



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

**AIRPORT CONCESSION
DISADVANTAGED BUSINESS
ENTERPRISE PROGRAM**

CONCESSION PLAN

REVISED January, 2006

original

**SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY
Airport Concession Disadvantaged Business Enterprise Program**

Section I: Objective/Policy Statement

The San Diego County Regional Airport Authority (Authority) has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23. The Authority is a primary airport and has received federal funds authorized for airport development after January 1988 (authorized under Title 49 of the United States Code). The Authority has signed airport grant assurances that it will comply with 49 CFR Part 23.

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

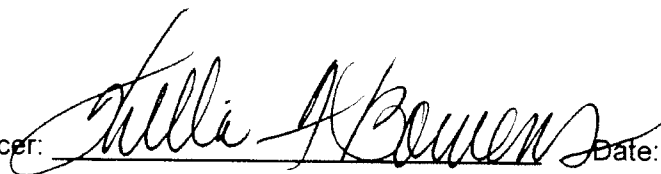
1. To ensure nondiscrimination in the award and administration of opportunities for concessions by airports receiving DOT financial assistance;
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions;
3. To ensure that our ACDBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs at our airport;
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at our airport; and
6. To provide appropriate flexibility to our airport in establishing and providing opportunities for ACDBEs.

Robert H. Silvas, Director - Small Business Development Department, has been delegated as the Authority's ACDBE Liaison Officer (ACDBELO). In that capacity, Mr. Silvas is responsible for implementing all aspects of the ACDBE program. Implementation of the ACDBE program is accorded the same priority as compliance with all other legal obligations incurred by the Authority in its financial assistance agreements with the DOT.

The Authority has disseminated this policy statement to the Authority's Board of Directors and all of the components of the Authority's organization. The Authority has mailed this policy statement to ACDBE and non-ACDBE concessionaire communities in our area.

Signed:

President & Chief Executive Officer:



Date: 12 May 07

Section I: INTRODUCTION

The San Diego County Regional Airport Authority (Authority) has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) Concession Plan (Concession Plan) as part of the Authority's ACDBE Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulations (C.F.R.) Part 23, Subpart B, as may be amended (Regulations). All applicable aspects of the Authority's Disadvantaged Business Enterprise (DBE) Program, provided under separate cover and incorporated by reference, will also apply to its ACDBE Concession Plan.

The Authority, as a recipient of Federal grants for airport development authorized under the Airport Improvement Program (AIP), and as a condition of its grant agreement, has signed an assurance that it will comply with the provisions of 49 CFR Part 23 and is required to implement an ACDBE Plan in accordance with the Regulations, which are incorporated herein by this reference. The Plan outlined herein applies to all Airport concessions, management agreements covered by the Regulations. In the event of any conflicts or inconsistencies between the Regulations and this Plan, the Regulations shall prevail.

Through this Plan, the Authority strives to create a level playing field on which ACDBEs can compete fairly for concession related contracting opportunities.

Accordingly, the Authority has developed this Concession Plan, which will be reviewed annually and updated as appropriate.

Section II: OBJECTIVES

This part seeks to achieve several objectives:

- (a) To ensure nondiscrimination in the award and administration of opportunities for concessions by airports receiving DOT financial assistance;
- (b) To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions;
- (c) To ensure that the Department's ACDBE program is narrowly tailored in accordance with applicable law;
- (d) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs;
- (e) To help remove barriers to the participation of ACDBEs in opportunities for concessions at airports receiving DOT financial assistance; and
- (f) To provide appropriate flexibility to airports receiving DOT financial assistance in establishing and providing opportunities for ACDBEs.

Section III: DEFINITIONS

Any terms used in this Plan that are defined in 49 C.F.R. 23.3 or elsewhere in the Regulations shall have the meaning set forth in the Regulations. Some of the most common terms are defined below:

Airport Concession Disadvantaged Business Enterprise (ACDBE) means a concession that is a for-profit small business concern –

- 1) That is 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; and
- 2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act.

Car dealership means an establishment primarily engaged in the retail sale of new and/or used automobiles. Car dealerships frequently maintain repair departments and carry stocks of replacement parts, tires, batteries, and automotive accessories. Such establishments also frequently sell pickup trucks and vans at retail. In the standard industrial classification system, car dealerships are categorized in NAICS code 441110.

Concession means one or more of the type of for-profit businesses listed in paragraph (1) or (2) of this definition:

- (1) A business, located on an airport subject to this part, that is engaged in the sale of consumer goods or services to the public under an agreement with the recipient, another concessionaire, or the owner or lessee of a terminal, if other than the recipient.
- (2) A business conducting one or more of the following covered activities, even if it does not maintain an office, store, or other business location on an airport subject to this part, as long as the activities take place on the airport:
 - i. Management contracts and subcontracts,
 - ii. a web-based or other electronic business in a terminal or which passengers can access at the terminal,
 - iii. an advertising business that provides advertising displays or messages to the public on the airport,
 - iv. or a business that provides goods and services to concessionaires.

- (3) For purposes of this definition, a business is not considered to be “located on the airport” solely because it picks up and/or delivers customers under a permit, license, or other agreement. For example, providers of taxi, limousine, car rental, or hotel services are not considered to be located on the airport just because they send shuttles onto airport grounds to pick up passengers or drop them off. A business is considered to be “located on the airport,” however, if it has an on-airport facility. Such facilities include in the case of a taxi operator, a dispatcher; in the case of a limousine, a booth selling tickets to the public; in the case of a car rental company, a counter at which its services are sold to the public or a ready return facility; and in the case of a hotel operator, a hotel located anywhere on airport property.
- (4) Any business meeting the definition of concession is covered by this subpart, regardless of the name given to the agreement with the recipient, concessionaire, or airport terminal owner or lessee. A concession may be operated under various types of agreements, including but not limited to the following:
- i. Leases
 - ii. Subleases
 - iii. Permits
 - iv. Contracts or subcontracts
 - v. Other instruments or arrangements
- (5) The conduct of an aeronautical activity is not considered a concession for purposes of this subpart. Aeronautical activities include scheduled and non-scheduled air carriers, air taxis, air charters, and air couriers, in their normal passenger or freight carrying capacities; fixed base operators; flight schools; recreational service providers (e.g., sky-diving, parachute-jumping, flying guides); and air tour services.
- (6) Other examples of entities that do not meet the definition of a concession include flight kitchens and in-flight caterers servicing air carriers, government agencies, industrial plants, farm leases, individuals leasing hangar space, custodial and security contracts, telephone and electric service to the airport facility, holding companies, and skycap services under contract with an air carrier or airport.

Concessionaire means a firm that owns and controls a concession or a portion of a concession.

Direct ownership arrangement means a joint venture, partnership, sublease, licensee, franchise, or other arrangement in which a firm owns and controls a concession.

Good faith efforts means efforts to achieve an ACDBE goal or other requirement of this part that, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to meet the program requirement.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of “tribally-owned concern” in this section.

Joint venture means an association of an ACDBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the ACDBE is responsible for a distinct, clearly defined portion of the work of the contract.

Large hub primary airport means a commercial service airport that has a number of passenger boardings equal to at least one percent of all passenger boardings in the United States.

Local Geographic Preference means any requirement that gives an ACDBE located in one place an advantage over ACDBEs from other places in obtaining business as, or with, a concession at the Airport.

Management contract or subcontract means an agreement with a recipient or another management contractor under which a firm directs or operates one or more business activities, the assets of which are owned, leased, or otherwise controlled by the recipient.

Material amendment means a significant change to the basic rights or obligations of the parties to a concession agreement.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area that now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii that is a not-for-profit organization chartered by the State of Hawaii, and is controlled by Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual’s personal net worth does not

include the following: The individual's ownership interest in an ACDBE firm or a firm that is applying for ACDBE certification; the individual's equity in his or her primary place of residence; and other assets that the individual can document are necessary to obtain financing or a franchise agreement for the initiation or expansion of his or her ACDBE firm (or have in fact been encumbered to a support existing financing for the individual's ACDBE business), to a maximum of \$3 million. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept.

Race/gender conscious means a measure of program that is focused specifically on assisting only ACDBEs, including women-owned ACDBEs.

Race/gender neutral means a measure or program that is, or can be, used to assist all small businesses, without making distinctions or classifications on the basis of race or gender.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to ACDBE firms.

Small business concern means a for-profit business that does not exceed the size standards.

Social and economically disadvantaged individual means any individual who is a citizen of the United States and who is –

- (1) Any individual determined by a recipient to be a socially and economically disadvantaged individual on a case-by-case basis.
- (2) 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, Kirbati, 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 Small Business Administration (SBA), at such time as the SBA designation becomes effective.

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

Section IV: Contract Provisions

The Authority will never exclude any person from participating in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any concession related contracts on the basis of race, color, sex or national origin.

The following non-discrimination language will be included in all concession related contracts the Authority executes with any firm:

"(1) This agreement is subject to the requirements of the US 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 cause those businesses to similarly include the statements in further agreements."

Section V: CONCESSION POLICY

It shall be the policy of the Authority to actively promote and take all necessary and reasonable steps to foster participation by ACDBEs in its airport concession activities.

Section VI: ADMINISTRATIVE REQUIREMENTS

- A. Dissemination of Policy Statements: The Authority shall issue a signed and dated Policy Statement throughout the Authority and to the business community, including ACDBEs and non-ACDBEs that perform work on concession related contracting opportunities. The entire Plan will be posted on the Authority's website at www.san.org.
- B. DBE Liaison Officer (DBELO): Pursuant to 49 C.F.R. Part 23.23, the Plan shall be administered by the Disadvantaged Business Enterprise Liaison Officer (DBELO), who shall be appointed by and have direct access to the Executive Director of the Authority on ACDBE issues. The DBELO shall be the primary person responsible for implementing all aspects of this Plan, and will work closely with all other departments of the Authority who are responsible for making decisions related to contracting opportunities. The designated DBELO in the Authority's DBE Program shall also oversee and be responsible for implementation of this Concession Plan.
- C. Active Participants Directory: The DBELO shall refer interested persons to the Unified Certification Program (UCP) database for a list of all firms eligible to participate as ACDBEs in this Plan. The UCP database includes every firm's name, address, phone number, type of work the firm has been certified to perform as an ACDBE. The UCP database is revised on a bi-weekly basis with updated information for contractors and the public to access at the following address: http://www.dot.ca.gov/hq/bep/find_certified.htm.

Section VII: IMPLEMENTATION

The Authority will submit to the Federal Aviation Administration (FAA) Western-Pacific Region Civil Rights Officer, its overall goals and a description of the methodology used in establishing them, as per this Concession Plan.

To ensure that ACDBEs have the maximum opportunity to compete for concession agreements, the Authority shall:

- a. Review and update this Concession Plan as needed;

- b. Ensure that any amendment that would result in significant change to this Concession Plan is approved by the FAA Western-Pacific Region Civil Rights Officer before implementation; and,
- c. To the extent practicable, seek to obtain ACDBE participation in all types of Concession activities and not concentrate participation in one category or a few categories to the exclusion of others.

Section VIII: ACDBE CERTIFICATION

The Authority is signatory to the Memorandum of Understanding (MOU) establishing the California Unified Certification Program (UCP), a reciprocal regional ACDBE certification program. The Authority utilized the UCP database to identify ACDBE certified firms.

The Authority, as a member of the UCP, will act as a certifying agency on the UCP's behalf. The Authority will follow all certification standards and procedures as prescribed in 49 CFR Part 26 except as provided by 49 CFR, Part 23 Subpart C. All ACDBE certification decisions will be made by the UCP.

The Authority will count toward its overall ACDBE participation goals only those businesses that have been certified by the UCP and identified on the UCP database.

Section IX: GOAL METHODOLOGY

Overall Goal

The Authority shall establish two separate overall ACDBE goals as prescribed in 49 CFR Part 23 Subpart D. The first is for car rentals and the second is for concessions other than car rental. Each goal will cover a three-year period. The goals will be reviewed annually to ensure they continue to fit the circumstances appropriately. Any significant adjustments will be reported to the FAA.

Calculation of Overall Goals

When calculating the overall goal, a thorough analysis of concession opportunities will be conducted. Appropriate Authority staff including Real Estate Management and Small Business Development will perform the analysis. The objective of this analysis is to estimate the percentage of the concession opportunity that would be performed by ACDBEs in the absence of discrimination and its effects.

Each overall concession goal will be based on the availability of ready, willing, and able ACDBE relative to all businesses ready, willing and able to participate in our ACDBE program.

Each overall ACDBE Participation goal shall be calculated as a percentage of the estimated gross receipts that will be earned by all pertinent concessions operating at the Airport during the relevant three-year period.

For the purpose of making this calculation:

- a. When the Authority employs the estimated gross receipts that will be earned by all Concessions operating at the Airport during the goal period and,
- b. Net payments to the Airport from banks and banking services, including automated teller machines (ATM) and foreign currency exchanges, shall be used.

Each overall ACDBE participation goal shall be based on a review of the following:

- a. The concession opportunities anticipated during the relevant three-year period;
- b. The identification of opportunities that have the greatest potential for ACDBE participation; and,
- c. Past results of the Authority's efforts to contract with ACDBEs and the reasons for the high or low level of those results.

When calculating car rental ACDBE overall goal, only those car rental operators located on airport will be considered. Per the definition of concession, a car rental operator is not considered located at the airport solely because it picks up and/or delivers customers under a permit, license or other agreement.

Race/Gender-Neutral Methods

The Authority will use every effort to meet the goals utilizing race/gender neutral methods. To the extent that race/gender neutral methods are inadequate to meet overall goals, race/gender conscious measures will be utilized.

Section X: ACDBE SET-ASIDES

49 CFR Part 23.61 states that the Authority must not use quotas or set asides for ACDBE participation.

Section XI: LONG-TERM EXCLUSIVE CONCESSION AGREEMENTS

The Authority shall not enter into long-term exclusive agreements for the operation of Concessions, unless special local circumstances exist that make it important to enter such agreement, and assurances have been provided to the FAA Western Pacific Region Civil Rights Officer that there will be adequate ACDBE participation throughout the term of the long-term exclusive agreement.

For these purposes, a long-term exclusive agreement is one having a term in excess of five (5) years, and the determination of whether an agreement is exclusive shall be made in accordance with 49 CFR 23.107.

Should the Authority request approval of a long-term exclusive agreement; the Authority shall submit the following information to the FAA Western-Pacific Region Civil Rights Officer:

- a. A description of the special local circumstances that warrant a long-term exclusive agreement, e.g., a requirement to make certain capital improvements to a leasehold facility; and
- b. A copy of the draft and final leasing and subleasing or other agreement
- c. Documentation the ACDBE participants are properly certified
- d. A description of the type of business or businesses to be operated
- e. Information on the investment required on the part of the ACDBE and any unusual management or financial arrangement between the prime concessionaires.
- f. Information on the estimated gross receipts and net profit to be earned by the ACDBE.

Required Elements of a Long-Term Exclusive Agreement

Each long-term exclusive agreement(s) shall provide:

- a. That the extent of ACDBE participation will be reviewed prior to the exercise of each renewal option to consider whether an increase or decrease is warranted;
- b. That any ACDBE that is unable to perform successfully will be replaced by another ACDBE, if the remaining term of the agreement makes this feasible;
- c. That the ACDBE participation will be in an acceptable form, such as a sublease, joint venture or partnership;
- d. Documentation that the ACDBEs participant(s) are property certified;
- e. A description of the type of business(es) to be operated, location, storage and delivery space, "back-of-the-house facilities" such as kitchens, window display space, advertising space and other amenities that will increase the ACDBEs' chance to succeed;

- f. Information on the investment required by the ACDBE and any unusual management or financial arrangements between the prime concessionaire and the ACDBE; and
- g. Information on the estimated gross receipts and net profit expected to be earned by the ACDBE.

Section XII: SUBMISSION OF INFORMATION REGARDING CONCESSION AGREEMENTS

For each Concession agreement, the following information will be submitted to the FAA Western-Pacific Region Civil Rights Officer, together with any additional information requested:

- a. Name of firm;
- b. Type of business (e.g., bookstore, car rental, baggage carts, etc.);
- c. Beginning and expiration dates of agreement, including options to renew;
- d. For new agreements, method of solicitation proposed by the Authority (e.g., request for proposals, invitation for bids);
- e. Dates that material amendments will be made to the agreement (if known);
- f. Estimated gross receipts for each goal period established in this Concession Plan;
- g. Identification of those concessionaires that have been certified as ACDBEs; and,
- h. An indication of those Concessions having potential for participation by ACDBEs.

Section XIII: REQUIRED CONTRACT PROVISION

The Authority will include in all concession related agreements the following language per 49 CFR Part 23.29:

- a. Concessionaire has advised the Authority that it will use the ACDBEs listed on attached Exhibit "" in providing the services described thereon. Concessionaire agrees that within 60 days after the expiration of each calendar quarter during the term of this Agreement, it will provide a report to the Authority, in a form acceptable to the Authority, describing the gross receipts of each such ACDBE described on attached Exhibit "" (and each substitute ACDBE obtained pursuant to paragraph (c) below), or in the case of a rental car concession, the dollar value of vehicles and other goods and services purchased by the Concessionaire from each such ACDBE, in each

case calculated in accordance with the requirements of 49 CFR Part 23.

- b. Concessionaire agrees that it will also submit within the same period described in (a) above a report to the Authority, in a form acceptable to the Authority, describing the Concessionaire's total gross receipts for the entire contract, or in the case of a rental car concession, the total dollar value of vehicles and other goods and services purchased by the Concessionaire.
- c. Concessionaire will have no right to terminate an ACDBE for convenience without the Authority's prior written consent. If an ACDBE is terminated by the Concessionaire with the Authority's consent or because of the ACDBE's default, then the Concessionaire must make a good faith effort, in accordance with the requirements of 49 CFR Part 23.25(e)1(iii) and (iv), and 49 CFR Part 26.53, to find another ACDBE to substitute for the original ACDBE to perform the same estimated gross receipts (or in the case of a rental car concession, to sell the same amount of vehicles and other goods and services) under the contract as the ACDBE that was terminated.
- d. The Concessionaire's breach of its obligations under (a), (b) or (c) above shall be a Default by Concessionaire under Section ___ (the default provisions) above and shall entitle the Authority to exercise all of its contractual and legal remedies, including termination of this Agreement.

Section XIV: PUBLICATION OF OVERALL GOALS

Every three years, the Authority will publish a public notice announcing the proposed overall ACDBE participation goal under this Concession Plan, in accordance with the public notice procedures set forth in the second paragraph of Section 17, Step 3 of the Authority's DBE Program. In addition, the Authority will publish any significant changes to the goal within the three-year period.

Section XV: GOOD FAITH EFFORTS

The Authority will make good faith efforts to achieve the overall goals established under this Concession Plan. These efforts shall include the following:

- a. Efforts will be made to locate and identify ACDBE businesses that may be interested in participating as concessionaires.

- b. Notifications will be sent to ACDBEs and other organizations of Concession opportunities and encouraging them to compete, when appropriate. The Authority will:
 - 1) Provide these businesses with announcements of bids or proposals when they are issued;
 - 2) Inform potential concessionaires during pre-solicitation meetings of any ACDBE requirements;
 - 3) Provide information concerning the availability of ACDBEs certified for Concessions to potential concessionaires to assist them in meeting ACDBE requirements; and,
 - 4) When practicable, structuring contracting activities so as to facilitate participation of ACDBEs.

- c. When requesting Concession Plan update approval in which the overall annual ACDBE goal is ten (10) percent or less, the Authority shall provide a narrative description of its good faith efforts that shall include, but not be limited to, the following:
 - 1) Efforts to locate ACDBEs in the relevant geographic area that are capable of operating the Concessions that will become available;
 - 2) Efforts to notify ACDBEs of Concession opportunities and encourage them to compete;
 - 3) Consideration given, when practical, to structuring contracting procedures so as to encourage and facilitate ACDBE participation (e.g., the Authority may consider using competitive means to award a Concession that would otherwise be renegotiated without competition); and,
 - 4) If appropriate, an explanation of why the nature of a particular Concession makes ACDBE participation through a sublease, joint venture, partnership, or other arrangement not economically feasible.

Section XVI: OBLIGATIONS OF CONCESSIONAIRES AND COMPETITORS

The Authority may impose requirements on competitors for Concession agreements as a means of achieving the ACDBE Concession goals, provided that the ACDBE participation specified in the solicitation or other request is an eligible arrangement, as defined in 49 CFR Part 23.

When options to renew Concession agreements are exercised or when a material amendment is made to the agreement, the Authority will assess the potential for ACDBE participation and may, if permitted by the agreement, use any means authorized by the Regulations to obtain a modified amount of ACDBE participation in the renewed or amended agreement.

When a specific ACDBE contract goal is established, the Authority will include a clause in the solicitation notifying the competitors of the ACDBE requirements. A competitor that fails to achieve the goal will be required to submit documentation demonstrating that it made good faith efforts to do so, or that it would not be economically feasible to enter into a sublease, joint venture partnership or other eligible arrangement. The DBELO shall determine whether the proposer has made a good faith effort to meet the contract-specific goal in accordance with 49 CFR Part 23.25(e)1(iii) and (iv), and 49 CFR Part 26.53, which are incorporated herein.

The Authority will not use a local geographic preference when awarding contracts. A local geographic preference is any requirement that gives an ACDBE located in one place an advantage over an ACDBE from other places in obtaining business at San Diego International Airport.

Section XVII: Accomplishments in Achieving ACDBE Goals

Each annual update of this Concession Plan shall contain an analysis of the accomplishments made by the Authority toward achieving the previous year's overall ACDBE participation goal under this Concession Plan. Each annual update shall show the effect of those results on the overall level of ACDBE participation in the airport's Concessions and shall, if applicable, include a statement as to why failure to meet the overall goal was beyond the Authority's control.