

**KENTON COUNTY AIRPORT BOARD  
CINCINNATI/NORTHERN KENTUCKY INTERNATIONAL AIRPORT**

**POLICY STATEMENT**

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

The Kenton County Airport Board ("KCAB"), owner/operator of Cincinnati/Northern Kentucky International Airport ("CVG") has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23. CVG is a primary airport and has received federal funds authorized for airport development after January 1988 (authorized under Title 49 of the United States Code). KCAB has signed airport grant assurances that it will comply with 49 CFR Part 23.

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

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

Ms. Kirstin Kempf, Business Administration Associate, has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, Ms. Kirstin Kempf is responsible for implementing all aspects of the ACDBE program. Implementation of the ACDBE program is accorded the same priority as compliance with all other legal obligations incurred by KCAB in its financial assistance agreements with the Department of Transportation.

KCAB has disseminated this policy statement to all the components of our organization. KCAB has distributed this statement to ACDBE and non-ACDBE concessionaire communities in our area through website postings.

  
Candace McGraw (Dec 2, 2020 15:57 EST)

Kenton County Airport Board  
Candace S. McGraw  
Chief Executive Officer  
Cincinnati/Northern Kentucky International Airport (CVG)

Dec 2, 2020

Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 23.1            Objectives**

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

### **Section 23.3            Definitions**

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

### **Section 23.5            Applicability**

CVG is a primary airport and the sponsor of federal airport funds authorized for airport development after January 1988 that was authorized under Title 49 of the United States Code.

### **Section 23.9            Non-discrimination Requirements**

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

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

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

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

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

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

## **Section 23.11 Compliance and Enforcement**

KCAB will comply with and is subject to the provisions of 49 CFR Part 26 (§§ 26.101, 26.105, 26.107) and 2 CFR parts 180 and 1200.

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

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

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

The following enforcement actions apply to firms participating in KCAB's ACDBE program:

- (a) For a firm that does not meet the eligibility criteria of subpart D of this part and that attempts to participate as an ACDBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department of Transportation (DOT) or the Federal Aviation Administration (FAA) may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
- (b) For a firm that, in order to meet ACDBE goals or other ACDBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, DOT or FAA may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
- (c) DOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the ACDBE program whose conduct is subject to such action under 49 CFR Part 31.
- (d) DOT may refer to the Department of Justice, for prosecution under 18 U.S.C. §§ 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of an ACDBE in KCAB ACDBE program or otherwise violates applicable Federal statutes.

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

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

## **SUBPART B – ACDBE PROGRAMS**

### **Section 23.21 ACDBE Program Updates**

CVG is a medium-hub primary airport required to have an ACDBE program.

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

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

This ACDBE program will be implemented at CVG in Boone County, Kentucky.

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

### **Section 23.23 Administrative Provisions**

**Policy Statement:** KCAB is committed to operating its ACDBE program in a nondiscriminatory manner.

KCAB's Policy Statement is elaborated on the first page of this program.

**ACDBE Liaison Officer (ACDBELO):** KCAB has designated the following individual as KCAB's ACDBELO:

Kirstin Kempf  
Business Administration Associate  
DBE/ACDBE Liaison Officer  
Cincinnati / Northern Kentucky International Airport (CVG)  
Kenton County Airport Board  
P.O. Box 752000  
Cincinnati, OH 45275  
[kkempf@cvgairport.com](mailto:kkempf@cvgairport.com)  
Phone: 859-767-1421

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that KCAB complies with all provision of 49 CFR Part 23. The ACDBELO has direct, independent access to the CEO concerning ACDBE program matters. An organizational chart displaying the ACDBELO's position in the organization is found in Attachment 1 to this program.

The ACDBELO is responsible for developing, implementing and monitoring the ACDBE program in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by FAA or DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
5. Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals)

6. Determines bidder/contractor compliance with good faith efforts.
7. Analyzes KCAB's progress toward attainment and identifies ways to improve progress.
8. Participates in pre-bid meetings.
9. Advises the CEO/governing body on ACDBE matters and achievement.
10. Provides ACDBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in ACDBE training seminars.
12. Acts as liaison to the Unified Certification Program (UCP) in Kentucky.
13. Provides outreach to ACDBEs and community organizations to advise them of opportunities.

Directory: The Kentucky Transportation Cabinet's Office for Civil Rights & Small Business Development Unified Certification Program ("KYTCUCP") maintains a directory identifying all firms eligible to participate as ACDBEs and DBEs (the "Directory"). The Directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as an ACDBE.

The KYTCUCP will ensure that the Directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. The KYTCUCP will make any changes to the current directory entries necessary to meet the requirements of this paragraph.

The KYTCUCP revises the Directory monthly and is available online at <http://transportation.ky.gov/Civil-Rights-and-Small-Business-Development/Pages/default.aspx>

The Directory link may also be found in Attachment 2 to this program document (26.31).

KCAB also maintains multiple links to the Office for Civil Rights & Small Business Development website and the directory on the KCAB maintained website.

### **Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs**

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

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

KCAB's overall goal methodology and a description of the race-neutral measures it will use to meet the goals are described in Section 23.25 and Attachment 5 of this plan. The goals are set consistent with the requirements of Subpart D. (23.25(b), (d))

If KCAB projects that race-neutral measures alone, are not sufficient to meet an overall goal, it will use race-conscious measures as described in Section 23.25 (e) (1-2) and Attachment 5 of this plan. (23.25(e))

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

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

## **Section 23.27 Reporting**

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

Beginning December 1, 2020, we will submit to the FAA Regional Civil Rights Office, an annual ACDBE participation report on the form in Appendix A of Part 23.

## **Section 23.29 Compliance and Enforcement Procedures**

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

1. KCAB will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that the DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. KCAB will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment "3" lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the ACDBE regulation by a participant in our ACDBE Program.
3. KCAB will provide a monitoring and enforcement mechanism to ensure that the concession or work committed to ACDBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the ACDBEs to which the work was committed. KCAB will monitor program compliance simultaneously with periodic audits and regular inspections of the concession location(s) and performance under the agreement. KCAB will include the following provisions in its concessions agreements:

Reporting: In a format prescribed by the Board, Concessionaire must submit the following information annually for the previous federal fiscal year, October through September, no later than March 1 of the following calendar year: (1) the names and contact information of ACDBE firms participating in the contract; (2) a description of the goods and/or services applicable NAICS code(s) that each ACDBE firm performed; (3) the dollar amount of the participation of each ACDBE firm; (4) written and signed confirmation from the ACDBE that it is participating in the concession as provided in Concessionaire's report; (5) identifying whether any ACDBE firms participating are new for the federal fiscal year being reported; (6) the total number of vendors/suppliers utilized under the contract at the Airport along with the total amount spent on goods and services; (7) the total number of vendors/suppliers which are new for the federal fiscal year being reported along with the amount spent with these new vendors/suppliers; and, (8) if the ACDBE participation promised is not met, provide evidence of good faith efforts as indicated in Appendix A of 49 CFR Part 26.

Monitoring and Enforcement: Concessionaire must implement appropriate mechanisms to ensure compliance with the requirements of 49 CFR Part 23, regulations of the U.S. Department of Transportation, and KCAB's most current ACDBE Program, including any

updates or revisions. Concessionaire must include a monitoring and enforcement mechanism to verify that the work committed to an ACDBE is actually performed by the ACDBE.

KCAB reserves the right, at any time during the term of this Agreement to request additional information, documentation, or verification of payments made for goods and services in connection with this Agreement. Concessionaire must provide KCAB access to the necessary records for the purpose of investigating and determining compliance, including, but not limited to, records, records of expenditures, contracts between Concessionaire and the ACDBE participants, and other records pertaining to ACDBE participation, which Concessionaire must maintain for a minimum of 3 years following the termination of this Agreement.

If Concessionaire fails to comply with the ACDBE Program, applicable regulations, or to meet the ACDBE Goal or demonstrate good faith efforts to do so, KCAB may: pursue any available remedy; terminate, suspend, or cancel this Agreement in whole or in part; and/or, suspend or debar Concessionaire from eligibility to contract with KCAB in the future unless Concessionaire demonstrates, within a reasonable time as determined by KCAB, it complies with the terms of the ACDBE Program and this Agreement or demonstrates, in KCAB's sole discretion, good faith efforts to comply.

4. KCAB will implement a mechanism that will provide for a running tally of actual ACDBE attainments (e.g., revenues earned by or payments actually made to ACDBE firms), including a means of comparing these attainments to commitments. In our reports of ACDBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form. This will be accomplished by monitoring ACDBE reported revenues as determined by the appropriate Administrative Board staff.

### **SUBPART C – CERTIFICATION AND ELIGIBILITY**

**Section 23.31** The procedures and standards of Part 26, except as provided in 23.31, is applicable for certification of ACDBEs to participate in KCAB's concessions program and these standards are incorporated in this program. KCAB is a member of a Unified Certification Program (UCP) administered by the Commonwealth of Kentucky Transportation Cabinet KYTC) which will make certification decisions on behalf of KCAB for ACDBEs.

All certification procedures will be handled through the KYTC pursuant to the August 9, 2010 Agreement Establishing a Unified Certification Program for Disadvantaged Business Enterprises in the Commonwealth of Kentucky between KCAB and the KYTC.

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

KENTUCKY TRANSPORTATION CABINET  
200 Mero Street  
Frankfort, KY 40622  
Phone: (502) 564-4890

<http://transportation.ky.gov/Civil-Rights-and-Small-Business-Development/Pages/default.aspx>

KCAB will treat a firm as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous three fiscal years do not exceed \$56.42 million for non-car rental ACDBEs and \$75.23

million for car rental ACDBEs. The size standard for banks and other financial institutions is \$1 billion in assets, for pay telephone companies is 1,500 employees, and for ACDBE automobile dealers is 350 employees.

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

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

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

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

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

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

KCAB will presume that a firm that is certified as a DBE under part 26 is eligible to participate as an ACDBE. However, before certifying such a firm, KYTCUCP will ensure that the disadvantaged owners of a DBE certified under part 26 are able to control the firm with respect to its activity in KCAB's concessions program. KYTCUCP is not obligated to certify a part 26 DBE as an ACDBE if the firm does not perform work relevant to our concessions program (23.37).

KCAB recognizes that the provisions of part 26, sections 26.83(c) (2-6) do not apply to certifications for purposes of part 23.

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

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

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



To report participation KCAB will submit the Uniform Application Form found on the FAA Civil Rights Connect online system according to Part 26 with additional instruction as stated in 23.39(g).

**SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

**Section 23.41 Basic Overall Goal Requirement**

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

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

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

**Section 23.43 Consultation in Goal Setting**

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

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

**Section 23.45 Overall Goals**

CVG is a medium-hub primary airport. As a condition of eligibility for FAA financial assistance, KCAB will submit its overall goals (as of this goal) according to the following schedule:

<b>Primary Airport Size</b>	<b>Region</b>	<b>Date Due</b>	<b>Period Covered</b>	<b>Next Goal Due</b>
<b>Large/Medium Hubs</b>	<b>All regions</b>	<b>October 1, 2020</b>	<b>2021/2022/2023</b>	<b>October 1, 2023 (2024/2025/2026)</b>

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

appropriate adjustment to our overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity (23.45i).

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

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

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

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

The breakout of estimated race-neutral and race-conscious participation can be found with each goal methodology in Attachments 4 and 5 to this program. This section of the program will be reviewed annually when the goal calculation is reviewed under 23.41(c).

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

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

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

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

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

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

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

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

### **Section 26.53 Good Faith Efforts Procedures**

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

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

KCAB's ACDBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

KCAB will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

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

In our solicitations for concession contracts for which a contract goal has been established, KCAB will require the following:

- (1) Award of the contract is conditioned on meeting the requirements of this section.
- (2) All bidders or offerors will be required to submit the following information to KCAB, at the time provided in paragraph (b)(3) of this section:
  - (i) The names and addresses of ACDBE firms that will participate in the contract;
  - (ii) A description of the work that each ACDBE will perform. To count toward meeting a goal, each ACDBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
  - (iii) The dollar amount of the participation of each ACDBE firm participating;
  - (iv) Written documentation of the bidder/offeror's commitment to use an ACDBE sub-concession whose participation it submits to meet a contract goal; and,
  - (v) Written confirmation from each listed ACDBE firm that it is participating in the contract in the kind and amount of work provided in the prime concessionaire's commitment; or,
  - (vi) if the contract goal is not met, evidence of good faith efforts (see Appendix A of this part). The documentation of good faith efforts must include copies of each ACDBE and non-ACDBE

sub-concession quote submitted to the bidder when a non-ACDBE sub-concession was selected over an ACDBE for work on the contract.

- (3) KCAB will require that the bidder/offeror present the information required by paragraph (b)(2) of this section under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures;

#### Administrative reconsideration (26.53(d))

Within ten (10) business days of being informed by Kenton County Airport Board that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Mr. Scott Gibbons, Vice President of Administration  
77 Comair Blvd  
Erlanger, KY 41018  
(859)767-4793  
Email: sgibbons@cvgairport.com

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

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

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

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

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

KCAB will provide such written consent only if KCAB agrees, for reasons stated in a concurrence document, that the prime concession has good cause to terminate the ACDBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed ACDBE sub-concession fails or refuses to execute a written contract;
- (2) The listed ACDBE sub-concession fails or refuses to perform the work of its sub-concession in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the ACDBE sub-concession to perform its work on the sub-concession results from the bad faith or discriminatory action of the prime concession;

- (3) The listed ACDBE sub-concession fails or refuses to meet the prime concession's reasonable, non-discriminatory bond requirements;
- (4) The listed ACDBE sub-concession becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed ACDBE sub-concession is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) KCAB has determined that the listed ACDBE sub concession is not responsible;
- (7) The listed ACDBE sub-concession voluntarily withdraws from the concession and provides written notice to KCAB of its withdrawal;
- (8) The listed ACDBE is ineligible to receive ACDBE credit for the type of work required;
- (9) An ACDBE owner dies or becomes disabled with the result that the listed ACDBE concession is unable to complete its work on the contract;
- (10) Other documented good cause that we have determined compels the termination of the ACDBE sub-concession. Provided, that good cause does not exist if the prime concession seeks to terminate an ACDBE it relied upon to obtain the contract so that the prime concession can self-perform the work for which the ACDBE concession was engaged or so that the prime concession can substitute another ACDBE or non-ACDBE concession after contract award.

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

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

KCAB will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its work on a concession with another certified ACDBE. These good faith efforts must be directed at finding another ACDBE to perform at least the same amount of work under the concession contract as the ACDBE that was terminated, to the extent needed to meet the concession contract goal that we established for the procurement. The good faith efforts must be documented by the concessionaire. If KCAB requests documentation from the concessionaire under this provision, the concessionaire shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the concessionaire, and KCAB will provide a written determination to the concessionaire stating whether or not good faith efforts have been demonstrated.

KCAB will include in each prime concession contract the contract clause required by § 26.13(b) stating that failure by the concessionaire to carry out the requirements of this part is a material breach of the contract and may result in the termination of the concession contract or such other remedies set forth in that section that KCAB deems appropriate if the prime concessionaire fails to comply with the requirements of this section.

If the concessionaire fails or refuses to comply in the time specified, KCAB's contract manager will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the concessionaire still fails to comply, the contract manager may issue a termination for default proceeding.

Each solicitation for which a contract goal is established will include a provision requiring a bidder/offeror submit information concerning ACDBE participation. Therefore, the following provisions stating the specific contract goal will be included in such solicitation and contract documents:

The requirements of 49 CFR Part 23, Regulations of the U.S. Department of Transportation, apply to this concession. It is the policy of the Board to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as an ACDBE. A DBE contract goal of # percent has been established for this concession. The concession firm shall make good faith efforts, as defined in 49 CFR Part 26 Appendix A, to meet the concession specific goal for ACDBE participation in the performance of this concession.

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

### **Section 23.53 Counting ACDBE Participation for Car Rental Goals**

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

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

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

**Section 23.57 (b) Goal shortfall accountability.** If the awards and commitments on our Uniform Report of ACDBE Participation at the end of any fiscal year are less than the overall goal applicable to that fiscal year, KCAB will:

- (1) Analyze in detail the reasons for the difference between the overall goal and KCAB's participation in that fiscal year; and,
- (2) establish specific steps and milestones to correct the problems KCAB identified in the analysis to enable KCAB to fully meet the goal for the new fiscal year.

### **Section 23.61 Quotas or Set-asides**

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

## **SUBPART E – OTHER PROVISIONS**

### **Section 23.71 Existing Agreements**

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

### **Section 23.73 Privately-Owned or Leased Terminal Buildings**

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

### **Section 23.75 Long-Term Exclusive Agreements**

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

### **Section 23.79 Geographic Preferences**

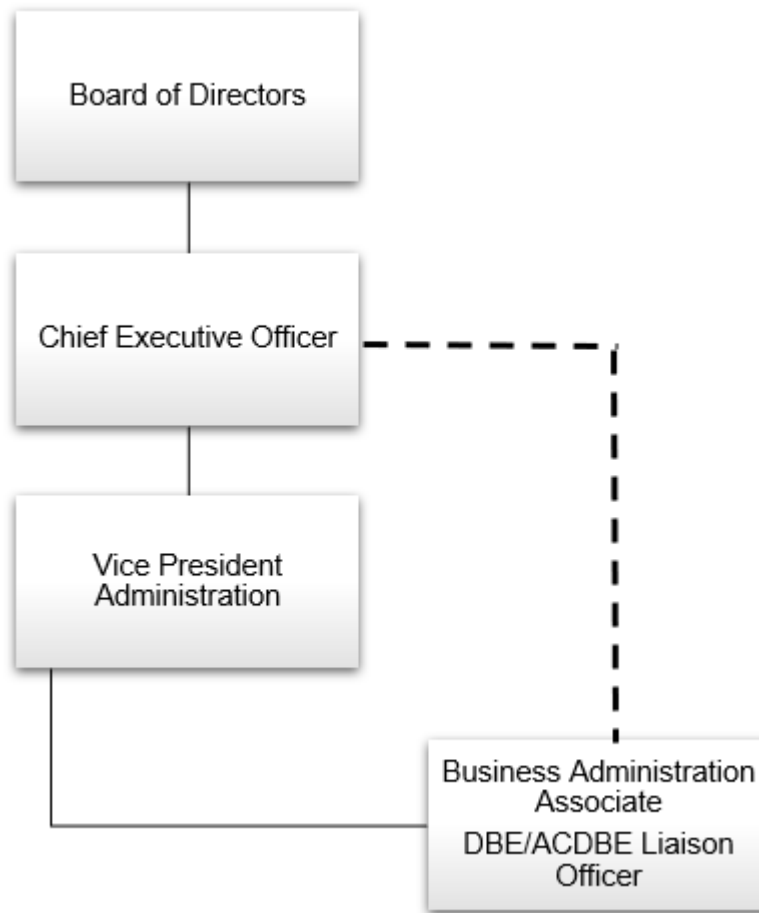
KCAB will not use a “local geographic preference”, i.e., any requirement that gives an ACDBE located in the Cincinnati/Northern Kentucky area an advantage over ACDBEs from other places in obtaining business as, or with, a concession at CVG.

## **ATTACHMENTS**

Attachment 1	Organizational Chart
Attachment 2	DBE/ACDBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal for Concessions other than Car Rental Calculation, Consultation, Breakout of Estimated Race-Neutral & Race- Conscious Participation
Attachment 5	Overall Goals for Car Rentals Calculation, Consultation, Breakout of Estimated Race- Neutral & Race- Conscious Participation
Attachment 6	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 7	Certification Application Forms
Attachment 8	Regulations: 49 CFR Part 23



**Attachment 1**  
**Organizational Chart**



## **Attachment 2**

### DIRECTORY

The directories of DBE and ACDBE certified firms in Kentucky is available at:

<http://transportation.ky.gov/Civil-Rights-and-Small-Business-Development/Pages/default.aspx>

### **Attachment 3**

#### **Monitoring and Enforcement Mechanisms**

KCAB has several remedies available to enforce the ACDBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Similar action pursuant to Kentucky revised Statutes;
3. Responsibility determinations in future bids/contracts; and,
4. Violation of the Rules and Regulations of KCAB

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

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

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

1. All participants are hereby notified that pursuant to Title 49 Code of Federal Regulations, United States Department of Transportation, Part 26 and the ACDBE Participation Program for KCAB must affirmatively ensure that, in any contract entered into with the Sponsor; ACDBEs will be afforded equal opportunity to participate in sub-concession activities. It is the policy of KCAB to ensure that ACDBEs, as defined in Part 23/Part 26, have an equal opportunity to receive and participate in FAA-assisted contracts. It is further the policy of KCAB to ensure nondiscrimination in the award and administration of FAA-assisted contracts.
2. All contracts between KCAB and a concessionaire will contain an appropriate provision to the effect that failure by the concessionaire to comply with KCAB's ACDBE Program constitutes a breach of contract, exposing the concessionaire to a potential termination of the contract or other appropriate remedy, including withholding of funds, until such time as the concessionaire complies with all the ACDBE requirements of this program. KCAB may impose liquidated damages, contract suspension, or even contract termination in accordance with Kentucky law.
3. All documentation submitted at time of proposal, as well as additional data provided by the successful proposer, is considered part of the contract documents. Any alterations, substitutions, deletions, etc., to data provided at time of submission must have prior approval of KCAB's ACDBE Liaison Officer.
4. Should an ACDBE firm not certified by the Kentucky Transportation Cabinet be proposed by a potential concession as a part of its ACDBE plan efforts, review and certification procedures consistent with 49 CFR Part 23 must be conducted prior to award of any contract.

5. In contracts with ACDBE contract goals, proposals submitted which do not meet the ACDBE contract goals, and which do not show that a meaningful good faith effort was made to achieve the stated goals, will be considered nonresponsive, and the proposer will be notified of the deficiency and given opportunity to appeal to the Administrative Reconsideration Official (49 CFR 23). Proposer will not be eligible for award of the contract until the appeal procedures are complete. The Administrative Reconsideration Official will make the determination on the sufficiency of the good faith efforts.
6. KCAB reserves the right to reject any or all bids, or to re-advertise for bids. A submittal will not be considered responsive unless the proposer complies with Title 49 Code of the Federal Regulations, Part 23, and KCAB's ACDBE Program.
7. KCAB will require primes to make good faith efforts to replace an ACDBE sub-concession that is terminated or fails to complete its work on the contract for any reason with another ACDBE sub-concession. If an ACDBE sub-concession is terminated or fails to complete its work on the contract for any reason, the prime must notify the Sponsor immediately. These good faith efforts shall be directed at finding another ACDBE to perform at least the same amount of work under the contract as the ACDBE that was terminated, to the extent needed to meet the established contract goal. KCAB must first approve all substitutions prior to contract award and during contract performance in order to ensure that the substitute firms are eligible ACDBEs.
8. Additional information on the KCAB's ACDBE Program can be obtained from the ACDBE Liaison Officer.
9. KCAB will also implement a monitoring and enforcement mechanism to ensure that work committed to ACDBEs at contract award is actually performed by ACDBE's. This mechanism will provide for a running tally of actual ACDBE attainments (e.g., revenues earned or payments actually made to ACDBE firms), including a means of comparing these attainments to commitments.
10. KCAB will bring to the attention of the US Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26. 109.
11. KCAB also will consider similar action under its own legal authority, including responsibility determinations in future contracts. In addition, the Sponsor will apply legal and contract remedies under state and local law. This includes, for example, applying liquidated damages, withholding payments, etc.

## Attachment 4

### Section 23.45: Overall Goal Calculation for Concessions Other Than Car Rentals

**A. Amount of Goal:** 6.90%

**B. Name of Recipient:** Kenton County Airport Board (KCAB) for the Cincinnati/Northern Kentucky International Airport (CVG)

**C. Goal Period:** FFYs 2021-2023 (October 1, 2020 through September 30, 2023)

**D. Overall Three-Year Goal:** 6.90%, to be accomplished 3.34% through race-neutral measures and 3.56% through race-conscious measures.

**E. Methodology Used to Calculate Overall Goal:**

**Market Area.** KCAB's market area is National for non-rental car concessions. This is the geographical area in which the substantial majority of firms which seek to do concessions business with CVG are located and the geographical area in which the firms receiving a substantial majority of concessions related revenues are located.

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

**Management Contract or Subcontract.** KCAB can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. KCAB, and the concessions at the Airport, will add the dollar amount of a management contract or subcontract with an ACDBE to the total participation by ACDBEs in airport concessions (both the numerator AND the denominator) and to the base from which the Airport's percentage goal is calculated. However, the dollar amount of a management contract or subcontract with a non-ACDBE and the gross revenue of business activities to which the management contract or subcontract pertains will not be added to this base in either the numerator or denominator.

**Base of Non-rental car Goal.** To calculate the base of the goal, KCAB considered the previous three years of non-rental car gross concession receipts (shown in Table 1) and projected potential concession revenue (gross receipts) three years into the future (shown in Table 2).

**Table 1 –Gross Receipts for Previous 3 Years**

Federal Fiscal Year	Concession Revenue (Excluding Car Rentals)
2017	\$ 49,151,176
2018	\$ 45,476,720
2019	\$ 53,722,521
<b>Total</b>	<b>\$148,350,417</b>
<b>Average</b>	<b>\$ 49,450,139</b>

Source: CVG Uniform Reports of ACDBE Participation, FFYs 2017, 2018 and 2019

**Table 2 – Projected Gross Receipts for FFYs 2021 – 2023**

Federal Fiscal Year	Estimated Concession Revenue (Excluding Car Rentals)
2021	\$ 19,642,100
2022	\$ 45,018,451
2023	\$ 45,918,819
<b>Total</b>	<b>\$110,579,370</b>
<b>Average</b>	<b>\$ 36,859,790</b>

Source: CVG concessions sales estimates, FFYs 2021, 2022 and 2023

KCAB estimates that revenues to existing concessions will decrease by 25.46% over the next three years due to the impacts of COVID-19. Therefore, KCAB's base of goal is 36,859,790, the average of projected gross receipts.

New concession opportunities are not anticipated during this goal period. Estimated gross receipts from existing concessions are \$110,579,370.

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

If a new concession opportunity arises prior to the end of this goal period and the estimated average of annual gross revenues are anticipated to be \$200,00 or greater, KCAB will submit to the FAA an appropriate adjustment to the overall goal. This will be submitted to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity. (23.45(i)).

**Step 1: Base Figure (\$23.51(c)).** As shown in Table 3, the base figure of 7.62% for non-rental car concessions was calculated by dividing the estimated non-rental car gross receipts from ACDBEs by the estimated gross receipts from all non-rental car concessions.

**Table 3 - Base Figure Calculation**

Concession Category	Estimated Total Gross Receipts	ACDBE \$s of Total Estimated Gross Receipts	ACDBE Participation %
Advertising	\$ 2,024,361	\$2,024,361	100.00%
Food and Beverage	\$ 60,773,678	\$ 688,256	1.13%
News and Gifts	\$ 23,871,466	\$3,580,720	15.00%
Shoe Shine	\$ 33,305	-	-
Specialty Retail	\$ 21,826,432	\$2,133,915	9.97%
Vending	\$ 2,050,128	-	-
Parking Management Services	\$ 2,831,000	\$2,831,000	100.00%
<b>TOTAL/ FFYs 2021-2023 BASE FIGURE</b>	<b>\$110,579,370</b>	<b>\$8,427,252</b>	<b>7.62%</b>

**Step 2: Adjustment to the Base Figure (§23.51(d)).** Step two of the goal setting process requires an assessment of whether an adjustment to the base figure is necessary to reflect as accurately as possible the level of ACDBE participation expected to be achieved, or to provide an explanation of why an adjustment to the base figure was not made.

The following data was examined to determine whether an adjustment to the Step 1 base figure was needed in order to arrive at the overall goal:

**Past Participation.** Past ACDBE achievements from FFYs 2015 through 2019 were examined. As shown in Table 4 below, median past ACDBE participation in CVG’s concessions other than car rental concessions for that period was -0.72%.

**Table 4 – Past Participation Achievements**

ACDBE Goals				ACDBE Achievements		
FFY	RC	RN	Total	RC	RN	Total
2015	0.60%	3.72%	4.32%	0.14%	0.64%	0.78%
2016	0.60%	3.72%	4.32%	0.39%	0.47%	0.87%
2017	0.60%	3.72%	4.32%	0.20%	2.44%	-2.64%
2018	5.20%	1.50%	6.70%	0.40%	1.95%	-2.35%
2019	5.20%	1.50%	6.70%	3.27%	3.16%	-0.27%
<b>Median ACDBE Past Participation = -0.72%</b>						

Sources: CVG 2018-2020 Goal Methodology; Uniform Reports of ACDBE Participation, FFYs 2017 through 2019

**F. Proposed Overall Goal.** To arrive at an overall goal, the Step 1 base figure (7.62%) was added to the Step 2 adjustment figure (-0.72%) and then averaged, arriving at an overall goal of 6.90%.

KCAB will review its overall non-rental car goal annually to determine whether it is appropriate or can be adjusted. KCAB will inform the FAA of any significant adjustments to the goal before the next scheduled plan submission.

**G. Consultation with Stakeholders (§23.43).** Prior to submitting the ACDBE goal for non-rental car concessions to the FAA, KCAB sponsored a virtual stakeholder consultation meeting on November 19, 2020 at 11:00 a.m. (ET) to consult with minority and women’s business groups, community organizations, trade associations representing concessionaires currently located at the airport, as well as with existing and potential concessionaires, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs, and CVG’s efforts to increase participation of ACDBEs. Please see Exhibit 1 for the meeting invitation and Exhibit 2 for the invitation list.

Individuals representing the following organizations participated in the consultation meeting:

Kirstin, Kempf, CVG	Griffin Meltzer, KYPTAC
Dave Kellerman, CVG	Nancy Brown, KYPTAC
Paul Hegedus, CVG	Christopher Buttine, Avis Budget
Tara Walker, DBE Administrator, SORTA Metro	Juleda Stoltz, ODOT
Bridget Biagas, SP Plus	Dan Murray
Jeff Cook, SP Plus	Mitch Murphy, Executive Transportation
Sydney Peruzzato, Avis Budget	Nancy West, Exstare Federal Services

At the stakeholder meeting, Nancy West (CVG’s ACDBE program consultant who prepared the proposed FFYs 2021-2023 proposed goals) presented the objectives of the ACDBE program, and the methodology utilized to develop the proposed 6.90% goal for ACDBE participation in CVG’s non-rental car concessions. The consultant discussed USDOT regulatory requirements and guidance that was used in preparing the ACDBE goals, as well as the requirements for stakeholder consultation on the proposed goals. She explained that the market area in which CVG awarded most of its non-rental car concessions dollars, and where the majority of businesses seeking CVG non-rental car concession opportunities are located were not necessarily the local area surrounding the Airport. For example, food and beverage concessions could be a national market area, while shoe shine concessions could be local, regional or national. The consultant then explained the two-step goal setting process. The proposed 6.90% goal was calculated based on the estimated revenues from existing concessions since new contracts were not anticipated during this goal period. The proposed 6.90% goal was anticipated to be achieved from 3.34% race-neutral participation and 3.56% from race-conscious participation. The consultant explained how the race-neutral/race-conscious split had been determined. Kirstin Kempf (CVG’s ACDBE Liaison Officer) then gave an overview of how and where to obtain ACDBE certification, both in a company’s home state and in the state of Kentucky.

Participants in the stakeholder meeting did not have any questions or comments. They were encouraged to review CVG’s ACDBE Plan and methodology document, and the meeting presentation posted on CVG’s website at <https://cvgairport.com/about/biz/dbe>. Participants were also asked to provide any written comments they may have.



## **H. Breakout of Estimated Race-Neutral & Race Conscious Participation (\$23.51)**

KCAB estimates that, in meeting its overall goal of 6.90%, we will This breakout of race-neutral (RN) and race-conscious (RC) ACDBE participation was calculated by dividing estimated race-neutral ACDBE gross receipts by estimated total gross receipts, then subtracting the race neutral projection from the overall goal amount.

$$\begin{aligned} \$3,696,841 \div \$110,579,370 &= 3.34\% \text{ RN} \\ 6.90\% - 3.34\% &= 3.56\% \text{ RC} \end{aligned}$$

KCAB will meet the maximum feasible portion of its overall goal by using the following race-neutral means of facilitating ACDBE participation. KCAB understands it is expected to actually take these steps, and this is not merely a paper exercise.

1. Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;
2. Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
3. When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;
4. Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing;
5. Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how KCAB's ACDBE program will affect the procurement process; and
6. Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.

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

1. Establishing concession-specific goals for particular concession opportunities.
2. To be eligible to be awarded the concession, requiring competitors to make good faith efforts, either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so.

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

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

## Exhibit 1

**From:** [Kirstin Kempf](#)  
**To:** [dbe comments](#)  
**Cc:** [Nancy West](#)  
**Subject:** Stakeholder Meeting - Proposed FFYs 2021-2023 ACDBE Goals for CVG Airport  
**Date:** Wednesday, November 11, 2020 10:47:46 AM

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Dear Colleagues,

Every three years, recipients of Federal Aviation Administration (FAA) funds must prepare overall goals for Airport Concession Disadvantaged Business Enterprise (ACDBE) participation in (1) concessions other than car rental concessions; and (2) car rental concessions. The goals represent the overall percentage of ACDBE participation an airport anticipates achieving during a three-year period. The proposed ACDBE goals for CVG for FFYs 2021 – 2023 are:

Concessions other than car rental: 6.90%

Car rental concessions: 1.00%

Before the Kenton County Airport Board (KCAB), operator of CVG, submits its proposed ACDBE goals for FFYs 2021-2023 to FAA for review, we invite you to participate in a virtual stakeholder consultation meeting. During this session KCAB will present an overview of the ACDBE program and the methodology used to arrive at the proposed goals. KCAB will also solicit from attendees any information concerning the availability of ACDBEs, the effects of discrimination on opportunities for ACDBEs, and KCAB's efforts to increase participation of ACDBEs. Any feedback received will be evaluated and adjustments, if necessary, may be made to the overall ACDBE goals submitted to the FAA. The draft ACDBE Plan can be found on our website at : <https://cvgairport.com/about/biz/dbe>

The meeting will be held:

- Date: Thursday, November 19th, 2020
- Time: 11:00 a.m. – 12:00 p.m. ET
- [Click here to join the meeting](#)  
[Learn More](#) | [Meeting options](#)

Please RSVP to [dbecomments@cvgairport.com](mailto:dbecomments@cvgairport.com) to reserve your spot in this meeting. Please note that this invitation is specific to each recipient; if you are not the appropriate contact for your organization please reply to this email with the best contact within your organization. Please also feel free to forward this meeting invitation to other individuals, businesses and professional organizations that you believe would want to attend this meeting. Thanks in advance for your participation.

**Kirstin Kempf**

Business Administration Associate | Kenton County Airport Board  
Cincinnati/Northern Kentucky International Airport (CVG)  
P: (859) 767-1421

## Exhibit 2

### CVG ACDBE FFY 2021-2023 Stakeholder Consultation Invite List

Last	First	Company	Email
LaRocque	Tim	Paradies	tim.larocque@paradies-na.com
Stoltz	Juleda	ODOT Regional Outreach Manager	juleda.stoltz@dot.ohio.gov
Lang	Regina	METRO	rlang@go-metro.com
Hendrick	Jennifer	EAN Holdings	jennifer.l.hendrick@ehi.com
Buttine	Christopher	Avis Budget	christopher.buttine@avisbudget.com
Kennedy	Jason	Avis Budget	jason.kennedy@avisbudget.com
Griffin	Sharon	Hertz	sgriffin@hertz.com
Smith	Michael	SP Plus	mjsmith@spplus.com
Tedesco	Renee	Paradies	renee.tedesco@paradies-na.com
Loden	Brian	HMS Host	bryan.loden@hmshost.com
Erickson	Denise	Duty Free Americas	derickson@dutyfreeamericas.com
Felany	Toni	Hudson Group	tfelany@hudsongroup.com
Slade	TJ	Paradies	tj.slade@paradies-na.com
Taub	Mark	Natalie's Candy	mark@nataliescandy.com
Taub	Cielo	Natalie's Candy	cielo@nataliescandy.com
Brunckhorst	Heather	Forever Heather	heather@foreverheather.com
		Relax Massage Bar	relax@massagebar.com
Redus	Darrin	Cincinnati Chamber	dredus@cincinnati-chamber.com
Marston	Susan	TSMSCD	smarston@tsmscd.net
Davis	Deborah	African American Chamber	deborah@african-americanchamber.com
Hardy	Damien	Ohio MSDC	dhardy@ohiomscd.org
Ward	Dennis	Executive Transportation	dward@executive-transportation.org
Peters	Demarcus	METRO	dpeters@go-metro.com
Bolden	Terry	ODOT	terry.bolden@dot.ohio.gov
Youseffi	Tony	Kentucky Transportation Cabinet, Office of Diversity, Equality & Training	tyouseffi@ky.gov
Sanchez	Andres	Hispanic Chamber Cincinnati	asanchez@hispanicchambercincinnati.com
Henderson	Darral	KYPTAC	dhenderson@kstc.com
Brown		Ohio River Valley Women's Business Council	mbrown@orvwbc.org
Rajaiah	Daniel	Indian Chamber Cincinnati	daniel@indianchambercincinnati.org
Bath	Gina	NKY Chamber	gbath@nkychamber.com
Davis		GCCC	cdavis@gccc.com
Golden	A	Cincinnati Chamber	agolden@cincinnati-chamber.com
Davis	Jamir	KYTC	jamir.davis@ky.gov
Saunders	Leslie	Leslie Saunders Insurance Agency	dbe@lesliesaunders.com
Poole	Sheldon	JQ Enterprises	spoole@jqinc.com
Brown	Alvin	Airport Field Services	ahbrown@airportfieldservices.com
Bensen	Leslie	Departure Media	info@departure-media.com

Hoose	Janet	Fuel Facility Management	janethoose@bellsouth.net; janethoose@ffmairport.com
Usher	Eric	Heraclius	heracliususa@gmail.com
Jones	Jami	Longhouse Inventory Solutions	jami@longhouseinventorysolutions.com
Mandani	Irfan	NY Ice Cream	nyic05@yahoo.com
Raheem	Shahbaz	Summit Paper Company	alia@summitpaper.com
Wendt	Susan	Wendt Productions	swendt@wendtproductions.com
Glenn	Ebon	Aimhigh ESG	ebon@ahesg.com
Searcy	Darrell	Chandler & Campbelle Investment Group LLC	darrell@chandlercampbelle.com
Ivey	Alicia	Diversified Concessions Group	ami@dconcessions.com
Vakharia	Tasneem	First Class Concessions	vakharia@firstclassconcessions.com
Leopold	Anita	Flying Leap	anita_l@bellsouth.net
Darring	Hal	Global Parking System of Indiana	hdarring@globalparkingsysteminc.com
Brooks	Marc	Hyde Park Hospitality	marc@hydeparkhospitality.com
Schablik	Ayse	Meals and More	austunkaya@hotmail.com
Taylor	Homer	Taylor Food Service	homtaylor@aol.com
McLaurine	Mark	Tremark Development	mmclaurine@tremarkdevelopment.com
Jacqueline	Neal	Ohio Minority Supplier Development Council	jneal@ohiomcdc.org
Moning	Mary Beth	Metro, Southwest Ohio Regional Transit Authority	mmoning@go-metro.com
Bynes	Melvin	Kentucky Transportation Cabinet	Melvin.bynes2@ky.gov
			info@african-americanchamber.com
Louis	Lynn	Ohio Minority Supplier Development Council	llouis@ohiomcdc.org
Sanchez	Vanessa	Ohio River Valley Women's Business Council	vsanchez@wbec-orr.org
Taylor	Myrna	Ohio River Valley Women's Business Council	mtaylor@wbec-orr.org
Mixon	Sheila	Ohio River Valley Women's Business Council	smixon@wbec-orr.org
Wallace	Shelly	Xavier Leadership Center	wallaces2@xavier.edu
Barnes	Anthony	Airport Minority Advisory Council	abarnes@amac-org.com
			Info@noirbcc.org
			director@nawbokentucky.org
Ransom	Lisa	CVG	lransom@cvgairport.com
Collins	Kathy	CVG	kcollins@cvgairport.com
Carper	Archie	CVG	acarper@cvgairport.com
Kellerman	Dave	CVG	dkellerman@cvgairport.com
Hegedus	Paul	CVG	phegedus@cvgairport.com
Walker	Tara	DBE Administrator, SORTA Metro	twalker@go-metro.com
Cook	Jeff	SP Plus	jcook@spplus.com
Peruzzato	Sydney	Avis Budget	sydney.peruzzato@avisbudget.com
Rutherford	Shaina	Hertz Dollar Thrifty	srutherford@hertz.com
Biagas	Bridget	SP Plus	bbiagas@spplus.com
Melzer	Griffin	KYPTAC	gmelzer@kstc.com
Brown	Nancy	KYPTAC	nbrown@kstc.com

## Attachment 5

### Section 23.49: Overall Goal Calculation for Car Rentals

- A. **Amount of Goal:** 1.00%
- B. **Name of Recipient:** Kenton County Airport Board (KCAB) for the Cincinnati/Northern Kentucky Airport (CVG)
- C. **Goal Period:** FFYs 2021-2023 (October 1, 2020 through September 30, 2023)
- D. **Overall Three-Year Goal:** 1.00%, to be accomplished through race-neutral measures.
- E. **Methodology Used to Calculate Overall Goal**

**Market Area.** KCAB's market area for car rental concessions is National. This the geographical area in which the substantial majority of firms which seek to do concessions business with CVG are located and the geographical area in which the firms receiving the substantial majority of concessions related revenues are located.

**Goods and Services.** KCAB determined the goal based on purchases of goods and services from certified ACDBEs or potential/ACDBE firms in lieu of a goal based upon a percentage of total gross receipts of car rental operations at the Airport. KCAB will make a good faith effort to pursue opportunities to meet the goal. We will continue to consult with the Kentucky UCP, our car rentals at the airport, airports in our region, minority and women businesses in the State and other publications to find prospects. We will work with our car rental agencies and outreach to ACDBEs for car rental goods and services and encourage certified ACDBEs to apply for certification in Kentucky so we can count the ACDBE participation in goals and uniform form reports. The Kentucky UCP is aware of this requirement and is on board to assist and process certifications as required.

Alamo, Avis, Budget, Dollar, Enterprise, Hertz, National, Payless and Thrifty currently operate at CVG. These car rental companies<sup>1</sup> stated that the goods and services they may need are: automobile parts and equipment, automobile repair services, car wash/detail services, insurance, office and paper supplies, landscaping services, snow removal, oil change services, payroll services, towing services, security services, tires, uniforms, fuel, janitorial services, insurance, computer supplies, pest control, security equipment, phones, consulting services, garage equipment repair, tires, plumbing, consulting, and key blanks.

**Base of Car Rental Goal.** To calculate the base of the goal, CVG considered the previous three years of car rental goods and services purchases (shown in Table 1) and the car rental companies' projected goods and services purchases three years into the future (shown in Table 2).

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<sup>1</sup> Avis Budget Group; Enterprise Holdings; Hertz

**Table 1 - Goods and Services Purchases for Previous 3 Years**

FFY	Total Goods & Services Purchases
2017	\$ 70,236,039
2018	\$ 72,929,623
2019	\$ 94,747,138
<b>Total</b>	<b>\$237,912,800</b>
<b>Average</b>	<b>\$ 79,304,266</b>

Source: CVG Uniform Reports of ACDBE Participation, FFYs 2017, 2018 and 2019

**Table 2 – Projected Goods and Services Purchases: FFYs 2021 – 2023**

FFY	Total Goods & Services Purchases
2021	\$ 8,320,451
2022	\$ 9,727,125
2023	\$11,246,359
<b>Total</b>	<b>\$29,293,935</b>

Source: Avis Budget Group; Enterprise Holdings; Hertz

KCAB estimates that the impacts of COVID-19 will decrease car rental companies' goods and services purchases over the next three years. KCAB's base of goal is \$29,293,935 for those purchases.

**Step 1: Base Figure (§23.51(c)).** Because the current car rental concession contracts will not expire during this goal period and no new contracts are being let during this goal period, CVG is continuing its current 1% ACDBE participation goal. These existing contracts require the car rental companies to make good faith efforts to comply with federal requirements regarding ACDBE participation.

To calculate the car rental overall goal, the estimated dollar value of goods and services purchases from ACDBEs was divided by the total estimated dollar value of all purchases to be made by car rental companies. Vehicle purchases have been excluded from the goal calculation because they are the bulk of car rental companies' purchases and there are not ACDBE car dealerships certified by the Kentucky UCP. KCAB may adjust its goal in the future depending upon the results, as follows:

$$\$292,939 \div \$29,293,935 = 1.00\% \text{ base figure}$$

**Step 2: Adjustment to the Base Figure (§23.51(d)).** Step two of the goal setting process requires an assessment of whether an adjustment to the base figure is necessary to reflect as accurately as possible the level of ACDBE participation expected to be achieved, or to provide an explanation of why an adjustment to the base figure was not made.

The following data was examined to determine whether an adjustment to the Step 1 base figure was needed to arrive at the overall goal:

**Past Participation.** Past ACDBE achievements from FFYs 2017 through 2019 were examined. All of the past ACDBE participation in the car rental concessions was achieved from car rental companies' purchases of goods and services. As shown in Table 3, the median of historical ACDBE accomplishments from FFYs 2017 through 2019 was 0.96%.

**Table 3 - Past ACDBE Participation Achievements**

Federal Fiscal Year	Total Goods & Services Purchases	Total ACDBE Goods & Services Purchases	ACDBE Goal	ACDBE Participation Achievement	ACDBE Over/Under Achievement
2017	\$70,236,039	\$ 670,772	0.34%	0.96%	+0.62%
2018	\$72,929,623	\$2,594,468	1.00%	3.56%	+2.56%
2019	\$94,747,138	\$ 686,098	1.00%	0.72%	-0.28%
<b>Median ACDBE Past Participation:</b>				<b>0.96%</b>	

Source: CVG Uniform Reports of ACDBE Participation, FFYs 2017, 2018 and 2019

**F. Overall Goal.** When the Step 1 base figure (1.00%) was added to the median historical ACDBE participation achievements (0.96%) and this sum was averaged, the result was 0.98%. An adjustment was not made to the base figure because there is an insignificant difference between the base figure and the Step 2 adjustment figure. CVG's overall ACDBE participation goal for car rental goods and services is 1.00% for the FFYs 2021-2023 goal period. This goal is set as a race-neutral goal.

KCAB will review its car rental goal annually to determine whether the 1.00% goal is appropriate or can be adjusted. KCAB will inform the FAA of any significant adjustments to the goal before our next scheduled plan submission.

**G. Consultation with Stakeholders.** Prior to submitting the ACDBE goal for car rental concessions to the FAA, KCAB sponsored a virtual stakeholder consultation meeting on November 19, 2020 at 11:00 a.m. (ET) to consult with minority and women's business groups, community organizations, trade associations representing concessionaires currently located at the airport, as well as with existing and potential concessionaires, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs, and KCAB's efforts to increase participation of ACDBEs. Please see Exhibit 1 for the meeting invitation and Exhibit 2 for the invitation list.

Individuals representing the following organizations participated in the consultation meeting:

Kirstin, Kempf, CVG	Griffin Meltzer, KYPTAC
Dave Kellerman, DVG	Nancy Brown, KYPTAC
Paul Hegedus, CVG	Christopher Buttine, Avis Budget
Tara Walker, DBE Administrator, SORTA Metro	Juleda Stoltz, ODOT
Bridget Biagas, SP Plus	Dan Murray
Jeff Cook, SP Plus	Mitch Murphy, Executive Transportation
Sydney Peruzzato, Avis Budget	Nancy West, Exstare Federal Services

At the stakeholder meeting, Nancy West (CVG's ACDBE program consultant who prepared the proposed FFYs 2021-2023 proposed goals) presented the objectives of the ACDBE program, and the methodology utilized to develop the proposed 1.00% goal for ACDBE participation in CVG's rental car concessions. The consultant discussed USDOT regulatory requirements and guidance that had been used in preparing the ACDBE goal, as well as the requirements for stakeholder consultation on the proposed goal. The consultant explained that even though CVG proposed to retain its existing 1.00% ACDBE participation goal since existing contracts would not expire during this goal setting period, the two-step goal setting process had been conducted to determine whether an adjustment in the goal was necessary. The proposed goal was based on car rental companies' estimates of goods and services purchases, excluding vehicle purchases. Vehicle purchases, which are approximately 80% of rental car companies' purchases, had been excluded since there were not certified ACDBE providers of vehicles in Kentucky and there had not been ACDBE providers of vehicles to the rental car concessionaires at CVG in the past five years.

The consultant shared the list of goods and services rental car concessionaires said they may need during the FFYs 2021-2023 goal period. The proposed 1.00% goal was anticipated to be achieved from ACDBE providers of those goods and services to the existing rental car concessionaires. The goal would cover the period from October 1, 2020 through September 30, 2023. Next steps were to submit the proposed goal methodology to FAA for review. Kirstin Kempf (CVG's ACDBE Liaison Officer) then gave an overview of how and where to obtain ACDBE certification, both in a company's home state and in the state of Kentucky.

Participants in the stakeholder meeting did not have any questions or comments. They were encouraged to review CVG's ACDBE Plan and methodology document, and the meeting presentation posted on CVG's website at <https://cvgairport.com/about/biz/dbe>. Participants were also asked to provide any written comments they may have.

#### **H. Breakout of Estimated Race-Neutral & Race Conscious Participation (§23.51).**

KCAB estimates that all of its 1.00% overall goal will be obtained from race-neutral ACDBE participation. Those means have been successful in achieving ACDBE participation in CVG's car rental concessions, as demonstrated by past participation achievements. (see *Table 2*).

KCAB will meet the maximum feasible portion of its overall goal by using the following race-neutral means of facilitating ACDBE participation. KCAB understands it is expected to actually take these steps, and this is not merely a paper exercise.



1. Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;
2. Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
3. When practical, structuring concession activities to encourage and facilitate the participation of ACDBEs;
4. Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing;
5. Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how KCAB's ACDBE program will affect the procurement process; and
6. Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.

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

1. Establishing concession-specific goals for particular concession opportunities.
2. To be eligible to be awarded the concession, requiring competitors to make good faith efforts, either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so.

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

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

## Exhibit 1

**From:** [Kirstin Kempf](#)  
**To:** [dbe comments](#)  
**Cc:** [Nancy West](#)  
**Subject:** Stakeholder Meeting - Proposed FFYs 2021-2023 ACDBE Goals for CVG Airport  
**Date:** Wednesday, November 11, 2020 10:47:46 AM

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Dear Colleagues,

Every three years, recipients of Federal Aviation Administration (FAA) funds must prepare overall goals for Airport Concession Disadvantaged Business Enterprise (ACDBE) participation in (1) concessions other than car rental concessions; and (2) car rental concessions. The goals represent the overall percentage of ACDBE participation an airport anticipates achieving during a three-year period. The proposed ACDBE goals for CVG for FFYs 2021 – 2023 are:

Concessions other than car rental:  
6.90% Car rental concessions: 1.00%

Before the Kenton County Airport Board (KCAB), operator of CVG, submits its proposed ACDBE goals for FFYs 2021-2023 to FAA for review, we invite you to participate in a virtual stakeholder consultation meeting. During this session KCAB will present an overview of the ACDBE program and the methodology used to arrive at the proposed goals. KCAB will also solicit from attendees any information concerning the availability of ACDBEs, the effects of discrimination on opportunities for ACDBEs, and KCAB's efforts to increase participation of ACDBEs. Any feedback received will be evaluated and adjustments, if necessary, may be made to the overall ACDBE goals submitted to the FAA. The draft ACDBE Plan can be found on our website at : <https://cvgairport.com/about/biz/dbe>

The meeting will be held:

- Date: Thursday, November 19th, 2020
- Time: 11:00 a.m. – 12:00 p.m. ET
- [Click here to join the meeting](#)  
[Learn More](#) | [Meeting options](#)

Please RSVP to [dbecomments@cvgairport.com](mailto:dbecomments@cvgairport.com) to reserve your spot in this meeting. Please note that this invitation is specific to each recipient; if you are not the appropriate contact for your organization please reply to this email with the best contact within your organization. Please also feel free to forward this meeting invitation to other individuals, businesses and professional organizations that you believe would want to attend this meeting. Thanks in advance for your participation.

**Kirstin Kempf**

Business Administration Associate | Kenton County Airport Board  
Cincinnati/Northern Kentucky International Airport (CVG)  
P: (859) 767-1421

Exhibit 2

CVG ACDBE FFY 2021-2023 Stakeholder Consultation Invite List

Last	First	Company	Email
LaRocque	Tim	Paradies	tim.larocque@paradies-na.com
Stoltz	Juleda	ODOT Regional Outreach Manager	juleda.stoltz@dot.ohio.gov
Lang	Regina	METRO	rlang@go-metro.com
Hendrick	Jennifer	EAN Holdings	jennifer.l.hendrick@ehi.com
Buttine	Christopher	Avis Budget	christopher.buttine@avisbudget.com
Kennedy	Jason	Avis Budget	jason.kennedy@avisbudget.com
Griffin	Sharon	Hertz	sgriffin@hertz.com
Smith	Michael	SP Plus	mjsmith@spplus.com
Tedesco	Renee	Paradies	renee.tedesco@paradies-na.com
Loden	Brian	HMS Host	bryan.loden@hmshost.com
Erickson	Denise	Duty Free Americas	derickson@dutyfreeamericas.com
Felany	Toni	Hudson Group	tfelany@hudsongroup.com
Slade	TJ	Paradies	tj.slade@paradies-na.com
Taub	Mark	Natalie's Candy	mark@nataliescandy.com
Taub	Cielo	Natalie's Candy	cielo@nataliescandy.com
Brunckhorst	Heather	Forever Heather	heather@foreverheather.com
		Relax Massage Bar	relax@massagebar.com
Redus	Darrin	Cincinnati Chamber	dredus@cincinnati-chamber.com
Marston	Susan	TSMSSDC	smarston@tsmsdc.net
Davis	Deborah	African American Chamber	deborah@african-american-chamber.com
Hardy	Damien	Ohio MSDC	dhardy@ohiommsdc.org
Ward	Dennis	Executive Transportation	dward@executive-transportation.org
Peters	Demarcus	METRO	dpeters@go-metro.com
Bolden	Terry	ODOT	terry.bolden@dot.ohio.gov
Youseffi	Tony	Kentucky Transportation Cabinet, Office of Diversity, Equality & Training	tyouseffi@ky.gov
Sanchez	Andres	Hispanic Chamber Cincinnati	asanchez@hispanic-chamber-cincinnati.com
Henderson	Darral	KYPTAC	dhenderson@kystc.com
Brown		Ohio River Valley Women's Business Council	mbrown@orvwbc.org
Rajaiah	Daniel	Indian Chamber Cincinnati	daniel@indian-chamber-cincinnati.org
Bath	Gina	NKY Chamber	gbath@nky-chamber.com
Davis		GCCC	cdavis@gccc.com
Golden	A	Cincinnati Chamber	agolden@cincinnati-chamber.com
Davis	Jamir	KYTC	jamir.davis@ky.gov
Saunders	Leslie	Leslie Saunders Insurance Agency	dbe@lesliesaunders.com
Poole	Sheldon	JQ Enterprises	spoole@jqinc.com
Brown	Alvin	Airport Field Services	ahbrown@airport-field-services.com
Bensen	Leslie	Departure Media	info@departure-media.com

Hoose	Janet	Fuel Facility Management	janethoose@bellsouth.net; janethoose@ffmairport.com
Usher	Eric	Heraclius	heracliususa@gmail.com
Jones	Jami	Longhouse Inventory Solutions	jami@longhouseinventorysolutions.com
Mandani	Irfan	NY Ice Cream	nyic05@yahoo.com
Raheem	Shahbaz	Summit Paper Company	alia@summitpaper.com
Wendt	Susan	Wendt Productions	swendt@wendtproductions.com
Glenn	Ebon	Aimhigh ESG	ebon@ahesg.com
Searcy	Darrell	Chandler & Campbelle Investment Group LLC	darrell@chandlercampbelle.com
Ivey	Alicia	Diversified Concessions Group	ami@dconcessions.com
Vakharia	Tasneem	First Class Concessions	vakharia@firstclassconcessions.com
Leopold	Anita	Flying Leap	anita_l@bellsouth.net
Darring	Hal	Global Parking System of Indiana	hdarring@globalparkingsysteminc.com
Brooks	Marc	Hyde Park Hospitality	marc@hydeparkhospitality.com
Schablik	Ayse	Meals and More	austunkaya@hotmail.com
Taylor	Homer	Taylor Food Service	hometaylor@aol.com
McLaurine	Mark	Tremark Development	mmclaurine@tremarkdevelopment.com
Jacqueline	Neal	Ohio Minority Supplier Development Council	jneal@ohiomsc.org
Moning	Mary Beth	Metro, Southwest Ohio Regional Transit Authority	mmoning@go-metro.com
Bynes	Melvin	Kentucky Transportation Cabinet	Melvin.bynes2@ky.gov
			info@african-americanchamber.com
Louis	Lynn	Ohio Minority Supplier Development Council	llouis@ohiomsc.org
Sanchez	Vanessa	Ohio River Valley Women's Business Council	vsanchez@wbec-orr.org
Taylor	Myrna	Ohio River Valley Women's Business Council	mtaylor@wbec-orr.org
Mixon	Sheila	Ohio River Valley Women's Business Council	smixon@wbec-orr.org
Wallace	Shelly	Xavier Leadership Center	wallaces2@xavier.edu
Barnes	Anthony	Airport Minority Advisory Council	abarnes@amac-org.com
			Info@noirbcc.org
			director@nawbokentucky.org
Ransom	Lisa	CVG	lransom@cvgairport.com
Collins	Kathy	CVG	kcollins@cvgairport.com
Carper	Archie	CVG	acarper@cvgairport.com
Kellerman	Dave	CVG	dkellerman@cvgairport.com
Hegedus	Paul	CVG	phegedus@cvgairport.com
Walker	Tara	DBE Administrator, SORTA Metro	twalker@go-metro.com
Cook	Jeff	SP Plus	jcook@spplus.com
Peruzzato	Sydney	Avis Budget	sydney.peruzzato@avisbudget.com
Rutherford	Shaina	Hertz Dollar Thrifty	srutherford@hertz.com
Biagas	Bridget	SP Plus	bbiagus@spplus.com
Melzer	Griffin	KYPTAC	gmelzer@kstc.com
Brown	Nancy	KYPTAC	nbrown@kstc.com

**Attachment 6**

**Forms 1 & 2 for Demonstration of Good Faith Efforts**

**FORM 1: AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) UTILIZATION**

The undersigned bidder/offeror has satisfied the requirements of the bid/proposal specification in the following manner (please check the appropriate space):

\_\_\_\_\_ The bidder/offeror is committed to a minimum of \_\_\_\_\_ % ACDBE utilization on this contract.

\_\_\_\_\_ The bidder/offeror (if unable to meet the ACDBE goal of \_\_\_\_\_%) is committed to a minimum of \_\_\_\_\_% ACDBE utilization on this contract and submitted documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By \_\_\_\_\_ Title \_\_\_\_\_  
(Signature)

**FORM 2: LETTER OF INTENT**

Name of bidder/offeror's firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of ACDBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by ACDBE firm:

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-----  
-----  
-----

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

**Affirmation**

The above-named ACDBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By \_\_\_\_\_  
(Signature) (Title)

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

(Submit this page for each ACDBE subconcession.)

## **Attachment 7**

### **ACDBE Certification Application Form**

The KUCP Uniform Certification Application is available at the following website:  
<http://transportation.ky.gov/Civil-Rights-and-Small-Business-Development/Documents/New%20DBE%20Certification%20Application%2011-18-2014.pdf>

Interstate Certification Forms are also available at: <http://transportation.ky.gov/Civil-Rights-and-Small-Business-Development/Documents/Interstate%20Certification%20Affidavit.pdf>

**Attachment 8**

**Regulations: 49 CFR Part 23**

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr23\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr23_main_02.tpl)