

Revision Date: 2024-08-28

## POLICY STATEMENT

### Section 23.1, 23.23

### Objectives/Policy Statement

The Central Wisconsin Joint Airport Board on Behalf of Central Wisconsin Airport 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. **The Central Wisconsin Airport** 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). **The Central Wisconsin Airport** has signed airport grant assurances that it will comply with 49 CFR part 23.

It is the policy of **The Central Wisconsin Airport** to ensure that ACDBEs as defined in part 23 have an equal opportunity to receive and participate in concession opportunities. It is also our policy:

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

**David Drozd, Assistant Airport Director** has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, **David Drozd, Assistant Airport Director** is responsible for implementing all aspects of the ACDBE program. Implementation of the ACDBE program is accorded the same priority as compliance with all other legal obligations incurred by the **The Central Wisconsin Airport** in its financial assistance agreements with the Department of Transportation.

**The Central Wisconsin Airport** has disseminated this policy statement to the Central Wisconsin Joint Airport Board and all of the components of our organization. We have distributed this statement to ACDBE and non-ACDBE concessionaire communities in our area. The distribution was accomplished by distributing to ACDBE and non – ACDBE concessionaire communities in our area via Airport website.

Signed by:  
  
CD824A6F67D5465...  
 David Drozd, Assistant Airport Director

9/9/2025

Date

Revision Date: 2024-08-28

## **GENERAL REQUIREMENTS**

### **Section 23.1 Objectives**

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

### **Section 23.3 Definitions**

**The Central Wisconsin Airport** will use terms in this program that have the meaning defined in Section 23.3 and part 26 Section 26.5 where applicable.

### **Section 23.5 Applicability**

**The Central Wisconsin Airport** 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**

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

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

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

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

Revision Date: 2024-08-28

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

## **Section 23.11 Compliance and Enforcement**

**The Central Wisconsin Airport** acknowledges that the compliance and enforcement provisions of 49 CFR part 26 (§§ 26.101 and 26.105 through 26.109) apply to the concessions program under part 23 in the same way that they apply to FAA recipients and programs under part 26.

## **ACDBE PROGRAM**

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

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

- **Central Wisconsin Airport**

Although the program applies to all of the above airports, **The Central Wisconsin Airport** will submit a separate goal methodology for each primary airport.

Prior to implementing significant changes to this ACDBE program, **The Central Wisconsin Airport** will provide the amended program to FAA for review and approval.

### **Section 23.23 Administrative Provisions**

**Policy Statement:** **The Central Wisconsin Airport** is committed to operating its ACDBE program in a nondiscriminatory manner. The Policy Statement is elaborated on the first page of this program.

**The Central Wisconsin Airport** will thoroughly investigate, on an annual basis, the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community and make reasonable efforts to use these institutions. **The Central Wisconsin Airport** will also encourage prime concessionaires to use such institutions.

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

David Drozd– Assistant Airport Director  
100 CWA Drive, Ste. 227  
Mosinee, WI 54455  
Phone: 715-693-2147  
Email: ddrozd@fly-cwa.org

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that **The Central Wisconsin Airport** complies with all provision of 49

Revision Date: 2024-08-28

CFR part 23. The ACDBELO has direct, independent access to **the assistant airport director** concerning ACDBE program matters. An organizational chart displaying the ACDBELO's position in the organization is found in Attachment **1** to this program.

The ACDBELO is responsible for developing, implementing, and monitoring the ACDBE program, in coordination with other appropriate officials. The ACDBELO has a staff of **consultant engineers** to assist in the administration of the program. 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. Analyzes **The Central Wisconsin Airport** progress toward attainment and identifies ways to improve progress.
7. participates in pre-bid meetings.
8. Advises the CEO/governing body on ACDBE matters and achievement.
9. Chairs the ACDBE Advisory Committee.
10. Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance; acts as a liaison to the OSDBU- Minority Resource Center (MRC).
11. Plans and participates in ACDBE training seminars.
12. Acts as liaison to the Unified Certification Program (UCP) in **Wisconsin**.
13. Provides outreach to ACDBEs and community organizations to advise them of opportunities.
14. Maintains the **Central Wisconsin Airport** updated directory on certified ACDBEs and distinguishes them from DBEs.

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

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

**The Central Wisconsin Airport** will not use set-asides or quotas as a means of obtaining ACDBE participation.

**The Central Wisconsin Airport** will seek ACDBE participation in all types of concession activities.

**The Central Wisconsin Airport** will maximize the use of race-neutral measures, obtaining as much as possible of the ACDBE participation needed to meet overall goals through such measures. **The Central Wisconsin Airport** will take the following measures to ensure

Revision Date: 2024-08-28

nondiscriminatory participation of ACDBEs in concessions, and other covered activities (23.25(a)):

- 1) ***The Central Wisconsin Airport will publish notice seeking Requests for proposals in local newspapers, and the airport website.***
- 2) ***Since we are a small airport and certain concession opportunities may be limited to large companies, we will require these businesses to make Good Faith Efforts to explore the purchase of goods and services from ACDBE vendors.***

**The Central Wisconsin Airport** will also provide for the use of race-conscious measures when race-neutral measures, standing alone, are not projected to be sufficient to meet an overall goal. The following are examples of race-conscious measures we will implement, as needed:

1. Establishing concession-specific goals for particular concession opportunities.
  - a. In setting concession-specific goals for concession opportunities other than car rental, **The Central Wisconsin Airport** will explore, to the maximum extent practicable, all available options to set goals that concessionaires can meet through direct ownership arrangements. A concession-specific goal for any concession other than car rental may be based on purchases or leases of goods and services only when the analysis of the relative availability of ACDBEs and all relevant evidence reasonably supports that there is *de minimis* availability for direct ownership arrangement participation for that concession opportunity.
  - b. In setting car rental concession-specific goals, **The Central Wisconsin Airport** will not require a car rental company to change its corporate structure to provide for participation via direct ownership arrangement. When the overall goal for car rental concessions is based on purchases or leases of goods and services, **The Central Wisconsin Airport** is not required to explore options for direct ownership arrangements prior to setting a car rental concession-specific goal based on purchases or leases of goods and services.
  - c. If the objective of the concession-specific goal is to obtain ACDBE participation through a direct ownership arrangement with an ACDBE, **The Central Wisconsin Airport** will calculate the goal as a percentage of the total estimated annual gross receipts from the concession.
  - d. If the goal applies to purchases or leases of goods and services from ACDBEs, **The Central Wisconsin Airport** will calculate the goal as a percentage of the total estimated dollar value of all purchases to be made by the concessionaire.
  - e. When a concession-specific goal is set, **The Central Wisconsin Airport** will require competitors to make good faith efforts to meet this goal. A competitor may do so either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so.
  - f. The administrative procedures applicable to contract goals in part 26, § 26.51 through 26.53. apply with respect to concession-specific goals.
  - g. In setting car rental concession-specific goals, **The Central Wisconsin Airport** will not require a car rental company to change its corporate structure to provide for participation via direct ownership arrangement. When the

Revision Date: 2024-08-28

overall goal for car rental concessions is based on purchases or leases of goods and services, **The Central Wisconsin Airport** is not required to explore options for direct ownership arrangements prior to setting a car rental concession-specific goal based on purchases or leases of goods and services.

- h. If the objective of the concession-specific goal is to obtain ACDBE participation through a direct ownership arrangement with an ACDBE, **The Central Wisconsin Airport** will calculate the goal as a percentage of the total estimated annual gross receipts from the concession.
  - i. If the goal applies to purchases or leases of goods and services from ACDBEs, **The Central Wisconsin Airport** will calculate the goal as a percentage of the total estimated dollar value of all purchases to be made by the concessionaire.
  - j. When a concession-specific goal is set, **The Central Wisconsin Airport** will require competitors to make good faith efforts to meet this goal. A competitor may do so either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so.
  - k. The administrative procedures applicable to contract goals in part 26, § 26.51 through 26.53. apply with respect to concession-specific goals.
2. Negotiate with a potential concessionaire to include ACDBE participation, through direct ownership arrangements or measures, in the operation of the non-car rental concessions.
  3. With the prior approval of FAA, other methods that take a competitor's ability to provide ACDBE participation into account in awarding a concession.

**The Central Wisconsin Airport** requires businesses subject to car rental and non-car rental ACDBE goals at the airport to make good faith efforts to meet goals set pursuant to this section.

## Section 23.27 Reporting

**The Central Wisconsin Airport** 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.

**The Central Wisconsin Airport** will submit an annual report on ACDBE participation to the FAA by March 1 following the end of each fiscal year. This report will be submitted in the format acceptable to the FAA and contain all of the information described in the Uniform Report of ACDBE Participation.

**The Central Wisconsin Airport** will create and maintain active participants list information and enter it into a system designated by the FAA. **The Central Wisconsin Airport** will collect the following information about ACDBE and non-ACDBEs who seek to work on each of our concession opportunities.

- a. Firm name;
- b. Firm address including ZIP code;
- c. Firm status as an ACDBE or non-ACDBE;
- d. Race and gender information for the firm's majority owner;
- e. NAICS code applicable to the concession contract in which the firm is seeking to

Revision Date: 2024-08-28

- perform;
- f. Age of the firm; and
- g. The annual gross receipts of the firm.

**The Central Wisconsin Airport** will collect the data from all active participants for concession opportunities by requiring the information to be submitted with their proposals or initial responses to negotiated procurements. **The Central Wisconsin Airport** will enter this data in FAA's designated system no later than March 1 following the fiscal year in which the relevant concession opportunity was awarded.

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

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

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

**The Central Wisconsin Airport** will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR part 23.

1. **The Central Wisconsin Airport** will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 49 CFR § 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. We have listed the regulations, provisions, and contract remedies available to us in the events of non-compliance with the ACDBE regulation by a participant in our procurement activities (See Attachment 3).

Revision Date: 2024-08-28

3. WE will also implement a monitoring and enforcement mechanism to ensure that work committed to ACDBEs at contract award is actually performed by the ACDBEs. This mechanism will provide for a running tally of actual ACDBE attainments (e.g. payment actually made to ACDBE firms), including a means of comparing these attainments to commitments. This will be accomplished as described in Attachment 3.
4. In our reports of ACDBE participation to FAA, we will show both commitments and attainments, as required by the DOT reporting form entitled Uniform Report of ACDBE Participation.

In addition, the Central Wisconsin Airport will insert the clauses in every concession agreement and management contract as set forth in Attachment 3.

## **CERTIFICATION AND ELIGIBILITY**

### **Section 23.31                      Certification Standards and Procedures**

The Central Wisconsin Airport is a **non-certifying member** of the Wisconsin Unified Certification Program (UCP) and relies upon the UCP's determinations of certification eligibility. Wisconsin UCP will use the certification standards of Subpart C of Part 23 to determine the eligibility of firms to participate as ACDBEs in airport concessions contracts. To be certified as an ACDBE, a firm must meet all certification eligibility standards. Certifying Wisconsin UCP members make all certification decisions based on the facts as a whole.

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

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

**John Franklin**  
**Senior Certification Analyst**  
**141 NW Barstow Street STE 218**  
**PO BOX 798, Waukesha, WI 53187-0798**  
**608-264-8721**  
***john.franklin@dot.wi.gov***  
***https://wisconsinindot.gov***

The Uniform Certification Application form, Personal Net Worth statement, and documentation requirements can be reviewed at <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>.

### **Section 23.33                      Business Size Standards**

In general, a firm will be considered as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous five (5) fiscal years, do not exceed \$56.42 million. The following special exceptions apply to the general small business size limit:



Revision Date: 2024-08-28

1. The limit for passenger car rental companies is \$75.23 million, averaged over the firm's previous five (5) fiscal years.
2. The size standard for banks and other financial institutions is \$1 billion in assets.
3. The size standard for pay telephone companies is 1500 employees.
4. The size standard for new car dealers is 350 employees.

For size purposes, gross receipts (as defined in [13 CFR 121.104\(a\)](#)) of affiliates are included in a manner consistent with [13 CFR 121.104\(d\)](#), except in the context of joint ventures. For gross receipts attributable to joint venture partners, a firm must include in its gross receipts its proportionate share of joint venture receipts, unless the proportionate share already is accounted for in receipts reflecting transactions between the firm and its joint ventures (e.g., subcontracts from a joint venture entity to joint venture partners).

### **Section 23.35                      Personal Net Worth Limits**

The personal net worth standard used in determining eligibility for purposes of part 23 is posted online on the Departmental Office of Civil Rights' webpage, available at <https://www.transportation.gov/DBEPNW>. Any individual who has a PNW exceeding this amount is not a socially and economically disadvantaged individual for purposes of this part, even if the individual is a member of a group otherwise presumed to be disadvantaged.

### **Section 23.37                      Firms Certified as DBEs**

Certifying members of **Wisconsin** UCP will presume that a firm that is certified as a DBE under part 26 is eligible to participate as an ACDBE. However, before certifying such a firm, certifying **Wisconsin** UCP members will ensure that the disadvantaged owners of a DBE certified under part 26 are able to control the firm with respect to its activity in the concessions program.

### **Section 23.39                      Other ACDBE Certification Requirements**

The provisions of § 26.83(c)(1) of 49 CFR part 26 do not apply to ACDBE certifications. Instead, in determining whether a firm is an eligible ACDBE, Certifying **Wisconsin** UCP members will take the following steps:

- 1) Visit the firm's principal place of business, virtually or in person, and interview the SEDO, officers, and key personnel. Certifying **Wisconsin** UCP members will review those persons' résumés and/or work histories, and maintain a complete audio recording of the interviews. Certifiers will also visit one or more active job sites (if there is one). These activities comprise the "on-site review" (OSR), a written report of which the certifying **Wisconsin** UCP member will keep in its files.
- 2) Analyze documentation related to the legal structure, ownership, and control of the applicant firm. This includes, but is not limited to, articles of incorporation/organization; corporate by-laws or operating agreements; organizational, annual and board/member meeting records; stock ledgers and certificates; and State-issued certificates of good standing;
- 3) Analyze the bonding and financial capacity of the firm; lease and loan agreements; and bank account signature cards;
- 4) Determine the work history of the firm, including any concession contracts or other contracts it may have received; and payroll records;
- 5) Obtain or compile a list of the licenses of the firm and its key personnel to

Revision Date: 2024-08-28

- perform the concession contracts or other contracts it wishes to receive;
- 6) Obtain a statement from the firm of the type(s) of concession(s) it prefers to operate or the type(s) of other contract(s) it prefers to perform;
- 7) Obtain complete Federal income tax returns (or requests for extensions) filed by the firm, its affiliates, and the socially and economically disadvantaged owners for the last 5 years. A complete return includes all forms, schedules, and statements filed with the Internal Revenue Service; and
- 8) Require applicants for ACDBE certification to complete and submit an appropriate application form, except as otherwise provided in § 26.85 of part 26.

In reviewing the Declaration of Eligibility required by § 26.83(j), Certifying **Wisconsin** UCP members will ensure that the ACDBE applicant provides documentation that it meets the applicable size standard in § 23.33.

For purposes of this part, the term *prime contractor* in § 26.87(j) includes a firm holding a contract with an airport concessionaire to provide goods or services to the concessionaire or a firm holding a prime concession agreement with a recipient.

With respect to firms owned by Alaska Native Corporations (ANCs), the provisions of § 26.63(c)(2) do not apply. The eligibility of ANC-owned firms for purposes of this part is governed by § 26.63(c)(1).

Certifying **Wisconsin** UCP members will use the Uniform Certification Application found in part 26 of this chapter without change. If **Wisconsin** UCP seeks to supplement the form by requesting specified additional information consistent with part 23 and part 26, the **Wisconsin** UCP will first seek written approval of the concerned Operating Administration.

Certifying **Wisconsin** UCP members will require every applicant to clearly state that it is applying for certification as an ACDBE and complete all of section 5.

Car rental companies and private terminal owners or lessees are not authorized to certify firms as ACDBEs.

## **GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Section 23.41      Overall Goals**

**The Central Wisconsin Airport** 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. **The Central Wisconsin Airport** will submit any significant overall goal adjustments to the FAA.

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

Revision Date: 2024-08-28

concessions agreements.

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

### **Section 23.43 Consultation in Goal Setting**

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

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

The requirements of this section do not apply if no new concession opportunities will become available during the goal period. However, **The Central Wisconsin Airport** will take appropriate outreach steps to encourage available ACDBEs to participate as concessionaires whenever there is a concession opportunity.

### **Section 23.45 Overall Goals**

Overall goals will be submitted to the FAA for approval. The overall goals meeting the requirements of this subpart are due based on a schedule established by the FAA and posted on the FAA's website.

The goals must be submitted every three years based on the published schedule. If a new concession opportunity arises at a time that falls between the normal submission dates above and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the sponsor will submit an appropriate adjustment to our overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity.

**The Central Wisconsin Airport** will establish overall goals in accordance with the 2- Step process as specified in § 23.51. After determining the total gross receipts for the concession activity, the first step is to determine the relative availability of ACDBEs in the market area, "base figure". The second step is to examine all relevant evidence reasonably available in the sponsor's jurisdiction to determine if an adjustment to the Step 1 "base figure" is necessary so that the goal reflects as accurately as possible the ACDBE participation the sponsor would expect in the absence of discrimination.

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

**The Central Wisconsin Airport** will also include a projection of the portions of the overall goal expected to be met through race-neutral and race-conscious measures, respectively.

Revision Date: 2024-08-28

If the FAA determines that **The Central Wisconsin Airport** goals have not been correctly calculated or the justification is inadequate, the FAA may, after consulting with us, adjust the overall goal or race-conscious/race-neutral “split.” In such a case, the adjusted goal is binding on **The Central Wisconsin Airport**.

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

**The Central Wisconsin Airport** will count ACDBE participation toward overall goals other than car rental as provided in 49 CFR § 23.53.

When an ACDBE is decertified because one or more of its disadvantaged owners exceed the PNW cap or the firm exceeds the business size standards of part 23 during the performance of a contract or other agreement, the firm's participation may continue to be counted toward ACDBE goals for the remainder of the term of the contract or other agreement. However, **The Central Wisconsin Airport** will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, **The Central Wisconsin Airport** will require the firm to provide, annually on December 1, a Declaration of Eligibility, affirming that there have been no changes in the firm's circumstances affecting its ability to meet ownership or control requirements of [subpart C](#) of part 23 or any other material changes, other than changes regarding the firm's business size or the owner's personal net worth. **The Central Wisconsin Airport** 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 (e.g., in a case where the agreement is renewed or extended, or an option for continued participation beyond the current term of the agreement is exercised).

Firms are required to inform **The Central Wisconsin Airport** in writing of any change in circumstances affecting their ability to meet ownership or control requirements of [subpart C of this part](#) or any material change. Reporting must be made as provided in [§ 26.83\(i\) of this chapter](#).

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

**The Central Wisconsin Airport** will count ACDBE participation toward overall goals other than car rental as provided in 49 CFR § 23.55. When an ACDBE is decertified because one or more of its disadvantaged owners exceed the PNW cap or the firm exceeds the business size standards of part 23 during the performance of a contract or other agreement, the firm's participation may continue to be counted toward ACDBE goals for the remainder of the term of the contract or other agreement. However, **The Central Wisconsin Airport** will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, **The Central Wisconsin Airport** will require the firm to provide, annually on December 1, a Declaration of Eligibility, affirming that there have been no changes in the firm's circumstances affecting its ability to meet ownership or control requirements of [subpart C](#) of part 23 or any other material changes, other than changes regarding the firm's business size or the owner's personal net worth. **The Central Wisconsin Airport** will not count the former ACDBE's participation toward ACDBE goals beyond the termination date for the agreement in effect at the time of the decertification (e.g., in a case where the agreement is renewed or extended, or an option for continued participation beyond the current term of the agreement is exercised).

Firms are required to inform **The Central Wisconsin Airport** in writing of any change in

Revision Date: 2024-08-28

circumstances affecting their ability to meet ownership or control requirements of [subpart C of this part](#) or any material change. Reporting must be made as provided in [§ 26.83\(i\) of this chapter](#).

## **Section 23.57 Goal shortfall accountability.**

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

- Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- Establish specific steps and milestones to correct the problems we have identified in our analysis to enable us to fully meet our goal for the new fiscal year;
- *We understand we may be regarded as being in noncompliance with this part, and therefore subject to the remedies in § 23.11 of this part and other applicable regulations, for failing to implement our ACDBE program in good faith if any of the following things occur:*
  - (i) We do not submit our analysis and corrective actions to FAA in a timely manner as required under paragraph (b)(3) of this section;*
  - (ii) FAA disapproves our analysis or corrective actions; or*
  - (iii) We do not fully implement:*
    - (A) The corrective actions to which we have committed, or*
    - (B) Conditions that FAA has imposed following review of our analysis and corrective actions.*
    - (C) If information coming to the attention of FAA demonstrates that current trends make it unlikely that we, as an airport, will achieve ACDBE awards and commitments that would be necessary to allow us to meet our overall goal at the end of the fiscal year, FAA may require us to make further good faith efforts, such as modifying our race-conscious/race-neutral split or introducing additional race-neutral or race-conscious measures for the remainder of the fiscal year.*

Revision Date: 2024-08-28

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

**The Central Wisconsin Airport** may be regarded as being in noncompliance with this part, and therefore subject to the remedies in § 23.11 of this part and other applicable regulations, for failing to implement our ACDBE program in good faith if any of the following things occur:

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

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

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

## **OTHER PROVISIONS**

## **Section 23.71 Existing Agreements**

If permitted by the existing agreement, **The Central Wisconsin Airport** will use any means authorized by part 23 to obtain a modified amount of ACDBE participation in the renewed or amended agreement.

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

**The Central Wisconsin Airport** will pass through applicable provisions of part 23 to any private terminal owner or lessee via our agreement with the owner or lessee. We will ensure that the owner or lessee complies with part 23. We will obtain from the owner or lessee the goals and other elements of the ACDBE program required under part 23.

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

**The Central Wisconsin Airport** will not enter into a long-term and exclusive agreements for concessions without prior approval of the FAA Regional Civil Rights Office. We understand that

Revision Date: 2024-08-28

a “long-term” agreement is one having a term of more than 10 years, including any combination of base term and options or holdovers to extend the term of the agreement, if the effect is a term of more than ten years. We understand that an exclusive agreement is one having a type of business activity that is conducted solely by a single business entity on the entire airport, irrespective of ACDBE participation.

**The Central Wisconsin Airport** may enter into a long-term, exclusive concession agreement only under the following conditions:

- 1) Special local circumstances exist that make it important to enter such agreement; and
- 2) FAA approves **The Central Wisconsin Airport** plan for meeting the standards of paragraph (c) of § 23.75.

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

- 1) A description of the special local circumstances that warrant a long-term, exclusive agreement;
- 2) A copy of the solicitation;
- 3) ACDBE contract goal analysis developed in accordance with this part;
- 4) Documentation that ACDBE participants are certified in the appropriate NAICS code in order for the participation to count towards ACDBE goals;
- 5) A general description of the type of business or businesses to be operated by the ACDBE, including location and concept of the ACDBE operation;
- 6) Information on the investment required on the part of the ACDBE and any unusual management or financial arrangements between the prime concessionaire and ACDBE, if applicable;
- 7) Final long-term exclusive concession agreement, subleasing or other agreements;
  - a) In order to obtain FAA approval of a long-term exclusive concession agreement that has been awarded through direct negotiations, **The Central Wisconsin Airport** will submit the items in paragraphs (1) and (3) through (7) of this section at least 45 days before contract award;
  - b) In order to obtain FAA approval of an exclusive concession agreement that becomes long-term as a result of a holdover tenancy, **The Central Wisconsin Airport** will submit to the responsible FAA regional office a holdover plan for FAA approval at least 60 days prior to the expiration of the current lease term. The holdover plan shall include the following information:
    - i. A description of the special local circumstances that warrant the holdover;
    - ii. Anticipated date for renewal or re-bidding of the agreement;
    - iii. The method to be applied for renewal or re-bidding of the agreement;
    - iv. Submission of all items required under (3), (4), (6), and (7) of this section for the agreement in holdover status or an explanation as to why the item is not available or cannot be submitted.

## **Section 23.77                      Preemption of Local Requirements**

In the event that a State or local law, regulation, or policy differs from the requirements of this

Revision Date: 2024-08-28

part, **The Central Wisconsin Airport** will, as a condition of remaining eligible to receive Federal financial assistance from the DOT, take such steps as may be necessary to comply with the requirements of 49 CFR part 23. However, nothing in part 23 preempts any State or local law, regulation, or policy enacted by the governing body of **The Central Wisconsin Airport**, or the authority of any State or local government or recipient to adopt or enforce any law, regulation, or policy relating to ACDBEs, as long as the law, regulation, or policy does not conflict with part 23.

#### **Section 23.79            Geographic Preferences**

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



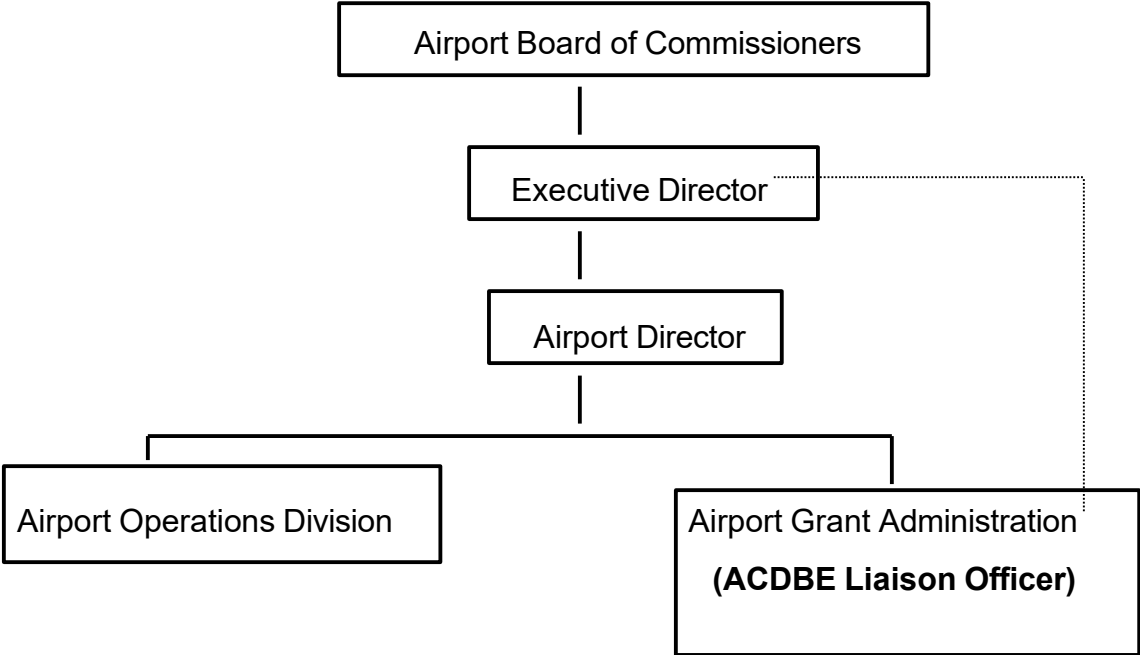
Revision Date: 2024-08-28

## **ATTACHMENTS**

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

Revision Date: 2024-08-28

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



Revision Date: 2024-08-28

**Attachment 2**

<https://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx>

Revision Date: 2024-07-15

Attachment 3

Active Participants List Collection Form

Firm Name	Street Address	Street Address (Line 2)	City	State	ZIP Code	ACDBE or Non-ACDBE Status	NAICS Code(s) of Scope(s) Proposed	Race of Majority Owner	Gender of Majority Owner	Age of Firm	Annual Gross Receipts

Revision Date: 2024-08-28

### **Attachment 5**

#### **Overall Goal Calculation for Concessions Other Than Car Rentals**

This will be submitted separately in Civil Rights Connect.

Revision Date: 2024-08-28

**Attachment 6**

**Overall Goal Calculation for Car Rentals**

This will be submitted separately in Civil Rights Connect.

Revision Date: 2024-08-28

**Attachment 7**

**Demonstration of Good Faith Efforts - Forms 1 and 2**

***[The following Forms 1 and 2 are provided for illustrative purposes ONLY. Any forms Recipients develop and use for purposes of assessing bidder/respondent good faith efforts should be included with solicitation documents.]***

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

The undersigned bidder/respondent has satisfied the ACDBE requirements of the concession ***bid*** in the following manner:

- ☐ Bidder/respondent has met the ACDBE goal  
The bidder/offeror is committed to a minimum of \_\_\_\_ % ACDBE participation in this opportunity.
  
- ☐ Bidder/respondent has not met the ACDBE goal  
The bidder/respondent is committed to a minimum of \_\_\_\_% ACDBE participation in this opportunity and has submitted documentation demonstrating good faith efforts.

Legal name of bidder/respondent’s firm: \_\_\_\_\_

Bidder/Respondent Representative:

\_\_\_\_\_  
Name & Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Revision Date: 2024-08-28

FORM 2: LETTER OF INTENT

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

Name of bidder/respondent’s firm: \_\_\_\_\_

Name & title of firm’s AR: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

Name & title of ACDBE firm’s AR: \_\_\_\_\_

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

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Role to be performed by ACDBE firm:

Description of Work	NAICS	Projected Dollar Amount / %	Joint Venture/Subtenant/ Supplier*

\*For suppliers only, state how the ACDBE will perform (e.g., regular dealer, manufacturer, broker). Count only fees and commissions if the supplier performs as a broker.

The undersigned bidder/respondent is committed to utilizing the above-named ACDBE firm for the work described above. The total expected dollar value of this work is \$ \_\_\_\_\_. The bidder/respondent understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into an agreement ACDBE firm identified above that reflects the type and amount of participation listed. Bidder/respondent understands that upon submitting this form, it may not substitute or terminate the ACDBE listed above without following the procedures of 49 CFR Part 26, §26.53.

\_\_\_\_\_  
Signature of Bidder/Respondent’s Authorized Representative

Date: \_\_\_\_\_

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

\_\_\_\_\_  
Signature of ACDBE’s Authorized Representative

Date: \_\_\_\_\_

If the bidder/respondent does not receive award of the prime concession opportunity, all representations in this Letter of Intent shall be null and void.  
Submit this page for each ACDBE participant.



Revision Date: 2024-08-28

**Attachment 8**

**ACDBE Certification Application Form**

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>

Revision Date: 2024-08-28

**ATTACHMENT 9**

**State's UCP Agreement**

UCP Agreement can be found here:

**<https://wisconsindot.gov/Pages/doing-bus/civil-rights/dbc/certified-firms.aspx>**

Revision Date: 2024-08-28

**Attachment 10**

**Regulations: 49 CFR part 23**

ACDBE program regulations are found in Title 49 of the Code of Federal Regulations, part 23. They can be retrieved using the following link to the Electronic Code of Federal Regulations:

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

Revision Date: 2024-08-28