

## **APPENDIX 5-C-2**

### **ACDBE COMMITMENT FORM**

#### **SECTION 1: INTRODUCTION**

- A. The Agreement is subject to the requirements of the U.S. Department of Transportation's ("USDOT") regulations, 49 CFR Part 23 and 26 as amended. Concessionaire 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, or other agreement covered by 49 CFR Part 23 and 26.

#### **SECTION 2: ACDBE REQUIREMENTS**

- A. **[NAME OF COMPANY]** (the "Concessionaire") submits this Compliance Plan to Developer, as required by the Development Agreement, dated \_\_\_\_\_ (as the same may be subsequently amended, modified and supplemented, the "Development Agreement").
- B. Because of the delivery method used for the Project, the specific Concession opportunities were not known as of the Effective Date of the Development Agreement.
- C. In accordance with the requirements of the U.S. Department of Transportation's ("DOT") regulations, 49 CFR Part 23 and 26 as amended (the "Regulations"), and the Development Agreement, the ACDBE participation goal for the overall Project is 26%. Concessionaire agrees that it will use its good faith efforts to work to achieve such goal in respect of its concession program.
- D. Concessionaires shall comply, with all Airport Concession Disadvantaged Business Enterprise ("**ACDBE**") regulations of the USDOT as they may be adopted or amended from time to time during the Term.

#### **SECTION 3: TENANT FINISH M/WBE**

- A. M/WBE participation goals set for any Tenant Finish construction work will be directly applicable to the Concessionaire operating the specific concession. The Tenant Finish M/WBE participation goal will be directly communicated by the DSBO to the applicable Concessionaire and any implementation, enforcement or pursuit of the same shall be taken against the specific Concessionaire.