

Pinellas County

St. Pete-Clearwater International Airport

Airport Concessions Disadvantaged Business Enterprise Program

July 2026



Prepared by Ken Weeden & Associates, Inc.

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Sub-Part A - General Requirements & Information

Section 23.1, 23.23 Policy Statement and Objectives

The St. Pete-Clearwater International Airport (Airport) has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the United States Department of Transportation (USDOT), 49 CFR Part 23. The Airport has received Federal funds authorized for airport development after January 1988 (authorized under Title 49 of the United States Code). The Airport has signed grant assurances that it will comply with 49 CFR Part 23.

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

1. To ensure nondiscrimination in the award and administration of opportunities for concessions by airports receiving USDOT financial assistance.
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions.
3. Ensure that the ACDBE Program operates in a nondiscriminatory manner and without regard to race or sex, while maximizing efficiency of service.
4. To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs at the Airport.
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at the Airport.
6. To promote the use of ACDBEs in all types of concession activities conducted by recipients.
7. To assist the development of firms that can compete successfully in the marketplace outside the ACDBE Program.
8. To provide appropriate flexibility to the Airport in establishing and providing opportunities for ACDBEs.

Yvette Chin, Deputy Director for Finance & Administration, St. Pete-Clearwater International Airport, has been designated as the ACDBE Liaison Officer (ACDBELO). In this capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE Program. Implementation of the ACDBE program is accorded with the same priority as compliance with all other legal obligations incurred by the Airport in its financial assistance agreements with USDOT.

The Airport has disseminated this policy statement to its board members and all of the components of the organization. The Airport has distributed this statement to ACDBE and non-ACDBE concessionaire communities on the Airport's website, via local newspapers, local chambers of commerce, local trade organizations, professional organizations, and local business organizations.


Mark E. Sprague, Airport Director

29 July 2026
Date

Section 23.1 Objectives

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

Section 23.3 Definitions

The 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 Airport is a small-hub 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 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 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 Airport acknowledges these representations are also in accordance with obligations contained in its Civil Rights, DBE and ACDBE Airport grant assurances.

The Airport 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 causes those businesses to similarly include the statements in further agreements.

Section 23.11 Compliance and Enforcement

The 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.

SUBPART B – ACDBE Programs

Section 23.21 ACDBE Program Updates

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

- ***St. Pete-Clearwater International Airport***

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

Section 23.23 Administrative Provisions

Policy Statement: The Airport is committed to operating its ACDBE program in a nondiscriminatory manner. The Airport's policy statement is elaborated on the first page of this program.

Financial Institutions: The 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 Airport will also encourage prime concessionaires to use such institutions.

ACDBE Liaison Officer (ACDBELO): The Airport has designated the following individual as its ACDBELO:

**Yvette Chin, Deputy Director
St. Pete-Clearwater International Airport
14700 Terminal Blvd., Suite 221
Clearwater, FL 33762
727-453-7804
ychin@fly2pie.com**

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that the Airport complies with all provisions of 49 CFR Part 23. The ACDBE Liaison Officer has direct, independent access to the Airport Director, who is the equivalent to the CEO of an organization, on ACDBE program issues. An organization 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 1 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 USDOT.

2. Reviews third-party contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
4. ACDBE-neutral methods and contract-specific goals).
5. Analyzes the Airport's progress toward attainment and identifies ways to improve progress.
6. Advises the Airport Director and the governing body on ACDBE matters and achievements.
7. Chairs MBE/DBE/ACDBE Advisory Committee.
8. Explaining the ACDBE participation guidelines at pre-bid and pre-proposal conferences.
9. Plans and participates in ACDBE training seminars.
10. Acts as liaison to the Unified Certification Program in Florida.
11. Provides outreach to ACDBEs and community organizations to advise them of opportunities.

Directory: The Florida Uniform Certification Program (UCP) maintains a directory identifying all firms eligible to participate as 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 UCP revises the directory updated when a firm has been certified. The directory is available to the public and interested persons can obtain access to the directory. The directory may be found in [Attachment 2](#) to this program plan.

Bidders/offerors may also be referred to the FAA's directory of firms at FAA Matchmaker (<https://faa.dbesystem.com>).

Note: The Airport acknowledges that, effective October 3, 2025, it is not subject to this Directory section until the Florida UCP has completed the reevaluation process described in 49 CFR Part 23.81.

Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs

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

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

The Airport will maximize the use of ACDBE-neutral measures, obtaining as much as possible of the ACDBE participation needed to meet overall goals through such measures. The Airport will take the following ACDBE-neutral measures to ensure nondiscriminatory participation of ACDBEs in concessions and other covered activities (23.25(a)):

- 1) Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under this part;
- 2) Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
- 3) When practical, structuring concession activities to encourage and facilitate the participation of ACDBEs;
- 4) Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing;

- 5) Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the recipient's ACDBE program will affect the procurement process;
- 6) Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation; and
- 7) Establishing a business development program (see part 2 § 26.35); technical assistance programs; or taking other steps to foster ACDBE participation in concessions.

The Airport will also provide for the use of ACDBE-conscious measures when ACDBE-neutral measures, standing alone, are not projected to be sufficient to meet an overall goal. The following are examples of ACDBE-conscious measures the Airport 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 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 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 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 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 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 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.
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 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.

Note: The Airport acknowledges, effective October 3, 2025, it may not use any of the measures described in the ACDBE-conscious paragraph of this section until the State of Florida has updated the UCP including completing the reevaluation process described in 49CFR Part 23.81.

Section 23.26 Fostering Small Business Participation

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

The small business element is incorporated as [Attachment 11](#) to this ACDBE program plan. The program elements will be actively implemented to foster small business participation. The Airport acknowledges that active use of the small business element is a requirement of the good faith implementation of this ACDBE program plan.

The Airport will submit an annual report on small business participation obtained through the use of this small business element. The report must be submitted in the format acceptable to the FAA based on a schedule established and posted to the agency's website, available at [https://www.faa.gov/about/office org/headquarters offices/acr/bus ent program](https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program).

Section 23.27 Reporting

The Airport will retain sufficient basic information about the ACDBE program implementation, ACDBE certification and the award and performance of agreements and contracts to enable the FAA to determine the 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 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 Airport will create and maintain active participants list information and enter it into a system designated by the FAA. The Airport will collect the following information about ACDBE and non-ACDBEs who seek to work on each of the concession opportunities.

- a. Firm name;
- b. Firm address including ZIP code;
- c. Firm status as an ACDBE or non-ACDBE;
- d. NAICS code applicable to the concession contract in which the firm is seeking to perform;
- e. Age of the firm; and
- f. The annual gross receipts of the firm.

The Airport will collect 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 Airport will collect the data using the form in [Attachment 3](#). The 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 USDOT's Departmental Office of Civil Rights each year. The 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 of ACDBE certification applications received from in-state and out-of-state firms and the number found eligible and ineligible;
- 2) 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.
- 3) Number of in-state and out-of-state ACDBEs summarily suspended;

Section 23.29 Compliance and Enforcement Procedures

The Airport will take monitoring and enforcement mechanisms discussed in [Attachment 4](#) to ensure compliance with 49 CFR Part 23. The specific provisions to be inserted into concession agreements and management contracts, the enforcement mechanisms, and other means used to ensure compliance are included in the attachment.

1. The Airport will bring to the attention of the United States 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 26.107.
2. The Airport will consider similar action under its own legal authorities, including responsibility determinations in future contracts. The Airport has listed the regulations, provisions, and contract remedies available in the event of non-compliance with the ACDBE regulation by a participant in its procurement activities (see [Attachment 4](#)).

SUBPART C – CERTIFICATION AND ELIGIBILITY

Section 23.31 Certification Standards

The Airport is a non-certifying member of the Florida Unified Certification Program (UCP) and relies upon the UCP's determinations of certification eligibility. The Florida 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 Florida UCP members make all certification decisions based on the facts as a whole.

The UCP's directory of eligible DBEs will specify whether a firm is certified as a DBE for purposes of Part 26, and ACDBE for purposes of Part 23, or both.

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

FDOT Equal Opportunity Office
605 Suwannee Street, MS-65
Tallahassee, FL 32399
(803) 737-1372
(<https://www.fdot.gov/BusinessGrowth>).

A link to the certification application forms and documentation requirements is found in [Attachment 8](#) to this program.

Section 23.33 Business Size Standards

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

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

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

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 Florida 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 Florida 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. The Airport will defer to the Florida UCP to make the determination whether or not a firm is eligible to become an ACDBE. The UCP will follow the procedures in §23.39 to make the determination.

SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 Basic Overall Goal Requirement

The 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 Airport will review the goals annually to make sure the goal continues to fit the Airport's circumstances. The Airport will report any significant overall goal adjustments to the FAA.

If the average annual concession revenues for car rentals over the preceding three years do not exceed \$200,000, The Airport will 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 three years do not exceed \$200,000, the Airport need not submit an overall goal for concessions other than car rentals. The Airport understands that "revenue" means total revenue generated by concessions, not the fees received by the Airport from concessionaires.

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

Note: The Airport acknowledges that effective October 3, 2025, it is not required to update the overall ACDBE goals until the Florida UCP has completed the reevaluation process described in [49 CFR Part 23.81](#).

Section 23.43

Consultation in Goal Setting

The Airport consults with stakeholders before submitting the overall goals to the FAA. Stakeholders will include, but not be limited to, small business groups, community organizations, trade associations representing concessionaires currently located at the Airport, as well as existing concessionaires themselves, and other officials or organizations that could be expected to have information concerning the availability of disadvantaged businesses, and the Airport's efforts to increase participation of ACDBEs.

When submitting the overall goals, the Airport will identify the stakeholders 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 become available during the goal period. However, the 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 Airport is a **small-hub** primary airport. As a condition of eligibility for FAA financial assistance, the Airport will submit its overall goals according to the following schedule for small-hub primary airports:

Primary Airport Size	Region	Date Due	Period Covered	Next Goal Due
Small-Hub	All regions	October 1, 2024	2025/2026/2027	October 1, 2027 (2028/2029/2030)

Source: <https://www.faa.gov/sites/faa.gov/files/FAAGoalsDueChart%20%2811%29.pdf>

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 Airport will submit an appropriate adjustment to the overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity.

The Airport will establish overall goals in accordance with the two-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 Airport will also include a projection of the portions of the overall goal expected to be met through ACDBE-neutral and ACDBE-conscious measures, respectively, and the basis for making this projection.

A description of the methodology to calculate the overall goal for car rental concessions, the goal calculation, and the data on which the Airport relied can be found in [Attachment 5](#) to this program.

A description of the methodology to calculate the overall goal for concessions other than car rentals, the goal calculation, and the data on which the Airport relied can be found in [Attachment 6](#) to this program.

FAA may approve or disapprove the way the goal was calculated, including the ACDBE-neutral/ACDBE-conscious "split," as part of its review of the plan or goal submission. Except as provided in paragraph (h) of this section, the FAA does not approve or disapprove the goal itself (*i.e., the number*).

If the FAA determines that the Airport's goals have not been correctly calculated or the justification is inadequate, the FAA may, after consulting with the Airport, adjust the overall goal or ACDBE-conscious/ACDBE-neutral "split." In such a case, the adjusted goal is binding on the Airport.

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

The Airport will count ACDBE participation toward overall goals for 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 Airport will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, the 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 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 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 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 Airport will verify that the firm in all other respects remains an eligible ACDBE. To accomplish this verification, the 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 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 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 23.57(b) 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, the Airport will:

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems the Airport has identified in its analysis to enable it to fully meet the goal for the new fiscal year;
- (3) As an airport not meeting the criteria of paragraph (b)(3)(i) of this section, the Airport will retain analysis and corrective actions in its records for three years and make it available to the FAA, on request, for their review.

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

The 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 the ACDBE program in good faith if any of the following things occur:

- (1) The Airport does not submit the analysis and corrective actions to FAA in a timely manner as required under paragraph (b)(3) of § 23.57;
- (2) FAA disapproves the analysis or corrective actions; or
- (3) The Airport does not fully implement:
 - a. The corrective actions to which the Airport has committed, or
 - b. Conditions that FAA has imposed following review of the analysis and corrective actions.
 - c. If information coming to the attention of FAA demonstrates that current trends make it unlikely that the Airport will achieve ACDBE awards and commitments that would be necessary to allow for meeting the overall goal at the end of the fiscal year, FAA may

require the Airport to make further good faith efforts, such as modifying the ACDBE-conscious/ACDBE-neutral split or introducing additional ACDBE-neutral or ACDBE-conscious measures for the remainder of the fiscal year.

Note: The Airport acknowledges effective October 3, 2025, it is not subject to this section until the Florida UCP has completed the reevaluation process described in § 23.81.

Section 23.61 Quotas or Set-asides

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

SUBPART E - OTHER PROVISIONS

Section 23.71 Existing Agreements

If permitted by the existing agreement, the 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 Airport does not have any privately-owned or leased terminal buildings.

Section 23.75 Long-Term Exclusive Agreements

The Airport will not enter into a long-term and exclusive agreements for concessions without prior approval of the FAA Regional Civil Rights Office. The Airport understands that a “long-term” agreement is one having a term of more than 10 years, including any combination of base term and options or holdovers to extend the term of the agreement, if the effect is a term of more than ten years. The Airport understands 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 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 Airport’s plan for meeting the standards of paragraph (c) of § 23.75.

To obtain FAA approval of a long-term exclusive concession agreement, the 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 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 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 part, the Airport will, as a condition of remaining eligible to receive Federal financial assistance from USDOT, 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 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 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., Pinellas County) an advantage over concessionaires from other places in obtaining business as, or with, a concession at the airport(s).

ATTACHMENTS

Attachment 1	St. Pete-Clearwater International Airport Organizational Chart
Attachment 2	Link to Florida UCP Directory
Attachment 3	Active Participants List Collection Form
Attachment 4	Monitoring and Enforcement Mechanisms (26.37)
Attachment 5	Overall Goal Calculations for Car Rentals
Attachment 6	Overall Goal Calculations for Concessions Other Than Car Rentals
Attachment 7	Form 1 & 2 for Demonstration of Good Faith Efforts; Form 3 & 4 for Demonstration of Participation Plan
Attachment 8	Certification Application Forms
Attachment 9	State's UCP Agreement
Attachment 10	Regulations: 49 CFR Parts 23
Attachment 11	ACDBE-Neutral Small Business Element

ATTACHMENT 1

Organizational chart

St. Pete-Clearwater International Airport

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ATTACHMENT 2

ACDBE DIRECTORY

The ACDBE Directory for the State of Florida may be found at:

<https://www.fdot.gov/BusinessGrowth>

ATTACHMENT 3

Active Participants List Collection Form

ATTACHMENT 4

Monitoring and Enforcement Mechanisms

The Airport has available several remedies 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. Breach of contract action, pursuant to [Section 489.129](#), Florida Statutes
3. Breach of contract action, pursuant to [Section 713.345](#), Florida Statutes

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

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

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

1. The Airport will insert the following provisions into concessions agreements and management contracts at the next lease renewal:
 - A. The ACDBELO and/or its designee will conduct reviews of attainments versus commitments, on an as-needed basis. This review will ensure the actual attainments of the ACDBE, as committed at contract award.
2. The Airport will implement the following additional monitoring and compliance procedures, consistent with concession contract provisions:
 - A. The Airport has the right to inspect books and records of the ACDBE concerning operations at the Airport, directly or indirectly, at the discretion of the Airport.
3. The Airport will implement its compliance and monitoring procedures as follows:
 - A. All concessions will be required to submit monthly revenue reports to the Airport. The Airport performs annual reconciliations and periodic revenue audits. Concessionaires will submit the ACDBE Attainment Reports annually.

ATTACHMENT 5

Section 23.45: Overall Goal Calculation for Car Rental Concessions

NOTE: Due to the Interim Final Rule dated October 3, 2025, there is no goal or calculation available.

ATTACHMENT 6

Section 23.45: Overall Goal Calculation for Concessions Other Than Car Rental Concessions

NOTE: Due to the Interim Final Rule dated October 3, 2025, there is no goal or calculation available.

ATTACHMENT 7

FORM 1: AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid 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 has submitted documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____

(Signature)

_____ Title

FORM 2: LETTER OF INTENT

(THIS PAGE SHALL BE SUBMITTED FOR EACH ACDBE PARTICIPATING FIRM)

Proposer Name: _____

Address: _____

City: _____ State: _____ Zip: _____

ACDBE Participant: Firm Name: _____

Address: _____

City: _____ State: _____ Zip: _____

ACDBE Contact Person: Name: _____ Phone: (____) _____

Firm is performing as: ☐ Certified ACDBE Sub ☐ Certified ACDBE Joint Venture Team Member

Certification #: _____

Applicable NAICS code (note: ACDBE must be certified in the trade of the contract): _____

Description of Work Item(s) To Be Performed By ACDBE	Estimated Gross Revenue Dollars (\$) To Be Earned	Percentage (%) of Total Contract Gross Revenues
TOTAL ACDBE % Credit Claimed for this Contractor		

The Proposer is committed to utilizing the above-named ACDBE firm for the work described above and the ACDBE agrees to participate as listed. The estimated participation is as follows:

ACDBE estimated gross revenues: \$_____ Percent of total contract: _____%

Total Contract estimated gross revenues: \$_____

The above-named firms affirm that it will perform the portion of the contract for the estimated gross revenues as stated above.

By: _____
(Proposer Authorized Representative name) (Title)

(signature) (date)

By: _____
(ACDBE Authorized Representative name) (Title)

(signature) (date)

* In the event the Proposer does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void (make copies of this form as needed for each participant)

ATTACHMENT 8

Certification Application Forms

The ACDBE Certification Application for the State of Florida can be found at:

<https://www.fdot.gov/BusinessGrowth>

ATTACHMENT 9

State's UCP Agreement

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FLORIDA UNIFIED CERTIFICATION PROGRAM AGREEMENT

RECITALS

WHEREAS, 49 CFR Part 26 Subpart E- Certification Procedures Section 26.81, requires that all United States Department of Transportation (USDOT) Recipients participate in a statewide Unified Certification Program (UCP); and

WHEREAS, this Agreement establishes the UCP for the State of Florida; and

WHEREAS, the UCP will comply with all certification procedures and standards set forth in Subparts D and E of 49 CFR Part 26 on the same basis as recipients; and

WHEREAS, the UCP will cooperate fully with oversight, review, and monitoring activities of USDOT and its operating administrations; and

WHEREAS, the UCP will implement USDOT directives and guidelines concerning certification matters; and

WHEREAS, all certification by the UCP shall be pre-certification, i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE; and

WHEREAS, the UCP will render uniform certification decisions on behalf of all USDOT financial assistance recipients in Florida with respect to participation in the USDOT Disadvantaged Business Enterprise (DBE) Program; and

WHEREAS, the UCP will provide "one-stop shopping" to applicants for DBE certification, such that an applicant need apply only once for a DBE certification that will be honored by all UCP Members in Florida; and

WHEREAS, the UCP shall develop and maintain an electronic DBE Directory of all firms certified in Florida that will be available to the public on the Internet and in print and continuously updated with additions, deletions, and other changes; and

WHEREAS, the UCP shall have sufficient resources and expertise to carry out the requirements of 49 CFR Part 26 Subpart E; and

WHEREAS, all obligations of recipients with respect to certification and nondiscrimination must be carried out by UCPs, and that recipients may use only UCPs that comply with the certification and nondiscrimination requirements of 49 CFR, Part 26.

NOW, THEREFORE, in consideration of the promises and covenants herein contained Florida UCP Members, agree to the following:

ARTICLE 1 – VISION

Florida's USDOT Recipients share the common goal of creating a level playing field on which DBE firms can compete fairly for USDOT assisted contract awards, while enhancing the administration of the DBE Programs through the exchange of information and coordination of activities. In order to achieve the common goal, Recipients will establish the UCP for the State of Florida.

ARTICLE 2 – DEFINITIONS

Terms and Definitions used by the UCP shall be those specifically defined in this Agreement, and in 49 CFR, Section 26.5, which is incorporated by reference herein:

2.01 Certifying Member

A Florida Recipient as defined in 2.05, and UCP Member as defined in 2.10 and 3.01 who has a current DBE Program Plan approved by an appropriate USDOT Operating Administration that includes provisions for DBE certification and revocation processes.

2.02 Disadvantaged Business Enterprise (DBE)

A for-profit small business concern, that is at least 51% owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, in which at least 51% of the stock is owned by one or more such individuals; and whose management and daily business operations of the entity are controlled by one or more of the socially and economically disadvantaged individuals who own it.

2.03 Non-Certifying Member

A Florida Recipient as defined in 2.05, or UCP Member as defined in 2.10 and 3.1 who has a current DBE Program Plan approved by an appropriate USDOT Operating Administration that does not include provisions for DBE certification and revocation processes.

2.04 Personal Net Worth

The net value of the assets of an individual remaining after total liabilities are deducted. Pursuant to 49 CFR Section 26.67 and as used herein, the personal net worth of each disadvantaged owner of an applicant or a DBE firm, excluding the individual's ownership interest in the applicant or a DBE firm and the individual's equity in his or her primary place of residence, must not exceed \$750,000. As of the effective date of this Agreement, the personal net worth requirement is not applicable to airport concessions.

2.05 Recipient

Any entity, public or private, to which USDOT financial assistance is extended, whether directly or through another recipient, through the programs of the Federal Aviation

Authority (FAA), Federal Highway Administration (FHWA) or the Federal Transit Authority (FTA), or who has applied for such assistance.

2.06 Small Business Concern

A Small Business Concern is as defined in Small Business Administration regulation 13 CFR Part 121 and in 49 CFR, Part 26; Section 65.

2.07 Socially and Economically Disadvantaged Individuals

Any individual who is a citizen or lawfully admitted permanent resident of the United States and who is:

- (a) Any individual who a recipient finds to be socially and economically disadvantaged individual on a case-by-case basis.
- (b) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - (i) “Black Americans” which includes persons having origins in any of the Black racial groups of Africa;
 - (ii) “Hispanic Americans” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - (iii) “Native Americans” which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - (iv) “Asian-Pacific Americans” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - (v) “Subcontinent Asian Americans” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka;
 - (vi) Women;

- (vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA at such time as the SBA designation becomes effective.

2.08 Executive Committee

A single standing committee, comprised of the Manager of the Equal Opportunity Office in the Florida Department of Transportation (FDOT) or his/her designee, a Certifying Member selected annually by and among the FAA UCP Members, and a Certifying Member selected annually by and among the FTA UCP Members.

2.09 Sub-Recipient

Any entity, public or private, to which USDOT financial assistance is extended through another Recipient.

2.10 UCP Members

All Florida Recipients participating in this Agreement as described in 3.01 and 11.05, including both Certifying and Non-Certifying Members.

ARTICLE 3 – ORGANIZATION OF THE UCP

3.01 Members of the UCP – Recipients

Pursuant to Section 26.81(a), all USDOT recipients in this State shall participate in a UCP.

All recipients, including airports and transit properties, that receive funds directly from FHWA, FAA or FTA must agree in writing to participate as members in the UCP.

Signatures to the UCP agreement of all USDOT recipients in this State shall be maintained on file in the FDOT Equal Opportunity Office.

3.02 Responsible Certifying Member

It is the intent of this Agreement that a Certifying Member will be responsible for certifying DBE's who perform work in their respective fields of expertise (highway and bridge, aviation, and transit). If a DBE firm performs work unique to aviation or transit, and there is no available FAA or FTA Certifying Member in the local area, the FAA or FTA Members will coordinate and agree on the designation of a Responsible Certifying Member. The FAA or FTA Member designated as the Responsible Certifying Member shall either be located in the vicinity of the applicant or DBE firm or have an on-going contract or business relationship with the firm. Non-certifying Members shall likewise consider the location of the applicant or DBE firm and any on-going contract or business relationships with the firm when forwarding an application or a DBE file to a Responsible Certifying Member. To this end Responsible Certifying Members shall be responsible for DBE certifications as follows:

- a) FDOT shall be the Responsible Certifying Member for those firms primarily engaged in the delivery of highway, road and bridge related goods and services. These goods and services may include, but are not limited to, heavy highway construction contractors, road and bridge contractors, specialty construction contractors, engineering consultants, specialty consultants, highway, road and bridge related material suppliers and fabricators and highway, road and bridge related maintenance services.

- b) An FAA UCP Member shall be the Responsible Certifying Member for those firms that are primarily engaged in the delivery of aviation related goods and services, including concessionaires. These goods and services may include, but are not limited to, food service and other aviation specialty firms.
- c) An FTA UCP Member shall be the Responsible Certifying Member for those firms that are primarily engaged in the delivery of transit related goods and services. These goods and services may include, but are not limited to, transit services generally, transit maintenance services and transit related materials and supplies.

3.03 DBE Directory Management

UCP Members hereby acknowledge that FDOT is the major recipient of FHWA funds in the State of Florida, has the largest DBE certification program in the State, and maintains a Directory of certified DBEs that is available electronically and in printed form to Florida Recipients, contractors, and other interested members of the general public.

3.03.1 FDOT shall serve as Manager for the UCP's electronic DBE Directory, which shall include all DBE certifications made by Certifying Members.

3.03.2 FDOT, as DBE Directory Manager, shall assume the following responsibilities with regard to the DBE Directory:

- (a) Keep and maintain the up-to-date electronic DBE Directory;
- (b) Ensure its availability to all UCP Members and other interested parties;
- (c) Make available printed copies of the Directory upon request; and
- (d) Provide Certifying Members with access to certification information in the DBE Directory through the Internet.

3.03.3 Certifying Members will, within 3 business days of receipt of any new application for DBE certification, complete input to a Directory application screen, whenever a new application for DBE certification is received, so that other Certifying Members will not process or otherwise duplicate work on any DBE application.

3.03.4 When a Certifying Member makes a DBE certification approval decision, information shall be submitted, through the Internet, by the Certifying Member, directly to the DBE Directory within three (3) business days of said approval. Pursuant to 49 CFR, Section 26.31, this information shall include:

- a) Firm Name, Street Address, P.O. Box, Telephone and Facsimile Numbers, and e-mail address;
- b) Name of Majority Owner, Gender, and Minority Code;
- c) Type(s) of work performed by the DBE using North American Industry Classification system (NAICS) adopted by the SBA on October 1, 2000, and other work specialty codes as needed;
- d) Name of Certifying Member;
- e) Expiration Date of DBE Certification; and
- f) Any other appropriate information, as agreed upon by UCP Members.

3.03.5 Certifying Members shall also input, through the Internet, within three (3) business days of the action, information as required in 3.03.3 on firms denied DBE certification. This information will be input on the DBE Status Page.

3.03.6 Firms denied DBE certification by a Certifying Member are eligible to re-submit a DBE application after one (1) year.

3.04 Transition of Currently Certified DBEs

Each UCP Member shall electronically submit its current DBE Directory to the DBE Directory Manager (FDOT) for inclusion into the UCP's DBE Directory. Each UCP Member Directory shall include complete information as required in 3.03.4, and a statement attesting to the fact that each DBE firm submitted has been certified under the provisions of 49 CFR Part 26.

3.04.1 The Executive Committee shall meet and review those certified DBE firms submitted by Certifying UCP Members, and will determine the appropriate Certifying Member who will be responsible for future certification and re-certification of the DBE.

3.04.2 Upon determination by the Executive Committee of the appropriate Certifying Member, the Certifying UCP Member having possession of the DBE firm's certification file will be notified, and shall immediately forward that DBE file to the responsible Certifying Member, who shall assume custody and responsibility for the DBE file.

3.04.3 Presently certified non-Florida DBE firms must document current DBE certification by the DOT of the state in which they are domiciled or that state's UCP, if it is in place, prior to being included in the DBE Directory.

3.04.4 Designation of a Responsible Certifying Member for a non-Florida DBE firm shall follow the same process as described above.

3.05 Executive Committee Duties

It is agreed that upon approval by the Secretary of the USDOT, the Executive Committee shall begin implementing the provisions of this agreement and the Implementation Plan, attached as Exhibit C.

3.05.1 The Executive Committee shall meet as necessary to provide oversight and ensure compliance with 49 CFR Section 26.81. The Executive Committee shall at all times seek the participation, and may call special meetings of all UCP Members to ensure compliance with said regulation.

3.05.2 The Executive Committee may establish special committees, by majority vote, which may include, but are not limited to, Airport Concessions, UCP Member Dispute Resolution, UCP Process, Quality Assurance, Training, and Intake.

3.05.3 The Executive Committee will ensure that the UCP has sufficient resources and expertise to carry out the requirements of 49 CFR Section 26.81.

3.05.3 The Executive Committee will advise all UCP Members when it appears resources and expertise are not sufficient to carry out the requirements of 49 CFR Section 26.81.

ARTICLE 4 – RIGHTS AND RESPONSIBILITIES OF UCP MEMBERS

4.01 Types of UCP Members

Florida recipients acknowledge that this Agreement provides for two (2) classes of members, Certifying Members and Non-Certifying Members as defined in 2.01 and 2.03, and that each class shall have specific rights and responsibilities as set forth herein.

4.02 Certifying Member Rights and Responsibilities

Each Certifying Member shall have the following rights and responsibilities:

- (a) Comply with the terms and conditions of this Agreement.
- (b) Collect and evaluate information received regarding DBE certification applications, conduct site visits, and make certification decisions as to DBE status, in accordance with 49 CFR Part 26.
- (c) Promptly provide current information to the DBE Directory as required by and in the manner prescribed in 3.03 above.
- (d) Update the DBE Directory with all new and updated information (renewals, removals, change of address, etc.).
- (e) Retain and maintain appropriate DBE certification files.
- (f) Make file information available to other USDOT recipients and other state UCPs in response to questions or complaints, upon written request.
- (g) Upon request of a UCP Member, may conduct a site visit to a DBE applicant in its vicinity.
- (h) Process annual updates to verify continuing eligibility of DBE firms certified by it.
- (i) Perform specific file reviews at any time upon request by a UCP Member.
- (j) Make timely final decisions on DBE applications as outlined in 49 CFR Section 26.83(k) or within (90) ninety days of receipt of all information.
- (k) Provide information on any certified DBE upon request by a UCP Member.

4.03 Non Certifying Member Rights and Responsibilities

Each Non-Certifying Member shall have the following rights and responsibilities:

- (a) Comply with the terms and conditions of this Agreement.
- (b) Promptly forward DBE applications to the Responsible Certifying Member.

- (c) Provide information on any certified DBE upon request by a UCP Member.

ARTICLE 5 – RIGHTS AND RESPONSIBILITIES OF THE UCP

5.01 Certification Decisions

The UCP shall maintain processes and programs that conform to the overall certification standards set out in 49 CFR Part 26.

Certification decisions made by UCP Certifying Members shall be binding on all DOT recipients with respect to participation in the DBE Program. In the event of a conflict, the UCP, through the Executive Committee, shall make a final decision, subject to the provisions of 49 CFR, Part 26.

5.02 “One-Stop Shopping”

The UCP shall provide “one-stop shopping” to applicants for DBE certification in Florida, such that an applicant is required to apply only once for a DBE certification that will be honored by all UCP Members.

5.03 Processing Out-of-State Applications

The UCP will not process a new application for DBE certification from a firm having its principal place of business in another state unless the firm has already been certified in that state. When a Certifying Member processes an out-of-state application, a full certification application file with all supporting documentation will be compiled by the Certifying Member, including a copy of the Site Visit Report obtained from the applicant’s home state or from the state’s UCP if it is in place, before the firm is included in the DBE Directory.

5.04 Reciprocity With Other UCPs

It is understood that:

- (a) The UCP, through its Executive Committee, may enter into written reciprocity agreements at any time with UCPs of other states subject to approval of USDOT.
- (b) Such reciprocity agreement(s) must outline the specific responsibilities of each participating UCP.

- (c) The UCP, and its Members, may accept a DBE certification decision, made by another UCP or state DOT, on a case-by-case basis.
- (d) The UCP, and its Members, shall share information concerning Florida DBE firms or applicants with other UCPs and state DOTs upon written request.

5.05 UCP Information Program

UCP Members and the Executive Committee will provide information on the Florida UCP to the public and to DBE applicant firms; provide individuals and firms seeking DBE certification with UCP applications; accept DBE applications from any applicant firm, and forward DBE applications to the appropriate Certifying Member for processing.

5.06 Meetings for Continued UCP Monitoring

The UCP, through its Executive Committee, shall hold a statewide membership meeting at least once a year or more often as needed for continued monitoring of the UCP, and on-going processes.

- 5.06.1 The Executive Committee shall notify UCP Members in writing of the date and location of the meeting at least (30) thirty days in advance of the meeting.
- 5.06.2 A majority of those recipients having agreed in writing to participate as members of the UCP shall constitute a quorum for conducting UCP business.
- 5.06.3 When a quorum is established at a meeting, a majority vote of those members present and voting shall be required to pass on a matter.

ARTICLE 6 – CERTIFICATION PROCEDURES

6.01 Certification Application

UCP Members agree to utilize the USDOT Disadvantaged Business Enterprise Certification Application format attached as Exhibit A.

6.02 Certification Process

The UCP and its Members shall follow DBE certification processes and adhere to standards set forth in 49 CFR Part 26, Subparts D and E, Certification Procedures, as well as those guidelines set forth herein or otherwise attached hereto.

6.03 Certification Site Visits

Certifying Members shall conduct a site visit to the principal place of business of an applicant firm prior to DBE certification and submission or direct input via the Internet to the DBE Directory.

- (a) Certifying Members will utilize the On-Site Review Checklist, which is included as Exhibit D herein.
- (b) Certifying Members may conduct site visits for one another when requested, in instances where the member requested is geographically close to the DBE's location.

ARTICLE 7 – APPEALS, COMPLAINTS AND DISPUTES

7.01 Appeals/Third Party Complaints

DBE Certification appeals and third party complaints may only be filed with the Certifying Member whose action is being appealed or complained about and shall be handled in accordance with 49 CFR Part 26, Sections 26.85, 26.87, and 26.89.

7.02 Member Agreement

This Agreement recognizes that each Certifying Member has a DBE Program Plan approved by USDOT, and that each such Program Plan may be unique. Therefore, it is herein agreed, that actions under this Section shall, in addition to the foregoing requirements of 49 CFR Part 26, comply with the process and procedure provided for in those individual DBE Program Plans.

External or Internal Complaints regarding certification decisions of a Certifying Member may only be filed with that Certifying Member, and shall be processed in accordance with 49 CFR Part 26, Section 26.87, or as otherwise provided for herein.

7.03 Notice Requirements

An action by a Certifying Member (certification denial, de-certification, etc.) shall be in writing, and shall:

- (a) Be delivered via Certified U.S. Mail, Return Receipt Requested.
- (b) Be specific as to the action being taken.
- (c) Be specific as to the basis of the action.
- (d) Be specific as to the facts relied upon.
- (e) Advise the party of the right to appeal.
- (f) Provide detailed information on the appropriate appeal process.

7.04 Member Disputes

UCP Members shall make every effort to resolve disputes that may arise between them.

7.04.1 Unresolved Member Disputes

When UCP Members are unable to resolve an internal dispute, the matter will be submitted to the Executive Committee for resolution. The decision of the Executive Committee shall be binding on all those UCP Members subject to the provisions of 49 CFR Part 26.

ARTICLE 8 – TRAINING

8.01 Executive Committee Oversight

The Executive Committee shall retain DBE certification oversight of UCP Members. FDOT will be responsible for DBE certification training of UCP Members. Upon approval of the Executive Committee, FDOT may provide, or otherwise arrange for, DBE certification training for any Certifying Member upon request or it may require a Certifying Member to attend DBE certification training in order to ensure compliance with the provisions of this Agreement and 49 CFR Part 26.

8.02 Training Costs

Certifying Members requesting DBE certification training through FDOT, or who have been required to obtain such training, agree to bear the costs and expenses for said training.

ARTICLE 9 – DBE DIRECTORY

9.01 Organization of the Directory

The DBE Directory shall be organized and maintained by FDOT, using industry standard state-of-the-art software. All UCP Members agree to maintain compatible software and systems in order to best use the electronic DBE Directory, and to timely provide DBE certification information and updates for the DBE Directory.

9.02 Availability

The DBE Directory shall be available electronically on the Internet (and in printed form, when requested) to UCP Members, contractors, and other interested parties.

ARTICLE 10 – FEES/COSTS

10.01 UCP Fees

The UCP may assess its Members such fees as may, from time to time, be required in order to operate and maintain the UCP, ensuring that resources and expertise are sufficient.

The Executive Committee shall certify the need for a fee assessment to Members at statewide membership meeting, and shall recommend a fee amount to the Members.

Members shall vote to approve the imposition of any such fee.

UCP Members that receive less than \$250,000.00 annually from USDOT shall be exempt from the payment of any such fees.

10.02 DBE Applicant Firms

Certifying Members may charge a reasonable fee for DBE certification application processing.

ARTICLE 11 – GENERAL PROVISIONS

11.01 Exhibits

All exhibits to this Agreement are incorporated herein by reference and made a part hereof.

11.02 Interpretation

Article and section headings and Table of Contents are for convenience only and shall not affect construction of this Agreement.

11.03 Amendments

This Agreement may not be amended, modified, or supplemented except by an instrument in writing agreed to by the UCP Members. Notwithstanding the foregoing, should any provisions of 49 CFR Part 26 be changed or modified, corresponding provisions of this Agreement shall be modified accordingly.

11.04 Compliance with Law

UCP Members agree that the operation of this Agreement and performance of all obligations hereunder shall at all times comply with 49 CFR Part 26 and with applicable federal and state laws.

11.05 Signed Agreement

This Agreement will become effective upon approval by the Secretary of USDOT, and will be fully operational within (18) eighteen months of approval.

By executing the Signature and Declaration of Status page of this Agreement recipients agree to become Members of the UCP, and agree to accept the terms and conditions of this Agreement.

Following USDOT approval, a recipient may become a member by submitting a fully executed Signature and Declaration of Status page from this Agreement to the Executive Committee, which shall be delivered to FDOT's Equal Opportunity Office, where it shall remain on file.

11.06 Severability

Should any part, term, portion, or provision of this Agreement be in conflict with any law of the United States or of the State of Florida, or otherwise be unenforceable or ineffectual, the remaining provisions shall be deemed valid and severable, and not affected thereby.

11.07 Successors

This Agreement shall be binding upon and inure to the benefit of any successors or assigns of the UCP Members.

11.08 Execution

Execution of this Agreement by UCP Members shall comply with appropriate procedures, resolutions, authorized signatures, and required filings pursuant to the law governing each UCP Member. This Agreement will be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

STATE OF FLORIDA
UNIFIED CERTIFICATION PROGRAM
UCP AGREEMENT

SIGNATURE and DECLARATION OF STATUS
(ST. PETERSBURG-CLEARWATER INTERNATIONAL AIRPORT)

IN WITNESS WHEREOF, the UCP Members execute this Agreement prepared
May 23, 2002, by authorized signatures, and attached resolutions if
appropriate.

ATTEST: KARLEEN F. DE BLAKER,
CLERK
BY: Linda R. Reed
Signature DEPUTY CLERK
LINDA R. REED
Name, printed

BOARD OF COUNTY COMMISSIONERS
Signatory Entity Name, printed
Barbara Sheen Todd
Signature and Title
BARBARA SHEEN TODD, CHAIRMAN
Name and Title, printed

This 23 day of May, 2002.

Approved as to form: /

K. H. H.
(Attorney for Signatory)

Certifying Member Status ☒

Non-Certifying Member Status ☐

ATTACHMENT 10

49 CFR Part 23

The federal regulations, Title 49
Code of Federal Regulations
Part 23, can be found at
<https://www.ecfr.gov/>.

ATTACHMENT 11

**ACDBE-Neutral Small Business
Element**

Small Business Element

I. Objectives and Strategies

A. Objective

This element, 49 CFR Part 23.26, is included as a component of the ACDBE program plan for the St. Pete-Clearwater International Airport ("the Airport"). The element is herein referenced as the ACDBE Small Business Element. This part calls for the inclusion of an element to

"provide for the structuring of concession opportunities to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of concession opportunities that may preclude small business participation in solicitations" ([49 CFR 23.26\(a\)](#)).

The Airport regards its ACDBE Small Business Element as a substantial effort toward meeting the requirements of the regulations to maximize a feasible portion of its overall ACDBE goal by using ACDBE-neutral means to obtain ACDBE participation. Therefore, the Airport will implement its ACDBE Small Business Element on the basis of business size, without regard to race or sex of the business owner.

The Airport's policy statement and this small business element are consistent with the Airport's mission of creating and encouraging business opportunities at all levels.

B. Strategy

The Airport intends to carry out the objectives of this part by employing the following strategies and supporting activities:

1. Establishment of an ACDBE-neutral Set-aside

The Airport proposes to establish an ACDBE-neutral set-aside on certain prime concession opportunities. Where practical, the Airport proposes to set aside concessions opportunities for award without regard to the race or sex of the business owner.

The Airport will evaluate and select certain concession opportunities for set-asides based on the following criteria:

- a. Market Analysis: The Airport will conduct an assessment of the availability and capacity of small businesses to successfully operate the concession.

- b. Concession Size: Opportunities that are deemed manageable in scale for small businesses, typically those with lower capital and operational requirements.
- c. Business Needs: Consideration of the airport's needs, ensuring that set-aside opportunities align with service demands while being feasible for small business operations.

2. Consideration of “Unbundling” of Large Contracts

The Airport will give consideration to “unbundling” as a small business strategy. Where feasible, the Airport will evaluate larger concession contracts to determine if they can be unbundled into smaller, more manageable packages that are accessible to small businesses.

II. Definitions

1. Small Business

For the purpose of the ACDBE Small Business Element, “small business” shall have the same definition as “small business concern” contained in 49 CFR 23.3 and 23.33(a):

“Small business concern means a for profit business that does not exceed the size standards of § 23.33.”

“Except as provided in paragraph (b) of this section, recipients must treat a firm as a small business eligible to be certified as an ACDBE if the gross receipts of the applicant firm and its affiliates, calculated in accordance with 13 CFR 121.104 averaged over the firm's previous five fiscal years, do not exceed \$56.42 million.”

For additional clarification, it is useful to include some excerpts from the SBA regulations, 13 CFR 121.105:

*(a)(1) **Except for small agricultural cooperatives**, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor....” and,*

*(b) **A business concern may be in the legal form** of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture there can be no more than 49 percent participation by foreign business entities in the joint venture.*

Small business concerns must meet the business size standards, as defined by the SBA. The business size standards are based upon the average annual revenues, and they vary

according to the type of business. More information can be found at http://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.

Personal Net Worth standards – should be consistent with 49 CFR Part 23 thresholds.

Further, it is acknowledged that the SBA rules make allowances for the dollar amounts to be adjusted from time to time.

2. Airport Concessions Disadvantaged Business Enterprise

Airport Concessions Disadvantaged Business Enterprise (ACDBE) means a for-profit small business (defined by SBA rules, above) that meets the standards of 49 CFR Part 23, i.e.

- At least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals.
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) of \$2.047 million.
- Has been certified as an ACDBE by a certifying member of the Florida UCP in accordance with the full requirements of 49 CFR Part 23.

The Airport understands that in the implementation of this element, not all small business concerns may be ACDBE firms. However, small businesses that are also owned and controlled by individuals who meet the ACDBE standard will be encouraged to seek ACDBE certification. Only ACDBE-certified firms who participate as small business concerns, pursuant to this element, will be counted towards ACDBE-neutral participation in this program.

III. Verification Standards and Procedures

The Airport will accept the following certifications for participation in the small business element of the Airport's ACDBE Program with applicable stipulations:

A. Florida Unified Certification Program ACDBE Certification

ACDBE certification by a certifying member of the Florida UCP that stipulates that a firm has met all the requirements in accordance with 49 CFR Part 23. The St. Pete-Clearwater International Airport is a non-certifying member of the Florida UCP and relies on certification decisions of the certifying members of the UCP. The UCP certification staff applies the standards and procedures for ACDBE certification applicants contained in Subparts D and E of 49 CFR 26.61 – 26.91.

B. Pinellas County Small Business Enterprise Program

The Airport will accept the certification of SBEs from the Pinellas County Small Business Enterprise Program

(<https://pinellas.gov/small-business-enterprise-program/>).

C. Small business status

A non-ACDBE certified small business may be required to complete a simplified application and/or provide at the time of response to a solicitation or proposal the following information, as evidence of the small business status, the following information:

- a. A copy of the business tax returns for the most recent five-year period indicating the gross receipts; or
- b. A notarized statement from a Certified Public Accountant indicating the firm's average gross receipts for the past five years.

D. Use of Personal Net Worth

The Airport, in addition to the standards for small businesses described above, plans to utilize the current personal net worth standards of the ACDBE program ([49 CFR 23.35\(a\)](#)), which is presently at \$2.047 million.

Certified ACDBE firms that meet the size criteria established under 49 CFR 23.33(b) are presumptively eligible to participate as a part of the ACDBE Small Business Element.

IV. Monitoring and Recordkeeping

A. Monitoring of Participation

The Airport will track and monitor the participation by ACDBEs and other small businesses that results from the implementation of the ACDBE Small Business Element. The Airport will conduct the tracking and monitoring exercise at least annually by Airport staff utilizing the B2Gnow Software and verifying information with the Small Business Office of the Pinellas County Economic Development Department. The Airport will report the participation on an annual basis as a part of the Uniform Report of ACDBE Participation.

B. Recordkeeping

The St. Pete-Clearwater International Airport will maintain records of participation by ACDBEs and other small businesses that result from the implementation of the ACDBE Small Business Element, and will make those records available to the FAA upon request.

V. Assurances

To ensure the successful implementation of the ACDBE Small Business Element, the Airport accepts the following assurances:

- (1) The element is authorized under state law.
- (2) Certified ACDBEs that meet the size criteria established under the Airport's ACDBE Small Business Element are presumptively eligible to participate in the element.
- (3) The Airport will not impose any geographic preferences or limitations on any concession opportunities included in the ACDBE Small Business Element.
- (4) The Airport will not place limits on the number of concession opportunities awarded to firms participating in the ACDBE Small Business Element. Every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.
- (5) The Airport will take aggressive steps to encourage those small business concerns that are eligible for ACDBE certification to become certified.
- (6) The Airport will make the ACDBE Small Business Element open to small businesses regardless of their location (i.e., that there is no local or other geographic preference) per § 23.79.

The Airport may not use a state, local, or other program that requires race, sex, or other criteria in addition to business size for eligibility to comply with the requirements of this part.