

State of Alaska
Department of Transportation and Public Facilities
Disadvantaged Business Enterprise Program Plan

Objectives /Policy Statement (49 CFR 26.23)

The Disadvantaged Business Enterprise (DBE)/Small Business Enterprise (SBE) Business Development Office will assist firms in gaining the ability to compete successfully in the marketplace outside the DBE program through activities outlined in the Statement of Work for the DBE Support Services program and approved annually by Federal Highway Administration (FHWA).

It is the policy of The Alaska Department of Transportation and Public Facilities (ADOT&PF) to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in United States Department of Transportation (USDOT)-assisted contracts. It is also our policy to


1. Ensure nondiscrimination in the award and administration of USDOT assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for USDOT assisted contracts;
3. Ensure the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in USDOT assisted contracts; and
6. Assist the development of firms that can compete successfully in the market place outside the DBE Program.

ADOT&PF has delegated a DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by ADOT&PF in its financial assistance agreements with the USDOT.

ADOT&PF has disseminated this policy statement to all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on USDOT-assisted contracts, as well as construction contractors, by publishing this notice on our internet site at

<http://www.dot.state.ak.us/cvlrts/index.shtml>

The Civil Rights Office (CRO) will also disseminate this policy using the following methods: announcements at the Annual DBE Conference, e-mail blasts to all DBEs, constant communication with the Associated General Contractors, Alaska Public Notices and providing a link to the CRO website through the Transporter Newsletter.



Marc A. Luiken
Commissioner, Alaska Department of Transportation & Public Facilities

Date: 7-13-16

Definitions of Terms (49 CFR Part 26.5)

The terms used in this program have the meanings defined in 49 CFR Part 26.5

Nondiscrimination (49 CFR Part 26.7)

ADOT&PF 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, religion, color, gender, age, marital status, ability or national origin.

In administering its DBE program, ADOT&PF 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, religion, color, gender, age, marital status, ability, or national origin.

DBE Program Updates

ADOT&PF will continue to carry out this program until all funds from USDOT financial assistance have been expended. ADOT&PF will provide to all Operating Administrations of USDOT updates representing significant changes in the program.

Quotas (49 CFR Part 26.43)

ADOT&PF does not use quotas in any way in the administration of this DBE program. ADOT&PF does not anticipate the need for set-aside contracts to redress egregious instances of discrimination.

DBE Liaison Officer (DBELO) (49 CFR Part 26.25)

ADOT&PF has designated the following individual as our DBELO:

Dennis Good,
Civil Rights Office Manager
2200 E. 42nd Avenue
Anchorage, AK 99508
(907) 269-0848
dennis.good@alaska.gov

The DBELO is responsible for ensuring that ADOT&PF complies with all provisions of 49 Part 26. The DBELO has direct, independent access to ADOT&PF Commissioner concerning DBE program matters.

An organizational chart displaying the DBELO's position in the organization is found in Attachment I.

The organization of the Civil Rights Office within ADOT&PF for the DBE Program is as follows:

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The Manager of the Civil Rights Office coordinates with the Director of Administrative Services on policy matters and in establishment of the overall program. The Manager for the Civil Rights Office is responsible for policy recommendation, staff management, and daily supervision of office operations. This organizational structure provides for effective management of the program, as well as a direct line of access to the Commissioner for resolving DBE policy issues.

The Civil Rights Office Manager has the responsibility and authority to carry out the following functions:

1. Make administrative reconsideration decisions when the Department determines that a Good Faith Effort is insufficient.
2. Review federal and state laws and regulations to make policy recommendations to the Director of Administrative Services and the Commissioner.
3. Conduct Certification and Certification Reviews of DBE applicants.
4. Design and carry out internal compliance audits and DBE reporting systems.
5. Establish Support Services to assist all aspects of the DBE program and assist DBEs and prospective DBEs prior to and during their participation in the program.
4. Assist bidders, DBEs, regulatory agencies, prospective DBEs, and community organizations on DBE matters.
5. Assist ADOT&PF personnel, contractors, DBEs, and other interested parties in resolution of DBE problems.
6. Develop, maintain, and implement DBE Program Operating Methods, which are incorporated herein by reference.
7. Provide direct technical assistance to ADOT&PF personnel regarding contract language; contract specifications; guidelines, procedures, administration and negotiation as they relate to DBE matters.
8. Implement a Business Development Program (BDP) and Small Business Development Program (SBDP) to help DBEs improve their competitiveness in the transportation infrastructure construction industry.
9. Regularly update an online DBE Directory.
10. Establish ADOT&PF's annual overall DBE program goal, as well as establish individual DBE project goals for federally funded construction projects.

11. Establish the Business Development Program (BDP).

12. Establish the Small Business Development Program (SBDP).

Federal Financial Assistance Agreement Assurance (49 CFR Part 26.13)

ADOT&PF will include the following assurance on all contracts (and each subcontract the prime contractor signs with a subcontractor) and implement in their administration:

The Alaska Department of Transportation and Public Facilities [or sub-recipient] shall not discriminate on the basis of race, religion, color, gender, age, marital status, ability, or national 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 ADOT&PF shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. ADOT&PF'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 Alaska Department of Transportation and Public Facilities 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.).

DBE Financial Institutions (49 CFR Part 26.27)

It is the policy of the ADOT&PF 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 USDOT-assisted contracts to make use of these institutions. A review of federal and state-chartered banks and financial institutions found there are no such banks or financial institutions in Alaska.

On a continuing basis, ADOT&PF will review the availability of such financial institutions.

Directory (49 CFR Part 26.31)

Alaska Unified Certification Program Directory ADOT&PF maintains the Alaska Unified Certification Program (AUCP) directory identifying all firms eligible to participate as DBEs in the State of Alaska. 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. ADOT&PF revises the Directory on a weekly basis. ADOT&PF makes the Directory available online at www.dotcivilrights.alaska.gov. Paper copies of the DBE directory are available upon request by contact the ADOT&PF Civil Rights Office at (907) 269-0851.

Over-concentration (49 CFR Part 26.33)

An analysis for over-concentration for a given type of work shall begin when either of the following conditions has been met:

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

ADOT&PF will review the types of work and evaluate the circumstances that lead to either of the above conditions. Based on the findings, ADOT&PF will address each instance on a case-by-case basis.

Business Development Programs (49 CFR Part 26.35)

The DBE/SBE Business Development Office (previously known as DBE Support Services) is renamed and remains within the CRO to help DBEs/SBEs who want to work on federally funded projects. Charged with the business development requirements set forth in 49 CFR Part 26.35 and Part 26.39, the name change is necessary to align the new direction and purpose of this department. The branding image of the office supports this new direction and the goal to grow businesses and document DBE successes.

Fostering Small Business Participation (49 CFR Part 26.39)

ADOT&PF has a Small Business Enterprises (SBE) Program approved July 18, 2012 through the FHWA Associate Administrator for Civil Rights encompassing FAA and FTA. The SBE program is administered under the DBE/SBE Business Development Office within the Civil Rights Office.

The SBE approval letter and program is attachment VI.

Required Contract Clauses

A. Contract Assurance (49 CFR Part 26.13)

ADOT&PF will ensure that the following clause is placed in all federally-assisted contracts and subcontracts:

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 ADOT&PF deems appropriate.

B. Prompt Payment (49 CFR Part 26.29)

ADOT&PF has established the following prompt payment monitoring mechanisms as part of its DBE Program:

Section 120 – Section 120.3.04(4) requires that contractors on FHWA-assisted contracts report payments made to DBEs on a monthly basis beginning the first month that a DBE participates on the project through the month in which the final payment is made to the DBE. Form 25A-336 must be submitted to the CRO by the 15th of the month following the month in which payments were made, along

with copies of canceled checks or bank statements that identify payer, payee, and amount of transfer to verify payment information shown on the form. This documentation provides the CRO with written verification of payments being made to DBE subcontractors. Instructions for acquiring, completing and submitting Form 25A-336 can be found online at www.dot.state.ak.us/cvlrts/forms.shtml. Under Section 101, Retainage is defined.

Contract Compliance Reviews - As part of the Contract Compliance Reviews described in the next section, the CRO will review 10 FHWA-funded construction projects annually for prompt payment compliance. These reviews will be conducted in the following manner:

1. At least one month prior to the scheduled date of the Contract Compliance Review, the prime contractor is required to complete and submit to the CRO the Contract Compliance Review Checklist and all supporting documentation. The Contract Compliance Review Checklist includes questions regarding prompt payment compliance as it applies to payments made to each separate subcontractor that has performed work on the project.

Upon submission of the Contract Compliance Review Checklist and supporting documents, the CRO will verify the accuracy of the prompt payment information by contacting the subcontractors listed, documenting their responses, and comparing them with those provided by prime contractors.

ADOT&PF has established the following enforcement mechanisms as part of its DBE program:

Contract Remedies – In compliance with 49 CFR Part 26.29, the ADOT&PF Standard Specifications for Highway Construction 2015 Edition contains prompt-payment provisions compliant with State and Federal law. AS 36.90.210(A)(1) states that “the prime contractor and a subcontractor on a public construction or public works contract must include in a subcontract between the prime contractor and subcontractor for public construction or public works a clause that requires the prime contractor to pay the subcontractor for satisfactory performance under the subcontract within eight (8) working days after receiving payment from which the subcontractor is to be paid”. The ADOT&PF Standard Specifications for Highway Construction 2015 Edition, Section 108-1.01(1)(e) requires prime contractors on FHWA-assisted contracts to ensure that all subcontracts include a clause requiring the contractor to pay the subcontractor for satisfactory performance in accordance with AS 36.90.210. AS 36.90.210(3) requires that prime contractors pay “the subcontractor interest on an amount that is not paid in accordance with [AS.36.90.210(1)] for the period beginning on the day after the required payment date and ending on the day on which payment of the amount

due is made; the interest shall be computed at an interest rate that is equal to the amount set out in AS 45.45.010(a)".

Additionally, Section 109-1.06 of the ADOT&PF Standard Specifications for Highway Construction 2015 Edition sets forth mechanisms to enforce contract provisions relating to prompt payment. Per Section 109-1.06, "contractor's failure to pay subcontractors, or subcontractor's failure to pay lower tier subcontractors, according to prompt payment provisions required under Subsection 108-1.01 is considered unsatisfactory performance. ADOT&PF will not withhold payment as retainage but may withhold payment for unsatisfactory performance... If the engineer finds that satisfactory progress is not being made or payment for satisfactory work by a subcontractor or lower tier subcontractor is not being paid according to Subsection 108-1.01, the engineer may withhold up to 100 percent of the total amount earned from subsequent progress payments.

Monitoring and Enforcement Mechanisms (49 CFR Part 26.37)

ADOT&PF has implemented appropriate monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26 by DBE program participants. ADOT&PF has set forth the following mechanisms to monitor DBE program compliance:

1. Training

The CRO conducts trainings for ADOT&PF personnel as a mechanism to assist in monitoring DBE program compliance. Monthly meetings are held with ADOT&PF contract administrators to provide guidance on DBE program implementation. Additionally, the CRO provides DBE program guidance at ADOT&PF-wide events held annually prior to the beginning of Alaska's construction season. Combined, these mechanisms expand ADOT&PF's monitoring capabilities beyond the CRO. ADOT&PF personnel are instructed to inform the CRO of any instances of potential non-compliance with the DBE program.

2. Commercially Useful Function (CUF)

To be in compliance with the program and eligible for DBE credit, a DBE must perform a CUF as defined by 49 CFR Part 26.55. ADOT&PF has set forth the following process to monitor DBE performance of commercially useful functions on FHWA-assisted contracts: ADOT&PF field staff perform CUF reviews for DBE primes, DBE subcontractors, and DBE joint ventures a minimum of one time for each DBE per construction seasons or on FHWA-assisted contracts. Reviews are conducted when DBEs begin work on a project, and DBEs are monitored for compliance through the course of the project. To assist in conducting CUF reviews, ADOT&PF personnel utilize the CUF monitoring report, which can be found at <http://www.dot.state.ak.us/stwddes/dcsconst/assets/pdf/constforms/25a298.pdf>.

3. Joint Checks

ADOT&PF CRO monitors joint check payments to DBEs through conducting on-site reviews of DBEs performing work on FHWA-assisted contracts. The CUF review is

used to assist in identifying joint check arrangements. All joint check arrangements will be reviewed by the CRO and approved on a case-by-case basis to ensure compliance with 49 CFR Part 26.55(c)(1).

4. Contract Compliance Reviews (CCR)

The Contract Compliance Review is a systematic, objective and comprehensive review of the employment practices of ADOT&PF contractors and subcontractors in order to determine if they are complying with their EEO/AA contractual obligations. These site visits also include commercially useful function (CUF) reviews of DBE's regarding the firm's independence, ownership and control. These review will be conducted during peak employment periods.

5. Quality Assurance Reviews (QAR)

QARs are on-site reviews conducted by DBE/SBE Business Development Office staff that serves as a mechanism to monitor DBE program compliance. These site visits include additional CUF reviews, interviews with DBEs, interviews with prime contractors, interviews with ADOT&PF project engineers, and document review (daily diaries, progress payments). QARs allow ADOT&PF to monitor DBE program participants for compliance with the requirements of 49 CFR Part 26 on FHWA-assisted contracts, including issues related to prompt payment. 20% of FHWA-assisted contracts that have not had CCRs during a given construction season receive Quality Assurance Reviews.

ADOT&PF has set forth the following mechanisms to enforce DBE program compliance:

1. Contract Remedies

ADOT&PF Construction Specification "Section 120, DBE Program-Construction" is part of this DBE program by reference and can be found in Attachment V. Section 120 – 1.03 provides for methods of enforcement in the event of a contractor's failure to comply with the provisions of Section 120. Per Section 120-1.03, "failure to comply with the provisions [of Section 120] is a material breach of contract, which may result in contract termination or other remedy as ADOT&PF deems appropriate. Failure to comply with [Section 120] is justification for debarment action as provided in AS.36.30.640(4)". Additionally, Section 120 specifically addresses the issue raised in 49 CFR Part 26.37 as follows:

a. Work Committed to DBEs and Reporting of Actual Attainments

Section 120-5.01 is an enforcement mechanism that allows ADOT&PF to ensure that work committed to DBEs at contract award or subsequently is actually performed by the DBEs to which the work was committed. Per Section 120-5.01, "if the contractor fails to utilize the DBEs listed on Form 25A-325C as scheduled or fails to submit proof of payment, requested documentation, or otherwise cooperate with a DBE review or investigation, ADOT&PF will consider this to be unsatisfactory work... Unsatisfactory work may result in disqualifications of the

contractor from future bidding and under Subsection 102-1.13 and withholding of progress payments consistent with Subsection 109-1.06” as per the Standard Specifications for Highway Construction.

b. Terminating, replacing, or substituting of DBEs

The process for termination, replacement, or substitution of DBEs is illustrated in Section 120-3.03(3) & (4). Per Section 120-5.01, “If the contractor fails to utilize GFE to replace or substitute a DBE, regardless of fault (except for Subsection 120-3.03(4)(b)(3), ADOT&PF will also consider this unsatisfactory work.

Unsatisfactory work may result in disqualification of the contractor from future bidding under Subsection 102-1.13 and withholding of progress payments consistent with Subsection 109-1.06” as per the Standard Specification for Highway Construction.

2. Legal Remedies

ADOT&PF will bring to the attention of the USDOT any false, fraudulent, or dishonest conduct in connection with the DBE program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment, or program fraud and civil penalty rules) provided in 49 CFR Part 26.107. In these circumstances ADOT&PF will withhold progress payments consistent with Subsection 109-1.06 as per the Standard Specification for Highway Construction.

Non-Traditional contracts and professional services contracts will be handled as follows:

Design/Build

On a contract-by-contract basis, the CRO will develop DBE contract specifications and goals for design-build projects. All federally funded design/build projects will include standard EEO and DBE reporting forms and provisions.

Professional Service Agreements

ADOT&PF will add standard contract provisions for reporting DBE participation on professional services contracts.

Monitoring of Contractors, Consultants and Subrecipients

ADOT&PF reviews contractors and consultants working on USDOT-assisted projects to ensure compliance standards are adhered to as referenced in Form FHWA-1273 “Section II, nondiscrimination.” These include acceptance of a general operating policy that prohibits discrimination based on race, color, religion, sex, national origin, age, or disability. The Equal Employment Opportunity and Affirmative Action (EEO/AA) requirements of a contract are enforced through Contract Compliance Reviews (CCRs) conducted by the Contract Compliance Officer (CCO) in the CRO. In agreement with FHWA, the CRO is required to perform 10 CCRs annually. The parameters for choosing the CCRs are set based on the following criteria:

- Largest dollar value FHWA contract(s)

- Largest number of FHWA contracts
- Contracts which are the type, size, and/or duration to provide the contractor with maximum hiring and promotional opportunities
- Contractors who have past reporting data which indicates regularly underutilizing women and minorities in their workforce
- Contracts that contain Special Provision Section 645, training program
- Contractors FHWA specifically requests to have reviewed
- Contractors who have complaints filed against them regarding employment practices

Contractors who were found in non-compliance the previous construction season having FHWA work in the upcoming season are automatically selected for a follow-up review regardless of size, duration, etc. of the project(s) involved.

The CCO also contacts FHWA to see if there are any contractors they want the CRO to review.

The CCR is a comprehensive review that investigates all aspects of a contractor's employment practices and conditions. The CCR consists of meeting with a contractor at their office to examine the contractor's EEO objectives; review files and data; conduct project worksite interviews; and prepare a final review and analysis of collected information. Review dates are coordinated with contractors and scheduled during their peak employment periods. This allows time to correct deficiencies, should any be found. In addition, the CCO will review conduct any special training provisions and assess if the contractor is meeting or exceeding the DBE goal or commitment for the project.

Construction Penalties and Sanctions

1. Sanctions for Violating DBE Contract Specifications

In accordance with AS 36.30.640.4(A), ADOT&PF may suspend a contractor for up to three months or debar a contractor for up to three years for: "a knowing failure without good cause to perform in accordance with the specifications provided in the Contract." This includes violations of Section 120, Disadvantaged Business Enterprise (DBE) Program.

Special Provision 33, Section 120, Disadvantaged Business Enterprise (DBE) Program it is stated, "If the Contractor fails to utilize the DBEs listed on Form 25A325C as scheduled or fails to submit required documentation to verify proof of payment or documentation requested by the Department to help in the determination of CUF, the Department will consider this to be unsatisfactory work. Progress payments will not be authorized if monthly DBE participation is not reported correctly on Form 25A336. If the Contractor fails to utilize Good Faith Efforts to replace a DBE, regardless of fault (except for Subsection 120-3.04 item 3), the Department will also consider this unsatisfactory work. Unsatisfactory work may result in disqualification of the Contractor from future bidding under Subsection 102-1.13 and withholding of progress payments consistent with Subsection 109-1.06 as per Standard Specifications for Highway Construction, 2004 Edition."

2. Legal Remedies

ADOT&PF will bring to the attention of the USDOT any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalty rules) provided in 49 CFR Part 26.107. ADOT&PF will withhold progress payments consistent with Subsection 109-1.06 as per Standard Specifications for Highway Construction, 2004 Edition.

Overall Goals (49 CFR Part 26.45)

ADOT&PF has established an overall goal in compliance with 49 CFR Part 26.45. The overall goal is 8.46%, to be met entirely through race-neutral means. The approved DBE goal methodology can be found on the CRO website, www.dotcivilrights.alaska.gov.

Contract Goals (49 CFR Part 26.51)

ADOT&PF intends to implement an entirely race-neutral DBE Program. ADOT&PF is confident that it will be successful in its efforts to meet the overall DBE goal of 8.46% through entirely race-neutral means. Should further evidence suggest the need of a race-conscious element of the DBE program in order to achieve the overall goal, ADOT&PF will set contract goals in the following manner:

- All subcontractable items for the project will be considered but may not be listed. ADOT&PF will require prime contractors to use good faith efforts to meet the DBE contract goal.
- The Plan Holder Self Registration List (PHSRL) allows contractors to express their interest in the project. DBEs that self-register on the PHSRL within 7 calendar days after a project is advertised will be listed as mandatory or interested contacts. Prime contractor are required to contact DBEs that are listed on the PHSRL as part of the GFE process. In cases where a procurement method is for Professional Services, a Design Build project, Construction Manager-at-Risk project or another innovative contracting practice is used, ADOT&PF will assign a DBE contract goal based on the race conscious portion of its overall goal for the FFY the procurement is advertised.

Good Faith Efforts (49 CFR Part 26.53)

ADOT&PF treats bidder/proposers' compliance with good faith efforts requirements as a matter of responsiveness. However, under ADOT&PF's race-neutral program, a bid will not be rejected as non-responsive based on the percentage of DBE utilization. Bidders will, however, be required to submit anticipated DBE utilization information.

Each solicitation for which a contract goal has been established will require the bidders/proposers' to submit the following information within five (5) working days of the bid submission:

- The names and addresses of DBEs that will participate in the contract.
- A description of the work that each DBE will perform.
- The dollar amount of the participation of each DBE's firm.

- Written and signed documentation of commitment to use a DBE subcontractor whose participation is submitted to meet a contract goal.
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.
- If the contract goal is not met, evidence of good faith efforts will be evaluated.

Demonstration of Good Faith Efforts (GFE)

If a DBE goal is placed on contract, the bidder/proposer must either meet the DBE goal or document the good faith efforts to meet the goal. Examples of good faith efforts are found in Appendix A to Part 26.

ADOT&PF will ensure that all information is complete, accurate and adequately documents the bidder/proposer's good faith efforts before ADOT&PF commits to the performance of the contract by the bidder/proposer.

The following ADOT&PF positions are responsible for determining whether a bidder who has not met a contract goal has documented sufficient GFE to be regarded as responsive. These positions are also responsible for determining a prime contractor's GFE on replacement of a DBE firm:

Contract Compliance Officer
Civil Rights Manager
DBE/SBE Business Development Coordinator

PO Box 196900
Anchorage, AK 99519-6900
(907) 269-0851 / 1-800-770-6236

ADOT&PF will ensure that all information is complete and accurate and adequately documents the bidder's GFE before ADOT&PF commits to the performance of the contract by the bidder.

Administrative Reconsideration

Within three (3) working days of being informed by ADOT&PF that it is not responsive because it has not documented sufficient GFE, a bidder may request administrative reconsideration. The bidder will make this request in writing to the following reconsideration official:

Dennis Good
ADOT&PF DBE Liaison Officer
2200 E. 42nd Avenue
Anchorage, AK 99508
(907) 269-0848
dennis.good@alaska.gov

The reconsideration official shall remain impartial and may not have assisted in the original determination by the CRO of the bidder's insufficient good faith efforts.

As part of this reconsideration, the bidder will have the opportunity to provide written documentation or arguments concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder will have the opportunity to meet in person with the reconsideration official to discuss the issue. ADOT&PF will send the bidder a written decision on the reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not subject to an administrative appeal to USDOT.

GFE when a DBE is replaced on a contract

ADOT&PF will require a contractor to make GFE to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE to the extent needed to meet the contract goal. ADOT&PF will require the prime contractor to notify the Contract Compliance Officer immediately of the DBEs inability or unwillingness to perform and provide reasonable documentation.

The Contractor shall submit to the Engineer a written request to replace or substitute a DBE who fails or refuse to execute a written subcontract or who is terminated under 120-3.03(3). Per 49 CFR Part 26.53 (f)(4)(5) "...the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the Contract Compliance Officer, and the reason for the request. The prime contractor must give the DBE five (5) days to respond to the prime contractor's notice..."

ADOT&PF will require the prime contractor to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, ADOT&PF's contracting officer will withhold progress payments consistent with Subsection 109-1.06 as per Standard Specifications for Highway Construction, 2004 Edition. If the contractor still fails to comply, the contracting officer may initiate a termination for default proceeding.

Counting DBE Participation (49 CFR Part 26.55)

ADOT&PF will count DBE participation toward overall and contract goals in accordance with Part 26.55.

Data on participation will be collected on a monthly basis from prime contractors with active contracts.

Certification (49 CFR Part 26.61 – 26.91) Disadvantaged Business Enterprise (DBE)

ADOT&PF will use the certification standards of Subpart D of Part 26, and the certification procedures of Subpart E of Part 26, and Subpart F of Part 26, Appendix E, Appendix F and Appendix G are used to determine the eligibility of firms to participate as DBEs in USDOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. ADOT&PF will make certification decisions based on the facts as a whole.

Process

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

Alaska Unified Certification Program

P.O. Box 196900
Anchorage, AK. 99519-6900
(907) 269-0851 / 1-800-770-6236

In the event the CRO proposes to remove the DBE's certification, CRO will follow procedures consistent with Part 26.87. To ensure separation of functions in the removal of eligibility process, the CRO has determined that the Informal Hearing Officer, an individual who is knowledgeable about the certification requirements of our DBE Program and 49 CFR, Part 26/, will serve as the knowledgeable decision-maker in DBE certification. By utilizing an Informal Hearing Officer, the CRO ensures impartiality. The Informal Hearing Officer may not have participated, in any way, during the CRO's removal of eligibility for certification proceedings against the DBE firm (including in the decision to initiate such a proceeding).

If the CRO denies a firm's initial application for certification, the firm may not reapply until 12 months have passed from this action. If the DBE firm has had its certification removed, that firm may not re-apply for DBE certification until 6 months have passed from the date of the removal action.

Unified Certification Program

ADOT&PF has developed and implemented the Alaska Unified Certification Program with the USDOT and other recipients of FHWA financial assistance.

Certification Appeals

Any firm or complainant may appeal ADOT&PF's decision in a certification matter to USDOT. Such appeals may be sent to:

United States Department of Transportation
Departmental Office of Civil Rights W-78, 101
1200 New Jersey Ave.
Washington, DC. 20590
Attn: Samuel F. Brooks
Phone: 202-366- 4070
(202) 366-5575
TTY: 202-366-9696
Fax: 202-366-7717

The CRO will promptly implement any USDOT certification appeal decision affecting the eligibility of DBEs for our USDOT-assisted contracts (e.g., certification of a firm if USDOT has determined that our denial of its application was erroneous).

"No Change" Affidavits

The CRO requires all certified DBE/ACDBE owners to annually submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 49 CFR Part 26.83(j).

ADOT&PF, CRO requires DBEs to submit with this affidavit documentation of the firm's size and gross receipts. Additional information may also be requested.

ADOT&PF, CRO will notify all currently certified DBE firms of these obligations by mail annually.

Likewise, if a firm's owner knows or should know that he, she or the firm fails to meet the 49 CFR Part 26 eligibility requirements (e.g., personal net worth) the obligation to submit a notice of change applies.

Notices of Change

In addition, in accordance with of 49 CFR Part 26.83(i), all DBEs/ACDBEs are required to notify ADOT&PF, CRO, by written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control requirements or any material changes in the information provided with their application form. Changes in management responsibility among members of a limited liability company are covered by this requirement. Supporting documentation describing in detail the nature of such changes must be attached. The written notification must be made within 30 days of the occurrence of the change. If DBEs fail to make timely notification of such a change, they will be deemed to have failed to cooperate under Part 26.109(c)

Personal Net Worth

ADOT&PF, CRO will require all owners of applicant firms and currently certified DBEs to submit a notarized personal net worth statement on a case by case basis in accordance with the provisions of 49 CFR Part 26. This statement will be reviewed to determine the owner's eligibility for the DBE Program.

Interstate Certification (49 CFR Part 26.85)

ADOT&PF, CRO will use the certification standards of 49 CFR Part 26.85 to determine the eligibility of interstate DBE firms. To be certified as DBE, the applicant firm must comply with these certification standards.

The Operating Methods for DBE Certification are found under Attachment II.

The forms used for AUCP DBE Certification are found under Attachment III.

Information Collection and Reporting (49 CFR Part 26.109)

- Bidders Registration List
ADOT&PF, CRO created and uses a bidders registration list by mode (highways, airports, transit) consisting of information about all DBE and non-DBE firms that bid or quote on USDOT-assisted contracts. The bidder's registration includes the name, address, DBE / non-DBE status, date of establishment and annual gross receipts of firms. A similar collection method is used for information about consultants. See Attachment V; Form 25D-6.

ADOT&PF, CRO collects this information by placing a notice in all bid solicitations and a copy of the Bidder's Registration Form is available on the CRO web site. Firms may also report information directly to the CRO. The CRO maintains a database to separately track this information.

- Monitoring Payments to DBEs

In addition to provisions already mentioned in this program, ADOT&PF will require prime contractors and consultants to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available to any authorized representative of ADOT&PF or USDOT for inspection upon request. This requirement also extends to any certified DBE subcontractor receiving payments from a prime contractor.

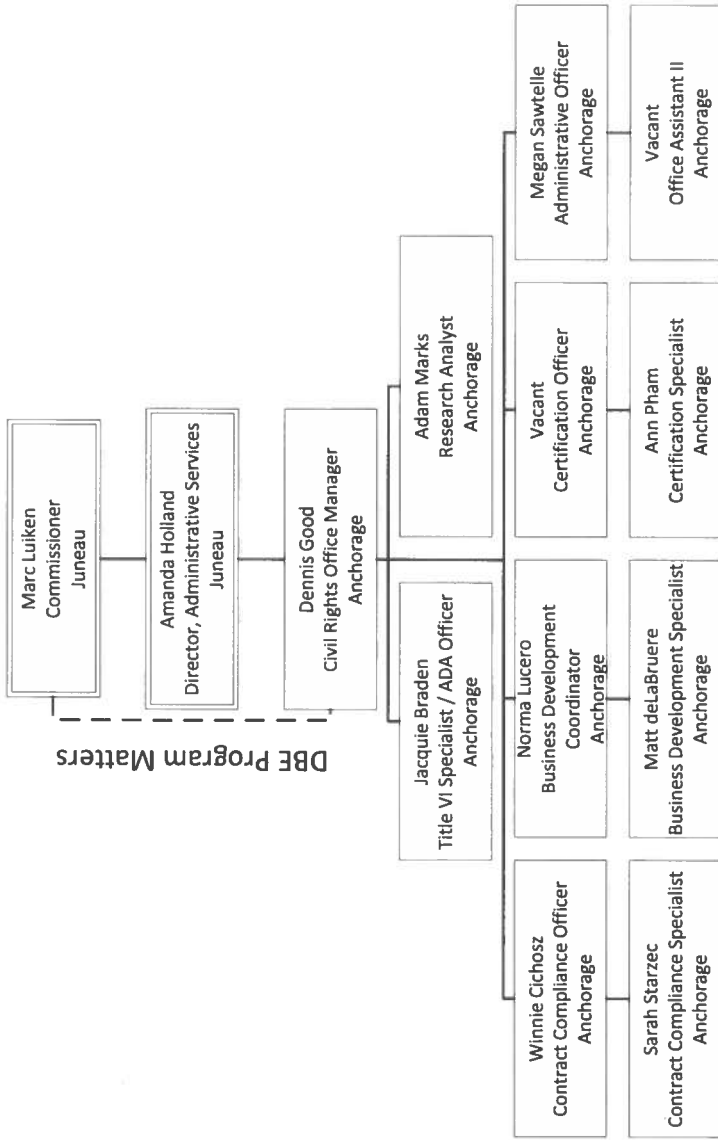
- Reporting to USDOT

The CRO will report DBE participation to USDOT as follows:

Semi-annually report DBE participation through, the Uniform Report of DBE Commitments/Awards and Payments for FHWA recipients.

- Confidentiality

ADOT&PF will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal law, which takes precedence over state and local laws on this matter. ADOT&PF will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than USDOT) without the written consent of the DBE.



Attachment II

DBE Program Operating Methods

1. **Certification**
2. **Denial of Certification**
3. **Informal Hearing**
4. **Third Party Complaints**
5. **Interstate Certification**
6. **Suspension of Certification**

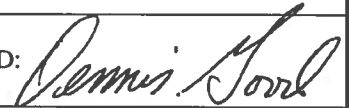
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: CERTIFICATION

APPROVED:



DATE: April 2015

PURPOSE:

To establish a standard procedure for the certification process pertaining to the Disadvantaged Business Enterprise (DBE) Program for federally funded projects.

POLICY:

It is the operating policy of the Statewide Civil Rights Office (CRO) to maintain a comprehensive DBE Certification procedure according to 49 CFR 26 & 49 CFR 23. Only those firms legitimately qualifying as owned and controlled by socially and economically disadvantaged individuals will be considered for the DBE program.

DISTRIBUTION:

To all CRO staff or designee

OPERATING METHODS – DBE CERTIFICATION

- I. Authority and Guidelines: 49 CFR 26, 49 CFR 23, U.S.C 200d et seq.; 49 U.S.C 47107 and 47123, Executive Order 11625, Executive Order 12138.

The DBE certification authority is assigned to the CRO within the Alaska Department of Transportation and Public Facilities (ADOT&PF). Criteria used as applicable.

A. Objectives

1. DBE Program Objectives
It is the policy of ADOT&PF to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts.
2. DBE Certification Objective
To ensure that only small business firms independently owned and controlled in both substance and form by one or more socially and economically disadvantaged individuals become certified.

II. Certification

A. Certification

1. Calls or written requests for certification applications/packages from potential DBEs are prepared and mailed out at the time of the notification or within two (2) business days.
2. Receipt of certification documents – applications are received from socially and economically disadvantaged individuals for DBE consideration:
 - a. When application is received, administrative staff date stamp application and supplementary information and give it to the Certification Officer, who prepares certification tracking sheet for assigned staff to enter application information into data base as a “prescreen” and includes the following:
 - Certification I.D. number
 - Contractor I.D. number
 - Application date
 - Firm name, contact person, address, phone and fax numbers
 - Selected ethnicity
 - b. Certification Officer/Specialist prescreens the applicant's file for completeness.

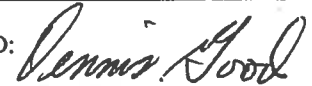
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: CERTIFICATION

APPROVED:



DATE: April 2015

- c. Certification Officer/Specialist advises applicant within 30 days of missing or incomplete documents and contacts applicant to set date and time for the on-site validation interview. Applicant is notified in written correspondence that file is considered 'pending' until all necessary data is received.

B. Certification – Evaluation and Verification

1. Certification Officer/Specialist will analyze, verify, and evaluate information in the applicant's file for the following: (not all inclusive, each file is different)

a. Business Size and Status

- Verify the applicant is properly licensed to perform in work category(s) selected including professional licenses i.e. Engineering, Architectural, Surveying, General Contractor, Specialty Contractor, etc.
- Certified income statement (Personal Net Worth)
- Federal tax returns: Corporate, partnership, subsidiaries, individual, compensation to officers and/or owners for three most recent years
- Audited financial statements
- Year-end balance sheet and income statements for three most recent years
- Gross receipts (three year average) meet NAICS code size limit
- Gross receipts (three year average) meet DOT size limit
- 1099's, W-2s, Schedule K-1, and any other earned income statement
- Employee list
- Equipment List
- Sufficient resources and/or expertise to operate and perform the primary activities of the business

b. Socially and Economically Disadvantaged Status

- Minority status
- Birth certificate
- Naturalization papers
- Indian tribal roll, tribal voter's registration certificate, or other official document
- History of individual having held themselves to be a member of the minority group (drivers license, school, medical and service records may help verify this)
- Proof of membership and interaction in recognized minority organizations; i.e., recognition of applicant in the particular minority community as a minority, through sworn and notarized statements, from bona fide members of the community who are clearly disinterested parties. Proof of Native American status can be accepted only in the form of official documents.
- Female
- Personal Federal tax returns for three most recent years
- Personal Net Worth - \$1.32 million limit
- Other pertinent data

Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: CERTIFICATION

APPROVED:



DATE: April 2015

c. Ownership Standards

- Articles of Incorporation
- By-laws and any amendments
- Copies of both sides of all stock certificates and stock transfer ledger.
- Copies of all shareholder agreements including voting trusts, employment contracts and other agreements between owners and company
- Minutes of initial and most recent stockholders and Board of Directors meetings
- Bank resolution and bank signature cards
- Partnership agreements, if applicable
- Official Certificate of Formation (for LLCs)
- Operating Agreement with any amendments (for LLCs)
- Contribution real and substantial, commensurate with ownership: proof of capital contribution, proof of equipment ownership, if experience and/or expertise is used for capital, dollar value and time must be established
- Proof of all real estate ownership or lease arrangements
- Proof of warehouse/storage facility ownership or lease arrangements
- Expertise in firm's field of operations
- 51% or greater ownership
- If partnership, minimum 51% ownership specified
- If corporation, minimum 51% of stock
- Independently owned assets used
- Other pertinent data

d. Control Standards

- Disadvantaged owner(s) control of Board of Directors
- Disadvantaged owner(s) must hold highest office in company
- Minutes of all Board of Directors meetings (noting election of officers and delegations of authority)
- Copies of all shareholder agreements including voting trusts, employment contracts, and other agreements between owners and company
- Copies of any third party agreements, restrictions on control of owners
- Bidding documents identifying project(s) and contractor(s)
- Examples of documents that would demonstrate management control, for example: Appendix A – management responsibilities, copies of contracts, loan agreements, insurance policies, performance bonds, etc. signed by the disadvantaged owners and/or Appendix B – work history
- Resume of work experience of applicant, non-minority owners, other key personnel
- Contracts showing disadvantaged owners experience to control the firm in the selected work category(s) for specific types of work in which the socially and economically disadvantaged owners have the ability to control the firm
- No formal or informal restrictions may exist to limit voting power or control of disadvantaged owner

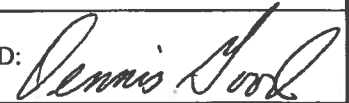
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: CERTIFICATION

APPROVED:



DATE: April 2015

- Disadvantaged owner possesses necessary licenses, certificates, experience and expertise in firm's critical areas of operations/selected work categories
 - Salary/profits commensurate with ownership
 - Sufficient assets/resources to operate: financial, bonding, supervision, workforce, equipment, materials, facilities (office/yard)
- e. Independence Standard
- DBE applicant firm independently possesses sufficient assets/resources to perform in work category(s) selected
 - Ownership (purchase agreement) or lease (history of agreements) for equipment necessary to perform in the selected work category(s)
 - Independently able to perform work
 - Affiliation with another firm through common ownership and/or management, sharing of facilities and/or equipment, sharing of employees and/or services
2. Validation Interview and On-Site Inspection
- a. Certification Officer/Specialist interviews applicant(s);
 - b. On-Site Inspection performed at business office to include inspection of warehouse, equipment yard, and job site, if applicable. Applicant's file data and any other pertinent information is verified (i.e. equipment).
3. Summary Evaluation Report
- a. Report of file review/evaluate (summary format). Summary includes:
 - Identifying firm information; firm name, address, phone, fax, contact person, date established
 - Current ownership; owner's name, title, percentage of ownership, gender/ethnicity, citizenship
 - Type of current business structure; sole proprietorship, partnership, corporation
 - Type of business/contractor; general, specialty, service, manufacturer, supplier, concessionaire
 - List business with proper Line of Business (LOB) Codes for selected work category(s)
 - List appropriate North American Industry Classification System (NAICS)
 - List license(s) and certification(s) with expiration date(s) included
 - Certifications by other agency(s)
 - Validation interview and on-site inspection dates
 - Certification analysis
 - Experience and expertise in selected work category(s)
 - Management responsibilities and control
 - Operational responsibilities and control
 - Contribution (financial, equipment, experience and expertise)
 - Independence (relationship to other firms and/or other industry personnel)
 - Affiliation (one concern controls or has the power to control the other; or a third party or parties controls or has the power to control both; or an identity of interest between or among parties exists such that affiliation may be found. It is necessary to consider all appropriate factors, including common ownership, common

Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: CERTIFICATION

APPROVED:



DATE: April 2015

management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

- Gross revenues for last three years (calculate average). Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.
- Personal Net Worth for disadvantaged owners
- Other pertinent concerns/data

b. Recommendation

- Summary recommendation (approval or denial). During file review/evaluation all parties shall cooperate fully with the investigation. Failure or refusal to furnish requested information or other failure to cooperate is a violation of 49 CFR 26.109(c), and may be reason for denial. Applicant must wait one year to reapply for certification.

c. Certification Decision

1. Certification Officer/Specialist writes an evaluation summary on the applicant firm, including recommendation (approval or denial).
2. Certification Officer reviews recommendation of Certification Specialist (approval or denial) and approves final decision.
3. Certification Officer/Specialist prepares official decision notification letter to applicant.
4. Certification Officer/Specialist completes computer data sheet and enters information from the applicant firm's file and data sheet into the data base and the new DBE firm's name is included in the DBE Directory.

Note: Business categories and NAICS descriptions will be identified in DBE Directory are assessed based upon the relevant experience, expertise, equipment, other resources, and licenses, if applicable, needed to perform in each category. The types of work a firm can perform (whether on initial certification or when a new type of work is added) must be described in terms of the most specific available NAICS code for that type of work. A correct NAICS code is one that describes, as specifically as possible, the principal goods or services which the firm would provide to DOT recipients. Multiple NAICS codes may be assigned where appropriate. Program participants must rely on, and not depart from, the plain meaning of NAICS code descriptions in determining the scope of a firm's certification. Firms and recipients must check carefully to make sure that the NAICS codes cited in a certification are kept up-to-date and accurately reflect work, which the UCP has determined the firm's owners can control. The firm bears the burden of providing detailed company information the certifying agency needs to make an appropriate NAICS code designation.

All forms identified and/or mentioned may be obtained from the CRO or online at <http://dot.alaska.gov/cvlrts/forms.shtml>

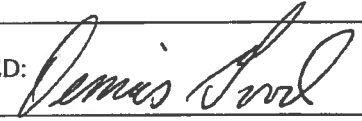
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: Denial of Certification

APPROVED:



DATE: April 2015

PURPOSE:

To provide fair, uniform and consistent appeal procedures for firms denied Disadvantaged Business Enterprise (DBE) certification as required by 49 CFR, Part 26.

DISTRIBUTION:

To Civil Rights Office (CRO) staff or Designee

OPERATING METHODS – CERTIFICATION DENIAL PROCEDURES

Authority: 49 CFR, Part 26, section 26.86

The DBE certification authority is assigned to the CRO within the Alaska Department of Transportation and Public Facilities (ADOT/PF).

A. Objectives

1. DBE Program Objectives
To ensure firms that have been denied eligibility as a DBE by the CRO are given an opportunity to appeal to the USDOT.
2. DBE Objective
To ensure only firms independently owned and controlled in both substance and form by one or more socially and economically disadvantaged individuals are certified.

B. OPERATING METHODS

- When the CRO denies a firm certification, the CRO provides the firm a written explanation of the reason(s) for the denial, specifically referencing the evidence in the record that supports each reason for the denial. All documents and other information on which the denial is based are made available to the applicant, on request.
- When a firm is denied certification, the firm may reapply for certification twelve months from the date of the denial letter.
- The firm may appeal the denial to the Department under §26.89.

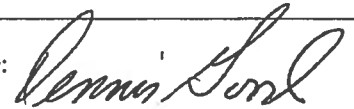
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: Informal Hearing

APPROVED:



DATE:

April 2015

PURPOSE:

To provide fair, uniform and consistent procedures for the informal hearing procedures required by 49 CFR, Part 26 to remove the certification of a Disadvantaged Business Enterprise (DBE) that may no longer qualify for the DBE Program.

DISTRIBUTION:

Distribute to all Civil Rights Office (CRO) staff, Informal Hearing Officers and DBE firms.

OPERATING METHODS – INFORMAL HEARING PROCEDURES

Authority: 49 CFR, Part 26, section 26.87

The DBE certification authority is assigned to the CRO within the Alaska Department of Transportation and Public Facilities (ADOT&PF).

A. Objectives

1. **DBE Program Objectives**
To ensure DBE firms that have been certified by the CRO for ADOT&PF projects or other USDOT assisted work are given a fair and impartial hearing prior to any final decision by the CRO, on the removal of the firm's certification as a DBE.
2. **DBE Objective**
To ensure only firms independently owned and controlled in both substance and form by one or more socially and economically disadvantaged individuals remain certified.

B. Definitions

1. **Informal Hearing Officer** – The decision-maker must be an individual who is knowledgeable about the certification requirements of your DBE program and 49 CFR, Part 26, for an informal hearing on the removal of DBE certification.
2. **CRO** – the staff members of the ADOT&PF Civil Rights Office.
3. **DBE firm** - the DBE firm that has requested an informal hearing of the ADOT&PF CRO notice of intent to remove certification of that DBE firm.
4. **The Concerned Operating Administration** – the Federal Highway Administration, the Federal Aviation Administration, or the Federal Transit Administration.

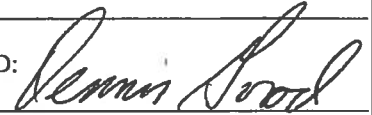
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: Informal Hearing

APPROVED:



DATE: April 2015

C. Operating Method

1. Record of Hearing – The CRO will provide a recording of the proceedings and produce a transcript of the hearing, should the DBE firm requesting the informal hearing appeal a decision to remove its certification to USDOT. The transcript will be provided to USDOT as part of the hearing record.
2. Order of Hearing
 - a. The CRO bears the burden of proof, by a preponderance of the evidence that firm does not meet the certification standards of 49 CFR, Part 26.
 - b. The Informal Hearing Officer will introduce the hearing and explain the procedure to be followed. The reason for the informal hearing and name of the DBE firm will be read into the record. An electronic record of this proceeding will be made, retained and be the property of the State of Alaska. This recording will be suitable for transcription to a verbatim record.
 - c. The Informal Hearing Officer will call upon the DBE firm to provide a brief presentation (no more than 5 minutes) outlining the issues why the DBE firm should not have its certification removed by the State of Alaska.
 - d. The Informal Hearing Officer will call upon CRO staff to provide a brief presentation (no more than 5 minutes) outlining the issues that the CRO believe indicate the need to remove a DBE firm's certification.
 - e. The DBE firm will give its presentation (no more than 15 minutes) addressing issues outlined in the CRO notice of intent to remove DBE certification the firm. The DBE firm may address other issues relevant to the removal of its eligibility under 49 CFR, Part 26.
 - f. The CRO will then give its presentation (no more than 15 minutes) addressing the sections of 49 CFR, Part 26 that require removal of the firm's DBE certification.
 - g. At the end of the CRO presentation, the Informal Hearing Officer and the DBE firm, through the Informal Hearing Officer, may direct questions to the CRO.
 - h. At the conclusion of the question period the CRO, followed by the DBE firm, will have the right of rebuttal presentation (no more than 5 minutes by each side).
 - i. The Informal Hearing Officer will proceed to develop findings and conclusions regarding the eligibility of the DBE firm to remain certified under the provisions of 49 CFR, Part 26. The Informal Hearing Officer will complete the findings and conclusions within 30 days of the informal hearing.
3. Ground for Decision– The decision to remove a firm's eligibility may be based only on one or more of the following:

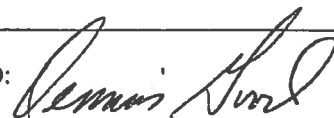
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: Informal Hearing

APPROVED:



DATE:

April 2015

- a. Changes in the firm's circumstances since the certification of the firm by the CRO that render the firm unable to meet the eligibility standards of 49 CFR, Part 26;
- b. Information or evidence not available to the CRO at the time the firm was certified;
- c. Information relevant to eligibility that has been concealed or misrepresented by the firm;
- d. A change in the certification standards or requirements of the Department since the firm was certified
- e. The decision to certify the firm was clearly erroneous;
- f. The firm has failed to cooperate (see §26.109(c));
- g. The firm has exhibited a pattern of conduct indicating its involvement in attempts to subvert the intent or requirements of the DBE program (see §26.73(a)(2)); or
- h. The firm has been suspended or debarred for conduct related to the DBE program. The notice required by paragraph (g) of this section must include a copy of the suspension or debarment action. A decision to remove a firm for this reason shall not be subject to the hearing procedures in paragraph (d) of this section.

The letter of decision must inform the DBE firm of the consequences and of the availability of an appeal to the US Department of Transportation under §26.89. Copies of the decision will be sent to the DBE firm and the concerned operating administration.

4. Notice of decision— Following the decision, the Informal Hearing Officer must provide the firm written notice of the decision and the reasons for it, including specific references to the evidence in the record that supports each reason for the decision. The notice must inform the firm of the consequences of the decision and of the availability of an appeal to the Department of Transportation under §26.89. Copies of the notice must be sent to the complainant in an ineligibility complaint or the concerned operating administration that had directed the CRO to initiate the proceeding. Provided that, when sending such a notice to a complainant other than a DOT operating administration, the CRO must not include information reasonably construed as confidential business information without the written consent of the firm that submitted the information.
5. Status of DBE Firm during proceeding - A DBE firm remains an eligible DBE firm pending the proceedings to remove its eligibility. The firm does not become ineligible until the issuance of the decision to affirm the removal of certification of the DBE firm by the Informal Hearing Officer.
6. Availability of appeal—When the Informal Hearing Officer makes an administratively final removal of a firm's eligibility under this section, the firm may appeal the removal to the Department under §26.89.

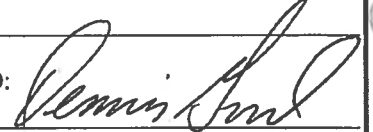
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: Third Party Complaints

APPROVED:



DATE:

April 2015

PURPOSE:

To provide fair, uniform and consistent procedures for firms removed as a Disadvantaged Business Enterprise (DBE) as required by 49 CFR, Part 26.

DISTRIBUTION:

To Civil Rights Office (CRO) staff and DBE Firms

OPERATING METHODS – THIRD PARTY COMPLAINTS

Authority: 49 CFR, Part 26, section 26.87

The DBE certification authority is assigned to the CRO within the Alaska Department of Transportation and Public Facilities (ADOT&PF).

A. Objectives

1. DBE Program Objectives
To ensure firms that have been removed as a DBE by the CRO are given an opportunity to appeal to the USDOT.
2. DBE Objective
To ensure only firms independently owned and controlled in both substance and form by one or more socially and economically disadvantaged individuals remain certified.

B. OPERATING METHODS

1. Any third party may file a written complaint to the CRO alleging that a currently-certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. The CRO is not required to accept a general allegation that a firm is ineligible or an anonymous complaint. The complaint may include any information or arguments supporting the complainant's assertion that the firm is ineligible and should not continue to be certified. Confidentiality of complainants' identities must be protected as provided in §26.109(b).
2. The CRO will review our records concerning the firm, any material provided by the firm and the complainant, and other available information. The CRO may request additional information from the firm or conduct any other investigation that we deem necessary.
3. The CRO reviews all the information and determines whether there is reason to believe that the DBE firm in question is, in fact, not socially and economically disadvantaged using standards set forth in 49 CFR Part 26.
4. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based.

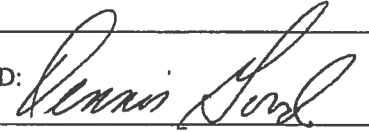
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: Third Party Complaints

APPROVED:



DATE: April 2015

- a. In accordance with §26.109(b), the identity of the complainant shall be maintained by CRO staff as confidential information, unless this prevents the investigation of the Complaint (i.e., the nature and/or circumstances of the complaint would disclose the identity of the complainant to the DBE firm in question). In such cases where the DBE firm in question may know or be able to discern the identity of the complainant, the CRO investigator shall request written permission of the complainant to disclose their identity should it become necessary during the course of the investigation.
 - (i) If written permission is granted to disclose the identity of the complainant, then the complaint investigation shall proceed.
 - (ii) If written permission is not granted to disclose the identity of the complainant, then the CRO investigator shall terminate investigation of the complaint in writing to the complainant citing the inability to reasonably investigate the complaint due to the limitations of maintaining the complainant's identity as confidential.
- b. If the CRO determines there is no valid reason to believe that the DBE firm in question is not socially and economically disadvantaged, the CRO will inform the complainant and the DBE firm in question of this finding in writing. This terminates the process.
- c. If the CRO determines that there is valid reason to believe that the DBE firm in question is not socially and economically disadvantaged, the CRO will initiate the following:
 - (i) The CRO notifies the DBE firm in question, in writing, that his or her status as a socially and economically disadvantaged individual has been disputed. The notice summarizes the grounds for the complaint. The notice also requires the DBE firm in question to provide to the CRO, within 15 days from the date of the receipt of notice, information requested by the Department to permit the CRO to evaluate the social and economic status of the DBE firm in question.
 - (ii) The CRO evaluates the information provided and makes a determination of the social and economic disadvantaged status of the DBE firm in question. The CRO notifies both parties of this final determination in writing, stating the reasons for its decision.
- d. While a complaint is pending under this section, the presumption that the DBE firm in question is a socially and economically disadvantaged individual remains in effect. The DBE participant remains in the DBE Directory as "active" until the complaint has been adjudicated. If the DBE participant is determined to not be "socially and economically disadvantaged" as defined in 49 CFR Part 26, the firm's certification is removed and they are removed from the DBE Directory.
- e. Removal as a DBE by the Civil Rights Office may be appealed through the Appeal Process in accordance with 26.87. The decision of a third party complaint may be appealed only by the removed DBE firm.
- f. If the DBE/ACDBE firm has had its certification removed, that firm may not re-apply for DBE/ACDBE certification until 6 months have passed from the date of the removal action.

Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: INTERSTATE
CERTIFICATION

APPROVED: 

DATE: April 2015

PURPOSE:

To establish a standard procedure for the Interstate Certification process pertaining to the Disadvantaged Business Enterprise (DBE) Program for federally funded projects.

POLICY:

It is the operating policy of the Statewide Civil Rights Office (CRO) to maintain a comprehensive DBE Certification procedure according to 49 CFR 26 & 49 CFR 23. Only those firms legitimately qualifying as owned and controlled by socially and economically disadvantaged individuals will be considered for the DBE program.

DISTRIBUTION:

To all CRO staff or designee.

OPERATING METHODS – INTERSTATE CERTIFICATION

Authority: 49 CFR, Part 26, section 26.85

- I. Authority and Guidelines: 49 CFR 26, U.S.C 200d et seq.; 49 U.S.C 47107 and 47123, Executive Order 11625, Executive Order 12138.

The DBE Interstate Certification authority is assigned to the CRO within the Alaska Department of Transportation and Public Facilities (ADOT&PF). Criteria used as applicable.

A. Objectives

1. DBE Program Objectives
To ensure that DBEs have the maximum opportunity to participate in ADOT&PF assisted contracts.
2. DBE Interstate Certification Objective
To ensure that only small business firms independently owned and controlled in both substance and form by one or more socially and economically disadvantaged individuals remain certified.

B. Operating Method

1. Interstate Certification
 - a. This section applies with respect to any firm that is currently certified in its home state.
 - b. When a firm currently certified in its home state ("State A") applies to another State ("State B") for DBE certification, State B may, at its discretion, accept State A's certification and certify the firm, without further procedures.

Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: INTERSTATE
CERTIFICATION

APPROVED: 

DATE: April 2015

- (1) To obtain certification in this manner, the firm must provide to State B a copy of its certification notice from State A.
 - (2) Before certifying the firm, State B must confirm that the firm has a current valid certification from State A. State B can do so by reviewing State A's electronic directory or obtaining written confirmation from State A.
- c. In any situation in which State B chooses not to accept State A's certification of a firm as provided in paragraph (b) of this section, as the applicant firm you must provide the information in paragraphs (c)(1) through (4) of this section to State B.
- (1) You must provide to State B a complete copy of the application form, all supporting documents, and any other information you have submitted to State A or any other state related to your firm's certification. This includes affidavits of no change (see § 26.83(j)) and any notices of changes (see § 26.83(i)) that you have submitted to State A, as well as any correspondence you have had with State A's UCP or any other recipient concerning your application or status as a DBE firm.
 - (2) You must also provide to State B any notices or correspondence from states other than State A relating to your status as an applicant or certified DBE in those states. For example, if you have been denied certification or decertified in State C, or subject to a decertification action there, you must inform State B of this fact and provide all documentation concerning this action to State B.
 - (3) If you have filed a certification appeal with DOT (see § 26.89), you must inform State B of the fact and provide your letter of appeal and DOT's response to State B.
 - (4) You must submit an affidavit sworn to by the firm's owners before a person who is authorized by State law to administer oaths or an unsworn declaration executed under penalty of perjury of the laws of the United States.
 - (i) This affidavit must affirm that you have submitted all the information required by 49 CFR 26.85(c) and the information is complete and, in the case of the information required by § 26.85(c)(1), is an identical copy of the information submitted to State A.
 - (ii) If the on-site report from State A supporting your certification in State A is more than three years old, as of the date of your application to State B, State B may require that your affidavit also affirm that the facts in the on-site report remain true and correct.
- d. As State B, when you receive from an applicant firm all the information required by paragraph (c) of this section, you must take the following actions:

Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: INTERSTATE
CERTIFICATION

APPROVED: 

DATE: April 2015

- (1) Within seven days contact State A and request a copy of the site visit review report for the firm (see § 26.83(c)(1)), any updates to the site visit review, and any evaluation of the firm based on the site visit. As State A, you must transmit this information to State B within seven days of receiving the request. A pattern by State B of not making such requests in a timely manner or by "State A" or any other State of not complying with such requests in a timely manner is noncompliance with this Part.
- (2) Determine whether there is good cause to believe that State A's certification of the firm is erroneous or should not apply in your State. Reasons for making such a determination may include the following:
 - (i) Evidence that State A's certification was obtained by fraud;
 - (ii) New information, not available to State A at the time of its certification, showing that the firm does not meet all eligibility criteria;
 - (iii) State A's certification was factually erroneous or was inconsistent with the requirements of this part;
 - (iv) The State law of State B requires a result different from that of the State law of State A.
 - (v) The information provided by the applicant firm did not meet the requirements of paragraph (c) of this section.
- (3) If, as State B, unless you have determined that there is good cause to believe that State A's certification is erroneous or should not apply in your State, you must, no later than 60 days from the date on which you received from the applicant firm all the information required by paragraph (c) of this section, send to the applicant firm a notice that it is certified and place the firm on your directory of certified firms.
- (4) If, as State B, you have determined that there is good cause to believe that State A's certification is erroneous or should not apply in your State, you must, no later than 60 days from the date on which you received from the applicant firm all the information required by paragraph (c) of this section, send to the applicant firm a notice stating the reasons for your determination.
 - (i) This notice must state with particularity the specific reasons why State B believes that the firm does not meet the requirements of this Part for DBE eligibility and must offer the firm an opportunity to respond to State B with respect to these reasons.
 - (ii) The firm may elect to respond in writing, to request an in-person meeting with State B's decision maker to discuss State B's objections to the firm's eligibility, or both. If the firm requests a meeting, as State B you must

Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

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CERTIFICATION

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schedule the meeting to take place within 30 days of receiving the firm's request.

- (iii) (The firm bears the burden of demonstrating, by a preponderance of evidence, that it meets the requirements of this Part with respect to the particularized issues raised by State B's notice. The firm is not otherwise responsible for further demonstrating its eligibility to State B.
 - (iv) The decision maker for State B must be an individual who is thoroughly familiar with the provisions of this Part concerning certification.
 - (v) State B must issue a written decision within 30 days of the receipt of the written response from the firm or the meeting with the decision maker, whichever is later.
 - (vi) The firm's application for certification is stayed pending the outcome of this process.
 - (vii) A decision under this paragraph (d)(4) may be appealed to the Departmental Office of Civil Rights under s§ 26.89 of this part.
- e. As State B, if you have not received from State A a copy of the site visit review report by a date 14 days after you have made a timely request for it, you may hold action required by paragraphs (d)(2) through (4) of this section in abeyance pending receipt of the site visit review report. In this event, you must, no later than 30 days from the date on which you received from an applicant firm all the information required by paragraph (c) of this section, notify the firm in writing of the delay in the process and the reason for it.
- f. (1) As a UCP, when you deny a firm's application, reject the application of a firm certified in State A or any other State in which the firm is certified, through the procedures of paragraph (d)(4) of this section, or decertify a firm, in whole or in part, you must make an entry in the Department of Transportation Office of Civil Rights' (DOCR's) Ineligibility Determination Online Database. You must enter the following information:
- (i) The name of the firm;
 - (ii) The name(s) of the firm's owner(s);
 - (iii) The type and date of the action;
 - (iv) The reason for the action.
- (2) As a UCP, you must check the DOCR website at least once every month to determine whether any firm that is applying to you for certification or that you have already certified is on the list.
- (3) For any such firm that is on the list, you must promptly request a copy of the listed decision from the UCP that made it. As the UCP receiving such a request, you must

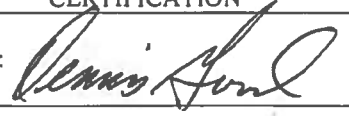
Alaska Unified Certification Program

OPERATING METHODS

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APPROVED:



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provide a copy of the decision to the requesting UCP within 7 days of receiving the request. As the UCP receiving the decision, you must then consider the information in the decision in determining what, if any, action to take with respect to the certified DBE firm or applicant.

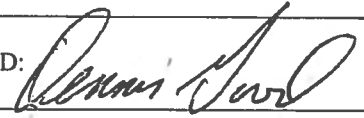
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: Suspension of Certification

APPROVED:



DATE: April 2015

PURPOSE:

To provide fair, uniform and consistent suspension procedures for firms suspended as a Disadvantaged Business Enterprise (DBE) certification as required by 49 CFR, Part 26.

DISTRIBUTION:

To Civil Rights Office (CRO) staff or Designee

OPERATING METHODS – CERTIFICATION SUSPENSION PROCEDURES

Authority: 49 CFR, Part 26, section 26.88

The DBE certification authority is assigned to the CRO within the Alaska Department of Transportation and Public Facilities (ADOT/PF).

A. Objectives

1. DBE Program Objectives
To ensure firms that have been suspended eligibility as a DBE by the CRO are given an opportunity to substantiate its eligibility notwithstanding its change circumstances.
2. DBE Objective
To ensure only firms independently owned and controlled in both substance and form by one or more socially and economically disadvantaged individuals are certified.

B. OPERATING METHODS

1. The CRO shall immediately suspend a DBE's certification without adhering to the requirements in §26.87(d) of this part when an individual owner whose ownership and control of the firm are necessary to the firm's certification dies or is incarcerated.
2. The CRO may immediately suspend a DBE's certification without adhering to the requirements in §26.87(d) when there is adequate evidence to believe that there has been a material change in circumstances that may affect the eligibility of the DBE firm to remain certified, or when the DBE fails to notify the CRO in writing of any material change in circumstances as required by §26.83(i) of this part or fails to timely file an affidavit of no change under §26.83(j).
3. In determining the adequacy of the evidence to issue a suspension mentioned above, the CRO shall consider all relevant factors, including how much information is available, the credibility of the information and allegations given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result.

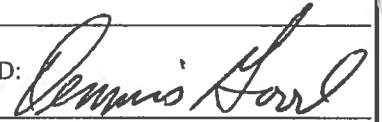
Alaska Unified Certification Program

OPERATING METHODS

PROGRAM: DBE

AREA: Suspension of Certification

APPROVED:



DATE: April 2015

4. The concerned operating administration may direct the CRO to take action pursuant to paragraph 2 of this section if it determines that information available to it is sufficient to warrant immediate suspension.
5. When a firm is suspended pursuant to paragraph 2 of this section, the CRO shall immediately notify the DBE of the suspension by certified mail, return receipt requested, to the last known address of the owner(s) of the DBE.
6. Suspension is a temporary status of ineligibility pending an expedited show cause hearing/proceeding under §26.87 of this part to determine whether the DBE is eligible to participate in the program and consequently should be removed. The suspension takes effect when the DBE receives, or is deemed to have received, the Notice of Suspension.
7. While suspended, the DBE may not be considered to meet a contract goal on a new contract, and any work it does on a contract received during the suspension shall not be counted toward the overall goal. The DBE may continue to perform under an existing contract executed before the DBE received a Notice of Suspension and may be counted toward the contract goal during the period of suspension as long as the DBE is performing a commercially useful function under the existing contract.
8. Following receipt of the Notice of Suspension, if the DBE believes it is no longer eligible, it may voluntarily withdraw from the program, in which case no further action is required. If the DBE believes that its eligibility should be reinstated, it must provide to the CRO information demonstrating that the firm is eligible notwithstanding its changed circumstances. Within 30 days of receiving this information, the CRO must either lift the suspension and reinstate the firm's certification or commence a decertification action under §26.87 of this part. If the CRO commences a decertification proceeding, the suspension remains in effect during the proceeding.
9. The decision to immediately suspend a DBE under paragraph 2 of this section is not appealable to the US Department of Transportation. The failure of the CRO to either lift the suspension and reinstate the firm or commence a decertification proceeding, as required by paragraph 7 of this section, is appealable to the U.S. Department of Transportation under §26.89 of this part, as a constructive decertification.

Attachment III

DBE/ACDBE Certification Forms

1. Appendix A and B
2. AUCP Annual "No Change" Affidavit
3. AUCP DBE/ACDBE Uniform Certification Application Instructions & DBE Uniform Certification Application
4. AUCP DBE/ACDBE Uniform Certification Application Affidavit of Certification Addendum
5. AUCP Guidelines Concerning Marital Assets for DBE Applicants and Spousal Renunciation of Rights Affidavit
6. AUCP Interstate Certification Process
7. AUCP NAICS Codes
8. AUCP Personal Net Worth Statement and Instructions
9. AUCP Personal Net Worth Statement Affidavit Addendum
10. Current Business Information
11. DBE /ACDBE Certification Validation Interview (New Applicants)
12. DBE /ACDBE Certification Review & On-Site Visit (Unannounced)
13. On-Site Representative
14. Work Category Checklist
15. Work Category List WC-1 and WC-2

Firm Name: _____

APPENDIX A MANAGEMENT RESPONSIBILITIES

Date Submitted _____

Please complete one form for each person who has any authority in any area of responsibility listed below. Make copies as needed.

Name _____ Title _____ On-Site Representative YES NO

All fields must be completed.

Number of hours per week working for this DBE firm _____ hours. Number of hours per week working for any other firm as an employee _____ hours.

AREA OF RESPONSIBILITY	Frequency of involvement: A-Always O-Often S-Seldom N-Never (Select One)	Final Authority without consulting others (Select One)	Years of experience with this responsibility	*Percentage of work hours spent in this responsibility
Setting policy on scope of business	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
Signing payroll and business checks	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
Signing loans and contracts	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
Financial decisions; Investments; Loans	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
Office/business management (bookkeeping, payroll, insurance, etc.)	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
Marketing, sales, bid solicitation	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
Estimating, contract negotiations	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
Major purchase decision, i.e., equipment	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
Hire/fire management personnel, including field supervisors	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
Supervision of field operations	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
Performing field operations	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____
On-site Representative	<input type="radio"/> A <input type="radio"/> O <input type="radio"/> S <input type="radio"/> N	<input type="radio"/> Yes <input type="radio"/> No	_____	_____

***COLUMN TOTAL MUST EQUAL 100%** _____

Please Select One: Female Male

Please Select One: African American Asian Indian American Caucasian
 Alaska Native Asian Pacific American Hispanic American
 American Indian Other _____

Firm Name: _____

APPENDIX B EMPLOYMENT HISTORY

1. Employee's Name: _____

2. Special Qualifications: _____

a. Professional licenses held: _____

b. Professional/technical certificates held: _____

c. Union/professional associations' membership: _____

d. Education/technical training: _____

School	Dates	#Credit Hours	Area of Study	Degree (Y/N)

3. Current Position with applicant firm:

a. Title _____

b. Date employment started: _____

c. Supervisor _____

d. Salary/compensation _____

e. Number of persons supervised _____

f. Type of employees supervised _____

g. Duties and responsibilities _____

4. Are you currently employed with any firm other than the applicant firm?

a. Firm _____

b. Location _____

c. Type of business _____

d. Dates *From* _____ *To* _____
Employed

e. Hours per week _____

f. Title _____

g. Supervisor _____

h. Salary/compensation _____

e. Number of persons supervised _____

f. Type of employees supervised _____

g. Duties and responsibilities _____

Firm Name: _____

5. Previous employment prior to that with applicant firm:

a. Most recent previous employment

- | | |
|---------------------------------------|--|
| 1. Firm _____ | 2. Location _____ |
| 3. Type of business _____ | 4. Dates <i>From</i> _____ <i>To</i> _____
Employed _____ |
| 5. Hours per week _____ | 6. Title _____ |
| 7. Supervisor _____ | 8. Salary/compensation _____ |
| 9. Number of persons supervised _____ | 10. Type of employees supervised _____ |
| 11. Duties and responsibilities _____ | |

b. Most recent previous employment

- | | |
|---------------------------------------|--|
| 1. Firm _____ | 2. Location _____ |
| 3. Type of business _____ | 4. Dates <i>From</i> _____ <i>To</i> _____
Employed _____ |
| 5. Hours per week _____ | 6. Title _____ |
| 7. Supervisor _____ | 8. Salary/compensation _____ |
| 9. Number of persons supervised _____ | 10. Type of employees supervised _____ |
| 11. Duties and responsibilities _____ | |

c. Most recent previous employment

- | | |
|---------------------------------------|--|
| 1. Firm _____ | 2. Location _____ |
| 3. Type of business _____ | 4. Dates <i>From</i> _____ <i>To</i> _____
Employed _____ |
| 5. Hours per week _____ | 6. Title _____ |
| 7. Supervisor _____ | 8. Salary/compensation _____ |
| 9. Number of persons supervised _____ | 10. Type of employees supervised _____ |
| 11. Duties and responsibilities _____ | |

ALASKA UNIFIED CERTIFICATION PROGRAM (AUCP)
DBE/ACDBE
ANNUAL "NO CHANGE" AFFIDAVIT

I, _____, owner of _____
(owner name) (firm name)

affirm that there have been no changes in the circumstances of _____
(firm name)
affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR, Part 26 and 13 CFR Part 121. I further declare that there have been no material changes in the information provided with

_____ (firm name)
application for certification, except for any changes about which I have provided written notice to the Alaska Department of Transportation and Public Facilities (ADOT&PF), Civil Rights Office (CRO), as required under 49 CFR §26.83(i).

I affirm that I am socially disadvantaged, a member of one or more of the groups, identified in 49 CFR §26.5, or have established an individual case of social disadvantage under Appendix E of 49 CFR Part 26. I further affirm that I am economically-disadvantaged as described and in accordance with 49 CFR §26.67 and that my personal net worth does not exceed \$1.32 million.

In addition, I specifically affirm that _____ and its affiliates continues to
(firm name)
meet the Small Business Administration (SBA) pursuant to SBA, NAICS size limits criteria for being a small business concern and ensuring that the firm's previous three year average annual gross receipts does not exceed the USDOT's limit of **\$23.98 million** for DBE firms (**\$56.42 million** for ACDBE firm).

I further authorize the ADOT&PF, CRO to verify the accuracy of the information I provided in order to determine whether I meet the standards of social and economic disadvantage for participation in the DBE Program with the AUCP. Any material misrepresentation or falsification of the information provided is grounds for certification denial or immediate decertification, whichever applies.

Please note that the ADOT&PF, CRO is required to report to the US Department of Transportation (USDOT) any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the US Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment, or Program Fraud and Civil Penalties rules) provided in 49 CFR §26.107. The ADOT&PF, CRO will consider similar action under our own legal authorities, including responsibility determination in future contracts.

I declare under penalty of perjury that the foregoing is true and correct.¹

Applicant Name

Signature of Applicant

Date

On this _____ day of _____
Before me appeared _____
who, being duly sworn, did execute the foregoing affidavit, and
did state (he/she) did so as (he/she) free act and deed.

Commission Expires _____

Notary Public (SEAL)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment or both.



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

Roadmap for Applicants

1. Should I apply?

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

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

2. How do I apply?

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

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

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

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

5. Where can I find more information?

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

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

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

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



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

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

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

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

B. Prior/Other Certifications and Applications

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

Section 2: GENERAL INFORMATION

A. Business profile:

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

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

B. Relationships and Dealings with Other Businesses

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



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

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

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

Section 3: MAJORITY OWNER INFORMATION

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

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

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

B. Additional Owner Information

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

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

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

Section 4: CONTROL

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

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



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

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

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

C. Inventory: Indicate firm inventory in these categories:

(1) Equipment and Vehicles

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

(2) Office Space

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

(3) Storage Space

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

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

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

E. Financial / Banking Information

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

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

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

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

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

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

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

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

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

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

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

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

AIRPORT CONCESSION (ACDBE) APPLICANTS

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

AFFIDAVIT & SIGNATURE

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

Section 1: CERTIFICATION INFORMATION



A. Basic Contact Information

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

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

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

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

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

B. Prior/Other Certifications and Applications

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

DBE ACDBE Names of certifying agencies: _____

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

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

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

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

(a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? Yes No

(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? Yes No

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

Section 2: GENERAL INFORMATION

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

(2) Applicable NAICS Codes for this line of work include: _____
(3) This firm was established on ___/___/___ (4) I/We have owned this firm since: ___/___/___

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

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



(6) Is your firm "for profit"? Yes No → **⊗ STOP!** If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application. Federal Tax ID# _____

(7) Type of Legal Business Structure: (check all that apply):
 Sole Proprietorship Limited Liability Partnership
 Partnership Corporation
 Limited Liability Company Joint Venture (Identify all JV partners _____)
 Applying as an ACDBE 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 _____

Table with 3 columns: Initial investment to acquire ownership interest in firm, Type, Dollar Value. Rows include Cash, Real Estate, Equipment, and Other.

Describe how you acquired your business:

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

(Attach documentation substantiating your investment)

B. Additional Owner Information

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

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

If Yes, identify: Name of Business: _____ Function/Title: _____

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

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

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

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

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

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

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



Section 3: OWNER INFORMATION, Cont'd.

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

(1) Full Name: _____ (2) Title: _____ (3) Home Phone #: _____

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

(5) Gender: Male Female

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

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

(7) U.S. Citizenship:

- U.S. Citizen
 Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____ %

Class of stock owned: _____
Date acquired _____

Table with 3 columns: Initial investment to acquire ownership interest in firm, Type, Dollar Value. Rows include Cash, Real Estate, Equipment, and Other.

Describe how you acquired your business:

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

(Attach documentation substantiating your investment)

B. Additional Owner Information

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

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

If Yes, identify: Name of Business: _____ Function/Title: _____

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

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

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

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

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

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

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

Section 4: CONTROL



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

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

(3) Do any of the persons listed above perform a management or supervisory function for any other business?

Yes No If Yes, identify for each:

Person: _____ Title: _____
 Business: _____ Function: _____

Person: _____ Title: _____
 Business: _____ Function: _____

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

Yes No If Yes, identify for each:

Firm Name: _____ Person: _____
 Nature of Business Relationship: _____

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

1. (Identify your firm's management personnel who control your firm in the following areas (Attach separate sheets as needed).)

A = Always F = Frequently	S = Seldom N = Never	Majority Owner (51% or more)				Minority Owner (49% or less)			
		Name: _____	Title: _____	Percent Owned: _____		Name: _____	Title: _____	Percent Owned: _____	
		A	F	S	N	A	F	S	N
Sets policy for company direction/scope of operations		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bidding and estimating		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Major purchasing decisions		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing and sales		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supervises field operations		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attend bid opening and lettings		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hires and fires management staff		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hire and fire field staff or crew		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Designates profits spending or investment		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Obligates business by contract/credit		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Purchase equipment		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Signs business checks		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

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

1. Equipment and Vehicles

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

2. Office Space

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



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

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

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

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

Name of bank: _____ City and State: _____
The following individuals are able to sign checks on this account: _____

Name of bank: _____ City and State: _____
The following individuals are able to sign checks on this account: _____

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

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

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

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

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

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

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



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

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

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

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

AIRPORT CONCESSION (ACDBE) APPLICANTS ONLY MUST COMPLETE THIS SECTION

Identify the following information concerning the ACDBE applicant firm:

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

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

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



AFFIDAVIT OF CERTIFICATION

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

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

I _____ (full name printed),
swear or affirm under penalty of law that I am
_____ (title) of the applicant firm
_____ and that I
have read and understood all of the questions in this
application and that all of the foregoing information and
statements submitted in this application and its attachments
and supporting documents are true and correct to the best of
my knowledge, and that all responses to the questions are full
and complete, omitting no material information. The responses
include all material information necessary to fully and
accurately identify and explain the operations, capabilities and
pertinent history of the named firm as well as the ownership,
control, and affiliations thereof.

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

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

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

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

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

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

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

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

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

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

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

NOTARY CERTIFICATE



UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

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

Required Documents for All Applicants

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

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

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

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

Optional Documents to Be Provided on Request

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

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

Suppliers

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

ALASKA
Uniform Certification Application Affidavit of Certification Addendum
For DBE/ACDBE Program Eligibility

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 on Page 13 of the application, 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.

Please note that the Alaska Department of Transportation and Public Facilities, Civil Rights Office, is required to report to the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Office of Inspector General, action under suspension and debarment of Program Fraud and Civil Penalties rules) provided in §26.107. The Alaska Department of Transportation and Public Facilities, Civil Rights Office, will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

Name of Applicant Firm: _____

Signature (DBE/ACDBE Owner)

Date

Notary Public (SEAL)

On this ____ of _____, _____

before me appeared _____

who, being duly sworn, did execute the foregoing affidavit, and did state that (he/she) did so as (his/her) free act and deed.

Notary Public
Commission Expires _____

ALASKA UNIFIED CERTIFICATION PROGRAM

(AUCP)

Guidelines Concerning Marital Assets

for

Disadvantaged Business Enterprises (DBE) Applicants

When jointly owned or community property assets were used to acquire the ownership of the business: The Alaska Department of Transportation & Public Facilities (ADOT&PF) Civil Rights Office is mandated by:

49 CFR Part 26.69 (I) (1) and (2), state:

- (1) When marital assets (other than the assets of the business in question), held jointly or as community property by both spouses, are used to acquire the ownership interest asserted by one spouse, you must deem the ownership interest in the firm to have been acquired by that spouse with his or her own individual resources, provided that the other spouse irrevocably renounces and transfers all rights in the ownership interest in the manner sanctioned by the laws of the state in which either spouse or the firm is domiciled. You do not count a greater portion of joint or community property assets toward ownership than state law would recognize as belonging to the socially and economically disadvantaged owner of the applicant firm.
- (2) A copy of the document legally transferring and renouncing the other Spouse's right in the jointly owned or community assets used to acquire an ownership interest in the firm must be included as part of the firm's application for certification.

You may want to get the advice of an attorney or other business professional for assistance regarding this requirement - if it pertains to your situation. Please contact this office if you have any questions @ (907) 269-0851 or 1-800- 770-6236 *within Alaska.*

SPOUSAL RENUNCIATION OF RIGHTS AFFIDAVIT

My name is (Spouse of DBE owner): _____.

My spouse _____ owns and controls:
 _____ (the "DBE Firm").

I hereby irrevocably deny *and/or* renounce any and all present managerial or financial involvement *and/or* ownership interest in the DBE Firm.

Should I become in any way involved in the operation or ownership of the DBE Firm, I shall notify *the State of Alaska, Department of Transportation & Public Facilities, Civil Rights Office* immediately.

I have not signed this Affidavit through any coercion, fraud or duress.

I realize that this document may be used in any court proceeding.

 Print Name

 Signature

 Mailing Address

 Daytime Telephone (include area code)

 City, State, Zip Code

 Date

Notary Certificate	
State of _____	
County of _____	
Subscribed and sworn to before me this ____ day of _____, 200__	
Signature of Notary Public	Printed or typed name of Notary Public
County of residence	Date Commission expires

(SEAL)

Alaska Unified Certification Program Interstate Certification Process
Disadvantaged Business Enterprise (DBE)
Airport Concession Disadvantaged Business Enterprise (ACDBE)
Effective January 1, 2012

The Alaska Unified Certification Program (AUCP) will consider all firms seeking DBE Certification in Alaska if the applicant's firm is currently certified in their home state. Certification is dependent on a review of the current home state certification in accordance with Federal regulations 49 CFR 26.85.

If interested in DBE Certification, the following will apply:

1. Your firm must have a current valid certification from your home state UCP.
2. You must provide to Alaska UCP a complete copy of the application form, all supporting documents, and any other information you have submitted to your home state UCP or any other state related to your firm's certification. This includes affidavits of no change (*see* §26.83(j)) and any notices of changes (*see* §26.83(i)) that you have submitted to your home state UCP, as well as any correspondence you have had with your home state's UCP or any other recipient concerning your application or status as a DBE firm.
3. You must also provide to Alaska UCP any notices or correspondence from states other than your home state UCP relating to your status as an applicant or certified DBE in those states.
4. If you have been denied certification or decertified in any states including your home state UCP, please provide all documentations concerning any actions to Alaska UCP.
5. If you have filed a certification appeal with DOT (*see* §26.89), you must inform Alaska UCP of the fact and provide your letter of appeal and DOT's response to Alaska UCP.
6. This affidavit must affirm that you have submitted an identical copy of all information submitted to your home state UCP and any other states correspondence related to your firm's certification according to §26.85(c).

ALASKA UNIFIED CERTIFICATION PROGRAM (AUCP)

NAICS Codes

The Alaska Unified Certification Program implemented the 2007 North American Industry Classification System (NAICS) to better identify and explain the type of work or service that your business performs. Please indicate, in order of importance, the primary and all appropriate NAICS code(s) that best describes your business. For a complete list of NAICS codes, please go to the U.S. Small Business Administration (SBA) web site at:

<http://www.sba.gov/size/indextableofsize.html>

	<u>NAICS Code</u>	<u>Description of Work/Service</u>
Primary	_____	_____ _____
Second	_____	_____ _____
Third	_____	_____ _____
Fourth	_____	_____ _____
Fifth	_____	_____ _____



U.S. Department of
Transportation

**Personal Net Worth Statement
For DBE/ACDBE Program Eligibility**

As of _____

OMB APPROVAL NO:
EXPIRATION DATE:

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

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

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

Section 2. Notes Payable to Banks and Others

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

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

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

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

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

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

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

Section 6. Other Personal Property and Assets (Use attachments as necessary)

Type of Property or Asset	Total Present Value	Amount of Liability (Balance)	Is this asset insured?	Lien or Note amount and Terms of Payment
Automobiles and Vehicles (Including recreation vehicles, motorcycles, boats, etc.) Include personally owned vehicles that are leased or rented to businesses or other individuals.				
Household Goods / Jewelry				
Other (List)				
Accounts and Notes Receivables				

Section 7. Value of Other Business Investments, Other Businesses Owned (excluding applicant firm)
Sole Proprietorships, General Partners, Joint Ventures, Limited Liability Companies, Closely-held and Public Traded Corporations

Section 8. Other Liabilities and Unpaid Taxes (Describe)

Section 9. Transfer of Assets: Have you within 2 years of this personal net worth statement, transferred assets to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust? Yes No If yes, describe.

I declare under penalty of perjury that the information provided in this personal net worth statement and supporting documents is complete, true and correct. I certify that no assets have been transferred to any beneficiary for less than fair market value in the last two years. I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application and this personal net worth statement, and I authorize such agency to contact any entity named in the application or this personal financial statement, including the names banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility. I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

NOTARY CERTIFICATE:

(Insert applicable state acknowledgment, affirmation, or oath)

Signature (DBE/ACDBE Owner)

Date

In collecting the information requested by this form, the Department of Transportation complies with Federal Freedom of Information and Privacy Act (5 U.S.C. 552 and 552a) provisions. The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Disadvantaged Business Enterprise (DBE) Program or Airport Concessionaire DBE Programs as defined in 49 C.F.R. Parts 23 and 26. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).



General Instructions for Completing the Personal Net Worth Statement for DBE/ACDBE Program Eligibility

Please do not make adjustments to your figures pursuant to U.S. DOT regulations 49 C.F.R. Parts 23 and 26. The agency that you apply to will use the information provided on your completed Personal Net Worth (PNW) Statement to determine whether you meet the economic disadvantage requirements of 49 C.F.R. Parts 23 and 26. If there are discrepancies or questions regarding your form, it may be returned to you to correct and complete again.

An individual's personal net worth according to 49 C.F.R. Parts 23 and 26 includes only his or her own share of assets held separately, jointly, or as community property with the individual's spouse and excludes the following:

- Individual's ownership interest in the applicant firm;
- Individual's equity in his or her primary residence;
- Tax and interest penalties that would accrue if retirement savings or investments (e.g., pension plans, Individual Retirement Accounts, 401(k) accounts, etc.) were distributed at the present time.

Indicate on the form, if any items are jointly owned. If the personal net worth of the majority owner(s) of the firm exceeds \$1.32 million, as defined by 49 C.F.R. Parts 23 and 26, the firm is not eligible for DBE or ACDBE certification. If the personal net worth of the majority owner(s) exceeds the \$1.32 million cap at any time after your firm is certified, the firm is no longer eligible for certification. Should that occur, it is your responsibility to contact your certifying agency in writing to advise that your firm no longer qualifies as a DBE or ACDBE. You must fill out all line items on the Personal Net Worth Statement.

If necessary, use additional sheets of paper to report all information and details. If you have any questions about completing this form, please contact one of the UCP certifying agencies.

Assets

All assets must be reported at their current fair market values as of the date of your statement. *Assessor's assessed value for real estate, for example, is not acceptable.* Assets held in a trust should be included.

Cash and Cash Equivalents: On page 1, enter the total amount of cash or cash equivalents in bank accounts, including checking, savings, money market, certificates of deposit held domestic or foreign. Provide copies of the bank statement.

Retirement Accounts, IRA, 401Ks, 403Bs, Pensions: On page 1, enter the full value minus tax and interest penalties that would apply if assets were distributed as of the date of the form. Describe the number of shares, name of securities, cost market value, date of quotation, and total value in section 3 on page 2.

Brokerage and Custodial Accounts, Stocks, Bonds, Retirement Accounts: Report total value on page 1, and on page 2, section 3, enter the name of the security, brokerage account, retirement account, etc.; the cost; market value of the asset; the date of quotation; and total value as of the date of the PNW statement.

Assets Held in Trust: Enter the total value of the assets held in trust on page 1, and provide the names of beneficiaries and trustees, and other information in Section 6 on page 3.

Loans to Shareholders and Other Receivables not listed: Enter amounts loaned to you from your firm, from any other business entity in which you hold an ownership interest, and other receivables not listed above. Complete Section 6 on page 3.

Real Estate: The total value of real estate excluding your primary residence should be listed on page 1. In section 4 on page 2, please list your primary residence in column 1, including the address, method of acquisition, date of acquired, names of deed, purchase price, present fair market value, source of market valuation, names of all mortgage holders, mortgage account number and balance, equity line of credit balance, and amount of payment. List this information for all real estate held. Please ensure that this section contains all real estate owned, including rental properties, vacation properties, commercial properties, personal property leased or rented for business purposes, farm properties and any other income producing properties, etc. Attach additional sheets if needed.

Life Insurance: On page 1, enter the cash surrender value of this asset. In section 5 on page 2, enter the name of the insurance company, the face value of the policy, cash surrender value, beneficiary names, and loans on the policy.

Other Personal Property and Assets: Enter the total value of personal property and assets you own on page 1. Personal property includes motor vehicles, boats, trailers, jewelry, furniture, household goods, collectibles, clothing, and personally owned vehicles that are leased or rented to businesses or other individuals. In section 6 on page 3, list these assets and enter the present value, the balance of any liabilities, whether the asset is insured, and lien or note information and terms of payments. For accounts and notes receivable, enter the total value of all monies owed to you personally, if any. This should include shareholder loans to the applicant firm, if those exist. If the asset is insured, you may be asked to provide a copy of the policy. You may also be asked to provide a copy of any liens or notes on the property.

Other Business Interests Other than Applicant Firm: On page 1, enter the total value of your other business investments (excluding the applicant firm). In section 7 on page 3, enter information concerning the businesses you

hold an ownership interest in, such as sole proprietorships, partnerships, joint ventures, corporations, or limited liability corporations (other than the applicant firm). Do not reduce the value of these entries by any loans from the outside firm to the DBE/ACDBE applicant business.

Liabilities

Mortgages on Real Estate: Enter the total balance on all mortgages payable on real estate on page 1.

Loans on Life Insurance: Enter the total value of all loans due on life insurance policies on page 1, and complete section 5 on page 2.

Notes & Accounts Payable to Bank and Others: On page 1, section 2, enter details concerning any liability, including name of noteholders, original and current balances, payment terms, and security/collateral information. The entries should include automobile installment accounts. This should not, however, include any mortgage balances as this information is captured in section 4. Do not include loans for your business or mortgages for your properties in this section. You may be asked to submit copy of note/security agreement, and the most recent account statement.

Other Liabilities: On page 1, enter the total value due on all other liabilities not listed in the previous entries. In section 8, page 3, report the name of the individual obligated, names of co-signers, description of the liability, the name of the entity owed, the date of the obligation, payment amounts and terms. Note: Do not include contingent liabilities in this section. Contingent liabilities are liabilities that belong to you only if an event(s) should occur. For example, if you

have co-signed on a relative's loan, but you are not responsible for the debt until your relative defaults, that is a contingent liability. Contingent liabilities do not count toward your net worth until they become actual liabilities.

Unpaid Taxes: Enter the total amount of all taxes that are currently due, but are unpaid on page 1, and complete section 8 on page 3. Contingent tax liabilities or anticipated taxes for current year should not be included. Describe in detail the name of the individual obligated, names of co-signers, the type of unpaid tax, to whom the tax is payable, due date, amount, and to what property, if any, the tax lien attaches. If none, state "NONE." You must include documentation, such as tax liens, to support the amounts.

Transfers of Assets:

Transfers of Assets: If you checked the box indicating yes on page 3 in this category, provide details on all asset transfers (within 2 years of the date of this personal net worth statement) to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust. Include a description of the asset; names of individuals on the deed, title, note or other instrument indicating ownership rights; the names of individuals receiving the assets and their relation to the transferor; the date of the transfer; and the value or consideration received. Submit documentation requested on the form related to the transfer.

Affidavit

Be sure to sign and date the statement. The Personal Net Worth Statement must be notarized

ALASKA
Uniform Certification Application Affidavit of Certification Addendum
For DBE/ACDBE Program Eligibility

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 on Page 13 of the application, 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.

Please note that the Alaska Department of Transportation and Public Facilities, Civil Rights Office, is required to report to the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Office of Inspector General, action under suspension and debarment of Program Fraud and Civil Penalties rules) provided in §26.107. The Alaska Department of Transportation and Public Facilities, Civil Rights Office, will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

Name of Applicant Firm: _____

Signature (DBE/ACDBE Owner)

Date

Notary Public (SEAL)

On this ____ of _____, _____

before me appeared _____

who, being duly sworn, did execute the foregoing affidavit, and did state that (he/she) did so as (his/her) free act and deed.

Notary Public
Commission Expires _____

ALASKA
Personal Net Worth Statement Affidavit Addendum
For DBE/ACDBE Program Eligibility

I declare under penalty of perjury that the information provided in this personal net worth statement and supporting documents is complete, true and correct. I certify that no assets have been transferred to any beneficiary for less than fair market value in the last two years. I recognize that the information submitted in this application is for the purpose of inducing certification approval by the Alaska Department of Transportation and Public Facilities, Civil Rights Office. I understand that the Alaska Department of Transportation and Public Facilities, Civil Rights Office may, by means it deems appropriate, determine the accuracy and truth of the statements in the application and this personal net worth statement, and I authorize Alaska Department of Transportation and Public Facilities, Civil Rights Office to contact any entity named in the application or this personal financial statement, including the names of banking institutions, credit agencies, contractors, clients and other certifying agencies for the purpose of verifying the information supplied and determining the named firms' eligibility. I acknowledge and agree that any misrepresentation 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.

Please note that the Alaska Department of Transportation and Public Facilities, Civil Rights Office, is required to report to the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Office of Inspector General, action under suspension and debarment of Program Fraud and Civil Penalties rules) provided in §26.107. The Alaska Department of Transportation and Public Facilities, Civil Rights Office, will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

Name of Applicant Firm: _____

Signature (DBE/ACDBE Owner)

Date

Notary Public (SEAL)

On this ____ of _____, _____

before me appeared _____

who, being duly sworn, did execute the foregoing affidavit, and did state that (he/she) did so as (his/her) free act and deed.

Notary Public
Commission Expires _____

ALASKA
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