



*Disadvantaged
Business
Enterprise (DBE)
Certification*



10:00 AM
July 23, 2014



Agenda



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

DBE Rules and Regulations

Title 49 Part 26.81

of the

Code of Federal Regulations

(49CFR Part 26)

CODE OF FEDERAL
REGULATIONS

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

The New York State Department of Transportation (NYSDOT) is a recipient of federal funds and, therefore, administers the DBE Program on all federally funded highway construction contracts.

United States DBE Program

<http://osdbuweb.dot.gov/business/dbe/index.html>



The screenshot shows the United States Department of Transportation OSDBU website. The header includes the DOT logo and navigation links for 'About DOT', 'Our Activities', and 'Areas of Focus'. A search bar is located in the top right. The main content area features a breadcrumb trail: 'Home > Resources > Partners > Small Business > Disadvantaged Business Enterprise'. The primary heading is 'Disadvantaged Business Enterprise (DBE) Program' with an 'Overview' link below it. A sidebar on the left contains links for 'OSDBU Home', 'Procurement Assistance', 'DBE Program', 'How Can We Help?', 'Ready To Apply?', and 'DBE Program Contacts'. An image of a woman in a hard hat and safety glasses reviewing plans is positioned on the right side of the page.

Useful links to the rules and regulations governing the DBE program, questions and answers, and other pertinent information

U.S. DBE Program Objectives



The main objectives of the DBE Program are:

- To ensure that small disadvantaged business enterprises (DBE) can compete fairly for federally funded transportation-related projects.
- To ensure that only eligible firms participate as DBEs.
- To assist DBE firms in competing outside the DBE Program.

U.S. DBE Program Goals

<http://osdbuweb.dot.gov/business/dbe/index.html>



- DOT DBE regulations require state and local transportation agencies that receive DOT financial assistance to establish goals for the participation of DBEs.
- Each DOT-assisted State and local transportation agency is required to establish annual DBE goals, and review the scopes of anticipated large prime contracts throughout the year and establish contract-specific DBE subcontracting goals.

Why Get DBE Certified?

- **Listing in the NYS UCP (Unified Certification Program) DBE Directory** used by state agencies and authorities, prime contractors, vendors, municipalities, subcontractors, and the private sector
- DBE utilization goals may assist the growth and development of DBEs through **increased participation in procurement** activities



Four DBE Certifying Entities

<https://www.dot.ny.gov/main/business-center/civil-rights/ucp-directory>



New York State
Department of
Transportation



Metropolitan Transportation Authority
State of New York



Niagara Frontier Transportation Authority

THE PORT AUTHORITY
OF NY & NJ

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

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



New York State
Department of Transportation

DBE Eligibility Criteria

<https://www.dot.ny.gov/main/business-center/audit/dbe-certification>

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

Socially Disadvantaged Groups

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

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

NYS DOT DBE Certification

<https://www.dot.ny.gov/main/business-center/audit/dbe-certification>

DEPARTMENT OF TRANSPORTATION

HOME TRAVEL CENTER BUSINESS CENTER

Jobs About NYSDOT Commissioner Forms News & Events Projects Programs & Services Safety Webcasts

How do I? ▾

AUDIT

General Information

Consultant Audits

Local Project Audits

Other Audits

DBE Certification

CONR 385

7 > DOING BUSINESS WITH NYSDOT - (BUSINESS-CENTER) > AUDIT > DBE CERTIFICATION

DBE Certification

- DBE Certification Program
- Disadvantaged Business Enterprise Policy Statement
- Work Code Chart with Definitions
- Interstate Certification
- Affidavit of No Change
- Disadvantaged Business Enterprises (DBE) Uniform Certification Documents:
 - Instructions for the DBE Uniform Certification application
 - Application for DBE Certification
 - Adobe PDF
 - Rich Text
 - Affidavit of Certification
 - Adobe PDF
 - Rich Text
 - Checklist of necessary supporting documentation
 - Adobe PDF
 - Rich Text
 - Personal Financial Statements for DBE Certification
 - Adobe PDF
 - Rich Text

- Read about the program
- Review work codes
- Print out:
 - Application
 - Affidavit of Certification
 - Checklist of necessary supporting docs
 - Personal Net Worth Form

Application

(8 pages)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

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

UNIFORM CERTIFICATION APPLICATION

ROADMAP FOR APPLICANTS

Should I apply?

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

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

Is there an easier way to apply?

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

NYSUCP DBE Certification

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



Required Documentation

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

All Applicants

- Work experience resumes (that include places of ownership/employment with corresponding dates), for all owners and officers of your firm
- Proof of citizenship or permanent resident status
- Statement of Personal Net Worth (for available with this application)
- Personal tax returns for the past three years, if applicable, for each owner claiming disadvantaged status
- Your firm's tax returns (gross receipts) and all related schedules for the past three years
- Documented proof of contributions used to acquire ownership for each owner (*e.g. both sides of cancelled checks*)
- Your firm's signed loan agreements, security agreements, and bonding forms
- Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- List of equipment leased and signed lease agreements
- List of construction equipment and/or vehicles owned and titles/proof of ownership
- Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past two years
- Year-end balance sheets and income statements for the past three years (*or life of firm, if less than three years*); a new business must provide a current balance sheet
- All relevant licenses, license renewal forms, permits, and haul authority forms
- DBE and SBA 8(a) or SDB certifications, denials, and/or decertifications, if applicable
- Bank authorization and signatory cards
- Schedule of salaries (or other compensation or remuneration) paid to all officers, managers, owners, and/or directors of the firm
- Trust agreements held by any owner claiming disadvantaged status, if any
- Certificate of Insurance

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

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

Trucking Company

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

Out-of-State Businesses

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



- A DBE firm must present a copy of its certification notice from its home state to the second state and request interstate certification.
- If a firm is certified in another state and applies for certification in NYS, NYS will request the onsite visit report from the firm's home state.

Work Codes

Example: Construction

	NYS DOT WORK CODE	NYS DOT STANDARD SPECIFICATIONS CODE DESCRIPTION/DEFINITIONS	NAICS CODE
101	[600]	INCIDENTAL CONSTRUCTION	
102	601	ARCHITECTURAL PAVEMENTS AND TREATMENTS	237310
103	602	REHABILITATION OF CULVERT AND STORM DRAIN PIPE	237110
104	603	CULVERT AND STORM DRAINS	237110
105	604	DRAINAGE STRUCTURES	237110
106	605	UNDERDRAINS	237110
107	606	GUIDE RAILING	237310
108	607	FENCES	238990
109	608	SIDEWALKS, DRIVEWAYS, AND BICYCLE PATHS	237310
110	609	CURB AND CURB & GUTTERS	237310
111	610	GROUND VEGETATION - PREPARATION, ESTABLISHMENT AND MANAGEMENT	561730
112	611	PLANTING, TRANSPLANTING AND POST PLANTING CARE	561730
113	612	(VACANT)	561730
114	613	WILDLIFE AND ECOLOGY	561730
115	614	PRUNING, IMPROVING AND REMOVING EXISTING VEGETATION	561730
116	615	LANDSCAPE APPURTENANCES	561730
117	616	SOIL BIOENGINEERING	561730
118	617	INVASIVE SPECIES MANAGEMENT	561730
119	619	WORK ZONE TRAFFIC CONTROL	237310
120	620	BANK AND CHANNEL PROTECTION	238910
121	621	CLEANING CULVERTS, DRAINAGE STRUCTURES AND EXISTING ROADSIDE	237310
122	623	SCREENED GRAVEL, CRUSHED GRAVEL, CRUSHED STONE, CRUSHED SLAG	238910
123	624	PAVED GUTTERS	237310
124	625	SURVEY OPERATIONS, ROW MARKERS & PERMANENT SURVEY MARKERS	541370
125	626	(VACANT)	(-)
126	627	PAVEMENT CUTTING	237310

Example: A & E

55	080A	541690	GEOLOGY	8711
56	080B	541620	AIR QUALITY	8711
57	080C	541620	WATER QUALITY	8711
58	080D	541620	WETLANDS	8711
59	080E	541620	NOISE	8711
60	080F	541620	ECOLOGY	8711
62	080G	541690	ARCHEOLOGY	8711
63	080H	541620	HAZARDOUS WASTE/ASBESTOS/LEAD	8711
64	080J	541690	VISUAL RESOURCE	8711
65	080K	541690	CULTURAL RESOURCE ASSESSMENT	8711
66	[090]		OTHER	
68	090A	541519	COMPUTER SUPPORT SERVICES (OFFICE OPERATIONS)	5045
69	090B	541512	IT TECHNICAL SUPPORT SERVICES, COMPUTER AIDED DESIGN (INFORMATION SYSTEMS)	7373
70	090C	541513	IT MGMT SERVICES (PROJECT MGMT, ANALYSIS & PLANNING)	7379
73	090D	541191	REAL ESTATE TITLE SEARCHES OR ABSTRACTS	6541
74	090E	531320	REAL ESTATE APPRAISALS	7389
75	090F	541211	CONTRACT AUDITING	9199
76	090G	611420	COMPUTER TRAINING SERVICES	7379
77	090H	611430	PROFESSIONAL & MANAGEMENT TRAINING	7389
78	090J	541611	BUSINESS & FINANCIAL ADVISING	8742
79	090K	541613	MARKETING	7389
80	090L	561210	FACILITIES SUPPORT SERVICES	8744

NYS DBE Directory

<http://biznet.nysucp.net/>

New York State BizNet UCP Directory

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

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

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



New York State
Department of
Transportation



Metropolitan Transportation Authority
State of New York



Click any button below to search by other criteria.

Search by Firm Name

Search by Business Description

Search by S.I.C. Code

Search by N.A.I.C.S. Code

Search by NYSDOT Work Code

Search by PANYNJ Work Code

Search by N.I.G.P. Code

Search by County

Exit the BizNet System

Appeal Process

If a firm is denied DBE certification:

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



NYS DOT DBE Certification Program

NYS Contacts

New York State DOT DBE Certification Supervisor

Jacqueline Jones

50 Wolf Road, 6th Floor, Albany, NY 12232

Phone: (518) 457-9679

Fax: (518) 457-1675

Email: jejones@dot.ny.gov

Director, Office of Civil Rights

Sondra Little

50 Wolf Road, 6th Floor, Albany, NY 12232

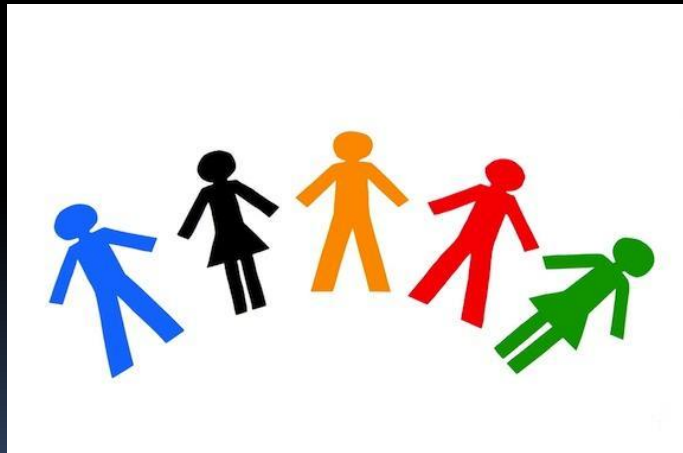
Phone: (518) 457-1129

Fax: (518) 485-5517

Email: slittle@dot.ny.gov

Small Disadvantaged Business (SDB) vs. Disadvantaged Business Enterprise (DBE)

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



- SDB is generally a self-certification – relies on 8(a) criteria, with some exceptions
- An 8(a) certified firm is an SDB; *HOWEVER*, an SDB is not necessarily an 8(a) certified firm



QUESTIONS?

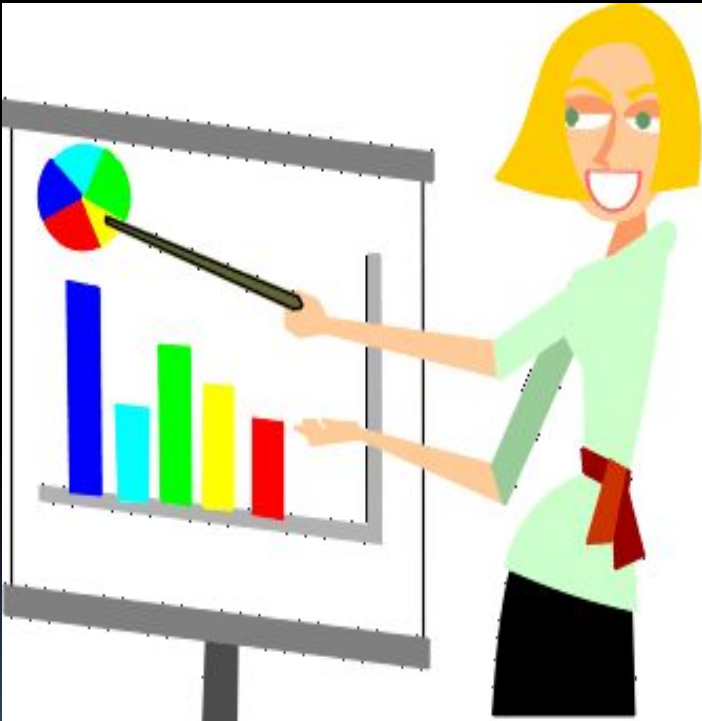
Presenter

Roxanne K. Mutchler
Government Contracting Coordinator

Procurement Assistance Center
Mohawk Valley Small Business
Development Center

Toll Free: 1-877-789-BIDS

Bids@sunyit.edu





A Partnership Program With the US Small Business Administration

- *Funded in part through a Cooperative Agreement with the U.S. Small Business Administration.*
- *All opinions, conclusions or recommendations expressed are those of the author(s) and do not necessarily reflect the views of the SBA.*
- *Reasonable accommodations for persons with disabilities will be made if requested at least two weeks in advance.*

Thank You for
Participating!

