



301 East Belt Boulevard
Richmond, VA 23224



Disadvantaged Business Enterprise Program Plan

Update February, 2025



Table of Contents

Subpart A - General Requirements

- Objectives/Policy Statement (§26.1, §26.23) 1
- Applicability (§26.3)..... 2
- Nondiscrimination Requirements (§26.7) 2
- Definitions of Terms (§26.5) 2
- Record Keeping Requirements (§26.11) 6
- Pass-Through Recipients 6
- Bidders List 7
- Assurances (§26.13) 7
- Federal Financial Assistance Agreement Assurance 7
- Contract Assurance 7

Subpart B- Administrative Requirements

- DBE Program Updates (§26.21)..... 8
- DBE Liaison Officer (DBELO) (§26.25) 8
- DBE Financial Institutions (§26.27) 9
- Prompt Payment Mechanisms (§26.29)..... 9
- Directory (§26.31)..... 10
- Overconcentration (§26.33) 10
- Business Development Programs (§26.35)..... 10
- Monitoring and Enforcement Mechanisms (§26.37) 11
- Fostering Small Business Participation (CFR §26.39): 11

Subpart C- Goals, Good Faith Efforts, and Counting

- Quotas (§26.43) 14
- Overall Goals (§26.45)..... 14
- Amount of goal 14
- Method 14
- Goal Setting and Accountability (§26.47) 14
- Transit Vehicle Manufacturers Goals (TVM) (§26.49) 15
- Breakout of Estimated Race-Neutral and Race-Conscious Participation 15



Contract Goals (§26.51) 16

Good Faith Efforts (§26.53) 17

Information to be submitted..... 17

Demonstration of good faith efforts 18

Administrative reconsideration 18

Good Faith Efforts when a DBE is replaced on a contract 19

Counting DBE Participation (§26.55) 19

Subparts D & E- Certification

Certification (§§26.61 – 26.91)..... 22

Process..... 22

Unified Certification Program 22

Certification Appeals 22

“Recertification’s” 23

“No Change” Affidavits and Notices of Change 23

Personal Net Worth..... 23

Subpart F- Compliance and Enforcement

Information Collection and Reporting (26.109)..... 24

Confidentiality..... 24

Monitoring Payments to DBEs 24

Reporting to DOT 24

Contract Updates..... 24

Appendix A

Organization Chart 25

Appendix B

Uniform Certification Application 27

Appendix C

Personal Net Worth Statement..... 44

Appendix D

DBE Interstate Certification affidavit..... 53



Appendix E

DBE Unified Certification program affidavit of change..... 55

Appendix F

Virginia Unified Certification Program Notice of Change..... 59

Attachment 1

DBE Directory 67

Attachment 2

Monitoring and Enforcement Mechanisms/Legal Remedies 69

Attachment 3

Forms 1-3 for DBE Demonstration of Good Faith Efforts 71



Subpart A - General Requirements

Policy Statement

Objectives/Policy Statement (§26.1, §26.23)

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

It is the policy of GRTC to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also GRTC's 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; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Antionette Haynes, Procurement Specialist has been delegated as the DBE Liaison Officer. In that capacity, Antionette Haynes, Procurement Specialist, 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 GRTC in its financial assistance agreements with the Department of Transportation.

GRTC has disseminated this policy statement to the GRTC Board of Directors and all the components of its organization. GRTC has distributed this statement to DBE and non-DBE business communities that perform work for GRTC on DOT-assisted contracts via press releases to all electronic and print media and by mail to the local disadvantaged business development organizations and local disadvantaged vendors.

Sheryl Adams

Sheryl Adams

02/26/2025

Date



Applicability (§26.3)

The DBE Program shall apply to contracts awarded subject to USDOT DBE regulations 49 CFR Part 26.

Nondiscrimination Requirements (§26.7)

GRTC 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, GRTC 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.

Definitions of Terms (§26.5)

GRTC has adopted the definitions contained in 49 CFR Section 26.5 for this program. These definitions are as follows:

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

1. Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:
 - i. One concern controls or has the power to control the other; or
 - ii. A third party or parties controls or has the power to control both; or
 - iii. An identity of interest between or among parties exists such that affiliation may be found.
2. In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native. Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq.).

Compliance means that a recipient has correctly implemented the requirements of this part.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For the purposes of this part, a lease is considered to be a contract.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Department or DOT means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged business enterprise or DBE means a for-profit small business concern—

1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

DOT/SBA Memorandum of Understanding or MOU refers to the agreement signed on November 23, 1999, between the Department of Transportation (DOT) and the Small Business Administration (SBA) streamlining certification procedures for participation in SBA's 8(a) Business Development (8(a) BD) and Small Disadvantaged Business (SDB) programs, and DOT's Disadvantaged Business Enterprise (DBE) program for small and disadvantaged businesses.

Good faith efforts mean efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Home state means the state in which a DBE firm or applicant for DBE certification maintains its principal place of business.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally owned concern" in this section.



Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Liabilities mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or OA means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The “Administrator” of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual’s personal net worth does not include: The individual’s ownership interest in an applicant or participating DBE firm; or the individual’s equity in his or her primary place of residence. An individual’s personal net worth includes only his or her own share of assets held jointly or as community property with the individual’s spouse.

Primary industry classification means the North American Industrial Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the *North American Industry Classification Manual—United States, 1997* which is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA, 22161; by calling 1 (800) 553-6847; or via the Internet at: <http://www.ntis.gov/product/naics.htm>

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm’s day-to-day operations spend most working hours and where top management’s business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

Program means any undertaking on a recipient’s part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or SBA means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT- assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in § 26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

1. Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.
2. Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

Black Americans, which includes persons having origins in any of the Black racial groups of Africa;

Hispanic Americans, which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

Native Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;

Asian-Pacific Americans, which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia,

Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;

Subcontinent Asian Americans which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

3. Women;

4. Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

Spouse means a married person, including a person in a domestic partnership or a civil union recognized under State law.

Transit Vehicle Manufacturer means any manufacturer whose primary business purpose is to manufacture vehicles specifically built for public mass transportation. Such vehicles include, but are not limited to: Buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Producers of vehicles that receive post-production alterations or retrofitting to be used for public transportation purposes (e.g., so-called cutaway vehicles, vans customized for service to people with disabilities) are also considered transit vehicle manufacturers. Businesses that manufacture mass-produce, or distribute vehicles solely for personal use and for sale “off the lot” are not considered transit vehicle manufacturers

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

Unsworn Declaration is a written statement that is signed but not under oath. It is subject to the penalty for perjury in the state where it is made.

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., ‘You must do XYZ’ means that recipients must do XYZ).

Record Keeping Requirements (§26.11)

GRTC will report DBE participation on a semi-annual basis, June 1 and December 1 of the first half and second half of the federal fiscal year using the Uniform Report of Awards or Commitments and Payments (Attachment A) to the Federal Transit Administration (FTA). These reports will reflect payments actually made to DBEs on USDOT- assisted contracts.

Pass-Through Recipients

Sub-recipients will be required to report contract awards, DBE commitments, prime and subcontract payments other requested information to HRPDC/HRTPO quarterly. HRPDC/HRTPO will include pass-through recipient activity in our semi-annual reports based on the project data provided. Semi-annual report data includes:

A. Awards

B. Commitments



- C. Payments to prime contractors and consultants
- D. Payments to DBE subcontractors and sub-consultants

Bidders List

GRTC 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 for calculating overall goals. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

GRTC will collect this data through VDOT's pre-qualification and certification processes in addition to requesting information from the prime contractor at time of bid.

Assurances (§26.13)

Federal Financial Assistance Agreement Assurance

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

GRTC 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. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's 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 GRTC of its failure to carry out its approved program, DOT may impose sanctions 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.).

Contract Assurance

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

The contractor 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.



Subpart B- Administrative Requirements

DBE Program Updates (§26.21)

GRTC will continue to carry out this program until all funds from DOT financial assistance have been expended. GRTC will provide to DOT updates representing significant changes in the program.

DBE Liaison Officer (DBELO) (§26.25)

GRTC has designated the following individual as our DBE Liaison Officer:

Antionette Haynes, Procurement Specialist

GRTC

301 East Belt Boulevard

Richmond, VA 23224

ahaynes@ridegrtc.com

In this capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that GRTC complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer (CEO) concerning DBE program matters. Additionally, the DBELO has access to all Virginia Department Small Business and Supplier Diversity (SBSD) staff and resources affiliated with implementing all aspects of the DBE program. An organization chart displaying the DBELO's position in the organization is found in **Appendix A** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Ensures that third party contracts and purchase requisitions are in compliance with this program.
3. Works with all departments to set an annual overall system goal.
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 (both race-neutral methods and race-conscious goals) and monitors results.
6. Analyzes GRTC's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Works with project directors to determine contractor compliance with good faith efforts.
11. Plans and participates in DBE training seminars.
12. Provides information on the DBE certification process and requirements and works with interested firms to facilitate their VDOT Certification.

- 13. Acts as liaison to the Uniform Certification Process in Virginia.
- 14. Provides outreach to DBEs and community organizations to advise them of opportunities.
- 15. Ensures that copies of the SBSB Directory are available to GRTC staff.

DBE Financial Institutions (§26.27)

It is the policy of GRTC 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 contracts to make use of these institutions.

In an effort to identify and use such institutions GRTC has researched the availability of DBE owned financial institutions at: <http://www.federalreserve.gov/releases/mob/>. GRTC will review the list every three years when setting our DBE goal to identify minority owned banks to participate in GRTC's DBE Program.

There are no DBE financial institutions in the state of Virginia.

Prompt Payment Mechanisms (§26.29)

GRTC 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 10 days from the receipt of each payment the prime contractor receives from GRTC. The prime contractor agrees further to return retainage payments to each subcontractor within 10 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above-referenced timeframe may occur only for good cause following written approval of GRTC. This clause applies to both DBE and non-DBE subcontractors.

Additionally, GRTC will include the following information for noncompliance to the prompt payment clause:

- 1. If the prime contractor fails to pay the subcontractor within 10 days, the prime contractor must notify GRTC and the subcontractor, in writing, of its intention to withhold all or a part of the subcontractor's payment with the reason for nonpayment.
- 2. The contractor is obligated to pay interest to the subcontractor on all amounts owed by the contractor that remain unpaid after 10 days following receipt by the contractor of payment from GRTC for work performed by the subcontractor under that contract, except for amounts withheld as allowed in subdivision (1.) of this section. Unless otherwise provided under the terms of the contract, interest shall accrue at the rate of one percent per month, except for the amounts withheld. Notification of failure by the contractor to make prompt payment to the subcontractor as hereinbefore provided will result in notification to the contractor bonding company by GRTC.



3. Should either the prime contractor or subcontractor advise GRTC of a payment issue involving a DBE contractor, the DBELO officer shall be notified so as to investigate, as appropriate.

Directory (§26.31)

Per revision to the Unified Certification Program (UCP) agreement for the Commonwealth of Virginia executed in 2004, the Virginia Department of Small Business and Supplier Diversity (SBSD) will process DBE certifications. SBSBD maintains a statewide directory of DBEs. The directory is available on its website and lists the firm's name, address, telephone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. The directory is updated daily. The directory is available by contacting GRTC's DBELO or by contacting SBSBD at the following addresses:

GRTC Procurement Specialist /Antionette Haynes

DBE Liaison Officer
301 East Belt Boulevard
Richmond, Virginia 23224
804-358-3871

Virginia Department of Small Business and Supplier Diversity

101 N. 14th Street, 11th Floor
Richmond, VA 23219
Phone: (804) 786-6585
<http://sbsd.virginia.gov>

Overconcentration (§26.33)

GRTC has not identified an overconcentration in any type of work. GRTC will review DBE participation reports and statistical reports on an annual basis to determine if overconcentration of DBE's have become a problem. If GRTC determines that DBE firms are overconcentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work, GRTC will devise appropriate measures to address this overconcentration and obtain the approval of the USDOT administration.

Business Development Programs (§26.35)

GRTC does not have a business development or mentor-protégé program. However, information regarding these programs can be obtained by contacting:

VDOT Business Opportunity and Workforce Development Center (BOWD) Center

804-662-9555
804-662-9570 fax
BOWDCenter@vdot.virginia.gov

Monitoring and Enforcement Mechanisms (§26.37)

1. GRTC 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
2. §26.109.
3. GRTC also will consider similar action under its own legal authorities, including responsibility determinations in future contracts.
4. GRTC will maintain a running tally of payments actually made to DBE firms and may require prime contractors and DBE subcontractors and suppliers to provide appropriate documentation to verify such payments. Credit toward overall or contract goals will only be given upon satisfactory evidence that payments were actually made to DBEs.
5. GRTC may 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 stated in the report of proposed DBE participation.

Attachment 3 lists the regulations, provisions, and contract remedies available to GRTC in the event of non-compliance with the DBE regulation by a participant in our procurement activities.

Fostering Small Business Participation (CFR §26.39):

GRTC's policy is to promote equal opportunity and nondiscrimination in all of its procurement matters in accordance with State and federal laws. GRTC's Small Business Participation Program was created to increase opportunities for small businesses to participate in contracting and procurement at GRTC. By formalizing existing practices and implementing new procedures, the program will allow GRTC to target more effectively small business participation opportunities in GRTC contracting and procurement.

The goals of GRTC's Small Business Participation Program are:

1. Identify and eliminate all obstacles to the successful participation of DBEs and other small businesses in the GRTC federal-aid program, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.
2. GRTC will employ outreach mechanisms on an on-going basis to encourage the small business community to take part in GRTC contracting opportunities.
3. Develop and maintain a system for implementing, documenting, monitoring, evaluating, and reporting the program's effectiveness, its strengths and weaknesses, and other outcomes, including all performance goals and measures.

Strategies to promote small business participation:

I. Unbundling Contracts

In order to foster small business participation in DOT assisted contracts, GRTC will do the following:

- On all prime contracts valued at \$50,000 or more and not having DBE contract goals, GRTC will make every effort towards unbundling the contracts to allow certified small businesses to compete for smaller, more manageable contracts. GRTC will evaluate each contract separately and decide, based on the scope of work and availability of small businesses to perform work activities, whether small business participation should be a required element of the contract.
- If small business participation is expected for a project, the Request for Proposals (RFP) will require bidders to explain how they propose to meet the small business requirement. Bidders must show a good faith effort in achieving small business involvement and include documentation of efforts if they are unable to achieve satisfactory small business participation. The RFP will clearly state that small business participation is race/gender neutral.
- GRTC will send solicitations directly to small businesses where applicable.

II. Small Business Procurement Oversight

GRTC will actively encourage and assist internal agency project managers to utilize certified DBE's and small businesses in GRTC procurement actions through the involvement of the DBE Program Coordinator. The DBE Program Liaison is appointed by the Chief Executive Officer and reports directly to the Chief Executive Officer on all matters pertaining to the DBE Program. The Program Liaison is responsible for DBE and small business program coordination and enforcement and works closely with the Purchasing Department in day-to-day implementation of the program.

- All GRTC purchase orders will be reviewed by the Procurement Department and project manager to ensure that minimum acceptable specifications for those goods and/or services are met. When making purchases, the requestor who is responsible for purchase decisions shall consult the GRTC DBE Program Liaison who will work with the Virginia Department of Small Business and Supplier Diversity to identify approved vendors. If such a vendor is identified, the potential contractor will be notified by the Liaison that GRTC is considering an expenditure that the DBE firm may be in a position to satisfy. All requestors shall employ all reasonable means of identifying DBE and small business vendors. If no DBE or small business can be found, the requestor should document the steps taken on the purchase requisition form.

III. Outreach

- GRTC will compile an ongoing comprehensive list of DBEs and small businesses ready, willing and able to bid on our contracts. Every effort will be made to identify small businesses in the community and assist them in the DBE certification process to ensure as many as possible eligible DBEs are participating. As contracting opportunities become available GRTC will inform DBEs and small businesses and offer whatever assistance



is needed including meeting with professional trade groups such as the Association of General Contractors (AGC), hosting pre-bid conferences, project scope of work pre-bid inspections and post –bid conferences.

- GRTC will implement an outreach program directed to the small business community through Public Notice in the Richmond Times Dispatch, Richmond Free Press and Business Trade Magazines along with collaboration with organizations such as the Virginia Minority Supplier Development Council, Metropolitan Business League and the Virginia Hispanic Chamber of Commerce. GRTC will host periodic pre-bid conferences, seminars, workshops and business fairs to inform and encourage participation.

Subpart C- Goals, Good Faith Efforts, and Counting

Quotas (§26.43)

GRTC does not use quotas in any way in the administration of this DBE program.

Overall Goals (§26.45)

Amount of goal

GRTC will establish overall goals every three years as required by DBE regulations. This goal excludes FTA funds to be used for the purchase of transit vehicles.

Method

The following is a summary of the method GRTC used to calculate this goal:

The method used to calculate the relative availability of DBEs “base figure” for Step 1 of the process was taken from Example 4 of §26.45, which suggests the use of the overall goal set by other DOT recipients in a similar or substantially similar market. GRTC chose to use VDOT’s overall goal as the “base figure” for Step 1 of the overall goal setting process. VDOT’s overall goal was set in compliance with 49 CFR Part 26.

Step 2 of the overall goal setting process is intended to adjust the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation GRTC expects in the absence of discrimination. GRTC’s DBE participation rate over the last three (3) years is used to adjust this base figure.

In order for GRTC to adjust the base figure for differences in its local market and contracting program, GRTC averaged VDOT’s goal and GRTC’s three-year participation rate. GRTC also reduces this figure with the anticipation that some applicants will not certify under the new certification process.

Goal Setting and Accountability (§26.47)

If awards and commitments shown on GRTC’s Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, GRTC will analyze in detail the reason for the difference between the overall goal and the actual awards/commitments and establish specific steps and milestones to correct the problems identified in the analysis then submit the plan to FTA within 90 days of the end of the affected fiscal year.

Process

GRTC submits its overall goal to DOT on August 1, every three years as determined by the FTA.

Before establishing the overall triennial goal, GRTC will consult with Virginia’s Department of Small Business and Supplier Diversity, the Metropolitan Business League of Richmond, the Business Resource Center of the Richmond Metropolitan Chamber of Commerce, the National Disadvantaged



Purchasing Council Guide, trade associations, local business development organizations, community organizations and other transit agencies to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination in opportunities for DBEs, and GRTC's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, GRTC will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at its principal office for 30 days following the date of the notice, and informing the public that GRTC and DOT will accept comments on the goals for 45 days from the date of the notice.

GRTC publishes the overall goal of the DBE program on our website and in the following newspapers:

Richmond Times-Dispatch

333 East Grace Street
Richmond, Virginia 23219

Richmond Free Press (Minority Owned Entity)

422 East Franklin Street
Richmond, Virginia 23219

Normally, GRTC will issue this notice by June 1, of a three-year period. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

GRTC's overall goal submission to DOT will include a summary of information and comments received during this public participation process and GRTC's responses.

GRTC will begin using its overall goal on October 1, of the triennial cycle, unless it has received other instructions from DOT.

Transit Vehicle Manufacturers Goals (TVM) (\$26.49)

GRTC 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, GRTC 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.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

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

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small businesses participation;

2. Providing technical assistance and other services.
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities.
4. 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 through SBSB.
5. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of work, handle increasingly significant projects, and achieve eventual self-sufficiency.
6. Ensuring distribution of GRTC's DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
7. Assisting DBEs and other small businesses to develop their capability to utilize emerging technology and conduct business through electronic media.

Over a three-year period, GRTC estimates that, in meeting its overall goal, it will obtain a percentage from race-neutral participation and a percentage through race-conscious measures.

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation:

The estimate for determining race-neutral and race-conscious participation was based on GRTC's past DBE participation rates where we have previously met DBE goals with the use of contract goals. In the past, approximately 50% of our DBE participation has been through race-neutral measures and 50% from race-conscious measures.

GRTC will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Contract Goals (§26.51)

GRTC will use contract goals to meet any portion of the overall goal it 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 the overall goal that is not projected to be met through the use of race-neutral means.



GRTC will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. GRTC need 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).

GRTC will express its contract goals as a percentage of the total amount of a DOT-assisted contract.

Good Faith Efforts (§26.53)

Information to be submitted

GRTC treats bidders/offerors' 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/offerors to submit Schedule C Form with the following information within 30 days after opening of the bids:

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 participation.
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 contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Design -Bid-Build

The DBE Liaison reviews the documents submitted by the bidder/offeror to determine if the bidder/offeror has committed to meeting the DBE goal or upon initial review has demonstrated adequate good faith efforts.

Design Build

1. The VDOT Civil Rights Division received approval from FHWA in February 2014 to utilize Special Provision 107.15 - Use of Disadvantaged Business Enterprises on Design Build Projects. This Special Provision provides design-build contractors the flexibility of identifying sub-consultants during the design phase and subcontractors during the construction phase of the project.
2. **Design Phase:** Thirty (30) days after the Notice to Proceed for Design, the Design Builder shall submit to the DBE Liaison for review and approval Schedule C Form and Intent to Perform for each DBE firm to be utilized during the design phase to meet the DBE minimum requirement. Failure to submit the required documentation within the specified timeframe shall be cause to deny credit for any work performed by a DBE firm and delay approval of the Design-Builder's monthly payment.



3. Construction Phase: No later than thirty (30) days prior to the DBE firm undertaking any work, Design-Builder shall submit to DBE Liaison for review and approval Schedule C Form and Attachment S Form. Failure to submit the required documentation within the specified timeframe shall result in disallowed credit of any work and delay approval of monthly payment.

Demonstration of good faith efforts

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The following personnel provide advice in determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive:

Antionette Haynes/ Procurement Specialist DBE Liaison Officer
GRTC
301 East Belt Boulevard
Richmond, Virginia 23224
804-358-3871

GRTC will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before it commits to the performance of the contract by the bidder/offeror

Administrative reconsideration

Within 7 days of being informed by GRTC that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidders/offerors should make this request in writing to the following reconsideration official:

Chief Executive Officer
GRTC
301 East Belt Boulevard
Richmond, Virginia 23224
804-358-3871

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

As part of this reconsideration, the bidder/offeror 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/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The reconsideration official will send the bidder/offeror 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 Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract

GRTC will require a 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 and the intent practicable. GRTC 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, GRTC will require the prime contractor to obtain its 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, GRTC'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.

Counting DBE Participation (§26.55)

GRTC will count DBE participation toward overall and contract goals in accordance with 49 CFR 26.55 as noted below:

- A.** When a DBE participates in a contract, only the value of the work actually performed by the DBE is counted towards the DBE goal.
 - i.** This amount includes the entire amount of that portion of a construction contract that is performed by the DBE's own forces. This amount includes the cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate).
 - ii.** This amount includes the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of the contract, towards the DBE goal, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services.
 - iii.** When a DBE subcontracts part of its work under the contract to another firm, the value of the subcontract work may be counted towards the DBE goal only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count towards the DBE goal.
- B.** When a DBE performs as a participant in a joint venture, the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that a DBE performs with its own forces towards the DBE goal may be counted.

- C.** Expenditures to a DBE contractor towards the DBE goal may be counted only if the DBE is performing a commercially useful function on that contract.
- i.** A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, GRTC will consider the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.
 - ii.** A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation.
 - iii.** If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or if the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work, GRTC will presume that the DBE is not performing a commercially useful function.
- D.** The following factors will be used by GRTC in determining whether a DBE trucking company is performing a commercial useful function:
- i.** The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible for on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting the DBE goal.
 - ii.** The DBE must itself own and operate at least one fully licensed, insured and operational truck used on the contract.
 - iii.** The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers, it employs.
 - iv.** The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
 - v.** The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.
 - vi.** The lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the terms of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

- E.** The following factors will be used to count expenditures with DBEs for materials or supplies towards the DBE goal:
- i.** If the materials or supplies are obtained from a DBE manufacturer, 100 percent of the cost of the materials or supplies will be counted towards the DBE goal. A manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the contract.
 - ii.** If the materials or supplies are purchased from a DBE regular dealer, 60 percent of the cost of the materials or supplies will be counted towards the DBE goal. A regular dealer is a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone or asphalt without owning, operating, or maintaining a place of business as provided in this paragraph if this person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by long- term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph.
 - iii.** With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials and supplies required on a job site, may be counted towards the DBE goal, provided the fees are reasonable and are not excessive as compared with fees customarily allowed for similar services. The cost of the materials and supplies themselves may not be counted towards the DBE goal.
- F.** All DBE firms must be pre-certified. Participation by a firm that is not currently certified as a DBE by GRTC at the time of the due date for bids or offers on a contract, does not count towards the DBE goal. All DBE firms must be in compliance with 49 CFR, Part 26.
- G.** The dollar value of work performed under the contract by a firm who has been decertified as a DBE by the Department of Small Business and Supplier Diversity (SBSD) does not count towards the DBE goal.
- H.** The participation of a DBE subcontractor does not count towards the Contractor's DBE goal until the amount being counted towards the goal has been paid to the DBE.

Subparts D & E- Certification

Certification (§§26.61 – 26.91)

Per revision to the Unified Certification Program (UCP) agreement for the Commonwealth of Virginia executed in 2004, the Virginia Department of Small Business and Supplier Diversity (SBSD) will process DBE certifications. SBSBD will use the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E 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.

Process

SBSD’s certification application form and documentation requirements are found in Appendix D to this program.

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

Procurement Specialist, Antionette Haynes DBE Liaison Officer

GRTC
301 East Belt Boulevard
Richmond, Virginia 23224
804-358-3871

Virginia Department of Small Business and Supplier Diversity

101 N. 14th Street, 11th Floor
Richmond, VA 23219
804-786-6585

In the event SBSBD proposes to remove a DBE’s certification, it will follow procedures consistent with §26.87. To ensure separation of functions in a decertification, SBSBD has determined that the Commissioner’s DBE Panel will serve as the decision maker in decertification proceedings. SBSBD has established an administrative “firewall” to ensure that no member of the Panel will have participated in any way in the decertification activity prior to the hearing and that no member of the EO Division will participate in the hearing decision. If SBSBD denies a firm’s application or decertifies it, the firm may not reapply until twelve months have passed from the date of its action.

Unified Certification Program

GRTC is a member of the Virginia Unified Certification Program (UCP), which is administered by the Virginia Department of Small Business and Supplier Diversity.

Certification Appeals

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



U.S. Department of Transportation

Office of Civil Rights Certification Appeals Branch
1200 New Jersey Ave. SE West Building, 7th Floor
Washington, DC 20590

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

“Recertification’s”

SBSD is responsible for any and all recertification procedures to ensure they meet the standards of Subpart D of part 26. SBSD will complete this review no later than three years from the most recent certification date of each firm. Any and all recertification procedures for DBE eligibility within the Commonwealth will be managed and performed by SBSD.

For firms that SBSD has certified or reviewed and found eligible under Part 26, SBSD will review firms in chronological order based on the submittal of the required recertification information. These reviews will consist of the completion of SBSD’s Prequalification/Certification Renewal Application.

“No Change” Affidavits and Notices of Change

SBSD requires all DBEs to inform them, 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 the firm’s application for certification.

SBSD also requires all owners of all DBEs who have certified to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of §26.83(j). A copy of the renewal application is included with the certification information, Appendix E.

SBSD requires DBEs to submit with this affidavit documentation of the firm’s size and gross receipts. SBSD will notify all currently certified DBE firms of these obligations by letter sixty days in advance of the due date of the recertification information. This notification will inform DBEs that 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.

Personal Net Worth

SBSD will require all disadvantaged owners of applicants and of currently certified DBEs whose eligibility under Part 26 it reviews, to submit a statement of personal net worth along with the SBSD Certification Application. (see Appendix C)

Subpart F- Compliance and Enforcement

Information Collection and Reporting (26.109)

Confidentiality

GRTC will safeguard from disclosure 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

GRTC 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 made available for inspection upon request by any authorized representative of GRTC or DOT. This reporting requirement also extends to any certified DBE subcontractor.

GRTC will keep a running tally of actual payments to DBE firms for work committed to them at the time of the contract award.

GRTC 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 stated in the schedule of DBE participation.

Reporting to DOT

Per DOT's DBE Program Final Rule (June 16, 2003) GRTC will report DBE participation on a semi-annual basis, using the Uniform Report of DBE Awards or Commitments and Payments Form. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Contract Updates

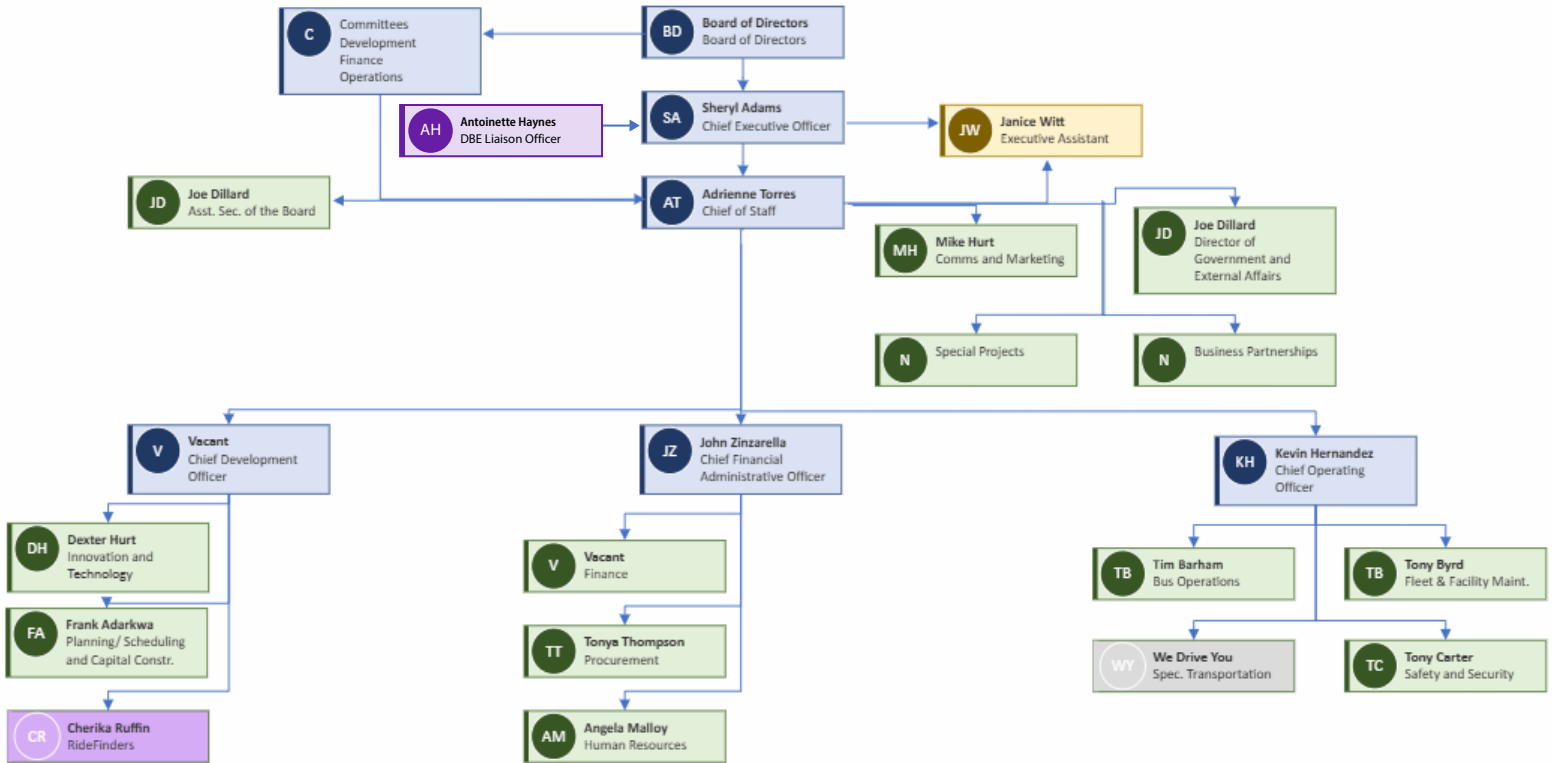
GRTC will update our A&E and Construction contracts to include new language stating that:

1. Prime contractors may not terminate DBE subcontractors from projects without "good cause" **and** approval from project supervisor/recipient.
2. Recipients must monitor and provide written certification for every contract/project which DBEs are participating in, ensuring the DBE(s) are in fact performing the work.



Appendix A

ORGANIZATION CHART





Appendix B

UNIFORM CERTIFICATION APPLICATION



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

**UNIFORM CERTIFICATION APPLICATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE)/AIRPORT CONCESSIONS
DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PROGRAMS 49 CFR Parts 23 and 26**

1. Should I apply?

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

- (1) The firm is a for-profit business that performs or seeks to perform transportation-related work (or an airport concession activity) for a recipient of Federal Aviation Administration, Federal Highway Administration, or Federal Transit Administration funds.
 - The firm is at least 51% owned and controlled by a socially and economically disadvantaged individual(s) who is a U.S. citizen(s) or lawfully admitted permanent U.S. resident(s).
 - Refer to § 26.5 of 49 CFR Part 26 for the definition of “socially and economically disadvantaged individual.”
 - Refer to <https://www.transportation.gov/DBEPNW> for “personal net worth cap.”
 - Refer to § 26.69 and 26.70 of 49 CFR Part 26 to determine whether you meet the ownership and control requirements.
 - The firm meets the Small Business Administration’s (SBA) and the DBE/ACDBE program’s size standards at <https://www.transportation.gov/DBEsizestandards>

It is the applicant firm’s responsibility to provide sufficient evidence to demonstrate that, more likely than not, it meets all eligibility requirements.

2. How do I apply?

Firms applying for DBE/ACDBE certification in their home state, i.e., the state in which the firm maintains its principal place of business, must submit to a certifying agency in their home state a completed Uniform Certification Application and all required documents (see attached checklist) and participate in an on-site interview. Failure to timely submit documents may result in delayed processing or denial of your application.

Firms already certified as a DBE/ACDBE in their home state do not have to complete this form. Section 26.85 of 49 CFR Part 26 explains the process for obtaining certification in additional states, i.e., interstate certification.

3. Where can I send my application?

Transportation agencies in each state perform DBE and ACDBE certification functions. DOT’s website has a table of certifying agency contacts at <https://www.transportation.gov/DBEPOC>. Click on the link to access contact information for your state/territory and obtain details on how to submit your application.

4. What happens after I apply?

A transportation agency in your state that performs certification functions will contact you.

5. Where can I find more information?

Visit the USDOT website at <https://www.transportation.gov/DBE> for links to the DBE/ACDBE program rules and regulations (including those for interstate certification), answers to frequently asked questions, points of contact, and more.

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>.

Under 49 CFR § 26.107, 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](#), No procurement Suspension and Department, take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 USC 1001, which prohibits false statements in federal programs



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

INSTRUCTIONS

NOTE: All participating firms must be for-profit enterprises with current business operations. If your firm is not for profit, or is not conducting business, 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 name and title of the person completing this application 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 (if any) or similar document.
- (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 address, 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

Indicate whether your firm or any firms owned by the persons listed has ever been denied certification as a DBE/ACDBE, 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 states' online directories of certified firms.
- (2) If you know the appropriate North American Industry Classification System (NAICS) code for the type(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 (if any) or similar document.
- (4) State the date each person became a firm owner. 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.
- (5) 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. Provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (6) 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. If you checked "Other," briefly explain in the space provided.
- (7) 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.
- (8) Specify the firm's gross receipts for each of the **past five years**, as stated in your firm's filed federal tax returns. You must submit all portions of federal tax returns related to gross receipts and signature pages, as filed. If there is no federal tax return yet filed for the most recent taxable year, you may provide an income statement signed by a CPA who attests to its accuracy and completeness. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide documentation these firms' gross receipts also as described above. 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



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

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 the owner's title or position.
- (3) Give the owner's phone number.
- (4) Enter the owner's home (street) address.
- (5) Indicate the 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 the firm may not rely on this owner's social and economic disadvantaged status for DBE certification eligibility.
- (8) Enter the number of years 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, gift and/or other investment. Describe

how the owner acquired the business and attach documentation substantiating this investment.

- (11) List additional investments.

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 explain this activity.
- (4) (a) Provide the personal net worth of the owner claiming social and economic disadvantage in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Complete this section and accompanying statement only 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 that person, the name of the company, the type of business, and whether that person owns or manages 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, group membership, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, group membership, 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 such individual by name and provide the name of the other business in which that individual is involved, and describe the



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

nature of that individual's role in the 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 the individual's relationship with that other firm.

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

Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who are responsible for the functions listed for the firm. 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

State the name, city and state of your firm's bank. Identify the individuals authorized to sign checks on this account. Provide bank documentation that shows all individuals who are authorized to sign checks on the firm's behalf.

Bonding Information. State your firm's bonding limits both 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 identify the state that issued 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



U.S. Department of Transportation

anticipated completion date, and the dollar value of the contract.

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

Section 5: AIRPORT CONCESSION (ACDBE) APPLICANTS

Complete the entries in this section if you are applying for ACDBE certification. Indicate in Section A if you operate a concession at the airport, and/or supply a good or service to an airport concessionaire. Indicate in Section B whether the applicant firm owns or operates any off-airport locations, providing the type of business, lease information, address/location, and annual gross receipts generated. Provide similar information in section C for any airport concession locations the firm currently owns or operates. If the applicant firm has any affiliates, provide the requested information in Section D. Indicate whether the ACDBE firm is participating in any joint ventures, and if so, include the original and any amended joint venture agreements.

DECLARATION & SIGNATURE

The Declaration of Eligibility must accompany your application. Carefully read the attached declaration in its entirety. Fill in the required information for each blank space, and sign and date the declaration.



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

IF YOU ARE ALREADY CERTIFIED AS A DBE/ACDBE, YOU DO NOT HAVE TO COMPLETE THIS APPLICATION FOR OTHER STATES. REFER TO § 26.85 OF 49 CFR PART 26 FOR DETAILS ABOUT THE INTERSTATE CERTIFICATION PROCESS.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information:

My firm is applying for certification as _____ DBE ___ ACDBE

(1) Contact person's name 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 (No P.O. Box): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

B. Prior/Other Certifications and Applications

(10) 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 sheets if necessary. This description may be used in states' online databases and directories of certified firms.

(2) NAICS Codes for this line of work include: _____

(3) This firm was established on: _____

(4) Is the firm "for profit"? ___ Yes Federal Tax ID# _____ **NO STOP! If the firm is NOT for-profit, then the firm does NOT qualify for this program and should not fill out this application.**



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

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

- Sole Proprietorship
- Limited Liability Partnership
- Partnership
- Corporation
- Limited Liability Company
- Other (describe): _____

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

(7) Specify the firm's gross receipts for the last 5 years. (Submit complete copies of the firm's federal tax returns for each year. You may provide gross receipt information for the past 5 years. 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 \$ _____
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. Provide details about the shared items.

(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 owner of the firm **holding 51% or more** ownership interest in the firm.

(1) Full Name: _____

(2) Title: _____



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

(3) Home Phone #: _____

(4) Home Address (Street and Number) _____ City _____ State _____ Zip _____

(5) Gender: Male Female Other: _____

(10) Initial investment to acquire ownership in firm:

(6) Group membership (Check all that apply):

Type	Dollar Value
Cash	\$ _____
Real Estate	\$ _____
Equipment	\$ _____
Other	\$ _____

- Black American
- Hispanic American
- Asian-Pacific American
- Native American
- Subcontinent Asian American
- Other: _____

Describe how the majority owner acquired ownership of the firm:

- (7) Residency Status:
- U.S. Citizen
 - Lawfully Admitted Permanent Resident

- Started business myself
- Received it as a gift from _____
- Bought it from: _____
- Inherited it from: _____
- Other: _____

(8) Number of years as owner: _____

(9) Percentage owned: _____

(a) Class of stock owned (if applicable): _____

(Attach documentation substantiating your investment and method of acquisition)

(b) Date acquired _____

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
If yes, 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 engage in any other activity more than 10 hours per week? Yes No If yes, identify this activity: _____

(4)(a) What is the Personal Net Worth (PNW) of this disadvantaged owner? _____

(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, owners, directors, officers, managers, or employees own, manage, or have any association 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): _____



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

Section 3: ADDITIONAL OWNER INFORMATION

A. Identify all individuals, firms, or 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 Other: _____
- (6) Group membership (Check all that apply):
 - Black American
 - Hispanic American
 - Asian-Pacific American
 - Native American
 - Subcontinent Asian American
 - Other: _____
- (7) Residency Status:
 - U.S. Citizen
 - Lawfully Admitted Permanent Resident
- (8) Number of years as owner: _____
- (9) Percentage owned: _____
- (a) Class of stock owned (if applicable): _____
- (b) Date acquired _____

(10) Initial investment to acquire ownership in firm:

Type	Dollar Value
Cash	\$ _____
Real Estate	\$ _____
Equipment	\$ _____
Other	\$ _____

Describe how the owner acquired ownership:

- Started business myself
- Received it as a gift from _____
- Bought it from: _____
- Inherited it from: _____
- Other: _____

(Attach documentation substantiating your investment and method of acquisition)

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
If yes, 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 engage in any other activity more than 10 hours per week? Yes No If yes, identify this activity: _____

(4)(a) What is the Personal Net Worth (PNW) of this disadvantaged owner? _____

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



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

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

(5) Do any of your immediate family members, owners, directors, officers, managers, or employees own, manage, or have any association 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 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
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
(2) Board of Directors	(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:

(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. Complete for all owners who are responsible for the following functions: (Attach separate sheets as needed)



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

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	F	S	N	A	F	S	N
Bidding and estimating		A	F	S	N	A	F	S	N
Major purchasing decisions		A	F	S	N	A	F	S	N
Marketing and sales		A	F	S	N	A	F	S	N
Supervises field operations		A	F	S	N	A	F	S	N
Attend bid opening and lettings		A	F	S	N	A	F	S	N
Perform office management (billing, accounts receivable/payable, etc.)		A	F	S	N	A	F	S	N
Hires and fires management staff		A	F	S	N	A	F	S	N
Hire and fire field staff or crew		A	F	S	N	A	F	S	N
Designates profits spending or investment		A	F	S	N	A	F	S	N
Obligates business by contract/credit		A	F	S	N	A	F	S	N
Purchase equipment		A	F	S	N	A	F	S	N
Signs business checks		A	F	S	N	A	F	S	N

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?

2. Office Space

Address (Street and Number) _____ City _____ State _____ Zip _____
Owned or Leased by Firm or Owner? Yes No (if yes, provide details): _____

Current Value of Property or Lease: _____

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

Address (Street and Number) _____ City _____ State _____ Zip _____
Owned or Leased by Firm or Owner? _____ Yes _____ No (if yes, provide details): _____

Current Value of Property or Lease: _____



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

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 authorized to sign checks on this account: _____

Name of bank: _____ City and State: _____

The following individuals are authorized to sign checks on this account: _____

Name of bank: _____ City and State: _____

The following individuals are authorized 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 the owner or 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

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

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

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



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

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

Additional Information:



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

SECTION 5 - AIRPORT CONCESSION
(ACDBE APPLICANTS ONLY)

A. I am applying for ACDBE certification to: (check all that apply)

Operate a concession at an airport Supply a good or service to an airport concessionaire

B. Does the applicant firm own/operate any off-airport locations? Yes No (if yes, identify the following):

Type of Business (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Lease Term (years)	Lease Start Date	Address / Location	Annual Gross Receipts Generated

C. Does the applicant firm currently own/operate any airport concession locations? Yes No (If yes, supply the following information):

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g., Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

D. Does the applicant firm have any affiliates? Yes No If Yes, provide the following information concerning any locations owned/operated by affiliate firms.

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g., Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

E. Is the ACDBE applicant firm a participant in any joint ventures? Yes No If Yes, attach all original and any amended Joint Venture Agreements and any amendments to the agreements.



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

DECLARATION OF ELIGIBILITY

This form must be signed by **EACH OWNER** upon whose disadvantaged status the firm relies for certification.

A FALSE STATEMENT OR MATERIAL OMISSION MADE IN CONNECTION WITH THIS SUBMISSION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, DECERTIFICATION, OR SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE UNDER FEDERAL AND STATE LAW.

I _____(full name printed), declare under penalty of perjury that I am _____(title) of the firm _____, all of the foregoing information and statements submitted for eligibility are true, correct, and complete to the best of my knowledge. 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.

or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or decertification; suspension and debarment; and for initiating action under federal and/or state law.

I recognize that the information submitted in this material is for the purpose of inducing certification 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 material, and I authorize such agency to contact any entity named in certification material, 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 declare 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 declare 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):

- Women Black American Hispanic American
- Native American Asian-Pacific American
- Subcontinent Asian American
- Other pursuant to 49 CFR § 26.67(d)

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 or decertification.

I declare 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.

If awarded a contract, subcontract, concession lease or sublease, as detailed in § 26.55, 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 my firm's (1) commercially useful function (CUF) performed on the project or concession lease; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I further declare that my personal net worth does not exceed the DBE program's limit posted on <https://www.transportation.gov/DBEPNW>, 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.

PURSUANT TO 28 USC § 1746:

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON _____

I agree to notify the certifying agency of a material change in circumstances that affects my firm's eligibility within 30 days of its occurrence, explain the change fully, and include a duly executed Declaration of Eligibility (this form) with the notice.

**SIGNATURE _____
(OWNER)**

I acknowledge and agree that any misrepresentations in certification materials or in records pertaining to a contract



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

SUPPORTING DOCUMENTS CHECKLIST

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 who the applicant firm relies upon to satisfy the Regulation's 51% ownership requirement.

___ 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 5 years, or the number of years in business, if fewer.

___ 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 decertification's, if applicable; and any U.S. DOT 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 Certificate of Formation and current Operating/Shareholder Agreement, if any.

___ Official Articles of Incorporation (signed by the state official).

___ Both sides of all corporate stock certificates and your firm's stock transfer ledger.

___ Minutes of stockholder, member, partner, and board of director's meetings, if any.

___ Company by-laws and any amendments.

___ Evidence of signature authority on the firm's bank accounts.

Failure to provide any of these required documents that are applicable to your firm's application may result in denial of your application.

Optional Documents to Be Provided on Request

The certifying agency to which you are applying may require the submission of the following documents. If requested to provide any of these documents, you must supply them with your application or at the on-site visit. Failure to do so may result in denial of your application.

___ Proof of citizenship or lawful permanent residence

___ Insurance agreements for each truck owned or operated by your firm.

___ Audited financial statements (if available)

___ Trust agreements held by any owner claiming disadvantaged status.

Suppliers

___ List of product lines carried and list of distribution equipment owned and/or leased.



Appendix C

PERSONAL NET WORTH STATEMENT



INSTRUCTIONS

An individual's personal net worth according to 49 C.F.R. Parts 23 and 26 includes assets and liabilities that she or he owns or is deemed to own without regard to community property or equitable distribution laws.

If the personal net worth of the majority owner(s) of the firm exceeds the PNW cap posted online at <https://www.Transportation.gov/DBEPNW>, as defined by 49 C.F.R. Parts 23 and 26, the firm is not eligible for DBE or ACDBE certification.

Provide all Worksheets. Provide documents to support each entry. If you have any questions about completing this form, contact the certifying agency.

Assets

Report assets at their current fair market values as of the date of your PNW form. In cases of joint ownership, report only the value of your ownership unless Worksheet directs otherwise. Do not report the value of the applicant firm.

Cash and Cash Equivalents: Enter total from Worksheet 1.

Investment Accounts and Individual Securities: Enter total from Worksheet 2.

Real Estate: Enter total from Worksheet 3.

Personal Property and Other Assets: Enter total from Worksheet 4.

Ownership in Other Businesses: Enter total from Worksheet 5.

Life Insurance: Enter total from Worksheet 6.

Amounts Owed to You: Enter total from Worksheet 7.

Assets Held in Trust: Enter total from Worksheet 8.

Transfers Within Preceding Two Years: If you transferred assets worth at least \$20,000 in aggregate to related parties within the last two years, enter total from Worksheet 9. *Exclude transfers to applicant or DBE.*

Relatives include your spouse or domestic partner, children (whether biological, adopted, or stepchildren), siblings (including stepsiblings and those of the spouse or domestic partner), and parents (including stepparents and those of the spouse or domestic partner). Related entities include for-profit privately held companies of which any relative is an owner, officer, director, or equivalent; and family or other trusts of which you or any relative is grantor, trustee, or beneficiary, except when the transfer is irrevocable. See 49 C.F.R. 26.68(c)(7)-(9).

Liabilities

Report current balances. Report only your own, direct liabilities. *Do not report* guarantees or other contingent liabilities. *Do not report* business debt, debt secured by retirement assets, or any amount you owe, directly or indirectly, to the applicant or DBE.

Mortgages: Enter total from Worksheet 10.

Loans on Life Insurance: Enter total from Worksheet 11.

Other Liabilities: Enter total from Worksheet 12.

Other Information

Retirement Assets. Complete Worksheet 13 but *do not* enter value on PNW Statement.

Primary Residence. Complete Worksheet 14 but *do not* enter value on PNW Statement.

Declaration

You must sign and date the statement.



Personal Net Worth Statement

As of _____

This form is used by all participants in the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) and Airport Concession DBE (ACDBE) Programs. Each individual owner of a firm applying to participate as a DBE or ACDBE, whose ownership and control are relied upon for DBE certification must complete this form. Each person signing this form authorizes the certifying agency to make inquiries as necessary to verify the accuracy of the statements made. The agency you apply to will use the information provided to determine whether an owner is economically disadvantaged as defined in the DBE program regulations 49 C.F.R. Parts 23 and 26. Return form to appropriate certifying agency, not U.S. DOT.

Name			
Residence (As reported to the IRS) Address, City, State, and Zip Code			
Company's Legal Name		Phone:	
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married/Domestic Partnership		Business Phone:	
Assets	(Omit Cents)	Liabilities	(Omit Cents)
1. Cash and Cash Equivalents (checking and savings accounts, CDs etc.) (Complete Worksheet 1)		10. Mortgages on Real Estate Other Than Primary Residence (Complete Worksheet 10)	
2. Investment Accounts and Individual Securities (Complete Worksheet 2)		11. Loans on Life Insurance (Complete Worksheet 11)	
3. Value of Your Ownership Interest in Real Estate, Excluding Primary Residence (Complete Worksheet 3)		12. Other Liabilities (Complete Worksheet 12)	
4. Personal Property and Other Assets (Complete Worksheet 4)			
5. Ownership in Other Businesses (Complete Worksheet 5)			
6. Life Insurance (Cash Surrender Value) (Complete Worksheet 6)			
7. Amounts Owed to You (Complete Worksheet 7)			
8. Assets Held in Trust (Complete Worksheet 8)			
9. Assets Transferred to Related Parties Within the Past Two Years (Complete Worksheet 9)			
Total Assets:		Total Liabilities:	

Personal Net Worth:



OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

Worksheets

Worksheet 1—List Cash and Cash Equivalents (checking or savings accounts CDs etc.) (Attach additional sheets as necessary)

Cash/Account	Balance

Total _____

Worksheet 2—Investment Accounts and Individual Securities (e.g., Brokerage and Custodial accounts, stocks, bonds) (Full Value) (Attach additional sheets as necessary)

Account or Security Name and Number	Value

Total _____

Worksheet 3—Real Estate Other than Primary Residence (Attach additional sheets as necessary)

	Property 1	Property 2	Property 3
Type of Property			
Address			
Date Acquired			
Purchase Price			
Present Market Value			
Source of Market Valuation			

Total _____



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

Worksheet 4—Personal Property and Other Assets (Attach additional sheets as necessary)

Type of Property or Asset	Is this asset insured?	Value
Vehicles (e.g., cars, trucks, recreational vehicles, motorcycles, boats, etc.) and titled in your name or of which you are the primary operator. (Itemize)		
Household Property (total value)		
Artwork (total value)		
Jewelry (total value)		
Other collectables (total value)		
Amounts owed to you (e.g., loans to others, including companies) (Itemize)		
Assets subject to the two-year transfer rule (see 49 CFR 26.68 (c)(7)-(9))		
Other (e.g., livestock, farm equipment, greenhouse)		

Total _____



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

Worksheet 5—Ownership in Other Business Investments (excluding applicant firm) Sole Proprietorships, General Partners, Joint Ventures, Limited Liability Companies, Closely-held and Public Traded Corporations. (Attach additional sheets as necessary)

	Business 1	Business 2	Business 3	Business 4
Business name				
Address				
Value				

Total _____

Worksheet 6— Life Insurance (do not list term life insurance) (Attach additional sheets as necessary)

Policy	Insurance Company	Cash Surrender Amount

Total _____

Worksheet 7—Amounts Owed to You (loans to other individuals and entities including applicant firm) (Attach additional sheets as necessary)

Debtor	Description	Balance

Total _____

Worksheet 8—Assets Held in Trust (Attach additional sheets as necessary)

Trust Name	Description/Additional Information	Value

Total _____



OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

Worksheet 9— Assets Transferred to Related Parties Within the Past Two Years (Attach additional sheets as necessary)

Asset	Description	Value

Total _____

Worksheet 10—Mortgages on Real Estate Other Than Primary Residence (Itemize by loan, attaching additional sheets if necessary)

	Property 1	Property 2	Property 3
Type of Property			
Address			
Name of all Mortgage Holders			
Loan Balance			

Total _____

Worksheet 11— Loan on Life Insurance (do not list term life insurance) (Attach additional sheets as necessary)

Policy	Insurance Company	Loan Amount

Total _____



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

Worksheet 12—Other Liabilities (Attach additional sheets as necessary)

Type of Debt	Creditor	Amount of Liability (Balance)
Loans on Motor Vehicles (itemize)		
Loans Secured by Property Other Than Real Estate or Vehicles		
Loans Secured by Property Other Than Real Estate or Vehicles		
Unpaid Taxes (fixed in amount and currently due)		
Any Other Amount, Not Reported Above, That You Currently Owe (itemize and describe)		

Total _____



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: (05/31/2027)

Worksheet 13—Retirement Accounts (Attach additional sheets as necessary)

Account Name	Value

Total _____

Worksheet 14--Primary Residence

Address	
Date Acquired	
Purchase Price	
Market Value	
Source of Market Valuation	

Declaration

I declare under penalty of perjury that the information provided in this personal net worth statement and supporting documents is complete, true and correct. I declare that no assets have been transferred to any beneficiary for less than fair market value in the last two years. 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 this personal net worth statement, and I authorize such agency to contact any entity named in the application or this personal financial statement, including the names 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 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.

Signature (DBE/ACDBE Owner)

Date



Appendix D

DBE INTERSTATE CERTIFICATION AFFIDAVIT



DBE Interstate Certification Affidavit

Per 49CFR 26.85, all out-of-state applicants are required to submit:

1. A complete copy of the DBE application form, all supporting documents, and any other information you have submitted to your home state or any other state related to your firm's certification. This includes affidavits of no change, updated tax documents, and any notices of changes that you have submitted to your home state, as well as any correspondence you have had with your home state's UCP or any other recipient concerning your application or status as a DBE firm.

Included is a complete copy of my home state DBE file, which includes:

Application Form(s) - Yes No Supporting Documents - Yes No Taxes - Yes No
 No Change Affidavits - Yes No N/A Notices of Change - Yes No N/A

2. You must also provide any notices or correspondence from states other than your home state relating to your status as an applicant or certified DBE in those states. For example, if you have been denied certification or decertified in State C, or subject to a decertification action there, you must inform us of this fact and provide all documentation concerning this action.

Included are any notices related to approvals, denials or decertifications from states other than my home state: Yes No N/A

3. If you have filed a certification appeal with US DOT, you must inform us of this fact and provide your letter of appeal and DOT's response. **DOT appeal letters and responses included** Yes No N/A

I, _____ (printed name), in the City/County of _____ being duly sworn
 deposes and says that he/she is _____ (title) of _____
 (print name of organization) and hereby declares under penalty of perjury that the information in this affidavit is true and correct as of the date hereby given. The undersigned attests that this packet contains all the information required by items 1-3 above and the information is complete and, in the case of the information required by item 1, is an identical copy of the information submitted to my firm's home state.

Signature: _____

Notary Certificate, with Notary Seal

City / County of _____

Date: _____

In the Commonwealth / State of _____

The foregoing instrument was subscribed and sworn before me

This _____ day of _____, 20____,

By _____ (name of person / DBE applicant)

Notary Signature

Notary Registration # _____

My Commission expires: _____ (date)

IMPORTANT NOTE: *In the Commonwealth of Virginia, any false statement is sufficient cause for denial of DBE certification, revocation of a prior approval or suspension, and may subject the person and/or entity making the false statement to any and all civil and criminal penalties under applicable federal and state laws.*



Appendix E

DBE UNIFIED CERTIFICATION PROGRAM AFFIDAVIT OF CHANGE



Commonwealth of Virginia Unified Certification Program

Affidavit of No Change

Please complete the following carefully, so that we can check our records for accuracy, even if nothing has changed from last year.

Contact INFORMATION

A. Contact Information

1) Contact Person:	Title:	2) Legal Name of Firm:
FEIN:	Certification No.:	
3) Phone:	4) Other Phone:	5) Fax:
6) Email for Certification**:		Email for Public Directory:
7) Website:		
8) Street Address of Firm (No P.O. Box):		City, State, Zip:
9) Mailing Address of Firm (if different):		City, State, Zip:

****Please note that most communications from the Department of Small Business and Supplier Diversity about your DBE Certification will be sent to you electronically and not by the postal service.****

Firm's number of employees: Full-time _____ Part-time _____ Seasonal _____ Total _____
Affiliates' number of employees: Full-time _____ Part-time _____ Seasonal _____ Total _____

Specify the firm's gross receipts for the last 3 years. (Submit complete copies of the firm's Federal tax returns for any year not already on file. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns, if they have not been previously submitted).

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 \$ _____

SWaM Micro Business Designation

As a certified SWaM Small Business by the Department, your company might qualify to be a "Micro Business". Micro Business is a certified Small Business under the SWaM Program and, together with its affiliates, has no more than twenty-five (25) employees -AND- no more than \$3 million in average annual revenue over the three-year period prior to their certification.

Is the firm certified as a SWaM Small business? Yes No Expiration Date: _____
If not already certified, or if time for renewal, do you also want to apply for "Micro Business Certification? Yes No
If applying for, or renewing Micro, submit the last four Federal quarterly 941 (Employer's Quarterly Federal Tax Return) for the firm and its affiliates.



Commonwealth of Virginia Unified Certification Program

AFFIDAVIT OF NO CHANGE

I, _____ (printed name), in the City/County of _____
being duly sworn deposes and says that he/she is _____ (title) of
_____ (print name of organization) and hereby declares under penalty
of perjury that the information in this affidavit is a true and correct statement as of the date hereby given.
The undersign attests that there have been no material changes in the information provided with
_____ (print name of organization), except for any changes about which
I have provided written notice to the Virginia Department of Small Business and Supplier Diversity
(VDSBSD) pursuant to 49 CFR § 26.83(i). I swear that this firm continues to be owned and controlled by
disadvantaged individuals and that the personal net worth of all the owners whose ownership is relied upon
for Disadvantaged Business Enterprise (DBE) and/or Airport Concession Disadvantaged Business
Enterprise (ACDBE) status does not exceed \$1,320,000. I further affirm that the firm continues to meet the
Small Business Administration (SBA) business size criteria and the overall gross receipts cap of 49 CFR
Part 26 and/or Part 23 and _____ (print name of organization)'s average
annual gross receipts (as defined by SBA rules) over the previous three fiscal years do not exceed \$23.98 million,
in the case of DBE, and/or \$56.42 million, in the case of ACDBE. I provide the attached size and gross receipts
documentation to support this affidavit.

I further attest that I have not been denied bidding privileges, DBE, or ACDBE certification under any other federal
programs. I acknowledge that the VDSBSD hereby reserves the right to make inquiries in order to verify any
information relating to the firm's application and status as an eligible DBE.

I agree that VDSBSD will be notified in writing within 30 days of any changes in ownership and/or control,
personal net worth and/or size standard that would impact the firm's eligibility to remain in the program.

Signature: _____

Date: _____

Notary Certificate, with Notary Seal

City / County of _____

In the Commonwealth / State of _____

The foregoing instrument was subscribed and sworn before me

This _____ day of _____, 20____,

By _____ (name of person / DBE applicant)

Notary Signature Notary Registration # _____

My Commission expires: _____ (date)



IMPORTANT NOTE: *In the Commonwealth of Virginia, any false statement is sufficient cause for denial of DBE certification, revocation of a prior approval or suspension, and may subject the person and/or entity making the false statement to any and all civil and criminal penalties under applicable federal and state laws.*



Appendix F

VIRGINIA UNIFIED CERTIFICATION PROGRAM NOTICE OF CHANGE



Commonwealth of Virginia Unified Certification Program

Virginia Unified Certification Program Notice of Change

Please complete the following carefully. You must attach supporting documentation describing in detail the nature of any changes.

Contact INFORMATION

A. Contact Information

1) Contact Person:	Title:	2) Legal Name of Firm:
FEIN:	Certification No.:	
3) Phone:	4) Other Phone:	5) Fax:
6) Email for Certification**:		Email for Public Directory:
7) Website:		
8) Street Address of Firm (No P.O. Box):		City, State, Zip:
9) Mailing Address of Firm (if different):		City, State, Zip:

****Please note that most communications from the Department of Small Business and Supplier Diversity about your DBE Certification will be sent to you electronically and not by the postal service.****

Firm's number of employees: Full-time _____ Part-time _____ Seasonal _____ Total _____
Affiliates' number of employees: Full-time _____ Part-time _____ Seasonal _____ Total _____

Specify the firm's gross receipts for the last 3 years. (Submit complete copies of the firm's Federal tax returns for any year not already on file. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns, if they have not been previously submitted).

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 \$ _____

SWaM Micro Business Designation

As a certified SWaM Small Business by the Department, your company might qualify to be a "Micro Business". Micro Business is a certified Small Business under the SWaM Program and, together with its affiliates, has no more than twenty-five (25) employees -AND- no more than \$3 million in average annual revenue over the three-year period prior to their certification.

Is the firm certified as a SWaM Small business? Yes No Expiration Date: _____
If not already certified, or if time for renewal, do you also want to apply for "Micro Business Certification? Yes No
If applying for, or renewing Micro, submit the last four Federal quarterly 941 (Employer's Quarterly Federal Tax Return) for the firm and its affiliates.



EXPANSION OF SERVICES

1. Only complete this section if your firm is requesting certification for **additional NAICS Codes**.
2. Please list no more than 10 NAICS Codes under which your firm works (This will included the Codes for which you are currently certified): (see <http://www.census.gov/naics/2007/NAICOD07.HTM>)
3. You will be required to submit documentation demonstrating your firm's ability to perform the requested services, as well as your ability to control the firm with regards to these services. (**Out of State firms will require home state certification for all requested codes.**)

NAICS Code	Work Description



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
<input type="checkbox"/>	Cash	\$ _____
<input type="checkbox"/>	Real Estate	\$ _____
<input type="checkbox"/>	Equipment	\$ _____
<input type="checkbox"/>	Other	\$ _____

Describe how you acquired your business:

- Started business myself
- It was a gift from: _____
- I bought it from: _____
- I inherited it from: _____
- Other _____

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
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
(2) Board of Directors	(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: _____		Name: _____		Title: _____	
		Percent Owned: _____				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).

A= Always S = Seldom F = Frequently N = Never	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/ Key Personnel			
	Name: _____				Name: _____			
	Title: _____				Title: _____			
	Race and Gender: _____				Race and Gender: _____			
	Percent Owned: _____				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: _____



AFFIDAVIT OF CONTINUED ELIGIBILITY

I, _____ (printed name), in the City/County of _____ being duly sworn
deposes and says that he/she is _____ (title) of _____
(print name of organization) and hereby declares under penalty

of perjury that the information in this affidavit is true and correct statement as of the date hereby given. The undersign attests that this firm continues to be owned and controlled by disadvantaged individuals and that the personal net worth of all the owners whose ownership is relied upon for Disadvantaged Business Enterprise (DBE) status does not exceed \$1,320,000 and that the firm continues to be a small business as defined by the Small Business Administration (SBA) in its governing regulation, 13 CFR 121 located at: http://www.sba.gov/idc/groups/public/documents/sba_homepage/sba_010224.pdf

I further attest that I have not been denied bidding privileges or DBE certified under any other federal programs. I acknowledge that the Virginia Department of Small Business and Supplier Diversity (VDSBSD) hereby reserves the right to make inquiries in order to verify any information relating to the firm's application and status as an eligible DBE.

I agree that VDSBSD will be notified in writing within 30 days of any changes in ownership and/or control, personal net worth and/or size standard that would impact the firm's eligibility to remain in the program.

Notary Certificate, with Notary Seal

City / County of _____

In the Commonwealth / State of _____

The foregoing instrument was subscribed and sworn before me

This _____ day of _____, 20____,

By _____ (name of person / DBE applicant)

Notary Signature

Notary Registration # _____

My Commission expires: _____ (date)

Signature: _____

Date: _____

IMPORTANT NOTE: *In the Commonwealth of Virginia, any false statement is sufficient cause for denial of DBE certification, revocation of a prior approval or suspension, and may subject the person and/or entity making the false statement to any and all civil and criminal penalties under applicable federal and state laws.*



Attachment 1

DBE DIRECTORY



Attachment 1: DBE Directory

<https://directory.sbsd.virginia.gov/#/executiveExport>



Attachment 2

MONITORING AND ENFORCEMENT MECHANISMS/LEGAL REMEDIES



Attachment 2: Monitoring and Enforcement Mechanisms/Legal Remedies

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

GRTC has available several remedies to enforce the DBE requirements contained in both its subrecipient agreements, and in its direct contracts, including, but not limited to, the following:

Breaches and Dispute Resolution: Breach of Contract might be decided by a mutually agreeable form of alternative dispute resolution, or in a court of competent jurisdiction within the Commonwealth of Virginia.

In cases of fraud, GRTC will immediately notify the federal government.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

Reporting of DBE participation to the DOT will indicate both commitments and attainments as required by the DOT “Uniform Report of DBE Awards, Commitments and Payments” Form.

Attachment 3

FORMS 1-3 FOR DBE DEMONSTRATION OF GOOD FAITH EFFORTS

Note: Forms 1-3 are included in solicitation documents



Firm Data Sheet

The prime contractor is responsible for submitting the information requested below on all firms on the project team, both prime and all subconsultants. All firms are to be reported on one combined sheet unless the number of firms requires the use of an additional sheet. Failure to submit complete data will result in the Bid not being considered.

Firm's Name and Address	Firm's DBE Status*	Firm's Age	Firm's Annual Gross Receipts

* Y = DBE Firm Certified by VDMBE
N = DBE Firm Not Certified by VDMBE

NA = Firm Not Claiming DBE Status
IP = Certification w/VDMBE In-Process

Good Faith Effort Contract Language

1. GRTC has established a ____ DBE contract goal on this contract. Therefore a bidder must, in order to be responsible and/or responsive, make a good faith effort to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.
2. GRTC will use the good faith efforts mechanism as required by 49 CFR part 26. It is up to GRTC to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. GRTC will consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. As emphasized by the Department of Transportation, GRTC's determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.
3. GRTC will not require that a bidder meet a contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith effort showing. The rule specifically prohibits GRTC from ignoring bona fide good faith efforts.
4. The following is a list of types of actions that GRTC will consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.
 - 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. 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.

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.



DBE Letter of Intent

To: _____
(Name of Prime Bidder)

The undersigned intends to perform work in connection with the above project as a DBE (check one)

_____ individual _____ corporation
_____ partnership _____ joint venture.

The Disadvantaged Business status of the undersigned is confirmed:
(a) on the reference list of Disadvantaged Business Enterprises dated _____, or
(b) on the attached Disadvantaged Business Enterprise Identification Statement.

The undersigned is prepared to perform the following work in connection with the above project (Specify in detail particular work items or parts thereof to be performed):

At the following price:

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

Items	Projected Commencement Date	Projected Completion Date
_____	_____	_____
_____	_____	_____

The above work will not be sublet to a non-Disadvantaged Business Enterprise at any tier. The undersigned will enter into a formal agreement for the above work with you, conditioned upon your execution of a contract with GRTC.

Date _____

Name of Disadvantaged Business Enterprise

By _____



DBE Affidavit

STATE OF _____ (Date _____)
COUNTY OF _____

The undersigned being duly sworn, deposes and says that he/she is the

(sole owner, partner, president, treasurer or other duly authorized official of a corporation) of

(Name of DBE)

and certifies that since the date of its certification by VDOT (Virginia Department of Transportation), the certification has not been revoked nor has it expired nor has there been any change in the minority status of

(Name of DBE)

(Signature and Title of Person Making Affidavit)

Sworn to before me this _____ day of _____, 20_____

(Notary Public)

NOTE: The offeror must attach the DBE s most recent certification letter or document to this affidavit.