



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

Office of the Assistant Administrator for Civil Rights

800 Independence Ave. S.W.
Suite 1030
Washington, DC 20591

April 11, 2023

Re: Best Practices for Fostering Participation from New DBEs and ACDBEs at Airports

Dear Airport Stakeholders:

The U.S. Department of Transportation Office of Inspector General (OIG) identified a number of best practices that foster the use of Disadvantaged Business Enterprise's (DBEs) and Airport Concession DBEs (ACDBES) during its last audits of FAA's DBE and ACDBE programs. As a reminder, the best practices include:

- Unbundling large contracts;
- Entering into direct contracts or leases with DBE/ACDBE firms;
- Utilizing technology to facilitate concessions services' access to passengers;
- Promoting Office of Small and Disadvantaged Business Utilization's (OSDBU) bonding education program;
- Posting prime contractor payment information to airport databases;
- Implementing mentor-protégé programs;
- Posting bid information to airport databases;
- Encouraging DBE and ACDBE firms to utilize services provided by the OSDBU-sponsored Small Business Transportation Resource Centers;
- Conducting outreach; and
- Providing financial assistance.

Additional best practices observed by the FAA include:

- When airports are seeking something new and fresh, identifying unique concession concepts that reflect the flavor of the region without providing local firm preference;
- Proactive efforts to certify small firms that could likely do business on airport, and in particular, in areas that traditionally have low participation of DBE and/or ACDBE firms;
- Establishing small business goals and/or set-asides as race and gender neutral methods of obtaining DBE and ACDBE participation;
- Holding regular outreach events to inform small businesses, including DBEs and ACDBEs, about how to do business with the airport and how to conduct their business in an airport operations environment;
- Allowing concession primes to mentor new ACDBE firms without counting the ACDBE participation until such a time that the ACDBE firm can fully participate in a joint venture and be counted consistent with the regulations and joint venture guidance;

- Allowing concessionaires to use concessionaire bonds in lieu of letters of credit to guarantee lease agreements. This practice could lower upfront investment costs and free up cash flow for ACDBEs;
- Develop relationships with regional Community Development Financial Institutions (CDFIs) and establish local CDFI loan programs for ACDBEs to increase access to capital (see: <https://www.cdfifund.gov/>)
- Investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in your community and make reasonable efforts to use these institutions. You should also encourage prime contractors and concessionaires to use such institutions; and,
- Ensuring that prime contractors and concessionaires are making good faith efforts consistent with the Part 26 Appendix A when the contract goal is not attained during the evaluation stage of bids and proposals, and during the life of the contract.

We would like to hear from you about additional best practices that you have found helpful. If you have a best practice or tip that you would like to share to increase the utilization of DBEs and ACDBEs, please contact your regional specialist (see attached) with the information so we can include them in periodic updates.

Thank you very much for your assistance.

Sincerely,



Gene Roth
Director
National External Operations and Policy Programs

Attachment



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