Disadvantaged Business Enterprise (DBE) Certification

10:00 AM
July 23, 2014
Agenda

- Rules and Regulations
- Program Objectives and Goals
- Certifying Agencies
- Eligibility Criteria
- Links to Instructions and Forms
- Application
- Work Codes
- NYS UCP DBE Directory
- Appeal Process
- Contacts
DBE Rules and Regulations

Title 49 Part 26.81
of the
Code of Federal Regulations
(49CFR Part 26)

The DBE program is a federally regulated program that is required on all federally assisted contracts.

The New York State Department of Transportation (NYSDOT) is a recipient of federal funds and, therefore, administers the DBE Program on all federally funded highway construction contracts.
Useful links to the rules and regulations governing the DBE program, questions and answers, and other pertinent information.
U.S. DBE Program Objectives

The main objectives of the DBE Program are:
• To ensure that small disadvantaged business enterprises (DBE) can compete fairly for federally funded transportation-related projects.
• To ensure that only eligible firms participate as DBEs.
• To assist DBE firms in competing outside the DBE Program.
U.S. DBE Program Goals


- DOT DBE regulations require state and local transportation agencies that receive DOT financial assistance to establish goals for the participation of DBEs.

- Each DOT-assisted State and local transportation agency is required to establish annual DBE goals, and review the scopes of anticipated large prime contracts throughout the year and establish contract-specific DBE subcontracting goals.
Why Get DBE Certified?

- Listing in the NYS UCP (Unified Certification Program) DBE Directory used by state agencies and authorities, prime contractors, vendors, municipalities, subcontractors, and the private sector

- DBE utilization goals may assist the growth and development of DBEs through increased participation in procurement activities
Four DBE Certifying Entities


Four agencies in New York State administer a DBE certification program:

- New York State Department of Transportation
- Metropolitan Transportation Authority
- Niagara Frontier Transportation Authority
- Port Authority of New York & New Jersey
DBE Eligibility Criteria

- At least 51%-owned by a socially and economically disadvantaged individual(s) who also controls the firm
- Organized as a for-profit business
- Disadvantaged owner must be a U.S. citizen or lawfully admitted permanent resident of the U.S.
- Personal Net Worth of owner cannot exceed $1,320,000.
- Small business that meets the SBA’s size standard and does not exceed $22.41 million in gross annual receipts

Socially Disadvantaged Groups

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

- Female
- Black American
- Hispanic American
- Native American
- Asian-Pacific American
- Subcontinent Asian American
- Other (specify) ____________________________
NYS DOT DBE Certification Program


• Read about the program
• Review work codes
• Print out:
  • Application
  • Affidavit of Certification
  • Checklist of necessary supporting docs
  • Personal Net Worth Form
Application
(8 pages)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
49 C.F.R. PART 26

UNIFORM CERTIFICATION APPLICATION

ROADMAP FOR APPLICANTS

Should I apply?

- Is your firm at least 51%-owned by a socially and economically disadvantaged individual(s) who also controls the firm?
- Is the disadvantaged owner a U.S. citizen or lawfully admitted permanent resident of the U.S.?
- Is your firm a small business that meets the Small Business Administration’s (SBA’s) size standard and does not exceed $22.41 million in gross annual receipts?
- Is your firm organized as a for-profit business?

⇒ If you answered “Yes” to all of the questions above, you **may be eligible to participate in the U.S. DOT DBE program.**

Is there an easier way to apply?
If you are currently certified by the SBA as an 8(a) and/or SDB firm, you may be eligible for a streamlined certification application process. Under this process, the certifying agency to which you are applying will accept your current SBA application package in lieu of requiring you to fill...
NYSUCP DBE Certification Process

- Complete application and send in with supporting documentation
- Verification of information
- Analysis/audit of application and documents conducted by an analyst
- Site Visit
- Final Determination: Certified, Denied or Rejected
- Process takes 90 days (could be extended)
- Submit annual affidavit of no change on anniversary date of certification
Required Documentation

**DBE UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST**

In order to complete your application for DBE certification, you must attach copies of all of the following documents as they apply to you and your firm.

### All Applicants
- Work experience resumes (that include places of ownership/employment with corresponding dates), for all owners and officers of your firm
- Proof of citizenship or permanent resident status
- Statement of Personal Net Worth (for available with this application)
- Personal tax returns for the past three years, if applicable, for each owner claiming disadvantaged status
- Your firm’s tax returns (gross receipts) and all related schedules for the past three years
- Documented proof of contributions used to acquire ownership for each owner (e.g. both sides of cancelled check)
- Your firm's signed loan agreements, security agreements, and bonding forms
- Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- List of equipment leased and signed lease agreements
- List of construction equipment and/or vehicles owned and titles/proof of ownership
- Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past two years
- Year-end balance sheets and income statements for the past three years (or life of firm, if less than three years); a new business must provide a current balance sheet
- All relevant licenses, license renewal forms, permits, and haul authority forms
- DBE and SBA §(a) or SDB certifications, denials, and/or decertifications, if applicable
- Bank authorization and signatory cards
- Schedule of salaries (or other compensation or remuneration) paid to all officers, managers, owners, and/or directors of the firm
- Trust agreements held by any owner claiming disadvantaged status, if any
- Certificate of Insurance

### Partnership or Joint Venture
- Original and any amended Partnership or Joint Venture Agreements

### Corporation or LLC
- **Official Articles of Incorporation (signed by the state official)**
- **Both sides of all corporate stock certificates and your firm’s stock transfer ledger**
- **Shareholders’ Agreement**
- **Minutes of all stockholders and board of directors meetings**
- **Corporate by-laws and any amendments**
- **Corporate bank resolution and bank signature cards**
- **Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)**

### Trucking Company
- Documented proof of ownership of the company
- Insurance agreements for each truck owned or operated by your firm
- Title(s) and registration certificate(s) for each truck owned or operated by your firm
Out-of-State Businesses

- Firms must be certified in their home state before seeking certification in another state.

- A DBE firm must present a copy of its certification notice from its home state to the second state and request interstate certification.

- If a firm is certified in another state and applies for certification in NYS, NYS will request the onsite visit report from the firm’s home state.
# Work Codes

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NYS DBE Directory

http://biznet.nysucp.net/

Welcome to the State of New York Unified Certification Program Business Directory!

This application is a search engine for the combined business directories of the New York Department of Transportation, Metropolitan Transportation Authority, Niagara Frontier Transportation Authority and Port Authority of New York New Jersey. Firms certified as Federal Disadvantaged Business Enterprises (DBEs) by one of these agencies are now automatically certified with all four.

To view a UCP agency’s website, click on their logo shown below:

New York State Department of Transportation

Metropolitan Transportation Authority

Click any button below to search by other criteria.

- Search by Firm Name
- Search by Business Description
- Search by S.I.C. Code
- Search by N.A.I.C.S. Code
- Search by NYSDOT Work Code
- Search by PANYNJ Work Code
- Search by N.I.G.P. Code
- Search by County

Exit the BizNet System
If a firm is denied DBE certification:

- Denial letter will explain how to appeal to USDOT, Office of Civil rights
- Must appeal within 90 days of the date of decision
- Cannot apply for certification with other NYSUCP certifying agencies/authorities
- Applicant may re-apply one year from the date of denial.
NYS DOT DBE Certification Program

NYS Contacts

New York State DOT DBE Certification Supervisor

Jacqueline Jones
50 Wolf Road, 6th Floor, Albany, NY 12232
Phone: (518) 457-9679
Fax: (518) 457-1675
Email: jejones@dot.ny.gov

Director, Office of Civil Rights

Sondra Little
50 Wolf Road, 6th Floor, Albany, NY 12232
Phone: (518) 457-1129
Fax: (518) 485-5517
Email: slittle@dot.ny.gov
Small Disadvantaged Business (SDB) vs. Disadvantaged Business Enterprise (DBE)

http://www.sba.gov/content/disadvantaged-businesses

- SDB is generally a self-certification – relies on 8(a) criteria, with some exceptions
- An 8(a) certified firm is an SDB; HOWEVER, an SDB is not necessarily an 8(a) certified firm
QUESTIONS?
A Partnership Program With the US Small Business Administration

- Funded in part through a Cooperative Agreement with the U.S. Small Business Administration.

- All opinions, conclusions or recommendations expressed are those of the author(s) and do not necessarily reflect the views of the SBA.

- Reasonable accommodations for persons with disabilities will be made if requested at least two weeks in advance.
Thank You for Participating!