SEDO's attorney, accountant, or other advisor should be permitted to participate in the hearing and have the ability to provide evidence on all matters at issue at a hearing including issues regarding firm control.
2. Decertification Grounds; Curative Measures. The current rule specifies the grounds upon which a certifier may decertify a firm. One of the grounds is a change in a firm's certification status. AMAC supports DOT's proposal to require certifiers to give notice of the change to firms and allow them 30 days to cure any deficiencies. AMAC also supports DOT's proposal to allow firms to make modifications to their certification application.
3. Strict Compliance. As the NPRM points out, due process rules have been in place since the beginning of the Program. AMAC strongly agrees that due process procedures benefit both DBE firms and certifiers. In each case, adherence to these rules affords transparency, clarity of issues, and fairness. These rules also require certifiers to clearly, and unambiguously, state that the basis for adverse certification actions/decisions with reference to specific rule provisions and evidence in the record of the case.

AMAC strongly supports DOT's intention to reiterate the importance of strict compliance by certifiers of due process requirements.

4. Declaration of Eligibility (DOE). AMAC concurs that it is a firm's responsibility to submit annual "declarations of eligibility" in a timely fashion and that a failure to file should have consequences. However, we also agree with DOT that DOE filing issues alone should not be the sole reason to begin a decertification procedure.
5. Virtual Informal Hearings. At the onset of the COVID-19 pandemic, DOT authorized the use of virtual methods for informal certification hearings. AMAC supports making this option part of the permanent Program rules. However, we

⁶ An impartial hearing officer and a verbatim record of the proceedings is required. DOT does not propose any changes to these requirements and the "burden of proof" (preponderance of the evidence) would remain with certifier.

urge DOT to make clear that all due process procedures with respect to such hearings are required. In particular, we ask DOT to emphasize that substantive grounds are the bases for such hearings, as well as the independence of the presiding hearing officer.

D. Certification Appeals to DOT.

1. Time limits. The current rule permits a decertified firm to make a written appeal to DOT. AMAC opposes DOT's proposal to shorten the time period in which an appeal can be made from 90 to 45 days. At a minimum, we believe that 60 days is an appropriate compromise. AMAC is also very concerned with DOT's proposal regarding the effect of decertification decisions. Currently, if a firm loses its appeal the decertification stands in the jurisdiction that is a party to the appeal. AMAC opposes the proposal that would make the decertification automatically effective in all other jurisdictions in which the firm is certified.
2. Administrative Record. The current rule requires certifiers to provide the DOT's Office of Civil Rights with a complete and organized administrative record with regard to appeals of a certification denial or a decertification decision. We support DOT's intention to remind certifiers of their obligation regarding administrative records and of its due process importance.

E. Counting Participation After Decertification

Under the present rules, if a DBE or ACDBE loses Program eligibility based on PNW or business size after executing a contract with participation goals, the firm's participation (i.e., revenues attributable to its work) can still be counted towards contract goal credit. The current rule does not address continued counting or waiver of ACDBE participation in a scenario where an ACDBE sells to a non-ACDBE. DOT is proposing to not permit counting ACDBE participation if an ACDBE sells to a non-ACDBE. We agree with the DOT's position, however, we urge DOT to consider including language that will allow the ACDBE to seek a waiver of the ACDBE participation with a showing that good faith efforts have been extended to sell to another ACDBE.

F. Ownership.

The current ownership rules require SEDOs to own not less 51% of the firm and that the basis by which the interests were acquired must be "real and substantial"—whether by contribution of capital or of expertise. DOT proposes to replace the concept of "real and substantial" with the new standard. Ownership arrangements must now make "reasonable economic sense" (RES). AMAC acknowledges that the proposed RES ownership standard is a good faith effort to simplify firm ownership determination standards. However, we are concerned that employing the new "RES" approach without substantial guidance and training will introduce an element of subjectivity and lead to inconsistent application by certifiers.

G. Social and Economic Disadvantage.

1. Social Disadvantage; Rebuttable Presumption. Currently members of certain designated groups are deemed to be socially disadvantaged (i.e., suffer discrimination) because of their race/ethnicity, gender, or group membership; however, that presumption is rebuttable. AMAC supports DOT's proposal to add certain new procedural requirements in the event a certifier questions a business owners' claim of group membership.
2. Economic Disadvantage. Currently, economic disadvantage is determined with reference to a PNW limit of \$1.32 million. Notwithstanding having a PNW below the limit, the presumption of economic disadvantage can be rebutted (on a case-by-case basis). A certifier may believe an individual nevertheless has the ability to accumulate substantial wealth (AASW). The current rule sets forth six factors that may be considered.⁷

AMAC has deep concerns about the AASW concept in general and restates our request that DOT explore alternative methods to meet "narrowly tailored" requirements. Moreover, while we acknowledge DOT's intent is to eliminate confusion and complexity with respect to economic disadvantage and AASW determinations, it can be reasonably argued that DOT's proposed modifications may make such confusion more likely rather than not.

As discussed in the next section(s) below, DOT proposes to increase the PNW limit. In addition, with regard to AASW, DOT proposes to substitute this standard for a "reasonable person" approach—i.e., "whether a reasonable person" would consider the business owner disadvantaged.

DOT argues in favor of a "big picture" and "holistic" approach versus the current six factors in the rule. DOT states that rather than understand the six factors as guidance, certifiers more often take a "check the box" approach or simply focus on one factor to the exclusion of others.

AMAC believes that the DOT's "big picture" approach will introduce more subjectivity in economic disadvantage determinations. Moreover, we believe that the proposed new standard(s) are susceptible to conscious and/or unconscious bias. AMAC urges instead that DOT establish "bright line" and objective criteria. DOT seems to have similar concerns intoning whether the proposed replacement swings the pendulum too far. DOT also queries whether the "proposed elements are too vague in nature?" Unfortunately, AMAC opposes the proposed modifications. We concur with the concerns expressed by DOT.

⁷ The six factors are: 1) whether the average gross income of the owner exceeds \$350,000 over the most recent three years; 2) whether the earnings are offset by losses; 3) whether the income is "unusual" and not likely to reoccur; 4) the use of the earned income; 5) other evidence income is not indicative of economic disadvantaged; and 6) whether the fair market value of the person's assets exceed \$6 million.



AMAC also reiterates that there is a fundamental flaw in the current approach to determining “economic disadvantage.” Again, the Programs are predicated on ameliorating discrimination in the airport contracting environment. Yet, DOT has failed to provide evidence that discrimination based on ethnicity or gender ends once a PNW limit is exceeded. Moreover, the PNW approach does not give weight to the systemic nature of discrimination.

As you know, the first presidential order addressing discrimination in government and government-assisted contracting recognized that such bias could manifest itself on the basis of either group prejudice and animus (social disadvantage) or, as barriers to accessing capital and other economic assets needed for entrepreneurial success (economic disadvantage). It was only much later that both concepts were joined as “social and economic disadvantage.”

While AMAC appreciates the constitutional considerations involved, we are not aware of a court’s holding (versus “dicta”) mandating a PNW standard as the only method to achieve “narrowly tailoring.” Even if a PNW standard is retained, in setting the standard’s upper limit, we believe that policy in this area must focus on “competitiveness” in at least two respects. The first aspect of competitive analysis should examine what mix of assets is actually minimally necessary for socially disadvantaged persons to take full advantage of opportunities afforded to them via contract participation goals. The second aspect should compare the competitiveness of DBE or ACDBE firms versus non-certified firms in their industry/industry segment.

AMAC suggests that DOT closely examine other federal programs for ideas in this area. For example, the Small Business Investment Company (SBIC) program employs a very different measure of the economic circumstance of a firm seeking assistance. We encourage DOT to closely review the SBIC program’s approach.⁸

H. Personal Net Worth.

As noted previously, even though AMAC has serious concerns with the PNW as the instrument to determine economic disadvantage, we cautiously support the DOT proposed changes. AMAC supports, in general, the proposed inflationary increase in the PNW cap from \$1.32 to \$1.6 million and its proposal for such increases every five years. While we appreciate DOT’s work developing a methodology for supporting the proposals, we believe it comes up a bit short. The basis for arriving at the new \$1.6 million PNW cap is based on three-year old data from 2019. Given the impact of COVID-19, and the current financial markets, the \$1.6 million is too low. AMAC proposes that a baseline of \$1.6 million PNW be used and then it should be adjusted upwards by the Consumer Price Index for 2020, 2021, and 2022 to derive a more current and realistic PNW. From this new PNW baseline the proposed inflationary increase should be applied as proposed.

AMAC also strongly supports DOT’s proposal to remove the value of an individual’s retirement assets from the PNW calculation. Similarly, we support the

⁸ The SBIC program also measures firm size very differently and there is no PNW test for business owners.

proposal that state community or marital property laws no longer be considered when calculating a SEDO's equity in a primary residence and ownership of other assets as well DOT's intent to provide a more detailed explanation of "household contents" and to clarify that motor vehicles belong to the individual who holds the vehicle's title.⁹

I. Control.

SEDO's must exercise control of their firm and the firm must also be independent of another firm or person. Importantly, the SEDO must exercise authority with respect to the firm's governance and management.

1. General Principles. AMAC understands DOT's intent to provide certifiers flexibility in making control determinations and likewise to afford applicants more flexibility to demonstrate their control of the firm.

We generally support DOT's approach to control that emphasizes examining all the facts and circumstances. In this context, AMAC supports the three primary elements proposed by DOT: 1) whether a SEDO receives pertinent firm data; 2) whether the SEDO has the ability to understand the data; and 3) whether the SEDO makes independent decisions based on the information it receives.

2. Active Operations. AMAC does have significant concerns regarding DOT's proposed new requirement that a firm seeking ACDBE certification "have operations in the business for which it seeks certification at the time it applies." AMAC disagrees with DOT's stated rationale to assist certifiers in obtaining evidence that the SEDO takes demonstrable actions to run the firm. Applied as proposed in the NPRM, in effect the "active operations" requirement means that, notwithstanding eligibility in all other respects, that a firm seeking ACDBE certification to pursue a food and beverage concession opportunity is certifiable only if the firm has current food and beverage operations under the SEDO's control and direction.

In effect, an "active operations" rule as proposed will mean that start-up firms will no longer be certifiable. It also does not provide for operators who previously had a contract but did not win or were not selected for the next 10–15 year contract and could have been decertified for lack of response to the certification update procedure. DOT acknowledges this, stating "that the proposed rule would exclude firms that are applying for ACDBE certification, since many potential ACDBEs have no operation before obtaining a contract."

Further, DOT argues that it is unduly burdensome for certifiers to evaluate the issue of SEDO firm control. AMAC strongly disagrees; we do not believe that

⁹ AMAC suggests DOT reconsider its proposal delete what is referred to as the PNW "third exemption" in light of substantial cost increases for doing business as an ACDBE.



this a burden for certifiers. Even if some “burden” is involved, we do not agree that arbitrarily excluding a segment of otherwise eligible firms and their SEDOs from participating in the Program is wise or fair.

Finally, we believe DOT’s proposed “active operations” rule is in tension with (if not contradicted) DOT’s proposed modification to the definition of ACDBEs. On this point, the NPRM states “We agree with perspective described in the 2000 SNPRM and propose amending the definition of 'ACDBE' under Sec. 23.3 to clarify that a firm does not need to be operational or that it previously performed contracts at the time it applies for certification.”

DOT should utilize alternatives such as enhanced training and guidance. We emphasize again, the Program rules should contain clear-cut and objective criteria. We believe “bright-line” standards are the best way to avoid uncertainty and confusion in application.

3. Expertise; SEDO Decision-making; Business Independence; Non-SEDO Firm. AMAC supports DOT’s proposed clarification that while a SEDO must have an overall understanding of his/her firm’s business operations (to the extent necessary to make managerial decisions), a SEDO need not be an expert in every aspect of the firm’s operations. Similarly, AMAC supports DOT’s logic that the degree of a SEDO’s knowledge may vary by the nature of the firm’s business.
 - (a) With respect to SEDO decision-making and the issue of “delegation”, AMAC supports DOT’s proposal to simplify the current rule by providing a “bright-line rule” that (i) a SEDO may delegate, but he/she must have and retain the power to revoke any delegated authority and (ii) demonstrate that the firm’s chain-of-command reflects the structure.
 - (b) With regard to business independence, AMAC supports DOT’s proposed clarification that a firm can demonstrate its independence notwithstanding a relationship with another firm, and it may receive/share essential resources. We concur with DOT’s intention to clarify that a pattern of regular dealings with a single or small number of firms does not necessarily make a firm ineligible for certification.
 - (c) AMAC agrees that non-SEDO involvement in a firm has been an area of misunderstanding. This issue arises in a variety of contexts—most often on the issue of a SEDO firm’s control. The issue of “business licenses” is a typical example. If a firm’s business activity requires a business license, too many certifiers automatically reject a firm’s certification



application or commence decertification proceedings if the SEDO majority owner and CEO do not personally hold the license. The current rule adopts this general approach but contains an exception for instances in which the applicable state or local law permits the license to be held by a firm employee. AMAC concurs in DOT's intention to reiterate that (i) who holds the firm's business license(es) is one of many factors to consider in determining firm control and (ii) certifiers should follow state or local laws that may permit a person other than the SEDO to hold the license in the name of the firm.

J. Business Size Standards.

Business size standards are the mechanism by which the statutory requirement that Program participants be "small businesses" is implemented.

1. DBEs. Under the current framework, firms are assigned a code(s) (a NAICS code) corresponding to the type(s) of work that it performs. DBE certification is limited to firms whose gross receipts are below the revenue amount for its NAICS code(s) based on a three-year rolling average. AMAC generally supports DOT's proposal to change the three-year average to a five-year rolling average.
2. ACDBEs. As you know the size standard applicable to ACDBE firms is not based on individual NAICS codes. Instead, to obtain and/or maintain certification, the gross receipts of the firm cannot exceed \$56.42 million measured over a three-year rolling average.

AMAC supports DOT's proposal to change the current three-year average to five years as well as its intention to adjust the ACDBE size standard on a more predictable basis. AMAC also understands DOT's proposal to clarify the allocation of gross receipts when a DBE or ACDBE is a party to a joint venture between two or more certified firms or between certified and non-certified firms. We concur with the guidance that parties in a joint venture must include in its gross receipts its respective proportionate share of the receipts generated by the venture.

The NPRM solicits additional comments and ideas regarding Program size standards and whether new categories with different size limits are needed. With regard to these issues, AMAC is not aware of academic or of judicial findings establishing a correlation between business size and the cessation of discrimination that certified firms may continue to experience.

Instead, we encourage DOT to focus on business competitiveness. DOT has internal research capabilities that can be deployed to study this issue (as well as related matters concerning control and economic disadvantage). We encourage DOT to consult with other federal agencies for the framework of their contracting and/or investment programs. We also encourage DOT to closely study the important ways airport contracting has changed and evolved; especially the significant increases in the cost of entry and of doing business as an airport contractor or concessionaire. AMAC appreciates the legal/constitutional issues with respect to a race conscious federal contracting program. However, the arguments/issues that we raised have merit and they are validated by the “real world” experiences reported by AMAC members.

K. Airport Reporting and Administrative Requirements

AMAC acknowledges and supports DOT’s focus on airport and Uniform Certification Program (UCP) reporting and administration. We concur that comprehensive, up to date, and reliable Program data is key for effective oversight, enforcement (for both airports and the Federal Aviation Administration), and for technical assistance and policy development. We further acknowledge that certified firms also have an important role in this regard.

1. Uniform Report of Awards, Commitments, and Payments (Uniform Report). AMAC supports DOT’s proposal to add the new data fields outlined in the NPRM. AMAC also supports DOT’s proposed technical revisions to the Uniform Report.
2. Bidders Lists. AMAC supports the DOT proposals to require that airports obtain and enter enhanced contract bidder information into a separate searchable and centralized data base provided, however, there is uniformity of the information collected.¹⁰
3. UCP DBE/ACDBE Directories. We agree with DOT’s proposal(s) that UCPs permit certified DBE/ACDBE businesses to include additional information about themselves in UCP directories. We concur that including certain additional identifying information beyond a firm’s NAICS codes will be beneficial for project sponsors and for both prime contractors and subcontractors.
4. Monitoring Requirements. Airports have an obligation to monitor the performance of Program participants—in order to (i) verify the work committed to certified firms at contract award is actually performed by the firm(s) and (ii)

¹⁰ Likewise, AMAC generally supports DOT initiatives to expand the data collected in “MAP-21” reports.



to also keep a running tally of actual payments to certified firms in order to ensure the accuracy of participation credit that may be awarded/recognized. AMAC supports DOT's proposals that emphasize and clarify the importance of an airport's monitoring responsibilities and DOT's emphasis that certified firms must perform a commercially useful function. Further, AMAC supports the DOT's emphasis that airport's keep a "running tally"/accounting of progress towards an airport's program and contract participation goals.

5. Prompt Payment and Retainage. Similar to DOT's comments in the NPRM, AMAC is very concerned about non-compliance by prime contractors of the current program's prompt payment and retainage requirements. Despite DOT's 2016 written guidance, we believe that this is an area for continued oversight and enforcement. Accordingly, AMAC strongly supports new guidance with respect to contract monitoring and airport enforcement obligations.
6. DBE Performance Plans. In light of the increasing prevalence and popularity of design-build contracts, the DOT proposes to revise the existing 26.53(e), to direct airports seeking proposals for design-build projects to require a design builder to submit a DBE Performance Plan (DPP) at the time of its proposal. The DPP replaces the need to commit to specific DBEs or submit good faith efforts at the time of the proposal or prior to final selection. To be considered responsive, a contractor's DPP must include a commitment to meet the goal by providing details of the types of work and projected dollar value the DBEs to perform, and a projected schedule. Once the contract is awarded, the airport must provide ongoing monitoring and oversight of the design builder to evaluate its efforts to comply with the DPP and schedule. AMAC is supportive of this proposed change as it could result in increased participation by DBE firms in larger development projects.
7. DBE Supplier Credit. Under the current DBE "regular dealer"/supplier rules, a contract participation goal can be satisfied through use of suppliers—but only to a maximum of 60% of the goal. The NPRM proposes to reduce the allowable maximum percentage to 50%. While AMAC appreciates arguments that the reduction may lead to additional DBE contract opportunities, we are concerned about potentially adverse effects on DBE dealers/suppliers. We urge the DOT to re-consider its proposal.

L. Car Rental.

As you may be aware, car rental concessions are one of the major commercial activities at airports. Car rentals account for a significant share of non-aeronautical revenue



received by airports. However, there are concerns regarding the level of DBE/ACDBE participation in airport rental car concession contracts.

To better understand both the opportunities and constraints regarding DBE/ACDBE's, car rental firms, and participation goals, AMAC sponsored a fundamental review and study of the challenges faced by airports, car rental companies, and certified firms. All relevant stakeholders participated in the yearlong study. A consensus written report was prepared. The report included recommendations that we believe, if incorporated in the Program rules, will lead to increased opportunities for DBE/ACDBE firms.

The report and its recommendations were discussed widely in the AMAC community. The report was also presented to the FAA.¹¹ We are forwarding another copy of the report along with these NPRM comments. We urge DOT to incorporate the recommendations in the Program rules as part of the NPRM process.¹²

4. Conclusion.

AMAC sincerely appreciates all of the work and effort by DOT as exemplified in the NPRM. While we have expressed certain concerns, overall, the NPRM represents a good faith effort to advance the policy framework with respect to DBE/ACDBE firms. AMAC urges DOT to continue considering ways to enhance the Program even after final NPRM proposals are promulgated. We would like to have an ongoing dialogue with DOT and the FAA on the airport Programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Eboni Wimbush", written in a cursive style.

Eboni Wimbush
President & CEO

¹¹ See Appendix A.

¹² We believe that DOT regulatory authority to adopt the rules. However, if an issue requires a statutory change we urge that DOT/FAA use the upcoming FAA reauthorization as a vehicle to make the changes.



Appendix A



REFORMING THE U.S. DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAMS

A WINNING APPROACH: RECOMMENDATIONS TO REALIZE GREATER ACDBE AND DBE GOODS AND SERVICES SUPPLIER OPPORTUNITIES AND PARTICIPATION WITHIN THE CAR RENTAL INDUSTRY

I. INTRODUCTION

A. Applicable Current Federal Regulations

Generally, Airports that average at least \$200,000 in car rental concessions revenue over a three-year period must set an overall triennial Airport Concessions Disadvantaged Business Enterprise (ACDBE) goal for car rental operations separate from an overall triennial ACDBE goal for non-car rental concessions (*See* 49 CFR § 23.41(b)). Car rental concessions are also governed by a variety of different rules for counting ACDBE participation (*See* 49 CFR § 23.53). The objective of these regulations is to enhance the participation of certified minority- and women-owned firms as goods or services suppliers to the car rental companies' Airport concessions operations.

B. The Issue – Insufficient Countable Minority and Women-Owned Business Participation

Historically, ACDBE and DBE participation in car rental concessions has been a difficult and often divisive subject for Airports, car rental companies and federal regulatory agencies. Despite long-standing regulations designed to encourage minority- and women-owned firms as certified car rental goods and services suppliers, substantial successes in this area have generally not been realized by car rental firms and Airports across the country. Car rental companies and Airports generally agree that this dilemma is due, in large part, to certain unique aspects of the car rental industry's purchasing practices that are different from the purchasing practices of other industries. These distinguishing features include the significant aggregate costs associated with operating a car rental business, and the fact that a vast portion of these costs are for vehicle fleet purchases. Thus, a different approach is warranted for setting goals and counting minority- and women-owned business participation in car rental concessions.



1. Car Rental Industry's Viewpoint

In the past and today, car rental companies constantly find it virtually impossible to meet ACDBE goals or to even locate ACDBE-certifiable firms due to inconsistent interpretation and application of the ACDBE and DBE program certification requirements, the incompatibility of certain certification rules with usual and customary car rental industry procurement practices, impractical methodology for counting participation, including in particular fleet purchases, and hollow reporting requirements.

2. Airports' Viewpoint

Also contributing to the dilemma is what Airports have and continually describe as a lack of consistent access to accurate, complete information about car rental companies' procurement processes and total expenses (including fleet and non-fleet purchases), rendering it difficult, and at times impossible, to set meaningful, yet obtainable ACDBE goals. Further, the dearth of usable and quality data likewise hinders Airports from meeting their obligations to accurately track and monitor actual ACDBE participation.

C. Efforts to Address the Issue

1. The Past

The first concerted effort to address the concerns noted above commenced in 1997. Following a process of meetings and continuing dialogue, in March 1999 the Airport Minority Advisory Council (AMAC) and the American Car Rental Association (ACRA) entered into a Memorandum of Understanding (MOU) concerning the treatment of car rental operations under the applicable federal regulations. AMAC is a national non-profit trade association that promotes the full use of minority-owned, women-owned and disadvantaged-owned businesses in Airport contracting. ACRA represents car rental companies on legislative issues pertaining to the industry. In the wake of U.S. Department of Transportation (USDOT) rulemaking clarifying that purchases of goods and services was a method by which disadvantaged business participation goals could be met, the MOU was intended to establish guidelines for counting car rental disadvantaged business participation that differed from the counting methodology that governed non-car rental concessions contracts. In essence the MOU represented the mutual appreciation of the two organizations that a different methodology and approach was needed with respect to these matters in recognition of consolidation of the car rental industry (that effectively eliminated participation via franchise opportunities) and the high dollar expenses and revenue volumes of car rental operations at many Airports.



Unfortunately, the goal of substantially increasing the participation of certified firms as goods and services suppliers to car rental concessionaires has not been realized.

2. 2012 Congressional Findings Show Compelling Need for Continuation of ACDBE and DBE Programs to Address Race and Gender Discrimination in Airport-Related Business

Moreover, in Section 140(a) of the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012, titled “Minority and Disadvantaged Business Participation,” Congress made the following findings about the continuing need for the Airport disadvantaged business enterprise program:

(1) While significant progress has occurred due to the establishment of the Airport disadvantaged business enterprise program ...discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in Airport-related markets across the Nation. These continuing barriers merit the continuation of the Airport disadvantaged business enterprise program.

(2) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This testimony and documentation shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This testimony and documentation demonstrates that discrimination across the Nation poses a barrier to full and fair participation in Airport-related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of Airport-related business in the public and private markets.

(4) This testimony and documentation provides a strong basis that there is a compelling need for the continuation of the Airport disadvantaged business enterprise program and the Airport concessions disadvantaged business enterprise program to address race and gender discrimination in Airport-related business.

3. A New Approach

After many years of undesirable results, the car rental industry and AMAC reunited in 2012 to effectively address this critical issue. They formed a Work Group comprised of representatives of AMAC member Airports across the country and car rental companies. (Attached is a list of all Work Group members – see Exhibit A.) The group was tasked with designing a comprehensive proposal to reform the ACDBE program to ultimately yield a substantive increase in actual ACDBE participation in car rental concessions. The group collaborated over the last year and worked within four subcommittees, which focused on the following key components of the program: ACDBE certification standards, criteria for counting ACDBE participation, reporting requirements, and regulations modifications. The subcommittees' collective work culminated in this White Paper, which details all facets of the new recommended approach. The contents of this paper were reviewed by AMAC's Board of Directors in May 2013 and approved for submission to AMAC's membership for review and comments on June 9, 2013. Additionally, all AMAC members (which include approximately 500 Airports, aviation businesses and professionals, and government officials) have had the opportunity to review and provide written questions and/or comments about the proposal in its entirety during a formal "Comments and Questions Period." Moreover, AMAC members, car rental industry stakeholders and other interested parties had the opportunity to participate in an open discussion about the recommendations at a session held during AMAC's 2013 Airport Business Diversity Conference in June 2013. The overall proposal will also be discussed with Airports Council International–North America and American Association of Airport Executives representatives.

II. OVERVIEW OF NEW APPROACH

The key components of this proposal, which are integral to effectuating meaningful change in the ACDBE program for car rental concessions, are:

A. Maintain National and Local ACDBE Goals; Implement New Regional ACDBE Goals; Mandate a Uniform ACDBE Goal-Setting Methodology

1. The Problems

- a) It is virtually impossible for car rental concessionaires to meet ACDBE goals established by Airports based solely on vendors in local markets.
- b) The lack of uniformity in methodology used by Airports to calculate ACDBE goals for Airport car rental concessions can cause undue administrative burdens for car rental concessionaires.

2. The Solutions

- a) Implement new “regional” ACDBE goals for Airports grouped in regions that mirror FAA regions across the country to complement existing national goal.
- b) Establish “Airport Regional Goal Setting Task Force” for each Airport region.
- c) Mandate Airports to uniformly use “gross receipts” methodology for calculating ACDBE car rental goals.

B. Modify ACDBE Certification Standards to Increase the Pool of Qualified ACDBE and DBE Firms to Provide Goods and Services for Car Rental Concessions and Remove Barriers that Discourage Qualified Minority- and Women-Owned Firms from Applying for ACDBE and/or DBE Certification

1. The Problems

- a) Current ACDBE and DBE regulations encourage but do not require interstate certification reciprocity and thus impede qualified ACDBE- and DBE-certified firms seeking to participate in multi-state Airport car rental concessions by requiring them to endure unnecessary multiple certification processes.
- b) National and regional suppliers are customarily used in the car rental industry but are not fully recognized in current ACDBE and DBE program regulations and often result in the exclusion of all or part of the value of goods or services provided by such vendors from counting toward ACDBE participation goals.
- c) Current size standards for ACDBE and DBE firms do not consider unique characteristics of the car rental business resulting in the exclusion of participation by qualified minority- and women-owned businesses from counting toward ACDBE participation goals.
- d) Current personal net worth (PNW) standard does not reflect current market conditions within the car rental industry resulting in the exclusion of participation by qualified minority- and women-owned businesses from counting toward ACDBE participation goals.
- e) Current personal net worth (PNW) standard unfairly excludes certain personal financial guarantees of ACDBE and DBE owners when determining owners’ financial liabilities resulting in the exclusion of participation by qualified minority- and women-owned businesses from counting toward ACDBE participation goals.
- f) The requirement for ACDBE certification of DBE-certified firms that provide goods and/or services to car rental operators creates a barrier to, and thus excludes, the participation of qualified DBEs from Airport car rental concessions.

3. The Solutions

- a) Mandate interstate certification reciprocity.
- b) Establish “national supply and supplier” and “regional supply and supplier” categories for certain goods and services (e.g., vehicles, fuel, tires) to fully account for car rental companies’ customary use of national and regional suppliers.
- c) Establish size standards that are commensurate with national and regional supplier categories within the car rental industry.
- d) Adjust personal net worth (PNW) limits for national and regional suppliers within the car rental industry.
- e) Characterize certain personal financial guarantees of ACDBE and DBE owners as liabilities for PNW calculations.
- f) Eliminate requirement for qualified DBE-certified firms to also obtain ACDBE certification.

C. Modify Counting Rules to Align with the Recommended Changes to ACDBE Certification Standards and Include Automobile Dealer Development Programs

1. The Problems

- a) Participation of certified ACDBEs that provide goods and/or services to car rental concessionaires on a national or regional basis are not counted if the ACDBEs are not certified in each state where the ACDBEs provide goods and/or services to Airport car rental concessionaires.
- b) Automobile Dealer Development Programs are not counted toward ACDBE participation goals although they meet the spirit of the ACDBE and DBE programs.

2. The Solutions

- a) With interstate certification reciprocity, count the total value of goods and/or services provided by national and regional suppliers toward the national and/or respective regional ACDBE car rental goals.
- b) Count Automobile Dealer Development Programs toward meeting national, regional and/or ACDBE car rental goals, as appropriate.

D. Establish Uniform Reporting Format and Schedule for ACDBE and DBE Participation in Airport Car Rental Concessions; Airports' Obligations to Report Annually to the FAA ACDBE and DBE Participation Accomplishments and Obligations to Monitor and Ensure Compliance with ACDBE and DBE Program Rules Remain Unchanged

1. The Problems

- a) Inconsistencies in Airports' requirements for car rental concessionaires' reporting of ACDBE participation create administrative burdens by requiring car rental concessionaires to maintain a multitude of ACDBE report formats and schedules.
- b) Inconsistencies and lack of completeness in ACDBE participation information reported to Airports by car rental concessionaires make it difficult for Airports to accurately report to the FAA accomplishments for meeting car rental ACDBE participation goals.

2. The Solutions

- a) Car rental companies will submit a "Regional Report" of ACDBE and non-ACDBE purchases made from vendors within the local geographic market of each Airport in each region in a standardized format at least quarterly.
- b) Airports' obligations for annual reporting to the FAA remain unchanged.
- c) Airports' obligations for monitoring ACDBE and DBE participation and ensuring compliance with ACDBE and DBE program rules remain unchanged.

III. SPECIFIC RECOMMENDATIONS

A. Maintain National and Local ACDBE Goals and Implement New Regional ACDBE Goals; Mandate a Uniform ACDBE Goal-Setting Methodology

1. The Problems

- a) *ACDBE Participation Goals Established by Airports Solely on Local Markets Are Virtually Impossible for Car Rental Companies to Meet*

Currently, car rental companies continuously find it nearly impossible to meet ACDBE goals established by individual Airports for the multitude of issues discussed herein, including in particular current certification and counting standards, which have resulted in a woefully insufficient pool of ACDBE and DBE certified firms to participate in Airport car rental operations. Thus, car rental companies and Airports alike rely upon the existing national albeit aspirational goal for ACDBE participation in Airport car rental concessions.

b) Lack of Uniformity in Methodology Used By Airports to Calculate ACDBE Goals Causes Administrative Burdens for Car Rental Concessionaires

The existing USDOT ACDBE and DBE program regulations allow for two approaches to calculate Airport car rental ACDBE participation goals, at the program sponsor's discretion: 1) percent of gross receipts or 2) percent of the value of goods and services purchases of Airport car rental concessionaires. Allowing each Airport to decide the methodology for calculating ACDBE participation goals can create an administrative quagmire for car rental concessionaires, which must track and report data about their operations in accordance with each individual Airport's practices.

2. The Solutions

a) Implement New "Regional" ACDBE Goals to Complement Existing National Goal; Establish Airport Regional Goal Setting Task Force for Each Airport Region

An essential component of a more effective approach to garner greater participation incorporates "regional" goals to complement the USDOT's current ten percent (10%) aspirational national goal. Under this model, all Airports will be assembled into regions that mirror the FAA regions, and initially each "regional" goal will be set at 10% for the same three-year goal-setting period currently in place.

Additionally, an "Airport Regional Goal Setting Task Force" would be formed for each Airport region. Each Task Force would be comprised of one representative from each Airport in the region, and at least one representative from a car rental concessionaire operating at Airports within the region. The Task Force would periodically convene to review the collective ACDBE and DBE car rental participation at all Airports in the respective Task Force's region in conjunction with the individual three-year ACDBE car rental goals set by each Airport within the region. Each Task Force would also be responsible for evaluating the availability of ACDBEs and DBEs in the region to provide goods and/or services to car rental operators. During the third year of the initial three-year period for the 10% regional goals, each Task Force would also assess if any adjustment of

its regional goal is warranted or if the 10% regional goal should be continued for the next three-year period.

b) Uniform Use of Gross Receipts Methodology for Calculating ACDBE Car Rental Goals Can Eliminate Administrative Burdens for Car Rental Companies

Airport car rental concession fees are typically based upon a car rental concessionaire's gross receipts. Thus, each car rental company is required to regularly report the amount of its gross receipts to each Airport at which the company is operating. Since Airport car rental concessionaires must report their respective gross receipts to Airports for calculating concession fees, then directing Airports to uniformly use the gross receipts methodology is the most practical and efficient approach for calculating ACDBE car rental goals. This recommended edict is conditioned on appropriate adjustments being made to the current size standards that apply to businesses that provide goods and services to Airport car rental concessionaires, including in particular size standards for automobile dealers. If, however, needed adjustments to size standards are not made, then no changes are recommended to the status quo for calculating ACDBE goals.

B. Modify ACDBE Certification Standards to Increase the Pool of Qualified ACDBE and DBE Firms to Provide Goods and Services for Car Rental Concessions and Remove Barriers that Discourage Minority- and Women-Owned Firms from Applying for ACDBE and/or DBE Certification

1. The Problems

Car rental companies state that from time to time they utilize legitimate minority- and women-owned firms that do not have either ACDBE or DBE certification, and thus, cannot be counted toward goals for ACDBE or DBE participation. Hence, the current USDOT ACDBE and DBE certification requirements were reviewed to identify: (1) barriers in the regulations that discourage minority- and women-owned firms from applying for certification — particularly those firms that likely meet the programs' eligibility requirements; and (2) rules changes needed to implement revised ACDBE and DBE certification requirements to include minority- and women-owned firms that are certified as national and/or regional car rental suppliers, including in particular minority- or women-owned automobile dealers. These issues were reviewed from the perspective of the following key stakeholders, whose interests are substantially aligned:

- Airports – who have program administration/implementation concerns, as well as an interest in maximizing participation opportunities for certified ACDBE and DBE firms.

- Minority- and Women-Owned Firms – who seek business opportunities and updated certification rules that are consistently applied.
- Car Rental Companies – who seek to maximize ACDBE and DBE supplier opportunities consistent with usual and customary car rental industry business practices.
- FAA and USDOT – who oversee ACDBE and DBE development, program administration and compliance.

Given the issues noted above, the key problems may be summarized as follows: (1) The unfortunate and all too common practice of a certifying jurisdiction not giving recognition to the certification granted by a firm's home state; (2) lack of recognition of national and regional suppliers that are customarily used in car rental operations; (3) ACDBE and DBE program firm size standards that are at odds with national and/or regional car rental concessionaire goods or services contract opportunities that are consistent with industry usual and customary practices; (4) a current "Personal Net Worth" regime that is generally inconsistent with respect to the financing requirements for such national or regional opportunities (regardless of the race or gender of firm owners); (5) unfair exclusion of personal financial guarantees of ACDBE and DBE owners in ACDBE certification eligibility decisions; and (5) the unnecessary burden of requiring DBE-certified firms that provide goods and/or services to car rental operators to also obtain ACDBE certification. Accordingly, each stakeholder group has acknowledged that administrative improvements to the existing certification regime would be beneficial and each shares an interest in maximizing supplier opportunities for, and actual participation of, certified firms. To meet these ends, the following reforms to ACDBE and DBE certification standards are vital.

a) Current ACDBE and DBE Regulations Encourage but Do Not Require Interstate Certification Reciprocity and Create an Impediment for Qualified ACDBEs and DBEs Seeking to Participate in Multi-State Airport Car Rental Concessions

The USDOT ACDBE and DBE programs have one set of rules designed and intended to have nationwide effect. All Airport recipients of USDOT/FAA financial assistance are required to sign an assurance that its ACDBE and DBE programs will be administered in accord with the USDOT ACDBE and DBE rules. While, the ACDBE and DBE rules currently encourage full reciprocity by and between certifying jurisdictions, notably they do not require it. Recent USDOT/FAA regulatory guidance encourages acceptance of home-state certifications unless there is "good cause" to believe that the certification has been granted in error. In practice, however, this "encouragement" is uniformly ignored as certifying entities outside of the home-state often require such a firm to submit a complete "new" certification application, with all supporting documents, as well as undergo another arduous review, even if there is no "good cause" to do so.

Non-home-state certifiers routinely defend their decisions to disregard a home-state certification decision on the basis of what they assert is variability in the quality of certification reviews (i.e., as between varying certifying entities). However, this argument is insufficient justification to continue the devastating effects of ignoring home-state certifications while precluding the clear benefits of interstate certification reciprocity. This issue can be adequately addressed through training for certification officials and staff. In fact, legislation recently enacted by the U.S. Congress directs the FAA to institute a mandatory training program for persons who are involved in, or responsible for making, ACDBE and DBE certification determinations, and the FAA has begun implementing such a program.

As noted above, the failure of a non-home state certifier to completely accept a firm's home state certification serves as a significant impediment for ACDBE- and/or DBE-certified firms who might otherwise pursue car rental subcontracting or other opportunities outside of their home-state. And, since it is often reported that some minority- and women-owned firms are discouraged from applying for ACDBE or DBE certification in their home state by what many consider a cumbersome certification process, one can easily surmise that requiring national and regional firms to undergo multiple certification processes exacerbates this problem. Thus, this practice has the unintended effect of severely limiting the pool of minority- and women-owned suppliers for Airports and car rental companies.

b) National and Regional Suppliers Are Customary in the Car Rental Industry but Are Not Fully Recognized in Current Regulations Resulting in the Exclusion of All or Part of the Value of Goods or Services Provided by Such Vendors

A close examination was conducted of the categories of goods and services typically procured by car rental companies locally, as well as goods and services procured on a regional and national basis, and the rationale for these purchasing decisions. For example, car rental industry representatives provided information illustrating why sourcing items such as fuel, tires, cleaning fluids, insurance and automobiles (fleet) locally is not economically or practically feasible, given the quantities purchased and related pricing, as well as respective competitive market factors. As documented by some Airport disparity studies there is strong reason to believe that there are minority- and women-owned firms who could source these products but, in large part, are precluded from pursuing these business opportunities due to a variety of factors — including discrimination in the general marketplace, and because certain aspects of current ACDBE and DBE program rules make it very unlikely that such firms would qualify as an ACDBE and/or DBE. Moreover, car rental companies cited certain instances where they have successfully identified a minority or women-owned company¹³ to supply certain goods on a national or regional basis, but

¹³ Typically the firms have been certified as minority or woman owned by the National Minority Supplier Development Council (NMNSDC) or the Women's Business Enterprise National Council (WBENC).

these contracts and the revenues earned by the firm are not counted toward the company's or the Airport's ACDBE or DBE participation goals because the firms do not meet the ACDBE or DBE certification requirements. Typically, this is caused by the firms exceeding the current "size" standards and/or the business owners exceeding the current "personal net worth" (PNW) limits.

c) Current Size Standards for ACDBE and DBE Firms Do Not Consider Unique Characteristics of the Car Rental Business Resulting in the Exclusion of Qualified Minority- and Women-Owned Businesses From Counting Toward ACDBE Goals

Under current USDOT ACDBE and DBE program rules, the size of an ACDBE or DBE firm (or program applicant) is evaluated on the basis of U.S. Small Business Administration (SBA) size standards for the specific type of work the firm performs (or seeks to perform)¹⁴. The SBA categorizes firms under codes and sub-codes of the North American Industry Classification System (NAICS). The primary metric for each such code is a specific gross revenues limit measured over a rolling three-year period—with a cap of \$22.41 million for all DBE firms regardless of industry sector or the type of work performed by the firm¹⁵, and \$56.42 million for ACDBE firms¹⁶. As alluded to previously, many of the SBA size classifications adopted by the USDOT for use in the ACDBE program conflict with national and/or regional car rental concessionaire goods or services contract opportunities and in this respect are inconsistent with industry usual and customary practices.

d) Current Personal Net Worth (PNW) Standard Does Not Reflect Current Market Conditions Resulting in the Exclusion of Qualified Minority- and Women-Owned Businesses from Counting Toward ACDBE Goals

The PNW cap does not take into account market requirements for financing concessions or supplier growth opportunities that can be fostered by the ACDBE and DBE programs (and that have been denied to minority or women entrepreneurs because of their ethnicity, race or gender). The USDOT/FAA recently adjusted the DBE PNW cap from \$750,000 to \$1.32 million.¹⁷ The adjustment was intended to raise the cap to simply reflect the current day purchasing power of the original \$750,000 PNW cap. In this respect, the PNW limit

¹⁴ See 13 CFR § 121

¹⁵ See 49 CFR § 26.65

¹⁶ See 49 CFR § 23.33

¹⁷ The \$750,000 PNW cap was first established by the SBA in the late 1970s for use in a contracting program. DOT adopted the SBA cap as a DBE eligibility requirement in 2000 and in 2005 for ACDBE eligibility.

is not based on an assessment of current day contract financing requirements or lending underwriting criteria.

e) Current Personal Net Worth (PNW) Standard Unfairly Excludes Certain Personal Financial Guarantees of ACDBE and DBE Owners When Determining an ACDBE or DBE Owner's Financial Liabilities Resulting in the Exclusion of Qualified Minority- and Women-Owned Businesses from Counting Toward ACDBE Goals

When determining “liabilities” for PNW purposes under the ACDBE and DBE program rules, all personal financial guarantees given by a business owner are generally treated as “contingent liabilities” and therefore are not taken into account when determining an individual’s personal net worth. Surprisingly, the current ACDBE and DBE rules make no provision for personal guarantees that are given and/or that are an express condition from the lender for receiving financing for the business. In this respect, the ACDBE and DBE rules conflict with usual and customary business lending and underwriting standards.

Banks are subject to certain small business lending tests by federal and state regulators. For this reason, the vast majority of loans and financings are made in the name of the business entity rather than the name(s) of the business owner(s). Nevertheless, banks as a matter of course require business owners to execute personal repayment guarantees as a condition to receive a loan or line of credit. The guarantees are reflected in loan documents and those agreements clearly express the bank’s right and intention to seek repayment from the business owner(s) if there is a default. As noted previously, the USDOT rules generally regard these types of personal guarantees as “contingent liabilities” that should not be counted as liabilities for PNW purposes even though this practice is contrary to customary underwriting standards. This matter was explored with bank lending officers who confirmed that such guarantees are a significant factor in evaluating the credit worthiness of a potential borrower¹⁸.

f) Requirement that Certified DBEs Also Obtain ACDBE Certification Creates a Barrier that Excludes Qualified DBEs from Airport Car Rental Concessions

Airports and car rental companies agree that one of the biggest hurdles to accurately capturing participation by socially and economically disadvantaged firms in car rental operations is caused by the restriction that a DBE-certified firm that does not also have ACDBE certification cannot be counted towards meeting an ACDBE goal. Moreover, this rule directly contradicts one of the enumerated objectives of the ACDBE program regulations:

¹⁸ It is also customary for the SBA to require personal guarantees on loans it guarantees.



“[t]o help remove barriers to the participation of ACDBEs in opportunities for concessions at Airports receiving DOT financial assistance.” 49 CFR § 23.1(e).

The requirement for ACDBE-certification actually creates a barrier for qualified “ready, willing and able” minority- and women-owned businesses from working in the Airport car rental industry as many of these businesses choose to avoid the added burden of enduring an ACDBE-certification process. It is also important to note that the definition of an “ACDBE” is essentially identical to the definition of a “DBE” with the only difference being that an ACDBE must also be a “concession.” Furthermore, many DBEs provide goods and/or services that are routinely used by car rental companies but, from a technical standpoint, are not concessions (for example, vehicle washing, oil changes and other routine vehicle maintenance). Given the unique aspects of the car rental industry which have resulted in limited ACDBE participation opportunities within car rental concessions, the intended benefits of this additional condition are clearly outweighed by the resulting detriment.

2. The Solutions

a) Mandate Interstate Certification Reciprocity

Fully eliminating barriers created by a lack of mandated interstate certification reciprocity will benefit small minority- and women-owned businesses, Airports and car rental companies alike by broadening the pool of qualified ACDBE- and DBE-certified firms who are potential car rental industry suppliers. In addition, interstate certification reciprocity will enable Airports and car rental companies to more accurately capture the full extent of business being conducted with minority- and women-owned firms in car rental operations, as well as the economic impact of their Airport concessions activities.

Thus, there is compelling justification for mandating full reciprocal acceptance of home state ACDBE and DBE certification decisions made after a firm goes through the rigorous process required for a new certification applicant. Consequently, certifying agencies must be mandated to accept a home-state’s ACDBE and/or DBE certification for a vendor that is located outside of its jurisdiction but which is seeking or actually conducting business within the new state unless actual “good cause” exists for rejecting the home state’s certification.

The reasons for determining “good cause” to reject a home state’s certification that are contained in the current regulations (specifically, 49 CFR § 26.85 (d)(2)) should remain unchanged, with one caveat – the USDOT or FAA issues a ruling explaining that state “community property” rules are not applicable to ACDBE and DBE certifications, and, thus, cannot be considered when making ACDBE and DBE certification determinations. This issue should be treated like individual state requirements for state business licenses.



While a state can clearly follow community property laws, these principles are not related to ACDBE or DBE certification.

b) Establish “National Supply and Supplier” and “Regional Supply and Supplier” Categories to Fairly Distinguish the Car Rental Industry

Given the unique nature of car rental concessions and their impact on the overall measurement of an Airport’s ACDBE and/or DBE programs, the ACDBE and DBE program rules require further modification to wholly include the concepts of “national” and “regional” car rental industry goods and services supplies and suppliers.¹⁹ These concepts are consistent with the following stated objectives of the ACDBE and DBE programs:

- To help remove barriers to the participation of ACDBEs in opportunities for concessions at Airports receiving DOT financial assistance. 49 CFR § 23.1(e).
- To assist the development of firms that can compete successfully in the marketplace outside the DBE program. 49 CFR § 26.1(e).
- To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for ACDBEs [and DBEs]. 49 CFR § 23.1(f); 49 CFR § 26.1(f).

Under this essential new component, certain goods and services that car rental companies routinely procure on a national or regional level would be categorized as “national” and/or regional *supplies*” (for example, vehicles, fuel and tires). Likewise, specific vendors that provide such “national” and/or “regional” goods or services would be designated as “national and/or regional *suppliers*.” An example of a “national *supplier*” is *Santa Monica Ford*, which is an ACDBE that is certified in California and from which The Hertz Corporation procures vehicles for use in its operations across the country. An example of a “regional *supplier*” is *Fuel Facility Management, Inc.*, which is an ACDBE that is certified in Florida and Tennessee and operates consolidated rental car facilities (CONRACs) at several airports. This company has expressed interest in becoming a “national supplier” and has a pending application for ACDBE certification in Chicago, Illinois. The methodology for counting ACDBE- or DBE-certified vendors with a national and/or regional designation is discussed below in Section III.C.

¹⁹ While current ACDBE program regulation 49 CFR § 23.53(f) recognizes the use of national and regional contracts by car rental concessionaires, the regulation has very limited application.



*c) Establish Size Standards That Are Commensurate
With National and Regional Supplier Categories*

The USDOT and FAA are asked to work with AMAC and ACRA to: (1) identify the goods and services used and typically procured by car rental concessionaires on a national, regional or local basis; (2) cross reference these items to their current NAICS codes; and (3) jointly tailor the gross revenue limits for the codes with reference to usual and customary car rental industry procurement practices. The goal of the collaboration should be to establish a unique set of size standards that have revenue limits that are appropriate and compatible with the concept of regional and national ACDBE and DBE car rental suppliers.²⁰

*d) Adjust Personal Net Worth (PNW) Limits
For National and Regional Suppliers*

As noted previously, adopting the concept of national and regional ACDBE and DBE car rental goods and services suppliers is a significant first step toward minority and women-owned firm's being able to compete and realize these opportunities. The second step is to make corresponding adjustments to the ACDBE and DBE size standards for these categories of ACDBEs and DBEs. A needed third step is to make conforming adjustments to the PNW cap applicable to majority minority or women firm owner(s) of a company seeking certification as a national or regional ACDBE and/or DBE car rental concessions supplier. Business lending and bonding requirements associated with national or regional supply contracts are likely formidable—and will most certainly require the firm and/or its owners to have more financial resources than what the current ACDBE and DBE PNW cap will support – especially given the recent change to the ACDBE and DBE program PNW that was simply an inflationary adjustment. Accordingly, USDOT should raise the PNW beyond the current limit for these potential categories of certified firms.²¹

*e) Characterize Certain Personal Financial Guarantees of ACDBE
and DBE Owners as Liabilities for PNW Calculations*

In order to accurately evaluate the financial status of an ACDBE or DBE owner or applicant, the PNW rules must characterize personal guarantees that are specifically given

²⁰ For example, in consultation with AMAC and other stakeholders, the DOT/FAA would use this process to examine the usual industry standards for fuel suppliers or automobile dealer suppliers.

²¹ Such an increase is not incompatible with the “narrow tailoring” concept embodied in the design of the DBE program. Disparity studies and anecdotal evidence consistently demonstrate that minority and women-owned firm's face barriers to full participation in the marketplace because of the race or gender of their owners. We are not aware of studies that show that such discrimination stops when such an owner's net worth exceeds the current PNW cap.



as a condition for loans related to the firm's business as a liability for PNW calculation purposes.

*f) Eliminate Requirement for Qualified DBE-Certified
Firms to Also Obtain ACDBE Certification*

This impediment is easily remedied by removing the requirement that qualified DBE-certified firms who provide goods and services to car rental concessionaires in the regular course of their businesses must also obtain ACDBE certification to count toward meeting goals for participation by disadvantaged businesses in Airport car rental concessions.

***C. Modify Counting Rules to Align with Recommended Changes to ACDBE
Certification Standards and Include Automobile Dealer Development Programs***

1. The Problems

*a) Participation of Certified ACDBEs that Provide Goods
and/or Services to Car Rental Concessionaires on a
National or Regional Basis Are Not Fully Counted*

While current ACDBE program regulations (specifically, 49 CFR § 23.53(f)) recognize, to a certain extent, the use of national and regional contracts within car rental concession operations, the total value of the goods or services provided by an ACDBE on a national and/or regional basis to an Airport car rental concessionaire is not counted unless the ACDBE is certified by each state in which it is conducting business. Rather, only the value of the goods or services provided to an Airport in a state in which the ACDBE is certified is counted.

*b) Automobile Dealer Development Programs Meet the Spirit of the
ACDBE and DBE Programs but Are Not Counted Toward
ACDBE or DBE Participation Goals*

The major auto manufacturers have created "dealer development" programs to create ownership opportunities for minority and women entrepreneurs. These structured programs provide various forms of management and operations training, as well as financial assistance to minorities and women who have experience, but lack sufficient capital to own or purchase a dealership outright. The intent of these programs (much like the purpose of the Airport ACDBE and DBE Mentor-Protégé programs) is to provide opportunities for these entrepreneurs to participate in the automobile retail industry and

ultimately to become the sole owner(s) of an automobile dealership. Typically, the minority or woman entrepreneur actually runs the dealership and acquires most of its ownership interest while participating in the “dealer development” program, but may be subject to certain temporary limitations on their ownership interest in a financing or acquisition agreement. Even though the minority or woman entrepreneur may have the ability and authority to make policy decisions and otherwise manage the day-to-day operations of the dealership, as the ACDBE and DBE program rules are currently constructed and/or interpreted the entrepreneur would likely be deemed not to have full ownership and sufficient control over the business preventing the firm from obtaining ACDBE and/or DBE certification.

3. The Solutions

a) Count the Total Value of Goods and/or Services Provided By National and Regional Suppliers Toward the National And/Or Respective Airport Regional ACDBE Goals

With a fully functioning interstate reciprocity system, a car rental concessionaire’s expenditures with national and regional ACDBE and DBE suppliers would be counted toward the national goal or the ACDBE goal of each Airport in the particular region where the suppliers provide goods and/or services, even if the suppliers are not actually located within a particular Airport’s local market. The written format in which car rental companies will report national and regional ACDBE and DBE participation is discussed in section D below and shown on the attached Exhibit B.

b) Count Automobile Dealer Development Programs Toward Meeting National, Regional and/or Local ACDBE Goals, As Appropriate

USDOT rules should be modified so that car rental fleet purchases from minority and women dealers in Automobile Dealer Development programs are counted (partially or in full) toward the national, regional and/or local ACDBE participation goals, whichever is most appropriate for the particular automobile dealer. The “ACDBE and DBE Business Development” and “Mentor-Protégé” program elements of the ACDBE and DBE programs may serve as useful starting frameworks to accomplish this needed change.²² Both program elements seek to further the development of ACDBEs and DBEs including supporting them in moving into non-traditional areas of work and/or to enhance their competitive prospects outside of the ACDBE and DBE programs.

²² See 49 CFR Part 26, Appendix C – DBE Business Development Program Guidelines, and Appendix D — Mentor-Protégé Program Guidelines



Special Note: The recommendations to allow the counting of the value of vehicles purchased or leased from a national or regional ACDBE dealer or from an ACDBE dealer involved in an Automobile Dealer Development Program are not intended to negate the current regulatory requirement that a car rental concessionaire must make good faith efforts to obtain ACDBE participation from non-automobile dealer ACDBE vendors. (See 49 CFR 23.53(b))

D. Establish Uniform Reporting Format and Schedule for ACDBE and DBE Participation in Airport Car Rental Concessions; Airports' Obligations to Report Annually to the FAA ACDBE and DBE Participation Accomplishments and Obligations to Monitor and Ensure Compliance with ACDBE and DBE Program Rules Remain Unchanged

1. The Problems

a) Inconsistencies in Airports' Requirements for Car Rental Concessionaires' Reporting of ACDBE Participation Create Undue Administrative Burdens

Airports routinely state that car rental companies do not report their respective revenues and value of their expenditures with ACDBE and non-ACDBE firms in the same formats or time intervals, if at all. Car rental companies complain that Airports inconsistently interpret regulations that govern reporting resulting in an administrative burden for the industry – that is, being required to maintain a variety of reporting formats and schedules for a multitude of Airports.

b) Inconsistencies and Lack of Completeness in ACDBE Participation Information Reported to Airports by Car Rental Concessionaires Make it Difficult for Airports to Accurately Report to the FAA ACDBE Participation Accomplishments

Airports also indicate that car rental companies often do not report or report infrequently on their respective company's ACDBE (or DBE) participation. In turn, Airports often find it difficult to accurately report to the FAA on the Airport's accomplishments for meeting its car rental ACDBE participation goals. This cycle, coupled with the "problems" identified above with current ACDBE (and DBE) certification and counting criteria, has resulted in deficient reporting, at best, and sometimes no reporting.



2. The Solutions

Under the recommended Interstate Certification and National and Regional Supplier concepts, the purpose for regular reporting of ACDBE and DBE participation would remain unchanged, as further explained below. However, a few modifications are warranted to ensure that accurate and complete information is reported timely and in the most efficient manner.

a) Car Rental Companies Will Submit to Airports “Regional” Reports of ACDBE and Non-ACDBE Purchases In a Standardized Format at Least Quarterly

Car rental companies will be required to generate reports by Airport regions, which mirror FAA regions. Each report will contain a cover page that summarizes the car rental company’s national and regional goals, as well as the ACDBE, DBE, non-ACDBE and non-DBE expenditures for that particular region.

The “regional” reports will also contain individual worksheets for each Airport in the region detailing the ACDBE, DBE, non-ACDBE and non-DBE purchases made from vendors within that Airport’s local geographic market and which contribute to the regional goal. The following detailed information will be included in this section of the report for each vendor:

- Vendor’s name and address;
- Description of goods or services provided by the vendor;
- Vendor’s ACDBE and/or DBE classification and certifying agency;
- Airport name;
- Dollar value of expenditures made for the particular reporting period made with the vendor; and
- Dollar value of total year-to-date expenditures made with the vendor.

Each individual Airport worksheet will also include the following summary information:

- Dollar value of total purchases made by the car rental company with ACDBE, DBE, non-ACDBE and non-DBE vendors during the reporting period;
- Dollar value of the car rental company’s total gross receipts for the reporting period;
- Dollar value of total purchases made by the car rental company with ACDBE and DBE vendors during the reporting period; and
- Percentage value of total purchases made by the car rental company with ACDBE and DBE vendors as compared to all ACDBE, DBE, non-ACDBE and non-DBE purchases made by the car rental company during the reporting period.



The car rental companies will be required to file, electronically, a regional report with each Airport where it is conducting business no more frequently than on a quarterly basis. The reports will be generated in a spreadsheet format, initially Microsoft Excel or a similar design until a more robust reporting tool can be developed. The attached Exhibit B further illustrates the format of the report that car rental companies will file with individual Airports.

b) Airports' Obligation to Report Annually to the FAA ACDBE and DBE Participation Accomplishments Remain Unchanged

Each Airport's Disadvantaged Business Enterprise Liaison Officer (DBELO) will be required to continue following the current structure established by the FAA for reporting car rental ACDBE prime and sub-contracting expenditures annually with the requirement that DBE prime and sub-contracting expenditures will also be counted and reported.

c) Airports' Obligations to Monitor and Ensure Compliance with ACDBE and DBE Program Rules Remain Unchanged

Under the recommended model, each Airport's obligations to ensure that firms in their ACDBE and DBE programs are fully compliant with all program requirements will remain unchanged. Thus, Airports will be continue to be responsible for verifying the accuracy of information reported by car rental concessionaires and communicating with each company about the results of its verification, including in particular discrepancies between reported information and monitoring findings. Moreover, preventing fraudulent activities in its ACDBE and programs by ensuring that ACDBE and DBE participation commitments are actually met will continue to be one of the Airports' most critical responsibilities.

IV. CONCLUSION

Despite long-standing federal regulations designed to promote the inclusion of minority- and women-owned firms in Airport car rental operations, appreciable success in this area has not been accomplished. Dissatisfied with these results, AMAC and the car rental industry have diligently worked together to develop a cohesive strategy that effectively removes barriers that have resulted in the continuous exclusion of ACDBEs and DBEs from participating in Airport car rental concessions. The recommendations developed by the AMAC/Car Rental Work Group and presented in this White Paper are designed to be implemented as a unified plan to realize greater ACDBE and DBE opportunities and actual participation within the car rental industry.



Exhibit A

AMAC/CAR RENTAL WORK GROUP MEMBERS

*The recommendations in this White Paper are based upon consensus of the following
AMAC Airport and Car Rental Industry Members/Representatives*

Airports

Houston Airport System	Carlecia Wright, Director Office of Business Opportunity
Indianapolis Airport Authority	Corey Wilson, Director Supplier Diversity / AMAC Board Member
Maryland Aviation Administration	Angela Martin, Director Office of Fair Practices
Miami Dade Aviation Department	Milton Collins/ Rosa Delgado Minority Affairs Division
Raleigh Durham Airport Authority	Farad Ali, Trustee & Secretary / AMAC Board Member
San Francisco International Airport	Sandra Crumpler, Manager Small Business Affairs Office

AMAC

Airport Minority Advisory Council President	Shelby Scales, Chief Executive Officer and
Diverse Resources	Amber Gooding, President
G M Allen Consulting Group	Genelle Allen, President

Car Rental Companies



Avis Budget Group, Inc.

Robert Bouta, Senior Vice President
Properties & Facilities

Enterprise Holdings, Inc.

Sean Fitzgerald, Vice President
Airport Properties & Relations / AMAC Board
Member

The Hertz Corporation

John Torres, Director
Supplier Diversity

K & L Gates LLP

William Kirk, Partner

Exhibit B

(Page 1 of 2)

SAMPLE "REGIONAL REPORT"

**(Dollar values presented are for examples only and
are not intended to reflect actual spend values)**

Example - Regional Report

Avis Car Rental, LLC Diversity Spend Goals for Fiscal Year 2012

Avis Rent A Car System, LLC Fiscal Year 2012 Gross Airport Revenue	\$ 1,849,331,868
National Goal at 10% of Gross Airport Revenue	\$ 184,933,187

Avis Rent A Car System, LLC Fiscal Year 2011 Gross Airport Revenue for Northeast(NE) Region*	\$ 364,824,259
Northeast regional goal at 10% of Gross Airport Revenue for NE Region	\$ 36,482,426
Individual Airport Contribution	Contribution Amount
Buffalo Niagara International Airport	\$ 7,910,790
JFK International Airport	\$ 25,726,634
Portland International Jetport	\$ 177,933
Syracuse Hancock International Airport	\$ 516,294
and all other airports in the NE Region...	

*NORTHEAST (NE) Region includes the below states:

- Connecticut
- Delaware
- Maine
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- Pennsylvania
- Rhode Island
- Vermont
- Virginia
- West Virginia

All airports listed in the region and their contribution in the summary

Each airport will have their own tab where specific detail is given on purchases

Ready | Northeast Region Summary | JFK | Buffalo | Providence

Microsoft Excel - Book1

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DBE Compliance Report							
JFK International Airport - 1302620							
Avis Rent A Car Systems, LLC							
Specific Airport Report							
REPORTING PERIOD:		4/2012 To 6/2012					
Vendor Name	Classification	Services Provided	Certification	Airport Division	Current Period Paid Amount	YTD Amount	
Fairway Motors Chevy GM RT 309 Nbox K Hazelton, PA 18201	WBE	Chevrolet New Cars and Truck Sales Parts & Service Subaru New Cars Sales, Parts & Service	WBENC - Women's Business Enterprise National Council - WBE	INDIANAPOLIS-DIST026	\$5,055,008.89	\$10,802,434.45	
Hata Inc. 3231 Moorstown Drive Bath, PA 18104	DBE/MBE	Keys, Key Blanks and Key Cutting Equipment	City of Omaha, Nebraska - DBE/Florida Unified Certification Program - DBE/South Central Texas Regional Certification Agency - DBE/State of Oregon - MBE/UUCP - Unified Certification Program - DBE	INDIANAPOLIS-DIST026	\$555.01	\$732.51	
Santa Monica Ford 1230 Santa Monica Blvd. Santa Monica, CA 90404	DBE/MBE	New Car Dealership, cars, automotive dealer	City of Los Angeles, Department of Public Works - MBE/UUCP - Unified Certification Program - DBE	INDIANAPOLIS-DIST026	\$4,847,721.19	\$8,956,174.35	
Total Purchases	\$16,446,482.55				\$	10,040,694.74	\$20,136,687.22
Total Gross Revenue	\$4,072,181.07						
Total DBE Purchases	\$10,040,694.74						
Avis Rent A Car Systems, LLC %	61.05%						

Totals

JFK Tab Selected

Draw AutoShapes

Northeast Region Summary JFK Buffalo Providence