

## **DISADVANTAGED BUSINESS ENTERPRISE POLICY**

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**DECEMBER 2018**

**Detroit Department of Transportation**

1301 East Warren Ave. | Detroit MI 48207 • 313.933.1300 • [www.RideDetroitTransit.com](http://www.RideDetroitTransit.com)

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## POLICY STATEMENT

### OBJECTIVES / POLICY STATEMENT - SECTION 26.1, 26.23

The Detroit Department of Transportation (DDOT) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. DDOT has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, DDOT has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of DDOT to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT - assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

DDOT's Office of Compliance Manager, Alicia Miller, has been delegated as the DBE Liaison Officer. In that capacity, the Compliance Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by DDOT in its financial assistance agreements with the Department of Transportation.

DDOT has disseminated this policy statement to the Advisory Commission and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. This DBE policy statement is distributed to all DDOT's managers. Our policy statement can be accessed via DDOT's website at [www.ridedetroittransit.com](http://www.ridedetroittransit.com). Information about our DBE program can be obtained by contacting DDOT's DBE Program Office via phone (313-833-3658) or email ([DDOTDBE@detroitmi.gov](mailto:DDOTDBE@detroitmi.gov)).

  
Angelica Jones- Interim Director

  
Date Approved

## **SUBPART A – GENERAL REQUIREMENTS**

### **OBJECTIVES - SECTION - 26.1**

The objectives are found in the policy statement on the first page of this program.

### **APPLICABILITY – 49 CFR 26.3**

The Detroit Department of Transportation (DDOT) is the recipient of federal transit funds authorized by Titles, I, III, V, and VI of ISTEA, Pub.L. 102-240 or by Federal Transit laws in Title 49, U.S. Code, or Titles I, III, and V of The Teas-21, Pub. L. 105-178.

### **DEFINITIONS – 49 CFR 26.5**

The definition are listed in 49 CFR 26.5 of the regulation.

### **NON-DISCRIMINATION REQUIREMENTS – 49 CFR 26.7**

DDOT will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, DDOT will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

### **RECORD KEEPING REQUIREMENTS – 49 CFR 26.11(b)**

We will report DBE participation to DOT as follows:

DDOT will submit to FTA DBE participation on a semi-annual basis, on TrAMS before or on June 1<sup>st</sup> and December 1<sup>st</sup>. These reports will reflect awards and commitments, payments on ongoing and completed contracts.

## **BIDDERS LIST - 49 CFR 26.11(c)**

DDOT will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

We will collect this information in the following ways:

1. a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts;
2. a recipient-directed survey of a statistically sound sample of firms on a name/address list to get age/size information;
3. a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report information directly to the recipient.

For every firm on the bidder's list, the following information is included:

- Firm's name
- Firm's address
- Firm's DBE status
- Firm's age
- Firm's annual gross receipts
- Firm's NAICS code(s)

## **FEDERAL FINANCIAL ASSISTANCE AGREEMENT – 49 CFR 26.13**

DDOT has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

### **ASSURANCE – SECTION 26.13(a)**

DDOT shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. DDOT shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. DDOT DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to DDOT of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

## **CONTRACT ASSURANCE - SECTION 26.13b**

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

Each contract DDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- Withholding monthly progress payments;
- Assessing sanctions;
- Liquidated damages; and/or
- Disqualifying the contractor from future bidding as non-responsible.



## **SUBPART B – ADMINISTRATIVE REQUIREMENTS**

### **DBE PROGRAM UPDATES - SECTION 26.21**

Since DDOT has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

### **POLICY STATEMENT - SECTION 26.23**

The Policy Statement is elaborated on page three (3) of this program.

### **DBE LIAISON OFFICER (DBELO) - Section 26.25**

DDOT have designated the following individual as our DBE Liaison Officer:

Alicia Miller  
1301 East Warren  
Detroit, MI 48207  
313-833-3658  
[alimil@detroitmi.gov](mailto:alimil@detroitmi.gov)

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that DDOT complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the director of DDOT concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has two regulatory compliance officers to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations  
Analyzes DDOT's progress toward attainment and identifies ways to improve progress.

6. Participates in pre-bid meetings.
7. Advises the CEO\governing body on DBE matters and achievement.
8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Michigan.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.
12. DDOT's updated directory on certified DBEs.

## **DBE FINANCIAL INSTITUTIONS - Section 26.27**

It is the policy of DDOT to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. DDOT will review on a triennial cycle. We have made the following efforts to identify and use such institutions:

To date we have identified the following such institutions: **First Independent Bank**

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

## **PROMPT PAYMENT MECHANISMS - SECTION 26.29**

DDOT will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from DDOT. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the DDOT. This clause applies to both DBE and non-DBE subcontracts.

When there are disputes, prime contractors and subcontractors will be required to use appropriate Alternative Dispute Resolution (ADR) mechanisms to resolve payment disputes. DDOT will participate in the resolution if necessary. Failure to carry out prompt payment requirements will be considered as breach of contract, and will cause the following:

1. DDOT will not reimburse prime contractors for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed;
2. DDOT will not award future contracts to prime contractors who refuse to pay promptly.

## **DIRECTORY - SECTION 26.31**

DDOT maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm names, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. We revise the Directory annually. We make the Directory available as follows:

Alicia Miller  
1301 East Warren  
Detroit, MI 48207  
313-833-3658  
[DDOT-DBE@detroitmi.gov](mailto:DDOT-DBE@detroitmi.gov)  
[www.MUCP.gov](http://www.MUCP.gov)

The Directory can be found at <https://mdotjboss.state.mi.us/UCP/>.

## **OVERCONCENTRATION – SECTION 26.33**

DDOT has not identified that overconcentration exists in the types of work that DBEs perform. However, DDOT will review contract for overconcentration annually.

## **BUSINESS DEVELOPMENT PROGRAMS - SECTION 26.35**

DDOT has not established a business development program.



## **MONITORING AND ENFORCEMENT MECHANISMS – SECTION 26.37**

DDOT will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. DDOT will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. DDOT will consider similar action under our own legal authorities, including but not limited to responsible determinations in future contracts and breach of contract actions.
3. DDOT will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by the following:
  - a. Auditing each contract on a monthly or bi-monthly basis.
  - b. Meeting biweekly with the Office of Contracting and Procurement and the Project Manager to discuss all contracts and any issues.
  - c. Verify payments with all contractors and subcontractors.
  - d. The Regulatory Compliance Officer (DBE), in cooperation with the Office of Contracting and Procurement, will track and monitor all contracts awarded to all prime contractors throughout the life of the contract. The primary responsibility will be to monitor the DBE and EEO compliance by the prime contractor.
  - e. The Prime contractor must submit within five (5) days of its award from DDOT and prior to the start of work with DBE subcontractors all subcontract agreements.
  - f. DBE Packet must be included in every contract (Attachment 2).
4. DDOT will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

## **FOSTERING SMALL BUSINESS ELEMENT - SECTION 26.39**

DDOT is committed to fostering small business participation in its DBE program, in order to facilitate competition on USDOT-assisted projects. We will actively implement the small business element of the DBE Program to foster small business participation.

As part of this program, DDOT will utilize the following strategies to improve participation:

1. Structure contracting requirements to facilitate competition by small business concerns;
2. Take all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.;
3. Establish a race-neutral small business set-aside for prime contracts;
4. In multi-year design-build contracts or other large contracts (*e.g.*, for “megaprojects”) DDOT will require bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
5. On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
6. Identify alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
7. To meet the portion of our overall goal DDOT project to meet through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

DDOT's will not certify small business, however, will recognize and accept small business certified as SBEs by government agencies in Michigan, including but not limited to: Small Business Administration (SBA), Michigan Department of Transportation (MDOT), Wayne County Airport Authority, and City of Detroit.

## **SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **SET-ASIDES OR QUOTAS – SECTION 26.43**

DDOT does not use quotas in any way in the administrations of this DBE programs.

### **OVERALL GOALS – SECTION 26.45**

In accordance with Section 26.45, DDOT will submit its triennial overall DBE goal to FTA on August 1<sup>st</sup> of the year specified by the FTA. DDOT will also request use of project-specific DBE goals as appropriate, and/or will establish project-specific DBE goals as directed by the FTA.

The process used by DDOT to establish the overall DBE goal is a two-step process. First, DDOT will determine a bases figure for the relative availability of certified DBEs. Next, examine all relevant evidence to determine what adjustment, if any, is needed to the base figure in order to arrive at an overall goal. Then, the final adjusted figure is the overall goal, and represents the proportion of federal transportation funding that DDOT is expected to allocate to DBEs during the subsequent three federal fiscal years (FFY). Once the adjusted overall goal is determined, the process requires considering what portion of the goal will be met by race neutral/race conscious measures.

The most recent goal document was developed in 2018, for FFY 2018-2020 (Attachment 3). A description of the methodology to calculate the overall goal and the goal calculation(s) can be found on DDOT [www.RideDetroitTransit.com](http://www.RideDetroitTransit.com).

Following this consultation, DDOT will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rational are available for inspection during normal business hours at our principal office for 30 days following the date of the notice. DDOT will issue this notice by June 1 prior to the next fiscal three-year period in which the DBE goal is due. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

DDOT's overall goal submission to DOT will include: the goal (including the breakout of estimated race-neutral and race-conscious participation as appropriate); a copy of the methodology, worksheets, etc., used to develop the goal; a summary of information and comments received during this public participation process and DDOT's responses; and proof of publication of the goal in media outlets previously listed.

We will begin using our overall goal on October 1 of the triennial year, unless we have received other instructions from USDOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a USDOT-assisted contract for the project. DDOT's goal will remain effective for the duration of the three-year period established and approved by the FTA.

## **GOAL SETTING AND ACCOUNTABILITY - SECTION 26.47**

If the awards and commitments shown on DDOT's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, DDOT will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Submit the corrective action plan to the FTA Civil Rights Office, and maintain a copy of the plan on file for at least three (3) years.

## **TRANSIT VEHICLE MANUFACTURERES GOALS - SECTION 26.49**

DDOT will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, DDOT may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program. . DDOT will submit the vehicle award report at <https://www.surveymonkey.com/r/vehicleawardreportsurvey>.

## **MEETING OVERALL GOALS/CONTRACT GOALS – SECTION 26.51**

DDOT will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. In order to do so, DDOT will:

- Submit timely solicitations, conduct pre-bid meetings/conferences, develop clearly written plans and specifications, and delivery schedules in ways that facilitate DBEs and other small business firms' participation.
- Unbundle large contracts to make them more accessible to small businesses; requiring or encourage Service Providers to subcontract portions of work that they might otherwise perform with their own work forces.
- Provide information and communication on DDOT contracting procedures and specific contract opportunities.
- Provide assistance through available resources to interested DBEs in obtaining bonding, lines of credit, and/or insurance requirements.

Upon acceptance of a disparity study supporting the use of contract goals, DDOT will use contract goals to meet any portion of the overall goal DDOT does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the



overall goal applies, they will cumulatively result in meeting any portion of DDOT's overall goal that is not projected to be met through the use of race-neutral means.

DDOT will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. DDOT needs not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

DDOT will express its contract goals as a percentage of the federal share of a USDOT-assisted contract.

## **GOOD FAITH EFFORTS PROCEDURES – SECTION 26.53**

### **Award of Contracts with a DBE Contract Goal: §26.53(a)**

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, DDOT will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

### **Evaluation of Good Faith Efforts: §26.53(a) & (c)**

The DBELO is responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

The following is a list of types of actions DDOT will consider as part of the bidder's good faith efforts to obtain DBE participation.

- A. Soliciting through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
- B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
- C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.



- D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work. (2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
- E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
- F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
- G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

DDOT will ensure that all information is complete and accurate and adequately documents the bidder's good faith efforts before DDOT commits to the performance of the contract by the bidder. Good faith efforts forms are located in Attachment 4.

**Information to be Submitted: §26.53(b)**

DDOT treats bidder's compliance with good faith efforts requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and;
6. If the contract goal is not met, evidence of good faith efforts.

#### **Administrative Reconsideration: §26.53(d)**

Within five (5) days of being informed by DDOT that a bidder is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidders should make this request in writing to the following reconsideration official:

Duane S. Yuille  
General Manager of Administration  
Detroit Department of Transportation  
1301 East Warren, Detroit, MI 48207  
(313) 833-1623; [yuilled@detroitmi.gov](mailto:yuilled@detroitmi.gov)

The reconsideration official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts.

As part of this reconsideration, the bidder will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. DDOT will send the bidder a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the DOT.

#### **Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals: §26.53(f)**

DDOT requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without DDOT's prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to DDOT its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to DDOT prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise DDOT of why it objects to the proposed termination.

In those instances where "good cause" exists to terminate a DBE's contract, DDOT will require the prime contractor to make good faith efforts to replace a DBE that is terminated, or has otherwise failed to complete its work on a contract, with another certified DBE, to the extent needed to meet the contract goal. DDOT will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, DDOT will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, DDOT's contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

#### **Race-Conscious Sample Bid Specification:**

*The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of Detroit Department of Transportation to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of \_\_\_\_\_ percent has been established for this contract. The bidder shall make good faith efforts, as defined in 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.*

*The bidder will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) written documentation of the bidder's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.*

## **COUNTING DBE PARTICIPATION - SECTION 26.55**

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

## **SUBPART D - CERTIFICATION STANDARDS**

### **CERTIFICATION PROCESS-SECTION 26.61 - 26.73**

DDOT will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

Alicia Miller  
1301 East Warren Avenue  
Detroit, MI 48207  
313-833-3658  
[alimil@detroitmi.gov](mailto:alimil@detroitmi.gov)

Our certification application forms and documentation requirements are found in Attachment 5 to this program.



## **SUBPART E - CERTIFICATION PROCEDURES**

### **UNIFIED CERTIFICATION PROGRAMS - SECTION 26.81**

DDOT is a member of a Michigan Unified Certification Program (MUCP) administered by the State of Michigan. The MUPC will meet all of the requirements of this section. The Michigan Unified Certification Program (MUCO) provides a “one-stop shopping” for firms seeking certification as a Disadvantaged Business Enterprise (DBE) in accordance with 49 CFR Part 26. Firms certified as a DBE with the MUCP are eligible to participate on any federally-funded airport, highway or transit contract, as a DBE. Prospective DBE/ACDBE seeking certification can submit an application and supporting documentation to any one of the following three certifying agencies:

Michigan Department of Transportation  
Lisa Thompson, Administrator  
425 W. Ottawa  
P.O. Box 30050  
Lansing, MI 48909  
866-328-1264  
517-355-0945  
[Mdot-dbe@michigan.gov](mailto:Mdot-dbe@michigan.gov)

Wayne County Airport  
Dawn Lee-Cotton, Human Relations  
Wayne County Human Relations  
500 Griswold, 15<sup>th</sup> floor  
Detroit, MI 48226  
313-224-5021  
313-224-6932  
[dleecotton@waynecounty.com](mailto:dleecotton@waynecounty.com)

Detroit Department of Transportation  
Alicia Miller, DBE Manager  
1301 East Warren Avenue  
Detroit, MI 48207  
313-833-3658  
[DDOT-DBE@detroitmi.gov](mailto:DDOT-DBE@detroitmi.gov)

### **PROCEDURES FOR CERTIFICATION DECISIONS - SECTION 26.83**

#### **Re-certifications 26.83(a) & (c)**

We will review the eligibility of DBEs that we certified under former part 23, to make sure that they will meet the standards of Subpart E of Part 26. We will complete this review no later than

three years from the most recent certification date of each firm. For firms that we have certified or reviewed and found eligible under part 26, we will again review their eligibility every three years. These reviews will include an on-site review.

### **"No Change" Affidavits and Notices of Change (26.83(j))**

We require all DBEs to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with DDOT application for certification (Attachment 6).

We also require all owners of all DBEs we have certified to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j).

We require DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

We will notify all currently certified DBE firms of these obligations by email on certification date. This notification will inform DBEs to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

### **DENIALS OF INITIAL REQUESTS FOR CERTIFICATION - SECTION 26.85**

If we deny a firm's application or decertify it, it may not reapply until 12 months have passed from our action.

### **REMOVAL OF A DBE'S ELIGIBILITY - SECTION 26.87**

In the event we propose to remove a DBE's certification, we will follow procedures consistent with 26.87. Attachment 7 to this program sets forth these procedures in detail. To ensure separation of functions in a de-certification, we have determined that Alicia Miller, Compliance Manager, will serve as the decision-maker in de-certification proceedings. We have established an administrative "firewall" to ensure that Alicia Miller will not have participated in any way in the de-certification proceeding against the firm (including in the decision to initiate such a proceeding).

## **CERTIFICATION APPEALS-SECTION - 26.89**

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation  
Departmental Office of Civil Rights  
External Civil Rights Programs Division (S-33)  
1200 New Jersey Ave., S.E.  
Washington, DC 20590  
Phone: (202) 366-4754  
TTY: (202) 366-9696  
Fax: (202) 366-5575

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).



## **SUBPART F - COMPLIANCE AND ENFORCEMENT**

### **INFORMATION, CONFIDENTIALITY, COOPERATION - SECTION 26.109**

We will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

#### **Monitoring Payments to DBEs**

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be make available for inspection upon request by any authorized representative of DDOT or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

#### **Contract Monitoring**

To insure DBE Compliance on all contracts regardless of dollar amount, the prime contractor and DBE subcontractors, the Prime must submit a Payment Verification Form monthly indicating the amount paid to each subcontractor. The request will identify the names of DBEs proposed by the prime contractor, the proposed goods/services the DBE subcontract(s) was to provide and the proposed subcontracted DBE dollar amount. The prime is requested to supply, within five (5) business days, proof of payment for each of the DBEs listed in order to verify the year-to-date DBE participation.

The DBE and NON-DBE subcontractors are requested to provide an "Subcontractor Payment Form" attesting to the work performed and the amount paid to date to the subcontractor.

The contractor must maintain records of all relevant data with respect to the utilization of DBEs, retaining these records for a period of at least three (3) years after final acceptance of contract work. Full access to these records shall be granted to DDOT, FTA or State authorities involved in this project, the U.S. Department of Justice, the U.S. Department of Transportation or any duly authorized representatives, thereof.

#### **Compliance and Enforcement, Section 26.109 Information, Confidentiality, Cooperation**

We will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

## **Pre-Bid Conferences**

A pre-bid conference will be scheduled for a given project. Pre-bid conferences are primarily scheduled to clarify elements of the bid specification and respond to questions regarding DBE goal compliance. The DBELO/Regulatory Compliance Officer's role is as follows:

- Explain the process for achieving DBE goal compliance
- Respond to questions regarding compliance with EEO and DBE requirements;
- Distribute listings of certified firms currently certified with USDOT agencies.

It is important to note that Pre-Bid Conferences are held at least 10 working days prior to bid/proposal opening and all interested bidders will be invited.

## **ATTACHMENTS**

Attachment 1 Organizational Chart  
Attachment 2 DBE Packet Forms  
Attachment 3 DBE Methodology  
Attachment 4 Form 1 & 2 for Demonstration of Good Faith Efforts  
Attachment 5 Certification Application Forms  
Attachment 6 No Change Affidavit Form  
Attachment 7 Procedures for Removal of DBE's Eligibility  
49 CRR Part 26 <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/dbe-regulations>



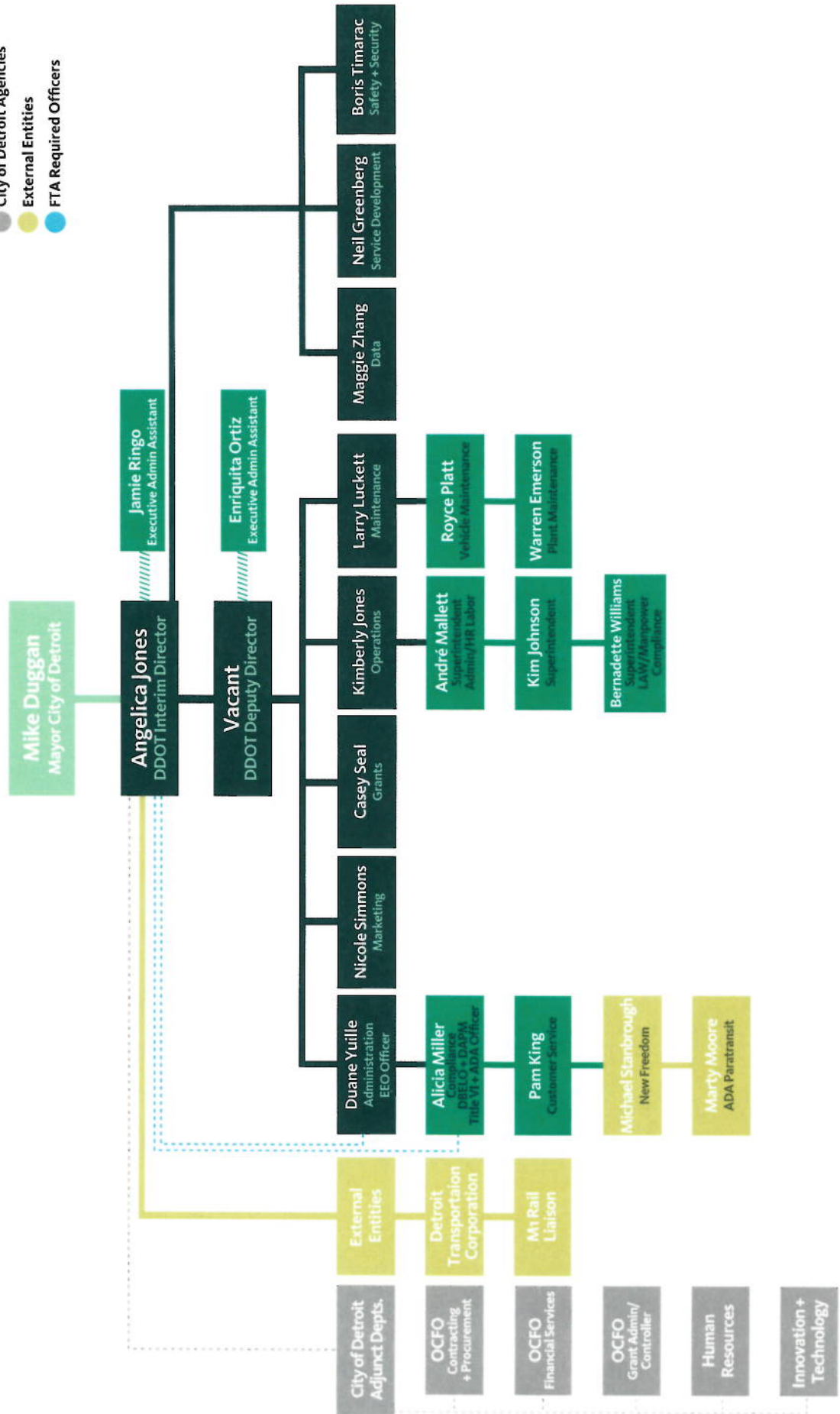


DETROIT  
Department of Transportation

REVISED 8/03/2018

# Department of Transportation Org Chart

- City of Detroit Executive Branch
- DDOT Executive Staff
- DDOT Staff
- City of Detroit Agencies
- External Entities
- FTA Required Officers



ATTACHMENT 2

DETROIT DEPARTMENT OF TRANSPORTATION

DBE REQUIREMENTS

DBE AFFIDAVIT

THIS PAGE MUST BE COMPLETED BY **NON-DBE** PRIME PROPOSER/BIDDER TO INDICATE THE PERCENTAGE OF DISADVANTAGE BUSINESS ENTERPRISE PARTICIPATION.

---

The undersigned bidder/proposer hereby agrees that the goal established for DBE participation in this project through subcontracting or entering into a joint venture with Disadvantaged Business Enterprise(s) in conformity with the Requirements, Terms, and Conditions of this Attachment is:

\_\_\_\_\_ % Disadvantaged Business Enterprise (DBE) goal

**THIS PERCENTAGE RELATES TO DBE SUBCONTRACTING ONLY AND IS CONSISTENT WITH THE DISADVANTAGED BUSINESS ENTERPRISE STATEMENT LISTED IN THE BID/PROPOSAL FORM.**

**Additional DBE information will be required for DBE contractors or contractors utilizing DBE firms.**

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING STATEMENTS IS TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF \_\_\_\_\_ TO MAKE THIS \_\_\_\_\_  
(Name of Business Entity)

AFFIDAVIT.

\_\_\_\_\_  
(Name of Business Entity)

\_\_\_\_\_  
State of \_\_\_\_\_

\_\_\_\_\_  
(affiant)

\_\_\_\_\_  
(title)

DETROIT DEPARTMENT OF TRANSPORTATION

DBE REQUIREMENTS

DBE AFFIDAVIT

THIS PAGE MUST BE COMPLETED BY DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
PRIME CONTRACTOR (PROPOSER/BIDDER)

---

I HEREBY DECLARE AND AFFIRM that I am the \_\_\_\_\_ and  
duly authorize representative of (the firm of): \_\_\_\_\_ (Title)

\_\_\_\_\_  
(name of corporation or joint venture)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(Phone No.)

I hereby declare and affirm that I am a Disadvantaged Business Enterprise (DBE) as defined by  
DDOT in the specifications for Project No./Bid No. \_\_\_\_\_, Job  
Description \_\_\_\_\_

and that I will provide information and/or the certification to document this fact.

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing  
statements is true and correct, and that I am authorized, on behalf of: \_\_\_\_\_

\_\_\_\_\_  
(Name of Business Entity) To make this affidavit.

\_\_\_\_\_  
State of \_\_\_\_\_

\_\_\_\_\_  
(Affiant)

\_\_\_\_\_  
(Title)

DETROIT DEPARTMENT OF TRANSPORTATION

DBE REQUIREMENTS

Letter of Intent

**THIS AGREEMENT IS SUBJECT TO MEDIATION AND CAN BE INITIATED BY THE  
COMPANIES SIGNED BELOW OR THE OFFICE OF COMPLIANCE**

To: Detroit Department of Transportation

Date: \_\_\_\_\_

Project Name and Number \_\_\_\_\_

Bid Amount: \$ \_\_\_\_\_ DBE Goal: \_\_\_\_\_ % \_\_\_\_\_

\_\_\_\_\_, agrees to enter into a contractual agreement  
Prime Contractor

with \_\_\_\_\_, who will provide the following goods/  
DBE Subcontractor  
services in connection with the above referenced contract:

\_\_\_\_\_ for an estimated amount of \$ \_\_\_\_\_ or \_\_\_\_\_ % of the total  
contract value.

\_\_\_\_\_ is currently certified with the Michigan Unified  
(DBE Subcontractor) Certification Program to function in the  
aforementioned capacity.

\_\_\_\_\_  
Prime Contractor

\_\_\_\_\_  
DBE Subcontractor

intend to work on the above-named contract in accordance with the DBE Participation Section of DDOT's  
RFQ, contingent upon award of the contract to the aforementioned Prime Contractor.

\_\_\_\_\_  
Signed (Prime Contractor)

\_\_\_\_\_  
Signed (DBE Subcontractor)

\_\_\_\_\_  
Printed Signature

\_\_\_\_\_  
Printed Signature

\_\_\_\_\_  
Title Date

\_\_\_\_\_  
Title Date

**DETROIT DEPARTMENT OF TRANSPORTATION**

**DBE REQUIREMENTS**

**DDOT CERTIFIED DBE SUBCONTRACTING AGREEMENT TERMS**

Contractor shall ensure that all subcontracting agreements with DBE Subcontractors and suppliers are clearly labeled **“THIS CONTRACT IS SUBJECT TO MEDIATION”** contain the following terms:

1. \_\_\_\_\_ (DBE Subcontractor/Supplier) shall not delegate or subcontract more than 50% of the work under this subcontracting agreement to any other Subcontractor or supplier without the express written consent of DDOT's Office of Compliance.
2. \_\_\_\_\_ (DBE Subcontractor/Supplier) shall permit representatives of DDOT's Office of Compliance, at all reasonable times, to perform 1) audits of the books and records of the Subcontractor, and 2) inspections of all places where work is to be undertaken in connection with this subcontracting agreement. Subcontractor shall keep such books and records available for such purpose for at least four (4) years after the end of its performance under this subcontract. Nothing in this provision shall affect the time for bringing a cause of action or the applicable statute of limitations.
3. Within five (5) business days of execution of this subcontracting agreement, Contractor (prime contractor) and Subcontractor shall designate in writing to the Office of Compliance an agent for receiving any notice required, along with the street and mailing address and phone number of such agent.

The DBE policy of DDOT will be discussed during the Pre-Bid/Pre-Proposal conference. For information, assistance, and/or to receive a copy of DDOT's Office of Compliance policies and/or governing ordinance, contact the Office of Compliance at 313-833-0159, 1301 E. Warren Ave., Detroit, Michigan 48207, [DDOT-DBE@detroitmi.gov](mailto:DDOT-DBE@detroitmi.gov)



## **DETROIT DEPARTMENT OF TRANSPORTATION**

### **DBE REQUIREMENTS**

#### **DEBARMENT AND SUSPENSIONS**

##### **POLICY**

Unless otherwise permitted by law, any person that is debarred, suspended, or voluntarily excluded may not take part in any covered transaction, either as a participant or a principal, during the period of debarment, suspension, or voluntary exclusion. Accordingly, DDOT as an FTA recipient, may not enter into any transaction with such debarred, suspended, or voluntarily excluded persons during such period.

A certification process has been established by 49 C.F.R. Part 29, as a means to ensure that debarred, suspended or voluntarily excluded persons do not participate in a federally assisted project. The inability of a person to provide the required certification will not necessarily result in denial of participation in a covered transaction. A person that is unable to provide a positive certification as set forth in FTA Circular 4220.1F must submit a complete explanation attached to the certification. FTA will consider the certification and any accompanying explanation in determining whether or not to provide assistance for the project. Failure to furnish a certification or an explanation may disqualify that person from participating in the project. In addition, each potential contractor for a major third party contract must provide to DDOT, a certification for a primary participant. Each potential third party contractor and subcontractor under a major third party contract must provide to DDOT a certification for lower-tier participant. In general, lower level employees or procurements of less than \$25,000 will not be covered by the certification procedures, except in the case of procurements with individuals that would have a critical influence on or substantive control over the project; nevertheless a participant is not authorized involve a lower employee or enter into a contract of less than \$25,000 with a person actually known by the participant to be debarred, suspended or voluntarily excluded.

DETROIT DEPARTMENT OF TRANSPORTATION

DBE REQUIREMENTS

**CERTIFICATION OF PRIMARY PARTICIPANT REGARDING DEBARMENT,  
SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

Bidders/Proposer's Name

\_\_\_\_\_ certifies to the best of its  
knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible voluntarily excluded from covered transactions by any Federal Department or Agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal or State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default. If you are unable to certify to any of the statements in this certification, attach an explanation to this certification.

**THE BIDDER/PROPOSER \_\_\_\_\_,  
CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE  
CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS  
CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C.  
SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.**

\_\_\_\_\_  
Signature and Title of Authorized Official

The undersigned chief legal counsel for \_\_\_\_\_ hereby  
certifies that the \_\_\_\_\_ has authority under State and Local law  
to comply with the subject assurances and that the certification above has been legally made.

\_\_\_\_\_  
Signature of Applicant's Attorney

**DETROIT DEPARTMENT OF TRANSPORTATION**

**DBE REQUIREMENTS**

**CERTIFICATION OF LOWER-TIER PARTICIPANTS REGARDING DEBARMENT,  
SUSPENSION, AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION**

The Lower Tier Participant (potential subcontractor under a major third party contract),

\_\_\_\_\_, certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(If the Lower-Tier Participant (potential subcontractor under a major third party contract) is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this proposal).

The Lower-Tier Participant (potential subcontractor under a third party contract)

\_\_\_\_\_, certifies or affirms the truthfulness and accuracy of the contents of the statements submitted or with this certification and understands that the provisions of 31 U.S.C. Section 3801 ET SEQ. Are applicable thereto.

\_\_\_\_\_  
Signature and Title of Authorized Official

The undersigned chief legal counsel for the \_\_\_\_\_ hereby certifies that the \_\_\_\_\_ has authority under Stats and Local law to comply with the subject assurances and that the certification above has been legally made.

\_\_\_\_\_  
Signature of Applicant's Attorney

\_\_\_\_\_  
Date

**DETROIT DEPARTMENT OF TRANSPORTATION**

**DBE REQUIREMENTS**

**EMPLOYMENT PRACTICE REPORT**

Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Job: \_\_\_\_\_

Is it the Company's policy to recruit, hire, train, upgrade, promote and decline persons without regard to race, color, religion, sex, national origin or ancestry?	Yes	NO
Has responsibility been assigned to develop procedures which will assure that this policy is understood and carried out by managerial, administrative and supervisory personnel?		
If "YES", please indicate the name of the official with this responsibility. Printed Name: _____  Title: _____  Phone: ( ) _____  Email Address: _____		
Has the company developed a written affirmative Action Program? If "YES" please forward a copy with this form.		
Have all recruitment sources been notified that the company will consider all qualified applicants without regard to race, color, religion, sex, national origin or ancestry?		
If Advertising is used, does it specify that the company will consider all qualified applicants without regard to race, color, religion, sex, national origin or ancestry?		
Does the company have bargaining agreements with employee organizations? If "YES" have such organizations been notified of the company's responsibility to comply with the Equal Employment Opportunity Clauses and non-discrimination clause as it applies to apprentices and other employees?		
Has the company notified all of its subcontractors of their obligation to comply with the non-discrimination clause?		
Identify Employee Organizations: (Local Union Number) _____ (International) _____		

**DETROIT DEPARTMENT OF TRANSPORTATION**

**DBE REQUIREMENTS**

**EEO REQUIREMENTS**

**AFFIRMATIVE ACTION POLICY STATEMENT**

(Company) \_\_\_\_\_ will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin.

(Company) \_\_\_\_\_ will take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, creed, color, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensations; and selection for training, including apprenticeship.

(Company) \_\_\_\_\_ will in all solicitations or advertisements for employees placed by or on Behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.

(Company) \_\_\_\_\_ will send to each labor union or representative of workers which we have a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the (Company) \_\_\_\_\_ commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice conspicuous places available to employees and applicants for employment.

(Company) \_\_\_\_\_ will comply with all provisions of Executive Order 11246 (as amended by Executive Order 11375), Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972), and all state and local laws, rules, and regulations issued pursuant thereto.

Authorized Representative: \_\_\_\_\_

Company: \_\_\_\_\_ Date: \_\_\_\_\_



**DETROIT DEPARTMENT OF TRANSPORTATION**

**DBE REQUIREMENTS**

**ETHNIC WORKFORCE COMPOSITION REPORT  
FOR EMPLOYER CERTIFICATION WORKFORCE**

**Company name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Bid #:** \_\_\_\_\_

**Telephone Number:**        -        -        Ext. \_\_\_\_\_

**Email Address:** \_\_\_\_\_

Please note that this data may be obtained by visual survey of post-employment records. Neither visual surveys nor post-employment records are prohibited from Federal, State or local law. All specified data are required to be filled in by law.

Employee Classification	Total No. Employees		White		Black		Hispanic		Other	
	Male	Female	M	F	M	F	M	F	M	F
Official & Managers										
Professional										
Technical										
Office/Clerical										
Craft Workers (Skilled)										
Operative (Semi-skilled)										
Laborers (Unskilled)										
Sales										
Service Workers										
<b>Totals:</b>										

\_\_\_\_\_  
**Officer's Signature**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Typed or Printed Name**

\_\_\_\_\_  
**Date**

## **DETROIT DEPARTMENT OF TRANSPORTATION**

### **DBE REQUIREMENTS**

#### **DETROIT DEPARTMENT OF TRANSPORTATION DESCRIPTION OF JOB CLASSIFICATIONS**

**OFFICIAL, MANAGERS AND SUPERVISORS** - Occupations requiring administrative personnel who set broad policies, exercise over-all responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: official, executives, middle management, plant managers, department managers and superintendents, salaried foremen who are members of management. Purchasing agents and buyers, and kindred workers.

**PROFESSIONALS** - Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, Librarians, mathematicians natural scientists, personnel and labor relation workers, physical scientist, physicians, social scientist, teachers, and kindred workers.

**TECHNICIANS** - Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 year of post high school education, such as offered in many technical institutes and junior colleges, or through equivalent on-the-job training includes: draftsmen, engineering aids, junior engineers, mathematical aides, nurses, photographers, radio operators, scientific assistants, surveyors, technical, illustrators, technicians, (medical, dental, electronic, physical sciences), and kindred workers.

**SALES WORKERS** - Occupations engaging wholly or primarily in direct selling includes: advertising agents and salesmen, insurance agents and brokers, real estate agents and brokers, stock and bond salesmen demonstrators, salesmen, and sale clerks, and kindred workers.

**OFFICE AND CLERICAL WORKERS** - Includes all clerical- type work regardless of level of difficulty, where the activities are predominantly non manual though some manual work not directly involved with altering or transporting the products is included, includes: bookkeeper, cashiers, collector (bills and accounts), messengers and office carrier personnel, office machine operators, shipping and receiving clerks, stenographers, typists, and secretaries, telegraph and telephone operators, and kindred workers.

**WHITE COLLAR TRAINEES** - Persons engaged in formal training for official, managerial, professional, technical, sales, office and clerical occupations.

**SKILLED AND CRAFTSMEN** - Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually received an extensive period of training includes: the building trade hourly

**DETROIT DEPARTMENT OF TRANSPORTATION**

**DBE REQUIREMENTS**

**AFFIDAVIT OF PRIME CONTRACTOR**

To the best of my knowledge, information and belief the facts and representations contained in the aforementioned attached schedules are true, and no material facts have been omitted.

The undersigned will enter into formal agreements with all listed DBE firms for work as indicated by Form 0178 DBE Utilization Plan and will enter into such agreements within (5) business days after receipt of the contract executed by the Detroit Department of Transportation (DDOT).

I solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct, and that I am authorized on behalf of the Prime Contractor to make this affidavit.

\_\_\_\_\_  
(Name of Prime Contractor - Print or Type)

\_\_\_\_\_  
(Signature)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ the above signed officer,

\_\_\_\_\_  
(Name of Affiliate)

Personally appeared and, known by me to be the person described in the foregoing Affidavit, acknowledge that (s)he executed the same in the capacity stated herein and for the purpose herein contained.

IN WITNESS THEREOF, I hereunto set my hand and seal.

\_\_\_\_\_ Seal:

My Commission Expires: \_\_\_\_\_

**DETROIT DEPARTMENT OF TRANSPORTATION**

**DBE REQUIREMENTS**

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

It is the policy of the U.S. DOT that grant recipients comply with Section 101(b) of TEA 21, 23 U.S.C. Section 101 note, current U.S. DOT regulations on DBE participation in U.S. DOT financial assistance program, at 49 CFR Part 26.

**1. Contract Goal:**

**DDOT has specified the following goal for work to be performed on this contract:**

\_\_\_\_\_ % DBE (Disadvantaged Business Enterprise)

**2. Discrimination**

**DDOT's commitment to a specific goal is to meet DBE objectives and is not intended and shall not be used to discriminate against any qualified company or group of companies.**

The responsive/ responsible bidder/proposer must meet the following conditions:

- a. Have the necessary equipment, facilities, resources, judgement and skill to perform the tasks specified for the bid proposal.
- b. Meet the DBE goal referred to in the bid specification or Request for Proposal or make a Good Faith Effort to attain the goal
- c. Must comply with bid proposal procedures/requirements
- d. Must meet the technical specifications of the project

**3. DBE Participation**

The responsive/responsible bidder/proposer must submit the following written intent to comply with DDOT's DBE goals:

- a. Names and addresses of certified DBE participating sub-contractors and the work they are to perform (Form 0178)
- b. The dollar value of each proposed certified DBE contract
- c. Documentation of Good Faith Efforts, if applicable (Form 0188)

## DETROIT DEPARTMENT OF TRANSPORTATION

### DBE REQUIREMENTS

#### 4. **Required DBE Forms**

The contractor's commitment to the percentage of certified DBE utilization during the term of this contract will be stated in the DBE Affidavit.

Bidders/proposers must complete and return all applicable forms.

**DBE Affidavit (Non-DBE Prime)** - must be submitted with the bid/proposal by any non-DBE prime contractor to acknowledge the percentage of DBE participation and indicate intent to comply with the DBE goal.

**DBE Affidavit (DBE Prime)** - must be submitted with the bid/proposal by all DBE prime contractors to affirm DBE status.

**DBE Participation Summary (Form 0178)** - must be submitted with the bid/proposal by all prime contractors for all DBE subcontractors. It must contain the information specified in paragraphs 2a and 2b above. No changes to DBE subcontractors listed and no additional DBE subcontractors can be provided after bid/proposal openings without DDOT's approval.

**Good Faith Efforts (Form 0188)** - must be submitted with the bid/proposal by all prime contractors if they have failed to meet the DBE contract goal in full or partially as stated in the bid proposal.

**Letter of Intent to Perform as a Subcontractor** - must be submitted by the prime contractor with the proposal and signed by DBE subcontractors.

**Employment Data Form** - defines the makeup of the company's work force and must be filed by every prime contractor on a contract of \$50,000 or more, or with 50 or more employees. This enclosure shall be submitted with the bid/proposal.

#### 5. **Joint Ventures**

A joint venture is an association of two or more persons, partnership corporations, or any combination thereof, formed to carry on a single business activity that is limited in scope and duration.

If the joint venture is participating in a contract in which DBE goals have been set, then the joint venture must be certified by DDOT's Office of Compliance before award. The DBE component of the joint venture must:



## DETROIT DEPARTMENT OF TRANSPORTATION

### DBE REQUIREMENTS

- a. Meet the requirements for DBE as stated in the definitions of 49 CFR Part 26.
- b. Be certified as having at least a 51% share of its ownership, control and management responsibilities, risks and profits in one or more socially and economically disadvantaged individuals.
- c. Be responsible for a clearly defined portion of the work to be performed.

**DDOT will count toward its DBE goal a portion of the total dollar value of a contract with a joint venture (eligible under the standards of 49 CFR, Part 26) equal to the percentage of total ownership and controls of the DBE partner in the joint venture.**

#### 6. Compliance

##### 1. Certification Agency:

DDOT reserves the right to accept or reject a firm's certification from other DOT agencies on a case-by-case basis. In making this determination DDOT will evaluate whether the certification was conducted under the standards of 49 CFR Part 26.

To count a minority or woman-owned business' participation toward the goal established for this contract, the firm must be certified as a DBE and perform a "commercially useful function" as defined in 49 CFR Part 26.

#### 7. Good Faith Efforts

To award a contract to a bidder/proposer that has failed to meet the DBE contract goals as stated in that specific contract, DDOT will decide whether the bidder/proposer made a "good faith effort" to actively and aggressively seek DBEs to meet those goals. DDOT, through a Good Faith Efforts Committee, will review the data submitted to decide whether the DBE requirements have been satisfied through good faith efforts as documented on Form 0188. The Good Faith Efforts Committee will consist of the Project Manager, Compliance Manager, the Grants Coordinator and the Procurement Specialist. The kinds of efforts that are considered demonstrative of a "good faith effort" include, but are not limited to the following documented actions pursuant to 49 CFR, Part 26:

Whether the contractor attended any pre-solicitation or pre-bid meetings that were scheduled by DDOT to inform DBEs of contracting and subcontracting opportunities;

Whether the contractor advertised in general circulation, trade association, and minority/women focused media concerning the subcontracting opportunities;

## **DETROIT DEPARTMENT OF TRANSPORTATION**

### **DBE REQUIREMENTS**

Whether the contractor provided written notice to reasonable number of specific DBEs that their interest in the contract was being solicited in sufficient time to allow the DBEs to participate effectively;

Whether the contractor followed up initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested;

Whether the contractor selected portions of the work to be performed by DBEs to increase the likelihood of meeting the DBE goal (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);

Whether the contractor negotiated in good faith with interested DBEs with adequate information about the plans, specifications, statement of work, and requirements of the contract;

Whether the contractor made efforts to assist interested DBEs in obtaining bonding, lines of credit or insurance required by the recipient or contractor;

Whether the contractor effectively used the services of available minority and women business organizations, minority and women contractor's groups; local, state and federal minority and women business assistance offices; and other organizations that provide assistance to DBEs; and

Whether the prime contractor made efforts to assist interested DBE in obtaining necessary equipment, supplies, materials or related assistance or services.

The Good Faith Efforts Committee will review the documentation submitted under this section to decide whether the DBE requirements have been satisfied through good faith efforts. If the committee is unable to reach a consensus, the decision will be referred to the Department Director for the final consideration. For further guidance concerning good faith efforts, refer to CFR Section 49, Part 26, Section 26.53.

#### **8. Defaulting DBE Subcontractors**

A contractor must make a good faith effort to replace a defaulting DBE with another certified DBE. The prime contractor must notify DDOT's Office of Compliance immediately of the DBE's inability to perform and of the intent to obtain a substitute certified DBE. The substitute DBE must receive prior approval by DDOT, and must meet the standards as described in DDOT's DBE plan.

#### **9. Prompt Payment, Section 26.29**

## **DETROIT DEPARTMENT OF TRANSPORTATION**

### **DBE REQUIREMENTS**

Prime contractors shall pay subcontractors within five (5) days from receipt of payment from DDOT. They are further required to return funds retained within thirty (30) days after the subcontractor's work is satisfactorily completed.

Clauses requiring prompt payment shall be included in the prime contractor's contracts with subcontractors. Any delay or postponement of payment may only take place for good cause, with prior approval of DDOT. Where there are disputes, prime contractors and subcontractors shall use appropriate Alternative Dispute Resolution (ADR) mechanisms to resolve payment disputes. DDOT will participate in the resolution if necessary.

Failure to carry out prompt payment requirements will be considered as breach of contract, and will cause the following:

- a. DDOT will not reimburse prime contractors for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
- b. DDOT will not award future contracts to prime contractors who refuse to pay promptly.

#### **10. Failure to Comply**

If DDOT finds that the contractor has failed to comply with the requirements of this attachment, DDOT's Contract Compliance Officer must notify the contractor in writing. The contractor shall immediately take corrective action. If the contractor fails or refuses to comply in the time specified, the Office of Procurement will issue a termination for default.

#### **11. Records and Documents**

It is the contractor's responsibility to maintain those records and documents that indicate compliance with this Attachment for three (3) years following the performance of the contract. Those records will be made available at reasonable times and places for inspection upon request by any authorized representative of DDOT, with any other compliance information that such representative may require.

To ensure that stated DBE goals are met by prime contractors, DDOT performs an annual audit of contract payments to DBEs. This audit reviews payments to DBE subcontractors to insure that the actual amount paid to the DBE subcontractors equals or exceeds the dollar amounts stated in Form 0178.

Detroit Department  
of Transportation  
0178 (06/17)

**DISADVANTAGED BUSINESS  
ENTERPRISE (DBE) PARTICIPATION  
(SUMMARY)**

LETTING DATE

Page \_\_\_\_\_ of \_\_\_\_\_

LETTING ITEM NO.

Prime contractor must submit this form at the time of bid submittal specifying DBE firms to be used on this project.

CONTRACT ID

Prime contract dollar value: \$ \_\_\_\_\_

PRIME CONTRACTOR

PRIME EMAIL ADDRESS

Check this box if the Prime Contractor is a Certified DBE ☐

PRIME PHONE

Check this box if the Prime Contractor is requesting a GFE (Form 0188 or 0188A) ☐

PRIME CONTACT PERSON

DEPARTMENT'S PARTICIPATION GOAL

CONTRACTOR PROPOSED PARTICIPATION

% = \$

% = \$

NOTE: Each company listed on the following pages must have current DBE certification on file in the designated areas of work with the Department. These pages must be signed by both the DBE and prime contractor and submitted with bid package. Complete a separate following page for each DBE subcontractor. **Current DBE Directories are maintained on MDOT's Web Site: <http://www.michigan.gov/mucp>.**

Supply purchase orders and trucking agreements may count as DBE participation credit as follows: Manufacturer = 100%; Regular Dealer = 60%; Supply Broker = Fee; Trucker = 100%; Truck Broker = Fee.

Subcontracts and/or purchase orders must be submitted to the Buyer before each DBE begins its project work. Should a DBE be unable to fulfill its commitment, the prime contractor must comply with contractual "FTA – Contract Provisions."

List the DBEs for the project. Include their DDOT Vendor Number, NAICS code(s) being performed, and the dollar value of the proposed subcontract or purchase order. If the firm is Supplying as a Regular Dealer, list the 60% amount below. Detailed information shall be provided on the following pages.

DBE NAME	DDOT VENDOR #	NAICS CODE(S)	DOLLAR AMOUNT
DBE NAME	DDOT VENDOR #		DOLLAR AMOUNT
DBE NAME	DDOT VENDOR #		DOLLAR AMOUNT
DBE NAME	DDOT VENDOR #		DOLLAR AMOUNT
DBE NAME	DDOT VENDOR #		DOLLAR AMOUNT
DBE NAME	DDOT VENDOR #		DOLLAR AMOUNT
DBE NAME	DDOT VENDOR #		DOLLAR AMOUNT
DBE NAME	DDOT VENDOR #		DOLLAR AMOUNT
DBE NAME	DDOT VENDOR #		DOLLAR AMOUNT
DBE NAME	DDOT VENDOR #		DOLLAR AMOUNT

Federal regulations require work committed to DBEs may not be performed by others without prior consent by DDOT. DDOT Form 0196 must be completed and fully approved prior to substitution, along with approved participation sheets for the substitute DBE(s). Failure to meet the above requirements may result in sanctions. Please refer to the DDOT DBE Program Procedures for DBE Substitution and CUF requirements. This is not binding until signed by all parties and approved by the Office of Compliance.

# DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION (DETAIL)

<input type="checkbox"/> Check if this is a post-award modification of the original DBE commitment		LETTING DATE	
		LETTING ITEM NO.	
DBE FIRM NAME		CONTRACT ID	
DBE CONTACT PERSON NAME		PRIME CONTRACTOR	
ADDRESS	CITY	STATE	ZIP CODE
DBE PHONE NUMBER	DBE EMAIL ADDRESS		

DBE SUPPLY CREDIT TO BE COUNTED AS (check one): (Must Include cost of delivery for Manufacturers and Regular Dealers)  
 \_\_\_\_\_ BROKER (Count 100% of Broker fees/commissions) \_\_\_\_\_ Manufacturer (Count 100% of the value of goods supplied)  
 \_\_\_\_\_ REGULAR DEALER (Count 60% of the value of goods supplied) OR \_\_\_\_\_ REGULAR DEALER / BULK ITEM

Name all suppliers DBE Supplier will be purchasing items from for this project (if applicable): \_\_\_\_\_

Method of Delivery to project site (if applicable): \_\_\_\_\_

Anticipated Date(s) of Transaction: \_\_\_\_\_

FOR DBE SUPPLY CREDIT – Form 0178 Must be accompanied by a completed DDOT Form 0193\*\* (Supplier Affidavit)

FULLY DESCRIBE THE TYPE OF WORK OR SERVICE THIS DBE WILL PROVIDE AND APPLICABLE NAICS CODE(S). FAILURE TO PROVIDE ALL RELEVANT INFORMATION WILL RESULT IN THE DELAY OF AWARD.

FOR DBE TRUCKING CREDIT (RJ) – Form 0178 Must be accompanied by a completed DDOT Form 4101\*\* (Trucking Worksheet)

NAICS CODE(S):	DETAILED DESCRIPTION OF WORK BEING PERFORMED (If Applicable - MUST INCLUDE LOCATION(S) OF WORK BEING PERFORMED, MATERIAL TYPE/GRADE/CLASS, QUANTITIES AND PRICE):	DOLLAR AMOUNT FOR DBE CREDIT:

(ADD ADDITIONAL PAGES IF NECESSARY)

TOTAL: \$ \_\_\_\_\_

## ACKNOWLEDGED BY

By signing this commitment, we certify that the DBE firm is DDOT-certified as a DBE. THIS IS NOT BINDING UNTIL SIGNED BY ALL PARTIES AND THE CONTRACT IS AWARDED BY THE PURCHASING DEPARTMENT.

DBE AUTHORIZED SIGNATURE	TITLE	DATE
PRIME CONTRACTOR AUTHORIZED SIGNATURE	TITLE	DATE

\*\* Additional forms for DBE Trucking (4101) and Supply (0193) must be submitted by the Prime Contractor to the Office of Compliance in accordance with DDOT's DBE Program Procedures.





**DETROIT  
Department of Transportation**

1301 East Warren Ave.  
Detroit, MI 48207  
(313) 933-1300  
[www.ridedetroittransit.com](http://www.ridedetroittransit.com)

## **Detroit Department of Transportation**

### **Proposed Methodology for Determining DBE Goal (49 CFR 26.45) Federal Transit Administration Federal Fiscal Years 2018-2020**

#### **Overall Goal**

The overall goal for the Detroit Department of Transportation's (DDOT) Disadvantaged Business Enterprise (DBE) program for Federal Transit Administration (FTA) assisted contracts is established on a triennial basis with adjustments each year to reflect changed circumstances if needed. DDOT's goal for FFY 2018-2020 is 6% of the Federal financial assistance we will expend in FTA-assisted contracts utilizing the methodologies described in 49 CFR Part 26. \$46,845,000 is the dollar amount of DOT-assisted contracts that DDOT expects to award during FFY 2018-2020. This means that DDOT has set a goal of expending \$2,810,700 with DBEs during this triennial period. The goal was achieved by using race-neutral measure. DDOT looked at its three-year capital plan and used the Coolidge Maintenance Facility Rehab and Bus Shelter Improvement projects (Table-1 below) to determine its overall DBE goal.

**Table-1**

<b>Project Name</b>	<b>\$ Amount</b>
Coolidge Maintenance Facility Rehab	\$46,125,000
Bus Shelters Improvement	\$ 720,000
<b>Total FTA-Assisted Contract Funds</b>	<b>\$46,845,000</b>

#### **Methodology**

##### **Step 1: Baseline Figure – 49 CFT 26.45(c)**

Step-1 calls for the calculation of a base figure reflecting the relative availability of DBEs to perform the work intended to be let within the local marketplace. This analysis involves determining the percentage of DBEs represented among all firms (DBEs and non-DBEs) that are ready, willing, and able to compete for federally-assisted contracting.

To determine this percentage, DDOT first assigned a North American Industry Classification System (NAICS) code to each project. Then DDOT determined its local marketplace as Wayne, Oakland, and Macomb counties. However, DDOT will provide all DBEs an opportunity to participate on all contracts. DDOT search for the relative availability of DBEs in its marketplace by using the Michigan Unified Certification Program (MUCP) directory. Next, DDOT used the U.S. Census Bureau 2015

County Business Pattern for Wayne, Oakland and Macomb counties to determine the total number of all firms ready, willing and able in its local marketplace identified by NAICS Codes. All

DDOT combined the number of DBEs for both projects together for a total of 75 ready, willing and able DBEs. Then, DDOT combined the number of all firms (including DBEs) for both projects together for a total of 492 ready, willing and able firms. DDOT divided the 75 DBEs by 492 all firms, and arrived at the base figure for our overall relative availability of DBEs goal of 0.1524 (see Table-2 below).

Table-2

NAICS CODE	PROJECT	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
236220	Coolidge Maintenance Facility Rehab	41	400	0.0125
237310	Bus Shelters Improvement	34	92	0.3696
Combined Totals		75	492	0.1524

### Weighted DBE Relative Availability

DDOT refined the base figure by using a statistical technique called weighting. Weighting is the process by which DDOT compare that DBE firms for each NAICS code with the proportion of funds DDOT expect to spend in that NAICS code (see Table-3 below).

Table-3

NACIS CODE	PROJECT	Amount of FTA Funds on project:	% of Total FTA Funds (weight)
236200	Coolidge Maintenance Facility Rehab	\$46,125,000	0.9846
237310	Bus Shelters Improvement	\$ 720,000	0.0154
Total FTA-Assisted Contract Funds		\$46,845,000	1.0000

DDOT multiplied the percentage of FTA funds (weight) by the availability of DBE's percentage to determine the weighted base figure. Table-4 below shows DDOT's adjusted base figure using weighting.

Table-4

NACIS CODE	PROJECT	Weight	x	Availability	Weighted Base Figure
236220	Coolidge Maintenance Facility Rehab	.098463	x	0.1025	0.1009
237310	Bus Shelters Improvement	0.01537	x	0.3696	0.0057
				Total	0.1066
				Expressed as a % (*100)	10.66%
				Rounded, Weighted Base	

	Figure:	11%
--	---------	-----

**STEP-2 Determining if an Adjustment is Needed 26.45(d)**

After calculating the weighted base figure of the relative availability of DBE's, DDOT examined all the evidence available to determine what adjustment was needed to base figure in order to arrive at the overall goal. DDOT reviewed the DBE past participation in FTA-funded contracts from FFY 2012 through 2016 (see Table-5 below). The median for past participation (race neutral and race conscious) is 0% (0%, 0%, 0%, 1.4%, 16.8%).

**Table-5**

2012	16.8%
2013	0%
2014	0%
2015	1.4%
2016	0%

DDOT used the median for the last five years to calculate the following adjusted base figures:

$$0\% + 11\% \text{ (base figure)} / 2 = 5.5\% = 6\% \text{ Rounded Overall DBE Goal}$$

Based on this data, DDOT rounded the adjusted base figure of 5.5% to 6% and determined that DDOT will adjust its base figure of 11% to 6% as the overall goal for FFY2018-2020. The decision was based upon the fact that majority of the projects in the past periods were not similar to the new projects. DDOT also considered the fact that past projects with contract goals, were not implemented or awarded within the last triennial period causing a DBE goal shortfall.

**STEP-3 Determining Race Conscious and Race Neutral Participation**

DDOT will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. DDOT uses the following race-neutral means to increase DBE participation:

1. The DBE Liaison Officer (DBELO) will work closely with the all project managers and the City of Detroit Office of Contracting and Procurement to ensure DBE participation with all contracts. The DBELO and support staff will attend pre-bids and contract award meetings to ensure DBE participation. DDOT will also work closely with prime contractors that have the funding and capacity to successfully bid and win contracts by introducing them to ready, willing and able DBEs. This will allow them to utilize DBEs without placing a goal on all contracts, thus allowing DDOT to focus on the race-neutral side of the goal. Emphasis will be place on increasing race-neutral DBE participation, which can be used to assist all businesses on FTA-assisted contracts. We estimate that, in meeting our overall goal of 6%, we will obtain 100% from race-neutral participation.
2. DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures;
3. DBE participation through a subcontract on a prime contract that does not carry DBE goal
4. DBE participation on a prime contract exceeding a contract goal
5. DBE participation through a sub contraction from a prime contractor that did not consider a

firm's DBE status in making the award.

### **Public Participation**

DDOT published its notice to the public regarding the posting of the 2018-2020 Federal Transit DBE goals and methodology availability for the public to view both draft documents and email make comments directly to the DBE Liaison Officer. On July 16, 2017, this notice was posted on the DDOT DBE public announcement website <http://www.detroitmi.gov/Public-Notices>, emailed to all primes and DBE's on the DDOT Bidders list and, mailed local minority organizations.

On July 20, 2017, the same notice was posted in the Detroit Legal Newspaper.

On July 26, 2017, DDOT send a reminder notice via email to all primes and DBE on the DDOT Bidders list.

### **Public Comments**

DDOT received three email comments that stated the proposed DBE goal was to low and should be in the 10% to 15% range. Two comments expressed that the goal was to low and should be in the 20-30% range. While five commenters felt the goal was just right. We received one comment from a local DBE that expressed concerns regarding prompt payment. The public consultant meeting were mostly general questions about how to do business with DDOT. There were no issues dealing specifically with the DBE goal or methodology that required any changes.

**CONTRACTOR GOOD FAITH EFFORT APPLICATION**

0188 (06/17)

This application is for consideration of a waiver or modification of the DBE contract goal. All supporting documentation and evidence of good faith efforts must be clearly labeled and submitted with this application, as specified below. Without such information, the application will be deemed incomplete and returned without review. The Department reserves the right to discuss the contents of the application with the applicant.

**PART A – APPLICANT INFORMATION**

APPLICANT NAME

ADDRESS

STREET

CITY

STATE

ZIP CODE

PHONE NO.

FAX NO.

EMAIL ADDRESS

CONTACT PERSON

TITLE

**PART B – PROJECT DESCRIPTION**

LETTING DATE

LETTING ITEM NO.

CONTRACT ID

JOB NO. &amp; FEDERAL ID



Attach copy of the DDOT Advertisement

ANTICIPATED START DATE (based on Progress Schedule)

EXPECTED COMPLETION DATE (based on Progress Schedule)

**PART C – WAIVER OR MODIFICATION REQUEST INFORMATION**

DESIGNATED DBE GOAL

REQUESTED DBE GOAL

(Type of Request – Check one only)

☐ Pre-award☐ Post-award

% VS

%

TOTAL DBE PARTICIPATION DOLLARS BASED ON ADVERTISED DBE GOAL (Total prime Bid \$ \* DBE % Goal)

**PART D – PROJECT SUMMARY AMOUNTS**

TOTAL PRIME BID

\$

TOTAL DOLLARS COMMITTED TO NON-DBEs

\$

(From line 16 below under Non-DBE commitment)

TOTAL DOLLARS COMMITTED TO DBEs

\$

(From line 11 below under DBE commitment)

TOTAL DOLLARS NOT COUNTED COMMITTED TO DBE SUPPLIERS

\$

(Total paid to DBE suppliers – 60%)

WORK TO BE PERFORMED BY PRIME

\$

(Prime Bid – Non-DBE Dollars – DBE Dollars)

PERCENT OF WORK PERFORMED BY PRIME

\$

TOTAL DBE PARTICIPATION REMAINING

\$

**PART E – DBEs COMMITMENTS**

COMMITTED DOLLARS	DBEs COMMITMENTS (List only DBEs who have executed DBE participation forms (DDOT Form 0178))	TYPE OF WORK QUOTED	STATUS	DATE SUBCONTRACT OR P.O. EXECUTED
1.			DBE	
2.			DBE	
3.			DBE	
4.			DBE	
5.			DBE	



COMMITTED DOLLARS	DBEs COMMITMENTS (List only DBEs who have executed DBE participation forms attach. Attach DDOT Form 0178 copies)	TYPE OF WORK QUOTED	STATUS	DATE SUBCONTRACT OR P.O. EXECUTED
6.			DBE	
7.			DBE	
8.			DBE	
9.			DBE	
10.			DBE	
11.	Total dollars committed to DBEs		DBE	

## PART F – NON-DBE COMMITMENTS

COMMITTED DOLLARS	NON-DBE COMMITMENTS List all non-DBE Subcontractors, truckers, materials/suppliers & other service providers you will use on this project.	TYPE OF WORK QUOTED	STATUS	DATE SUBCONTRACT OR P.O. EXECUTED
1.			Non-DBE	
2.			Non-DBE	
3.			Non-DBE	
4.			Non-DBE	
5.			Non-DBE	
6.			Non-DBE	
7.			Non-DBE	
8.			Non-DBE	
9.			Non-DBE	
10.			Non-DBE	
11.			Non-DBE	
12.			Non-DBE	
13.			Non-DBE	
14.			Non-DBE	
15.			Non-DBE	
16.	Total Dollars committed to Non-DBEs		Non-DBE	

## PART G - DBEs QUOTED BUT NOT SELECTED

QUOTED DOLLARS	DBEs WHO QUOTED, BUT WERE NOT SELECTED	TYPE OF WORK QUOTED	REASON NOT SELECTED
1.			<input type="checkbox"/> Quote too high <input type="checkbox"/> Quote not complete <input type="checkbox"/> Other (Please attach explanation)
2.			<input type="checkbox"/> Quote too high <input type="checkbox"/> Quote not complete <input type="checkbox"/> Other (Please attach explanation)
3.			<input type="checkbox"/> Quote too high <input type="checkbox"/> Quote not complete <input type="checkbox"/> Other (Please attach explanation)

4.			<input type="checkbox"/> Quote too high <input type="checkbox"/> Quote not complete <input type="checkbox"/> Other (Please attach explanation)
5.			<input type="checkbox"/> Quote too high <input type="checkbox"/> Quote not complete <input type="checkbox"/> Other (Please attach explanation)
6.			<input type="checkbox"/> Quote too high <input type="checkbox"/> Quote not complete <input type="checkbox"/> Other (Please attach explanation)
7.			<input type="checkbox"/> Quote too high <input type="checkbox"/> Quote not complete <input type="checkbox"/> Other (Please attach explanation)
8.			<input type="checkbox"/> Quote too high <input type="checkbox"/> Quote not complete <input type="checkbox"/> Other (Please attach explanation)
9.			<input type="checkbox"/> Quote too high <input type="checkbox"/> Quote not complete <input type="checkbox"/> Other (Please attach explanation)
10.			<input type="checkbox"/> Quote too high <input type="checkbox"/> Quote not complete <input type="checkbox"/> Other (Please attach explanation)
NUMBER OF DBEs SOLICITED			

All DBEs who quoted, but who were not chosen to work on this contract, are to be included below.

- ☐ Attach copies of quotes of all DBEs who quoted but who were not selected.
- ☐ Attach copies of quotes from the non-DBEs selected to do work quoted by the DBEs listed below.
- ☐ Attach Apples-to-Apples Comparison (Spreadsheet available from OBD).
- ☐ Attach copies of proof of payments to DBE's on any other projects mentioned in cover letter.

#### METHODS USED TO SOLICIT DBE PARTICIPATION FOR THIS PROJECT:

Incomplete applications will be returned without review. Once all required information is submitted, the Compliance Office will review your request.

- ☐ Fax (Sample of the fax, transmittal logs identifying each DBE firm solicited based on each fax number and the associated fax transmission stat log(s). Please be sure fax dates are clearly visible)
- ☐ Telephone (Telephone log showing the name of each DBE firm contacted, the telephone contact date, and brief notes about each contact, as applicable).
- ☐ Mail (Documentation: Include a sample letter and include solicitations which were returned undeliverable)
- ☐ E-mail (attach E-mail copy sent and distribution list)
- ☐ Website address
- ☐ Advertisement placed in/on \_\_\_\_\_ (attach copy of advertisement(s) referencing specific letting items and dates).
- ☐ Attendance at session(s) sponsored by DDOT's DBE program (session name(s)/date(s): \_\_\_\_\_)
- ☐ Other (describe, and if applicable, attach sample copy) \_\_\_\_\_
- ☐ A cover letter describing relevant facts DDOT should consider in making a determination is included.
  - The cover letter includes a statement that subcontractors were asked to try to obtain DBE participation as a lower tier subcontractor, and contains the outcome of these efforts.
  - For post-award Good Faith Effort Applications, the cover letter details the reasons a post-award modification is needed.
  - The cover letter verifies that the Michigan Unified Certification Program (MUCP) Web site was used to identify DBEs who work in the county where the contract is located. The MUCP Web site is located at <http://MDOT270.state.mi.us.8080/ucp/homePageServlet>
  - The cover letter indicates whether the contractor cost summary for the respective job was used to help identify DBEs. Cost summaries are published on the MUCP Web site and are available upon request from DDOT's Contract Compliance Office.
  - Include the first page of the results of your targeted MUCP search using the cost summary and county.

#### PART H – CERTIFICATION

SIGNATURE (Authorized Representative)	TITLE	DATE
---------------------------------------	-------	------

Please review the application to ensure it is completed in entirety and then submit to: Detroit Department of Transportation, Office of Compliance, 1301 E. Warren, Michigan 48207 Phone: (313) 833-0159, DDOT-DBE@Detroitmi.gov

Guidelines for Contractors Submitting a Contract Waiver or Modification

When a Request for Waiver/Modification is submitted, 49 CFR, Part 26, Appendix A, criteria will apply. However, contractors submitting a Waiver/Modification request should be prepared to address and discuss the following criteria/questions with the Good Faith Efforts (GFE) Review Committee members. The information below is not intended to be a mandatory list, nor is it intended to be an exclusive or exhaustive list. The quality, quantity and intensity of good faith efforts are important.

Criteria 1: "Offer of Work"

1. Did the prime contractor offer sufficient amount of work to meet the DBE goal?
2. Did the prime contractor offer work in economically feasible units?
3. Did the prime contractor offer work normally performed with bidders own work force?
4. Did the prime contractor notify qualified DBE firms?
5. Were notified DBE firms in close geographic proximity to the project?

Criteria 2: "Timely Notice"

1. Did the prime contractor send timely written (e-mail/fax) solicitation notices to certified DBE firms?
2. Did the solicitation notice include the following:
  - a. Name and location of project
  - b. Bid date
  - c. Scope of work requested
  - d. Location where DBE's can review plans and specifications
  - e. Date and time to submit quote
  - f. Contact name for technical assistance
  - g. Any special requirements

Criteria 3: "Finance and Bonding Outreach"

1. If requested by the DBE, did the prime contractor provide contacts for possible bonding, insurance and lines of credit?
2. If requested by the DBE, did the prime contractor provide technical assistance in these areas?

Criteria 4: "Prime Contractor Follow-Up"

1. Did the contractor maintain a "follow-up log" from the initial solicitation? The log must show:
  - a. Type of contact (fax, telephone, e-mail)
  - b. Name of contact person
  - c. Name of DBE firm
  - d. Date and time of DBE contacted
  - e. Response received
  - f. Reason for DBE not bidding project (if applicable)

Criteria 5: "Prime Contractor DBE Program Outreach and Support"

1. Did the prime contractor host DBE informational workshops, attend Detroit Department of Transportation (DDOT) sponsored DBE events; such as networking sessions, DBE conference, DBE/prime contractor meetings, etc.?
2. Did the prime contractor contact minority business organizations about DBE opportunities?

Note: DBE percentages submitted by the three lowest bidders, at time of bid, will be reviewed by the Good Faith Efforts Review Committee members.





Appendix F

**UNIFORM CERTIFICATION APPLICATION**  
**DISADVANTAGED BUSINESS ENTERPRISE (DBE) /**  
**AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)**  
**49 C.F.R. Parts 23 and 26**

***Roadmap for Applicants***

**1. Should I apply?**

You may be eligible to participate in the DBE/ACDBE program if:

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and does not exceed \$23.98 million in gross annual receipts for DBE (\$56.42 million for ACDBEs). (Other size standards apply for ACDBE that are banks/financial institutions, car rental companies, pay telephone firms, and automobile dealers.)

**2. How do I apply?**

First time applicants for DBE certification must complete and submit this certification application and related material to the certifying agency in your home state and participate in an on-site interview conducted by that agency. The attached document checklist can help you locate the items you need to submit to the agency with your completed application. If you fail to submit the required documents, your application may be delayed and/or denied. Firms already certified as a DBE do not have to complete this form, but may be asked by certifying agencies outside of your home state to provide a copy of your initial application form, supporting documents, and any other information you submitted to your home state to obtain certification or to any other state related to your certification.

**3. Where can I send my application?** [INSERT UCP PARTICIPATING MEMBER CONTACT INFORMATION]

**4. Who will contact me about my application and what are the eligibility standards?**

The DBE and ACDBE Programs require that all U.S. Department of Transportation (DOT) recipients of federal assistance participate in a statewide Unified Certification Program (UCP). The UCP is a one-stop certification program that eliminates the need for your firm to obtain certification from multiple certifying agencies within your state. The UCP is responsible for certifying firms and maintaining a database of certified DBEs and ACDBEs for DOT grantees, pursuant to the eligibility standards found in 49 C.F.R. Parts 23 and 26.

**5. Where can I find more information?**

U.S. DOT—<https://www.civilrights.dot.gov/> (This site provides useful links to the rules and regulations governing the DBE/ACDBE program, questions and answers, and other pertinent information)

SBA—Small Business Size Standards matched to the North American Industry Classification System (NAICS): <http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>.

In collecting the information requested by this form, the Department of Transportation (Department) complies with the provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Department's Disadvantaged Business Enterprise Program as defined in 49 CFR §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 CFR §23.3. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Under 49 C.F.R. §26.107, dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 CFR Parts 180 and 1200, Nonprocurement Suspension and Department, take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.





**INSTRUCTIONS FOR COMPLETING THE  
DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)  
UNIFORM CERTIFICATION APPLICATION**

**NOTE:** All participating firms must be for-profit enterprises. If your firm is not for profit, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

**Section 1: CERTIFICATION INFORMATION**

**A. Basic Contact Information**

- (1) Enter the contact name and title of the person completing this application and the person who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website addresses, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm, if it is different from your firm's street address.

**B. Prior/Other Certifications and Applications**

- (10) Check the appropriate box indicating whether your firm is currently certified in the DBE/ACDBE programs, and provide the name of the certifying agency that certified your firm. List the dates of any site visits conducted by your home state and any other states or UCP members. Also provide the names of state/UCP members that conducted the review.
- (11) Indicate whether your firm or any of the persons listed has ever been denied certification as a DBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

**Section 2: GENERAL INFORMATION**

**A. Business profile:**

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in our UCP online directory if you are certified as a DBE.

- (2) If you know the appropriate NAICS Code for the line(s) of work you identified in your business profile, enter the codes in the space provided.
- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation or charter.
- (4) State the date each person became a firm owner.
- (5) Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit." **If you checked "No," then you do NOT qualify for the DBE/ACDBE program** and should not complete this application. All participating firms must be for-profit enterprises. If the firm is a for profit enterprise, provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (7) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. Identify all joint venture partners if applicable. If you checked "Other," briefly explain in the space provided.
- (8) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment, to your application.
- (9) Specify the firm's gross receipts for each of the past three years, as stated in your firm's filed Federal tax returns. You must submit complete copies of the firm's Federal tax returns for each year. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide these firms' gross receipts and submit complete copies of these firm(s) Federal tax returns. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

**B. Relationships and Dealings with Other Businesses**

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or





oral agreement. Provide an explanation of any items shared with other firms in the space provided.

- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
- (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
  - (a) ever existed under different ownership, a different type of ownership, or a different name;
  - (b) existed as a subsidiary of any other firm;
  - (c) existed as a partnership in which one or more of the partners are/were other firms;
  - (d) owned any percentage of any other firm; and
  - (e) had any subsidiaries of its own.
- (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

### Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

#### A. Identify the majority owner of the firm holding 51% or more ownership interest

- (1) Enter the full name of the owner.
- (2) Enter his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) Enter his/her home (street) address.
- (5) Indicate this owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner.
- (8) Enter the number of years during which this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment. Describe how you acquired your business and attach documentation substantiating this investment.

#### B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you

checked "Yes," state the name of the other business and this owner's function/title held in that business.

- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.
  - (b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please identify this activity.
- (4) (a) Provide the personal net worth of the owner applying for certification in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Note, complete this section and accompanying statement only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged).
- (b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to them, the name of the company, the type of business, and whether they own or manage the company.

### Section 4: CONTROL

#### A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of his/her business relationship with that other firm.





## **B. Duties of Owners, Officers, Directors, Managers and Key Personnel**

(1), (2) Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who control the functions listed for the business. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g. ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

**C. Inventory:** Indicate firm inventory in these categories:

### **(1) Equipment and Vehicles**

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

### **(2) Office Space**

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

### **(3) Storage Space**

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

## **D. Does your firm rely on any other firm for management functions or employee payroll?**

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

## **E. Financial / Banking Information**

**Banking Information.** State the name, City and State of your firm's bank. In the space provided, identify the persons able to sign checks on this account. Provide bank authorization and signature cards

**Bonding Information.** State your firm's bonding limits (in dollars), specifying both the aggregate and project limits.

## **F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.**

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm. Provide copies of signed loan agreements and security agreements

## **G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:**

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

## **H. Current licenses/permits held by any owner or employee of your firm.**

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and issuing State of the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

## **I. Largest contracts completed by your firm in the past three years, if any.**

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

## **J. Largest active jobs on which your firm is currently working.**

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.

## **AIRPORT CONCESSION (ACDBE) APPLICANTS**

Identify the concession space, address and location at the airport, the value of the property or lease, and fees/lease payments paid to the airport. Provide information concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of the concession enterprise.

## **AFFIDAVIT & SIGNATURE**

The Affidavit of Certification must accompany your application for certification. Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

## Section 1: CERTIFICATION INFORMATION



### A. Basic Contact Information

(1) Contact person and Title: \_\_\_\_\_ (2) Legal name of firm: \_\_\_\_\_  
\_\_\_\_\_

(3) Phone #: ( ) \_\_\_\_\_ - \_\_\_\_\_ (4) Other Phone #: ( ) \_\_\_\_\_ - \_\_\_\_\_ (5) Fax #: ( ) \_\_\_\_\_ - \_\_\_\_\_

(6) E-mail: \_\_\_\_\_ (7) Firm Websites: \_\_\_\_\_

(8) Street address of firm (No P.O. Box): \_\_\_\_\_ City: \_\_\_\_\_ County/Parish: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

(9) Mailing address of firm (if different): \_\_\_\_\_ City: \_\_\_\_\_ County/Parish: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

### B. Prior/Other Certifications and Applications

(10) Is your firm currently certified for any of the following U.S. DOT programs?

☐ DBE ☐ ACDBE Names of certifying agencies: \_\_\_\_\_

⊗ If you are certified in your home state as a DBE/ACDBE, you do not have to complete this application for other states. Ask your state UCP about the interstate certification process.

List the dates of any site visits conducted by your home state and any other states or UCP members:

Date \_\_\_/\_\_\_/\_\_\_ State/UCP Member: \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_ State/UCP Member: \_\_\_\_\_

(11) Indicate whether the firm or any persons listed in this application have ever been:

(a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? ☐ Yes ☐ No

(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? ☐ Yes ☐ No

If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision,

\_\_\_\_\_  
\_\_\_\_\_

## Section 2: GENERAL INFORMATION

**A. Business Profile:** (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional paper if necessary. This description may be used in our database and the UCP online directory if you are certified as a DBE or ACDBE.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) Applicable NAICS Codes for this line of work include: \_\_\_\_\_

(3) This firm was established on \_\_\_/\_\_\_/\_\_\_ (4) I/We have owned this firm since: \_\_\_/\_\_\_/\_\_\_

(5) Method of acquisition (Check all that apply):

☐ Started new business ☐ Bought existing business ☐ Inherited business ☐ Secured concession  
☐ Merger or consolidation ☐ Other (explain) \_\_\_\_\_





(6) Is your firm "for profit"? ☐ Yes ☐ No → Federal Tax ID# \_\_\_\_\_

⊗ STOP! If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.

(7) Type of Legal Business Structure: (check all that apply):

- ☐ Sole Proprietorship      ☐ Limited Liability Partnership  
☐ Partnership      ☐ Corporation  
☐ Limited Liability Company      ☐ Joint Venture (Identify all JV partners \_\_\_\_\_)  
☐ Applying as an ACDBE      ☐ Other, Describe \_\_\_\_\_

(8) Number of employees: Full-time \_\_\_\_\_ Part-time \_\_\_\_\_ Seasonal \_\_\_\_\_ Total \_\_\_\_\_  
(Provide a list of employees, their job titles, and dates of employment, to your application).

(9) Specify the firm's gross receipts for the last 3 years. (Submit complete copies of the firm's Federal tax returns for each year. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns).

Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____

#### **B. Relationships and Dealings with Other Businesses**

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office or storage space, yard, warehouse, facilities, equipment, inventory, financing, office staff, and/or employees with any other business, organization, or entity? ☐ Yes ☐ No

If Yes, explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Also detail the items shared.

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(2) Has any other firm had an ownership interest in your firm at present or at any time in the past?

☐ Yes ☐ No If Yes, explain \_\_\_\_\_

(3) At present, or at any time in the past, has your firm:

(a) Ever existed under different ownership, a different type of ownership, or a different name? ☐ Yes ☐ No

(b) Existed as a subsidiary of any other firm? ☐ Yes ☐ No

(c) Existed as a partnership in which one or more of the partners are/were other firms? ☐ Yes ☐ No

(d) Owned any percentage of any other firm? ☐ Yes ☐ No

(e) Had any subsidiaries? ☐ Yes ☐ No

(f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts? ☐ Yes ☐ No

(If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).



### Section 3: MAJORITY OWNER INFORMATION

#### A. Identify the majority owner of the firm holding 51% or more ownership interest.

(1) Full Name: \_\_\_\_\_ (2) Title: \_\_\_\_\_ (3) Home Phone #: \_\_\_\_\_  
( ) \_\_\_\_\_ - \_\_\_\_\_

(4) Home Address (Street and Number): \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
\_\_\_\_\_ - \_\_\_\_\_

(5) Gender: ☐ Male ☐ Female

(6) Ethnic group membership (Check all that apply):

- ☐ Black ☐ Hispanic  
☐ Asian Pacific ☐ Native American  
☐ Subcontinent Asian  
☐ Other (specify) \_\_\_\_\_

(7) U.S. Citizenship:

- ☐ U.S. Citizen  
☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: \_\_\_\_\_

(9) Percentage owned: \_\_\_\_\_ %

Class of stock owned: \_\_\_\_\_

Date acquired \_\_\_\_\_

(10) Initial investment to acquire ownership interest in firm:	Type	Dollar Value
	Cash	\$
	Real Estate	\$
	Equipment	\$
	Other	\$

Describe how you acquired your business:

- ☐ Started business myself  
☐ It was a gift from: \_\_\_\_\_  
☐ I bought it from: \_\_\_\_\_  
☐ I inherited it from: \_\_\_\_\_  
☐ Other \_\_\_\_\_

(Attach documentation substantiating your investment)

#### B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) Does this owner perform a management or supervisory function for any other business? ☐ Yes ☐ No

If Yes, identify: Name of Business: \_\_\_\_\_ Function/Title: \_\_\_\_\_

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) ☐ Yes ☐ No

Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

\_\_\_\_\_  
\_\_\_\_\_

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: \_\_\_\_\_

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification ? \$ \_\_\_\_\_

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No

(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? ☐ Yes ☐ No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): \_\_\_\_\_





### Section 3: OWNER INFORMATION, Cont'd.

**A. Identify all individuals, firms, or holding companies that hold LESS THAN 51% ownership interest in the firm** (*Attach separate sheets for each additional owner*)

(1) Full Name: \_\_\_\_\_ (2) Title: \_\_\_\_\_ (3) Home Phone #: \_\_\_\_\_  
( ) \_\_\_\_\_ - \_\_\_\_\_

(4) Home Address (Street and Number): \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
\_\_\_\_\_ - \_\_\_\_\_

(5) Gender: ☐ Male ☐ Female

(6) Ethnic group membership (*Check all that apply*)

- ☐ Black ☐ Hispanic  
☐ Asian Pacific ☐ Native American  
☐ Subcontinent Asian  
☐ Other (*specify*) \_\_\_\_\_

(7) U.S. Citizenship:

- ☐ U.S. Citizen  
☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: \_\_\_\_\_

(9) Percentage owned: \_\_\_\_\_ %

Class of stock owned: \_\_\_\_\_

Date acquired \_\_\_\_\_

(10) Initial investment to acquire ownership interest in firm:	Type	Dollar Value
	Cash	\$
	Real Estate	\$
	Equipment	\$
	Other	\$

Describe how you acquired your business:

- ☐ Started business myself  
☐ It was a gift from: \_\_\_\_\_  
☐ I bought it from: \_\_\_\_\_  
☐ I inherited it from: \_\_\_\_\_  
☐ Other \_\_\_\_\_

(*Attach documentation substantiating your investment*)

### B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? ☐ Yes ☐ No  
If Yes, identify: Name of Business: \_\_\_\_\_ Function/Title: \_\_\_\_\_

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (*e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.*) ☐ Yes ☐ No

Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: \_\_\_\_\_

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ \_\_\_\_\_

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No

(*If Yes, you may be asked to provide a copy of the trust instrument.*)

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? ☐ Yes ☐ No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage: (*Please attach extra sheets, if needed*): \_\_\_\_\_

## Section 4: CONTROL



### A. Identify your firm's Officers and Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
<b>(1) Officers of the Company</b>	(a)				
	(b)				
	(c)				
	(d)				
<b>(2) Board of Directors</b>	(a)				
	(b)				
	(c)				
	(d)				

### (3) Do any of the persons listed above perform a management or supervisory function for any other business?

☐ Yes ☐ No If Yes, identify for each:

Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Business: \_\_\_\_\_ Function: \_\_\_\_\_

Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Business: \_\_\_\_\_ Function: \_\_\_\_\_

### (4) Do any of the persons listed in section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

☐ Yes ☐ No If Yes, identify for each:

Firm Name: \_\_\_\_\_ Person: \_\_\_\_\_  
 Nature of Business Relationship: \_\_\_\_\_

## B. Duties of Owners, Officers, Directors, Managers, and Key Personnel

1. (Identify your firm's management personnel who control your firm in the following areas (Attach separate sheets as needed).

A = Always F = Frequently	S = Seldom N = Never	Majority Owner (51% or more)				Minority Owner (49% or less)			
		Name: _____ Title: _____ Percent Owned: _____				Name: _____ Title: _____ Percent Owned: _____			
Sets policy for company direction/scope of operations		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>



**2. Complete for all Officers, Directors, Managers, and Key Personnel who control the following functions for the firm. (Attach separate sheets as needed).**

<b>A = Always</b> <b>S = Seldom</b> <b>F = Frequently</b> <b>N = Never</b>	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/Key Personnel			
	Name: _____ Title: _____ Race and Gender: _____ Percent Owned: _____				Name: _____ Title: _____ Race and Gender: _____ Percent Owned: _____			
Sets policy for company direction/scope of operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function: \_\_\_\_\_

Do any of the persons listed above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) If Yes, describe the nature of the business relationship: \_\_\_\_\_

**C. Inventory:** Indicate your firm's inventory in the following categories (Please attach additional sheets if needed):

**1. Equipment and Vehicles**

Make and Model	Current Value	Owned or Leased by Firm or Owner?	Used as collateral?	Where is item stored?
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				

**2. Office Space**

Street Address	Owned or Leased by Firm or Owner?	Current Value of Property or Lease
_____		
_____		
_____		



**3. Storage Space** *(Provide signed lease agreements for the properties listed)*

Street Address

Owned or Leased by  
Firm or Owner?

Current Value of Property or Lease

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**D. Does your firm rely on any other firm for management functions or employee payroll?** ☐ Yes ☐ No

**E. Financial/Banking Information** *(Provide bank authorization and signature cards)*

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_

The following individuals are able to sign checks on this account: \_\_\_\_\_

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_

The following individuals are able to sign checks on this account: \_\_\_\_\_

**Bonding Information:** If you have bonding capacity, identify the firm's bonding aggregate and project limits:

Aggregate limit \$ \_\_\_\_\_ Project limit \$ \_\_\_\_\_

**F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether you the owner and any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner. (Provide copies of signed loan agreements and security agreements).**

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____

**G. List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years (Attach additional sheets if needed):**

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____

**H. List current licenses/permits held by any owner and/or employee of your firm**

*(e.g. contractor, engineer, architect, etc.)(Attach additional sheets if needed):*

Name of License/Permit Holder	Type of License/Permit	Expiration Date	State
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____



I. List the three largest contracts completed by your firm in the past three years, if any:

	Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract
1.				
2.				
3.				

J. List the three largest active jobs on which your firm is currently working:

	Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract
1.						
2.						
3.						

**AIRPORT CONCESSION (ACDBE) APPLICANTS ONLY MUST COMPLETE THIS SECTION**

**Identify the following information concerning the ACDBE applicant firm:**

<u>Concession Space</u>	<u>Address / Location at Airport</u>	<u>Value of Property or Lease</u>	<u>Fees/Lease Payments Paid to the Airport</u>

**Provide information concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of concession**

<u>Name of Concession</u>	<u>Location</u>	<u>Type of Concession</u>	<u>Start Date of Concession</u>





## AFFIDAVIT OF CERTIFICATION

*This form must be signed and notarized for each owner upon which disadvantaged status is relied.*

**A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.**

I \_\_\_\_\_ (full name printed),  
swear or affirm under penalty of law that I am  
\_\_\_\_\_ (title) of the applicant firm  
\_\_\_\_\_ and that I

have read and understood all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application, and I authorize such agency to contact any entity named in the application, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial of certification.

If awarded a contract, subcontract, concession lease or sublease, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency on an ongoing basis, current, complete and accurate information regarding (1) work performed on the project; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to provide written notice to the recipient agency or Unified Certification Program of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership changes, address/telephone number, personal net worth exceeding \$1.32 million, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I certify that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise. In support of my application, I certify that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s): (Check all that apply):

- ☐ Female   ☐ Black American   ☐ Hispanic American  
☐ Native American   ☐ Asian-Pacific American  
☐ Subcontinent Asian American   ☐ Other (specify) \_\_\_\_\_

I certify that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further certify that my personal net worth does not exceed \$1.32 million, and that I am economically disadvantaged because my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.

Signature \_\_\_\_\_ (DBE/ACDBE Applicant)      \_\_\_\_\_ (Date)

### NOTARY CERTIFICATE





## UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

**In order to complete your application for DBE or ACDBE certification, you must attach copies of all of the following REQUIRED documents. A failure to supply any information requested by the UCP may result in your firm denied DBE/ACDBE certification.**

### Required Documents for All Applicants

- ☐ Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm
- ☐ Personal Net Worth Statement for each socially and economically disadvantaged owners comprising 51% or more of the ownership percentage of the applicant firm.
- ☐ Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner
- ☐ Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 3 years.
- ☐ Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks)
- ☐ Signed loan and security agreements, and bonding forms
- ☐ List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.
- ☐ Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm
- ☐ Licenses, license renewal forms, permits, and haul authority forms
- ☐ Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- ☐ Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years
- ☐ DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertifications, if applicable; and any U.S. DOT appeal decisions on these actions.
- ☐ Bank authorization and signatory cards
- ☐ Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm
- ☐ List of all employees, job titles, and dates of employment.
- ☐ Proof of warehouse/storage facility ownership or lease arrangements

### Partnership or Joint Venture

- ☐ Original and any amended Partnership or Joint Venture Agreements

### Corporation or LLC

- ☐ Official Articles of Incorporation (signed by the state official)
- ☐ Both sides of all corporate stock certificates and your firm's stock transfer ledger
- ☐ Shareholders' Agreement(s)
- ☐ Minutes of all stockholders and board of directors meetings

- ☐ Corporate by-laws and any amendments
- ☐ Corporate bank resolution and bank signature cards
- ☐ Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

### Optional Documents to Be Provided on Request

*The UCP to which you are applying may require the submission of the following documents. If requested to provide these document, you must supply them with your application or at the on-site visit.*

- ☐ Proof of citizenship
- ☐ Insurance agreements for each truck owned or operated by your firm
- ☐ Audited financial statements (if available)
- ☐ Personal Federal Tax returns for the past 3 years, if applicable, for other disadvantaged owners of the firm.
- ☐ Trust agreements held by any owner claiming disadvantaged status
- ☐ Year-end balance sheets and income statements for the past 3 years (or life of firm, if less than three years)

### Suppliers

- ☐ List of product lines carried and list of distribution equipment owned and/or leased

# NO CHANGE AFFIDAVIT

**\*\*This form must be completed by EACH DISADVANTAGED OWNER of the DBE firm\*\***

I \_\_\_\_\_ swear and affirm that there have been no changes in  
(Disadvantaged owner)

\_\_\_\_\_ circumstances affecting its ability to meet the size,  
(Name of DBE firm)

disadvantaged status, ownership, or control requirements of 49 CFR 23 and/or 26 and 13 CFR 121. I swear and affirm there have been no material changes in the information provided with this annual application for certification for the **DBE firm named above**, except for any changes about which I have provided written notice to the Michigan Unified Certification Program (MUCP) AGENCY that I am certified with pursuant to 49 CFR Part 26.83(i)

I swear and affirm that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified in 49 CFR 26.67, without regard to my individual qualities. I further swear and affirm that my personal net worth does not exceed **\$1.32 million** and that I am economically disadvantaged because my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business that are not socially and economically disadvantaged. I acknowledge that if I am an ACDBE with personal assets that are encumbered and in excess of the DBE personal net worth cap, I hereby attest that they are encumbered specifically for the purpose of providing collateral related to financing the concession operations of this DBE certified firm. I also agree to provide supporting documentation as deemed necessary by my DBE certifying agency.

I specifically swear and affirm that the **DBE firm named above** continues to meet the Small Business Administration (SBA) Business size criteria/Concessionaire business size criteria (49 CFR Part 23) and the overall gross receipts cap of 49 CFR Part 26 (overall gross receipt cap of Part 26 n/a to concessionaires). SBA Size standards can be found at: [www.sba.gov/contractingopportunities/officials/size/index.html](http://www.sba.gov/contractingopportunities/officials/size/index.html)

I specifically swear and affirm that the **DBE firm named above and its affiliates** average annual gross receipts (as defined by SBA rules) over the previous three fiscal years do not exceed appropriate SBA size standard(s) of the industry/industries in which my business is engaged. The current three year gross receipt average for the **DBE firm named above and its affiliates** are: \$ \_\_\_\_\_.  
(Insert firm's 3 yr. gross receipt average)

I have attached all required personal net worth and company gross receipts documentation (complete individual and business federal tax returns with all schedules, etc.) to support this affidavit.

**I declare, under penalty of perjury, that the information provided in this application and all supporting documents submitted in support of this application relating to my disadvantaged status, the applicant DBE firm (and its affiliates if applicable), and to me is true and correct.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Notary Section

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared the individual stated above to me personally known, who being duly sworn, did execute the foregoing affidavit and did state that he or she was properly authorized by the DBE firm stated above, to execute the affidavit and did so as his or her free act and deed.

(Provide SEAL/STAMP) Notary Public (name) \_\_\_\_\_

State of \_\_\_\_\_ County of commission \_\_\_\_\_

Commission expires \_\_\_\_\_



## DDOT DBE Suspension/ Decertification Procedure

1. DBE fails to submit requested annual affidavit on the anniversary of their date of certification in a timely manner after email and certified mail notifications. This then deems the business to have failed to cooperate under 26.109©
2. DBE fails to respond to multiple submittal requests of additional needed information or any material change in circumstances as required by 26.83 after email and certified mail notifications.
3. DBE is immediately notified of the suspension by certified mail, return receipt requested to last known address of owners of the DBE.
  - a. The suspension takes effect when the DBE receives or is deemed to have received the Notice of Suspension. ( 26.88(e))
  - b. While suspended the DBE may not be considered to meet contract goal on a new contract and any work it does on a contract received during the suspension period shall not be counted toward a recipients overall goal. The DBE may continue to perform under an existing contract executed before the DBE received a Notice of Suspension and may be counted toward the contract goal under that contract.
4. Following receipt of the Notice of Suspension, DBEs have 30 days of receiving the suspension to either;
  - a. If the DBE believes it is no longer eligible, it may voluntarily withdraw from the program in which case no further action is required.
  - b. If the DBE believes that its eligibility should be reinstated, it must provide to the recipient information demonstrating that the firm is eligible notwithstanding its changed circumstances.
5. Within 30 days of receiving a response for a temporarily suspended DBE we will either lift suspension or commence decertification proceedings.
6. When a firm is decertified, it is for a period of no longer than 1 year (12 months) from date of decertification. After this date time period, a DBE firm may re apply as a NEW DBE and undergo new certification application process. NOTE: DBEs who have been decertified may not submit an annual affidavit in substitute for NEW application.
7. This suspension and Decertification is not appealable to the US Department of Transportation. 26.88 (h)