

**NOTICE OF AIRPORT CONCESSION DISADVANTAGE
BUSINESS ENTERPRISE (ACDBE) GOALS**

The City of Bismarck (Bismarck Airport) as a sponsor for Federal Aviation Administration Grants, has established the following goals:

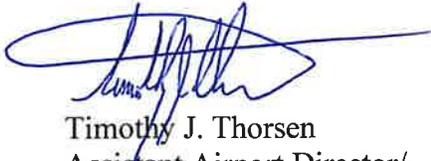
FY 2023, 2024, 2025 Airport Concession Goal (49 CFR Part 23)

Goal: 1.33% Bismarck Airport plans to achieve 1.33% by race neutral means and 0.0% by race conscious methods (Contract Goals)

FY 2023, 2024, 2025 Airport Car Rental Concession Goal (49 CFR Part 23)

Goal: 0.86% Bismarck Airport plans to achieve 0.00% by race neutral means and 0.86% by race conscious means (Contract Goals)

The goals are available for inspection Monday-Friday from 8:00 am to 5:00 pm at the Bismarck Airport Administration Office, 2301 University Drive, Bldg. #17, Suite 225B Bismarck ND. An explanation of goals is also available on the internet at <http://www.bismarckairport.com>, click on "Business Opportunities", then "Doing Business at the Airport". Comments will be accepted on the goals 45 days after the notice is published (until January 4, 2023).



Timothy J. Thorsen
Assistant Airport Director/
Airport Concession Disadvantaged Business Enterprise
Liaison Officer

Attachment 4

Section 23.45: Overall Goal Calculation for Concessions Other Than Car Rentals

Amount of Goal *(submit if gross receipts exceed \$200,000)*

The City of Bismarck’s overall goal for concessions other than car rental during the period beginning October 1, 2022 and ending September 30, 2025 is the following: **1.33%** of the total gross receipts for concessions at Bismarck Airport to be accomplished through race conscious of **0%** and race neutral of **1.33%**.

Name of Recipient: Bismarck Airport

Goal Period: FY 2023-2024-2025 – October 1, 2022 through September 30, 2025

The Bismarck Airport has determined the market area as follows:

Market Area for Non-Car Rental Concessionaires

Company	Type of Concession	City	State	Nationwide
The Junction - Bismarck	Food/Alcohol/Gifts	Bismarck		
Corner Cafe	Coffee/Snack Kiosk	Bismarck		
Green Food 2 Go	Candy Vendor	Bismarck		
Lakeside Vending	Candy Vendor		ND	
Jamestown Music	ATM/Gaming Vendor		ND	
Soda Vending	Coke/Pepsi Vending		ND	
Clear Channel Airports	Airport Advertising			USA
Innovative Vending Solution	Airport Entertainment			USA

There is one concession opportunity anticipated during the goal period. The terminal snack and beverage kiosk, Corner Café’s contract ended March 31, 2018 and has been carried forward in a month-to-month status. This may be bid in the goal period.

Base of Goal

To calculate the base of the goal, Bismarck Airport considered the most recent previous 3 years of gross concession receipts and the projected potential concession revenue (gross receipts) three years into the future including upcoming new opportunities.

Gross Receipts for Previous 3 Years - Non-Car Rental Concessions

Fiscal Year	Concessions Revenue (Excluding Car Rental)
2019	\$1,578,312.06
2020	\$1,216,046.18
2021	\$1,565,490.16
Total	\$4,359,848.40

Bismarck Airport estimates the next three year's concessions will remain the same as 2021 with 0% growth.

Fiscal Year	Concessions Revenue (Excluding Car Rental)
2023	\$1,565,490.16
2024	\$1,565,490.16
2025	\$1,565,490.16
Total	\$4,696,470.48

The Bismarck Airport estimates that revenues to existing concessions will grow by 0% over the next three years due to inflation and increased passenger traffic or other reasons. As a result, the base of goal is \$4,696,470.48

There is one concession opportunity anticipated during the goal period. The terminal snack and beverage kiosk, Corner Café's contract ended March 31, 2018 and has been carried forward in a month-to-month status. This may be bid in the goal period.

The following are not included in the total gross receipts for concessions: (a) the gross receipts of car rental operations, (b) the dollar amount of a management contract or subcontract with a non-ACDBE, (c) the gross receipts of business activities to which a management contract or subcontract with a non-ACDBE pertains, and (d) any portion of a firm's estimated gross receipts that will not be generated from a concession.

If a new concession opportunity arises prior to the end of this goal period and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the Bismarck Airport will submit to the FAA an appropriate adjustment to the overall goal. This will be submitted to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity. (23.45(i)).

Methodology used to Calculate Overall Goal

Goods and Services

We can meet the percentage goal by including the purchase from ACDBEs of goods and services used in businesses conducted at the airport. We, and the businesses at the airport, shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises. The dollar value from purchases of goods and services from ACDBEs may be added to the numerator, and the dollar value from purchases of goods and services from all firms (ACDBEs and non-ACDBEs) may be added to the denominator.

Management Contract or Subcontract

We can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. We, and the businesses at the airport, will add the dollar amount of a management contract or subcontract with an ACDBE to the total participation by ACDBEs in airport concessions (both the numerator AND the denominator) and to the base from which the airport's percentage goal is calculated. However, the dollar amount of a management contract or subcontract with a non-ACDBE and the gross revenue of business activities to which the management contract or subcontract pertains will not be added to this base in either the numerator or denominator. While we realize that this appears to go against the normal rules and rationale for goal-setting, we understand that this method is nevertheless required by statute.

Step 1: 23.51(c)

The Bismarck Airport used **Census Bureau** and the **North Dakota DOT ACDBE directory** to help determine Step 1 availability.

Concession Type	NAICS Code	ACDBE Firms (NDDOT Qualified)	All Firms in Market Area (North Dakota)	% of ACDBE Firms that may be available
Confectionery merchant wholesalers	424450	1	11	9.09%
Food Service Contractors, Other Miscellaneous Nondurable Goods Merchant Wholesalers, Snack and Nonalcoholic Beverage Bars	722310 424990 722515	1	898	0.11%
Other grocery and related products merchant wholesalers	424490	1	173	0.57%

Office administrative services	561110	1	241	0.51%
All Other Miscellaneous Store Retailers (except Tobacco Stores)	453998	1	177	0.56%
Total		5	1500	0.33%

We determined the base figure for the relative availability of ACDBEs other than car rentals. The base figure was calculated as follows:

$$\text{Base figure} = \frac{\text{Ready, willing, and able non-car rental ACDBEs in the market area}}{\text{All ready, willing and able non-car rental concession firms in the market area}}$$

The data source or demonstrable evidence used to derive the numerator was:

- ACDBE Directory – North Dakota Department of Transportation currently lists one Actives*
1. East West Import Export, DBA Corner Cafe

Step 2: 23.51(d)

After calculating a base figure of the relative availability of ACDBEs, we examined evidence to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

In order to reflect as accurately as possible, the ACDBE participation we would expect in the absence of discrimination we have adjusted our base figure by 1.00%. Our overall goal for non-car rental concessions is 1.33%

The data used to determine the adjustment to the base figure was:

Past participation – We evaluated the current capacity of ACDBEs to perform work in our concessions program by measuring the volume of work ACDBEs have performed in the past.

Step 2: Past Participation

The data used to determine the adjustment to the base figure was the non-car concessions historic ACDBE Participation achievements:

~~2019 55.56%~~
2020 2.44%
2021 2.20%

The average historical non-car concessions ACDBE achievement participation is **2.32%** for our Step 2 figure.

2.44% + 2.20% = 4.64% and divided by 2 = 2.32%.

Note: In 2019, Fly and Buy was the largest ACDBE concessionaire at the Bismarck Airport. It accounts for 55.56% of total sales in FY 2019. However, Fly and Buy was later replaced by a non-ACDBE concessionaire, “The Junction-Bismarck” in 2020. The Junction-Bismarck eventually became the largest non-ACDBE concessionaire at Bismarck Airport. With that being said, to arrive at the new goal for FY 2023-2025, we decided not to include the 2019 figure into the average calculation because the concessionaire is no longer serving at the Bismarck Airport, and it will result in an unrealistic and unachievable high goal.

The step 1 goal is adjusted by increasing the goal to their amount that past experience would show as follows:

To arrive at the overall goal using adjusted historical figures, we averaged Step 1 (0.33%) and Step 2 (2.32%) which = 2.65% and divided by 2 = 1.33% for our overall goal.

Consultation with Stakeholders (23.43)

Prior to submitting this goal to the FAA, Bismarck Airport consulted with the following stakeholders:

*The Junction - Bismarck
Clear Channel Airports
Corner Café (Coffee Kiosk)
Lakeside Vending
NDAC*

*Jamestown Music (Games and ATM)
Soda Vending (Coke + Pepsi)
Green Food 2 Go
Innovative Vending Solution
NDDOT*

A summary of the information these stakeholders provided follows:

The Junction-Bismarck:

Fabre Coe & Gregg of Florida, INC., dba “The Junction-Bismarck” was the successful proposer of a café (Food and Beverage) concession request for proposal, replacing Fly N Buy, the concessionaire for the last 10 years. On December 14, 2018 a selection committee consisting of City Commissioner, Greg Zinker, Assistant City Administrator Jason Tomanek, Airport Director Greg Haug, Bismarck Event Center Food Service Manager Becky Rath and Delta Ground Services Manager Ryan Eckroth unanimously selected Faber from a group of six proposers. The Board of City Commissioners approved the selection of Faber at their January 8, 2019 meeting. Faber is a firm with 18 stores in 6 airports as well as 46 other train/hotel/transit locations.

On October 24, 2022, Tim Thorsen sent out an email to Brian Hatley (**bhatley@faber-intl.com**) requesting comments regarding the ACDBE goal setting process and methodology. However, no respond emails were received after two weeks of waiting. Thus, on November 8, 2022. Tim Thorsen called Brian Hatley (**312**) **438-3696** and asked about the proposed 3 year non car rental goal of 1.33% and the methodology for setting the goal. They first reviewed the comments Wally Janokowiz had made three years ago. Then, Tim asked Brian for his comments and thoughts on the goal setting for FY23-25. Brian said that “Faber can contribute to some degree”. Faber will continue to make a purchase on uniform and coffee beans from NDDOT qualified ACDBE. In addition, Brian is currently looking for NDDOT qualified ACDBE that sells paper and cleaning supplies. When asked about the goal level we set for FY23-25, Brian has no comments on it.

Corner Cafe:

Corner Cafe is a Coffee Kiosk outside the TSA security screening checkpoint. On October 31, 2022, Tim spoke with owner Henry Shiu in person about the goal setting process and methodology. He stated that our goal of 1.33% for FY23-25 is agreeable. The step 2 average ACDBE number is hard to judge because of airline schedule volatility. Henry stated that the airline flight schedule plays a big role on their business. He has been trying to ask the airlines for their daily flight schedule but so far still has not gotten any response yet. He stated that afternoon flights seem to be when he does better, rather than flights earlier in the day. Morning business is not profitable. Henry became a DBE in July 2018. His business has a challenge because passengers tend to buy from the sterile area concessionaire. Beverages bought from Corner Café will not be able to pass through the security checkpoint. This factor makes passenger hesitant about whether to buy from Henry or not. However, Henry said he will try his best to reach the goal we set.

Lakeside Vending (Candy Machines):

On October 24, 2022, Tim Thorsen sent out an email to Tim Alm (**lakesidevending@mac.com**) requesting comments regarding the ACDBE goal setting process and methodology. On November 1, 2022, Tim Alm responded to the email saying that he did not have any comments on the goal we set for FY 2023-2025.

Jamestown Music (Video Concession and ATMs):

On October 24, 2022, Tim Thorsen sent out an email to Jamie Martinson (**jamiem@arvig.net**) requesting comments regarding the ACDBE goal setting process and methodology. On November 8, 2022, Jamie responded to the email saying that Jamestown Music has no issues and comments on the ACDBE goal (1.33%) we set for FY23-25.

Green Food 2 Go:

On November 8, 2022, Tim Thorsen called Paul Waletzko (**701**) **214-4795** and asked him about the proposed 3 year non car rental goal of 1.33% and the methodology for setting the goal. Tim Thorsen gave an explanation about DBE as a whole and why we follow the program. Tim also explained to him about the difference between race conscious goal and race neutral goal. Then, they reviewed the comments Paul had three years ago. Paul added that there are some disadvantaged individual vendors they purchased goods from that choose not to apply to become an ACDBE. He stated that if those vendors apply to become a NDDOT qualified ACDBE, they might be able to reach the goal. With that being said, Paul stated that 1.33% is reasonable. He concluded the conversation saying that there is really nothing much they can purchased from the current NDDOT qualified ACDBE.

Soda Vending (Coke):

On November 9, 2022, Tim Thorsen contacted Adam Vetter (**701**) **222-1200 ext. 3507**, Business Development Specialist, and asked about the proposed 3 year non car rental goal of 1.33% and the methodology for setting the goal. Tim explained to him about the process of coming up with the goal value and the reasons why we follow the program. Adam told Tim that there is really no opportunity for them to purchase goods or services from other ACDBE to support their business. All they have at the airport is two vending machines that are self-contained, meaning that they refill and do the maintenance themselves. That being said, Adam stated that it will be hard to reach the goal of 1.33% just because how their business operates.

Soda Vending (Pepsi):

On November 8, 2022, Tim Thorsen had a phone call with Kevin Klemmer **(701) 391-8770**, food service sales rep for PepsiCo. The conversation included a brief discussion of the goal setting methodology, the proposed goal of 1.33% and accomplishment by purchase of goods & services for a company that does not qualify as an ACDBE. Tim also explained to Keven about the reasons why we follow the program. Kevin stated that purchasing from a NDDOT qualified ACDBE would be difficult because no goods or services offered by the ACDBE are useful for a concession that consists of two vending machines at the airport. Kevin added that the airport provides space and electrical while they provide machine and maintain equipment to keep it operational. As for the goal level of 1.33%, Kevin did not give specific comments on it.

ND Aeronautics Commission:

On November 8, 2022, Tim Thorsen called Kyle Wanner **(701) 328-9650** Executive Director, ND Aeronautics Commission and asked about the proposed 3 year non car rental goal of 1.33% and the methodology for setting the goal. They first reviewed the comments Kyle had three years ago. Then, Tim discussed with him about the goal setting process for both car rental and non-car rental. He also explained to Kyle regarding the difference between race conscious goals and race neutral goals. Kyle told Tim that he sat on the board reviewing the application for ACDBE. He stated that with a limited number of ACDBE's there were limited opportunities for ACDBE business in North Dakota. In the end, Kyle said that he had no concerns regarding the goal setting methodology used by Bismarck Airport.

Innovation Vending:

On November 8, 2022, Tim Thorsen contacted Bob Turbo **(610) 761-0233**, Vice President for Business Development Recharge and Relaxation, and asked about the proposed 3 year non car rental goal of 1.33% and the methodology for setting the goal. Tim explained the goal setting process to Bob and told him about the reasons why we follow the ACDBE program. Bob responded to the 1.33% goal by saying that it will be extremely difficult for them to reach it. There are zero opportunities for them to purchase goods or services from ACDBE because the service they provide is the massage chair at the terminal. They might have one of their employees come to the airport to maintain the chair and do some cleaning, but other than that, it is just impossible for them to contribute to the program.

Clear Channel:

On November 8, 2022, Tim Thorsen contacted Thaddeus Glenn **(610) 674-6086**, Senior Airport Development Director for Clear Channel Airport, and asked about the proposed 3 year non car rental goal of 1.33% and the methodology for setting the goal. Tim talked about the process of setting the goals and the reasons for not following the program. He also explained to Thaddeus regarding the difference between race conscious goals and race neutral goals. Thaddeus said that they would find a qualified ACDBE in the area and signed a contract with them to have a representative help them with the ACDBE program. What they did is basically maintain the advertisement display inside the airport terminal. Other than that, they are having a hard time finding good and services provided by NDDOT qualified ACDBE that they can purchase to support their business. As for the goal level we set for FY23-25, the only comment Thaddeus gave was "the lower, the better."

ND DOT Office of Civil Rights:

On November 9, 2022, Tim talked with Amy Conklin **(701)-328-3116**, DBE/ACDBE Program Administrator, and discussed the goal setting methodology. NDDOT is the Unified Certification Program (UCP) for the Bismarck Airport. Tim explained to Amy the method we used to determine the goal for FY 23-25. In the end, Tim asked Amy if she has any comments or questions about the 1.33% goal level for non-car rental. Amy responded saying that she had no comments on the goal we set.

Breakout of Estimated Race-Neutral & Race Conscious Participation
Section 23.51

We estimate that, in meeting our overall goal of 1.33% we will obtain 1.33% from race-neutral participation and 0% through race-conscious measures.

City of Bismarck will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. The City of Bismarck uses the following race-neutral measures to increase ACDBE participation. We understand that we will be expected to actually take these steps, and this is not merely a paper exercise.

1. *Advertising in the Bismarck Tribune and on the Airport web page to inform ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;*
2. *Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;*
3. *When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;*
4. *Providing technical assistance to ACDBEs in overcoming limitations, such as inability to obtain bonding or financing;*
5. *Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the sponsor's ACDBE program will affect the procurement process;*
6. *Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation; and*
7. *Work through the UCP (North Dakota Department of Transportation) to provide assistance program or taking other steps to foster ACDBE participation in concessions.*

If we project that race-neutral measures, standing alone, are not sufficient to meet an overall goal, we will use the following race-conscious measures to meet the overall goal:

1. *We will establish concession-specific goals for particular concession opportunities.*

In order to ensure that our ACDBE program will be narrowly tailored to overcome the effects of discrimination, if we use concession specific goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual ACDBE participation (see 26.51(f)) and we 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 status in making the award.

We will maintain data separately on ACDBE achievements in those contracts with and without concession specific goals, respectively.

After recalculating steps 1 and 2 of the non-car rental goal, we set a new goal that is different than the original number we used when consulting with our concessionaires. Because we came up with a new goal, we will be in contact with all non-car rental concessionaires at the Bismarck Airport and advise of the changes that are in effect.

We will advertise the goals in the Bismarck Tribune on November 21, 2022. The proposed goals will also be available for inspection Monday-Friday from 8:00 am to 5:00 pm at the Bismarck Airport Administration Office, 2301 University Drive, Bldg. #17, Suite 225B Bismarck ND. An explanation of goals will also be

available on the internet at <http://www.bismarckairport.com>, click on “Business Opportunities”, then “Doing Business at the Airport”. Comments will be accepted on the goals 45 days after the notice is published (until January 4, 2023). The goals will be submitted before the 45-day comment period is complete. If we receive substantive comments that warrant goal changes, we will revise the goal submission and re-submit it to FAA.

Attachment 5

Section 23.45: Overall Goal Calculation for Car Rentals

Amount of Goal

Bismarck Airport's overall goal for car rentals during the period beginning October 1, 2022 and ending September 30, 2025 is the following: **0.86%** of the total goods and services purchased for car rental operations at Bismarck Airport Bismarck Airport to be accomplished through race conscious of **0.86%** and race neutral of **0%**.

Name of Recipient: Bismarck Airport

Goal Period: FY 2023-2024-2025 – October 1, 2022 through September 30, 2025

The Bismarck Airport has determined the market area as follows:

Market Area for Car Rental Concessionaires

Company	Type of Concession	City	State	Nationwide
Hertz	Car Rental	Bismarck	ND	
Avis Rent-a-Car	Car Rental	Bismarck	ND	
Enterprise	Car Rental	Bismarck	ND	

Base of Car Rental Goal

To calculate the base of the goal Bismarck Airport considered the last year of goods and services purchases for 2021 (\$1,546,624.45) and the projected that potential goods and services purchases three years into the future with 0% growth including upcoming new opportunities.

Projected purchases (expenditures) of goods and services for - Car Rental Concessions

Fiscal Year	Concessions Revenue (Excluding Car Rental)
2023	\$1,546,624.45
2024	\$1,546,624.45
2025	\$1,546,624.45
Total	\$4,639,873.35

The Bismarck Airport does not anticipate any major changes that would increase or decrease concession revenues over next three years. Therefore, the recipient's base of goal **\$4,639,873.35**.

Methodology used to Calculate Overall Goal

Goods and Services

We determined the goal based on outreach for the purchases of goods and services from certified ACDBE or potential/ACDBE firms. This basis is in lieu of a goal based upon a percentage of total gross receipts of car rental operations at the Airport. We will make a good faith effort to pursue opportunities to meet the goal. We will continue to consult with the North Dakota DOT UCP, our car rentals at the airport, airports in our region, minority and women businesses in the State and other publications to find prospects. We will work with our car rental agencies and outreach to ACDBEs for car rental goods and services and encourage certified ACDBEs to apply for certification in North Dakota so we can count the ACDBE participation in goals and uniform form reports. The North Dakota DOT UCP is aware of this requirement and is on board to assist and process certifications as required.

We have the following car rentals operating at the airport: Avis (5 Star car rental Inc.), Enterprise (Enterprise RAL Company of Montana/Wyoming, LLC), and Hertz (Overland West, INC.).

Car Rentals stated the services they may need are: oil change services, insurance, office supplies, cleaning supplies, tires, auto repair services, auto part supplies, towing services, and freight transportation.

Step 1:

The Bismarck Airport used census bureau and the North Dakota DOT ACDBE directory to help determine Step 1 availability.

Concession Type	NAICS Code	ACDBE Firms (NDDOT qualified)	All Firms in Market Area (North Dakota)	% of ACDBE Firms that may be available
Process, Physical Distribution, and Logistics Consulting Services	541614	1	50	2.00%
Other Support Activities for Road Transportation	488490	1	45	2.22%
Financial Transactions Processing, Reserve, and Clearinghouse Activities	522320	1	42	2.38%
Desk accessories, office, merchant wholesalers, Office Supplies and Stationery Stores	424120 453210	1	93	1.07%
Professional and management development training	611430	1	6	16.66%
New car dealers	441110	0	342	0%
Total		5	578	0.86%

To calculate the base of the goal, Bismarck Airport considered the previous year of purchases and the projected potential purchases three years into the future.

Car Rental Companies Goods and Services Purchases – previous year

Fiscal Year	Car Rental Goods and Services Purchases (Expenditures)
2021	\$1,546,624.45

Car Rental Companies Goods and Services Purchases – next 3 years

Fiscal Year	Car Rental Goods and Services Purchases (Expenditures)
2023	\$1,546,624.45
2024	\$1,546,624.45
2025	\$1,546,624.45
Total	\$4,639,873.35

The Bismarck Airport does not anticipate any major changes that would increase or decrease concession revenues over next three years. Therefore, the recipient's base of the goal is the average purchases of \$1,546,624.45.

Step 2: 23.51(d)

After calculating a base figure of the relative availability of ACDBEs, we examined evidence to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Note: Our initial calculation for step 1 is 2.11%. However, in step 2, we found out that 2.11% is an unrealistic and unachievable high goal for car rental concessions. Therefore, we adjusted our base figure downward by 1.11%, ending up with 1.00% for our overall goal for car rental concessions. We used 1.00% for our goal when consulting with the car rental concessions. After all the consultation was completed, we realized that we did not add in the firms that are categorized under NAICS Code (441110) in step 1 calculation. Thus, we recalculated step 1, and the result turned out to be 0.86%. We decided to keep the goal at 0.86%, which means no adjustment were made in step 2. The reason is that car rental concessions were not able to reach the goal in the past few years even if the goal is set to 1.00%. That being said, adjusting the goal upward to 1.00% is unreasonable and not achievable for car rental concessions.

Consultation with Stakeholders (23.43)

Prior to submitting the 0.86% goal to the FAA, City of Bismarck consulted with the following stakeholders:

Comments were received from:

- Hertz (Overland West, Inc.):** Barbara Lam-Hales (801) 337-5236
- Avis Rent-a-Car:** (5 Star Car Rental Inc.) Andrew Kuipers (605)393-8911
- Enterprise Rent-a-Car:** Julie McGrath (406) 443-6025
- North Dakota Aeronautics Commission:** Kyle Wanner (701) 328-9650
- North Dakota DOT:** Amy Conklin (701)-328-3116

Hertz:

On October 24, 2022, Tim sent out an email to Barbara Lam-Hales (**barbara@overlandwest.com**) requesting comments regarding the ACDBE goal setting process and methodology. On November 9, 2022, Barbara responded to the email saying that they really do not have any comments regarding the proposed ACDBE Goal of 0.86% for car rental. She said that Hertz will have difficulty meeting the goal of 0.86%. She also said that they will try to utilize ACDBE vendors, but there are not a lot of ACDBE vendors in the market area that can help support the car rental business.

Avis franchisee:

On October 24, 2022, Tim sent out an email to Andy Kuipers (**andyk@mckieauto.com**) requesting comments regarding the ACDBE goal setting process and methodology. On November 1, 2022, Andy responded that he did not have any concerns or comments on the goal we set for FY 2023-2025.

Enterprise Rent-a-Car:

On November 8, 2022, Tim Thorsen contacted Julie McGrath (**406-522-2913**) Property Development and Facilities Manager and asked about her comments on the 0.86% car rental goal we set for FY23-25. She said that the 0.86% goal is reasonable, but she cannot guarantee that Enterprise can reach the goal. The reason is because some of the NDDOT qualified ACDBE goes out of business or graduated from the program. This makes them unavailable for purchase. She concluded the conversation by saying that Enterprise will try their best to hit the goal.

ND Aeronautics Commission:

On November 8, 2022, Tim Thorsen called Kyle Wanner (**701**) **328-9650** Executive Director, ND Aeronautics Commission and asked about the proposed 3 year car rental goal of 0.86% and the methodology for setting the goal. Tim discussed with Kyle about the goal setting process for car rental concessionaires. He also explained to Kyle regarding the difference between race conscious goals and race neutral goals. Kyle told Tim that he sat on the board reviewing the application for ACDBE. He stated that with a limited number of ACDBE's there were limited opportunities for ACDBE business in North Dakota. In the end, Kyle said that he had no concerns regarding the goal setting methodology used by Bismarck Airport.

NDDOT:

On November 9, 2022, Tim talked with Amy Conklin (701)-328-3116, DBE/ACDBE Program Administrator, and discussed the goal setting methodology. NDDOT is the Unified Certification Program (UCP) for the Bismarck Airport. Tim explained to Amy the method we used to determine the goal for FY 23-25. In the end, Tim asked Amy if she has any comments or questions about the 0.86% goal level for car rental. Amy responded saying that she had no comments on the goal we set.

Breakout of Estimated Race-Neutral & Race Conscious Participation
Section 23.51

The Airport will make every reasonable effort to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. The Airport will use the following race-neutral measures to increase ACDBE participation:

- i. Locate and identify ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;
- ii. Notify ACDBEs of concession opportunities and encourage them to compete, when appropriate;
- iii. Provide information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.

We estimate that, in meeting our overall goal of 0.86%, we will obtain 0% from race-neutral participation and 0.86% through race-conscious measures.

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious ACDBE participation:

1. *See Step 2 of Goal Setting above and*

If we project that race-neutral measures, standing alone, are not sufficient to meet an overall goal, we will use the following race-conscious measures to meet the overall goal:

1. We will establish concession-specific goals for particular concession opportunities

In order to ensure that our ACDBE program will be narrowly tailored to overcome the effects of discrimination, if we use concession specific goals, we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual ACDBE participation (see 26.51(f)) and we 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 status in making the award.

We will maintain data separately on ACDBE achievements in those contracts with and without concession specific goals, respectively.

We will advertise the goals in the Bismarck Tribune on November 21, 2022. The proposed goals will also be available for inspection Monday-Friday from 8:00 am to 5:00 pm at the Bismarck Airport Administration Office, 2301 University Drive, Bldg. #17, Suite 225B Bismarck ND. An explanation of goals will also be available on the internet at <http://www.bismarckairport.com>, click on "Business Opportunities", then "Doing Business at the Airport". Comments will be accepted on the goals 45 days after the notice is published (until January 4, 2023). The goals will be submitted before the 45-day comment period is complete. If we receive substantive comments that warrant goal changes, we will revise the goal submission and re-submit it to FAA.