

**DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
PROGRAM**

**FOR**

**THE CITY OF LOS ANGELES DEPARTMENT OF  
TRANSPORTATION (LADOT)**

*Updated November 2021*

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM  
FOR THE  
CITY OF LOS ANGELES DEPARTMENT OF TRANSPORTATION (LADOT)**

**TABLE OF CONTENTS**

<b><u>POLICY STATEMENT (§26.1, 26.23)</u></b> .....	<b>1</b>
<b><u>SUBPART A GENERAL REQUIREMENTS</u></b> .....	<b>3</b>
OBJECTIVES (§26.1).....	3
DEFINITION OF TERMS (§26.5).....	3
NONDISCRIMINATION REQUIREMENTS (§26.7).....	3
RECORD KEEPING REQUIREMENTS (§26.11).....	3
UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS (§26.11(A)).....	3
ASSURANCES (§26.13).....	4
<b><u>SUBPART B ADMINISTRATIVE REQUIREMENTS</u></b> .....	<b>5</b>
LADOT DBE PROGRAM UPDATES (§26.21).....	5
POLICY STATEMENT (§25.23).....	5
DBE LIAISON OFFICER (DBELO) (§26.25).....	5
DBE FINANCIAL INSTITUTIONS (§26.27).....	7
PROMPT PAYMENT (§26.29).....	7
DIRECTORY (§26.31).....	8
OVERCONCENTRATION (§26.33).....	8
BUSINESS DEVELOPMENT PROGRAMS (§ 26.35).....	8
FOSTERING SMALL BUSINESS PARTICIPATION WITH THE SMALL BUSINESS ENTERPRISE PROGRAM (§ 26.39).....	8
<b><u>SUBPART C GOALS, GOOD FAITH EFFORTS AND COUNTING</u></b> .....	<b>11</b>
SET ASIDES OR QUOTAS (§26.43).....	11
GOAL SETTING (§26.45).....	11
DISCREPANCY AND CORRECTIVE ACTION (§26.47).....	12
TRANSIT VEHICLE MANUFACTURERS GOALS (§26.49).....	12
RACE-NEUTRAL MEANS OF MEETING THE ANNUAL DBE GOAL (§26.51).....	12
DEMONSTRATING GOOD FAITH EFFORTS (§26.53).....	13
COUNTING DBE PARTICIPATION (§26.55).....	15
UNIFIED CERTIFICATION PROGRAM (§26.81).....	17
CERTIFICATION (§26.83(A)).....	17
CERTIFICATION DURATION.....	18
ANNUAL AFFIDAVIT OF CONTINUING ELIGIBILITY.....	18
NOTIFICATION OF CHANGE IN CIRCUMSTANCES.....	19
LAPSE IN CERTIFICATION STATUS.....	19
REMOVAL OF A DBE’S ELIGIBILITY (§26.87).....	19
CERTIFICATION APPEALS (§26.89).....	19
<b><u>SUBPART F COMPLIANCE AND ENFORCEMENT</u></b> .....	<b>20</b>

**CONFIDENTIALITY.....20**  
**MONITORING PAYMENTS TO DBES .....20**

**ATTACHMENTS .....20**  
**ATTACHMENT A..... 21**  
DBE FORM 1 - PARTICIPATION SCHEDULE..... 22  
DBE FORM 2 - LETTER OF INTENT ..... 24  
**ATTACHMENT B ..... 25**  
EXHIBIT 15-H PROPOSER/CONTRACTOR GOOD FAITH EFFORTS ..... 26  
**ATTACHMENT C ..... 29**  
CITY OF LOS ANGELES CERTIFICATION INFORMATION ..... 30  
**ATTACHMENT D..... 32**  
CERTIFICATION APPLICATION FORM ..... 33

**POLICY STATEMENT (§26.1, 26.23)**

LADOT 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 of Los Angeles (City) is receiving federal financial assistance from DOT and as a condition of receiving this assistance, it has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of LADOT to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. The objectives of this DBE Program are:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts.
- To ensure that the DBE Program is narrowly tailored, in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by LADOT
- To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.
- To administer the DBE Program in close coordination with the various departments within City of Los Angeles so as to facilitate the successful implementation of the DBE Program.

The City of Los Angeles has a DBE Liaison Officer (DBELO) who is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program has the same priority as compliance with all other legal obligations incurred by LADOT in its financial assistance agreements with the DOT.

The complete DBE Program is available for review at LADOT's website:  
<https://www.ladottransit.com/>.

LADOT will disseminate this policy statement to the DBELO and all areas of LADOT Transit. This policy statement will also be disseminated via email to members of the DBE and non-DBE business community that perform or are interested in performing work on LADOT-assisted contracts, to local business chambers and business associations (both DBE and non-DBE), and minority and women's organizations.

CEO, LADOT Transit (printed)

\_\_\_\_\_  
Signature

*K. Derderian*

Date

## SUBPART A GENERAL REQUIREMENTS

### **Objectives (§26.1)**

The objectives are found in the Policy Statement presented on the first page of this program.

### **Definition of Terms (§26.5)**

The terms used in this agreement have the meanings defined in 49 CFR § 26.5.

### **Nondiscrimination Requirements (§26.7)**

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

### **Record Keeping Requirements (§26.11)**

The City maintains a recordkeeping system which identifies DOT-assisted contract awards and tracks prime contractors' progress in achieving DBE goal commitments throughout the performance of the contract. Payments made to DBEs are verified and records on actual DBE attainments are maintained. Any areas of identified noncompliance are subject to administrative sanctions against the contractor. The records serve to document all information, for each DOT-assisted contract, needed to comply with DOT regulations.

### **Uniform Report of DBE Awards or Commitments and Payments (§26.11(a))**

Contract DBE awards, commitments, and payments will be collected, reviewed and tracked. Semi-annual DBE participation reports will be submitted to DOT using the Uniform Report of DBE Awards or Commitments and Payments. The October 1 through March 31 report will be submitted by June 1, with the April 1 through September 30 report submitted by December 1.

The following information is included in these reports:

1. Prime and subcontractor awards and commitments (submitted by the successful contractor at time of bid).
2. DBE awards and commitments (submitted by the successful contractor at time of bid).
3. Payments to prime contractors, progress payments and final payment at the close of contract.
4. Payments to DBE contractors, subcontractors, and suppliers.

### Bidders List

A bidder's list will be created and maintained, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list will include the name, address, DBE/non-DBE status, firm age, and annual gross receipts of the firms.

**Assurances (§26.13)**

Federal Financial Assistance Master Agreement Assurance

LADOT has signed the following assurance, applicable to and to be included in all DOT-assisted contracts and their administration, as part of the program supplement agreement for each project.

“LADOT shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. LADOT'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 recipient of its failure to carry out its approved program, the Department 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.).”

Required Contract Clause

LADOT ensures that the following clause or equivalent will be included in each DOT-assisted prime contract:

“The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.”

**SUBPART B ADMINISTRATIVE REQUIREMENTS**

**LADOT DBE Program Updates (§26.21)**

Since LADOT has received grant funds of \$250,000 or more in FTA planning, capital, or operating assistance in a federal fiscal year, it will continue to carry out this program until all funds from DOT financial assistance have been expended.

While regular updates of the DBE program are not required to be submitted to FTA, LADOT will submit to FTA a program document that has significant changes for their review and approval.

LADOT will comply with the current requirements that a DBE goal be prepared and submitted every three years. The report will include the DBE goal and methodology for establishing the DBE goal and results of stakeholder outreach.

LADOT will submit DBE goal reports in FTA's Transit Award Management System (TrAMS). Once attached, the FTA Region IX Civil Rights Officer will be notified of the submission in TrAMS by email.

**Policy Statement (§25.23)**

The Policy Statement confirming LADOT's commitment to the DBE Program is presented on the first page of this program.

**DBE Liaison Officer (DBELO) (§26.25)**

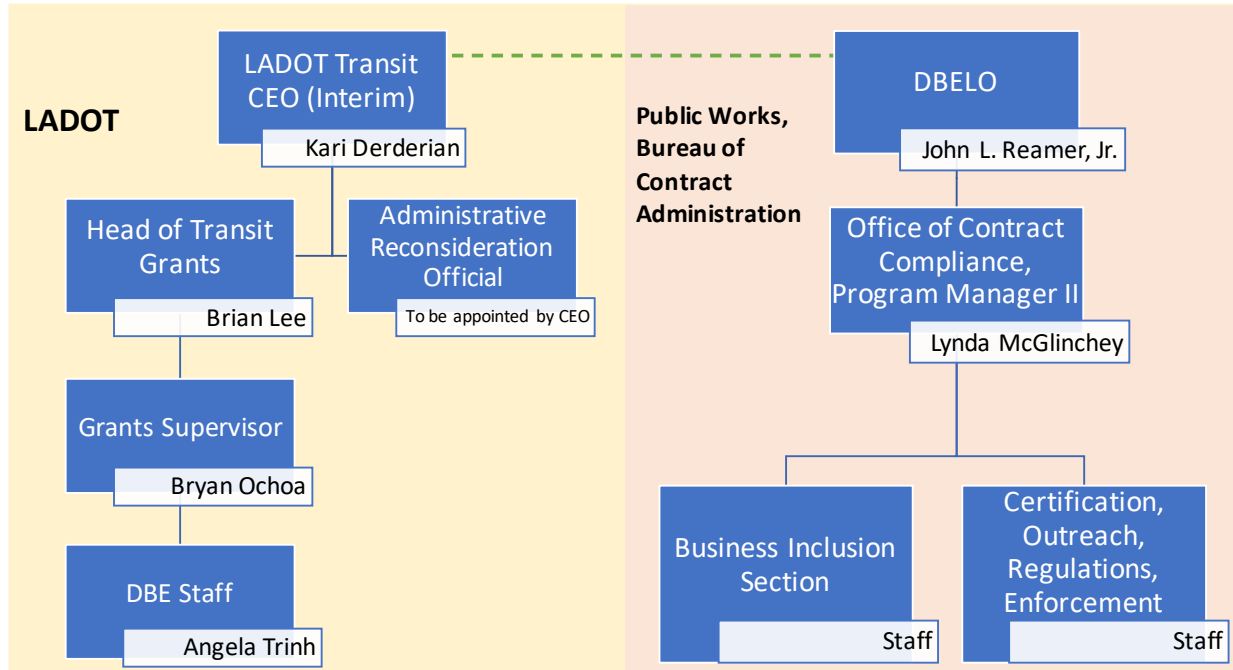
LADOT coordinates with the City of Los Angeles Department of Public Works on DOT-assisted construction projects. The Department of Public Works provides engineering services as well as oversees the bidding process for LADOT Transit Services and construction activities. The Department of Public Works also certifies DBEs and maintains a DBE database and bidder's list.

The DBELO submits the DBE Annual Submittal Form to CALTRANS District 7, District Local Assistance Engineer on behalf of the City of Los Angeles for FHWA assisted programs. The DBELO is the Inspector of Public Works:

Mr. John L. Reamer, Jr.  
1149 South Broadway Street, Suite 300  
Los Angeles, CA 90015  
(213) 847-1922

The DBELO has direct, independent access to the LADOT Transit CEO concerning the LADOT DBE Program as shown by the organizational chart.





The DBELO is responsible for implementing the Department of Public Works DBE Program Plan which has the same goals and objectives as LADOT's DBE Program. Duties and responsibilities include the following:

- Gathers and reports statistical data and other information as required.
- Reviews third party contracts and purchase requisitions for compliance with DBE regulations.
- Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
- Analyzes DBE participation and identifies ways to encourage participation through race-neutral means.
- Participates in pre-bid meetings.
- Advises the governing body on DBE matters and DBE race-neutral issues.
- Provides DBEs with information and recommends sources to assist in preparing bids, obtaining bonding and insurance.
- Plans and participates in DBE training seminars.
- Provides outreach to DBEs and community organizations to fully advise them of contracting opportunities.
- Maintains the updated directory on certified DBEs and certifies DBEs in accordance with the California Unified Certification Program (CUCP).

Staff duties from LADOT Transit Services include the following:

- Gather and report statistical data and other information as required.
- Review third-party contracts for compliance with DBE regulations.

- Prepare and submit DBE plans, DBE Goal reports and DBE semi-annual DBE reports to the FTA.

**DBE Financial Institutions (§26.27)**

It is the policy of the City of Los Angeles to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBELO.

**Prompt Payment (§26.29)**

LADOT will use the following provision in their federal-aid contracts to ensure prompt and full payment of retainage to subcontractors in compliance with 49 CRF26.29.

“The City shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the City, of the contract work, and pay retainage to the prime contractor based on these acceptances. The prime contractor, or subcontractor, shall return all monies withheld in retention from a subcontractor within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the City. Federal law (49 CFR 26.29) requires that any delay or postponement of payment over 30 days may take place only for good cause and with the City’s prior written approval. Any violation of Section 7108.5 of the California Business and Professions Code shall subject the violating contractor or subcontractor to penalties of up to \$25 per subcontractor per calendar day, sanctions, and other remedies specified in that section. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the prime contractor, deficient subcontract performance, or noncompliance by a subcontractor. This provision applies to both DBE and non-DBE subcontractors, and to both progress and retention payments by the prime contractor or subcontractor to a subcontractor.”

49 CFR Part 26.29 (d) requires providing appropriate means to enforce prompt payment. These means may include appropriate penalties for failure to comply with the terms and conditions of the contract. These means may also provide that any delay or postponement of payment among the parties may take place only for good cause with the City's prior written approval.

The following is a brief description of the City of Los Angeles' monitoring and enforcement mechanisms which ensure that all subcontractors, including DBEs, are promptly paid:

Project Managers hold pre-construction meetings with prime and subcontractors and explain their rights and responsibilities under the Prompt Payment mechanism enforced by the City of Los Angeles. Construction inspectors working on specific projects inspect and determine what portions of a project have been completed. Working in coordination with the primes, they

quantify the dollar amount due to the contractors and subcontractors for these completed portions.

Once the dollar amount is determined, a request for payment is sent to the Board of Public Works, Office of Accounting. Prime contractors are then paid within 30 days from the date of the inspectors' request for payment. The payment amount includes both the work performed by the prime's own forces and the work done by its subcontractors.

The same mechanism is enforced on subcontractors as well. If payment to a subcontractor is delayed or withheld by a prime, the subcontractor has the authority to submit a complaint for non-payment via a "Stop Notice" to our Board of Public Works. Once a "Stop Notice" request is received, our Board of Public Works immediately instructs the Office of Accounting to retain payments that are due to the offending prime. Funds are not released until the non-and/or delayed payment issues are resolved.

Additionally, any contractor found to have violated the Prompt Payment requirements of the contract may be assessed a daily penalty, per subcontractor.

**Directory (§26.31)**

The City of Los Angeles maintains a directory through the Department of Public Works identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number and the type of work the firm has been certified to perform as a DBE. This Directory contains only City-certified firms: <http://bca.lacity.org>. Interested persons can also refer to the Unified Certification Program DBE directory available from the California United Certification at: <http://californiaucp.org/>.

**Overconcentration (§26.33)**

LADOT has not identified that an overconcentration exists in the types of work that DBEs perform on LADOT contracts.

If LADOT determines that DBE firms are over-concentrated in a certain type of work, measures aimed at addressing the over-concentration will be considered. These will be consistent with 49 CFR §26.51, and may include varying the use of contract goals, marketing, provision of technical assistance, and implementing business development programs. LADOT will submit a plan of action with the specific measures to eliminate the over-concentration to FTA for their review and approval and then incorporate the approved measures into the DBE program.

**Business Development Programs (§ 26.35)**

LADOT has not established a business development or mentor protégé program.

**Fostering Small Business Participation with the Small Business Enterprise Program (§ 26.39)**

In order to promote small business participation, the Small Business Enterprise Program assists small business competition, eliminates obstacles, including unnecessary bundling of contract

requirements that may prevent their participation as prime contractors or as subcontractors.

1. Large contracts may be unbundled to make them more accessible to small businesses and prime contractors may be required or encouraged to subcontract portions of work that they might otherwise perform with their own forces.
2. The City of Los Angeles conducts pre-bid meetings for every upcoming federally-funded project where DBEs and other small businesses are invited to participate. At these meetings, DBEs are given specific information about each project and an opportunity to network with prime contractors for potential collaboration. Prime contractors are encouraged to utilize DBEs to achieve project specific goals.
3. The City of Los Angeles has a Bonding Assistance Program (BAP) administered by the Office of the City Administrative Officer, Risk Management. It is designed to assist in removing barriers of surety bonding by providing technical and administrative assistance to DBEs, and other small businesses who would not otherwise be able to provide, on their own, the necessary bid, payment, and performance bonds to successfully bid and compete for City business opportunities.
4. The City of Los Angeles advertises contracting opportunities online via our Business Assistance Virtual Network (BAVN) website at <http://labavn.org>. LABAVN also contains a listing of registered DBEs and other small businesses accessible to bidders of prime contracts. Additionally, our contracting procedures, detailed in a booklet "Contractors Handbook, a Guide to Doing Business with the City," are also available online via the Bureau of Contract Administration's website at <http://bca.lacity.org>.
5. A statewide listing of certified DBEs is available electronically for prime contractors and can be accessed via the California United Certification Program (CUCP) website at <http://www.californiaucp.com>. The City of Los Angeles is a member of the CUCP, the statewide association of DBE certifying and non-certifying agencies in California, which maintains this DBE directory. A listing of DBEs certified only by the City of Los Angeles is accessible via our website at <http://bca.lacity.org>. Printed versions of our local directory are also available upon request from the Bureau of Contract Administration, Office of Contract Compliance, and Centralized Certification Section.
6. The City of Los Angeles encourages certified DBEs to register in our Business Assistance Virtual Network (BAVN) to get instantaneous notification of upcoming projects in their specific work categories. Upcoming bids with specifications are accessible to both prime and subcontractors on the same website address at <http://labavn.org>.
7. LADOT will comply with the City of Los Angeles Business Inclusion Program (Executive Directive No. 14, issued on January 12, 2011, by the Mayor's Office). It is the City's policy to provide Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), and all Other Business Enterprises (OBEs) an equal opportunity to compete for and

participate in city contracts. Outreach will be broadened to subcontractors to include a variety of small and disabled veteran businesses, including Small Business Enterprises (SBEs), Emerging Business Enterprises (EBEs) which are a subset of SBEs, and Disabled Veteran Business Enterprises (DVBES). The elements of the Business Inclusion Program include:

- a. Mandatory use of BAVN for advertising competitively bid contracts (advertised contracts);
- b. Mandatory use of the BAVN for documenting efforts by prime contractors to reach out to and evaluate potential subcontractors; and
- c. Establishment of a program for Small and Disabled Veteran Business Procurement.

Certification/verification processing on the Small Business Enterprise program is done through LABAVN. Firms register at <http://www.labavn.org> and request certification/verification.

The following are the City's requirements for designating a firm as a Small Business Enterprise:

1. Applicant must be certified by the State of California Department of General Services (DGS) as a Small Business (SB); OR
2. Applicant must be certified by the City of Los Angeles Bureau of Contract Administration (BCA) as a Small Local Business (SLB)
3. Firm's three (3) year average gross receipts must be less than \$3.0 million (for Non-Construction)
4. Firm's three (3) year average gross receipts must be less than \$15.0 million (for Construction)

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

**Set Asides or Quotas (§26.43)**

LADOT will not use quotas or set asides in any way in the administration of the DBE Program Plan.

**Goal Setting (§26.45)**

LADOT will establish goals for DBE participation in contracts using DOT federal financial assistance every three years, in accordance with 49 CFR §26.45. The overall DBE goal represents the amount of ready, willing, and able DBEs that are available to participate in contracting opportunities and is reflective of the amount of DBE participation LADOT would expect, absent the effects of discrimination.

The goal will be submitted to FTA on August 1 of each three-year goal period unless an extension has been received from FTA.

A two-part process is used to develop the goal. The first step involves establishing a base figure for the relative availability of DBEs for the contracts that are envisioned to be awarded with federal funds over the three-year period. The second step of the process involves determining if an adjustment to the base figure is required. Factors to be considered in determining if any adjustment is needed will include DBE utilization rates in recent contracts and other relevant data. After the adjusted DBE goal is identified, there is an analysis of the proportion of the DBE goal that can be achieved using race-neutral and race-conscious methods based on the level of utilization of DBEs relative to their availability.

A notice of the proposed goal will be published on LADOT's website. The notice will inform the public that comments will be accepted on the proposed goal for up to 30 days from the date of the notice.

Before establishing the goal, LADOT will invite the public to comment on the draft DBE goal. LADOT will consult with minority and women's organizations, general contractor groups, chambers of commerce, business and community organizations as well as DBE firms to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on opportunities for DBEs, and efforts to establish a level playing field for the participation of DBEs.

The public input received will be reviewed, the goal will be finalized and then submitted to FTA. The submission to DOT will include: the methodology used to develop the goal; the goal including the breakout of estimated race-neutral and race-conscious participation, as appropriate; a summary of information and comments received during this public participation process, as well as proof of publication of the goal on the website.

LADOT will begin using the overall goal on October 1 of the first year of the goal period.

**Discrepancy and Corrective Action (§26.47)**

Each fiscal year, LADOT will review how the goal is achieved. If the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, LADOT will conduct a shortfall analysis. This analysis will identify the factors that may have contributed to the goal not being achieved. It will also outline the corrective actions that will be undertaken to achieve the goal in the upcoming year. As required by 49 CFR §26.47 (c), this analysis will be submitted to FTA within 90 days of the end of the fiscal year.

If LADOT does not anticipate awarding contracts exceeding \$250,000 in a federal fiscal year, it will submit a DBE Threshold Questionnaire to FTA as soon as it projects this prior to the end of the applicable federal fiscal year.

**Transit Vehicle Manufacturers Goals (§26.49)**

LADOT will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to prove that they have complied with 49 CFR §26.49 and have established an overall DBE participation goal that has been approved (or not disapproved) by the FTA. LADOT will also verify FTA's online TVM list at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-transitvehicle-manufacturers> to verify that the TVM is authorized to bid or propose on US DOT-assisted transit vehicle procurements.

LADOT will submit, within 30 days of making a TVM contract award, the name of the successful bidder and the total dollar value of the contract through FTA's online Transit Vehicle Award Reporting Form. Expenditures for DOT-assisted transit vehicle procurements are not included in the funding base used to calculate LADOT's overall goal nor are they reported on Semi-Annual Uniform Reports.

Alternatively, LADOT may, at its discretion and with the approval of FTA, establish project specific goals for DBE participation in the procurement of transit vehicles instead of the TVM complying with this element of the program.

If TVM vehicles are not available or non-TVM vehicles are purchased, the contracts will be included in the overall DBE goal Methodology and Semi-Annual Uniform Reporting.

**Race-Neutral Means of Meeting the Annual DBE Goal (§26.51)**

The City of Los Angeles and LADOT will achieve its Overall DBE Goal by race neutral means that may include, but are not limited to the following:

1. Advertising solicitations, scheduling bidding periods and opening times, and packaging quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.
2. Providing assistance to DBE and small businesses in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, and providing services to help DBEs and other

- small businesses obtain bonding and financing).
3. Providing technical assistance and other services to DBE and small businesses.
  4. Providing information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs and other small businesses on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors including DBE's and small businesses; providing the information in languages other than English, where appropriate).
  5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses.
  6. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency.
  7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has been historically low.
  8. Assisting DBEs and other small businesses to develop their capability to utilize emerging technology and conduct business through electronic media.

**Demonstrating Good Faith Efforts (§26.53)**

When a contract has a DBE goal, the contract will only be awarded if the contractor meets the goal or has sufficiently documented adequate good faith efforts to meet the goal.

Bidders are required to submit information on their DBE commitment as part of the bid package. DBE Forms 1 Participation Schedule and 2 Letter of Intent are required of bidders for projects with DBE goals (Attachment A). The information is to include:

- Names, addresses and contact information for each DBE firm that will participate in the contract
- Description of work that each DBE firm will perform
- For each DBE, proof of valid and current DBE certification in the NAICS code directly applicable to the work the DBE will perform on the contract
- The dollar amount of the participation for each DBE firm participating
- Written and signed documentation of the contractor's commitment to use the DBE subcontractor(s) identified at the time of bid award
- Written and signed confirmation from each listed DBE firm that it is participating in the contract as provided in the prime contractor commitment.

The bidders are also required to provide evidence of their good faith efforts to meet the goal. This includes demonstrating that sufficient work was made available to DBE firms, reasonable attempts were made to solicit DBEs, and sufficient time was provided for DBEs to respond. This is required even if their DBE commitment indicates that the bidder has met the DBE goal.

The information on the good faith efforts must be submitted no later than five days from bid submission date, and is to include:

1. Names and dates of each publication placed to solicit DBE participation for the project



2. Names and dates of written notices sent to certified DBEs solicitating bids for the project and follow up methods and dates to confirm their interest
3. Items of work made available to DBE firms, with amounts and percentage of contact amount
4. Names, addresses and phone numbers of rejected DBE firms, the reasons for the rejection, the firms selected for the work
5. Efforts provided to assist interested DBEs in obtaining information on the work
6. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, equipment supplies, materials or related assistance or services
7. Names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms
8. Additional data to support demonstration of good faith efforts

The DBE Good Faith Effort form that bidders are required to submit is included as Exhibit 15-H Proposer/Contractor Good Faith Efforts (Attachment B).

The DBELO, in conjunction with other staff, is responsible for determining whether a bidder who has not met the DBE contract goal has documented sufficient good faith efforts to obtain DBE participation. This includes confirming the completeness and accuracy of the documentation, reviewing the reasons for rejecting DBE quotes as well as comparing the DBE commitments and good faith efforts made by other bidders.

#### Administrative Reconsideration

Within five (5) days of a contractor being informed by the City that it is not responsive to a bid, a contractor may request administrative reconsideration. Contractors are required to make this request in writing to the City. The Administrative Reconsideration Official will be appointed by the Transit CEO and will not have played any role in the original determination.

As part of this reconsideration, the contractor will have the opportunity to provide written documentation or argument concerning the issue. The contractor will have the opportunity to meet with the reconsideration official to discuss the issue. The City will send the contractor a written decision on reconsideration, explaining the basis for finding the contractor non-responsive. The result of the reconsideration process is not administratively appealable to DOT.

When a contract is awarded with DBE participation, the contractor cannot terminate or substitute a DBE subcontractor without prior authorization from the awarding agency. The following are the situations that would merit a termination or substitution:

1. Listed DBE fails or refuses to execute a written contract based on plans and specifications for the project.
2. A bond is a condition of executing the subcontract and the listed DBE fails to meet the bond requirements.
3. Work requires a contractor's license and listed DBE does not have a valid license under Contractors License Law.
4. Listed DBE fails or refuses to perform the work or furnish the listed materials.

5. Listed DBE's work is unsatisfactory and not in compliance with the contract.
6. Listed DBE is ineligible to work on the project because of suspension or debarment.
7. Listed DBE becomes bankrupt or insolvent.
8. Listed DBE voluntarily withdraws with written notice from the Contract.
9. Listed DBE is ineligible to receive credit for the type of work required.
10. Listed DBE owner dies or becomes disabled resulting in the inability to perform the work on the Contract.
11. City determines other documented good cause.

The contractor is required to notify the original DBE of the intent to use other forces or material sources and provide the reasons. The DBE has five days to respond to the notice and advise the contractor and City of the reasons why the use of other forces or sources of materials should not occur. The contractor request to the awarding agency is to specify the reason for the termination, copies of the notice sent to DBE as well as any notice received from the DBE.

The contractor is required to make good faith efforts to find a substitute DBE. The substitute DBE must perform at least the same amount of work as the original DBE under the contract to the extent needed to meet the DBE goal. The substitute DBE must be certified as a DBE at the time of substitution request.

Unless the City authorizes a request to use other forces or sources of materials or a good faith effort for a substitution of a terminated DBE, the City does not pay for work unless it is performed or supplied by the listed DBE or an authorized substitute.

### **Counting DBE Participation (§26.55)**

LADOT will count DBE participation toward overall and contract goals as provided in 49 CFR §26.55. The following general guidelines apply in counting the DBE participation:

- i. Only the participation of firms certified in accordance with 49 CFR §26 may be counted as DBE participation.
- ii. Only work (represented by NAICS code(s)) for which the firm is certified as a DBE may be counted as DBE participation.
- iii. Only work performed by a DBE's own work forces (including cost of supplies, materials and equipment leases obtained by the DBE for the work of the contract, except supplies and equipment the subcontractor purchases and/or leases from the prime contractor or its affiliate), may be counted as DBE participation.
- iv. When a DBE subcontracts part of its work of its contract to another firm, the value of the subcontracted work may be counted as DBE participation only if the DBE subcontractor is itself a certified DBE. Work that a DBE subcontracts to a non-DBE firm does not count as DBE participation. A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own workforce.
- v. When a DBE performs as a participant in a joint venture with a non-DBE, only the portion of the total contract dollar value equal to the distinct, clearly defined portion of the work to be performed by the DBE's own forces may be counted as DBE participation.
- vi. Only work considered to perform a commercially useful function may be counted as DBE

- participation.
- vii. For transportation services that are required under the contract and provided by a DBE trucking company, DBE participation is counted on the total value of the transportation services the DBE trucking company provides using trucks it owns, insures, and operates and using drivers it employs.
  - viii. For materials and supplies that are required under the contract and obtained from a DBE manufacturer, one hundred percent (100%) of the materials/supplies may be counted as DBE participation. For purposes of this section, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials and supplies obtained by the contractor.
  - ix. For materials and supplies that are required under the contract and obtained from a DBE supplier/regular dealer, sixty percent (60%) of the materials/supplies may be counted as DBE participation. For purposes of this section, a supplier/regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.
  - x. A bidder/proposer may count as DBE participation, fees and commissions paid to DBE firms that are not manufacturers or regular dealers, provided that the fees or commissions are determined to be reasonable and not excessive, as compared with fees customarily allowed for similar services.
  - xi. A bidder/proposer may count as DBE participation, all transportation services provided by a DBE trucking firm that can demonstrate control of trucking operations for which it seeks credit, and it owns, insures, and operates, using drivers it employs in the performance of the contract. The DBE must itself own and operate at least one fully licensed, insured, and operation truck used on the contract. The DBE trucking firm may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract. The DBE who leases trucks from a non-DBE is entitled to credit only for the fees or commissions it receives as a result of the lease arrangement.
  - xii. Prime contractors are advised to not count participation of DBE subcontractors towards DBE attainment until the amount being counted has been paid to the DBE.
  - xiii. In cases where a DBE's certification has ceased during the performance period of the contract, although the prime contractor will continue to report to LADOT, the dollar value of the work performed by the firm, any work performed after the DBE ceases to be certified will not count towards DBE participation credit or the overall DBE Goal.

**SUBPART D CERTIFICATION**

The City of Los Angeles administers a certification program to promote opportunities for disadvantaged, minority, women, and small, local business owners who want to participate in City contracting projects.

The Office of Contract Compliance (OCC), Certification, Outreach, Regulations and Enforcement (CORE) is responsible for administering the City's certification program. CORE certifies qualified firms for DBE, Airport Concessions Disadvantaged Business Enterprises (ACDBE), Minority Business Enterprises (MBE), Women Business Enterprises (WBE), and Small Local Business Enterprises (SLBE). CORE maintains the City of Los Angeles Directory of certified DBE/ACDBE/MBE/WBE and LBE firms.

**Unified Certification Program (§26.81)**

49 CFR §26.81 requires all public agencies that receive DOT financial assistance to participate in a statewide Unified Certification Program (UCP). A UCP is a “one-stop shopping” certification program that standardizes DBE eligibility criteria and the application process and eliminates the need for a DBE to certify with multiple agencies within the state.

The City of Los Angeles is an active participant in the California Unified Certification Program (CUCP) as one of the DBE certifying agencies in the State of California. The CUCP was established in 2002 to offer a "One-Stop-Shop" for state-wide certification. The City of Los Angeles recognizes the DBE certification of firms certified by any CUCP agency.

Firms not headquartered in the County of Los Angeles are encouraged to apply for free with the CUCP agency at [CaliforniaUCP.dbesystem.com](https://californiaucp.dbesystem.com). The following is the link for the application: <https://californiaucp.dbesystem.com/>

**Certification (§26.83(a))**

The City of Los Angeles processes DBE certification applications following the requirements in DOT 49 CFR Part 26, Subparts D and E.

The following are the requirements applicable to a firm being certified as a DBE:

- Disadvantaged owners are US Citizens or legal permanent residents
- Firm is at least 51% owned and controlled by socially and economically disadvantaged individuals. Any individual that is a member of the following groups is presumed to be disadvantaged: Black-Americans, Hispanic Americans, Native Hawaiians, Asian-Pacific Americans, Subcontinent Asian Americans, and Women.
- Firms and owners must meet licensing and credential requirements.
- Firm must meet Small Business Administration small business size standards in the primary industry group and gross income does not exceed \$23.98 million (average over 3 years)
- Disadvantaged owners must individually have a personal net worth not exceeding \$1.32

Million, which excluded the individual's ownership interest in the applicant firm and the equity in his/her primary residence.

Certification decisions made by the City will be made based upon the "facts as a whole." Eligibility for DBE Certification is provided to the public through Attachment C.

Firms headquartered in Los Angeles County can apply for DBE certification through an online application at [lacity.diversitysoftware.com](http://lacity.diversitysoftware.com). The following link can be used to access the City's Online Application ACDBE/DBE portal: <https://bca.lacity.org/certification-program-description>. The specific link for the application is: <https://lacity.diversitysoftware.com/>

Attachment D includes the CUCP certification application form used when submitting a hard copy application.

CORE enters and updates DBEs that are certified in the statewide CUCP directory of certified DBE firms which is maintained by Caltrans, and played a key role in the implementation of the CUCP Memorandum of Agreement.

The following is contact information for the City of Los Angeles' DBE certification program:

City of Los Angeles Office of Contract Compliance  
[www.lacity.org/bca](http://www.lacity.org/bca)  
1149 South Broadway Street, Room 300  
Los Angeles, CA 90015  
(213) 847-2684

#### Certification Duration

Once it is determined that a firm is an eligible DBE, it remains certified unless and until its eligibility has been removed through 49 CFR §26.87 procedures. DBEs do not need to reapply for certification or undergo a recertification process.

#### Annual Affidavit of Continuing Eligibility

Each certified DBE is required to submit a written affidavit to its certifying agency once annually, on the anniversary date of the firm's initial certification, to certify that the firm continues to meet DBE eligibility criteria as defined in 49 CFR Part 26. The affidavit must affirm that there have been no changes in the firm's circumstances affecting its ability to meet DBE eligibility, including size, gross receipts, DBE status, ownership, or control requirements. The affidavit must also affirm that there have been no material changes to the information provided in the original certification application.

If the DBE fails to submit an affidavit, or any required supporting documentation, in a timely manner, it will be deemed to have failed to cooperate with 49 CFR Part 26 and will no longer be considered a certified DBE. It is the DBE's sole responsibility to maintain its certification status with the certifying agency and the City.

Notification of Change in Circumstances

If a DBE's circumstances affecting the firm's DBE eligibility change at any time after the firm has been identified as a DBE participant on a LADOT contract, the DBE must provide written notification of such change to its certifying agency, the agency and the prime contractor, if applicable. Such changes include, but are not limited to, business size, gross receipts, disadvantaged status, ownership, and/or control requirements. The written notification shall be provided by the DBE within thirty (30) days of occurrence of the change(s). If the DBE fails to make timely notification of such changes, it will be deemed to have failed to cooperate with 49 CFR Part 26.

Lapse in Certification Status

If a DBE participant on a LADOT contract ceases to be certified at any time during the life of the contract, any participation by that DBE after the firm ceases to be certified will not count as DBE participation.

**Removal of a DBE's Eligibility (§26.87)**

In the event a DBE's certification is proposed to be removed, the City of Los Angeles will follow procedures consistent with 49 CFR Part 26, Section 26.87.

A letter is sent to the firm by certified mail detailing the reasons that the firm was found to be ineligible for DBE certification; this will include references to the applicable sections of 49 CFR that the firm does not meet. The letter will advise the firm that they can appeal the decision to DOT within 90 days and that if an appeal is not made, they may reapply for DBE certification 12 months from the date of the letter.

**Certification Appeals (§26.89)**

Firms that have applied for and were denied DBE certification under one or more NAICS codes, and/or firms whose certification has been removed by a CUCP certifying member agency, may file an administrative appeal with the DOT within 90 days from the date of denial, in accordance with 49 CFR §26.89. Certification decisions are NOT appealable to the City. To file a DBE certification appeal, firms should send a letter to the U.S. DOT Office of Civil Rights. The appeal should, at a minimum, include information and arguments concerning why the recipient's decision should be reversed, a copy of the denial letter, and any additional information the denied firm believes to be pertinent to the appeal. Firms must provide the name(s) and address(es) of any U.S. DOT recipient the firm is currently certified with or who has rejected its application for certification or removed the firm's eligibility within one year prior to the date of the appeal. This includes applications currently pending certification action. All appeals should be submitted to the U.S. Department of Transportation, Office of Civil Rights, External Policy & Programs Division, 1200 New Jersey Avenue, SE – Room W76-101, Washington, DC 20590.

**SUBPART F COMPLIANCE AND ENFORCEMENT**

**Confidentiality**

LADOT will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information consistent with federal, state, and local laws.

**Monitoring Payments to DBEs**

Prime contractors are required to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be required to be made available for inspection upon request by any authorized representative of LADOT or DOT. This reporting requirement also extends to any certified DBE subcontractor.

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

**ATTACHMENTS**

- Attachment A: DBE Form 1 - Participation Schedule, DBE Form 2 - Letter of Intent
- Attachment B: Exhibit 15-H Proposer/Contractor Good Faith Efforts
- Attachment C: City of Los Angeles Certification Information
- Attachment D: Certification Application Form

**Attachment A**

DBE Form 1 – Participation Schedule

DBE Form 2 – Letter of Intent





## DBE Participation Schedule

This form is to be completed by the bidder. More sheets may be added, if needed.

Project Name:
Bidder:

List each DBE subcontractor below that will participate in the project contract.

<b>Name:</b>		<b>Phone:</b>		
<b>Address:</b>		<b>Work/Description/Materials:</b>		
<b>City/State/Zip:</b>				
DBE Cert. No./ Expiration Date	Breakdown by Ethnicity and Gender	Date of Award	Certification Agency	Dollar Amount of Award/Commitment of Subcontract
	<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Non-Minority Women <input type="checkbox"/> Other		<input type="checkbox"/> METRO <input type="checkbox"/> City of LA <input type="checkbox"/> Caltrans	
<b>Name:</b>		<b>Phone:</b>		
<b>Address:</b>		<b>Work/Description/Materials:</b>		
<b>City/State/Zip:</b>				
DBE Cert. No./ Expiration Date	Breakdown by Ethnicity and Gender	Date of Award	Certification Agency	Dollar Amount of Award/Commitment of Subcontract
	<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Non-Minority Women <input type="checkbox"/> Other		<input type="checkbox"/> METRO <input type="checkbox"/> City of LA <input type="checkbox"/> Caltrans	

<b>Name:</b>		<b>Phone:</b>		
<b>Address:</b>		<b>Work/Description/Materials:</b>		
<b>City/State/Zip:</b>				
DBE Cert. No./ Expiration Date	Breakdown by Ethnicity and Gender	Date of Award	Certification Agency	Dollar Amount of Award/Commitment of Subcontract
	<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian Amerlcan <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Non-Minority Women <input type="checkbox"/> Other		<input type="checkbox"/> METRO <input type="checkbox"/> City of LA <input type="checkbox"/> Caltrans	

<b>Name:</b>		<b>Phone:</b>		
<b>Address:</b>		<b>Work/Description/Materials:</b>		
<b>City/State/Zip:</b>				
DBE Cert. No./ Expiration Date	Breakdown by Ethnicity and Gender	Date of Award	Certification Agency	Dollar Amount of Award/Commitment of Subcontract
	<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian Amerlcan <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Non-Minority Women <input type="checkbox"/> Other		<input type="checkbox"/> METRO <input type="checkbox"/> City of LA <input type="checkbox"/> Caltrans	

Authorized Bidder Representative (print):	Title	Telephone No.
Signature		

CA Unified Certification Program (UCP) Certifying Member Agencies:

- METRO - Los Angeles County Metropolitan Transportation Authority
- City of LA - City of Los Angeles/Department of Public Works - Office of Contract Compliance
- Caltrans - State of California, Department of Transportation



### Disadvantaged Business Enterprise (DBE) Letter of Intent

This form is to be completed by each DBE that will be contracted on the project.

Project Name:

<b>Bidder/Offeror:</b>	Firm Name:				
	Address:				
	City:		State:		Zip:

<b>DBE Firm:</b>	Firm Name:					
	Address:					
	City:		State:		Zip:	
	Telephone:			CUCP Firm ID:		

- Classification:**
- Prime Contractor
  - Subcontractor
  - Joint Venture
  - Manufacturer
  - Supplier

DBE Description of Work:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The DBE contract amount of this work is \$ \_\_\_\_\_.

Affirmation: As an authorized representative of the DBE firm, I affirm that the above-named DBE firm will perform the portion of the contract for the estimated dollar value as stated above.

Authorized representative of DBE firm (print):	
Title:	
Signature	Date

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

**Attachment B**

Exhibit 15-H Proposer/Contractor Good Faith Efforts

**EXHIBIT 15-H: PROPOSER/CONTRACTOR GOOD FAITH EFFORTS**

Cost Proposal Due Date \_\_\_\_\_ PE/CE

Federal-aid Project No(s). \_\_\_\_\_ Bid Opening Date \_\_\_\_\_ CON

The \_\_\_\_\_ established a Disadvantaged Business Enterprise (DBE) goal of \_\_\_\_\_ for this contract. The information provided herein shows the required good faith efforts to meet or exceed the DBE contract goal.

Proposers or bidders submit the following information to document their good faith efforts within five (5) calendar days from cost proposal due date or bid opening. Proposers and bidders are recommended to submit the following information even if the Exhibit 10-O1: Consultant Proposal DBE Commitments or Exhibit 15-G: Construction Contract DBE Commitment indicate that the proposer or bidder has met the DBE goal. This form protects the proposer’s or bidder’s eligibility for award of the contract if the administering agency determines that the bidder failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the bidder made a mathematical error.

The following items are listed in the Section entitled “Submission of DBE Commitment” of the Special Provisions, **please attach additional sheets as needed:**

- A. The names and dates of each publication in which a request for DBE participation for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

Publications	Dates of Advertisement

- B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

Names of DBEs Solicited	Date of Initial Solicitation	Follow Up Methods and Dates

- C. The items of work made available to DBE firms including those unbundled contract work items into economically feasible units to facilitate DBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate DBE participation in order to meet or exceed the DBE contract goal.

Items of Work	Proposer or Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount (\$)	Percentage Of Contract

- D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the bidder's rejection of the DBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each DBE if the selected firm is not a DBE:

Names, addresses and phone numbers of rejected DBEs and the reasons for the bidder's rejection of the DBEs:

Names, addresses and phone numbers of firms selected for the work above:

- E. Efforts (e.g. in advertisements and solicitations) made to assist interested DBEs in obtaining information related to the plans, specifications and requirements for the work which was provided to DBEs:

F. Efforts (e.g. in advertisements and solicitations) made to assist interested DBEs in obtaining bonding, lines of credit or insurance, necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate:

G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

Name of Agency/Organization	Method/Date of Contact	Results

H. Any additional data to support a demonstration of good faith efforts:

**Attachment C**  
City of Los Angeles Certification Information



**City of Los Angeles Certification Information**  
**Small Local Business (SLB)**  
**Minority/Women Business Enterprise (MBE/WBE)**  
**Disadvantaged Business Enterprise (DBE)**  
**Airport Concession Disadvantaged Business Enterprise (ACDBE)**

**Certification Criteria:**

	<b>SLB</b>	<b>MBE/WBE*</b>	<b>DBE*</b>	<b>ACDBE</b>
<b>Ownership &amp; Control</b>	Not Applicable	At least 51% owned <u>and</u> controlled by one or more minority <sup>1</sup> individuals or women	At least 51% owned <u>and</u> controlled by one or more socially and economically disadvantaged individuals <sup>2</sup>	
<b>Qualifying Owner's Personal Net Worth</b>	Not applicable	Not Applicable	Less than <b>\$1,320,000</b> (excluding equity in primary residence and applicant business)	
<b>Size Standards (Avg. of 3 yrs gross receipts, including affiliates)<sup>3</sup></b>	Less than \$3 million	Not Applicable	Small Business Administration Size Standards up to <b>\$23.98</b> million	Less than <b>\$56.42</b> million
<b>Type of Business</b>	Firm headquartered in Los Angeles County  Competitively bid City procurement contracts less than \$100,000	Any for-profit, independent business pursuing business on City-funded contracts	Any for-profit, independent business doing business on Federal DOT funded contracts (e.g. highway, bridge, or transit construction)	A business that is: (a) located on the airport selling consumer goods or services to the public (excludes taxi, custodial & security services, and aeronautical activities) <b>OR</b> (b) Suppliers of goods and services to concessionaires (includes management, advertising, & web-based contractors)

**\*Centralized Certification Administration (CCA) will only accept DBE, MBE and WBE applications from firms with the principal office in the County of Los Angeles.**

<sup>1</sup> Black American, Hispanic American, Native American, Asian-Pacific American, or Subcontinent Asian American;

<sup>2</sup> Members of the minority groups listed above and women are presumed to be disadvantaged. Any other individuals will be determined to be socially and economically disadvantaged on a case-by-case basis.

<sup>3</sup> For SLB, only the previous fiscal year's gross receipts is taken into account.

**Benefits of MBE/WBE/DBE/ACDBE Certification:**

1. Certification can raise a firm's profile in competing against non-certified subcontractors.
2. Certification provides marketing exposure to prime contractors and government agencies through the City of LA's online MBE/WBE/DBE/ACDBE database (<http://bca.lacity.org>) and the statewide DBE/ACDBE database ([http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm)).
3. The DBE certification is honored by agencies with DBE programs throughout California, including Caltrans and the LA County Metropolitan Transportation Authority (METRO).

**Benefits of SLB Certification:**

The firm receives a 10% preference on competitively bid contracts of \$100,000 or less. The preference is determined by taking 10% of the lowest bid received by a non-certified firm, and subtracting that amount from the bid of the SLB certified firm. If, after the preference is applied, the SLB's bid is less than or equal to the lowest non-certified firm's bid, the SLB certified firm will be awarded the contract.

**Frequently Asked Questions:**

**1. My firm is certified by another agency. Do I need to go through the certification process again?**

**Answer:** It depends which agency issued your certification. The City recognizes **Disadvantaged Business Enterprise (DBE) certification** from any agency in the **California Unified Certification Program (CUCP)**. In addition, if the DBE firm is owned and controlled by minority or women, the City will also recognize it as a certified MBE/WBE. The City recognizes SMBE/SWBE certifications issued by **Caltrans**. The City will also recognize MBE certifications issued by the **Southern California Minority Supplier Development Council ([www.scmsdc.org](http://www.scmsdc.org))** or, WBE certifications issued by the **Women’s Business Enterprise Council-West ([www.wbec-west.org](http://www.wbec-west.org))**, or both the MBE and WBE certifications issued by the **California Public Utilities Commission** through the **Supplier Clearinghouse ([www.thesupplierclearinghouse.com](http://www.thesupplierclearinghouse.com))**.

**Roster of California CUCP DBE Certifying Agencies**

Area	Submit Application Package to:	
Riverside, Imperial, San Diego, & Los Angeles Area	<p style="text-align: center;"><b>CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)</b> Phone: (916) 324-1700 <a href="http://www.dot.ca.gov">www.dot.ca.gov</a></p> <p><b>CITY OF LOS ANGELES</b> Phone: (213) 847-2684 <a href="http://bca.lacity.org">http://bca.lacity.org</a> <i>*County of Los Angeles firms only</i></p> <p><b>LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO)</b> Phone: (213) 922-2600 <a href="http://www.metro.net">www.metro.net</a></p>	
Bay Area/ Central Valley	<p><b>S.F. BAY AREA RAPID TRANSIT DISTRICT (BART)</b> Phone: (510) 464-6195 <a href="http://www.bart.gov">www.bart.gov</a></p> <p><b>CITY OF FRESNO</b> Phone: (559) 621-7103 <a href="http://www.fresno.gov">www.fresno.gov</a></p> <p><b>SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)</b> Phone: (408) 321-5962 <a href="http://www.vta.org">www.vta.org</a></p> <p><b>SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY (SFMTA)</b> Phone: (415) 701-4436 <a href="http://www.sfmuni.com">www.sfmuni.com</a></p> <p><b>SAN MATEO COUNTY TRANSIT DISTRICT (SAMTRANS)</b> Phone: (650) 508-7939 <a href="http://www.samtrans.com">www.samtrans.com</a></p>	
Northern California	<p><b>CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)</b> Phone: (916) 324-1700 <a href="http://www.dot.ca.gov">www.dot.ca.gov</a></p> <p><b>SAN FRANCISCO INTERNATIONAL AIRPORT</b> Phone: (650) 821-5054 <a href="http://www.flysfo.com">www.flysfo.com</a></p>	

**2. Once certified, how do firms procure contracts?**

**Answer:** The Los Angeles Business Assistance Virtual Network (LABAVN) is a free service provided by the City of Los Angeles. You can view information about contractual opportunities offered by the various City departments in one convenient location, and can also search for certified subcontractors to complement your proposal or bid. If you wish to be notified of future City contract opportunities, please register in the LABAVN at: <http://labavn.org>.

**For More Information:**

For additional information, answers to frequently asked questions, or to download an application form, visit <http://bca.lacity.org>. You can also contact the Centralized Certification Administration at **(213) 847-2684**.

**Attachment D**  
Certification Application Form



OMB APPROVAL NO:  
2105-0510  
Expiration Date: 10/31/2021

Appendix F

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

*Roadmap for Applicants*

**1. Should I apply?**

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

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and DBE/ACDBE size standards—  
<https://www.transportation.gov/DBEsizestandards>

**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?** A transportation agency in your state that performs certification functions will contact you. The agency is a member of a statewide Unified Certification Program (UCP), which is required by the U.S. Department of Transportation. 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, 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.transportation.gov/civil-rights> (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 C.F.R. §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 C.F.R. §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 C.F.R. Parts 180 and 1200, No procurement 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 firms owned by the persons listed has ever been denied certification as a DBE/ACDBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

**Section 2: GENERAL INFORMATION**

**A. Business profile:**

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in 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. 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. 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 are responsible for the functions listed for the firm. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race



and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

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

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

**(1) Equipment and Vehicles**

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

**(2) Office Space**

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

**(3) Storage Space**

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

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

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

**E. Financial / Banking Information**

State the name, City and State of your firm's bank. Identify the persons able to sign checks on this account. Provide bank authorization and signature cards.

Bonding Information. State your firm's bonding limits both aggregate and project limits.

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

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each

loan was made to your firm. Provide copies of signed loan agreements and security agreements

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

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

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

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and 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.

**Section 5: AIRPORT CONCESSION (ACDBE) APPLICANTS**

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

**AFFIDAVIT & SIGNATURE**

The Affidavit of Certification must accompany your application. 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**

I am applying for certification as  DBE  ACDBE

(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  Gifted
- Merger or consolidation  Other (explain) \_\_\_\_\_

**(6) Is your firm "for profit"?**  Yes  
Federal Tax ID# \_\_\_\_\_

No → **⊗ STOP!** If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.

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

- Sole Proprietorship
- Limited Liability Partnership
- Partnership  Corporation
- Limited Liability Company  Other, Describe \_\_\_\_\_

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

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

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

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

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

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

---

---

---

---

---

---

---

---

---

---

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

Yes  No If Yes, explain \_\_\_\_\_

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

- (a) Ever existed under different ownership, a different type of ownership, or a different name?  Yes  No
  - (b) Existed as a subsidiary of any other firm?  Yes  No
  - (c) Existed as a partnership in which one or more of the partners are/were other firms?  Yes  No
  - (d) Owned any percentage of any other firm?  Yes  No
  - (e) Had any subsidiaries?  Yes  No
  - (f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts?  Yes  No
- (If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).

**Section 3: MAJORITY OWNER INFORMATION**



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

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

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

(5) Gender:  Male  Female

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

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

(7) U.S. Citizenship:  U.S. Citizen  
 Lawfully Admitted Permanent Resident

(8) Number of years as owner: \_\_\_\_\_  
 (9) Percentage owned: \_\_\_\_\_ %  
 Class of stock owned: \_\_\_\_\_ Date acquired \_\_\_\_\_

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

Describe how you acquired your business:  
 Started business myself.  
 It was a gift from: \_\_\_\_\_  
 I bought it from: \_\_\_\_\_  
 I inherited it from: \_\_\_\_\_  
 Other \_\_\_\_\_  
 (Attach documentation substantiating your investment)

**B. Additional Owner Information**

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

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

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

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)  Yes  No  
 Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

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

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

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

(b) Has any trust been created for the benefit of this disadvantaged owner(s)?  Yes  No  
 (If Yes, you may be asked to provide a copy of the trust instrument).

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

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



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

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

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

(5) Gender:  Male  Female

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

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

(7) U.S. Citizenship:

- U.S. Citizen
- Lawfully Admitted Permanent Resident

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

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

Class of stock owned: \_\_\_\_\_ Date acquired \_\_\_\_\_

(10) Initial investment

to acquire ownership interest in firm:	<u>Type</u>	<u>Dollar Value</u>
	Cash	\$ _____
	Real Estate	\$ _____
	Equipment	\$ _____
	Other	\$ _____

Describe how you acquired your business:

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

*(Attach documentation substantiating your investment)*

**B. Additional Owner Information**

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

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

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

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

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

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

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

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

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

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

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company?  Yes  No

If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage: *(Please attach extra sheets, if needed):* \_\_\_\_\_  
 \_\_\_\_\_

**Section 4: CONTROL**



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

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

**(3) Do any of the persons listed above perform a management or supervisory function for any other business?**  
 Yes  No If Yes, identify for each:

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

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

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

Yes  No

If Yes, identify for each:

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

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

**1. Complete for all Owners who are responsible for the following functions of the firm** (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	F	S	N	A	F	S	N
Bidding and estimating		A	F	S	N	A	F	S	N
Major purchasing decisions		A	F	S	N	A	F	S	N
Marketing and sales		A	F	S	N	A	F	S	N
Supervises field operations		A	F	S	N	A	F	S	N
Attend bid opening and lettings		A	F	S	N	A	F	S	N
Perform office management (billing, accounts receivable/payable, etc.)		A	F	S	N	A	F	S	N
Hires and fires management staff		A	F	S	N	A	F	S	N
Hire and fire field staff or crew		A	F	S	N	A	F	S	N
Designates profits spending or investment		A	F	S	N	A	F	S	N
Obligates business by contract/credit		A	F	S	N	A	F	S	N
Purchase equipment		A	F	S	N	A	F	S	N
Signs business checks		A	F	S	N	A	F	S	N



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

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

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

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

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

**1. Equipment and Vehicles**

Make and Model	Current Value	Owned or Leased by Firm or Owner?	Used as collateral?	Where is item stored?
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. _____					

**Additional Information:**

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



**SECTION 5 - AIRPORT CONCESSION**

**(ACDBE APPLICANTS ONLY)**

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

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

**B. Does the applicant firm own/operate any off-airport locations?**    Yes    No    *If Yes, identify the following*

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

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

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

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

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

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





# 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 who the applicant firm relies upon to satisfy the Regulation's 51% ownership requirement.
- Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner
- Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 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 decertification's, 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 director's 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 certifying agency 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)
- 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