

Florida Keys Marathon Airport

ACDBE Goal Methodology Report
FAA FY 2017 - 2019

October 1, 2016 - September 30, 2019



MONTGOMERY
CONSULTING GROUP

PLANNING | ENVIRONMENTAL | ENGINEERING
TRANSPORTATION | AVIATION | INFRASTRUCTURE

FAA FY 2017 - 2019 METHODOLOGY FOR DETERMINING ACDBE GOALS
FLORIDA KEYS MARATHON AIRPORT

ACDBE GOAL PROCESS

The Airport establishes separate overall three-year goals for the participation of Airport Concession Disadvantaged Business Enterprise (ACDBE) in rental car and non-rental car concession-related contracting opportunities pursuant to CFR 49 Part 23 Regulations. The overall goal covers a three-year period and the Airport reviews the goals annually to make sure the goals continue to fit the Airport's circumstances. The Airport's overall goals will provide for participation by ACDBEs certified within the Florida Unified Certification Program (FL UCP).

The methodology previously used for determining the Airport's ACDBE three-year goals will be repeated to determine ACDBE goals for the FAA Fiscal Year (FY) 2017 - 2019 for car rental and concessions other than car rentals based on the types of concession opportunities to be contracted by the Airport in the upcoming three-year period.

ACDBE firms are identified from the Florida Unified Certification Program (FL UCP) Disadvantaged Business Enterprise (DBE) Directory for the local market area, which lists the certified ACDBE in Florida. Consultation with local ACDBE firms (if any), and consultation with other local women and minority industry organizations is solicited before establishing the FAA Fiscal Years (FY) 2017 - 2019 ACDBE goals.

The overall goal of the Airport for rental car concessions is expressed as a percentage of the total value of vehicles and other goods and services purchased by the rental car concessions. The overall goal of the Airport for non-rental car concessions is expressed as a percentage of their total gross receipts. The Airport's overall goals represent the amount of ready, willing and able ACDBEs that are available to participate in contracting opportunities and are reflective of the amount of ACDBE participation the Airport would expect absent the effects of discrimination.

The overall goal period for the Monroe County Board of County Commissioner's (Monroe County) Airport Concession Disadvantaged Business Enterprise Program at the Florida Keys Marathon Airport is established on a three-year basis coinciding with FAA's fiscal year, beginning on October 1, 2016 and ending on September 30, 2019 covering FAA FYs 2017, 2018, and 2019. The overall goal for FAA FY 2017 - 2019 has been established using the methodologies described in CFR 49 Part 23 as follows:

The Airport's ACDBE goal for car rental concessions during the FAA FY 2017 – 2019 is 0.02% or \$1,258 of the total gross receipts of car rental operations at Florida Keys Marathon Airport. No ACDBE goal for non-rental car concessions has been established during the FAA FY 2017 - 2019 at Florida Keys Marathon Airport since non-rental car concessions are not in excess of \$200,000.

METHODOLOGY

The methodology described in 49 CFR Part 23, Section 23.45 was used to determine the ACDBE goals for rental cars and concessions other than rental cars. A determination of the FAA FY 2017 - 2019 goal setting process includes identifying a base figure for the relative availability of ACDBEs based on demonstrable evidence of the availability of ready, willing and able ACDBEs as compared to the availability of all businesses participating on DOT-assisted contracts. The second step in the methodology is to adjust the base figure, relying on an examination of additional evidence including historical ACDBE participation, local expertise, and the consultation process and anticipated changes in FAA-assisted contracting over the upcoming years. The following Sections I and II detail the opportunities, market area determination, and Steps 1 and 2's goal setting process for the car rentals concessions and the non-car rental concessions.

PUBLIC PARTICIPATION

The Airport publishes a notice of ACDBE goals on the Airport's DBE website. The notices list the proposed ACDBE goals for rental car concessions and non-rental car concessions for the FAA timeframe. The notice informs the public that the proposed goal and its rationale are available for inspection during normal business hours at the Airport Manager's Office for 30 days following the date of the notice, and informs the public that the Airport is accepting comments on the goals for 45 days from the date of the notice. The notice includes addresses to which comments can be sent and the addresses where the document can be reviewed.

The notice is available for review by the public at the Airport's DBE website at <http://eyw.com/page/Disadvantaged-Business-Enterprise>. **Appendix 1** provides documentation of the Airport's public notice on the website for the car rental concession goal and the non-car rental concession goal.

SECTION 1: CAR RENTAL CONCESSIONS

FY 2014 - 2016 OPPORTUNITIES (CAR RENTAL CONCESSIONS)

The Airport currently has three (3) on-airport car rental companies as illustrated in the following table.

**Current Rental Car Companies
Florida Keys Marathon Airport**

Company	Corporate Headquarters Location
Avis*	New Jersey
Budget*	New Jersey
Enterprise*	Missouri

* Company located on-site at Airport

Source: Airport staff, June 2017

Each of the current rental car companies have a separate agreement with Monroe County, and each of the leases expire in May 2020. It is not anticipated that any new car rental concession opportunities will arise prior to the end of this goal period. However, should any arise with an estimated average of annual gross revenues in excess of \$200,000; the Airport will submit an appropriate adjustment to the overall goal to the FAA for approval.

The concession opportunities anticipated during this goal period include purchases of goods, materials and services. The combined gross receipts revenues for rental car concessions at the Airport for the FAA FY 2017 - 2019 are estimated to total around \$6.3 million based on a review of the historical car rental gross revenues for FAA FY 2014, 2015, and 2016, which have varied from \$1.8 million to \$2.0 million per year, and a conservative forecast for increases to car rental revenues at the Airport.

The following are not included in the total gross receipts for concessions:

- The gross receipts of non-car rental operations;
- The dollar amount of a management contract or subcontract with a non-ACDBE;
- The gross receipts of business activities to which a management contract or subcontract with a non-ACDBE pertains; and
- Any portion of a firm's estimated gross receipts that will not be generated from a concession.

MARKET AREA DETERMINATION (CAR RENTAL CONCESSIONS)

The market area is defined by the geographical area in which the majority of firms which seek to do concessions business with the Airport are located and the geographical area in which the firms which receive the substantial majority of concessions-related revenues are located.

Based upon a list of current car rental concessionaires at the airport, the market area for car rental concessions at the Florida Keys Marathon Airport is determined to be nationwide. The market area is established as nationwide since car rental concession businesses at the Airport are national companies located in various states across the country as described in the table below.

STEP 1: DETERMINING A BASE FIGURE REPRESENTING ACDBE RELATIVE AVAILABILITY (CAR RENTAL CONCESSIONS)

In order to determine the relative availability of ACDBEs in the area of car rental concessions, the availability of ACDBE car rental concessions in the market area must be compared to the overall availability of all car rental concessions in the market area.

The 2014 Census Bureau's County Business Patterns data was used to estimate the number of contractors per NAICS code in the market area that includes all of the United States. The North American Industry Classification Systems (NAICS) 4411 (Automobile Dealers) was used to represent the firms that would most likely offer services such as new cars and/or automobile accessories or parts to car rental concessionaires. According to the U.S. census data, the total number of automobile dealers in the U.S. is 46,174.

The Florida Unified Certification Program (FL UCP) DBE directory was consulted to identify ACDBE and/or non-ACDBE firms registered in the FL UCP database under NAICS 4411 (Automobile Dealers). No companies within the FL UCP DBE directory were identified as ACDBE providers for this NAICS code. All ACDBE businesses were identified and reviewed in the FL UCP directory in order to identify and estimate the number of ready, willing and able ACDBE firms that could provide concession-based support to auto-related services in the Airport's market area. The FL UCP directory listed 18 certified ACDBE companies that supply services and/or products such as auto repair, auto maintenance, insurance related activities, ground passenger transportation, auto oil change and lubricant shops, automobile wholesalers, car washes, and bus transit systems that would be used to support rental car concessionaires. A copy of the ACDBE firms in the FL UCP database is included in **Appendix 3** with the ACDBE car rental concessionaire-related firms highlighted.

Step 1 – Base Figure Development (Car Rental Concessions)
Determination of Relative Availability of ACDBEs
Florida Keys Marathon Airport
FAA FY 2017 - 2019

Concession Type	NAICS Code	ACDBE Firms	All Firms	Percent of ACDBE Firms Available
Car Rental	4411	18	46,174	0.04 %

*Sources: All Firms: U.S. Census Bureau 2014 County Business Patterns
ACDBE Firms: 2017 Florida Unified Certification Program (FL UCP) DBE Directory*

The **Step 1** base goal for car rental ACDBEs is 0.04%.

STEP 2: EXAMINATION OF AVAILABLE EVIDENCE TO DETERMINE WHAT ADJUSTMENT, IF ANY, IS NEEDED TO THE BASE FIGURE (CAR RENTAL CONCESSIONS)

After calculating a base figure of the relative availability of ACDBEs, the Airport examined evidence to determine whether to adjust the base figure to arrive at the overall goal. The Office of Small and Disadvantaged Business Utilization’s (OSDBU) website identifies numerous examples of the various types of data to examine in order to adjust the **Step 1** Base Figure to narrowly tailor the goals to the precise local market. **Step 2** is intended to adjust the “base figure” percentage from **Step 1** to reflect, as accurately as possible, the ACDBE participation the Airport would expect in the absence of discrimination. The factors listed as follows are considered in order to determine whether an adjustment to the **Step 1** Base Figure is appropriate for the FAA FY 2017 - 2019 goal. These guidelines include:

A. DISPARITY STUDY (CAR RENTAL CONCESSIONS)

No known disparity study has been conducted in Monroe County that would impact this methodology process. A disparity study was conducted in Miami-Dade County in 2014; however, the availability of ACDBE/DBE firms in Miami-Dade County differs substantially from that of Monroe County, and does not reflect an accurate representation of ready, willing and available ACDBE/DBE firms in Monroe County.

B. HISTORICAL ACDBE PARTICIPATION (CAR RENTAL CONCESSIONS)

Once the base figure has been calculated, the regulations require that the recipient examine the relevant evidence reasonably available to determine what adjustment, if any, is needed to the base figure in order to arrive at the Airport’s overall goal. The regulations further state that there are many types of evidence, including the current capacity of ACDBEs to perform work in the Airport’s concessions program, as measured by the volume of work ACDBEs have performed in recent years.

The historical ACDBE accomplishments at the Airport in recent years were examined relative to the above considerations. Specifically, the annual Concessions Activity Report submitted to the FAA DOORs and now the DBE-Connect reporting systems was reviewed for recent years. Over the past three years, the Airport has not counted any car rental concessionaires-related ACDBE participation or noted any ACDBE goal achievement in rental car concessions. The Airport has not received any interest in the past three years from firms interested in becoming an ACDBE to provide services/products to car rental concessions. Therefore, historical ACDBE car rental achievement is 0.0% and reflects the current conditions of ACDBE availability at the Airport.

The Step 1 ACDBE base figure of 0.04% is adjusted by averaging it with the historic ACDBE participation for car rental concessions of 0.00% for an adjusted overall goal of 0.02%. This calculation is illustrated in the following table.

**Step 2 – Base Figure Adjustment (Car Rental Concessions)
Florida Keys Marathon Airport
FAA FY 2017 - 2019**

Base Figure from Step 1 =	0.04 %
Historical Median ACDBE Participation =	<u>0.00 %</u>
Average of Base & Historical =	0.02 %
Proposed Overall Goal =	0.02 %

C. OTHER FACTORS (CAR RENTAL CONCESSIONS)

Other additional sources of information considered in adjusting the **Step 1** base figure include the consultation process with the following organizations, further detailed in **Appendix 2**. The organizations consulted include:

ACDBE GOAL METHODOLOGY REPORT

FAA FY 2017 - 2019

FLORIDA KEYS MARATHON AIRPORT

- Minority Business Development Agency
- Minority Professional Network
- NAACP - Miami Branch
- National Association of Women Business Owners – Miami
- National Association of Women in Construction – Miami
- Southern Florida Minority Supplier Development Council

Based on consultation, these organizations did not identify any information about past discrimination in the following areas:

- Public contracting;
- Discrimination in private contracting;
- Discrimination in credit, bonding or insurance;
- Data on employment, self-employment, training or union apprenticeship programs; and/or
- Data on firms' formation.

There is not sufficient reliable information about the characteristics of the DBE firms including size, age, past experience, bonding, or insurance available in its local market area to make further adjustments in **Step 2**. Thus, no further **Step 2** adjustments are made based on "other factors" from the consultation process.

BREAKOUT OF RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION (CAR RENTAL CONCESSIONS)

The historical results of ACDBE participation were reviewed to determine the potential need for race-conscious goal setting. Race-neutral efforts (i.e., not establishing contract goals or advertising DBE goals) have historically not been successful in the absence of defined DBE goals. The Disadvantaged Business Enterprise Liaison Officer (DBELO) will carefully monitor the award and actual DBE participation and adjust future DBE goals to consider race-neutral and race-conscious participation accordingly.

Based on the history of participation by rental car concession ACDBEs (or lack thereof), the Airport estimates that in meeting the overall goal of 0.02%, it will obtain 0.0% from race-neutral means and 0.02% through race-conscious means.

The Airport may use any of the following race-conscious measures to meet the overall goal:

- Establish concession-specific goals for particular concession opportunities;
- Negotiate with potential concessionaires to include ACDBE participation through direct ownership arrangements or measures, in the operation of the concession; and

- With prior FAA approval, other methods that takes a competitor's ability to provide ACDBE participation into account in awarding a concession.

In order to ensure that the ACDBE program will be narrowly tailored to overcome the effects of discrimination, if the Airport uses concession-specific goals, it will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual ACDBE participation and will track and report race-neutral and race conscious participation separately.

For reporting purposes, race-neutral ACDBE participation includes, but is not necessarily limited to the following:

- ACDBE participation through a prime contract that an ACDBE obtains through customary competitive procurement procedures;
- ACDBE participation through a subcontract on a prime contract that does not carry ACDBE goal;
- ACDBE participation on a prime contract exceeding a concession specific goal; and;
- ACDBE participation through a subcontract from a prime contractor that did not consider a firm's ACDBE in making the award.

SECTION 2: NON-RENTAL CAR CONCESSIONS

FY 2017 - 2019 OPPORTUNITIES (NON-RENTAL CAR CONCESSIONS)

In the past three (3) years, the Airport has had only one non-rental car concession at the Airport; Key Hopper Transport, a taxi service, which has a month to month lease with the County. Their gross revenues do not exceed \$200,000. There are currently no opportunities for any future non-rental car concession. It is possible that new non-rental car concession opportunities may arise prior to the end of this goal period; should any arise with an estimated average of annual gross revenues in excess of \$200,000; the Airport will submit an overall goal for non-rental car concessions to the FAA for approval.

The following are not included in the total gross receipts for concessions:

- The gross receipts of car rental operations;
- The dollar amount of a management contract or subcontract with a non-ACDBE;
- The gross receipts of business activities to which a management contract or subcontract with a non-ACDBE pertains; and
- Any portion of a firm's estimated gross receipts that will not be generated from a concession.

APPENDIX 1
Florida Keys Marathon Airport
FAA FY 2017 - 2019 Methodology
Documentation of Public Notice of ACDBE Goals
Public Comments Received

Place Copy of posting of notice on Airport's website

Place Public comments and responses

To be submitted when finalized

DRAFT

APPENDIX 2
Florida Keys Marathon Airport
FAA FY 2017 - 2019 Methodology
Consultation Information

In an effort to solicit input in establishing ACDBE goals, the following email was sent to the:

- Minority Business Development Agency (mbda@mbdamiamicenter.com)
- Minority Professional Network (Support@MPNmail.com)
- NAACP - Miami Branch (adoranweze1@bellsouth.net)
- National Association of Women Business Owners - Miami (nawbomiami@nawbomiami.org)
- National Association of Women in Construction – Miami (infonawicmiami@gmail.com)
- Southern Florida Minority Supplier Development Council (info@sfmsdc.org)

No responses of note have currently been provided from these organizations.

Dear Sir/Madam:

Our firm is assisting the Key West International and Florida Keys Marathon Airports in consulting with construction industry groups, community organizations, and minority and women's groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for Airport Concession Disadvantaged Business Enterprises (ACDBEs), and the Key West International and Florida Keys Marathon Airports' efforts to establish a level playing field for the participation of ACDBEs in concessions in order to establish a ACDBE Goal at the Key West International and Florida Keys Marathon Airports.

We ask for your organization's input. Please respond to the following questions:

1. *What is the estimated total membership and/or local chapter membership of your organization?*
2. *Does your organization represent minority and/or women businesses in the construction industry?*
3. *If so, approximately how many members of the total are minority and/or women businesses?*
4. *Does your organization identify if members are minority and/or women businesses, and/or certified DBEs in your organization's directory?*
5. *Please share any awareness of the effects of discrimination on business opportunities for DBEs. (feel free to add comments)*
 - a. *To your knowledge are ACDBEs treated equal to non-ACDBEs in bidding opportunities?*
 - b. *To your knowledge are ACDBEs treated equal to non-ACDBEs in ability to get and maintain insurances and bonding required for projects?*

ACDBE GOAL METHODOLOGY REPORT
FAA FY 2017 - 2019
FLORIDA KEYS MARATHON AIRPORT

- c. To your knowledge are ACDBEs treated equal to non-ACDBEs in ability to secure banking lines or credit for business operation?*
- d. To your knowledge is there a stigma associated with being a ACDBE as to the expected quality of work?*
- 6. Do you think there is a “level playing field” between ACDBEs and non-ACDBEs in the concessions?*
- 7. What suggestions might you offer to the Key West International and Florida Keys Marathon Airports in “leveling the playing field” for participation of ACDBEs on concession projects?*

Thank you for your time. Your input is valued and appreciated.

Best regards,

*Sara E. Sullivan
Montgomery Consulting Group, Inc.
501 S. New York Ave., Suite 210
Winter Park, FL 32789
Tel: 407-539-7030, ext. 22
Fax: 407-539-7035
E-mail: Sara.Sullivan@mcgi-us.com*

DRAFT