

## Attachment 4

### *FY04 Concession Plan Goals*

Due: December 5, 2003

Due to the pending changes to the DBE rule, FAA is not establishing a multi-year concession plan at this time. Please use the following information as guidance in establishing and submitting your goal:

- As with FY-03 please submit an overall goal for FY04 (October 1, 2003 through September 30, 2004) only. Do not submit goals for years beyond that date.
- If you have received previous approval to calculate overall goals as a percentage of the number of concession agreements, you may use the same procedure this year. You do not need to resubmit a rationale as specified in 49 CFR Section 23.99.
- Only include businesses meeting the definition of "concession" in Subpart F, 49 CFR Part 23. Do not include management contracts or subcontracts with DBEs, or the purchases or leases of goods or services from off-airport DBEs in the overall goal.
- In order to operate a concession program that meets current constitutional standards, the goal-setting process must be narrowly tailored. As such, the goals must reflect the relative availability of ready, willing, and able DBEs. The overall goal-setting process of 49 CFR Part 26, to which Section 23.95 refers, has sufficient flexibility to cover situations in which procurements are made on a national, as well as on a local, basis. Additional guidance on setting overall goals is included in Attachment 1A (<http://osdbuweb.dot.gov/conferences/congoal.html>) It is identical to the guidance we provided for developing the FY-02 goal and supersedes the guidelines in the FAA's "Sample DBE Concession Plan" (July 1992).