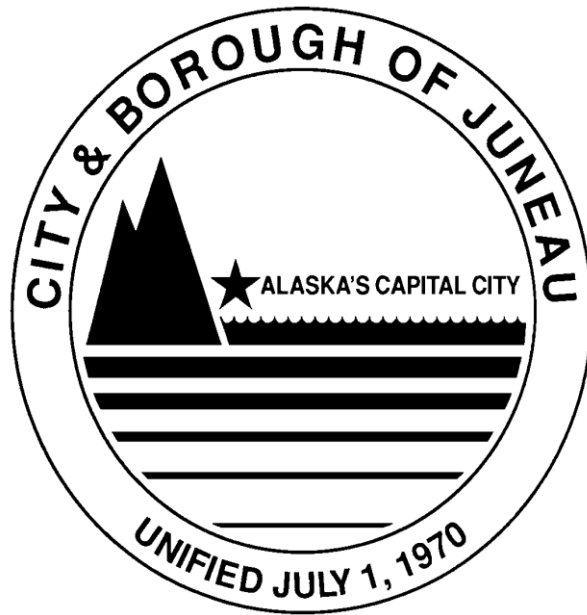


THE CITY AND BOROUGH OF JUNEAU
FFY16-FFY18
for
FEDERAL AVIATION ADMINISTRATION
PROJECTS
49 CFR, Part 26
Disadvantaged Business Enterprise Program



Merrill Sanford, Mayor

Kimberly A. Kiefer, City & Borough Manager

**CITY AND BOROUGH OF JUNEAU
DBE PROGRAM UPDATE
FOR FFY 2016 through FFY 2018**

Definitions of Terms

The terms used in this program have the meanings defined in 49 CFR 26.5. The website for this regulation is http://www.access.gpo.gov/nara/cfr/waisidx_02/49cfr26_02.html).

Objectives /Policy Statement (26.1, 26.23)

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

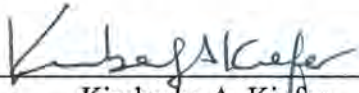
It is the policy of the City and Borough of Juneau to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of FAA/DOT assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for FAA/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 FAA/DOT assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Director of the Engineering Department, Rorie Watt, P.E., has been delegated as the DBE Liaison Officer. In that capacity, Rorie Watt, P.E. 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 the City and Borough of Juneau in its financial assistance agreements with the Department of Transportation.

The City and Borough of Juneau has disseminated this policy statement to the City and Borough of Juneau Airport Board and client departments which receive FAA/DOT funding. We have

distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. This is accomplished by correspondence to businesses which have bid on City and Borough of Juneau projects as well as all DBE firms in Southeast Alaska.

Signed: 

Kimberly A. Kiefer,
City & Borough Manager

Date: 10/12/15

Nondiscrimination. (26.7)

The City and Borough of Juneau 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, the City and Borough of Juneau 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.

DBE Program Updates (26.21)

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

Quotas (26.43)

The City and Borough of Juneau does not use quotas in any way in the administration of this DBE program.

DBE Liaison Officer (DBELO) (26.25)

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

Mr. Rorie Watt, P.E., Director
City and Borough of Juneau
Engineering Department
155 S. Seward St.
Juneau, Alaska 99801
Phone (907) 586-0877
FAX (907) 463-2606
Email rorie.watt@juneau.org

Rorie Watt, P.E. is responsible for implementing all aspects of the DBE program and ensuring that the City and Borough of Juneau complies with all provisions of 49 CFR Part 26. Rorie Watt, P.E. has direct, independent access to the City Manager concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is found in Attachment 1 included with this document.

The DBELO is assisted in this program by the Engineering Contract Administrator and two Contract Specialists. The staff in these positions have the following duties and responsibilities.

1. Ensure that bid notices and requests for proposals are available to DBEs in a timely manner;

2. Identify contracts and procurements so that the DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitor results;
3. Provide DBEs with information and assistance in preparing bids, obtaining bonding and insurance, upon request;
4. Participate in DBE training seminars; and
5. Track all Bidders for projects with FAA/DOT funding (See Attachment 2).

Also assisting in implementation of the program are Project Managers for federal aid projects. The duties and responsibilities of these individuals are:

1. Review the information provided by Contractors regarding DBE participation;
2. Monitor work performed by Subcontractors to ensure work actually committed to a DBE Subcontractor at contract award is performed by that Subcontractor;
3. Maintain a running tally of actual DBE attainments, i.e. work performed and payments received by the DBE Subcontractor; and
4. Assist in determining appropriateness of Subcontractor replacement should a DBE Subcontractor be removed from a project.

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

1. Gather and report statistical data and other information as required by DOT;
2. Work with all departments to set overall annual goals;
3. Ensure that bid packages and requests for proposals are available to DBEs in a timely manner;
4. Identify contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitor results;
5. Analyze City and Borough of Juneau's progress toward goal attainment and identify ways to improve progress;
6. Participate in pre-bid meetings;
7. Advise the Airport Board and other client agencies on DBE matters and achievement;

8. Participate with legal counsel and project managers to determine Contractor compliance with good faith efforts;
9. Participate in DBE training seminars;
10. Act as the City and Borough of Juneau liaison to the Uniform Certification Process in Alaska;

Federal Financial Assistance Agreement Assurance (26.13)

City and Borough of Juneau has signed the following assurance, applicable to all DOT assisted contracts and their administration:

The City and Borough of Juneau shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FAA/DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The City and Borough of Juneau shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of FAA/DOT assisted contracts.

The City and Borough of Juneau'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 the City and Borough of Juneau of its failure to carry out its approved program, the FAA/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.).

DBE Financial Institutions (26.27)

It is the policy of the City and Borough of Juneau 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 Contractors on DOT-assisted contracts to make use of these institutions. Juneau has one lending institution that is owned and controlled by socially and economically disadvantaged individuals. This institution only handles mortgage loans. Attachment 3 has a list of each lending institution contacted.

Directory (26.31)

The City and Borough of Juneau maintains access to the State of Alaska Department of Transportation and Public Facilities (AKDOT&PF) DBE Directory, which identifies all firms in Alaska eligible to participate as DBEs. The directory provides a breakout by type of work and lists each firm's name, address, phone number, date of recertification, and the type of work that the firm has been certified to perform as a DBE. The AKDOT&PF DBE Directory is available in hardcopy or via the Internet through the AK DOT&PF Home Page at the following Internet address: <http://www.dot.state.ak.us>. AKDOT&PF updates their directory every week.

Over-concentration (26.33)

The City and Borough of Juneau has not identified an over-concentration of DBEs in a given type of work. An analysis for over-concentration for a given type of work shall begin when either of the following conditions has been met:

1. More than 50% of the total number of firms ready, willing and able to perform such work are composed of DBE firms; or
2. More than 50% of the total federal-aid dollars spent on such work during the previous federal fiscal year were earned by DBE firms.

Required Contract Clauses (26.13, 26.29)

Contract Assurance

We 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 USDOT 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 OWNER deems appropriate.

Prompt Payment

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

The CONTRACTOR agrees to pay each Subcontractor under this Contract for satisfactory performance of its Contract no later than 8 days from the receipt of each payment the CONTRACTOR receives from the City and Borough of Juneau. The CONTRACTOR agrees further to return retainage payments to each Subcontractor within 8 days after the Subcontractor's WORK is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the OWNER. This clause applies to both DBE and non-DBE Subcontractors.

The CONTRACTOR agrees to comply with AS 36.90.210. (See Attachment 4.)

Monitoring and Enforcement Mechanisms (26.37)

DBE Contract Specification

“Section 00420 – DBE Goals” is the specification used in all contracts funded by DOT. This is included as part of the DBE program as Attachment 5.

Commercially Useful Function

In order to be in compliance with the program and eligible for DBE credit, a DBE must perform a Commercially Useful Function as defined by 49 CFR, Part 26 and Section 00420.

Monitoring of Projects

Project managers review the information provided by Contractors regarding DBE participation. During performance of the contract, project managers monitor work performed by Subcontractors to ensure work actually committed to a DBE Subcontractor at contract award is performed by that Subcontractor. This will include a running tally of actual DBE attainments, i.e. work performed and payments received by the DBE Subcontractor. DBE participation is not credited toward overall or contract goals until payment has been made to the DBE firm.

Penalties and Sanctions

Compliance with 49 CFR 26 and this program is essential. Failure to comply will result in enforcement action against those not complying. Actual enforcement action could be anything available under Federal, State, or Local law. It will depend upon the infraction but could take the form of:

1. Suspension of Work - All CBJ construction contracts contain Section 00700 – General Conditions. Paragraph 15.1 covers Suspension of Work by Owner. See Attachment 6.
2. Termination – All CBJ construction contracts contain Section 00700 – General Conditions. Paragraph 15.2 covers Termination of Agreement by Owner (Contractor Default). See Attachment 6.
3. Suspension of Contractor - The CBJ Purchasing Code (Section 53.50.400 – 53.50.440) allows suspension of a Contractor for up to three months. See Attachment 7.
4. Debarment - The CBJ Purchasing Code (Section 53.50.400 – 53.50.440) allows debarment of a Contractor for up to three years. See Attachment 7.
5. Hearing and penalty – Alaska Statute 36.30.115 places strict requirements upon Contractors with regard to Subcontractors. See Attachment 8.

Legal Remedies

The City and Borough of Juneau will bring to the attention of the FAA/DOT any false, fraudulent, or dishonest conduct in connection with the program, so that FAA/DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the FAA/DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107. CBJ also will consider similar action under its own legal authorities, including responsibility determinations in future contracts.

Overall Goals (26.45)

Amount of goal

City and Borough of Juneau's overall goal for FFY 2016 through FFY 2018 for DBE participation in FAA/DOT-assisted contracts is the following: 5.46% of the Federal financial assistance will be expended in FAA/DOT-assisted contracts.

The contracts anticipated for these Federal Fiscal Years are as follows:

**FFY 2016-FFY2018
Airport CIP Projects**

Funding Fiscal Year	Project Name	Funding Amount	Fiscal Year Total
FFY 2016			
	RSA (Phase II) Construct NE/NW Area & NW Utilities	\$ 9,786,667.00	
	Copnstruct ARFF Building Modification	\$ 1,800,000.00	
	Redesign SREF Building for NW Site	\$ 300,000.00	
	Construct SREF Building & GEO Loopfield	\$ 30,666,451.00	
	Total Funding Request for FFY 2016		\$ 42,553,118.00
 FFY 2017			
	Replace Terminal Building (North Wing and East Vestibule (MPF)	\$ 14,050,000.00	
	Design Alex Holden Way and Utilities	\$ 300,000.00	
	Total Funding Request for FFY 2017		\$ 14,350,000.00
 FFY 2018			
	Design Taxiway A dn E-1 Rehab	\$ 850,000.00	
	Design SREF Sand and Chemical Storage	\$ 600,000.00	
	Reconstruct Alex Holden Way and Utilities	\$ 1,900,000.00	
	Replace Snow Removal Equipment	\$ 5,000,000.00	
	Total Funding Request for FFY 2018		\$ 8,350,000.00
	Total Funding Request for FFY 2016 - FFY 2018		\$ 65,253,118.00

Method

The following is a summary of the method we used to calculate our goal:

Step 1

We used the approach in 49 CFR, Part 26.45 (c) (1).

From the Alaska Department of Transportation and Public Facilities DBE Directory it was determined there are 19 active DBE firms in Southeast Alaska ready, willing, and able to perform work on our FAA/DOT assisted projects. This is the figure that we used in the numerator.

From the Census Bureau County Business Patterns for 2013 for the North American Industry Classification System (NAICS) code 23 (Construction) and 54 (Professional Services – Architectural, Engineering, and Consulting) at website ([www. http://censtats.census.gov/](http://censtats.census.gov/)) we identified the following firms for our market:

<u>Southeast Alaska City</u>	<u>No. of Firms</u>
Haines	16
Juneau	153
Ketchikan Gateway	70
Prince of Wales/Outer Ketchikan	14
Sitka	52
Skagway, Hoonah, Angoon, Gustavus, Yakutat	18
Wrangell/Petersburg	<u>25</u>
Total	348

This total (348) became our denominator. Thus, our results for 19/348, is a relative availability percentage of 5.46%.

Step 2

Our historical average of DBE achievements for the past five years on FAA/DOT funded construction projects has been:

Federal Fiscal Year	Avg. Goal Achieved (%)	Annual Goal (%)
2010	0.0	5.5
2011 – 2012	31	5.8
2013-2015	24	5.92

The above 0% goals achieved represents a period of time during which an injunction was put in place by the 9th Circuit Court of Appeals, requiring all of our FAA/DOT-funded procurements to be race-neutral.

The number of available DBEs in Southeast Alaska has consistently been around 21 firms or less for the past five years. There are 7 FAA/DOT-assisted City and Borough of Juneau projects anticipated for FFY16 through FFY18.

The City and Borough of Juneau has a total of \$65 million in CIP funded contracts, approximately \$40 million will be FAA/DOT funds, scheduled for FFY16 through FFY18. In addition, it is estimated that CBJ will have approximately \$170 million in Capital Improvement contracts that are not FAA/DOT funded for this same period.

Process

The City and Borough of Juneau will submit its overall goal to FAA/DOT on August 1 of each year. The City and Borough of Juneau 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 the City and Borough of Juneau Engineering Offices for 30 days following the date of the notice, and informing the public that the City and Borough of Juneau and FAA/DOT will accept comments on the goals for 45 days from the date of the notice. The goal will be advertised in one or more newspapers of general circulation in the State of Alaska and Southeast Alaska. Normally, the City and Borough of Juneau will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed.

The City and Borough of Juneau will begin using our overall goal on October 1 of each year, unless we have received other instructions from FAA/DOT.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

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

1. When practicable, arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging Contractors to subcontract portions of work that they might otherwise perform with their own forces);
2. Providing technical assistance and other services such as pre-bid meetings. Pre-bid meetings are held for all construction bids;
3. Provide assistance to start-up firms, particularly in fields in which DBE participation has historically been low, when requested;

We estimate that, in meeting our overall goal of 5.46%, we will obtain 3.96% through race-neutral measures, and 1.5% through race-conscious goals.

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

We will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we 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 a DBE obtains 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 Contractor that did not consider a firm's DBE status in making the award.

Contract Goals (26.51)

City and Borough of Juneau will use contract goals to meet any portion of the overall goal the City and Borough of Juneau 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 our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those FAA/DOT-assisted contracts that have subcontracting possibilities. We 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).

We will express our contract goals as a percentage of the total amount of a FAA/DOT-assisted contract.

Good Faith Efforts (26.53)

Information to be Submitted

The City and Borough of Juneau treats bidders'/offerors' compliance with good faith effort requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders to submit the following information within five (5) working days of notification of the apparent low bidder:

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

Demonstration of Good Faith Efforts

The obligation of the bidder is to make good faith efforts. The bidder 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 staff member is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible:

Greg Smith, Contract Administrator, (907) 586-0873

The City and Borough of Juneau will ensure that all information is complete and accurate and adequately documents the bidder's good faith efforts before we commit to the performance of the contract by the bidder.

Administrative Reconsideration

Within ten (10) days of being informed by City and Borough of Juneau that it is not responsible because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidder should make this request in writing to the following reconsideration official:

Rorie Watt, P.E., Director
City and Borough of Juneau
Engineering Department
155 South Seward Street
Juneau, Alaska 99801

The request will be reviewed by the Reconsideration Committee, comprised of the Director of Engineering and the City Manager, who will not have played any role in the original determination that the bidder did not document sufficient good faith efforts.

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

Good Faith Efforts when a DBE is replaced on a contract

We 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. We will require the Contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the Contractor to obtain our 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, Alaska Statute 36.30.115 places strict requirement upon Contractors with regard to Subcontractors.

Counting DBE Participation (26.55)

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

Certification (26.61 - 26.91)

Alaska Unified Certification Program

The FAA/DOT has issued regulations in 49 CFR 26.81 (Subpart E) requiring that all direct and indirect recipients of FAA/DOT funding establish a Unified Certification Program (UCP). As a recipient of FAA/DOT funds, the City and Borough of Juneau has entered into a UCP agreement with other FAA/DOT recipients within the State of Alaska to form an Alaska Unified Certification Program (AUCP). Attachment 9 is a copy of the Alaska Unified Certification Program Agreement. Under the AUCP agreement, the Alaska Department of Transportation and Public Facilities (AKDOT&PF) will perform all certifications.

The AUCP uses 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. Certification decisions will be based on the facts as a whole.

Process

The certification application form and documentation requirements are found in Attachment 10. For information about the certification process or to apply for certification, firms should contact:

Corlotta Robinson, DBE Certification Officer
Alaska Department of Transportation & Public Facilities
Civil Rights Office
P. O. Box 196900,
Anchorage, AK 99519-6900
907-269-4812
corlotta.robinson@alaska.gov.

OR

Ann Pham, DBE Certification Specialist
Alaska Department of Transportation and Public Facilities
Civil Rights Office
PO Box 196900
Anchorage, AK 99519-6900
907-269-0853
ann.pham@alaska.gov

In the event it is proposed to remove a DBE's certification, procedures consistent with 26.87 will be followed. Attachment 11, Operating Methods – Denial, Decertification, Third Party Complaints, and Informal Decertification Appeal Process, to this program sets forth these procedures in detail.

To ensure separation of functions in a decertification, the AUCP has determined that a member of the Western Region Executive Committee will serve as the knowledgeable decision-maker in a decertification appeal. By utilizing the resources of the Western Region Executive Committee, the AUCP has established an administrative firewall to ensure that the knowledgeable decision-maker will not have participated in any way in the decertification proceedings against the DBE firm (including in the decision to initiate such a proceeding).

If the AUCP denies a firm's application or decertifies it, the firm may not reapply until 12 months have passed from date of the AUCP's action.

Certification Appeals

Any firm or complainant may appeal the AUCP decision in a certification matter to FAA/DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights
Certification Appeals Branch
1200 New Jersey Avenue, SE
W78-338
Washington, DC 20590

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

Attachment 11, Operating Methods – Denial, Decertification, Third Party Complaints, and Informal Decertification Appeal Process, details the appeal system adopted by the AUCP.

"Recertification"

The AUCP will review the eligibility of DBEs that were certified under former part 23, to make sure that they meet the standards of Subpart D of part 26. This review will be completed no later than three years from the most recent certification date of each firm. The AUCP Directory lists the recertification date for each DBE firm.

For firms that the AUCP has certified or reviewed and found eligible under part 26, their eligibility will be reviewed within three years of their initial certification as a DBE or sooner if a written complaint is made against the DBE and brought to the attention of the AUCP. These reviews will include the following components of the DBE's recertification application:

- The DBE's social and economic disadvantage status, including but not limited to annual revenues and personal net worth;
- Control of the DBE;
- Independence of operations of the DBE;
- Historical review of work performance and bonding; and
- Validation interview and on-site inspection of the DBE.

"No Change" Affidavits and Notices of Change

The AUCP requires all DBEs to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with their application for certification.

The AUCP also requires all owners of all AUCP certified DBE's submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). The text of this affidavit is the following:

I affirm that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [name of DBE]'s application for certification, except for any changes about which you have provided written notice to the [Name Recipient] under 26.83(i). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$22.41 million.

The AUCP requires DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

The AUCP will notify all currently certified DBE firms of these obligations by certified mail annually. 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

The AUCP will require all disadvantaged owners of applicants and of currently-certified DBEs whose eligibility under Part 26 the AUCP reviews, to submit a statement of personal net worth annually, during the month the DBE would recertify their firm. (For example, a DBE's recertification date is March 2009; then, the DBE's personal net worth statement would be due annually during the month of March.)

Attachment 12 is the personal net worth and personal financial statement form. The affidavit and the documentation that respondents must submit with it may include, but is not limited to the submission of federal business and individual tax returns for the three most recent years.

Information Collection and Reporting

Bidders List

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

We will require bidders to submit the required information when they submit a bid on FAA/DOT-assisted contracts. Failure to register this information will result in the rejection of the Contractor's bid. Attachment 2 is the form Contractors will be required to complete.

Monitoring Payments to DBEs

We will require 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 the City and Borough of Juneau or FAA/DOT. This reporting requirement also extends to any certified DBE Subcontractor.

Reporting to FAA/DOT

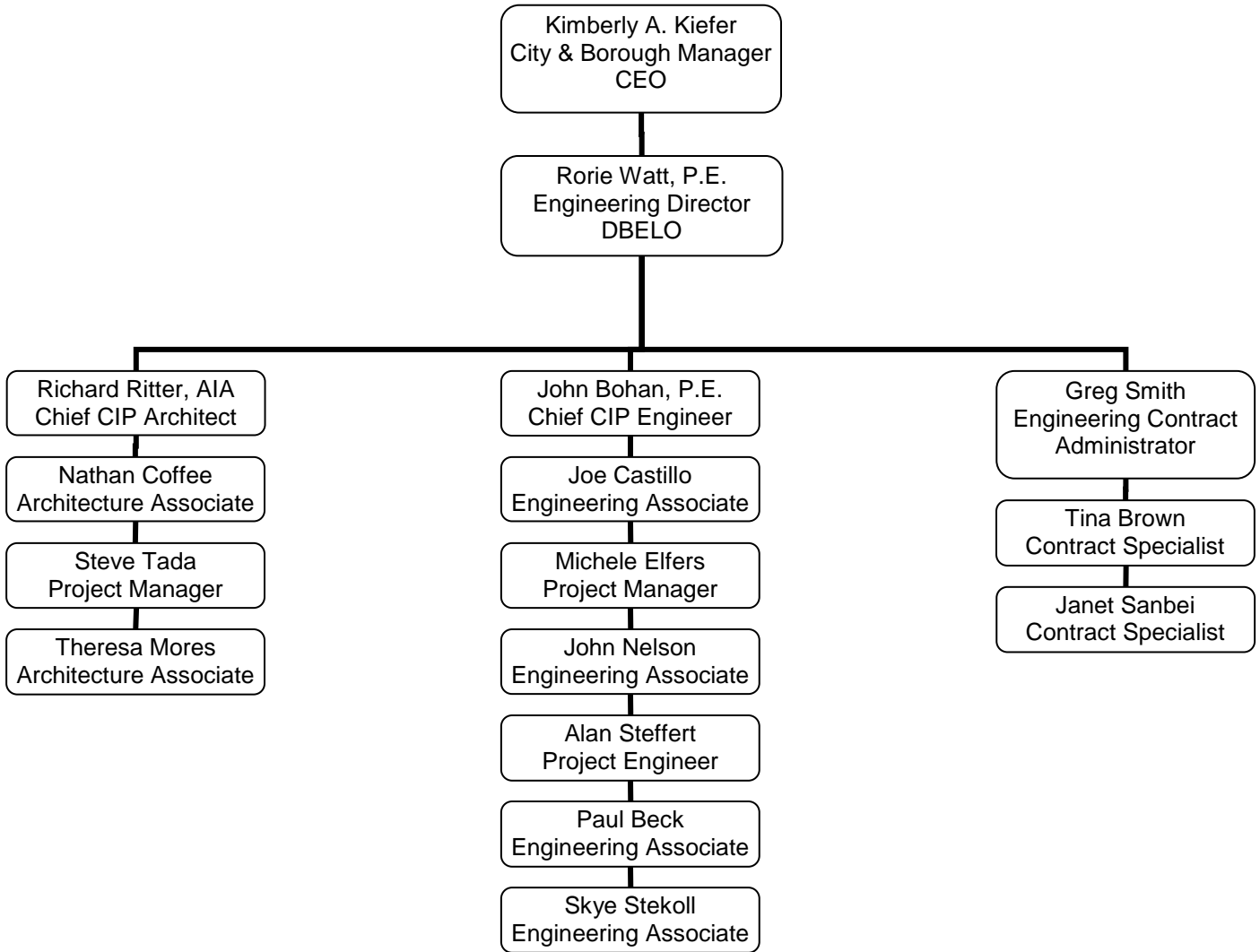
We will report DBE participation to FAA/DOT as follows:

The City and Borough of Juneau will submit by December 1, through the online reporting system the FAA/DOT Form, "Uniform Report of DBE Commitments/Awards and Payments" for previous FFY.

Confidentiality

We 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 FAA/DOT) without the written consent of the submitter.

Attachment 1
City and Borough of Juneau
Organization Chart for DBE Program
August 12, 2010



Attachment 2



ENGINEERING DEPARTMENT

BIDDER'S REGISTRATION FORM

All firms bidding on CBJ project must be registered. Please complete this form for each contractor and subcontractor and return to:

City and Borough of Juneau
Contract Administrator
155 South Seward Street
Juneau, Alaska 99801

If you have any questions, please call (907) 586-0873. Fax (907) 586-0897. A listing of all bidders is available upon request.

Name of Firm: _____

Street Address: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

Date Firm was Established: _____

Check all the apply:

Is this firm a prime contractor? Y _____ N _____

Is this firm a subcontractor? Y _____ N _____ Identify specialty: _____

Is this firm a service provider? Y _____ N _____ Identify service: _____

Is this firm a material supplier? Y _____ N _____ Identify: _____

Is this firm a manufacturer? Y _____ N _____ Identify: _____

Is this firm a certified DBE? Y _____ N _____ If so, by Whom?

_____ State of Alaska

_____ Other _____

Name of Organization

Firm's gross annual receipts:

_____ < \$500,000

_____ \$500,000 - \$999,999

_____ \$1,000,000 - 4,999,999

_____ \$5,000,000 - 9,999,999

_____ \$10,000,000 - 16,999,999

_____ < \$17,000,000

Attachment 3

DBE Financial Institutions

The following financial institutions were researched to determine if they are *owned and controlled by socially and economically disadvantaged individuals in the community*.

Name: Northrim Bank
Address: 301 North Franklin
Juneau, AK 99801
Telephone: 907-586-1010

Is this financial institution owned and controlled by socially and economically disadvantaged individuals in the community? No – Publicly Traded

Name: True North Federal Credit Union
Address: 240 Main Street
Juneau, AK 99801
Telephone: 907-523-9228

Is this financial institution owned and controlled by socially and economically disadvantaged individuals in the community? No – Member Owned – non-profit

Name: Alaska USA Federal Credit Union
Address: 2777 Postal Way
Juneau, AK 99801
Telephone: 907-523-4778

Is this financial institution owned and controlled by socially and economically disadvantaged individuals in the community? No - Member Owned - non-profit

Name: Denali Federal Credit Union
Address: 9101 Glacier Highway
Juneau, AK 99801
Telephone: 907-789-1350

Is this financial institution owned and controlled by socially and economically disadvantaged individuals in the community? No - Member Owned - non-profit

Name: First Bank
Address: One Sealaska Plaza
Juneau, AK 99801
Telephone: 907-586-8001, 907-790-5711

Is this financial institution owned and controlled by socially and economically disadvantaged individuals in the community? No – Corporation Privately Held

Name: First National Bank of Anchorage
Address: 238 Front Street
Juneau, AK 99801
Telephone: 907-586-5400

Is this financial institution owned and controlled by socially and economically disadvantaged individuals in the community? No – Stockholder Owned

Name: Key Bank
Address: 234 Seward Street
Juneau, AK 99801
Telephone: 907-463-7212

Is this financial institution owned and controlled by socially and economically disadvantaged individuals in the community? No – Publicly Traded - \$1 Billion set aside nationwide for women-owned businesses

Name: Tlingit Haida Regional Housing Authority
Address: 5446 Jenkins Drive
Juneau, AK 99801
Telephone: 907-780-6868

Is this financial institution owned and controlled by socially and economically disadvantaged individuals in the community? Yes – Non-profit – Only Mortgage Lending

Name: Wells Fargo (NBA)
Address: 123 Seward Street
Juneau, AK 99801
Telephone: 907-586-3324

Is this financial institution owned and controlled by socially and economically disadvantaged individuals in the community? No – stockholder owned

Attachment 4

Alaska Statutes

Sec. 36.25.020. Rights of persons furnishing labor or material.

(b) However, a person having direct contractual relationships with a subcontractor but no contractual relationship express or implied with the contractor furnishing the payment bond has a right of action on the payment bond upon giving written notice to the contractor within 90 days from the last date on which the person performed labor or furnished material for which the claim is made. The notice must state with substantial accuracy the amount claimed and the name of the person to whom the material was furnished or for whom the labor was performed. The notice shall be served by mailing it by registered mail, postage prepaid, in an envelope addressed to the contractor at any place where the contractor maintains an office or conducts business, or the contractor's residence, or in any manner in which a peace officer is authorized to serve summons.

Sec. 36.90.210. Required contractual terms.

(a) The prime contractor and a subcontractor on a public construction or public works contract shall include in a subcontract between the prime contractor and subcontractor for the public construction or public works a clause that requires the prime contractor to pay

(1) the subcontractor for satisfactory performance under the subcontract within eight working days after receiving payment from which the subcontractor is to be paid;

(2) the subcontractor all retainage due under the subcontract within eight working days after final payment is received from the state or political subdivision or after the notice period under AS 36.25.020 (b) expires, whichever is later;

(3) the subcontractor interest on an amount that is not paid in accordance with (1) of this subsection for the period beginning on the day after the required payment date and ending on the day on which payment of the amount due is made: the interest shall be computed at an interest rate that is equal to the amount set out in AS 45.45.010 (a);

(4) interest on retainage withheld from the subcontractor at an interest rate that is equal to the amount set out in AS 45.45.010 (a).

(b) A subcontractor on a public construction or public works contract shall include in each subcontract under which a person agrees to provide the subcontractor with services, other than as an employee, or supplies to be used in the public construction or public works project a clause that requires the subcontractor to pay

(1) the person for satisfactory performance under the subcontract within eight working days after receiving payment from which the person is to be paid;

(2) the person all retainage due under the subcontract with the person within eight working days after the subcontractor receives its share of the state-held retainage from the prime contractor or another subcontractor;

(3) the person interest on an amount that is not paid in accordance with (1) of this subsection for the period beginning on the day after the required payment date and ending on the day on which payment of the amount due is made: the interest shall be computed at an interest rate that is equal to the amount set out in AS 45.45.010 (a);

(4) interest on retainage withheld from the person at an interest rate that is equal to the amount set out in AS 45.45.010 (a).

Sec. 45.45.010. Legal rate of interest.

(a) The rate of interest in the state is 10.5 percent a year and no more on money after it is due except as provided in (b) of this section.

(b) Interest may not be charged by express agreement of the parties in a contract or loan commitment that is more than five percentage points above the annual rate charged member banks for advances by the 12th Federal Reserve District on the day on which the contract or loan commitment is made. A contract or loan commitment in which the principal amount exceeds \$25,000 is exempt from the limitation of this subsection.

(c) *[Repealed, Sec. 3 ch 84 SLA 1973].*

(d) *[Repealed, Sec. 2 ch 94 SLA 1981].*

(e) *[Repealed, Sec. 4 ch 146 SLA 1974].*

(f) A bank, credit union, savings and loan institution, pension fund, insurance company, or mortgage company may not require or accept any percent of ownership or profits above its interest rate. This subsection does not apply to a loan if the principal amount of the loan is \$1,000,000 or more and the term of the loan is five years or more, or to a negatively amortizing loan secured by owner-occupied real property originated under a program approved or sponsored by

(1) the federal government, including congressionally chartered national corporations;
or

(2) the state if

(A) the real property that secures the loan is not subject to forced sale provided the owner has not violated the terms of the loan agreement including terms regarding

(i) payment of property taxes;

(ii) payment of hazard or fire insurance premiums;

(iii) keeping the property in reasonable repair;

(iv) not vacating the property for a period longer than 12 months;

(B) the owner may not be evicted from the real property that secures the loan unless a term of the loan agreement regarding a matter listed in (A)(i) - (iv) of this paragraph has been violated;

(C) neither the estate nor any heir of the former owner may be compelled to pay a deficiency judgment related to the loan; and

(D) the estate or an heir of the former owner has a right of first refusal and may either pay off the loan balance in full, if the former owner had equity in the property, or pay a sum not to exceed 95 percent of the value of the property at the time of exercise of the right of first refusal as determined by an independent real estate appraiser licensed under AS 08.87.

(g) Loan contracts and commitments covering one- to four-family dwellings may be prepaid without penalty, except federally insured loans that require a prepayment penalty.

(h) If the limitations on interest rates provided for in this section are inconsistent with the provisions of any other statute covering maximum interest, service charges or discount rates then the provisions of the other statute prevail.

Attachment 5
SECTION 00420 – DBE GOALS

Disadvantaged Business Enterprise (DBE) Requirements

This information will assist you in meeting the CBJ's Disadvantaged Business Enterprise (DBE) requirements. For simplicity, many of the regulations have been paraphrased; however, the actual laws apply and are incorporated by reference.

The CBJ shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. CBJ shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts.

The CBJ's DBE program, as required by 49 CFR part 26 and as approved by USDOT, 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 the CBJ of its failure to carry out its approved program, USDOT 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.).

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 USDOT-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.

The CONTRACTOR agrees to pay each Subcontractor under this Contract for satisfactory performance of its contract no later than 8 days from the receipt of each payment the CONTRACTOR receives from the CBJ. Payment shall not be delayed or withheld from any Subcontractor without prior written approval from the CBJ Project Manager. The CONTRACTOR agrees further to return retainage payments to each Subcontractor within 8 days after the Subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of OWNER. This clause applies to both DBE and non-DBE Subcontractors.

The CONTRACTOR agrees to comply with AS 36.90.210.

General Requirements. For your Bid to be considered or your Contract approved, all Bidders, CONTRACTORS, and Subcontractors must:

- complete the Bidder's Registration Form for the CONTRACTOR
- comply with the CBJ's DBE requirements;
- review applicable regulations, (49CFR Part 26);
- use good faith efforts in soliciting and achieving DBE participation; and
- complete the DBE Utilization Report.

Summary of Goals. At least 5.46% of the value of this contract must go to Disadvantaged Business Enterprises.

For assistance with DBE requirements, contact the Contract Administrator (907)586-0873. The office is located in the Engineering Department of the City and Borough of Juneau, 155 South Seward Street, Juneau, Alaska 99801, FAX: (907) 586-0897.

A. Who is eligible as a DBE? To qualify as a DBE, the firm must meet the federal eligibility requirements of 49 CFR 26. This means the firm must be **small, independent and at least 51% owned by minorities, women, or disadvantaged persons. The qualifying owner must control the business enterprise's day-to-day operations.**

The proposed DBE must be certified by the State of Alaska DOT&PF at the time of the bid opening

The DBE may act as a prime CONTRACTOR, Subcontractor, joint venture partner, or supplier. To be counted toward a goal the DBE must perform a commercially useful function (see D of this section).

B. DBE % Goals. To calculate the minimum dollar value for DBE participation, multiply the total contract bid price (including additives or alternates, if any) by the goal percentage.

C. How to obtain DBE participation. Prior to the scheduled pre-bid conference, solicit DBE participation to meet the goal, even if your firm is capable of doing all the work. Prior to bid opening, you must meet the goal or prove good faith efforts to meet the DBE goal. Good faith efforts include, but are not limited to the following:

- Advertise subcontracting opportunities in newspapers, trade publications and minority-focus media. Contact local minority organizations and other agencies that recruit and place DBEs. (Organization contact lists are available upon request.)
- Review and use the directories of certified DBEs available from the State of Alaska Department of Transportation and Public Facilities Civil Rights Office. Contact them at (800) 770-6236.
- Solicit DBEs in Juneau, Southeast Alaska, Alaska, and if necessary in the Pacific Northwest and other areas. You are encouraged to use Juneau-area DBE firms when possible.
- Contact specific DBEs in writing, giving enough time for effective participation. Follow-up initial contacts. Execute subcontracts in a timely manner.
- Break down contracts into units that allow DBE participation and will increase your ability to meet the goals. This may include portions of work normally reserved for your firm.
- Negotiate in good faith with DBEs for specific sub-bids. Do not reject them as unqualified without a thorough investigation of their capabilities. Bids by DBEs must only be

reasonable, not low. A reasonable price is one that would be accepted if it were the only offer.

- Either waive the requirements or help DBEs to obtain bonding, credit lines or insurance.
- Provide DBEs with information about the plans, specifications and requirements of the contract.
- Attend the pre-bid conference to review DBE and EEO requirements.

D. How to count DBE participation. The goal for DBE participation must be met, even if you can perform the entire contract. If your firm is a DBE, you will be credited for that portion of the contract for which you perform a commercially useful function and that portion subcontracted to other disadvantaged firms. For example, if a DBE prime CONTRACTOR proposes to perform 60% of a Project quoted at \$500,000.00 and subcontracts 20% to a majority firm and 20% for another DBE, participation will be 80% for DBEs in the project (60 + 20) or \$400,000.00.

Joint Venture. You may submit a joint venture bid with a DBE for the construction services required in the plans and specifications. The DBE partner must already be certified by the ADOT&PF. The portion of the total dollar value of a contract equal to the percentage of the ownership, control and performance of work by the DBE partner in the joint venture agreement will count toward goal attainment. Where the percentage differs for these three elements, participation shall be measured by the percentage of work performed by the DBE partner. For example, if a joint venture proposes to perform 100% of a project quoted at \$500,000, and 40% of the work is performed by the DBE partner, participation will be credited as 40% of the work or \$200,000. Another typical example would be the same joint venture proposing to perform 80% of a project quoted at \$500,000, and 20% of the ownership, control, and work performance by the DBE partner in the joint venture, with the remaining 20% of the contract performed by another majority firm; so that DBE participation would be credited at \$80,000 or 16% of the total contract work.

Negotiated or Competitively Bid Subcontracts. You must solicit DBE participation for meaningful portions of the work. You may use the competitive bid method for DBE participation, however, do not rely solely on this process to utilize disadvantaged firms. You may also negotiate for DBE participation, keeping in mind that DBE bids need only be reasonable to be considered. If the goal is not met, the City evaluates the low bidder's good faith efforts. Typically, the value of subcontracts with DBEs count 100% towards goals, (see below).

Regular Dealers or Suppliers and Manufacturers. You may count 60% of the cost to a DBE supplier (or regular dealer) who performs a commercially useful function in the supply process. If the supplier is also a manufacturer, or substantially alters the goods before resale, you may count 100% of the cost. Brokers and packagers shall not be regarded as manufacturers, regular dealers, or suppliers.

- A manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the CONTRACTOR.

- A supplier (or regular dealer) is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a supplier, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A supplier in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment.

Other DBE Services. The fees charged for delivery of materials and supplies required on a job site (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer of or a regular dealer in the materials or supplies, provided that the fee is determined by the OWNER to be reasonable and not excessive as compared with fees customarily allowed for similar services.

Substitution. A DBE Subcontractor may only be replaced for failure to perform. You must make a good faith effort to use another certified DBE. You must get the City Engineer's written approval before replacement.

Commercially Useful Function. The DBE must perform a commercially useful function. This means the DBE is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. The DBE may not, without prior approval: subcontract out portions of its work, act as an employee of another CONTRACTOR on the project, or allow another CONTRACTOR to coordinate its paperwork, employees, supplies, equipment, etc. Both the DBE and the CONTRACTOR involved may be liable, if the DBE is not used as an independent CONTRACTOR, or their role results in artificially inflated goal attainment.

E. If you cannot meet the goal: *"Good Faith Efforts" are compared to those a competitor actively and aggressively seeking to meet the goals would make.* The type, quantity, and intensity of your efforts are considered. Pro forma or other efforts which could not reasonably be expected to meet the goals will not work, even if sincerely motivated. Provide the DBE Contact Report and:

- Names, addresses and phone numbers of DBEs you contacted and the date and method of first and follow-up contact. Complete the Summary of Good Faith Effort Documentation.
- Copies of letters sent to viable DBEs.
- Details of information given to DBEs regarding plans and specifications for work to be performed.
- Statement of why agreements with DBEs were not reached.
- DBEs contacted but rejected as unqualified and reasons for rejection.
- Spread sheet showing sub-bids if DBE bid was unreasonably high.



BIDDER'S REGISTRATION FORM

ENGINEERING DEPARTMENT

All firms bidding on this CBJ project must be registered. Please complete this form for each CONTRACTOR and Subcontractor and return to:

City and Borough of Juneau
Engineering Department, Contract Administrator
155 South Seward Street
Juneau, Alaska 99801

If you have any questions, please call (907) 586-0873. Fax (907) 586-0897. A listing of all bidders is available upon request.

Name of Firm: _____

Street Address: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

Date Firm was Established: _____

Check all that apply:

Is this firm a prime CONTRACTOR? Y _____ N _____

Is this firm a Subcontractor? Y _____ N _____ Identify specialty: _____

Is this firm a service provider? Y _____ N _____ Identify service: _____

Is this firm a material supplier? Y _____ N _____ Identify: _____

Is this firm a manufacturer? Y _____ N _____ Identify: _____

Is this firm a certified DBE? Y _____ N _____ If so, by Whom?

_____ State of Alaska

_____ Other _____

Name of Organization

Firm's gross annual receipts:

_____ < \$500,000

_____ \$500,000 - \$999,999

_____ \$1,000,000 - 4,999,999

_____ \$5,000,000 - 9,999,999

_____ \$10,000,000 - 16,999,999

_____ < \$17,000,000



Engineering Department

CITY AND BOROUGH OF JUNEAU

SUMMARY OF GOOD FAITH EFFORT DOCUMENTATION

US DOT Federal-Aid Contracts

Project Name and Number

Contractor: _____

List **all** items considered for DBE utilization.

a. MATERIAL OR SPECIFIC ITEM OF WORK (SPECIFY PAY ITEM)	b. ACCEPTABLE DBE QUOTE RECEIVED ¹	c. # OF DBEs CONTACTED IN DBE DIRECTORY	d. # OF DBEs THAT RESPONDED ²	e. # OF DBE QUOTES RECEIVED
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

1. Check if acceptable DBE quote was received (if so, skip c, d, and e)

2. Attach completed Contact Reports

LIST ADDITIONAL ITEMS ON REVERSE SIDE

a. MATERIAL OR SPECIFIC ITEM OF WORK (SPECIFY PAY ITEM)	b. ACCEPTABLE DBE QUOTE RECEIVED ¹	c. # OF DBEs CONTACTED IN DBE DIRECTORY	d. # OF DBEs THAT RESPONDED ²	e. # OF DBE QUOTES RECEIVED
9.				
10.				
11.				
12.				
13.				
14.				
15.				

1. Check if acceptable DBE quote was received (if so, skip c, d, and e)
2. Attach completed Contact Reports

Comments:

INSTRUCTIONS

Project Name and Number: Enter project name and number as they appear on bid documents.

Work or Materials: Identify the specific work item or material that you requested this firm to furnish.

Firm Contacted: Enter name of firm as it appears in the current DOT&PF DBE directory.

Address: Enter address of firm contacted. **Phone Number:** Enter phone number of firm contacted.

A. INITIAL CONTACT (Must be made at least seven calendar days prior to bid opening.)

1. **Date and Method of Initial Contact:** Indicate the method and date that actual contact was made or the date correspondence was postmarked. Leaving a "please call me" message does not constitute a contact. Attach a copy of dated letter or fax.
2. **Name and Title of Person Contacted.** Enter name and title of company representative with whom you corresponded or discussed submitting a sub-bid.
3. **DBE's Response:** Indicate one or more of the responses listed. If a firm bid was received and accepted, skip to section D.

B. FOLLOW-UP CONTACT

If no response or an inconclusive response was received from the initial contact, a follow-up contact is required to determine for a certainty that the firm does not intend to submit a sub-bid or to conclude discussions with a sub-bid submittal.

1. **Date and Method of Follow-up Contact:** Indicate the method and date that actual contact was made or the date correspondence was postmarked. Leaving a "please call me" message does not constitute a contact. Attach a copy of dated letter or fax.
2. **Name and Title of Person Contacted.** Enter name and title of company representative with whom you corresponded or discussed submitting a sub-bid.
3. **DBE's Response:** Indicate one or more of the responses listed. If a firm bid was received and accepted, skip to section D.

C. EXPLANATION OF FAILURE TO ACHIEVE AN ACCEPTABLE SUB-BID

1. A NO response to items 1a., b., or c. will result in rejection of this contact. Be specific on results of discussions.
2. A YES answer to item 2. is grounds for rejecting a DBE sub-bid.
3. A YES answer to item 3. is grounds for rejecting a DBE sub-bid, only if the inability to perform is in an area of work specifically identified as a sub-item under the applicable bid item.

D. CERTIFICATION

This certification of accuracy and good faith by the Contractor will be verified by contact with the listed firm. Falsification of information on the DBE Contact Report is grounds for debarment action under AS 36.30.640(4).

Attachment 6

SECTION 00700 – GENERAL CONDITIONS

ARTICLE 15 SUSPENSION OF WORK AND TERMINATION

- 15.1 **SUSPENSION OF WORK BY OWNER.** The OWNER, acting through the ENGINEER, may, at any time and without cause, suspend the WORK or any portion thereof for a period of not more than 90 days by notice in writing to the CONTRACTOR. The CONTRACTOR shall resume the WORK on receipt from the ENGINEER of a notice of resumption of work. The CONTRACTOR shall be allowed an increase in the Contract Price or an extension of the Contract Time, or both, directly attributable to any suspension if the CONTRACTOR makes an approved claim therefor as provided in Articles 11 and 12.
- 15.2 **TERMINATION OF AGREEMENT BY OWNER (CONTRACTOR DEFAULT)**
- A. In the event of default by the CONTRACTOR, the OWNER may give 10 days written notice to the CONTRACTOR of OWNER's intent to terminate the Agreement and provide the CONTRACTOR an opportunity to remedy the conditions constituting the default. It shall be considered a default by the CONTRACTOR whenever CONTRACTOR shall: (1) declare bankruptcy, become insolvent, or assign its assets for the benefit of its creditors; (2) fail to provide materials or quality of work meeting the requirements of the Contract Documents; (3) disregard or violate provisions of the Contract Documents or ENGINEER's instructions; (4) fail to prosecute the WORK according to the approved progress schedule; or, (5) fail to provide a qualified superintendent, competent workers, or materials or equipment meeting the requirements of the Contract Documents. If the CONTRACTOR fails to remedy the conditions constituting default within the time allowed, the OWNER may then issue the Notice of Termination.
- B. In the event the Agreement is terminated in accordance with Paragraph 15.2A, herein, the OWNER may take possession of the WORK and may complete the WORK by whatever method or means the OWNER may select. The cost of completing the WORK shall be deducted from the balance which would have been due the CONTRACTOR had the Agreement not been terminated and the WORK completed in accordance with the Contract Documents. If such cost exceeds the balance which would have been due, the CONTRACTOR shall pay the excess amount to the OWNER. If such cost is less than the balance which would have been due, the CONTRACTOR shall not have claim to the difference.

Attachment 7

53.50.400 Authority to debar or suspend.

(a) Debarment. After consultation with the City and Borough attorney, notice pursuant to section 53.50.420, and an opportunity for a hearing conducted according to section 53.50.425, the manager may for cause debar a person from consideration for award of contracts for goods, services, or both. The debarment may not be for a period of more than three years.

(b) Suspension. After consultation with the City and Borough attorney and notice pursuant to section 53.50.420, the manager may suspend a person from consideration for award of contracts for goods, services, or both if there is probable cause for debarment and compelling reasons require suspension to protect City and Borough interests. Suspension shall not be imposed as a punitive measure. The suspension may not be for a period exceeding three months and may not be extended or renewed upon the same cause.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.402 Causes for debarment or suspension.

The causes for debarment or suspension include the following:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of the contract or subcontract;

(b) Conviction of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offense indicating a lack of business integrity or business honesty that currently and seriously affects responsibility as a City and Borough contractor;

(c) Conviction or civil judgment finding a violation under state or federal antitrust statutes;

(d) Violation of contract provisions of a character that is regarded by the manager to be so serious as to justify debarment action, such as:

(1) Knowing failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(2) Failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, except that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor may not be considered to be a basis for debarment.

(e) A violation of this chapter punishable under section 53.50.430; or

(f) A pending petition for protection in bankruptcy, or other evidence that the vendor is unable to meet contractual obligations.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.420 Notice.

(a) The manager shall issue written notice of a suspension, proposed debarment or both. The notice must:

(1) State the reasons for the action taken; and

(2) Inform the person of rights to a hearing.

(b) A copy of the notice under subsection (a) of this section shall be mailed or otherwise furnished immediately to the person suspended or proposed for debarment.

(c) A suspension is effective upon issuance of the notice under this section.

(d) A debarment is effective upon issuance of a final decision under section 53.50.428.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.423 Hearing.

(a) A person issued notice under section 53.50.400 is entitled to a hearing conducted according to section 53.50.425 if the person files a written request for a hearing with the manager within seven days after issuance of the notice.

(b) If the person requests a hearing, the manager shall promptly schedule one unless the City and Borough attorney determines that a hearing at the proposed time is likely to jeopardize a criminal investigation. A hearing may not be delayed longer than six months after notice is provided under section 53.50.420.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.425 Hearing procedures.

(a) The manager shall act as a hearing officer or appoint a hearing officer for a hearing conducted under this chapter. The hearing officer shall notify the parties in writing of the time and place of the hearing. The hearing shall be conducted in an informal manner. The appeal procedures of chapter 01.45 do not apply to a hearing conducted under this section.

(b) The hearing officer may:

(1) Hold prehearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;

(2) Require parties to state their positions concerning the various issues in the proceeding;

(3) Require parties to produce for examination those relevant witnesses and documents under their control;

(4) Rule on motions and other procedural matters;

(5) Regulate the course of the hearing and conduct of the participants;

(6) Establish time limits for submission of motions or memoranda;

(7) Impose appropriate sanctions against a person who fails to obey an order of the manager, including:

a. Prohibiting the person from asserting or opposing designated claims or defenses or introducing designated matters into evidence;

b. Excluding all testimony of an unresponsive or evasive witness; and

c. Excluding a person from further participation in the hearing.

(8) Take official notice of a material fact not appearing in evidence, if the fact is among the traditional matters subject to judicial notice;

(9) Administer oaths or affirmations.

(c) A transcribed record of the hearing shall be made available at cost to a party that requests it.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.427 Recommendation by a hearing officer.

(a) If the manager is not acting as hearing officer, the hearing officer shall recommend a decision to the manager based on the evidence presented. The recommendation must include findings of fact and conclusions of law.

(b) The manager may remand the matter to the hearing officer with instructions, or take other appropriate action.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.428 Final decision by the manager.

The manager shall issue a final decision after the hearing or upon failure of the person to timely request a hearing. The decision shall be issued within 20 days of the hearing or exhaustion of the time within which a hearing may be requested. A decision takes effect immediately. Upon a decision imposing debarment, the contractor remains debarred until a court or the manager orders otherwise, or until the debarment period specified in the decision expires.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.429 Judicial appeal.

A final decision of the manager under section 53.50.428 may be appealed to the superior court in accordance with the Alaska Rules of Appellate Procedure.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.430 Civil and criminal penalties.

The following penalties apply to violations of this chapter:

(a) A person who contracts with the City and Borough in a manner the person knows to be contrary to the requirements of this chapter is liable for all costs and damages to the City and Borough arising out of the violation;

(b) A person who intentionally or knowingly bids, proposes, or contracts for goods or services under a scheme or artifice to avoid the requirements of this chapter is guilty of a Class A misdemeanor.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.435 List of persons debarred or suspended.

The manager shall maintain a list of all persons debarred or suspended from consideration for award of contracts. The manager shall, for the period of debarment or suspension, remove such persons from the lists of vendors maintained under section 53.50.050.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.437 Limited participation.

The manager may permit a debarred person to participate in a contract on a limited basis during the debarment period if the manager determines in writing that the participation is advantageous to the City and Borough. The determination shall specify the factors on which it is based and the limits imposed on the debarred person.

(Serial No. 99-33, § 3, 12-6-1999)

53.50.440 Reinstatement.

(a) The manager may, at any time after a final decision to debar a person from consideration for award of contracts, reinstate the person after determining that the cause for which the person was debarred no longer exists or has been substantially mitigated.

(b) A debarred person may request reinstatement by submitting a petition to the manager supported by evidence showing that the cause for debarment no longer exists or has been substantially mitigated.

(c) The manager may require a hearing on a reinstatement petition. A decision on reinstatement shall be made in writing within seven days after a reinstatement petition is submitted. The decision must specify the factors on which it is based.

(Serial No. 99-33, § 3, 12-6-1999)

Attachment 8

Sec. 36.30.115. Subcontractors for construction contracts.

(a) Within five working days after the identification of the apparent low bidder for a construction contract, the apparent low bidder shall submit a list of the subcontractors the bidder proposes to use in the performance of the construction contract. The list must include the name and location of the place of business for each subcontractor, evidence of each subcontractor's valid Alaska business license, and evidence of each subcontractor's registration as a contractor under AS 08.18. If a subcontractor on the list did not have a valid Alaska business license and a valid certificate of registration as a contractor under AS 08.18 at the time the bid was opened, the bidder may not use the subcontractor in the performance of the contract, and shall replace the subcontractor with a subcontractor who had a valid Alaska business license and a valid certificate of registration as a contractor under AS 08.18 at the time the bid was opened.

(b) A construction contractor or the apparent low bidder for a construction contract may replace a listed subcontractor if the subcontractor

- (1) fails to comply with AS 08.18;
- (2) files for bankruptcy or becomes insolvent;
- (3) fails to execute a contract with the construction contractor or bidder involving performance of the work for which the subcontractor was listed and the construction contractor or bidder acted in good faith;
- (4) fails to obtain bonding;
- (5) fails to obtain insurance acceptable to the state;
- (6) fails to perform the contract with the construction contractor or bidder involving work for which the subcontractor was listed;
- (7) must be substituted in order for the contractor to satisfy required state and federal affirmative action requirements;
- (8) refuses to agree or abide with the labor agreement of the construction contractor or bidder; or
- (9) is determined by the procurement officer not to be a responsible subcontractor.

(c) If a bidder for a construction contract fails to list a subcontractor or lists more than one subcontractor for the same portion of work and the value of that work is in excess of half of one percent of the total bid, the bidder shall be considered to have agreed to perform that portion of work without the use of a subcontractor and to have represented the bidder to be qualified to perform that work.

(d) A bidder for a construction contract who attempts to circumvent the requirements of this section by listing as a subcontractor another contractor who, in turn, sublets the majority of the work required under the contract violates this section.

(e) If a construction contract is awarded to a bidder who violates this section, the procurement officer may

- (1) cancel the contract; or
- (2) after notice and a hearing, assess a penalty on the bidder in an amount that does not exceed 10 percent of the value of the subcontract at issue.

(f) In addition to the circumstances described in (b) of this section, a construction contractor may request permission from the procurement officer to add or replace a listed subcontractor. The request must be in writing, specifically detailing the basis for the request, and include appropriate supporting documentation.

The procurement officer shall approve the request if the procurement officer determines in writing that the requested addition or replacement is in the best interest of the state.

(g) The requirements of this section do not apply to a design-build construction contract.

(h) In this section, "construction contractor" means a person who enters into a construction contract with an agency.



The Alaska Unified Certification Program Agreement

The United States Department of Transportation (USDOT) has issued regulations at 49 CFR 26.81 (Subpart E) requiring that all direct and indirect recipients of USDOT funding within a state establish a Unified Certification Program (UCP). The purpose of the UCP is to provide a one-stop certification process for all businesses within each state seeking certification to participate in the USDOT Disadvantaged Business Enterprise (DBE) Program. USDOT agencies requiring the UCP include: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA).

As a recipient of USDOT funds, all the undersigned USDOT recipients have entered into this Agreement to form an Alaska Unified Certification Program (AUCP). The AUCP will be administered by the Alaska Department of Transportation & Public Facilities (ADOT&PF). The undersigned agree the AUCP shall make all certification decisions on behalf of all USDOT recipients within Alaska. The AUCP will provide “one-stop shopping” to applicants for DBE certification so that an applicant is required to apply only once for a DBE certification which will be honored by all recipients in Alaska. All obligations of recipients with respect to certification and nondiscrimination will be carried out by the AUCP and recipients may only use other UCPs that comply with the certification and nondiscrimination requirements of 49 CFR Part 26. The undersigned also agree to the following terms and conditions:

1.0 AUCP Certification Location

The ADOT&PF, 2200 East 42nd Avenue, Anchorage, Alaska (mailing address is PO Box 196900, Anchorage, AK 99519-6900) will serve as the centralized certification location for the AUCP.

1.1 Certification Standards

The AUCP will follow the Certification Standards of 49 CFR Part 26, Subpart D and the Certification Procedures and Standards of 49 CFR Part 26 Subpart E in determining eligibility of firms to participate as a DBE in DOT-assisted contracts. Firms must meet all certification eligibility standards as indicated in the 49 CFR Part 26. Certification decisions are solely based on the minimum requirements indicated in 49 CFR Part 26. All certifications made by the AUCP are pre-certifications in accordance with 49 CFR 26.81(c).

1.2 Certification Appeals

Any firm or complainant wishing to appeal the AUCP’s administrative, final denial of certification or decertification (under the provisions of 49 CFR 26.85, 26.87 and 26.89) may do so in writing to USDOT:

Department of Transportation
Office of Civil Rights
Certification Appeals Branch
400 7th St., SW, Room 5414A
Washington, DC 20590

The AUCP will promptly implement any USDOT certification appeal decision affecting the eligibility of a DBE for USDOT-assisted contracting in Alaska.

1.3 Annual DBE Affidavits

The AUCP will require all DBEs to annually submit a written affidavit which will verify any change in 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 their application for certification as required by 49 CFR 26.83(j).

The AUCP will notify all currently certified DBE firms of these obligations annually by certified mail.

1.4 Denial of DBE Certification to New Applicants

When a firm not previously certified as a DBE is found to be ineligible at the time of the firm's application submission, the firm will be denied certification as a DBE. The firm will be provided a written explanation of the reasons for denial as required by 49 CFR 26.85. Any firm denied certification as a DBE may appeal this decision within 90 days to USDOT at the address listed in Section 1.2.

When DBE certification is denied, the firm in question is ineligible to participate as a DBE on federally funded USDOT projects and may not reapply for certification for at least one year from the date of the final decision by either the ADOT&PF Civil Rights Office or USDOT, whichever decision is the latter.

1.5.1 Removal of DBE Certification

When a DBE firm fails to continue to meet the minimum standards for DBE certification, a written preliminary determination by ADOT&PF to remove their DBE certification will be sent to the firm. When the owner(s) of a DBE firm believes the ADOT&PF has made an error in its preliminary determination to remove its DBE certification, they may request an informal hearing of this determination, in accordance with subsection 1.5.3, Informal Hearing Process.

If a DBE firm chooses not to request an informal hearing, the determination shall be made final and the DBE certification will be removed. The DBE firm in question is not eligible to participate as a DBE on federally funded USDOT projects and may not reapply for DBE certification for at least one year from the date of the final decision by either ADOT&PF or USDOT, whichever decision is the latter.

DBE firms may be subject to removal of DBE certification for various reasons including, but not limited to the following:

- a. The DBE firm no longer meets the eligibility requirements of 49 CFR Part 26;
- b. The DBE firm fails to provide current annual affidavits about the personal net worth of the DBE owners and/or changes that would affect the eligibility of the firm as a DBE under 49 CFR Part 26;
- c. The DBE firm at any time refuses to cooperate with requests by the ADOT&PF for information and/or documentation required by 49 CFR Part 26;
- d. The DBE firm is debarred or suspended by the ADOT&PF or USDOT;
- e. The ADOT&PF determines that DBE eligibility was based on "Pro Forma" practices, procedures, or changes;
- f. The DBE fails to cooperate with the ADOT&PF in accordance with 49 CFR Part 26.109(c).

1.5.2 Due Process

When allegations or concerns have arisen which could result in the removal of the DBE certification of a firm, ADOT&PF will assign a CRO Certification Officer to review and consider the allegations and/or concerns. The assigned CRO Certification Officer will evaluate the information that has been provided and identify those issues, which, if true, could impact the DBE firm's continued eligibility. If the allegations/concerns are found to be true, ADOT&PF will provide written notice to the DBE firm, Notice of Preliminary Determination to Remove DBE Certification, which identifies the problem areas and provides a timeframe within which the DBE firm must respond to the allegations/concerns. A DBE firm so notified is entitled to an informal hearing as described in subsection 1.5.3, except for an ADOT&PF determination that concludes the DBE firm owner(s) exceed the personal net worth standards and the determination is not disputed by the DBE firm.

Should the DBE firm fail to exercise its right to an informal hearing within the time limits specified, then the DBE certification shall be removed for that firm effective the day after the expiration of their right to an informal hearing.

1.5.3 Informal Hearing Process

A DBE firm that is notified of intent to remove its certification is entitled to an informal hearing in accordance with §26.87. The firm may elect to present information and arguments in person, writing or telephonically at a hearing. To ensure separation of functions in an informal hearing, we have determined that a member of the Western Region Executive Committee will serve as the knowledgeable decision-maker.

By utilizing the resources of the Western Region Executive Committee, the ADOT&PF has established an administrative firewall to ensure that the knowledgeable decision-maker will not have participated in any way in the preliminary determination to remove the certification of the DBE firm.

While an informal hearing decision is pending, the DBE in question is eligible to participate as a DBE on USDOT federally funded projects. Once the informal hearing decision is issued, and the preliminary decision of ADOT&PF is made final, the firm may not reapply for DBE certification for at least one year from the date of the decision by the member of the Western Region Executive Committee, or one year from final appeal decision by USDOT, whichever decision is the latter.

A firm may appeal the informal hearing decision in writing to USDOT within 90 days from the date of the final decision by the member of the Western Region Executive Committee.

2.0 Third Party Complaints Regarding DBE Certification

Any third party may file a written complaint with ADOT&PF regarding the qualification of a firm that is currently certified or have applied for certification as a DBE. The complaint must include all relevant and factual information, which addresses the firm's qualifications. ADOT&PF will provide written notice to both the complainant and the firm in question that a complaint has been received relative to the firm's DBE qualifications.

The identity of the complainant shall be maintained by ADOT&PF as confidential information, unless it hinders or prevents the investigation of the complaint (i.e., the nature and/or circumstances of the complaint would disclose the identity of the complainant to the DBE firm in question) in accordance with 49 CFR 26.109(b). In such cases where the DBE firm in question may know or be able to discern the identity of the complainant, or result in a denial of appropriate administrative due process to other parties, ADOT&PF will inform the complainant and request written permission from to disclose their identity should it become necessary during the course of the investigation.

The complaint will be investigated by ADOT&PF to determine whether the DBE firm is qualified for the DBE Program under the provisions of 49 CFR Part 26. If the investigation concludes that there is no validity, ADOT&PF will provide the findings with reasons for the finding of no reasonable cause in writing to both the complainant and the firm. Also, the complainant will be provided information of the right to appeal ADOT&PF's decision to USDOT.

If ADOT&PF determines there is reasonable cause to believe the firm in question is unqualified, ADOT&PF will:

- follow the procedures as outlined in 49 CFR Part 26 and subsection 1.4 of this agreement to deny certification for new applicants; or
- follow the procedures as outlined in 49 CFR Part 26 and subsection 1.5 of this agreement to remove a DBE firm's certification.

3.0 DBE Directory

The AUCP will maintain a directory identifying all firms certified as a DBE. The directory will include: firm's name, address, phone number, re-certification due date, and the type of work the firm has been certified to perform. The AUCP will make the Directory available as follows:

- The electronic directory will be updated when changes are made in accordance with 49 CFR 26.81(g) and will be the most current and accurate version available. The electronic directory should be used as the primary reference and is on the internet at: <http://www.dot.state.ak.us/cvlrts/directory.shtml>
- The hardcopy directory will be updated once every three months. Hardcopies will be available at ADOT&PF Civil Rights Office and all other AUCP participants' locations. The public may request a copy be sent by mail from the ADOT&PF Civil Rights or any other AUCP participant.

Firms Previously Certified By Alaska DOT Recipients

Incorporation of DBE firms certified by another USDOT recipient prior to the formation of the AUCP, will be accommodated based on a review by ADOT&PF on behalf of the AUCP of their eligibility for the DBE Program under 49 CFR Part 26. The review will consist of an analysis of the annual information required of all DBE firms and an on-site review to verify eligibility. Any DBE firm proposed for removal of DBE certification by the new AUCP will be offered an opportunity for an informal hearing as stated under 49 CFR Part 26 and subsection 1.5.3. Firms may reapply for certification within 12 months from the receipt of final determination. Firms that were previously denied certification by ADOT&PF and upheld on appeal by USDOT, but retained by other Alaska USDOT recipients will not be certified for listing in the AUCP DBE Directory and no additional hearing rights will be offered. This means that firms reviewed for eligibility by ADOT&PF and found ineligible (with verification of ineligibility by USDOT) will not be accepted for transfer to the AUCP DBE Directory. These firms may re-apply for certification if it has been 12 months since the last certification decision by ADOT&PF. Other Alaska USDOT recipients who performed certifications in the past will transfer all files to ADOT&PF within 60 days after the AUCP is approved by USDOT.

4.0 Cooperation, Oversight, Review and Monitoring Activities

The AUCP will fully cooperate with the oversight, review and monitoring activities of USDOT and its operating administrations (FHWA, FAA and FTA).

5.0 USDOT Directives and Guidance

The AUCP shall implement all required USDOT directives and guidance relative to DBE certification matters.

6.0 Resources and Expertise of the AUCP

All Alaska USDOT recipients are committed to insuring there are adequate resources to carry out the functions of the AUCP. The ADOT&PF has assured all USDOT recipients that currently they have received the necessary resources within their own operating budget and have the adequate staff to administer the AUCP. ADOT&PF will add an additional Certification Officer position to handle additional certification demands for the AUCP at no cost to the other recipients. However if in the future resources are no longer adequate, ADOT&PF will notify all other USDOT recipients to request assistance for program needs. One option, which ADOT&PF will pursue, if necessary, is to acquire a percentage off the top of all USDOT grants to cover AUCP administration.

ADOT&PF will also have a general email address and an in-state toll free telephone number for the AUCP DBE applicants. All Alaska USDOT recipients that are signatories to the AUCP Agreement affirm and concur that ADOT&PF has provided assurance that they have sufficient resources and expertise to carry out the certification requirements of 49 CFR Part 26.

7.0 Annual Meeting

At a minimum, normally during the month of January, ADOT&PF Civil Rights will host a meeting in Anchorage for all Alaska USDOT recipients. The purpose of the meeting will be to discuss the functionality and improvement of the AUCP and/or discuss any needed changes/amendments. For those unable to attend in person, ADOT&PF will provide teleconferencing as an option for participation. ADOT&PF will not provide travel or lodging for this meeting.

8.0 Disputes with Administration of the AUCP

Any Alaska USDOT recipient may dispute the administration of the AUCP. Such a dispute shall be stated in writing, specifying the alleged administrative error(s) committed by the AUCP and supported by evidence based on 49 CFR Part 26. The dispute shall be submitted to the ADOT&PF Civil Rights Manager for final resolution within 60 calendar days from date of receipt of the dispute. The Civil Rights Manager will: (1) acknowledge receipt and distribute immediately to all AUCP participants and (2) solicit and accept input from AUCP participants in addressing the concern(s). Once the fact gathering and input has concluded, the final outcome will be provided to all AUCP participants in writing.

9.0 Recipients - Direct and Indirect

Each Alaska USDOT direct recipient that is a signatory to the AUCP Agreement will ensure that all of its sub-recipients are bound by the terms and conditions of the AUCP. This will be done through a formal Transfer Of Responsibility Agreement or similar agreement. Any failure to do so will be subject to review by the USDOT.

10.0 Participation in Regional UCPs

The AUCP will not participate in a regional UCP with another State unless Agreement to do so is reviewed and approved by all Alaska USDOT recipients.

11.0 Amendment of the AUCP Agreement

This Agreement will not be amended unless agreed to by all signatories to the Agreement or if ordered to do so by USDOT. Any significant change, which affects or alters the intent of the Agreement, is subject to review by the AUCP membership and approval by USDOT.

12.0 Implementation Schedule

Upon approval of this Agreement by the US Secretary of Transportation this Agreement will be implemented. The AUCP agreement will be posted on the ADOT&PF website.

13.0 Entire Agreement

This Agreement represents the entire Agreement between the parties. Any previous statements, whether oral or written, are merged into this Agreement.

The undersigned Alaska USDOT recipients agree to and accept the terms and conditions of the AUCP.

14.0 Agreement Interpretation

The language of this Agreement is to be construed according to its fair meaning and is not to be construed with a bias in favor of or against ADOT&PF or the other signers of the Agreement.

15.0 Term of This Agreement

This agreement shall be valid as long as an AUCP is required by USDOT of its recipients for highway, airport and mass transit funding assistance.

The undersigned is authorized to execute the Alaska Unified Certification Program Agreement conditionally approved by USDOT on May 8, 2003 and to bind the named recipient to the terms and conditions set forth in this agreement.

Name of Recipient (Agency)

Date

City & Borough of Juneau

7/27/15

DBE Liaison Officer/Authorized Representative
(Printed)

(Signature)

Duncan Rorie Watt





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

Roadmap for Applicants

1. Should I apply?

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

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and does not exceed \$23.98 million in gross annual receipts for DBE (\$52.47 million for ACDBEs). (Other size standards apply for ACDBE that are banks/financial institutions, car rental companies, pay telephone firms, and automobile dealers.)

2. How do I apply?

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

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

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

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

5. Where can I find more information?

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

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

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

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



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

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

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

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

B. Prior/Other Certifications and Applications

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

Section 2: GENERAL INFORMATION

A. Business profile:

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

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

B. Relationships and Dealings with Other Businesses

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



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

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

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

Section 3: MAJORITY OWNER INFORMATION

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

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

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

B. Additional Owner Information

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

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

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

Section 4: CONTROL

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

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



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

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

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

C. Inventory: Indicate firm inventory in these categories:

(1) Equipment and Vehicles

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

(2) Office Space

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

(3) Storage Space

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

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

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

E. Financial / Banking Information

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

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

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

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

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

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

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

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

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

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

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

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

AIRPORT CONCESSION (ACDBE) APPLICANTS

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

AFFIDAVIT & SIGNATURE

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

Section 1: CERTIFICATION INFORMATION



A. Basic Contact Information

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

(3) Phone #: (____) _____ - _____ (4) Other Phone #: (____) _____ - _____ (5) Fax #: (____) _____ - _____

(6) E-mail: _____ (7) Firm Websites: _____

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

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

B. Prior/Other Certifications and Applications

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

DBE ACDBE Names of certifying agencies: _____

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

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

Date ___/___/___ State/UCP Member: _____ Date ___/___/___ State/UCP Member: _____

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

- (a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? Yes No
- (b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? Yes No

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

Section 2: GENERAL INFORMATION

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

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

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

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

- Started new business Bought existing business Inherited business Secured concession
- Merger or consolidation Other (explain) _____



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 (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: Table with columns Type and Dollar Value. 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? 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 _____

Table with 3 columns: Initial investment to acquire ownership interest in firm, Type, Dollar Value. Rows include Cash, Real Estate, Equipment, and 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: _____	Percent Owned:		Name: _____	Title: _____	Percent Owned:	
Sets policy for company direction/scope of operations		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>

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

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: _____

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

1. Equipment and Vehicles

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

2. Office Space

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



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

Street Address

Owned or Leased by
Firm or Owner?

Current Value of Property or Lease

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

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

Name of bank: _____ City and State: _____

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

Name of bank: _____ City and State: _____

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

Bonding Information: If you have bonding capacity, identify the firm's bonding aggregate and project limits:
Aggregate limit \$ _____ Project limit \$ _____

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

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

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

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

H. List current licenses/permits held by any owner and/or employee of your firm (e.g. contractor, engineer, architect, etc.) (Attach additional sheets if needed):

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



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

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

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

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

AIRPORT CONCESSION (ACDBE) APPLICANTS ONLY MUST COMPLETE THIS SECTION

Identify the following information concerning the ACDBE applicant firm:

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

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

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



AFFIDAVIT OF CERTIFICATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signature _____ (DBE/ACDBE Applicant) _____ (Date)

NOTARY CERTIFICATE



UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

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

Required Documents for All Applicants

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

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

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

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

Optional Documents to Be Provided on Request

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

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

Suppliers

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

Attachment 11

OPERATING METHODS –DENIAL, DECERTIFICATION, THIRD PARTY COMPLAINTS, AND INFORMAL DECERTIFICATION APPEAL PROCESS

1. Denial

When a firm is found to not meet the DBE eligibility requirements at time of certification application or annual recertification application, their certification application is denied. When the owner(s) of an applicant firm believe they have been wrongly denied recertification as a DBE by the Civil Rights Office, they may appeal the determination in accordance with Part 5, Informal Decertification Appeal Process.

When certification or recertification is denied, the DBE in question is not eligible to participate as a DBE on federally funded projects and may not reapply for DBE certification for at least one year from the date of the final decision by either the Civil Rights Office or USDOT, whichever is later.

2. Decertification

At times other than application for recertification, DBE firms be subject to decertification for various reasons including, at a minimum:

- a. The DBE firm no longer meets the eligibility requirements of 49 CFR, Part 26.
- b. The DBE firm fails to maintain current annual assurances about the personal net worth of the DBE owners/managers and changes that would affect the eligibility of the firm as a DBE under 49 CFR, Part 26.
- c. The DBE firm ceases to conduct business in a construction/transportation related field.
- d. The DBE firm at any time refuses to cooperate with requests by the Civil Rights Office for information and/or documentation.
- e. The DBE firm is debarred or suspended by the State or USDOT.
- f. The Civil Rights Office determines that DBE eligibility was based on "Pro Forma" practices, procedures, or changes.
- g. The DBE fails to cooperate with the Civil Rights Office during a CUF investigation, or in the investigation of any complaint.

DBE firms decertified are entitled to an informal appeal hearing in accordance with Section 5.

3. Third Party Complaints

Any third party may file a written complaint the Civil Rights Office regarding the certification of a DBE firm.

The complainant must include all factual information they have relevant to the issue of whether the DBE firm in question is socially and economically disadvantaged. The Civil Rights Office reviews the information and determines whether there is reason to believe that the DBE firm in question is, in fact, not socially and economically disadvantaged using standards set forth in 49 CFR Part 26.

- a. In accordance with §26.109(b), the identity of the complainant shall be maintained by CRO staff as confidential information, unless this prevents the investigation of the

Complaint (i.e., the nature and/or circumstances of the complaint would disclose the identity of the complainant to the DBE firm in question). In such cases where the DBE firm in question may know or be able to discern the identity of the complainant, then the CRO investigator shall request written permission of the complainant to disclose their identity should it become necessary during the course of the investigation.

- (i) If written permission is granted to disclose the identity of the complainant, then the complaint investigation shall proceed.
 - (ii) If written permission is not granted to disclose the identity of the complainant, then the CRO investigator shall terminate investigation of the complaint in writing to the complainant citing the inability to reasonably investigate the complaint due to the limitations of maintaining the complainant's identity as confidential.
- b. If the Civil Rights Office determines there is no valid reason to believe that the DBE firm in question is not socially and economically disadvantaged, the Civil Rights Office informs the complainant and the DBE firm in question of this finding in writing. This terminates the process.
- c. If the Civil Rights Office determines that there is valid reason to believe that the DBE firm in question is not socially and economically disadvantaged, the Civil Rights Office initiates the following:
- (i) The Civil Rights Office notifies the DBE firm in question in writing that his or her status as a socially and economically disadvantaged individual has been disputed. The notice summarizes the grounds for the complaint. The notice also requires the DBE firm in question to provide to the Civil Rights Office within 21 days from the date of the receipt of notice, information requested by the Department to permit the Civil Rights Office to evaluate the social and economic status of the DBE firm in question.
 - (ii) The Civil Rights Office evaluates the information provided and makes a determination of the social and economic disadvantaged status of the DBE firm in question. The Civil Rights Office notifies both parties of this final determination in writing, stating the reasons for its decision.
- d. While a complaint is pending under this section, the presumption that the DBE firm in question is a socially and economically disadvantaged individual remains in effect. The DBE participant remains in the DBE Directory as "active" until the complaint has been adjudicated. If the DBE participant is determined to not be "socially and economically disadvantaged" as defined in 49 CFR Part 26, the firm is decertified and removed from the DBE Directory.
- e. Decertification by this process by the Civil Rights Office may be appealed in accordance with the Appeal Process, Section 5. The decision of a third party complaint may be appealed only by the decertified DBE firm.
- f. For a firm that is decertified by the Civil Rights Office, or when decertification is upheld by the Western Region Executive Committee and USDOT, the firm may not reapply for certification for at least one year from the date of the final decertification decision. A firm decertified because the owner is no longer economically disadvantaged because the owner's personal net worth exceeds \$750,000 shall not be eligible to reapply for certification at any time.

4. Due Process

When allegations or concerns listed in Part 2 (Decertification) or Part 3 (Third Party Complaint) of this section have arisen which could, if true, result in the decertification of a DBE firm, the DBE firm shall be notified in writing and given an opportunity to discuss the concerns that have arisen, prior to making the final decision on decertification.

The assigned CRO investigator will evaluate the information that has been provided and identify those issues, which, if true, could impact the DBE's continued eligibility. The CRO investigator will provide written notice to the DBE (Notice of Potential Decertification) which identifies the problem areas and provides a timeframe within which the DBE must respond to the allegations/concerns.


Upon review of all evidence, the CRO Manager will issue a notice of intent to remove a DBE firm's certification. The DBE firm shall be notified in writing by certified mail. Should the DBE firm be so notified, they are entitled to an informal decertification appeal as described in Section 5. Should the DBE firm fail to exercise its right to an informal hearing within the time limits specified, then the DBE shall be decertified effective the day after the expiration of their right to an informal hearing.

5. Informal Decertification Appeal Process

A DBE firm that is decertified is entitled to an informal appeal in accordance with §26.87. To ensure separation of functions in a decertification, we have determined that a member of the Western Region Executive Committee will serve as the knowledgeable decision-maker in decertification appeal. By utilizing the resources of the Western Region Executive Committee, the Civil Rights Office has established an administrative firewall to ensure that the knowledgeable decision-maker will not have participated in any way in the decertification proceedings against the DBE firm.

Except for DBE owners decertified for personal net worth, while an appeal of a decertification decision is pending, the DBE in question is eligible to participate as a DBE on federally funded projects. Once notice of an appeal decision is issued the firm may not reapply for DBE certification for at least one year from the date of the final decision by the member of the Western Region Executive Committee, or one year from final appeal decision by USDOT, if the denial is upheld. DBE firm owners decertified for personal net worth reasons permanently graduate from the DBE program and are not eligible for future certification as a DBE firm.

A firm may appeal the decertification decision in writing to USDOT within 90 days from the date of the final decision by the member of the Western Region Executive Committee.

	U.S. Department of Transportation	Personal Net Worth Statement For DBE/ACDBE Program Eligibility As of _____	OMB APPROVAL NO: EXPIRATION DATE:
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This form is used by all participants in the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) 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 Unified Certification Program (UCP) recipient 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 UCP certifying member, not U.S. DOT.**

Name		Business Phone
Residence Address (As reported to the IRS) City, State and Zip Code		Residence Phone
Business Name of Applicant Firm		
Spouse's Full Name (Marital Status: Single, Married, Divorced, Union)		

ASSETS	(Omit Cents)	LIABILITIES	(Omit Cents)
Cash and Cash Equivalents	\$	Loan on Life Insurance (Complete Section 5)	\$
Retirement Accounts (IRAs, 401Ks, 403Bs, Pensions, etc.) (Report full value minus tax and interest penalties that would apply if assets were distributed today) (Complete Section 3)	\$	Mortgages on Real Estate Excluding Primary Residence Debt (Complete Section 4)	\$
Brokerage, Investment Accounts	\$	Notes, Obligations on Personal Property (Complete Section 6)	\$
Assets Held in Trust	\$	Notes & Accounts Payable to Banks and Others (Complete Section 2)	\$
Loans to Shareholders & Other Receivables (Complete section 6)	\$	Other Liabilities (Complete Section 8)	\$
Real Estate Excluding Primary Residence (Complete Section 4)	\$	Unpaid Taxes (Complete Section 8)	\$
Life Insurance (Cash Surrender Value Only) (Complete Section 5)	\$		
Other Personal Property and Assets (Complete Section 6)	\$		
Business Interests Other Than the Applicant Firm (Complete Section 7)	\$		
Total Assets	\$	Total Liabilities	\$
		NET WORTH	

Section 2. Notes Payable to Banks and Others

Name of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

Section 3. Brokerage and custodial accounts, stocks, bonds, retirement accounts. (Full Value) (Use attachments if necessary).

Name of Security / Brokerage Account / Retirement Account	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

Section 4. Real Estate Owned (Including Primary Residence, Investment Properties, Personal Property Leased or Rented for Business Purposes, Farm Properties, or any Other Income Producing property). (List each parcel separately. Add additional sheets if necessary).

	Primary Residence	Property B	Property C
Type of Property			
Address			
Date Acquired and Method of Acquisition (purchase, inherit, divorce, gift, etc.)			
Names on Deed			
Purchase Price			
Present Market Value			
Source of Market Valuation			
Name of all Mortgage Holders			
Mortgage Acc. # and balance (as of date of form)			
Equity line of credit balance			
Amount of Payment Per Month/Year (Specify)			

Section 5. Life Insurance Held (Give face amount and cash surrender value of policies, name of insurance company and beneficiaries).

Insurance Company	Face Value	Cash Surrender Amount	Beneficiaries	Loan on Policy Information

Section 6. Other Personal Property and Assets (Use attachments as necessary)				
Type of Property or Asset	Total Present Value	Amount of Liability (Balance)	Is this asset insured?	Lien or Note amount and Terms of Payment
Automobiles and Vehicles (including recreation vehicles, motorcycles, boats, etc.) Include personally owned vehicles that are leased or rented to businesses or other individuals.				
Household Goods / Jewelry				
Other (List)				
Accounts and Notes Receivables				
Section 7. Value of Other Business Investments, Other Businesses Owned (excluding applicant firm) Sole Proprietorships, General Partners, Joint Ventures, Limited Liability Companies, Closely-held and Public Traded Corporations				
Section 8. Other Liabilities and Unpaid Taxes (Describe)				
Section 9. Transfer of Assets: Have you within 2 years of this personal net worth statement, transferred assets to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe.				
<p>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 certify 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.</p>				
<p>NOTARY CERTIFICATE: (Insert applicable state acknowledgment, affirmation, or oath)</p>				
<p>_____ Signature (DBE/ACDBE Owner)</p>		<p>_____ Date</p>		
<p>In collecting the information requested by this form, the Department of Transportation complies with Federal Freedom of Information and Privacy Act (5 U.S.C. 552 and 552a) provisions. The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Disadvantaged Business Enterprise (DBE) Program or Airport Concessionaire DBE Programs as defined in 49 C.F.R. Parts 23 and 26. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).</p>				