

§ 23.109

(7) Information on the estimated gross receipts and net profit to be earned by the DBE.

§ 23.109 Compliance procedures.

In the event of noncompliance with this subpart by a sponsor, the FAA Administrator may take any action provided for in section 519 of the Airport and Airway Improvement Act of 1982, as amended.

APPENDIX A TO SUBPART F OF PART 23—
SIZE STANDARDS FOR AIRPORT CONCESSIONAIRES

MAXIMUM AVERAGE ANNUAL GROSS RECEIPTS
IN PRECEDING 3 YEARS
[In millions of dollars]

Concession	Amount
Food and beverage	30.00
Book stores	30.00
Auto rental	40.00
Banks	100.00
Hotels and motels	30.00
Insurance machines and counters	30.00
Gift, novelty, and souvenir shop	30.00
Newstands	30.00
Shoe shine stands	30.00
Barber shops	30.00
Automobile parking	30.00
Jewelry stores	30.00
Liquor stores	30.00
Travel agencies	30.00
Drug stores	30.00
Pastries and baked goods	30.00
Luggage cart rental	30.00
Coin-operated T.V.'s	30.00
Game rooms	30.00
Luggage and leather goods stores	30.00
Candy, nut, and confectionery stores	30.00
Toy stores	30.00
Beauty shops	30.00
Vending machines	30.00
Coin-operated lockers	30.00
Florists	30.00
Advertising	30.00
Taxicab	30.00
Limousines	30.00
Duty free shops	30.00
Pay telephones	21,500
Gambling machines	30.00
Other concessions not shown above	30.00

¹ As measured by total assets
² As measured by number of employees.

SCHEDULE A TO PART 23—INFORMATION
FOR DETERMINING MINORITY BUSINESS ENTERPRISE ELIGIBILITY

- Name of firm _____
- Address of firm _____
- Phone Number of firm _____
- Indicate whether firm is sole proprietorship, partnership, joint venture, corporation or other business entity (please specify) _____

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- Nature of firm's business _____
- Years firm has been in business _____
- Ownership of firm: Identify those who own 5 percent or more of the firm's ownership. Columns e and f need be filled out only if the firm is less than 100 percent minority owned.

a—Name	b—Race	c—Sex	d—Years of ownership	e—Ownership percentage	f—Voting percentage

With firms less than 100 percent minority owned, list the contributions of money, equipment, real estate, or expertise of each of the owners.

8. Control of firm: (a) Identify by name, race, sex, and title in the firm those individuals (including owners and non-owners) who are responsible for day-to-day management and policy decisionmaking, including, but not limited to, those with prime responsibility for:

- Financial decisions _____
- Management decisions, such as—
 - Estimating _____
 - Marketing and sales _____
 - Hiring and firing of management personnel _____
 - Purchases of major items or supplies _____
- Supervision of field operations _____

9. For each of those listed in question 8, provide a *brief* summary of the person's experience and number of years with the firm, indicating the person's qualifications for the responsibilities given him or her.

10. Describe or attach a copy of any stock options or other ownership options that are outstanding, and any agreements between owners or between owners and third parties which restrict ownership or control of minority owners.

11. Identify any owner (see item 7) or management official (see item 8) of the named firm who is or has been an employee of another firm that has an ownership interest in or a present business relationship with the named firm. Present business relationships include shared space, equipment, financing, or employees as well as both firms having some of the same owners.

12. What are the gross receipts of the firm for each of the last two years?

Year ending _____
\$ _____
Year ending _____
\$ _____

13. Name of bonding company, if any: _____
Bonding limit _____
Source of letters of credit, if any _____

Office of the Secretary of Transportation

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14. Are you authorized to do business in the state as well as locally, including all necessary business licenses?

15. Indicate if this firm or other firms with any of the same officers have previously received or been denied certification or participation as an MBE and describe the circumstances. Indicate the name of the certifying authority and the date of such certification or denial.

AFFIDAVIT

"The undersigned swears that the foregoing statements are true and correct and include all material information necessary to identify and explain the operations of (name of firm) as well as the ownership thereof. Further, the undersigned agrees to provide through the prime contractor or, if no prime, directly to the grantee current, complete and accurate information regarding actual work performed on the project, the payment therefor and any proposed changes, if any, of the foregoing arrangements and to permit the audit and examination of books, records and files of the named firm. Any material misrepresentation will be grounds for terminating any contract which may be awarded and for initiating action under Federal or State laws concerning false statements."

NOTE: If, after filing this Schedule A and before the work of this firm is completed on the contract covered by this regulation, there is any significant change in the information submitted, you must inform the grantee of the change through the prime contractor or, if no prime contractor, inform the grantee directly.

Signature
Name
Title
Date
Corporate Seal (where appropriate).
Date
State of
County of

On this day of 19, before me appeared (Name), to me personally known, who, being duly sworn, did execute the foregoing affidavit, and did state that he or she was properly authorized by (Name of firm) to execute the affidavit and did so as his or her free act and deed.

[Seal]
Notary Public
Commission expires

SCHEDULE B—INFORMATION FOR DETERMINING JOINT VENTURE ELIGIBILITY

(This form need not be filled in if all joint venture firms are minority owned.)

- 1. Name of joint venture
2. Address of joint venture
3. Phone number of joint venture

4. Identify the firms which comprise the joint venture. (The MBE partner must complete Schedule A.)

(a) Describe the role of the MBE firm in the joint venture.

(b) Describe very briefly the experience and business qualifications of each non-MBE joint venturer:

5. Nature of the joint venture's business

6. Provide a copy of the joint venture agreement.

7. What is the claimed percentage of MBE ownership?

8. Ownership of joint venture: (This need not be filled in if described in the joint venture agreement, provided by question 6.)

- (a) Profit and loss sharing.
(b) Capital contributions, including equipment.

(c) Other applicable ownership interests.

9. Control of and participation in this contract. Identify by name, race, sex, and "firm" those individuals (and their titles) who are responsible for day-to-day management and policy decisionmaking, including, but not limited to, those with prime responsibility for:

- (a) Financial decisions
(b) Management decisions, such as:
(1) Estimating
(2) Marketing and sales
(3) Hiring and firing of management personnel
(4) Purchasing of major items or supplies

(c) Supervision of field operations

NOTE: If, after filing this Schedule B and before the completion of the joint venture's work on the contract covered by this regulation, there is any significant change in the information submitted, the joint venture must inform the grantee, either directly or through the prime contractor if the joint venture is a subcontractor.

AFFIDAVIT

"The undersigned swear that the foregoing statements are correct and include all material information necessary to identify and explain the terms and operation of our joint venture and the intended participation by each joint venturer in the undertaking. Further, the undersigned covenant and agree to provide to the grantee current, complete and accurate information regarding actual joint venture work and the payment therefor and any proposed changes in any of the joint venture arrangements and to permit the audit and examination of the books, records and files of the joint venture, or those of each joint venturer relevant to the joint venture, by authorized representatives of the grantee or the Federal funding agency. Any material

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misrepresentation will be grounds for terminating any contract which may be awarded and for initiating action under Federal or State laws concerning false statements.”

_____ Name of Firm	_____ Name of Firm
_____ Signature	_____ Signature
_____ Name	_____ Name
_____ Title	_____ Title
_____ Date	_____ Date

Date _____
State of _____
County of _____

On this — day of —, 19—, before me appeared (Name) _____, to me personally known, who, being duly sworn, did execute the foregoing affidavit, and did state that he or she was properly authorized by (Name of firm) _____ to execute the affidavit and did so as his or her free act and deed.

Notary Public _____
Commission expires _____
[Seal]
Date _____
State of _____
County of _____

On this — day of —, 19—, before me appeared (Name) _____, to me personally known, who, being duly sworn, did execute the foregoing affidavit, and did state that he or she was properly authorized by (Name of firm) _____ to execute the affidavit and did so as his or her free act and deed.

Notary Public _____
Commission expires _____
[Seal]

PART 24—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Subpart A—General

- Sec.
- 24.1 Purpose.
- 24.2 Definitions.
- 24.3 No duplication of payments.
- 24.4 Assurances, monitoring and corrective action.
- 24.5 Manner of notices.
- 24.6 Administration of jointly-funded projects.
- 24.7 Federal agency waiver of regulations.
- 24.8 Compliance with other laws and regulations.
- 24.9 Recordkeeping and reports.
- 24.10 Appeals.

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Subpart B—Real Property Acquisition

- 24.101 Applicability of acquisition requirements.
- 24.102 Basic acquisition policies.
- 24.103 Criteria for appraisals.
- 24.104 Review of appraisals.
- 24.105 Acquisition of tenant-owned improvements.
- 24.106 Expenses incidental to transfer of title to the Agency.
- 24.107 Certain litigation expenses.
- 24.108 Donations.

Subpart C—General Relocation Requirements

- 24.201 Purpose.
- 24.202 Applicability.
- 24.203 Relocation notices.
- 24.204 Availability of comparable replacement dwelling before displacement.
- 24.205 Relocation planning, advisory services, and coordination.
- 24.206 Eviction for cause.
- 24.207 General requirements—claims for relocation payments.
- 24.208 Aliens not lawfully present in the United States.
- 24.209 Relocation payments not considered as income.

Subpart D—Payments for Moving and Related Expenses

- 24.301 Payment for actual reasonable moving and related expenses—residential moves.
- 24.302 Fixed payment for moving expenses—residential moves.
- 24.303 Payment for actual reasonable moving and related expenses—nonresidential moves.
- 24.304 Reestablishment expenses—nonresidential moves.
- 24.305 Ineligible moving and related expenses.
- 24.306 Fixed payment for moving expenses—nonresidential moves.
- 24.307 Discretionary utility relocation payments.

Subpart E—Replacement Housing Payments

- 24.401 Replacement housing payment for 180-day homeowner-occupants.
- 24.402 Replacement housing payment for 90-day occupants.
- 24.403 Additional rules governing replacement housing payments.
- 24.404 Replacement housing of last resort.

Subpart F—Mobile Homes

- 24.501 Applicability.
- 24.502 Moving and related expenses—mobile homes.