

### **Paperwork Reduction Act Burden Statement**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2105-0586. Public reporting for this collection of information is estimated to be approximately 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information.

All responses to this collection of information are mandatory (49 CFR 23.27); the nature and extent of confidentiality to be provided, if any (49 CFR § 26.109). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: [dbf\\_finalrule@dot.gov](mailto:dbf_finalrule@dot.gov)

### **Privacy Act Statement (5 U.S.C. § 552a, as amended):**

**AUTHORITY:** 42 U.S.C. 2000d et seq., § 12101 et seq., 42 U.S.C. 6101 et seq.; 29 U.S.C. 794, 749d; 49 U.S.C. 47113; 42 U.S.C. 12101; 49 CFR Part 23; 49 CFR Part 26, and Executive Order 13160.

**PURPOSE(S):** DOT will use the information collected to respond to Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) inquiries and adjudicate appeals.

**ROUTINE USE(S):** In accordance with DOT's system of records notice, DOT/ALL-24 Departmental Office of Civil Rights System, 76 FR 71108 (Nov. 16, 2011), the information provided may be disclosed to the U. S. Department of Justice, including United States Attorney's Offices, or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation. A comprehensive list of routine uses can be found in DOT/ALL 24 and DOT's General Statement of Routine uses, 75 FR 82138 (Dec. 29, 2010). 77 FR 42796 (July 20, 2012), 84 FR 55222 (Oct. 15, 2019).

**DISCLOSURE:** Provision of the requested information is voluntary; however, failure to furnish the requested information may result in the denial of a DBE or ACDBE application and an inability of the Department to process an appeal or inquiry from any party.

## Instructions for Uniform Report of ACDBE Participation

§ 23.27 (b) You must submit an annual report on ACDBE participation to the FAA by March 1 following the end of each fiscal year. This report must be submitted in the format acceptable to the FAA and contain all of the information described in the Uniform Report of ACDBE Participation.

Recipients must provide all the information below in the format acceptable to the FAA. When entering data and information in an online system, some of the data required below may populate automatically from the ACDBE firms list, and totals and percentages will calculate automatically.

1. Name of airport receiving FAA financial assistance
2. Name and contact information (phone, e-mail, etc.) for the person FAA should contact if there are questions about the report.
- 3a. Annual reporting period to which the report pertains (*e.g.*, October 2023–September 2024).
- 3b. Date on which the report is submitted to FAA.
4. This block and blocks 5 and 6 concern *non-car rental* goals and participation only. In this block, provide the overall non-car rental percentage goal and the race-conscious (RC) and race-neutral (RN) components of it. The RC and RN percentages should add up to the overall percentage goal. Select non-car rental goal basis (gross receipts) or indicate if a goal was not required. Note: You must enter the non-car rental prime concession gross receipts and number of car rental companies in columns A and B, even if a goal was not required. Total goods and services purchases are **not** included in the cumulative total in Column A. By statute, purchases of goods and services purchases from ACDBEs are added to gross receipts earned by ACDBEs.
5. For purposes of this block and Blocks 6, 8, and 9, the participation categories listed at the left of the block are the following: “Prime Concessions” are concessions who have a direct relationship with the airport (*e.g.*, a company who has a lease agreement directly with the airport to operate a concession). A “subconcession” is a firm that has a sublease or other agreement with a prime concessionaire, rather than with the airport itself, to operate a concession at the airport. A **“joint venture” is defined at 49 CFR § 23.3**. A “management contract” is an agreement between the airport and a firm to manage a portion of the airport's facilities or operations (*e.g.*, manage the parking facilities). “Goods/services” refers to those goods and services purchased by concessionaires and management contractors from certified ACDBEs.

Block 5 concerns all non-car rental concession activity covered by 49 CFR part 23 during the reporting period, both new and continuing.

In Column A, enter the total concession gross revenues for concessionaires (prime, sub and joint venture) and purchases of goods and services (ACDBE and non-ACDBE combined) at the airport. In Column B, enter the number of lease agreements, contracts, etc. in effect or taking place during the reporting period in each participation category for all concessionaires

and purchases of goods and services (ACDBE and non-ACDBE combined). This is not by location. However, airports may need to report this differently if there is one contract/agreement that has multiple ACDBE partners. For firms including joint ventures that have one agreement but have multiple ACDBE partners; example: one contract/agreement but has 5 ACDBE partners and the five (5) business owners have different sexes and ethnicities; count as 5 ACDBEs to correctly recognize the sex and ethnicities of the owners in Section 10. Also, there may not be a contract agreement but rather a purchase order or a simple pay form for a service. In this case, count the number of suppliers that were purchased from.

Because, by statute, non-ACDBE management contracts do not count as part of the base for ACDBE goals, the cells for total management contract participation and ACDBE participation as a percentage of total management contracting dollars are not intended to be filled in blocks 5, 6, 8, and 9.

In Column C, enter the total gross revenues in each participation category (ACDBEs) only. **For joint ventures, enter only the portion of gross receipts equal to the distinct, clearly defined portion of the work of the concession that the ACDBE performs with its own forces toward ACDBE goals in the joint venture participation category.** In Column D, enter the number of lease agreements, contracts, etc., in effect during the reporting period in each participation category for all concessionaires and purchases of goods and services (ACDBEs only)

Columns E and F are subsets of Column C: break out the total gross revenues listed in Column C into the portions that are attributable to race-conscious and race-neutral measures, respectively. Column G is a percentage calculation. It answers the question, what percentage of the numbers in Column A is represented by the corresponding numbers in Column C?

Data entered in Columns H, I, J, K and L comply with the annual small business participation requirement in 49 CFR 23.26(f). The data in this section is counted separately from the data in columns A through G. In Column H, enter **only** the total concession gross revenues for concessionaires (prime, sub and joint venture) and goods and service purchases (ACDBE and non-ACDBE combined) that resulted from the airport's implementation of the 49 CFR § 23.26 small business element. In Column I, enter the number of lease agreements, contracts, etc., from the small business element, whether in effect or taking place, during the reporting period in each participation category for all concessionaires and purchases of goods and services (ACDBE and non-ACDBE combined).

In Column J, enter **only** the total gross revenues and/or goods and service purchases from **ACDBEs** that resulted from the airport's implementation of the 49 CFR § 23.26 small business element. In Column K, enter the number of lease agreements, contracts, etc., from the small business element, whether in effect or taking place, during the reporting period in each participation category for ACDBE concessionaires and goods and services providers (ACDBEs only).

Column L is a percentage calculation. It answers the question, what percentage of the numbers in Column H is represented by the corresponding numbers in Column J. All ACDBE participation generated from the 49 CFR § 23.26 small business element is race neutral.

6. The numbers in this Block concern only *new* non-car rental concession opportunities that arose during the current reporting period. In other words, the information requested in Block 6 is a subset of that requested in Block 5. Otherwise, this Block is filled out in the same way as Block 5. This section is for all new non-car rental concession **agreements**, not just operators new to the airport. Extensions are not considered “new” agreements.

7. Blocks 7–9 concern car rental goals and participation. In Block 7, provide the overall car rental percentage goal and the race-conscious (RC) and race-neutral (RN) components of it. The RC and RN percentages should add up to the overall percentage goal. Select what the car rental goal is based on (gross receipts or purchases) or indicate if a goal was not required.

Note: You must enter the car rental prime concession gross receipts and number of car rental companies in columns A and B, even if a goal was not required.

Airports may set a car rental goal based on gross receipts as per §23.51(c)(5)(ii), but this is extremely uncommon. If the car goal is based on gross receipts, total goods and services, purchases are **not** included in the cumulative total in Column A. By statute, purchases of goods and services purchases from ACDBEs are added to gross receipts earned by ACDBEs.

For car rental goals based on goods and services purchases, only purchase information is evaluated toward the overall goal. Columns A and B goods and services purchases line must include ALL purchases, including fleet purchases, from ACDBE and non-ACDBE firms. If fleet purchases are national or regional, the amount can be pro-rated as described in 49 CFR §23.53.

8. Block 8 is parallel to Block 5, except that it is for car rentals. The instructions for filling it out are the same as for Block 5.

9. Block 9 is parallel to Block 6, except that it is for car rentals. The information requested in Block 9 is a subset of that requested in Block 8. The instructions for filling it out are the same as for Block 6.

10. Block 10 instructs recipients to bring forward the cumulative ACDBE participation figures from Blocks 5 and 8 Columns A through G, breaking down these figures by race and sex categories. The number of agreements and participation dollars of non-minority women-owned firms should be listed in the “non-minority women” column. The number of agreements and participation dollars of firms owned by minority women should be listed in the appropriate minority group column. The “other” column should be used to reflect participation dollars and number of agreements with firms owned by individuals who are not a member of a presumptively disadvantaged group, but who have been found disadvantaged on a case-by-case basis.

11. This Block instructs recipients to include information about **only** those ACDBEs owned by more than one socially and economically disadvantaged (SED) individual, each of whom may be a member of a different demographic group. The participation dollars included in Columns

A through G for each race/sex category are calculated based on the percentage ownership of the ACDBEs' individual SED owners. The parts of this Block referring to the number of participants are meant to capture the number of individual owners who belong to the demographic group of that column. The details needed for this Block come directly from the ACDBE Firms List recipients provide as part of the Uniform Report and will therefore populate automatically in this block, after you enter the ACDBE Firms List information. The data in this section is counted separately from the data in other sections of the report.

Recipients must also include the following information for each ACDBE firm participating in their program during the period of this report, which may be used to verify or directly auto-populate information in one or more Blocks of the Uniform Report:

- Business Name
- Concession Type
- Business Type
- Term (beginning and expiration dates of agreement, including options to renew)
- Renewal (dates that material amendments have been or will be made to agreement)
- Estimated gross receipts for this reporting period (enter expenses if ACDBE is a supplier).
- Disadvantaged Group of each SED Owner

**1. Name of Recipient****2. Contact Information:****3a. Reporting Period:****3b. Date of Report:****4. Current Non-Car Rental ACDBE Goal: Race Conscious Goal \_\_\_\_% Race Neutral Goal \_\_\_\_% Overall Goal \_\_\_\_%****Non-Car Rental Goal is Based on:**

- ☐ Gross Receipts
- ☐ Goal Not Required (Average annual concession revenue does not exceed \$200,000)

**Note: Concessions gross receipts and number of concessions must be reported even if a goal was not required**

5. Non-car rental	A	B	C	D	E	F	G	H	I	J	K	L
Cumulative ACDBE participation	Total dollars (everyone)	Total number (everyone)	Total to ACDBEs (dollars)	Total to ACDBEs (number)	RC to ACDBEs (dollars)	RN to ACDBEs (Dollars)	% of dollars to ACDBEs	Total small business element dollars (everyone)	Total small business element number (everyone)	Total small business element dollars to ACDBEs (dollars)	Total small business element to ACDBEs (number)	% of RN small business dollars to ACDBEs
Prime Concessions												
Subconcessions												
Joint Ventures												
Management Contracts	XXXXXXX	XXXXXXX					XXXXXX	XXXXXX	XXXXXX			XXXXXX
Goods/Services												
Totals												

6. Non-Car rental	A	B	C	D	E	F	G	H	I	J	K	L
New ACDBE participation this period	Total dollars (everyone)	Total number (everyone)	Total to ACDBEs (dollars)	Total to ACDBEs (number)	RC to ACDBEs (dollars)	RN to ACDBEs (Dollars)	% of dollars to ACDBEs	Total small business element dollars (everyone)	Total small business element number (everyone)	Total small business element dollars to ACDBEs	Total small business element to ACDBEs (number)	% of RN small business dollars to ACDBEs
Prime Concessions												
Subconcessions												
Joint ventures												
Management Contracts	XXXXXXX	XXXXXXX					XXXXXX	XXXXXX	XXXXXX			XXXXXX
Goods/Services												
Totals												

**7. Current Car Rental ACDBE Goal: Race Conscious Goal \_\_\_\_% Race Neutral Goal \_\_\_\_% Overall Goal \_\_\_\_%****Car Rental Goal is Based on:**

- Note: Car Rentals gross receipts and number of car rentals must be reported even if a goal was not required**

[illegible][illegible]

10. Cumulative ACDBE participation by race/sex	A Black Americans (numbers & dollars)	B Hispanic Americans (numbers & dollars)	C Asian-Pacific Americans (numbers & dollars)	D Asian-Indian Americans (numbers & dollars)	E Native Americans (numbers & dollars)	F Non-minority Women (numbers & dollars)	G Other (i.e. not of any other group listed here) (numbers & dollars)	H Totals (numbers & dollars)
Car Rental								
Non-Car Rental								
Totals								

[illegible]