

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM PLAN

Prepared by:
Detroit Department of Transportation
Office of Compliance

Prepared for:
Federal Transit Administration (FTA)

Effective Date:
February 5, 2025

"Moving Detroit Forward with Opportunity and Equity"

DBE PROGRAM POLICY STATEMENT

OBJECTIVES / POLICY STATEMENT - SECTION 26.1 & 26.25

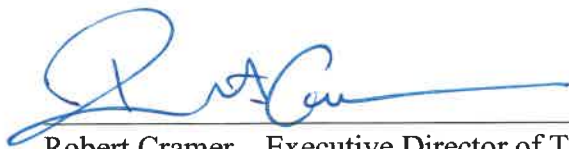
The Detroit Department of Transportation (DDOT) has established a Disadvantaged Business Enterprise (DBE) program in accordance with U.S. Department of Transportation (DOT) regulations, 49 CFR Part 26. DDOT has received Federal financial assistance from the DOT and, as a condition of receiving this assistance,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

DDOT is committed to ensuring DBEs, as defined in Part 26, have equal opportunities to receive and participate in DOT-assisted contracts. Our policy includes the following:

a) To ensure nondiscrimination in the award and administration of DOT-assisted contracts within DDOT's transit financial assistance programs; b) To create a level playing field where DBEs can compete fairly for DOT-assisted contracts; c) To ensure DDOT's DBE Program is narrowly tailored in compliance with applicable law; d) To ensure that only firms meeting 49 CFR Part 26 eligibility standards are allowed to participate as DBEs; e) To eliminate barriers hindering DBE participation in DOT-assisted contracts; f) To promote the use of DBEs in all federally-assisted contracts and procurement activities at DDOT; g) To support the development of firms that can compete successfully in the broader marketplace outside the DBE Program; h) To offer flexibility to recipients of Federal financial assistance in creating opportunities for DBEs.

DDOT's DBE Liaison Officer (DBELO), Alicia Miller, has direct, independent access to the Executive Director of Transportation regarding DBE program matters. Alicia Miller is responsible for overseeing all aspects of DDOT's DBE program. DDOT's Office of Compliance is adequately staffed to administer the program in compliance with these regulations.

This policy statement has been disseminated throughout DDOT and shared with the DBE and non-DBE business communities involved in DOT-assisted contracts.



Robert Cramer – Executive Director of Transportation

2/5/25

Date Approved

SUBPART A – GENERAL REQUIREMENTS

OBJECTIVES - SECTION - 26.1

The objectives are found in the policy statement on page number one 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, Public Law 102-240 or by Federal Transit laws in Title 49, U.S. Code, or Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178.

DEFINITIONS – 49 CFR 26.5

The definitions 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(a)(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 1st and December 1st, and in the format acceptable to FTA. The report will contain all the information described in the Uniform Report of 49 CFT 26.11. DDOT will provide data about DDOT's DBE program to FTA as requested.

BIDDERS LIST - 49 CFR 26.11(c)

DDOT will obtain bidders list information as described in 26.11 (c)(2) and enter it into a system designated by the FTA, consisting of information about all DBE, non-DBE contractors and subcontractors who seek to work on federally assisted contracts for us in helping DDOT set overall

goals, and to provide the FTA with data for evaluating the extent of the objectives are being achieved.

The following bidders list information about all DBE and non-DBEs who bid as prime contractors and subcontractors on each federally assisted contract:

- i. Firm name;
- ii. Firm address including ZIP code;
- iii. Firm's status as a DBE or non-DBE
- iv. Race and gender information for the firm's majority owner
- v. NAICS code applicable to each scope of work the firm sought to perform in its bid;
- vi. Age of the firm; and
- vii. The annual gross receipts of firms. DDOT will obtain this information by asking each firm to indicate into what gross receipts bracket they fit.

DDOT will collect this information by requiring the information to be submitted with their bids or initial response to negotiated procurement. DDOT will submit this data to FTA no later than December 1st following the fiscal year in which the contract was awarded.

A "design-build" contracts where subcontracts will be solicited throughout the contract period as defined in a DBE Performance Plan 26.53€, the data will be entered no later than December 1st following the fiscal year in which the design-build contractor awards to the subcontractor(s).

DDOT will maintain records documenting a firm's compliance by maintaining the following records for a minimum of three (3) years:

1. Maintain a complete application package for each certified firm
2. All Declarations of Eligibility,
3. Change notices,
4. On-site visit reports.

FEDERAL FINANDCIAL 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.).

ASSURANCE – SECTION 26.13(b)

Each contract DDOT sign 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:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damage; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

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

SUBPART B – ADMINISTRATIVE REQUIREMENTS

DBE PROGRAM - SECTION 26.21

As a Tier I recipient of FTA planning, capital, and/or operating assistance, DDOT will continue to update its DBE program to ensure compliance with all requirements of [49 CFR Part 26](#).

POLICY STATEMENT - SECTION 26.23

The Policy Statement is elaborated on page one (1) of this program.

DBE LIAISON OFFICER (DBELO) - Section 26.25

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

Alicia Miller
100 Mack Avenue
Detroit, MI 48201
313-244-2327
alimil@detroitmi.gov

The DBE Liaison Officer (DBELO) is responsible for overseeing the implementation of all aspects of the DBE program and ensuring DDOT's compliance with 49 CFR Part 26. The DBELO has direct, independent access to the DDOT director regarding DBE program matters. An organization chart showing DBELO's position is included in Appendix 1 of this program.

DBE FINANCIAL INSTITUTIONS - Section 26.27

DDOT has investigated the services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community. We are committed to making reasonable efforts to utilize these institutions and encourage prime contractors on DOT-assisted contracts to do the same. DDOT will conduct a review on a triennial cycle. Currently, we have identified the following institution: First Independent Bank.

To date we have identified the following institution: [First Independent Bank](#)

PROMPT PAYMENT MECHANISMS - SECTION 26.29

As part of DDOT's Disadvantaged Business Enterprise (DBE) program, all contracts include a clause requiring prime contractors to pay subcontractors for satisfactory performance within 30 days of receiving payment from DDOT.

To ensure compliance, DDOT will implement the following measures:

- No Retainage by DDOT: DDOT will not hold retainage from prime contractors. Instead, prime contractors must include a contract clause obligating them to release any retainage to subcontractors within 30 days of the subcontractor's satisfactory completion of work.
- Enforcement & Penalties: DDOT may impose appropriate penalties for non-compliance. Payment delays or postponements are only permitted for good cause and require prior written approval from DDOT.
- Dispute Resolution: Prime contractors must incorporate alternative dispute resolution (ADR) mechanisms in their subcontracts to resolve payment disputes efficiently.
- Payment Verification: Prime contractors will not be reimbursed for subcontractor-performed work until the subcontractors have been paid in accordance with the contract terms.
- Compliance Audits: DDOT will conduct regular audits and oversight to ensure prime contractors comply with subcontractor payment and retainage return requirements.

In the event of a payment dispute, prime contractors and subcontractors must utilize appropriate Alternative Dispute Resolution (ADR) mechanisms to reach a resolution. DDOT may intervene if necessary to facilitate the process. Failure to comply with prompt payment requirements will be considered a breach of contract and may result in the following consequences:

1. Withholding Reimbursement: DDOT will not reimburse prime contractors for subcontractor-performed work until the subcontractors have been paid in accordance with contract terms.

2. Future Contract Restrictions: Prime contractors who fail to make timely payments may be ineligible for future contract awards with DDOT.

DIRECTORY - SECTION 26.31

DDOT maintains a directory of firms eligible to participate as DBEs and/or ACDBEs, available at [Michigan's DBE Program Website](#). The directory includes firm names, business addresses, phone numbers, websites, and the types of work they are certified to perform, along with the relevant NAICS codes. The MUCP allows for additional descriptions of the work a firm performs beyond NAICS codes.

The directory provides a searchable public filter by physical location, NAICS code(s), and work descriptions. A prominent disclaimer notes that inclusion in the directory does not guarantee DBE's capacity or ability to perform specific work.

OVERCONCENTRATION – SECTION 26.33

If DDOT determines that DBE firms are so overconcentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work, DDOT will devise appropriate measures to address this overconcentration. DDOT will obtain the approval of the FTA Region 5, operating administration, for determination of overconcentration and the measures devised to address it. The approved measures will be added to DDOT's DEBE program.

BUSINESS DEVELOPMENT AND MENTOR-PROTÉGÉ PROGRAMS - SECTION 26.35

DDOT will establish a DBE business development program (BDP) if directed to do so by FTA Regional 5 operating administration.

MONITORING AND ENFORCEMENT MECHANISMS – SECTION 26.37

DDOT will implement monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

DDOT will verify that DBEs perform the work they were committed to at contract award, or that race-neutral participation is accurately counted as per §26.55. This includes written verification of contracting record reviews and work site monitoring to ensure DBE participation is consistent with their role on the contract, as well as a review of their commercially useful function.

To track progress, DDOT will maintain a running tally to compare cumulative DBE commitments and payments with DOT-assisted prime contract awards. This will help assess whether contract goals are on track to meet the annual goal, informing goal-setting for upcoming contracts.

For each DBE commitment, DDOT will monitor payments related to work progress to ensure contractors meet their DBE commitments. If a shortfall is projected, the prime contractor will be required to demonstrate good faith efforts to address it, in compliance with §26.53(g).

FOSTERING SMALL BUSINESS ELEMENT - SECTION 26.39

DDOT's DBE program includes an element of contracting requirements to facilitate competition by small business concerns, taking 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.

DDOT DBE program element includes, but are not limited to, the following strategies:

1. In multi-year design-build contracts or other large contracts requiring 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.
2. On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of the size of a small business, including DBEs, can reasonably perform, rather than self-performing all the work involved.
3. To meet the portion of the overall goal 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 administration of this DBE program.

OVERALL DBE GOALS SUBMISSION PROCESS– SECTION 26.45

DDOT will submit its triennial overall DBE goal to FTA by August 1st, based on the availability of ready, willing, and able DBEs relative to all businesses in the market. The goal reflects the expected DBE participation absent discrimination.

Step 1: Base Figure Calculation

DDOT will determine a base figure using one of two methods:

1. DBE Directories and Census Data: Compare the number of DBEs in the MUCP DBE directory with the total number of businesses in the same NAICS codes.

2. Bidders List: Analyze the number of DBEs that bid or quoted on DOT-assisted contracts over the past three years, compared to all businesses.

Step 2: Adjusting the Base Figure

After calculating the base figure, DDOT will assess available evidence to determine if an adjustment is needed. If no adjustment is necessary, the base figure will stand. DDOT will then decide the race-neutral and race-conscious measures to meet the goal.

Consultation and Publication: DDOT will consult with relevant stakeholders, including minority and women's contractor groups, to gather input on DBE availability and discrimination impacts. The proposed goal will be published on DDOT's website for public comment before submission to FTA. Following review, the final goal will be posted if changes occur.

Goal Submission: The submission to FTA will include the methodology, base figure, adjustments, and a summary of stakeholder consultation. DDOT will not implement its goal until the consultation and publication requirements are met.

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 is 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. Within 90 days of the end of the fiscal year, the analysis and corrective action plan will be submitted to the FTA Civil Rights Office for approval 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.

Within 30 days of becoming contractually required to procure a transit vehicle, DDOT will report to FTA:

- (i) The name of the TVM that was the successful bidder; and
- (ii) The Federal share of the contractual commitment at that time.

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:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, 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.
2. Provide assistance in overcoming limitations such as inability to obtain bonding, lines of credit, and/or insurance requirements.
3. Providing technical assistance and other services;
4. Carrying out information and communication on DDOT contracting procedures and specific contract opportunities.
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs, and other small businesses, improving long-term development, increase opportunities to participate in a variety of kinds of work, handling increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

DDOT will use contract goals to meet any projection of the portion of the overall goal that DDOT expects to meet using race-neutral means. DDOT will establish contract goals to meet any portion of DDOT overall goal it does not project being able to meet using race-neutral means. DDOT will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. DDOT does not need to 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).

To ensure DDOT's DBE program continues to be narrowly tailored to overcome the effects of discrimination, DDOT will adjust the use of contract goals. DDOT will maintain data separately on DBE achievement in those contracts with and without contract goals.

GOOD FAITH EFFORTS PROCEDURES – SECTION 26.53

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

When a contract-specific DBE goal is included in a procurement or solicitation, DDOT will not award the contract to a bidder unless the bidder:

1. Meets the DBE goal with verified, countable DBE participation, or
2. Documents adequate good faith efforts to meet the DBE goal, despite being unable to do so.

It is the bidder's responsibility to demonstrate sufficient good faith efforts prior to bid submission.

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

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.

In DDOT solicitations for DOT-assisted contracts for which a contract goal has been established, DDOT will require 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) The reward of the contract will be conditioned on meeting the requirement of Part 26:53;
- b) All bidders will be required to submit the following information to DDOT, at the time providing under sealed bid procedures as a matter of responsiveness, or with initial proposals, under contract negotiation procedures:
 - c) The names and addresses of DBE firms that will participate in the contract;
 - d) (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - e) (iii) The dollar amount of the participation of each DBE firm participating;
 - f) (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - g) (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment. Each DBE listed to perform work as a regular dealer or distributor must confirm its participation according to the requirements of [paragraph \(c\)\(1\)](#) of this section.
 - h) (vi) If the contract goal is not met, evidence of good faith efforts (see [Appendix A of this part](#)). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and

The bidder must present the information under sealed bid procedures as a matter of responsiveness, or with initial proposals, under contract negotiation procedures; or no later than 5 days after bid opening as a matter of responsibility.

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(c)

DDOT will ensure all information is complete and accurate and adequately documented by the bidder's good faith efforts before committing yourself to the performance of the contract by the bidder.

Administrative Reconsideration: §26.53(d)

If a bidder is deemed non-responsive due to insufficient good faith efforts, they may request administrative reconsideration within five (5) days of notification from DDOT.

Request Process: The request must be submitted in writing to:

Reconsideration Official
Executive Director of Transportation
Detroit Department of Transportation
100 Mack, Detroit, MI 48201
(313) 833-1123 | Robert.Cramer@detroitmi.gov

The reconsideration official will be independent and will not have participated in the original determination.

Reconsideration Procedure:

- The bidder may submit written documentation or arguments addressing whether they met the DBE goal or made adequate good faith efforts.
- The bidder will have the option to meet in person with the reconsideration official to present their case.

- DDOT will provide a written decision explaining the basis for its determination.

Final Decision: The reconsideration decision is final and not subject to further appeal within the U.S. Department of Transportation (DOT).

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

Prior Written Consent for Termination. Prime contractors must not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without prior written consent from DDOT. Consent will only be granted if there is "good cause" for termination, as defined in Section 26.53(f)(3) of the DBE regulation.

Notification & DBE Response. Before requesting termination approval from DDOT, the prime contractor must:

- Provide a written notice to the DBE with its intent to terminate.
- Send a copy of the notice to DDOT before DDOT considers the request.
- Allow the DBE five (5) days to respond and object to the termination.

Replacement & Good Faith Efforts. - If termination is approved, the prime contractor must:

- Make good faith efforts to replace the DBE with another certified DBE to meet the contract goal.
- Immediately notify the DBE Liaison Officer of the DBE's inability or unwillingness to perform and provide reasonable documentation.
- Obtain prior approval from DDOT for the substitute DBE and submit new or amended subcontracts or documentation of good faith efforts.

Enforcement & Compliance. Failure to comply may result in:

- Payment/work stoppage until corrective action is taken.
- Contract termination for default if non-compliance persists.

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 apply the certification standards outlined in Subpart D of Part 26 to assess firm eligibility for DBE participation in DOT-assisted contracts. To qualify as a DBE, a firm must meet all certification eligibility criteria. Certification decisions will be based on a comprehensive evaluation of all relevant facts.

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

Alicia Miller
100 Mack Avenue
Detroit, MI 48201
313-244-2327
alimil@detroitmi.gov

or

DDIT DBE Website

<https://detroitmi.gov/departments/detroit-department-transportation/ddot-performance-dashboard/disadvantaged-business-enterprise>

DDOT uses the following B2Gnow web-based software for DBE/ACDBE certification:

<https://detroitdot.dbesystem.com/?TN=detroitdot>

SUBPART E - CERTIFICATION PROCEDURES

UNIFIED CERTIFICATION PROGRAMS - SECTION 26.81

DDOT is a member of the Michigan Unified Certification Program (MUCP), administered by the State of Michigan, which complies with all requirements of this section. The MUCP offers a streamlined, "one-stop" certification process for firms seeking Disadvantaged Business Enterprise (DBE) certification under 49 CFR Part 26. Firms certified through MUCP are eligible to participate as DBEs on any federally funded airport, highway, or transit contract. Prospective DBE/ACDBE applicants can submit their application and supporting documents to any 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

Wayne County Airport
Dawn Lee-Cotton, Human Relations
Wayne County Human Relations
500 Griswold, 15th floor
Detroit, MI 48226
313-224-5021
313-224-6932
JAMORE@waycounty.com

Detroit Department of Transportation
Alicia Miller, DBE Manager
100 Mack Avenue
Detroit, MI 48207
313-244-2327
DDOT-DBE@detroitmi.gov

PROCEDURES FOR CERTIFICATION DECISIONS - SECTION 26.83 (a-i)

The following procedures will be used to make certification decisions:

1. DDOT will ensure only firms certified as eligible DBEs participate as DBEs in DDOT's program.
2. We will determine the eligibility of a firm as DEBs consistent with the standards of Part 26 Subpart D.
3. DDOT will follow the steps to determine whether a DBE firm meets the standards of subpart D. DDOT will use the application form available at <https://transportation.gov/DBEFORMS> without change or revision. DDOT will ensure the SEDO signs the Declaration of Eligibility (DOE) at the end of the Uniform Certification Application (UCA). A review all information on the form prior to making a decision about the eligibility of the firm.
4. When another certifier makes a written request for certification information obtained about a firm, such as application materials or report of a site visit, DDOT will promptly make the information available to the other certifier.
5. DDOT will safeguard from disclosure to unauthorized persons information gathered as part of the certification process that may reasonably be regarded as proprietary or confidential business information, consistent with applicable Federal, state, and local law.

6. The firm will remain certified unless and/or until the certifier removes certification through the procedures of 26.87.
7. DDOT will not require a DBE to reapply for certification, renew its certification, undergo a recertification, or impose any functionally equivalent requirement.
8. DDOT may conduct a certification review at our discretion and make unannounced visits to the DBE's offices and/or job site and rely on another certifier's report of its OSR of the DBE.
9. DDOT requires DBEs to submit in written any changes in circumstances affecting their ability to meet size, disadvantaged status, ownership, or control requirements or materials
10. DDOT will advise each applicant within 30 days of filing whether the application is complete and suitable for evaluation and, if not, what additional information or action is required.
11. Final eligibility within 90 days of receiving all information required from an applicant under this part.
12. A DBE must provide every year on the anniversary of its original certification, a new DOE along with the specified documentation in 26.65, including gross receipts for its most recently completed fiscal year, calculated; on a cash basis regardless of the DBE's overall accounting method.
13. If an applicant for DBE certification withdraws its application before the certifier issues a decision, the applicant can resubmit the application at any time.
14. 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).

INTERSTATE CERTIFICATION – SECTION 26.85

When a DBE applies to DDOT for certification, DDOT will accept the DBE's certification from its jurisdiction of original certification (JOC). The JOC is the State in which the firm maintains its principal place of business at the time of application unless and until the firm loses certification in that jurisdiction.

Application procedure. To obtain certification, the DBE must provide DDOT.

- (1) A cover letter that specifies that the DBE is applying for interstate certification, identifies all UCPs in which the DBE is certified (including the UCP that originally certified it)
- (2) An electronic image of the UCP directory of the original UCP that shows the DBE certification; and
- (3) A new DOE.

Confirmation of eligibility. DDOT will confirm the certification of the DBE, preferably by reference to the UCP directory of the JOC, within 10 business days of receiving the required documents.

Certification. If the DBE fulfills the requirements and the UCP confirms the DBE's certification, DDOT will certify the DBE immediately without undergoing further procedures and provide the DBE with a letter documenting its certification.

Noncompliance. Failure to comply is considered non-compliance with this part.

Post-interstate certification proceedings.

1. After DDOT certifies the DBE, DDOT may request a fully unredacted copy of all, or a portion of the DBE's certification file from any other UCP in which the DBE is certified
2. A UCP has 30 days to provide a complete unredacted copy of the DBE's certification materials to the additional UCP within 30 days of receiving the request.
3. Once the new UCP certifies, then it must treat the DBE as it treats other DBEs, for all purposes.
4. The DBE must provide an annual DOE with documentation of gross receipts, to DDOT on the anniversary date of the DBE's original certification by its JOC.

Interstate Decertification.

1. If DDOT has reasonable cause to remove a DBE's certification, in whole or in part (*i.e.*, NAICS code removal), it will notify the other UCPs in which the DBE is certified via email.
2. The notice will explain the UCP's reasons for believing the DBE's certification should be removed within 30 days of receiving the notice, the other jurisdictions responses may written argument or evidence to remove certification.
3. After DDOT receives all timely responses, it must make an independent decision whether to issue a NOI and what grounds to include.
4. Other UCPs may, before the hearing, submit written arguments and evidence concerning whether the firms should remain certified, but may not participate in the hearing.
5. If DDOT finds the firm ineligible the firm immediately loses certification in all jurisdictions in which it is certified.
6. DDOT will provide due process to DBEs that are decertification under Part 26.85. The NOD must include appeal instructions provided on the Departmental Office of Civil Rights' web page, available at <https://www.transportation.gov/dbeappeal>. DDOT will must email a copy of its decision to the other jurisdictions within 3 business days.
7. The rules of paragraph (h) do not apply to attempts to decertify based upon a DBE's actions or inactions pertaining to §§ 26.83(j) (Declaration of Eligibility) and 26.109(c) (failure to cooperate).
8. DDOT will provide due process to DBEs. If DDOT decides not to issue a NOD removing the DBE's certification, no jurisdiction may initiate decertification proceedings, within one year, on the same or similar grounds and underlying facts. If a DBE believes a UCP unfairly targets it with repeated decertification attempts, the DBE may file a complaint to FTA Regional 5 office.
9. The Department's appeal decisions are binding on all UCPs unless stated otherwise.

DECISION LETTER – 28.86

DDOT denies a firm's request for certification or decertifies the firm, DDOT will provide the firm with a NOD explaining the reasons for the adverse decision, specifically referencing the evidence in the record that supports each reason. DDOT will also include verbatim, the instructions found on the Departmental Office of Civil Rights' web page.

DDOT will promptly provide the applicant with copies of all documents and other information on which the denial is based if the applicant requests them. DDOT established a waiting period for reapplication of 12 months. That period begins to run the day after the date of the decision letter

is emailed. After the waiting period expires, the denied firm may reapply to any member of the UCP that denied the application. DDOT will inform the applicant of that right and specify the date the waiting period ends in its decision letter.

DECERTIFICATION - SECTION 26.87

To decertify a DBE, DDOT will prove, by preponderance of the evidence, that the DBE no longer meets eligibility standards. Decertification proceedings will be initiated by DDOT or in the direction of an Oversight Agency (OA), or through a detailed complaint from an external party.

The process begins with a Notice of Intent (NOI), outlining reasons and evidence for decertification, and offering the DBE a chance to respond in writing or request a hearing. If a hearing is held, DDOT will follow an informal structure, allowing both sides to present their case. A decision-maker, separate from those involved in initiating the decertification, makes the final determination.

If decertified, the DBE remains ineligible for future contracts but may continue ongoing work in limited cases. Any changes to contract participation due to decertification must comply with federal DBE participation requirements.

SUMMARY SUSPENSION OF CERTIFICATION - SECTION 26.89

Summary suspension is an urgent measure used when compliance issues cannot be resolved promptly. A DBE's certification is suspended immediately upon electronic notification. During suspension, the DBE cannot be counted toward contract goals for new agreements. Suspensions can be mandatory (e.g., fraud or criminal activity) or elective (e.g., threats to program integrity or failure to submit required documents). DDOT will issue a Summary Suspension Notice (SSN), providing reasons, evidence, and details of a required show-cause hearing. The DBE must respond within set deadlines to contest the suspension. If DDOT does not lift the suspension or issue a Notice of Decertification (NOD) within 30 days, DDOT will reinstate the DBE's certification. DBEs may appeal final decisions but not the suspension itself, except in cases of procedural violations.

DBE CERTIFICATION APPEALS-SECTION - 26.89

Applicants and decertified firms may appeal adverse Notices of Decision (NODs) to the Department within 45 days. Complainants or Operating Administrations may also appeal if a DDOT upholds DBE eligibility.

FTA reviews appeal based on the existing administrative record and does not conduct new hearings. It may affirm, reverse, or remand decisions but does not issue advisory opinions. Non-compliant or frivolous appeals may be dismissed. DDOT will post final decisions publicly and remain in effect unless it is overturned. Appeals must follow submission guidelines, and DDOT will provide requested records within 20 days.

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

SUBPART F - COMPLIANCE AND ENFORCEMENT

INFORMATION, CONFIDENTIALITY, COOPERATION - SECTION 26.101 & 103

DDOT understands that a failure to comply with DBE program requirements may result in formal enforcement actions, program sanctions, or suspension of federal funds. Enforcement measures may include project delays, grant denials, or contract refusals until deficiencies are corrected.

Anyone can file a noncompliance complaint within 180 days of an alleged violation. DOT may also conduct compliance reviews at any time. If noncompliance is found, recipients receive reasonable cause notice and have 30 days to respond.

DDOT may request conciliation, lasting 30–120 days, to reach a compliance agreement. If conciliation fails, enforcement proceedings begin, and all DOT offices must adhere to the final enforcement decision.

ENFORCEMENT ACTIONS FOR DBE PROGRAM VIOLATIONS - 26.107

Firms that misrepresent their eligibility or engage in fraudulent practices to participate in the DBE program may face suspension or debarment under 2 CFR parts 180 and 1200. This includes:

- Firms falsely claim DBE status.
- Firms use ineligible businesses to meet DBE requirements through fraud.

Even if a firm has been certified as a DBE, the DOT may still pursue suspension or debarment if fraud is found. Additional enforcement actions may include:

- Civil penalties under 49 CFR Part 31 for fraudulent conduct.
- Criminal prosecution by the Department of Justice under 18 U.S.C. 1001 for false statements.

RULES ON INFORMATION, CONFIDENTIALITY, COOPERATION, AND RETALIATION – 26.109

Records & Confidentiality. The DOT follows FOIA and Privacy Act rules but does not disclose confidential business information without written consent, except for certification appeals. Complainant identities remain confidential, unless disclosure is necessary for due process.

Cooperation. All participants, including DBEs, contractors, and complainants, must fully cooperate with compliance reviews, investigations, and information requests. Non-cooperation may result in sanctions, decertification, or dismissal of complaints/appeals.

No Retaliation. Intimidation, threats, or discrimination against individuals or firms involved in DBE complaints or investigations is strictly prohibited and considered noncompliance.

FY2025 DBE PROGRAM SUBMISSION

This DBE program was submitted by Alicia Miller, Compliance Manager/DBELO, on February 52025.