



## U.S. Department of Transportation Federal Aviation Administration

### FY-2013 COMPLIANCE REVIEW REPORT FOR MILWAUKEE COUNTY, GENERAL MITCHELL INTERNATIONAL

Airport Name: **General Mitchell International Airport (MKE) Milwaukee, WI** Site Visit Date(s): July 9-11, 2013

Review Conducted By FAA Staff: Nancy Cibic and Dolores Leyva

Airport/County Staff: **Opening Session:** Brian Dranzik, Director of Milwaukee County DOT; Barry Batemen, Airport Director; Tim Karaskiewicz, Airport Corporate Council; Nelson Soler, DBELO, Director of Community Business Development Partners; and Joyce Winfrey, Contract & Outreach Coordinator.

**Closing Session:** Brian Dranzik, Director of Milwaukee County DOT; Barry Batemen, Airport Director; Tim Karaskiewicz, Airport Corporate Council; Don Tyler, Director of Department of Administration, Nelson Soler, DBELO, Director of Community Business Development Partners; Jean-Marie Crahan, Community Business Development Partners Legal Counsel; Joyce Winfrey, Contract & Outreach Coordinator ; and Gerardo Gonzalez, Community Business Development Partners.

**Via telecon:** FAA Airports Division: Sandy DePottey and Andy Peek

**Purpose:** Review of monitoring and enforcement aspect of your DBE and ACDBE programs. 49 CFR 26 and 49 CFR 23 requires that you implement appropriate mechanisms to ensure compliance with the parts' requirements by all program participants. You are required to set forth these mechanisms as part of your Disadvantaged Business Enterprise (DBE) Program and Airport Concession Disadvantaged Business Enterprise (ACDBE) Program.

*This compliance review is not to directly investigate whether there has been discrimination against disadvantaged business by the grant recipients or its sub-recipients, nor to adjudicate these issues on behalf of any party.*

#### SECTION 1 - Title 49 CFR Part 26 – Construction

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1	Did the airport disseminate its DBE Policy Statement?	X	The Airport disseminated the policy statement to its full County Board of supervisors and all departments, divisions and levels of Milwaukee County Government as well as to DBE and non-DBE business communities that perform work for the County.	X	NONE	
2	Does the airport have a DBELO in place that has direct independent access to the Airport Director/CEO concerning DBE program matters?	X	Yes, Nelson Soler, Director and AC/DBELO Community Business Development Partners (CBDP), has direct and independent access to	X	NONE	

#	Question	Response		Observations/Comments	Compliance Issue		Recommended Action	Due Date
		Y	N		Y	N		
				the County Executive, Chris Abele. The CBDP is the Office designated by Milwaukee County to design, implement and monitor DBE/ACDBE and SBE business compliance with 49 CFR 26 , Wisconsin's Ordinance 42 and State statues. The Director of CBDP and his team oversee compliance for 17 departments including all Transit, Highway and Airport functions. The County provided an updated organizational chart during the compliance review visit which reflects the required direct and independent access.				
3	Is the DBELO responsible for ensuring that DBEs are not discriminated against in the award and administration of FAA funded contracts and subcontracts?	X		The DBELO provides DBE and ACDBE program training to the managers and contractors at the Airport and County. In addition, the Airport has a myriad of internal tools for enforcement and the support of its Legislative Branch. The Legislative Branch, Corporate Counsel and Risk Management Branches are educated about the DBE and ACDBE program and review and approve all contracts over \$300,000. The AC/DBELO ensures that DBEs and ACDBEs are utilized and are getting proper credit.		X	NONE	
4	Does the airport make reasonable efforts to use DBE financial institutions as well as encourage prime contractors on DOT assisted contracts to make use of DBE financial institutions?	X		The Airport has investigated and is aware of all financial institutions in the State. The County is committed to ensuring that financial institutions owned and controlled by socially and economically individuals are given every opportunity to fulfill the financing needs of prime contractors and subcontractors in their respective industries. The County currently utilizes the services of North Milwaukee State Bank to provide		X	NONE	

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		Y	N		Y	N		
				mobilization loans to eligible DBE firms.				
5	Is the DBELO present during the bid openings for FAA funded projects?		X	A DBELO “designee” is present during bid opening. The County has a contract compliance team of three.		X	NONE	
6	Does the airport verify written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment?	X		The Airport utilizes the Commitment to Contract with DBE (Form DBE-14) notarized and signed by the prime contractor and sub-contractor as appropriate and signed by the DBE firm (must be submitted to Milwaukee County CBDP within 7 days of receipt of Notice to Proceed.) Also, the AC/DBELO calls the DBE to ensure it is working on the contract.		X	NONE	
7	Does the airport confirm DBE certification prior to awarding the contract?	X		Yes, Joyce Winfrey and/or Brian Engel, Contract Coordinators, verify that the DBEs or ACDBEs are certified and also confirm they are certified under the appropriate NAICS codes by checking the State DBE/ACDBE directory. The Commitment to Contract with DBE (Form DBE-14) requires the DBE firm to sign an affirmation that is certified by the Wisconsin UCP.		X	NONE	
8	In situations where a DBE contract goal has been established, does the airport ensure that all DBE information is complete and accurate and adequately documents the bidder's good faith efforts before committing to the performance of the contract by the bidder?	X		The CBDP Contract Compliance Manager (CCM) reviews the signed Commitment to Contract with DBE Form 14 and/or other documented efforts submitted by the contractor to meet the goal – If it cannot meet the goal, the contractor submits Certificate of Good Faith Efforts Form-01 and all relevant documentation including DBE 14 Form which is also reviewed by the CCM. If the contractor is non-responsive to the DBE requirements, the CCM sends the Request		X	NONE	

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		Y	N		Y	N		
				for Administrative Reconsideration Form DBE-04 to the contractor and also reviews the contractor's response.				
9	In situations where a DBE contract goal has been established, is the award of the contract conditioned on meeting the requirements of 49 CFR Section 26.53?	X		Yes. The CCM evaluates GFE requests. The AC/DBELO acts as the second reviewer and the appellant officer for all third party and internal complaints regarding goal setting and good faith efforts (GFE). A Waiver Request Form DBE-07 must be submitted for any change in DBE participation. No waivers from set goals can be issued without the AC/DBELO approval. The AC/DBELO is also the hearing/appeals officer on GFEs requests.		X	NONE	
10	Does the airport have mechanisms in place to ensure that work committed to DBEs at contract award is actually awarded to DBEs?	X		The AC/DBELO works with the contract coordinator to determine a DBE goal and makes a DBE goal recommendation via Forms DBE-12 or DBE-12PS.	X		The contract goals appear to be set at the same percentage as the Airport's overall DBE goal submitted to FAA. We recommend separating the Local DBE program from the Federal DBE program on the Forms for clarification.	
11	Do the mechanisms provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments?	X		Yes, the contractor submits the DBE Utilization Report Form DBE-16 which details the DBE participation and the Airport verifies the information and records the information on the Active Construction Contracts Report. The AC/DBELO calls the DBE firms to ensure they have been awarded the contract.		X	NONE	
12	Does the airport have mechanisms in place to verify that the DBEs are managing their work, utilizing	X		In March 2013, the Airport AC/DBELO implemented a program for the CDBP to		X	NONE	

#	Question	Response		Observations/Comments	Compliance Issue		Recommended Action	Due Date
		Y	N		Y	N		
	their own work forces, equipment, and materials?			monitor project sites. Three (3) project sites are randomly visited. The visits are recorded on The Site Visit Report. In addition, the Facilities Management Section Engineers inspect the sites and ensure that the work is being completed by appropriate contractors including DBEs and record this on an inspection form. If a contractor or sub-contractor's performance is not sufficient, the site inspector issues the Contractor/Subcontractor Deficiency Notice Form.				
13	Does airport staff conduct regular construction site visits and verify that the DBEs are performing a commercially useful function?	X		The Airport has performed limited on site monitoring due to lack of staffing. The County has been performing desk audits of all FAA and non-FAA funded projects and visit some large key project with their engineering staff. In March 2013, the Airport AC/DBELO implemented a program for the CBDP to monitor project sites. Three (3) project sites are randomly visited. In addition, the Facilities Management Section Engineers inspect the sites and ensure the work is being done by appropriate contractors including DBEs and record this on an inspection form. CBDP is also in the process of implementing a Diversity Compliance Software that would enable a more robust site monitoring program.		X	NONE	
14	During the construction site visits, does the airport verify that business names on equipment and vehicles are not covered with paint or magnetic signs?	X		Yes, In March 2013, the Airport AC/DBELO implemented a program for the CBDP to monitor project sites including ensuring that business names on equipment and vehicles		X	NONE	

#	Question	Response		Observations/Comments	Compliance Issue		Recommended Action	Due Date
		Y	N		Y	N		
				are not covered with paint or magnetic signs.				
15	During the construction site visits, does the airport verify who employs the workers on site?		X	The Facilities Management Section Engineers inspect the sites and ensure the work is being done by appropriate contractors including DBEs and record this on an inspection form. In March 2013, the Airport AC/DBELO implemented a program for the CBDP to monitor project sites. Three (3) project sites are randomly visited.	X		We recommend stepping-up the frequency of site visits and ensuring that all active projects are visited and recorded by the AC/DBELO staff.	9-30-13
16	Does the airport have a monitoring mechanism in place that provides a written certification that contracting records are being reviewed and work sites are being monitored?	X		The Airport does not have a monitoring mechanism that provides written certification that contracting records are being reviewed. The Airport does have a written record prepared by the Facilities Management Section indicating that sites are being monitored. In addition, the AC/DBELO utilizes Form DBE-21 Project Verification Questionnaire when monitoring work sites.	X		We recommend the Airport create a process for reviewing contracting records and an associated written monitoring mechanism.	9-30-13
17	Does the airport review monthly DBE participation reports? (Provide copy of sample report)	X		Yes, the AC/DBELO and staff review monthly DBE participation reports submitted by contractors and prepare an Active Construction Contracts Form which details the project, firms, contract dollar amounts and DBE participation dollar amounts and percentages.		X	NONE	
18	Does the airport randomly verify who orders and pays for the necessary supplies being used by the DBE subcontractor?	X		Review of existing process did not reveal this requirement is being met.	X		Submit an updated process to incorporate this requirement.	9/30/13
19	Does the airport have prompt payment mechanisms in place?	X		Yes, the AC/DBELO ensures prompt payment to DBEs and ACDBEs and verifies the firms are paid by calling each firm. The prime contractor must submit Form DBE-18,		X	NONE	

#	Question	Response		Observations/Comments	Compliance Issue		Recommended Action	Due Date
		Y	N		Y	N		
				Contract Close-Out DBE Payment Certification along with the request for final payment.				
20	In the case of post-award terminations, pre-award deletions or substitutions of DBE firms, does the airport verify that the DBE has been notified AND given time to respond before approving the termination/substitution?	X		The Airport has a waiver form for substitution of DBEs. The Airport is very strict about substituting DBEs and has a process in place to verify good cause before a DBE is terminated or substituted.		X	NONE	
21	Before approving a termination and/or substitution of a DBE subcontractor, does the airport verify the documented good cause that compels the termination of the DBE subcontractor?	X		The County has a process in place which includes verification of good cause before approving a termination and/or substitution of a DBE subcontractor.  We recommend updating form to document that good cause has been verified.		X	NONE	
22	Does the airport submit its Uniform Report on DBE participation to the DOORS system?	X		The Airport submits the reports in the DOORS system as required.		X	NONE	
23	Was the airport required to prepare a DBE goal accountability report for fiscal year 2012?		X	The Airport over-achieved its goal, therefore, an accountability report is not required.		X	NONE	
24	Has the airport implemented its Small Business element for the DBE Program?	X		The Airport submitted a small business element (SBE) description with its revised DBE program that was approved May 25, 2012. The Airport implemented its SBE in June 2013 and has provided FAA with the SBE description which is currently under review.		X	NONE	
25	Does the airport have a mentor-protégé program?		X	Although the County does not have a mentor-protégé program, it has several programs to assist with the development of DBEs and SBE firms such as the Capacity Building Program and a Loan Mobilization Program. In addition, the County holds a		X	NONE	

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		Y	N		Y	N		
				DBE Marketplace Expo which provides DBEs with first-hand information of contract opportunities for the upcoming year.				
26	Does the airport have a current and approved DBE Program in place?	X		The FAA approved an updated DBE Program on 5-25-2012. The Airport is due to submit a goal update August 1, 2013 covering 2014-2015-2016.		X	NONE	
27	Has the airport submitted its three year DBE goal and received concurrence with its methodology from the FAA.	X		<p>The FAA approved an updated DBE Goal for FY 2011-2013 on 5-25-2012. The next triennial goal covering FY-2014-2016 will be due August 1, 2013.</p> <p>We observe that the County may be over-utilizing its use of race-conscious methods and setting a DBE contract goal of the same percentage as its overall goal on all FAA funded projects (contract goals are not required on all contracts). We recommend the Airport re-examine its use of DBE contract goals and its application of race-conscious and race-neutral methods. The overall DBE goal should be closely monitored to determine the need of race conscious goals.</p>		X	NONE	

**Documents Reviewed:**

- A. Airport organization chart, showing DBELO's position.
- B. Records showing approval and/or rejection of DBE firms' terminations/substitution.
- C. Sample forms used to monitor monthly DBE participation.
- D. Records documenting work site visits.
- E. Copy of airport's approved DBE Triennial Goal.
- F. Records documenting Good Faith Effort reviews.
- G. Copy of DBE accomplishment reports for the most recent three years.
- H. List of all active FAA funded projects.
- I. List of active FAA funded projects that have DBE participation, identifying DBE goal and actual contract percentage achieved to date.
- J. Sample of an FAA funded contract.
- K. Sample of a contract that includes a DBE goal requirement.
- L. Sample of a DBE sub-contract agreement.

**SECTION II - Title 49 CFR Part 23 – Concessions**

#	Question	Response		Observations/Comments	Compliance Issue		Recommended Action	Due Date
		Y	N		Y	N		
1	Has the airport's ACDBE program been approved by FAA?		X	The FAA approved the ACDBE program submitted by the Airport in 2010. The FAA also approved the 2012-2013-2014 ACDBE goal on July 13, 2012. The County is updating its ACDBE program plan and will submit it prior to June 2014 along with an updated goal for federal FY 2015-2016-2017.		X	NONE	
2	Did the airport distribute its ACDBE Policy Statement?	X		The Airport disseminated the policy statement to its County Board of supervisors and all the components of Milwaukee County's Executive Departments. The County also informed the ACDBE and non-ACDBE business communities.		X	NONE	
3	Does the airport have an ACDBELO in place that has direct independent access to the Airport Director/CEO concerning DBE/ACDBE program matters?	X		Nelson Soler, Director of Community Business Development Partners (CBDP) and ACDBELO, has direct and independent access to the County CEO, Chris Abele.		X	NONE	
4	Is the ACDBELO responsible for ensuring that DBEs are not discriminated against in the award and administration of FAA funded contracts and subcontracts?	X		The ACDBELO provides ACDBE program training including sensitivity training to the managers at the Airport and County and concessionaires at the Airport. In addition, the Airport has a myriad of internal tools for enforcement and the support of its Legislative Branch. The Legislative Branch, Corporate Counsel and Risk Management Branches are educated about the DBE and ACDBE program and review and approve all concession contracts.		X	NONE	
5	Does the approved ACDBE program on file with FAA reflect the current organizational structure of the agency?		X	The Airport recently completed a State mandated organizational reform which included the realignment of departments.		X	NONE	

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		Y	N		Y	N		
				The County provided an updated organizational chart during the compliance review visit.				
6	Does the airport include enforcement provisions in concession agreements?	X		The Airport includes compliance requirements addressing all Federal, State and local laws, regulations and ordinances in all of its concession agreements. Its contracts contain a strong enforcement mechanism pertaining to good faith efforts (GFE) i.e., "If the Concessionaire fails to reflect a good faith effort to achieve and maintain the level of certified DBE participation stated herein throughout the term of this Agreement, County may consider this as a material breach of the Agreement and may terminate the Agreement in accordance with Paragraph 22 of this Agreement."		X	NONE	
7	Does the airport verify that the prime or master concessionaire and ACDBE have entered into a written commitment prior to submitting a response to an RFP/RFQ?	X		The Airport utilizes form DBE-15 "Commitment to Contract With ACDBE" to verify that the ACDBE has entered into a written commitment prior to submitting the RFP response.		X	NONE	
8	Does the airport require a prime or master concessionaire to submit written documentation to confirm that the ACDBE firm has agreed to participate in the concession contract?	X		The Airport utilizes form DBE-15 "Commitment to Contract With ACDBE" to verify that the ACDBE has entered into a written commitment prior to submitting the RFP response includes a section requiring the ACDBE's affirmation of the commitment.		X	NONE	
9	Does the airport confirm ACDBE certification prior to awarding the contract?	X		Joyce Winfrey and/or Brian Engel, Contract Coordinators, verify that the ACDBEs are certified and also confirm they are certified under the appropriate NAICS codes by		X	NONE	

#	Question	Response		Observations/Comments	Compliance Issue		Recommended Action	Due Date
		Y	N		Y	N		
				checking the State DBE/ACDBE directory. The Commitment to Contract with ACDBE (Form DBE-15) requires the ACDBE firm to sign an affirmation that is certified by the Wisconsin UCP.				
10	In situations where an ACDBE contract goal has been established, is the award of the concession contract conditioned on meeting the requirements of 49 CFR Part 23?	X		The AC/DBELO and Airports Property Manager work together along with Airport Counsel to ensure ACDBE compliance. The AC/DBELO and Airports Property Manager collaborate to monitor contracts and complete reports. The Airport has excellent enforcement mechanisms documented in its contracts.		X	NONE	
11	In situations where an ACDBE concession contract goal has been established, does the airport ensure that all ACDBE information is complete and accurate and adequately documents the bidder's good faith efforts before awarding the concession contract?	X		Airport Property Manager works ACDBELO to ensure that all ACDBE information is correct. The ACDBELO acts as the second reviewer and the appellant officer regarding goal setting and good faith efforts (GFE). No waivers from set goals can be issued without the AC/DBELO approval. The AC/DBELO is also the hearing/appeals officer on GFEs requests.		X	NONE	
12	Does the airport have a monitoring mechanism in place that provides a written certification that contracting records are being reviewed and work sites are being monitored?	X		The Airport conducts informal visits of concessionaires. The Airport is working on developing a uniform system to conduct on-site visits. The Airport added additional staff recently along with a Diversity Compliance Software System which will assist with implementing a process.  The Airport does not currently have a written certification process that indicates that contracting records are being reviewed.	X		Implement a mechanism that provides a written certification that concession contracting records are being reviewed.  Augment the existing site visit process to included written certification that the sites are being monitored. Inform FAA when these processes have been completed.	10/31/13

#	Question	Response		Observations/Comments	Compliance Issue		Recommended Action	Due Date
		Y	N		Y	N		
13	Does the airport verify that the work committed to ACDBEs is actually performed by the ACDBEs?	X		This is accomplished by informal site visits currently being conducted by Airport Property Manager.  ACDBELO should be able to access concession sites without an escort.		X	NONE	
14	Does the airport prohibit prime or master concessionaires from terminating ACDBE firms for convenience?	X		The prime or master concessionaire must submit written justification to the ACDBELO prior to any change in ACDBE participation or termination of an ACDBE firm.		X	NONE	
15	Does the airport require prime or master concessionaires include administrative remedies if a prime or master concessionaire fails to comply with ACDBE requirements?	X		The prime or master concessionaire is required to submit Form DBE-03 Administrative Reconsideration to the Airports Property Manager.		X	NONE	
16	In the case of post-award terminations, pre-award deletions, or substitutions of ACDBE firms, does the airport verify that the ACDBE has been notified AND given time to respond before approving the termination/substitution?	X		The Airports Property Manager contacts the ACDBE to ensure it has been notified and has had sufficient time to respond before taking any action to terminate or substitute.		X	NONE	
17	Before approving a termination and/or substitution of an ACDBE subcontractor, does the airport verify the documented good cause that compels the termination of the DBE sub-concession?	X		The Airport has a process in place which includes verification of good cause before approving a termination and/or substitution of an ACDBE sub-concession.  We recommend updating form to document that good cause has been verified.		X	NONE	
18	Does the airport conduct concession sites visits regularly?	X		Airport Property Manager inspects the sites and ensures the work is being done by appropriate concessionaires. The Airport added additional staff recently along with a Diversity Compliance Software System which will assist with implementing a process.		X	NONE	
19	During the concession site visits, does the airport verify general managers and to whom they report?	X		The Airports Property Manager conducts site visits and verifies this requirement.  However, we were not able to review		X		

#	Question	Response		Observations/Comments	Compliance Issue		Recommended Action	Due Date
		Y	N		Y	N		
				written documentation of site visits. Completion of and updated site monitoring process will satisfy this requirement.				
20	Does the airport verify that the ACDBE is actively managing the concession location(s)?	X		The Airport Property Manager ensures that the ACDBE is managing the concession business as required. However, we were not able to review written documentation of site visits. Completion of and updated site monitoring process will satisfy this requirement.		X	NONE	
21	Does the airport verify gross sales reports accounting for ACDBE participation?		X	The Airports Property Manager verifies these reports and shares information with ACDBELO.		X	NONE	
22	Does the airport submit its Uniform Report on ACDBE participation to the DOORS system?		X	The Airport submits the Uniform Report of ACDBE Participation in DOORS as required.		X	NONE	
23	Has the airport received any complaints alleging that it was not complying with ACDBE regulations in the past three years?	X		The Airport has not received any complaints in the last 3 years of alleged non-compliance in its ACDBE program.		X	NONE	
24	Does the airport have any joint venture agreements currently in place? If YES, please answer the following:		X	The Airport was not able to provide documentation supporting review of the existing joint venture (Paradies).	X		Submit updated process to incorporate this requirement along with the any existing joint ventures.	9-30-13
	a) Has the airport undertaken an internal review of its joint venture agreements, if any, in order to verify that they are in compliance with the FAA Joint Venture Guidance?		X					
	b) Did the airport make any change in the counting of ACDBE participation of the joint venture toward ACDBE goals as a result of its joint venture agreement reviews findings?		X					

#	Question	Response		Observations/Comments	Compliance Issue		Recommended Action	Due Date
		Y	N		Y	N		
25	Does the airport have Long Term (5+ years) and Exclusive contract(s) currently in place?		X	The airport has no current Long Term Exclusive contracts in place.  We recommend a detailed review of the FAA's recently released guidance on entitled, Principles for Evaluating Long-Term Exclusive Agreement In the ACDBE Program.		X	NONE	
26	If the airport has current Long Term and Exclusive contracts in place, were these contracts submitted to the FAA for approval?		X	Not Applicable.		X	NONE	
27	Does the airport have an ACDBE mentor-protégé program?		X	The development of a mentor-protégé program is optional.		X	NONE	
28	Was the airport required to prepare and/or submit an ACDBE goal accountability report for fiscal year 2012?		X	The Airport reported ACDBE participation exceeding its ACDBE goals, therefore, an accountability report is not required.		X	NONE	

**Documents Reviewed:**

- A. Records showing approval and/or rejection of ACDBE firm terminations/substitution.
- B. Records documenting monitoring of contracts with ACDBE participation.
- C. Sample forms used to monitor monthly ACDBE participation.
- D. Copy of your approved ACDBE Triennial Goal.
- E. Form used to document Good Faith Effort reviews.
- F. Copy of ACDBE accomplishment reports for the most recent three years.
- G. List of all active concession contracts that have ACDBE participation, identifying ACDBE goal and actual contract percentage achieved to date.
- H. Copy of the top three revenue generating concession contracts.
- I. Copy of revenue generating sub-concession agreements.
- J. Copy of the bottom three revenue generating sub-concession agreements
- K. Summary of the findings of the Joint Venture agreements reviews along with supporting documents.

## REVIEW SUMMARY

The Federal Aviation Administration (FAA) Office of Civil Rights would like to thank you for your participation in the FY 2013 DBE & ACDBE Compliance Review. We appreciate the substantial effort taken by Milwaukee County (County)/General Mitchell International Airport (Airport) in providing the numerous documents and meeting with the FAA team during this on-site visit. Your timely response and active participation was an essential element in the successful completion of this important initiative. The collective assessments made during the review have been incorporated into this report.

The FAA Office of Civil Rights periodically conducts discretionary reviews of grant recipients and sub-recipients in order to provide technical assistance, note best practices, identify areas for improvement, and ensure program compliance. This review has examined the Airport's compliance with the DBE Program and ACDBE Program. Observations and comments have been registered in each area that was examined.

The objectives of the compliance reviews is not only to ensure compliance, identify areas requiring improvement, provide technical assistance, but also to identify best practices in the Airport's administration of its DBE Program and ACDBE Program. In examining the County's forms and practices, Milwaukee County should be commended for taking proactive efforts to strengthen its program administration with the inclusion of specific forms to document processes in place. Forms such as DBE-12PS "DBE Participation Recommendation" as well as DBE-01 "Certificate of Good Faith Efforts" have been identified as forms which may considered for inclusion in the FAA's DBE Program Administration Toolkit.

Area(s) requiring your attention, if any, have been noted as a Compliance Issue under each specific question, corrective must be taken by each set deadline. To supplement this year's review, we conducted focus group meetings with prime contractors, DBEs, master/prime concessionaires, as well as ACDBEs. The primary objective during these meetings was to evaluate the administration of the DBE and ACDBE program from the participants' perspective. We found that on the good side, participants are very satisfied working at the Airport and have a great deal of respect for Milwaukee County and Airport officials and employees. However, participants also noted their concern regarding the race conscious goals not being properly tailored.

Based on the findings, we have designed specialized technical assistance to focus on the following areas of concern: Determination of contract goals; Step 2 adjustment to overall goal; and Review of the Airport's 2014-2015-2016 DBE Goal.

The FAA Office of Civil Rights looks forward to continuing to work with you in ensuring compliance with 49 CFR Part 26, "Participation by Disadvantaged Business Enterprise in Department of Transportation Financial Assistance Programs," and 49 CFR Part 23, "Participation of Disadvantaged Business Enterprise in Airport Concessions."

REPORT PREPARED BY:

*/s/ Nancy Cibic*

NANCY CIBIC  
AGL Region Compliance Specialist

*/s/ Dolores Leyva*

DOLORES LEYVA  
ASW Region Compliance Specialist

### Recommended Resources:

FAA website, [http://www.faa.gov/about/office\\_org/headquarters\\_offices/acr/bus\\_ent\\_program/fed\\_reg/](http://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/fed_reg/)

FAA dbE-Connect System, <https://faa.dbesystem.com/Default.asp?>

U.S. Department of Transportation Office of Inspector General <http://www.oig.dot.gov/oig-investigative-priorities>

U.S. Department of Transportation Office of Small and Disadvantaged Business Utilization <http://www.dot.gov/osdbu/disadvantaged-business-enterprise>