

**Syracuse Regional Airport Authority
Syracuse Hancock International Airport
Syracuse, NY**



Airport Concession Disadvantaged Business Enterprise (ACDBE) Program
49 CFR Part 23

April 2018

POLICY STATEMENT

Section 23.1, 23.23

Objectives/Policy Statement

Syracuse Regional Airport Authority owner of Syracuse Hancock International Airport, herein called "Airport", has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23. The Airport is a primary airport and has received federal funds authorized for airport development after January 1988 (authorized under Title 49 of the United States Code). The Airport has signed grant assurances that it will comply with 49 CFR Part 23.

It is the policy of the Airport to ensure that ACDBEs as defined in Part 23, have an equal opportunity to receive and participate in concession opportunities. It is also our policy:

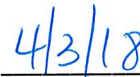
1. To ensure nondiscrimination in the award and administration of opportunities for concessions by airports receiving DOT financial assistance;
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions;
3. To ensure that our ACDBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs at our airport(s);
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at our airport(s); and
6. To provide appropriate flexibility to our airports in establishing and providing opportunities for ACDBEs.

Linda Ryan, Aviation Contracting Officer has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, Linda Ryan is responsible for implementing all aspects of the ACDBE program. Implementation of the ACDBE program is accorded the same priority as compliance with all other legal obligations incurred by the Airport in its financial assistance agreements with the Department of Transportation.

The Airport has disseminated this policy statement to the Board of Directors and all of the components of our organization. We have distributed this statement to ACDBE and non-ACDBE concessionaire communities in our area. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. Copies of this statement are available upon request at Syracuse Hancock International Airport, and to DBE and non-DBE business communities that perform work on DOT-assisted contracts through contract documents.



Christina R. Callahan, Executive Director



Date

SUBPART A – GENERAL REQUIREMENTS

Section 23.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 23.3 Definitions

The Airport will use terms in this program that have the meaning defined in Section 23.3 and Part 26 Section 26.5 where applicable.

Section 23.5 Applicability

The Airport is a primary airport and the sponsor of federal airport funds authorized for airport development after January 1988 that was authorized under Title 49 of the United States Code.

Section 23.9 Non-discrimination Requirements

The Airport 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 concession agreement, management contract or subcontract, purchase or lease agreement or other agreement covered by 49 CFR Part 23 on the basis of race, color, sex, or national origin.

In administering its ACDBE program, the Airport 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 ACDBE program with respect to individuals of a particular race, color, sex, or national origin.

The Airport acknowledges these representations are also in accordance with obligations contained in its Civil Rights, DBE and ACDBE Airport grant assurances.

The Airport will include the following assurances in all concession agreements and management contracts it executes with any firm:

- The concessionaire and subconcessionaire shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The concessionaire shall carry out applicable requirements of 49 CFR Part 23 in the award and administration of contracts. Failure by the concessionaire 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 Syracuse Regional Airport Authority deems appropriate.
- This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23.

- The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR part 23, that it enters and cause those businesses to similarly include the statements in further agreements.

Section 23.11 Compliance and Enforcement

The Airport will comply with and is subject to the provisions of 49 CFR Part 26 (§§ 26.101, 26.105, 26.107 and 2 CFR parts 180 and 1200.

The Airport will comply with this part or be subject to formal enforcement action under §26.105 or appropriate program sanctions, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include actions consistent with 49 U.S.C. §§ 47106(d), 47111(d), and 47122.

2 C.F.R. Part 180, Government-wide Debarment and Suspension (Non-procurement), effective November 15, 2006, adopted and supplemented by DOT at 2 C.F.R. Part 1200, effective June 2, 2008, provides Office of Management and Budget (OMB) guidance for Federal agencies on the government-wide debarment and suspension system for non-procurement transactions, programs and activities. 2 C.F.R. Part 1200 adopts the OMB guidance in subparts A through I of 2 CFR part 180, as supplemented by part 1200, as the Department of Transportation policies and procedures for non-procurement suspension and debarment.

The Airport's compliance with all requirements of this part is enforced through the procedures of Title 49 of the United States Code, including 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

The following enforcement actions apply to firms participating in the Airport's ACDBE program:

- (a) For a firm that does not meet the eligibility criteria of subpart D of this part and that attempts to participate as an ACDBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department of Transportation (DOT) or the Federal Aviation Administration (FAA) may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
- (b) For a firm that, in order to meet ACDBE goals or other AC/DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, DOT or FAA may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
- (c) DOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the ACDBE program whose conduct is subject to such action under 49 CFR Part 31.
- (d) DOT may refer to the Department of Justice, for prosecution under 18 U.S.C. §§ 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in

connection with participation of an ACDBE in the Airport's ACDBE program or otherwise violates applicable Federal statutes.

Compliance reviews: The FAA may review the Airport's compliance with this part at any time, including but not limited to, reviews of paperwork, on-site reviews, and review of the airport sponsor's monitoring and enforcement mechanism, as appropriate. The FAA Office of Civil Rights may initiate a compliance review based on complaints received.

Any person who knows of a violation of this part by the Airport may file a complaint under 14 CFR Part 16 with the Federal Aviation Administration Office of Chief Counsel.

SUBPART B – ACDBE PROGRAMS

Section 23.21 ACDBE Program Updates

The Airport is a small hub primary airport required to have an ACDBE program.

As a condition of eligibility for FAA financial assistance, the Airport will submit its ACDBE program and overall goals to FAA according to 23.45(a) of this section.

Until the Airport's new ACDBE program is submitted and approved, we will continue to implement our ACDBE program that was in effect previously, except with respect to any provision that is contrary to 49 CFR Part 23.

This ACDBE program will be implemented at Syracuse Hancock International Airport.

When the Airport makes significant changes to its ACDBE program, we will provide the amended program to the FAA for approval prior to implementing the changes.

Section 23.23 Administrative Provisions

Policy Statement: The Airport is committed to operating its ACDBE program in a nondiscriminatory manner.

The Airport's Policy Statement is elaborated on the first page of this program.

ACDBE Liaison Officer (ACDBELO): We have designated the following individual as our ACDBELO:

Linda Ryan
Aviation Contracting Officer
Syracuse Regional Airport Authority
Syracuse Hancock International Airport
1000 Col. Eileen Collins Blvd.
Syracuse, NY 13212
RyanL@syrairport.org
(315) 454-3263
(315) 454-8757 (fax)

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that the Airport complies with all provision of 49 CFR Part 23. The ACDBELO has direct, independent access to the Executive Director concerning ACDBE program matters. An organizational chart displaying the ACDBELO's position in the organization is found in **Attachment 1** to this program.

The ACDBELO is responsible for developing, implementing and monitoring the ACDBE program, in coordination with other appropriate officials. The ACDBELO has a staff of two in addition to a consulting engineer to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
4. Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
5. Analyzes the Airport's progress toward attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Advises the Executive Director on ACDBE matters and achievement.
8. Determine compliance with good faith efforts.
9. Plans and participates in ACDBE training seminars.
10. Acts as liaison to the Uniform Certification Process in New York State.

Directory: The Airport utilizes the New York Unified Certification Program (UCP) ACDBE directory, maintained by the certifying agencies in the New York UCP.

The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as an ACDBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The UCP revises the directory daily. The Directory is available as follows:

Contract Audit Bureau
DBE Certification
50 Wolf Road, 6th Floor
Albany, NY 12232
(518) 457-3180
Fax: (518) 457-1675
DBECert@dot.ny.gov

The Directory can be found at <https://nysucp.newnycontracts.com/>.

A link to the directory can also be found in **Attachment 2**.

Section 23.25 Ensuring Nondiscriminatory Participation of ACDBEs

The Airport will take the following measures to ensure nondiscriminatory participation of ACDBEs in concessions, and other covered activities (23.25(a)).

We will follow all federal state and local nondiscrimination laws. These laws, policies and procedures include, but are not limited to Title VI and 49 CFR Part 26 and 49 CFR Part 23.

The Airport will include the following assurances in all concession agreements and management contracts it executes:

- The concessionaire and subconcessionaire shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The concessionaire shall carry out applicable requirements of 49 CFR Part 23 in the award and administration of contracts. Failure by the concessionaire 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 Syracuse Regional Airport Authority deems appropriate.
- This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23.
- The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR part 23, that it enters and cause those businesses to similarly include the statements in further agreements.

The Airport will seek ACDBE participation in all types of concession activities, rather than concentrating participation in one category or a few categories to the exclusion of others. (23.25(c))

The Airport's overall goal methodology and a description of the race-neutral measures it will use to meet the goals are described in Section 23.25 and **Attachment 5 and Attachment 6** of this plan. The goals are set consistent with the requirements of Subpart D. (23.25(b), (d))

If the Airport projects that race-neutral measures alone, are not sufficient to meet an overall goal, it will use race-conscious measures as described in Section 23.25 (e) (1-2) and **Attachment 5 and Attachment 6** of this plan. (23.25(e))

The Airport will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with ACDBEs. (23.25(f))

The Airport will not use set-asides or quotas as a means of obtaining ACDBE participation. (23.25(g)).

Section 23.27 Reporting

We will retain sufficient basic information about our ACDBE program implementation, ACDBE certification and the award and performance of agreements and contracts to enable the FAA to determine our compliance with Part 23. This data will be retained for a minimum of 3 years following the end of the concession agreement or other covered contract.

Beginning March 1, 2006, we will submit to the FAA Regional Civil Rights Office, an annual ACDBE participation report on the form in Appendix A of Part 23.

Section 23.29 Compliance and Enforcement Procedures

The Airport will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 23.

1. We will bring to the attention of 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 Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. We have listed the regulations, provisions, and contract remedies available to us in the events of non-compliance with the ACDBE regulation by a participant in our procurement activities in **Attachment 3**.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to an ACDBE firm at contract award is actually performed by the ACDBE firm. This mechanism will provide a running tally of actual ACDBE attainments. These mechanisms will include:
 - The requirements of the ACDBE Program are discussed at pre-proposal meetings and again prior to a contract being executed and the concession beginning work at the airport.
 - Concessionaires will be required to complete and submit the Report for Airport Concessions twice annually to the Fiscal Officer. The report includes gross receipts for the period and ACDBE participation for the period. The forms found in **Attachment 4** will be required on July 1 (October 1 through March 31) and January 1 (October 1 through September 30). The report due January 1 will be utilized to complete the annual report required by the FAA.
 - The Airport will review the semi-annual reports along with the concession's Letter of Intent to verify and track ACDBE participation.
 - Concessionaires will be required to list the specific duties, functions and responsibilities that ACDBEs will perform.
 - Concessionaires will be required to submit, for review, a written notification of any material change in the duties, functions and responsibilities of ACDBEs prior to implementing the change.
 - The Airport will periodically review the specific duties, functions and responsibilities of each ACDBE to confirm that no material change has occurred.

- The Airport will perform reviews, including periodic site visits to ACDBE concessionaires with local offices to confirm both the ACDBE concession and/or ACDBE suppliers are performing listed duties, functions and responsibilities. For those without an office on-site or local, the Airport may request copies of awards, purchase orders, invoices and/or cancelled checks to verify participation by ACDBE firms.
- The Airport will document the monitoring and enforcement mechanisms in the form of a written certification prepared by the Fiscal Officer.
- Syracuse currently does not have any joint venture agreements, however if they exist in the future, the Airport will review joint venture agreements.

SUBPART C – CERTIFICATION AND ELIGIBILITY

Section 23.31

We will rely on the New York Unified Certification Program (UCP) to use the procedures and standards of Part 26, except as provided in 23.31, for certification of ACDBEs to participate in our concessions program.

The Airport is a non-certifying member of the Unified Certification Program (UCP) administered by the State of New York which will make ACDBE certification decisions on behalf of the Airport. The UCP meets all of the requirements of this section. A copy of the signed agreement page of the UCP can be found in **Attachment 9**.

The UCP's directory of eligible DBEs specifies whether a firm is certified as a DBE for purposes of Part 26, and ACDBE for purposes of part 23, or both.

Prior to entering into a new contract, extension, or option with a currently certified ACDBE, we will confirm their certification at that time.

The UCP will treat a firm as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous three fiscal years do not exceed \$56.42 million for non-car rental ACDBEs and \$75.23 million for car rental ACDBEs. The size standard for banks and other financial institutions is \$1 billion in assets, for pay telephone companies it is 1500 employees and for ACDBE automobile dealers is 350 employees.

Section 23.35

The Airport relies on the NYSUCP to use the certification standards of part 23 to determine the ACDBE eligibility of firms that provide goods and services to concessionaires. (23.39(i))

The UCP will use the Uniform Application Form found in appendix F to part 26 with additional instruction as stated in 23.39(g), also found in **Attachment 8**.

In instances when the eligibility of a concessionaire is removed after the concessionaire has entered into a concession agreement because the firm exceeded the size standard or the owner has exceeded the PNW standard, and the firm in all other respects remains an eligible DBE, we may continue to count the concessionaire's participation toward ACDBE goals during the remainder of the current concession

agreement. We will not count the concessionaire’s participation toward ACDBE goals beyond the termination date for the concession agreement in effect at the time of the decertification. (23.39(e))

SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 23.41 Basic Overall Goal Requirement

The Airport will establish two separate overall ACDBE goals; one for car rentals and another for concessions other than car rentals. The overall goals will cover a three-year period and the sponsor will review the goals annually to make sure the goal continues to fit the sponsor’s circumstances. We will report any significant overall goal adjustments to the FAA.

If the average annual concession revenues for car rentals over the preceding 3 years do not exceed \$200,000, we need not submit an overall goal for car rentals. Likewise, if the average annual concession revenues for concessions other than car rentals over the preceding 3 years do not exceed \$200,000, we need not submit an overall goal for concessions other than car rentals. We understand that “revenue” means total revenue generated by concessions, not the fees received by the airport from concessionaires.

The Airport’s overall goals will provide for participation by all certified ACDBEs and will not be subdivided into group-specific goals.

Section 23.43 Consultation in Goal Setting

The Airport consults with stakeholders before submitting the overall goals to the FAA. Stakeholders will include, but not be limited to, minority and women’s business groups, community organizations, trade associations representing concessionaires currently located at the airport, as well as existing concessionaires themselves, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs, and the sponsors efforts to increase participation of ACDBEs.

When submitting our overall goals, we will identify the stakeholders that we consulted with and provide a summary of the information obtained from the stakeholders.

Section 23.45 Overall Goals

The Airport is a small hub primary airport. As a condition of eligibility for FAA financial assistance, the sponsor will submit its overall goals according to the following schedule:

Primary Airport Size	Region	Date Due	Period Covered
Small Hubs	All regions	October 1, 2015	(2016/2017/2018)

If a new concession opportunity arises at a time that falls between the normal submission dates above and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the sponsor will submit an appropriate adjustment to our overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity. (23.45i)

The sponsor will establish overall goals in accordance with the 2-Step process as specified in section 23.51. After determining the total gross receipts for the concession activity, the first step is to determine the relative availability of ACDBEs in the market area, "base figure". The second step is to examine all relevant evidence reasonably available in the sponsor's jurisdiction to determine if an adjustment to the Step 1 "base figure" is necessary so that the goal reflects as accurately as possible the ACDBE participation the sponsor would expect in the absence of discrimination. Evidence may include, but is not limited to past participation by ACDBEs, a disparity study, evidence from related fields that affect ACDBE opportunities to form, grow, and compete (such as statistical disparities in ability to get required financing, bonding, insurance; or data on employment, self-employment, education, training and union apprenticeship).

The sponsor will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by ACDBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39 of this part.

A description of the methodology to calculate the overall goal for concessions other than car rentals, the goal calculations, and the data we relied on can be found in **Attachment 5** to this program.

A description of the methodology to calculate the overall goal for car rentals, the goal calculations, and the data we relied on can be found in **Attachment 6** to this program.

Projection of Estimated Race-Neutral & Race-Conscious Participation (23.45(f), 23.25(d-e))

The breakout of estimated race-neutral and race-conscious participation can be found with the goal methodology in **Attachments 5 & 6** to this program. This section of the program will be reviewed annually when the goal calculation is reviewed under 23.41(c).

Concession Specific Goals (23.25 (c)(e)(1)(iv))

The Airport will use concession specific goals to meet any portion of the overall goals it does not project being able to meet using race-neutral means. Concession specific goals are established so that, over the period to which the overall goals apply, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish concession specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities. We will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with DBEs (23.25 (f)). Car rental firms are not required to change their corporate structure to provide for direct ownership arrangements. In the case of a car rental goal, where it appears that all or most of the goal is likely to be met through the purchases by car rental companies of

vehicles or other goods or services from ACDBEs, one permissible alternative is to structure the goal entirely in terms of purchases of goods and services).

We need not establish a concession specific goal on every such concession, and the size of concession specific goals will be adapted to the circumstances of each such concession (e.g., type and location of concession, availability of ACDBEs).

If the objective of a concession specific goal is to obtain ACDBE participation through direct ownership with an ACDBE, the Airport will calculate the goal as a percentage of the total estimated annual gross receipts from the concession. (23.25(e)(1)(i))

If the concession specific goal applies to purchases and/or leases of goods and services, the Airport will calculate the goal by dividing the estimated dollar value of such purchases and/or leases from ACDBEs by the total estimated dollar value of all purchases to be made by the concessionaire. (23.25(e)(1)(ii))

Good Faith Efforts on Concession Specific Goals (23.25(e)(1)(iii), (iv))

To be eligible to be awarded a concession that has a concession specific goal, bidders/offerors must make good faith efforts to meet the goal. A bidder/offeror may do so either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so. (23.25(e)(1)(iv)). Examples of good faith efforts are found in Appendix A to 49 CFR Part 26. The procedures applicable to 49 CFR Sections 26.51 and 26.53, regarding contract goals apply to the Airport's concession specific goals.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

Linda Ryan, Aviation Contracting Officer, is responsible for determining whether a concessionaire who has not met the concession specific goal has documented sufficient good faith efforts to be regarded as responsive.

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the concession agreement with the bidder/offeror.

Information to be submitted (26.53(b))

In our solicitations for concession contracts for which a contract goal has been established, we will require the following:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (b)(3) of this section:

- (i) The names and addresses of ACDBE firms that will participate in the contract;
 - (ii) A description of the work that each ACDBE will perform. To count toward meeting a goal, each ACDBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - (iii) The dollar amount of the participation of each ACDBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use an ACDBE sub-concession whose participation it submits to meet a contract goal; and
 - (v) Written confirmation from each listed ACDBE firm that it is participating in the contract in the kind and amount of work provided in the prime concessionaire's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of this part). The documentation of good faith efforts must include copies of each ACDBE and non-ACDBE sub-concession quote submitted to the bidder when a non-ACDBE sub-concession was selected over an ACDBE for work on the contract; and
- (3) We will require that the bidder/offeror present the information required by paragraph (b)(2) of this section: Responsive

Under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals, under contract negotiation procedures.

Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (b)(2) of this section before the final selection for the contract is made by the recipient.

Administrative reconsideration (26.53(d))

Within 7 business days of being informed by the Airport that it is not *responsive* because it has not documented sufficient good faith efforts, a concessionaire may request administrative reconsideration. Concessionaires should make this request in writing to the following reconsideration official: Christina R. Callahan, Executive Director, Syracuse Hancock International Airport, 1000 Col. Eileen Collins Blvd., Syracuse, NY 13212. The reconsideration official will not have played any role in the original determination that the concessionaire did not document sufficient good faith efforts.

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

Good Faith Efforts when an ACDBE is replaced on a concession (26.53(f))

The Airport will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its concession agreement, lease, or subcontract with

another certified ACDBE, to the extent needed to meet the concession specific goal. We will require the concessionaire to notify the ACDBELO immediately of the ACDBEs inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the concessionaire to obtain our prior approval of the substitute ACDBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime concession has good cause to terminate the ACDBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed ACDBE sub-concession fails or refuses to execute a written contract;
- (2) The listed ACDBE sub-concession fails or refuses to perform the work of its sub-concession in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the ACDBE sub-concession to perform its work on the sub-concession results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed ACDBE sub-concession fails or refuses to meet the prime concession's reasonable, non-discriminatory bond requirements;
- (4) The listed ACDBE sub-concession becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed ACDBE sub-concession is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) We have determined that the listed ACDBE subcontractor is not responsible;
- (7) The listed ACDBE sub-concession voluntarily withdraws from the project and provides to us written notice of its withdrawal;
- (8) The listed ACDBE is ineligible to receive ACDBE credit for the type of work required;
- (9) An ACDBE owner dies or becomes disabled with the result that the listed ACDBE concession is unable to complete its work on the contract;
- (10) Other documented good cause that we have determined compels the termination of the ACDBE sub-concession. Provided, that good cause does not exist if the prime concession seeks to terminate an ACDBE it relied upon to obtain the contract so that the prime concession can self-perform the work for which the ACDBE concession was engaged or so that the prime contractor can substitute another ACDBE or non-ACDBE concession after contract award.

Before transmitting to us its request to terminate and/or substitute an ACDBE sub-concession, the prime concession must give notice in writing to the ACDBE sub-concession, with a copy to us, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime concession must give the ACDBE 5 days to respond to the prime concession's notice and advise us and the concessionaire of the reasons, if any, why it objects to the proposed termination of its sub-concession and why we should not approve the prime concession's action. If required in a particular case as a matter of public necessity (*e.g.*, safety), we may provide a response period shorter than five days.

The Airport will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its work on a concession with another certified ACDBE. These good faith efforts shall be directed at finding another ACDBE to perform at least the same amount of work under the concession contract as the ACDBE that was terminated, to the extent needed to meet the concession contract goal that we established for the procurement. The good faith efforts shall be documented by the concessionaire. If we request documentation from the concessionaire under this provision, the concessionaire shall submit the documentation to us within 7 days, which may be extended for an additional 7 days if necessary at the request of the concessionaire, and the recipient shall provide a written determination to the concessionaire stating whether or not good faith efforts have been demonstrated.

We will include in each prime concession contract the contract clause required by § 26.13(b) stating that failure by the concessionaire to carry out the requirements of this part is a material breach of the contract and may result in the termination of the concession contract or such other remedies set forth in that section that we deem appropriate if the prime concessionaire fails to comply with the requirements of this section.

If the concessionaire fails or refuses to comply within the specified time our contracting office will notify the concessionaire that they are in default of their contract until satisfactory action has been taken. If the concessionaire continues to fail to comply, the contracting officer may issue a termination for default proceeding.

Sample Proposal/Bid Specification:

The requirements of 49 CFR Part 23, regulations of the U.S. Department of Transportation, applies to this concession. It is the policy of Syracuse Regional Airport Authority to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this concession will be conditioned upon satisfying the requirements of this proposal/bid specification. These requirements apply to all concessions firms and suppliers, including those who qualify as an ACDBE. An ACDBE concession specific goal of ____ percent of (*annual gross receipts; value of leases and/or purchases of goods and services*) has been established for this concession. The concession firm shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the concession specific goal for ACDBE participation in the performance of this concession.

The concession firm will be required to submit the following information: (1) the names and addresses of ACDBE firms and suppliers that will participate in the concession, (2) A description of the work that each ACDBE will perform; (3) The dollar amount of the participation of each ACDBE firm participating; (4) Written and signed documentation of commitment to use a ACDBE whose participation it submits to meet a contract goal; (5) Written and signed confirmation from the ACDBE that it is participating in the concession as provided in the prime concessionaire's commitment; and (6) If the contract goal is not met, evidence of good faith efforts.

The required forms, found in **Attachment 7**, should be submitted with the bid proposal as a matter of responsiveness.

Section 23.53 Counting ACDBE Participation for Car Rental Goals

We will count ACDBE participation toward overall goals other than car rental as provided in 49 CFR 23.53.

Section 23.55 Counting ACDBE Participation for Concessions Other than Car Rentals

We will count ACDBE participation toward overall goals other than car rental as provided in 49 CFR 23.55.

Section 23.57 (b) Goal shortfall accountability.

If the awards and commitments on our Uniform Report of ACDBE Participation (found in Appendix A to this Part) at the end of any fiscal year are less than the overall goal applicable to that fiscal year, we will:

- (1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems we have identified in our analysis to enable us to fully meet our goal for the new fiscal year;
- (3) The Airport will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (C) (1) and (2) of this section. We will retain a copy of this analysis and corrective actions in our records for a minimum of three years, and will make it available to the FAA upon request.

Section 23.61 Quotas or Set-asides

We will not use quotas or set-asides as a means of obtaining ACDBE participation.

SUBPART E – OTHER PROVISIONS

Section 23.71 Existing Agreements

We will assess potential for ACDBE participation when an extension or option to renew an existing agreement is exercised, or when a material amendment is made. We will use any means authorized by part 23 to obtain a modified amount of ACDBE participation in the renewed or amended agreement.

Section 23.75 Long-Term Exclusive Agreements

We will not enter into a long-term and exclusive agreements for concessions without prior approval of the FAA Regional Civil Rights Office. We understand that a “long-term” agreement is one having a term of longer than 5 years. We understand that an “exclusive” agreement is one in which an entire category of a particular business opportunity is limited to a single business entity. If special, local circumstances exist that make it important to enter into a long-term and exclusive agreement, we will submit detailed information to the FAA Regional Civil Rights Office for review and approval.

Section 23.79 Geographic Preferences

We will not use a “local geographic preference”, i.e., any requirement that gives an ACDBE located in one place an advantage over ACDBEs from other places in obtaining business as, or with, a concession at your airport.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE/ACDBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Report for Airport Concessions
Attachment 5	Overall Goal for Concessions other than Car Rental Calculation, Consultation, Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 6	Overall Goals for Car Rentals Calculation, Consultation, Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 7	Demonstration of Good Faith Efforts
Attachment 8	Certification Application
Attachment 9	State’s UCP Agreement
Attachment 10	Regulations: 49 CFR Part 23

Attachment 1

Organizational Chart

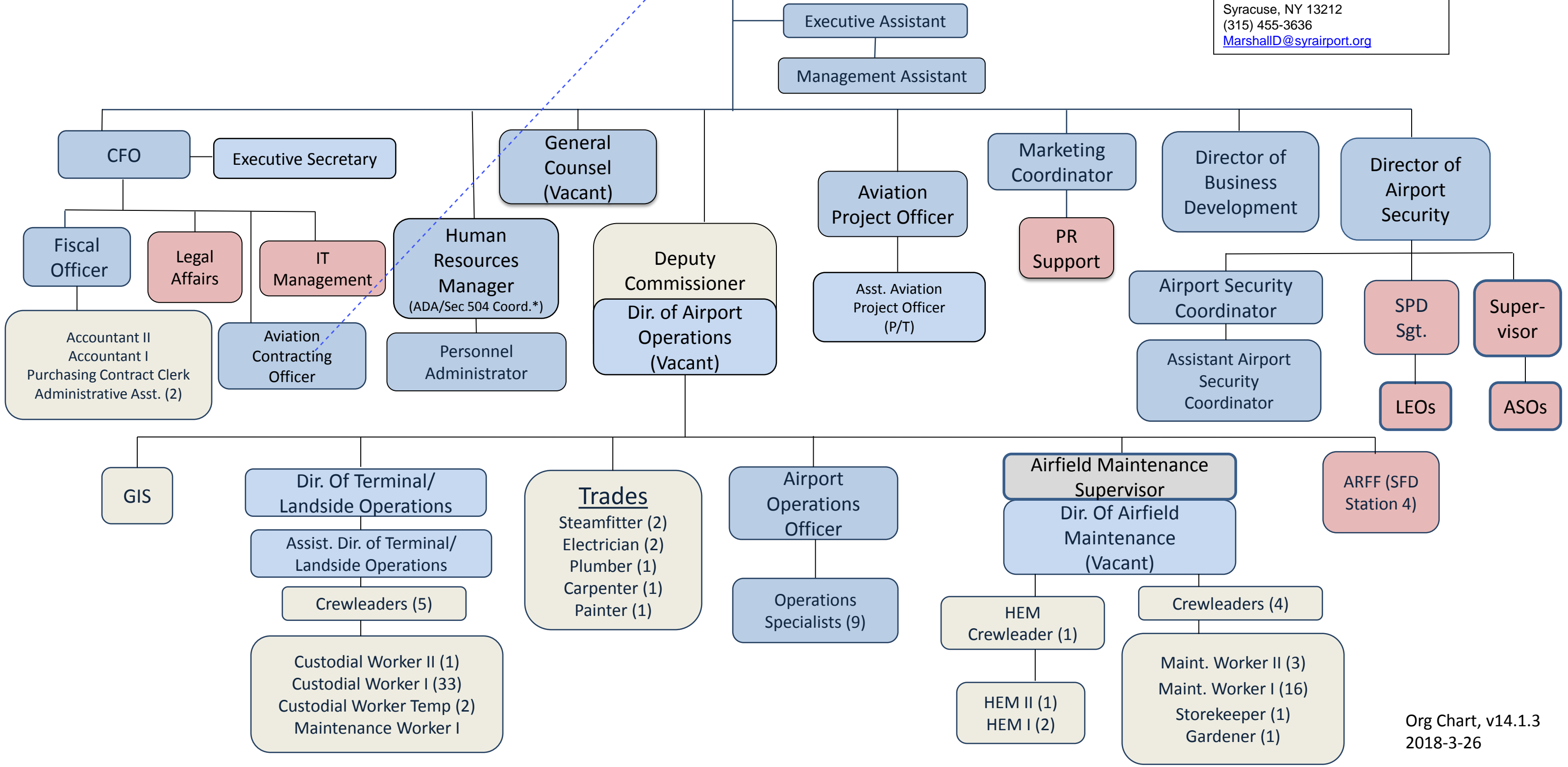


Authority Board of Directors

Executive Director

Key
 Blue = SRAA position (31)
 Gray = City position (86)
 Red = Contracted function
 Green = To be created by SRAA

***ADA/Sec. 504 Coordinator:**
 Debi Marshall
 Human Resources Manager
 Syracuse Regional Airport Authority
 1000 Col. Eileen Collins Blvd
 Syracuse, NY 13212
 (315) 455-3636
MarshallD@syrairport.org



Attachment 2

New York State UCP DBE Directory

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

Attachment 3

Monitoring and Enforcement Mechanisms

The Airport has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

- Breach of contract action, pursuant to the terms of the contract.
- Other actions deemed appropriate including responsibility reviews on future concession opportunities.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the ACDBE program, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 23
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.

The Airport will implement various mechanisms to monitor program participants to ensure they comply with Part 23, including but not limited to the following:

- The Airport will monitor the compliance and good faith efforts of concessionaires in meeting the requirements of this Program. The will have access to necessary records to examine for the purpose of determining compliance with this Program, including, but not limited to, records, records of expenditures, contracts between concessionaires and ACDBE participants, and other records pertaining to the ACDBE participation plan.
- The Airport will also implement a monitoring and enforcement mechanism to ensure that work committed to ACDBEs at contract award is actually performed by the ACDBEs. This will be accomplished by:
 - The requirements of the ACDBE Program are discussed at pre-proposal meetings and again prior to a contract being executed and the concession beginning work at the airport.
 - Concessionaires will be required to complete and submit the Report for Airport Concessions twice annually to the Fiscal Officer. The report includes gross receipts for the period and ACDBE participation for the period. The forms found in **Attachment 4** will be required on July 1 (October 1 through March 31) and January 1 (October 1 through September 30). The report due January 1 will be utilized to complete the annual report required by the FAA.
 - The Airport will review the semi-annual reports along with the concession's Letter of Intent to verify and track ACDBE participation.
 - Concessionaires will be required to list the specific duties, functions and responsibilities that ACDBEs will perform.
 - Concessionaires will be required to submit, for review, a written notification of any material change in the duties, functions and responsibilities of ACDBEs prior to implementing the change.

- The Airport will periodically review the specific duties, functions and responsibilities of each ACDBE to confirm that no material change has occurred.
- The Airport will perform reviews, including periodic site visits to ACDBE concessionaires with local offices to confirm both the ACDBE concession and/or ACDBE suppliers are performing listed duties, functions and responsibilities. For those without an office on-site or local, the Airport may request copies of awards, purchase orders, invoices and/or cancelled checks to verify participation by ACDBE firms.
- The Airport will document the monitoring and enforcement mechanisms in the form of a written certification prepared by the Fiscal Officer.
- Syracuse currently does not have any joint venture agreements, however if they exist in the future, the Airport will review joint venture agreements.

The Airport will include the following assurances in all concession agreements and management contracts it executes:

- The concessionaire and subconcessionaire shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The concessionaire shall carry out applicable requirements of 49 CFR Part 23 in the award and administration of contracts. Failure by the concessionaire 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 Syracuse Regional Airport Authority deems appropriate.
- This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23.
- The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR part 23, that it enters and cause those businesses to similarly include the statements in further agreements.

Attachment 4

Report for Airport Concessions



Report for Airport Concessions:

Car Rentals

In accordance with 49 CFR Part 23, Airport Concession Disadvantage Business Enterprise (ACDBE) Program, the airport is required to monitor and report all concession activity at the airport, including any ACDBE (Airport Concession Disadvantaged Business Enterprise) participation. Please complete this form, along with the ACDBE Firms report, and return to the attention of Maureen Fogarty (FOGARTYM@syrairport.org) by:

Name of Rental Car Company: _____

Report Period: 10/1/20XX - 9/30/XX

Semi-Annual: Due July 1 (Oct. 1 - March 31)

Annual: Due January 1 (Oct. 1 - Sept. 30)

	Total	October	November	December	January	February	March	April	May	June	Juky	August	September
Estimated Gross Receipts for the period above:	\$0.00												
Sub-Concessions:													
A. Total (\$) Sub-concessions During the period above	\$0.00												
B. Total Number (#) of Sub-concessions during the period above													
C. Total (\$) ACDBE Sub-Concessions during the period above (included in A)	\$0.00												
D. Total (#) ACDBE Sub-Concessions during the period above (Included in B)													
E. From C, total (\$) and D, total (#) ACDBE Sub-Concessions from:	\$0.00												
Race-Conscious (\$)													
Race-Conscious (#)													
Race-Neutral (\$)													
Race-Neutral (#)													
Goods and Services:													
A. Total (\$) goods and services <i>purchased</i> during the period above	\$0.00												
B. Total number (#) of vendor's that goods and services were purchased from													
C. Total (\$) goods and services <i>purchased</i> from ACDBE's (included in A)	\$0.00												
D. Total (#) of vendor's that goods and services purchased were from ACDBE's (included in B)													
E. From C, total (\$) and D, total (#) ACDBE goods and services purchased from:													
Race-Conscious (\$)	\$0.00												
Race-Conscious (#)													
Race-Neutral (\$)	\$0.00												
Race-Neutral (#)													

* Race-conscious means a measure or program that is focused specifically on assisting only ACDBEs, including women-owned ACDBEs. For the purposes of this part, race-conscious measures include gender-conscious measures.

* Race-neutral means a measure or program that is, or can be, used to assist all small businesses, without making distinctions or classifications on the basis of race or gender.



Report for Airport Concessions:

Non-Car Rentals

In accordance with 49 CFR Part 23, Airport Concession Disadvantage Business Enterprise (ACDBE) Program, the airport is required to monitor and report all concession activity at the airport, including any ACDBE (Airport Concession Disadvantaged Business Enterprise) participation. Please complete this form, along with the ACDBE Firms report, and return to the attention of Maureen Fogarty (FOGARTYM@syrairport.org) by:

Name of Concessionaire: _____

Report Period: 10/1/20XX - 9/30/XX

Semi-Annual: Due July 1 (Oct. 1 - March 31)

Annual: Due January 1 (Oct. 1 - Sept. 30)

	Total	October	November	December	January	February	March	April	May	June	Juky	August	September
Estimated Gross Receipts for the period above:	\$0.00												
Sub-Concessions:													
A. Total (\$) Sub-concessions During the period above	\$0.00												
B. Total Number (#) of Sub-concessions during the period above													
C. Total (\$) ACDBE Sub-Concessions during the period above (included in A)	\$0.00												
D. Total (#) ACDBE Sub-Concessions during the period above (Included in B)													
E. From C, total (\$) and D, total (#) ACDBE Sub-Concessions from:	\$0.00												
Race-Conscious (\$)													
Race-Conscious (#)													
Race-Neutral (\$)													
Race-Neutral (#)													
Management Contracts:													
A. Total (\$) Management Contracts During the period above	\$0.00												
B. Total Number (#) of Management Contracts during the period above													
C. Total (\$) ACDBE Management Contracts during the period above (included in A)	\$0.00												
D. Total (#) ACDBE Management Contracts during the period above (Included in B)													
Goods and Services:													
A. Total (\$) goods and services <i>purchased</i> during the period above	\$0.00												
B. Total number (#) of vendor's that goods and services were purchased from													
C. Total (\$) goods and services <i>purchased</i> from ACDBE's (included in A)	\$0.00												
D. Total (#) of vendor's that goods and services purchased were from ACDBE's (included in B)													
E. From C, total (\$) and D, total (#) ACDBE goods and services purchased from:													
Race-Conscious (\$)	\$0.00												
Race-Conscious (#)													
Race-Neutral (\$)	\$0.00												
Race-Neutral (#)													

* Race-conscious means a measure or program that is focused specifically on assisting only ACDBEs, including women-owned ACDBEs. For the purposes of this part, race-conscious measures include gender-conscious measures.

* Race-neutral means a measure or program that is, or can be, used to assist all small businesses, without making distinctions or classifications on the basis of race or gender.

Attachment 5

**Syracuse Regional Airport Authority
Syracuse Hancock International Airport
Syracuse, NY**



Section 23.45: Overall Goal Calculation for Concessions - Other Than Car Rentals

49 CFR Part 23

Section 23.45: Overall Goal Calculation for Other than Car Rentals

Goal Period: FY-2016-2017-2018 – October 1, 2015 through September 30, 2018

Overall Three-Year Goal:

The Airport’s overall goal for concession other than car rentals during the period beginning October 1, 2015 and ending September 30, 2018 is the following: 1.0% of the total gross receipts for non-car rental concessions at Syracuse Hancock International Airport. The Airport estimates that in meeting the overall goal, the Airport will obtain .6% from race-neutral participation and .4% through race-conscious measures. The non-car rental concession revenue is estimated to \$9,699,675 during the goal period. This means the Airport anticipates approximately \$96,997 in ACDBE gross receipts during the goal period.

Market Area for Non-Car Rental Concessions:

The Airport has determined that its market area is: New York. This is the geographical area in which the substantial majority of firms which do non-car rental concession business with the Airport. The Airport considered the locations of the corporate headquarters of current concessionaires at the Airport.

Market Area for Non-Car Rental Concessionaires

Company	Type of Concession	City	State	Nationwide
Creative Food Concepts	Food Service/News/Gifts	New York City	NY	Yes
American Food & Vending	Vending	Syracuse	NY	No
Americar	Valet Parking	Syracuse	NY	No
Republic Parking	Parking	Nashville	TN	Yes
Natale Emmi	Barber Service	Syracuse	NY	No
Airport Inn	Hotel	Rochester	NY	No
Key Bank	ATM	Cleveland	OH	Yes
Clear Channel	Airport Advertising	Allentown	PA	Yes
Smarte Carte Corporation	Luggage Cart Rental	St. Paul	MN	Yes

Base of Goal

To calculate the base of the goal the Airport considered the previous 3 years of gross concession receipts and the projected potential concession revenue (gross receipts) three years into the future including upcoming new opportunities.

Gross Receipts for Previous 3 Years - Non-Car Rental Concessions

Fiscal Year	Concessions Revenue (Excluding Car Rental)
2013	\$8,559,767
2014	\$7,289,561
2015	\$11,864,029
Total	\$27,713,357
Average	\$9,237,786

The Airport estimates that revenues to existing concessions will grow by 5% over the next three years due to the addition of additional concessionaires.

$\$9,237,786 \times 5\% = \$461,889 = \$9,699,675 = \text{base of goal.}$

The concession opportunities anticipated during this goal period are: Food and Beverage, Valet Parking, Parking, Vending, Advertising, ATM, Barber Service, Hotel, and Luggage Carts. The estimated gross receipts revenue projected for existing concessions, assuming 5% revenue growth for the goal period is \$9,699,675. If a new concession opportunity arises prior to the end of the goal period and the estimated average annual gross receipts are anticipated to be \$200,000 or greater, the Airport will submit an appropriate adjustment to the overall goal. This will be submitted to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity. (23.45(i)).

The following are not included in the total gross receipts for concessions:

- (a) the gross receipts of car rental operations,
- (b) the dollar amount of a management contract or subcontract with a non-ACDBE,
- (c) the gross receipts of business activities to which a management contract or subcontract with a non-ACDBE pertains, and
- (d) any portion of a firm's estimated gross receipts that will not be generated from a concession.

Methodology used to Calculate Overall Goal

Goods and Services

We can meet the percentage goal by including the purchase from ACDBEs of goods and services used in businesses conducted at the airport. We, and the businesses at the airport, shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises. The dollar value from purchases of goods and services from ACDBEs may be added to the numerator, and the dollar value from purchases of goods and services from all firms (ACDBEs and non-ACDBEs) may be added to the denominator.

Management Contract or Subcontract

We can meet the percentage goal by including any business operated through a management contract or subcontract with an ACDBE. We, and the businesses at the airport, will add the dollar amount of a management contract or subcontract with an ACDBE to the total participation by ACDBEs in airport concessions (both the numerator AND the denominator) and to the base from which the airport's percentage goal is calculated. However, the dollar amount of a management contract or subcontract with a non-ACDBE and the gross revenue of business activities to which the management contract or subcontract pertains will not be added to this base in either the numerator or denominator. While we realize that this appears to go against the normal rules and rationale for goal-setting, we understand that this method is nevertheless required by statute.

Step 1: 23.51(c)

We determined the base figure for the relative availability of ACDBEs other than car rentals. The base figure was calculated as follows:

Numerator: Ready, willing, and able non-car rental ACDBEs in the market area
 _____ divided by _____

Denominator: All ready, willing and able non-car rental concession firms in the market area

Anticipated Concession Types for Solicitation during the goal period:

NAICS	Concession Opportunity	Total ACDBE's	Total All Firms
722310, 722330	Food and Beverage	326	27,321
451211, 451212, 453220	News & Gifts	313	30,361
812930	Valet Parking	0	1,642
812930	Parking	43	12,896
454210	Vending Machines	0	221
541850	Advertising	37	2,542
812111	Barber Shop	0	814
812990	Luggage Carts	57	14,345
721110	Hotel	2	51,697
522320	ATM	4	4,615
Total		782	146,454
Step 1 =		.53%	

The data source or demonstrable evidence used to derive the **numerator** was:

The FAA's National database of certified ACDBE's was used to determine the numerator.

The data source or demonstrable evidence used to derive the **denominator** was:

We used the Census Bureau's County Business Pattern (CBP) data base will assist you with determining the number of all ready, willing and able businesses available in the (national) market area that perform work in the same NAICS codes that were identified for the numerator.

When we divided the numerator by the denominator we arrived at the Step 1 base figure for our overall goal for non-car rental concessions of: .53%

Step 2: 23.51(d)

After calculating a base figure of the relative availability of ACDBEs, we examined evidence to determine what adjustment was needed to the Step 1 base figure in order to arrive at the overall goal.

The data used to determine the adjustment to the base figure was:

Past History Participation

Data used to determine the adjustment to the base figure was the median of historical ACDBE accomplishments:

FY	ACDBE Goals			Accomplishments		
	RC	RN	Total	RC	RN	Total
11	0%	0%	0%	0%	0%	0%
12	0%	0%	0%	0%	0%	0%
13	0%	0%	0%	0%	0%	0%
14	0%	0%	0%	0%	0%	0%
15*	0%	0%	0%	0%	31.75%	31.75%

*The ACDBE firm (Local Food Concepts) that accounted for the majority of the accomplishments in 2015 is no longer certified as an ACDBE. The ACDBE accomplishments in 2015 were .6% without Local Food Concepts.

To arrive at the overall goal, we added the base figure of .5% from Step 1 with the Step 2 figure of .6% and then averaged them for a figure of .55%. We rounded this calculation up to 1%. Our overall goal for non-car rental concessions is 1.0%. We feel this adjusted goal figure will accurately reflect ACDBE non-car rental concession participation that can be achieved during this 3-year period.

There are no applicable disparity studies for the local market area or recent legal case information available to show any evidence of barriers to entry or competitiveness of ACDBEs.

PUBLIC PARTICIPATION

Consultation: Section 23.43.

In establishing the overall goal, the Airport will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the Airport's goal setting process, and it will occur before we are required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. We will document in our goal submission the consultation process that we engaged in. Notwithstanding paragraph (f)(4) of this section, we will not implement our proposed goal until we have complied with this requirement.

The Airport submits its overall 3-year goal to DOT on October 1 as required.

Prior to submitting the goal to the FAA, the Airport consulted with the following stakeholders: NYS Department of Transportation Office of Civil Rights, Airport Minority Advisory Council, and The National Minority Business Council. This consultation, as part of the goal setting process, is in an effort to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs.

Following the consultation, we published a notice of the proposed overall goal on our website www.syrsvaa.com informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Syracuse Hancock International Airport for 30 days following the date of the notice, and informing the public that the Airport and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses, if any.

Comments

Breakout of Estimated Race-Neutral & Race Conscious Participation **Section 23.51**

The Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. The Airport uses the following race-neutral measures.

1. Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;
2. Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;

3. When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;
4. Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the sponsor's ACDBE program will affect the procurement process; and
5. Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.

We estimate that, in meeting our overall goal of 1.0%, we will obtain .6% from race-neutral participation and .4% through race-conscious measures.

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

- This is based on the race-neutral ACDBE participation in 2015, as shown in Step 2 of the goal calculation. ACDBE accomplishments of .6% were achieved by race-neutral means.

If we project that race-neutral measures, standing alone, are not sufficient to meet an overall goal, we will use the following race-conscious measures to meet the overall goal:

- We will establish concession-specific goals for particular concession opportunities.

In order to ensure that our ACDBE program will be narrowly tailored to overcome the effects of discrimination, if we use concession specific goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual ACDBE participation (see 26.51(f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral ACDBE participation includes, but is not necessarily limited to, the following: ACDBE participation through a prime contract that an ACDBE obtains through customary competitive procurement procedures; ACDBE participation through a subcontract on a prime contract that does not carry ACDBE goal; ACDBE participation on a prime contract exceeding a concession specific goal; and ACDBE participation through a subcontract from a prime contractor that did not consider a firm's ACDBE status in making the award.

We will maintain data separately on ACDBE achievements in those contracts with and without concession specific goals, respectively.

Concession Specific Goals (23.25 (c)(e)(1)(iv))

The Airport will use concession specific goals to meet any portion of the overall goals it does not project being able to meet using race-neutral means. Concession specific goals are established so that, over the period to which the overall goals apply, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish concession specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities. We will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with DBEs (23.25 (f)). Car rental firms are not required to change their corporate structure to provide for direct ownership arrangements. In the case of a car rental goal, where it

appears that all or most of the goal is likely to be met through the purchases by car rental companies of vehicles or other goods or services from ACDBEs, one permissible alternative is to structure the goal entirely in terms of purchases of goods and services).

We need not establish a concession specific goal on every such concession, and the size of concession specific goals will be adapted to the circumstances of each such concession (e.g., type and location of concession, availability of ACDBEs).

If the objective of a concession specific goal is to obtain ACDBE participation through direct ownership with an ACDBE, the Airport will calculate the goal as a percentage of the total estimated annual gross receipts from the concession. (23.25(e)(1)(i))

If the concession specific goal applies to purchases and/or leases of goods and services, the Airport will calculate the goal by dividing the estimated dollar value of such purchases and/or leases from ACDBEs by the total estimated dollar value of all purchases to be made by the concessionaire. (23.25(e)(1)(ii))

Attachment 6

**Syracuse Regional Airport Authority
Syracuse Hancock International Airport
Syracuse, NY**



Section 23.45: Overall Goal Calculation for Concessions - Car Rentals

49 CFR Part 23

Section 23.45: Overall Goal Calculation for Car Rentals

Goal Period: FY-2016-2017-2018 – October 1, 2015 through September 30, 2018

Overall Three-Year Goal:

The Airport’s overall goal for car rental concessions during the period beginning October 1, 2015 and ending September 30, 2018 if the following: 1.0% of the total gross receipts for car rental concessions at Syracuse Hancock International Airport. The Airport estimates that in meeting the overall goal, the Airport will obtain .6% from race-neutral participation and .4% through race-conscious measures. The car rental concession expenditures are estimated to \$44,763,663 during the goal period. This means the Airport anticipates approximately \$447, 637 in ACDBE expenditures during the goal period.

Market Area for Car Rental Concessionaires

The Airport has determined that its market area is national for car rental operations. The car rental companies are national as are many of the firms they purchase goods and services from for day-to-day operations. This is the geographical area in which the substantial majority of firms which seek to do concessions business with the airport are located and the geographical area in which the firms receive a substantial majority of concessions related revenues are located.

Market Area for Car Rental Concessionaires

Car Rental Company	State	Nationwide
Alamo	Missouri	Yes
Enterprise		Yes
National		Yes
Avis	New Jersey	Yes
Budget		Yes
Hertz		Yes
Dollar	Oklahoma	Yes
Thrifty		Yes
Payless		Yes

Base of Car Rental Goal

The base of the 3-Year ACDBE goal for Syracuse Regional Airport Authority is based on the expenditures by the car rental agencies at the airport for the previous three fiscal years.

Car Rental Expenditures for Previous 3 Years

Fiscal Year	Concessions Expenditures
2013	\$50,266,670
2014	\$38,287,495
2015	\$39,342,014
Total	\$127,896,179
Average	\$42,632,060

Based on the information provided in the table above, the average total amount of gross expenditures for the preceding three years for car rental concessions is \$42,632,060. The Airport estimates that expenditures will increase by 5% over the next three years due to inflation and increased passenger traffic or other reasons.

$\$42,632,060 \times 5\% = \$2,131,603 = \$44,763,663$ base of goal.

The car rental concession opportunities anticipated during this goal period are: windshield repair, automotive repair, fuel, office supplies, purchase of new cars, insurance, towing services, car wash and auto detailing and custodial services.

If a new concession opportunity arises prior to the end of this goal period and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the Airport will submit to the FAA an appropriate adjustment to the overall goal. This will be submitted to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity. (23.45(i)).

Methodology used to Calculate Overall Goal

Goods and Services

We can meet the percentage goal by including the purchase from ACDBEs of goods and services used in businesses conducted at the airport. The dollar value from purchases of goods and services from ACDBEs may be added to the numerator, and the dollar value from purchases of goods and services from all firms (ACDBEs and non-ACDBEs) may be added to the denominator.

Step 1: 23.51(c)

The Airport determined the base figure for the relative availability of car rentals ACDBEs. The base figure was calculated as follows:

All of the goal is likely to be met through the purchase of goods and services by car rental companies from ACDBEs. Step 1 was determined by dividing the total number of ACDBEs by the total of all concessions in the market area.

Numerator: Ready, willing, and able car rental ACDBEs in the market area
_____ divided by _____
Denominator: All ready, willing and able car rental concession firms in the market area

NAICS	Type of Concession	Total ACDBE's	Total All Firms
441110	New Car Dealers	2	21,444
454310, 424720	Fuel Dealers	14	10,544
811121	Auto Body Work	17	33,648
811122	Windshield Repair	17	6,106
811111	General Auto Repair	10	80,243
488410	Towing Services	4	8,878
811192	Car Wash & Detailing	31	15,902
811490	Other Goods Repair and Maintenance, including key cutting	2	9,943
524210	Insurance	7	134,107
561720	Custodial Services	101	55,998
424120	Stationary and Office Supplies	16	4,621
Total		221	381,434
Step 1 =		.06%	

The data source or demonstrable evidence used to derive the **numerator** was:

The FAA's National database of certified ACDBE's was used to determine the numerator.

The data source or demonstrable evidence used to derive the **denominator** was:

We used the Census Bureau's County Business Pattern (CBP) data base will assist you with determining the number of all ready, willing and able businesses available in the (national) market area that perform work in the same NAICS codes that were identified for the numerator.

When we divided the numerator by the denominator we arrived at the Step 1 base figure for our overall goal for non-car rental concessions of: .06%

Step 2: 23.51(d)

After calculating a base figure of the relative availability of ACDBEs, we examined evidence to determine what adjustment was needed to the Step 1 base figure in order to arrive at the overall goal.

In order to reflect as accurately as possible the ACDBE participation we would expect in the absence of discrimination we have adjusted our base figure by .65%. Our overall goal for non-car rental concessions is 1.0%.

The data used to determine the adjustment to the base figure was:

Past History Participation

Data used to determine the adjustment to the base figure was the median of historical ACDBE accomplishments:

<i>Fiscal Year</i>	<i>ACDBE Goals</i>			<i>Accomplishments</i>		
	<i>RC</i>	<i>RN</i>	<i>Total</i>	<i>RC</i>	<i>RN</i>	<i>Total</i>
2011	0%	0%	0%	0%	0%	0%
2012	0%	0%	0%	0%	0%	0%
2013	0%	0%	0%	0%	0%	0%
2014	0%	0%	0%	0%	.91%	.91%
2015	0%	0%	0%	0%	.64%	.64%

Arranging this historical data from low to high, (0%, .64%, .91%) the median is .64%.

To arrive at an overall goal, we added our Step 1 base figure with our Step 2 adjustment figure, averaged the total and rounded up to arrive at an overall goal of 1.0%. We feel this adjusted goal figure will accurately reflect ACDBE non-car rental concession participation that can be achieved during this 3-year period.

There are no applicable disparity studies for the local market area or recent legal case information available to show any evidence of barriers to entry or competitiveness of ACDBEs.

PUBLIC PARTICIPATION

Consultation: Section 23.43.

In establishing the overall goal, the Airport will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs, and the Airport’s efforts to establish a level playing field for the participation of ACDBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the Airport’s goal setting process, and it will occur before we are required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. We will document in our goal submission the consultation process that we engaged in. Notwithstanding paragraph (f)(4) of this section, we will not implement our proposed goal until we have complied with this requirement.

The Airport submits its overall 3-year goal to DOT on October 1 as required.

Prior to submitting the goal to the FAA, the Airport consulted with the following stakeholders NYS Department of Transportation Office of Civil Rights, Airport Minority Advisory Council, and The National Minority Business Council. This consultation, as part of the goal setting process, is in an effort to obtain

information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs.

Following the consultation, we published a notice of the proposed overall goal on our website www.syrsvraa.com informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Syracuse Hancock International Airport for 30 days following the date of the notice, and informing the public that the Airport and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses, if any.

Comments

Breakout of Estimated Race-Neutral & Race Conscious Participation **Section 23.51**

The Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating ACDBE participation. The Airport uses the following race-neutral measures.

We understand that we will be expected to actually take these steps, and this is not merely a paper exercise.

1. Locating and identifying ACDBEs and other small businesses who may be interested in participating as concessionaires under 49 CFR Part 23;
2. Notifying ACDBEs of concession opportunities and encouraging them to compete, when appropriate;
3. When practical, structuring concession activities so as to encourage and facilitate the participation of ACDBEs;
4. Ensuring that competitors for concession opportunities are informed during pre-solicitation meetings about how the sponsor's ACDBE program will affect the procurement process; and
5. Providing information concerning the availability of ACDBE firms to competitors to assist them in obtaining ACDBE participation.

We estimate that, in meeting our overall goal of 1.0%, we will obtain .6% from race-neutral participation and .4% through race-conscious measures.

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

- This is based on the race-neutral ACDBE participation in 2014 and 2015, as shown in Step 2 of the goal calculation. The median ACDBE accomplishments of .64% were achieved by race-neutral means.

If we project that race-neutral measures, standing alone, are not sufficient to meet an overall goal, we will use the following race-conscious measures to meet the overall goal:

- We will establish concession-specific goals for particular concession opportunities.

In order to ensure that our ACDBE program will be narrowly tailored to overcome the effects of discrimination, if we use concession specific goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual ACDBE participation (see 26.51(f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral ACDBE participation includes, but is not necessarily limited to, the following: ACDBE participation through a prime contract that an ACDBE obtains through customary competitive procurement procedures; ACDBE participation through a subcontract on a prime contract that does not carry ACDBE goal; ACDBE participation on a prime contract exceeding a concession specific goal; and ACDBE participation through a subcontract from a prime contractor that did not consider a firm's ACDBE status in making the award.

We will maintain data separately on ACDBE achievements in those contracts with and without concession specific goals, respectively.

Concession Specific Goals (23.25 (c)(e)(1)(iv))

The Airport will use concession specific goals to meet any portion of the overall goals it does not project being able to meet using race-neutral means. Concession specific goals are established so that, over the period to which the overall goals apply, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish concession specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities. We will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with DBEs (23.25 (f)). Car rental firms are not required to change their corporate structure to provide for direct ownership arrangements. In the case of a car rental goal, where it appears that all or most of the goal is likely to be met through the purchases by car rental companies of vehicles or other goods or services from ACDBEs, one permissible alternative is to structure the goal entirely in terms of purchases of goods and services).

We need not establish a concession specific goal on every such concession, and the size of concession specific goals will be adapted to the circumstances of each such concession (e.g., type and location of concession, availability of ACDBEs).

If the objective of a concession specific goal is to obtain ACDBE participation through direct ownership with an ACDBE, the Airport will calculate the goal as a percentage of the total estimated annual gross receipts from the concession. (23.25(e)(1)(i))

If the concession specific goal applies to purchases and/or leases of goods and services, the Airport will calculate the goal by dividing the estimated dollar value of such purchases and/or leases from ACDBEs by the total estimated dollar value of all purchases to be made by the concessionaire. (23.25(e)(1)(ii))

Attachment 7

Demonstration of Good Faith Efforts



**AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)
UTILIZATION STATEMENT**

The undersigned bidder/offeror has satisfied the requirements of the bid/proposal specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of _____ % ACDBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the ACDBE goal of _____%) is committed to a minimum of _____% ACDBE utilization on this contract and submitted documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title



**AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)
LETTER OF INTENT**

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of ACDBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by ACDBE firm:

.....

.....

.....

.....

The bidder/offeror is committed to utilizing the above-named ACDBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named ACDBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

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

(Submit this page for each ACDBE subcontractor.)

Attachment 8

Certification Application Form



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 (\$56.42 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
- Partnership
- Limited Liability Company
- Applying as an ACDBE
- Limited Liability Partnership
- Corporation
- Joint Venture (Identify all JV partners _____)
- Other, Describe _____

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

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

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

B. Relationships and Dealings with Other Businesses

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

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

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

Yes No If Yes, explain _____

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

- (a) Ever existed under different ownership, a different type of ownership, or a different name? Yes No
- (b) Existed as a subsidiary of any other firm? Yes No
- (c) Existed as a partnership in which one or more of the partners are/were other firms? Yes No
- (d) Owned any percentage of any other firm? Yes No
- (e) Had any subsidiaries? Yes No
- (f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts? Yes No

(If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).



Section 3: MAJORITY OWNER INFORMATION

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

(1) Full Name: _____ (2) Title: _____ (3) Home Phone #: () _____ - _____
(4) Home Address (Street and Number): _____ City: _____ State: _____ Zip: _____

(5) Gender: [] Male [] Female
(6) Ethnic group membership (Check all that apply):
[] Black [] Hispanic
[] Asian Pacific [] Native American
[] Subcontinent Asian
[] Other (specify) _____
(7) U.S. Citizenship:
[] U.S. Citizen
[] Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____
(9) Percentage owned: _____ %
Class of stock owned: _____
Date acquired _____
(10) Initial investment to acquire ownership interest in firm:
Type Dollar Value
Cash \$
Real Estate \$
Equipment \$
Other \$
Describe how you acquired your business:
[] Started business myself
[] It was a gift from: _____
[] I bought it from: _____
[] I inherited it from: _____
[] Other _____
(Attach documentation substantiating your investment)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees: _____
(2) Does this owner perform a management or supervisory function for any other business? [] Yes [] No
If Yes, identify: Name of Business: _____ Function/Title: _____
(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) [] Yes [] No
Identify the name of the business, and the nature of the relationship, and the owner's function at the firm: _____
(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: _____
(4)(a) What is the personal net worth of this disadvantaged owner applying for certification ? \$ _____
(b) Has any trust been created for the benefit of this disadvantaged owner(s)? [] Yes [] No
(If Yes, you may be asked to provide a copy of the trust instrument).
(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? [] Yes [] No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage 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: (10) Initial investment to acquire ownership interest in firm, Type, Dollar Value. Rows include Cash, Real Estate, Equipment, and Other.

Describe how you acquired your business:

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

(Attach documentation substantiating your investment)

B. Additional Owner Information

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

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

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

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

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

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

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

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

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

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



Section 4: CONTROL

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

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

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

Yes No If Yes, identify for each:

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

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

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

Yes No If Yes, identify for each:

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

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

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

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

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

A = Always S = Seldom F = Frequently N = Never	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/Key Personnel			
	Name: _____ 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

ATTACHMENT 9

State's UCP Agreement

**NEW YORK STATE
UNIFIED CERTIFICATION PROGRAM
PROPOSAL
AND
MEMORANDUM OF UNDERSTANDING**

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April 2004

**NEW YORK STATE
UNIFIED CERTIFICATION PROGRAM
PROPOSAL
AND
MEMORANDUM OF UNDERSTANDING**

Introduction

This Proposal and Memorandum of Understanding (MOU) has been developed to establish a Disadvantaged Business Enterprise (DBE) Unified Certification Program (UCP) in New York State in accordance with Title 49 Part 26 of the Code of Federal Regulations (49 CFR Part 26). The Certifying NYSUCP Partners are: the Metropolitan Transportation Authority (MTA), the Niagara Frontier Transportation Authority (NFTA), the New York State Department of Transportation (NYSDOT), and the Port Authority of New York & New Jersey (PANYNJ).

Background

The Certifying NYSUCP Partners held numerous meetings to discuss the requirements for developing a unified certification program and directory. Each agency discussed its current procedures, minimum requirements, limitations, and the proposed process for program approval. Several critical areas of discussion included: 1) the need for open and honest communication among and between the certifying participating agencies, 2) the need for continuous staff training and development, 3) the need for an effective and efficient internet based DBE directory and 4) the need for an effective public participation and public relations effort.

The Certifying NYSUCP Partners began the task of developing New York's UCP in 1999. The group's initial task was to determine how uniform certification would take place. It was decided that a reciprocal arrangement would be the most effective way to achieve the goals of the NYSUCP. The Certifying NYSUCP Partners agreed that reciprocity among the Certifying NYSUCP Partners would achieve the goal of the UCP in New York State. It was further agreed that the relationship would have to go beyond a mere reciprocity agreement. Each Certifying NYSUCP Partner made a commitment of sufficient resources (i.e., staff, funds, equipment) and expertise to carry out the requirements of the regulation. The Certifying NYSUCP Partners felt that this proposal would allow each agency to maintain its respective staff and resources while satisfying the needs of the NYSUCP.

Once the framework of the NYSUCP was established, the Non-Certifying Partners were identified and invited to participate in planning meetings as well as developing various aspects of the NYSUCP either through feedback or committee participation. Non-Certifying Partners include: Federal Transit Administration (FTA) grantees, Federal Aviation Administration (FAA)

grantees, Federal Highway Administration (FHWA) grantees, Metropolitan Planning Organizations (MPOs), and sub recipients of United States Department of Transportation (USDOT) funds. Committees were formed to address the following aspects of the formation and implementation of the NYSUCP: Forms and Procedures, Database/Directory, MOU, Public Participation and Training, and Executive.

Table of Contents

Memorandum of Understanding

Introduction

Organization

Purpose

Definitions

NYSUCP Partners' Roles and Obligations

DBE Directory and Internet Access

DBE Directory Management

NYSUCP Program Costs and Funding

Certification Procedures and Process

Industry or Market Concessions

Transition of Currently Certified DBEs

Quality Assurance (new certifications)

Annual Review

Third Party Challenges

Agency Compliance

Training and Resources

Regional UCP

Implementation Schedule

Effective Date

Changes to the MOU

Summary

Appendix A - Metropolitan Planning Organizations and New York State Department of Transportation's (NYSDOT's) Sub recipients of United States Department of Transportation (USDOT) Funds

Appendix B - Federal Transit Administration (FTA) Grantees

Appendix C - Federal Aviation Administration (FAA) Grantees

Exhibit A - January 18, 2002 letter from New York State requesting extension

Exhibit B - March 4, 2002 letter from USDOT approving extension

Exhibit C - NYSUCP Standard Operating Procedure

Exhibit D - NYSUCP Implementation Schedule

MEMORANDUM OF UNDERSTANDING

New York State Unified Certification Program

This Memorandum of Understanding (MOU) has been developed to establish a Disadvantaged Business Enterprise (DBE) Unified Certification Program (UCP) in New York State (NYS) in accordance with Title 49 Part 26 of the Code of Federal Regulations (49 CFR Part 26). The NYSUCP Certifying Partners are: the Metropolitan Transportation Authority (MTA), the Niagara Frontier Transportation Authority (NFTA), the New York State Department of Transportation (NYSDOT), and the Port Authority of New York & New Jersey (PANYNJ).

Introduction

Any FAA and FTA grantee expending at least \$250,000 in contracts and all other recipients and subrecipients of United States Department of Transportation (USDOT) assistance must develop a DBE program meeting the requirements of 49 CFR Part 26. Section 26.81 of this regulation requires each state to develop a UCP by March 4, 2002. In accordance with Section 26.81 (a) (1), by letter dated January 18, 2002 New York State requested an extension until September 30, 2002 to file its UCP (see Exhibit A). By letter dated March 20, 2002 the USDOT approved an extension until March 4, 2003 (see Exhibit B). The Certifying NYSUCP Partners agreed that reciprocity concerning certification decisions among the Certifying NYSUCP Partners would achieve the goal of the UCP in New York State. Each Certifying NYSUCP Partner agrees to commit sufficient resources and expertise to carry out the requirements of the regulation.

Organization

Upon the effective date of this Agreement, a designee of NYSDOT shall serve as the Interim Chairperson of the NYSUCP. Upon USDOT's approval of this MOU, a Chairperson shall be selected by unanimous vote of the Certifying NYSUCP Partners. The term of the Chairperson shall be one year. All other votes of the NYSUCP shall be by unanimous vote of the Certifying NYSUCP Partners. An agency shall not serve as Chairperson for more than two consecutive terms. In addition to the powers specifically referenced here, the Chairperson shall function as the administrative officer of the NYSUCP and will serve as its contact person. Nothing in this MOU should be construed to contravene the sovereignty of each participant.

A Certifying NYSUCP Partner may terminate its responsibilities under this Agreement and become a Non-Certifying NYSUCP Partner upon one year's prior notice to all NYSUCP Partners, unless the Certifying NYSUCP Partners agree in writing to a different notice period by unanimous vote. The remaining Certifying NYSUCP Partners shall then either renegotiate this

Agreement or agree in writing to continue operating under the terms of this Agreement.

Purpose

The objectives of the NYSUCP are as follows:

- § To follow the certification procedures and standards and the nondiscrimination requirements of 49 CFR Part 26.
- § To cooperate fully with all oversight, review, and monitoring activities of the USDOT and its operating administrations.
- § To implement USDOT directives and guidance on DBE certification matters.
- § To ensure that all certification and decertification decisions rendered by Certifying NYSUCP Partners are done so on behalf of all NYSUCP Partners with respect to participation in the USDOT DBE program. Certification decisions by the Certifying NYSUCP Partners shall be pre-certifications and shall be binding on all NYSUCP Partners.
- § To maintain a unified DBE directory containing at least the following information for each firm listed: its address, phone number, and the types of work the firm has been listed to perform as a DBE. The NYSUCP shall make the directory available to the public electronically, on the Internet, as well as in print. The NYSUCP shall periodically update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made.

Definitions

§ Certifying NYSUCP Partner

A New York State recipient of USDOT funds with a current DBE Program Plan approved by an appropriate USDOT oversight modal agency. A Certifying NYSUCP Partner can issue or revoke DBE certifications. The Certifying NYSUCP Partners are: the MTA, the NFTA, the NYSDOT, and the PANYNJ.

§ Grantee

Any public or private entity that has received USDOT assistance.

§ Non-Certifying NYSUCP Partner

A New York State recipient of USDOT funds, sub recipient, or grantee with a current DBE Program Plan approved by an appropriate USDOT oversight modal agency. A Non-Certifying NYSUCP Partner can neither issue nor revoke DBE certification. See Appendices A, B and C for a listing of the Non-Certifying NYSUCP Partners.

§ NYSUCP Partner

All New York State recipients, sub recipients, or grantees participating in this MOU, including both Certifying and Non-Certifying Partners.

§ Recipient

Any public or private entity which receives direct USDOT financial assistance.

§ Subrecipient

Any public or private entity which receives USDOT financial assistance through another recipient.

NYSUCP Partners' Roles and Obligations

All Certifying NYSUCP Partners agree to maintain DBE certification application files, conduct site visits, make certification decisions and handle complaints on behalf of the NYSUCP. The Certifying NYSUCP Partners agree to use the USDOT DBE Certification Application Form.

DBE Directory and Internet Access

The DBE Directory will be located on the NYSUCP web site once it is established. In accordance with 49 CFR Part 26.31, the DBE Directory will include the following publicly available information for each firm:

- § Name, address, and telephone number of firm;
- § Contact person for firm;
- § Types of work performed by the firm with appropriate 6 digit North American Industry Classification System (NAICS) code and description.

The NYSUCP DBE Directory will contain additional information including but not limited to the following:

- § Geographic location of the firm (i.e., county);
- § Web site address of the firm;
- § E-mail address of the firm and/or contact person.

Users will be able to sort by county or type of work, either for a single county/work type or multiple counties/work types. There will be links to and from the NYSUCP Certifying Partners' respective web sites and the New York State M/WBE Directory.

DBE Directory Management

The Certifying NYSUCP Partners will select a DBE Database Manager who will manage and maintain the web site and the DBE database. When a Certifying NYSUCP Partner makes a final DBE certification approval decision, the Certifying NYSUCP Partner shall submit information for inclusion in the electronic DBE Database, directly to the DBE Database Manager. The following information shall be included, at a minimum:

- § Name, street address, P.O. Box, telephone and fax numbers, e-mail address and federal identification number of the certified DBE firm;
- § Name, sex, ethnicity, race of the owner(s) and county of origin of the DBE firm;
- § Type of work performed by the DBE firm using the NAICS adopted by the Small Business Administration (SBA) on October 1, 2000;
- § Licenses (type and number);
- § Name of Certifying NYSUCP Partner;
- § Site visit date;
- § Date of certification;
- § Annual review status.

The Certifying NYSUCP Partners shall periodically provide the DBE Database Manager with information on firms denied DBE status and pending certification review.

The DBE Database Manager will:

1. Maintain and keep the electronic DBE database current;
2. Make the electronic DBE database available to all NYSUCP Partners and other interested parties;
3. Provide printed copies of the DBE Directory upon request and at a charge to be established based on the costs of printing, shipping and handling;
4. Maintain the NYSUCP web site.

NYSUCP Program Costs and Funding

The cost of establishing the NYSUCP web site and the electronic DBE Directory will be shared equally among all NYSUCP Certifying Partners. The cost of maintaining the NYSUCP web site and the electronic DBE Directory will be shared among all NYSUCP Partners. The cost of creating and establishing the NYSUCP web site and the electronic DBE Directory will be shared equally among all NYSUCP Certifying Partners. NYSUCP Certifying Partners reserve the right to develop a methodology to ascertain maintenance and operational costs and assess costs to Non-Certifying Partners. The procedures for paying bills and obtaining reimbursement shall be determined by the NYSUCP Certifying Partners. In the event that the NYSUCP is sued, the NYSUCP Certifying Partners shall determine the method for defending such lawsuit and funding the defense and any settlement or judgment cost.

Certification Procedures and Process

In addition to the procedures below, the NYSUCP will follow all certification procedures and standards of 49 CFR Part 26, and will implement USDOT directives and guidance on DBE certification matters. The Certifying NYSUCP Partners have established and will implement a Standard Operating Procedure (SOP) to be used by the Certifying NYSUCP Partners. It may be modified as needed and as agreed upon by the Certifying NYSUCP Partners.

§ The NYSUCP will not process a firm having its principal place of business outside of New York State for NYSUCP DBE certification, unless the firm is certified by the UCP in the state in which the firm maintains its principal place of business.

§ Any firm that is certified by the SBA must independently apply for DBE status with the NYSUCP. We will accept the SBA's determination of socially disadvantaged status; however, SBA firms will be required to demonstrate economic disadvantage eligibility and must undergo a site visit.

§ The NYSUCP will utilize a the USDOT DBE Certification Application Form and other related certification documents issued or approved by USDOT to facilitate "one-stop shopping" for applicants.

Industry or Market Concessions

The Certifying NYSUCP Partner to which the application is made will ascertain the geographical area of the applicant firm and its primary work type or industry. The Certifying NYSUCP Partners may forward the application to the most appropriate Certifying NYSUCP Partner in accordance with the firm's geographical area and/or primary work type or industry. The receiving Certifying NYSUCP Partner may accept the referral or reject it. In the event that the referral is rejected, the Certifying NYSUCP Partners will decide which Certifying NYSUCP Partner should process the certification.

Transition of Currently Certified DBEs

Each Certifying NYSUCP Partner shall electronically submit its current DBE Directory to the DBE Database Manager for inclusion in the NYSUCP DBE Directory. Each Certifying NYSUCP Partner shall attest to the fact that each DBE firm submitted has been certified under the provisions of 49 CFR Part 26. The Certifying NYSUCP Partners shall meet to review the listing of currently certified DBE firms and determine the appropriate Certifying NYSUCP Partner for future review of each DBE. A protocol will be developed that will include but not be limited to a review of the: geographical area, primary work type/industry and the date of the

earliest certification approval (the latter applies to those firms that are certified with more than one Certifying NYSUCP Partner. Upon determination of the appropriate Certifying NYSUCP Partner, the Partner with custody of the affected DBE certification files shall forward them to the newly assigned Partner, who shall assume custody and responsibility for the files. In the event of a disagreement concerning the appropriate Certifying NYSUCP Partner, the remaining Certifying NYSUCP Partners will decide.

Firms that have never obtained, or were denied or lost DBE status with one Certifying NYSUCP Partner but are certified with another Certifying NYSUCP Partner will undergo further review as follows:

§ For each affected firm, the Certifying NYSUCP Partners will compare records and submit a summary and recommendation to the other Partners, who will either uphold or overturn the recommendation.

§ If the Certifying NYSUCP Partners are unable to agree upon a recommendation, the other Partners will review all records for the affected firm and render a determination. (Note that consensus is not the objective in this situation. One Partner may institute a challenge to the firm's certification at this point.)

§ The Certifying NYSUCP Partners reserve the right to request additional information from the affected firm in order to render a recommendation or determination.

§ If a decision is made to remove the firm's status, the steps for decertification as outlined in 49 CFR Part 26.87 and in the NYSUCP SOP will be followed.

The Certifying NYSUCP Partners will establish a procedure for resolving conflicts among the Certifying NYSUCP Partners regarding the DBE status of a specific firm.

Quality Assurance (New Certifications)

The NYSUCP SOP has been created to ensure consistent application of UCP program requirements among the Certifying NYSUCP Partners. There will be periodic training of certification staff in order to maintain consistency in application of policy and the rendering of certification determinations.

Annual Review

As a condition of continued certification, DBEs are required to submit on an annual basis, all supporting documentation as required in 49 CFR Part 26 and the NYSUCP SOP. Failure to submit the required documentation may result in implementation of certification removal as outlined in 49 CFR Part 26.87 and the NYSUCP SOP.

Third Party Challenges

In compliance with the regulation, the Certifying NYSUCP Partners will develop a procedure for receiving and handling written complaints alleging the ineligibility of a currently certified firm.

Agency Compliance

§ All Certifying NYSUCP Partners must have an approved DBE Program.

§ All decisions related to eligibility and certification must comply with 49 CFR Part 26.

If any Certifying NYSUCP Partner believes that another Certifying NYSUCP Partner has not complied with the requirements of 49 CFR Part 26, the Partner may make a written complaint to the NYSUCP Chairperson. The Chairperson shall submit the complaint to the remaining Certifying NYSUCP Partners, which will determine the complaint. If the remaining Certifying NYSUCP Partners render a finding in favor of the complainant, they will determine what remedial action, if any, should be taken. The remedial action may take the form of one of the following:

§ Written Findings - The NYSUCP Chairperson acting in conjunction with and on behalf of the NYSUCP will issue a formal written determination to the affected Certifying NYSUCP Partner. The NYSUCP Chairperson shall be responsible for sending written findings to appropriate entities.

§ Monitoring & Concurrence - The NYSUCP Chairperson may issue a formal written determination as set out above, as well as provide a procedural review and concurrence process. The agency in question will be required to obtain NYSUCP concurrence in certification determinations for a specific period of time. Depending upon the circumstances, the Certifying NYSUCP Partners may elect to “pair” the agency with another Certifying NYSUCP Partner for monitoring purposes and to require concurrence by a vote of the Certifying NYSUCP Partners as set forth above for all future certification determinations.

§ Non-Compliance - The NYSUCP Chairperson acting in conjunction with and on behalf of the NYSUCP may find that a NYSUCP Certifying Partner is not acting in good faith and determine that the NYSUCP will not accept firms certified by that Partner until the required changes are implemented. In this situation, the pending applications will be divided amongst the other Certifying NYSUCP Partners for processing until the affected Partner is found to be in compliance. A fee of \$1,000 per application will be assessed against the affected Partner.

The Certifying NYSUCP Partners shall determine when corrective action has been satisfactorily completed. The NYSUCP Chairperson acting in conjunction with and on behalf of the NYSUCP

will issue formal written notification stating the effective date of reinstatement. The Chairperson shall be responsible for sending this written notification to appropriate entities.

Training and Resources

The Certifying NYSUCP Partners will conduct periodic training. The Certifying NYSUCP Partners will equally share the responsibility for training, including costs.

Regional UCP

This Agreement does not create a Regional UCP and is intended to be limited to the State of New York. The signature of any party that does business in more than one state does not create a Regional UCP with such other states.

Implementation Schedule

The Certifying NYSUCP Partners held public briefing sessions throughout the State during September and October 2002 regarding the proposed NYSUCP, its goals and rationale. The Certifying NYSUCP Partners invited DBE and non-DBE firms, as well as community organizations to the briefings. Notification of the public meetings and the NYSUCP occurred in a variety of ways, including but not limited to the following: press releases, a page on the NYSDOT web site, and a direct mailing to individual DBE firms, professional associations, community based organizations, etc. Having considered information set forth at the briefings and in accordance with regulations promulgated by the USDOT at 49 CFR Part 26, the MOU was submitted to the Non-Certifying NYSUCP Partners, USDOT modal agencies, and the Certifying NYSUCP Partners' respective counsels for review and comment in September 2002. Once changes were made based on comments received, the MOU was forwarded to all Partners for signature in February 2003.

The Certifying NYSUCP Partners will adopt an implementation schedule for staff training and the unified DBE directory (see Exhibit D). The Certifying NYSUCP Partners will fully implement the NYSUCP within 18 months of approval of this MOU by the USDOT.

Changes to the NYSUCP based upon direction from the USDOT will be implemented within 6 months of receiving such direction.

Changes to the MOU

Changes to the MOU shall be made in writing and by unanimous vote of the Certifying NYSUCP Partners. FTA and FAA will be contacted periodically to ascertain current qualifying

grantees. Newly qualified grantees will then be added to the appropriate Appendix; signatures will be obtained and forwarded to USDOT.

Effective Date

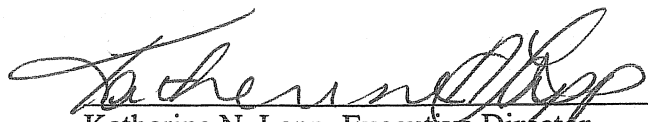
The effective date of this Agreement is the latest date upon which a Certifying NYSUCP Partner executes the Agreement.

Summary

As a result of the requirements set forth in 49 CFR Part 26, we, the undersigned, agree to participate in the NYSUCP in accordance with the tenets of this MOU and agree to abide by its contents. This MOU is being executed by the NYSUCP Partners as separate agreements and at separate times. Each separately executed agreement shall be considered an original of the MOU, as if each Partner had executed the same agreement.

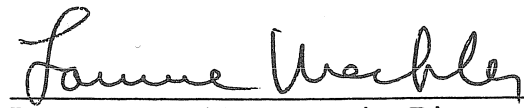
EXECUTED AND DELIVERED by and between the NYSUCP Partners as of the effective date of this MOU.

NYSUCP CERTIFYING PARTNERS



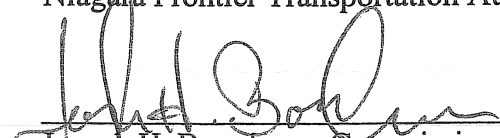
Katherine N. Lapp, Executive Director
Metropolitan Transportation Authority

6/4/04
Date



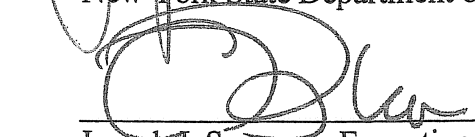
Lawrence Meckler, Executive Director
Niagara Frontier Transportation Authority

April 16, 2004
Date



Joseph H. Boardman, Commissioner
New York State Department of Transportation

5/26/04
Date



Joseph J. Seymour, Executive Director
Port Authority of New York & New Jersey

6/24/04
Date

APPENDIX A

**METROPOLITAN PLANNING ORGANIZATIONS AND
NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)
SUBRECIPIENTS* OF
UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) FUNDS**

Adirondack Glens Falls Transportation Council
Binghamton Metropolitan Transportation Study
Capital District Transportation Committee
Elmira Chemung Transportation Council
Genesee Transportation Council
Greater Buffalo Niagara Regional Transportation Council
Herkimer Oneida County Transportation Study
Ithaca Tompkins County Transportation Council
Newburgh Orange County Transportation Council
New York Metropolitan Transportation Council
Poughkeepsie Dutchess County Transportation Council
Syracuse Metropolitan Transportation Council
New York City Department of Design and Construction*
New York City Department of Transportation*
New York State Thruway Authority*

NOTE: This list does not include those municipalities that are not regular NYSDOT subrecipients of USDOT funds. The NYSDOT, as the oversight agency to those municipalities, will ensure that those municipalities will comply with all provisions of the NYSUCP.

APPENDIX B

FEDERAL TRANSIT ADMINISTRATION (FTA) GRANTEES

Capital District Transportation Authority

Central New York Regional Transportation

Chemung County Transit System

City of Long Beach

City of Poughkeepsie

County of Broome

County of Dutchess

County of Nassau

County of Oneida

County of Putnam

County of Rockland

County of Suffolk

County of Ulster

Greater Glens Falls Transit System

New York State Energy Research and Development Authority

Rochester-Genesee Regional Transportation Authority

Tompkins Consolidated Area Transit

Westchester County Department of Transportation

APPENDIX C

FEDERAL AVIATION ADMINISTRATION (FAA) FUNDED AIRPORTS AND GRANTEES (Corresponding Grantees are listed in parentheses after each facility)

Adirondack Regional Airport (Town of Harrietstown)

Akron Airport (Christian Airmen, Inc.)

Albany County Airport (Albany County Airport Authority)

Binghamton Regional Airport/Edward A. Link Field (County of Broome)

Brick Yard Road Airport (Ontario County Industrial Development Agency)

Brookhaven Airport (Town of Brookhaven)

Buffalo Niagara International Airport (Niagara Frontier Transportation Authority)

Chautauqua County - Jamestown Airport (County of Chautauqua)

Clinton County Airport (County of Clinton)

Columbia County Airport (County of Columbia)

Cortland County Airport/Chase Field (County of Cortland)

Dansville Municipal Airport (Town of North Dansville)

Dutchess County Airport (Dutchess County)

East 34th Street Heliport (City of New York, Dept. of Business Services)

East Hampton Airport (Town of East Hampton)

Elizabeth Field (Town of Southhold)

Elmira/Corning Regional Airport (County of Chemung)

Finger Lakes Regional Airport (County of Seneca)

Floyd D. Bennett Airport (County of Warren)

Francis Grabeski Airport (County of Suffolk)

Fulton County Airport (County of Fulton)

Genesee County Airport (County of Genesee)

Greater Rochester International Airport (County of Monroe)

Hamilton Municipal Airport (Village of Hamilton)

Hornell Municipal Airport (City of Hornell)

JFK International Airport (Port Authority of New York & New Jersey)

Joseph Y. Resnick Airport (Town of Wawarsing)

Kingston Airpark (Kingston Airpark, Inc.)

LaGuardia Airport (Port Authority of New York & New Jersey)

Lake Placid Airport (Town of North Elba)

Lancaster Airport (Lancaster Airport, Inc.)

Largedale Airport (Big Fella Enterprises, Inc.)

LeRoy Airport (LeRoy Aviation Services, Inc.)

Long Island/MacArthur Airport (Town of Islip)

Lt. Warren Eaton Chenango County Airport (County of Chenango)

Malone Airport (Town of Malone)

Massena International Airport (Town of Massena)

Montauk Airport (Montauk Airport, Inc.)

Niagara Falls International Airport (Niagara Frontier Transportation Authority)

Ogdensburg International Airport (Ogdensburg Bridge & Port Authority)

Olean Municipal Airport (City of Olean)

Oneida County Airport (County of Oneida)

Oneonta Municipal Airport (City of Oneonta)

Orange County Airport (County of Orange)

Oswego County Airport (County of Oswego)

Perry-Warsaw Municipal Airport (Town of Perry)

Plattsburgh International Airport (County of Clinton)

Potsdam Municipal Airport (Village of Potsdam)

Randall Airport (Aerodrome Development Corp.)

Republic Airport (New York State Department of Transportation)

Saratoga County Airport (County of Saratoga)

Schenectady County Airport (County of Schenectady)

Sidney Municipal Airport (Village of Sidney)

Sky Acres Airport (Sky Acres Enterprises, Inc.)

Stewart International Airport (National Express Corp.)

Sullivan County Airport (County of Sullivan)

Syracuse-Hancock International Airport (City of Syracuse)

Ticonderoga Municipal Airport (Town of Ticonderoga)

Tompkins County Airport (County of Tompkins)

Tri-Cities Airport (Village of Endicott)

Watertown International Airport (City of Watertown)

Wellsville Municipal Airport (Town of Wellsville)

Westchester County Airport (County of Westchester)

Whitford Airport (LDW Properties, Inc.)

Williamson-Sodus Airport (Williamson Flying Club, Inc.)

Wurtsboro-Sullivan County Airport (Wurtsboro Flight Services, Inc.)


Yates County Airport (County of Yates)

NYSUCP NON-CERTIFYING PARTNER

As a result of the requirements set forth in 49 CFR Part 26, we, the undersigned, agree to participate in the NYSUCP in accordance with the tenets of this MOU and agree to abide by its contents. This MOU is being executed by the NYSUCP Partners as separate agreements and at separate times. Each separately executed agreement shall be considered an original of the MOU, as if each Partner had executed the same agreement.

EXECUTED AND DELIVERED by and between the NYSUCP Partners as of the effective date of this MOU.

Matthew J. Driscoll, Mayor



for

7-1-04

Date

City of Syracuse - Department of Aviation
Agency

**NEW YORK STATE
UNIFIED CERTIFICATION PROGRAM
STANDARD OPERATING PROCEDURE**

I. INTRODUCTION

A Disadvantaged Business Enterprise (DBE) Unified Certification Program (NYSUCP) has been established in New York State (NYS) in accordance with Title 49 Part 26 of the Code of Federal Regulations (49 CFR Part 26). Pursuant to a Memorandum of Understanding (MOU) signed by all recipients required to participate in the NYS NYSUCP, the Metropolitan Transportation Authority (MTA), the Niagara Frontier Transportation Authority (NFTA), the New York State Department of Transportation (NYSDOT) and the Port Authority of New York & New Jersey (PANYNJ) have been designated as Certifying Partners for the NYSUCP.

Each of the Certifying Partners is required to administer a DBE certification program in accordance with 49 CFR Part 26. As part of the NYSUCP, Certifying Partners will make certification decisions on behalf of all U.S. Department of Transportation (USDOT) recipients and sub recipients in New York State with respect to participation in the USDOT DBE Program. Certification decisions by the NYSUCP shall be binding on all USDOT recipients and sub recipients within New York State.

A thorough certification process ensures that the DBE program benefits only bona fide disadvantaged businesses. In order to ensure consistent application and interpretation of the regulatory requirements for DBE certification and consistent certification determinations, all Certifying Partners will use the New York State Unified Certification Program Standard Operating Procedure (NYSUCP SOP).

The NYSUCP SOP sets forth the standards and procedures to be utilized by the all Certifying Partners when making determinations of DBE certification eligibility.

The policies and procedures outlined herein are consistent with the USDOT regulations codified at 49 CFR Part 26.

II. DEFINITIONS

Burden of Proof

Measure of persuasion that is required to convince someone that an alleged fact is true.

Certification

A finding, after a certification eligibility review by a Certifying NYSUCP Partner, that a business meets the certification eligibility requirements and is a bona fide Disadvantaged Business Enterprise.

Certification Interview

Face-to-face meeting between owner(s) qualifying applicant firm for DBE certification and Certifying NYSUCP Partner representative, as part of the certification eligibility review process.

Certifying NYSUCP Partner

A New York State recipient of USDOT funds with a current DBE Program Plan approved by an appropriate USDOT oversight modal agency. A Certifying NYSUCP Partner can issue or revoke DBE certifications.

Clear and Convincing Evidence

A standard of proof, which should leave no reasonable doubt in the mind of the trier of the facts concerning the truth of the matters in issue.

Decertification or Removal of Certification

A finding that there is reasonable cause for a determination that a currently certified DBE no longer meets the eligibility criteria.

Decision Memorandum

Written document prepared by Certifying NYSUCP Partner detailing certification determination rendered.

Denial of Certification

A finding that a business is not a bona fide DBE. A business that has been denied DBE certification cannot reapply for DBE certification for one year from the date of denial.

Grantee

Any public or private entity that has applied for USDOT assistance.

Ineligibility

A finding that a business does not meet the required eligibility thresholds. A business that has been determined to be ineligible cannot reapply for DBE certification for one year from the date of the determination.

Non-Certifying NYSUCP Partner

A New York State recipient of USDOT funds, sub recipient, or grantee with a current DBE Program Plan approved by an appropriate USDOT oversight modal agency. A Non-Certifying NYSUCP Partner can neither issue nor revoke DBE certification. See Appendices A, B and C to the MOU for a listing of the Non-Certifying NYSUCP Partners.

NYSUCP Hearing Panel

A group that reviews the requests for reconsideration that are filed by DBE firms to the NYSUCP regarding the proposed removal of their status. The group will consist of all of the Certifying Partners except for the Certifying Partner that is responsible for the proposed removal of DBE certification.

NYSUCP Partner

All New York State recipients, sub recipients, or grantees participating in this MOU, including both Certifying and Non-Certifying Partners.

Preponderance of Evidence

A standard of proof which is met when the evidence on a fact indicates that it is “more likely than not” true.

Recipient

Any public or private entity which receives direct USDOT financial assistance.

Reconsideration

Applicant’s request for review of the certification decision rendered by Certifying NYSUCP Partner.

Rejection of Application

Non-acceptance of an application for DBE certification because the application is: incomplete; i.e., lacking required signatures; lacking required notarizations; lacking required or requested basic and support documentation; the firm lacks home state DBE certification (if an out-of-state firm); the firm lacks authority to do business in New York State; the firm has no business activity; or, the socially and economically disadvantaged owner(s) lack a required New York State license. A rejected application may be re-submitted at any time after correction of the deficiency.

Sub recipient

Any public or private entity, which receives USDOT financial assistance through another recipient. This excludes third party contracts.

Withdrawal of Application

An applicant request to the Certifying NYSUCP Partner to cease the certification review process. The request must be made in writing. An applicant that has withdrawn its application may re-apply at any time.

III. DBE CERTIFICATION: REGULATORY REQUIREMENTS

Eligibility standards for certification as a DBE and participation in the NYSUCP are governed by federal regulations set forth at 49 CFR Part 26. Only those firms who can demonstrate that they meet the requirements for certification will be granted DBE certification by the NYSUCP.

IV. CERTIFICATION APPLICATION PROCESS

Application for DBE Certification – New Applicants

With the exception of SBA 8[a] Small Business Development and SDB Small Disadvantaged Business programs certified firms, all applicants requesting initial DBE certification must complete and submit a certification application package to one of the NYSUCP Certifying Partners.

The NYSUCP will accept a copy of a firm's application package that was submitted to the SBA and a copy of their certification letter. The NYSUCP will accept the SBA's determination of socially disadvantaged status; however, SBA firms will be required to demonstrate economic disadvantage eligibility and must undergo a site visit.

If a firm has previously filed for, and been denied, DBE certification with a NYSUCP Certifying Partner other than the one with which it is filing the application with, that application may be forwarded to the original reviewing NYSUCP Certifying Partner.

Dependent upon the service provided by the firm and/or its location, an application for DBE certification may be transferred and processed by a NYSUCP Certifying Partner other than the one with which the application was filed.

With the exception of SBA 8[a] and SDB certified firms, a complete certification application package consists of the following:

- USDOT Uniform Application
- SBA Personal Financial Statement for each qualifying socially and economically disadvantaged owner
- Required basic and support documentation as determined by business structure

The verification page of the USDOT Uniform Application and the SBA Personal Financial Statement must all be signed and notarized.

Immediately upon receipt, the application package will be reviewed for completeness. Specifically, the USDOT Uniform Application and SBA Personal Financial Statement are reviewed for original signatures and notarization, and a determination as to whether the basic required supporting documents have been submitted.

The application is reviewed to ascertain the firm's service area(s). Service area is important in determining whether the Certifying Partner in receipt of the application will process it or transfer it to another Certifying Partner.

If the application is essentially complete, it is accepted, logged into the NYSUCP Certifying Partner's vendor base and assigned to certification staff. The firm's

information is transmitted to the NYSUCP Database Manager and logged in as a pending application.

If the application is incomplete, it is returned to the applicant with a letter advising as to the reason for rejection. Incomplete applications may be rejected for:

- lack of home state certification
- lack of signature
- lack of notarization of applicant signature
- incomplete submission of required basic and support documentation
- lack of authorization to do business in New York State
- lack of required New York State license(s) or other credential(s) by the socially and economically disadvantaged owner(s) in the area(s) of business for which certification is being sought
- no business activity

Applications will be accepted from out-of-state firms only if they are DBE certified in their home state by an agency utilizing 49 CFR Part 26.

Certification Review Process

There are three phases in the certification review process:

- Desk Audit
- Interview of the socially and economically disadvantaged owner(s) of the firm.
- On-Site Interview

A Certifying Partner, at its option, may conduct the interview as a separate meeting at its offices, or in conjunction with the on-site interview.

1. Desk Audit

The certification staff will thoroughly review the application package to determine whether all required support documentation has been submitted, and to determine whether any additional information will be requested. Care should be taken to ensure that any requested documentation/information is actually pertinent to the certification review. The certification staff must be mindful that all applications are to be processed within 90 days of receipt of a complete application.

If additional information is required, the certification staff will prepare and send a letter to the applicant firm requesting the information. The letter will include a date for the submission of the additional information and advise the applicant that failure to respond may result in the return of their application. In making a determination as to when the additional information must be submitted, certification staff must allow sufficient time between receipt of the information and conducting the Eligibility Review Meeting/On-Site Review to thoroughly review the requested information.

The certification staff will organize and assemble the applicant information in a business file and file appropriately, insuring confidentiality of the information.

The certification staff will monitor the receipt of the requested information. If the applicant firm fails to submit the requested additional information, a second and final request shall be made. The certification staff will prepare a letter advising the firm that it is a second request and further advising the firm that failure to respond in a timely fashion will be considered failure to cooperate, and will be considered as a reason for denial of DBE certification. The second request will be forwarded to the firm via certified mail. In the event that the firm does not respond to the second request, the application will be processed for denial of certification and all certification processing activity will cease.

Upon receipt of the requested additional information, the certification staff will review it and make a determination as to the completeness of the certification file. An external report (e.g., Dunn and Bradstreet, Lexus/Nexus, etc.) will be requested for the firm, all known affiliates, and other parties.

The certification staff will make a determination regarding the firm's compliance with each of the regulatory threshold requirements:

- size standard
- social disadvantage
- economic disadvantage
- citizenship/lawfully admitted permanent resident

In making a determination of size standard, certification staff must reference and adhere to §26.65 of the regulations.

In making a determination of social and economic disadvantage, certification staff must reference and adhere to §26.63 and §26.67 of the regulations.

In making a determination of citizenship, certification staff must reference §26.67 of the regulation. Each individual qualifying the firm for DBE certification must demonstrate that he/she is a citizen of the United States or a lawfully admitted permanent resident. Each individual must submit acceptable documentation as proof of citizenship or permanent resident status.

If the applicant firm fails to meet any one of the threshold requirements for DBE certification, the firm is ineligible for DBE certification. If any of the socially and economically disadvantaged owner(s) fail to meet any one of the threshold requirements for DBE certification, and this causes the socially and economically disadvantaged ownership to fall below 51%, the firm is ineligible for DBE certification. The firm will be processed as an ineligible firm and will be notified, by letter, of the determination.

The firm may appeal the determination of ineligibility to the U.S. Department of Transportation in accordance with the procedures set forth in §26.89.

If the firm has met the threshold requirements, the certification staff will, upon a thorough and careful review of the complete file, prepare a list of firm specific questions to be answered by the owner(s) of the firm. These questions should be in addition to the standard questions asked of every firm and should address the particulars and unique facts of the applicant firm and its owners.

In preparing firm specific questions, certification staff should be sufficiently knowledgeable of the business area in which the firm is seeking certification, anticipating issues which will require close examination. The certification staff should have knowledge of the capitalization requirements, licensing, technical expertise, and staffing and industry practices. In the event that certification staff is unfamiliar with the requirements for the applicant business, technical assistance should be obtained from technical personnel within the agency or from another NYSUCP Certifying Partner.

Prior to conducting the certification interview meeting/on-site interview, certification staff will contact initial applicant references in order to obtain the most objective responses from the submitted references. At least two, but preferably three, references should be contacted. References may be contacted by telephone or in writing. Both intra-agency and interagency inquiries may be made as well; interagency inquiries will be limited to other government agencies.

Once the applicant file is complete and the questions have been prepared, certification staff must schedule a face-to-face interview with the owner(s) at a time convenient for all participants.

2. Interview

A face-to-face interview must be held with the socially and economically disadvantaged owner(s) of the applicant firm for DBE certification and the certification staff or designees. It provides an opportunity to obtain information, ask questions and clarify inconsistencies, if any.

A Certifying Partner, at its option, may conduct the interview as a separate meeting at its offices, or in conjunction with the on-site review meeting.

The face-to-face interview provides an opportunity for certification staff to:

- assess an applicant's eligibility as a bona fide DBE in accordance with certification eligibility criteria as set forth in the regulations;
- establish that socially and economically disadvantaged individuals "own" the applicant business;

- establish that socially and economically disadvantaged owner(s) have the requisite knowledge, experience and expertise to control the business
- clear up any existing questions and clarify inconsistencies.

It is also an opportunity for the socially and economically disadvantaged owner(s) to ask questions and provide any additional information they deem relevant to the review of their firm.

The interview may be tape recorded or recorded by a court stenographer. The resulting tape or transcript will be made part of the applicant's file.

All socially and economically disadvantaged owner(s) qualifying the applicant firm for DBE certification must attend the interview meeting/on-site interview.

The interview commences with certification staff or designees reading a prepared opening statement into the record. The statement identifies the interview participants, the purpose of the meeting and establishes the parameters under which it will be conducted.

Legal counsel, et al to the applicant firm may be present with the firm's owner(s) during the interview; however, all questions should be directed to the owner.

At the onset of the meeting, the socially and economically disadvantaged owner(s) are provided with the opportunity to review the previously submitted USDOT Uniform Application for content and accuracy. If there are any changes to the document, the owner(s) are to be provided with the opportunity to make the necessary changes. The owner(s) are to be instructed to indicate the changes verbally as well as to make, initial and date such changes on the documents.

After the review of the USDOT Uniform Application by the owner(s) is completed, certification staff or designees will proceed with asking the standard and firm specific prepared questions.

In responding to the prepared and firm specific questions, the owner(s) will provide information that will generate follow-up and additional questions. Certification staff or designees must thoroughly explore all issues relating to compliance with certification eligibility criteria.

Additional information/documentation, which may substantiate statements made during the interview, should be formally requested. A complete list of the requested information/documentation should be confirmed in writing, with a specific date for submission.

Prior to terminating the interview, the socially and economically disadvantaged owner(s) should be provided with the opportunity to ask questions and/or make a statement.

The interview is concluded with a prepared statement read by certification staff or designees. The socially and economically disadvantaged owner(s) are to be advised that the right is reserved to request any additional information or call them back for another meeting, should it be necessary. The owner(s) should be further advised that any determination rendered regarding the eligibility of their firm for DBE certification would be effective for all participants in the NYSUCP.

3. On-Site Review

An on-site review of the applicant firm must be made in accordance with §26.83(c) (1) of the regulations.

The purpose of the on-site review is to verify the firm's location, personnel and operations; to substantiate information/documentation contained in the applicant file; to substantiate information provided during the interview meeting/on-site interview and to review business and financial records.

Certification staff or designees must schedule an on-site interview with the socially and economically disadvantaged owner(s) at a time that is mutually convenient, and confirm the date and time of the meeting. The firm must be advised that failure to participate in an on-site review will be considered failure to cooperate, and will be considered as a reason for denial of DBE certification. The on-site interview must take place at the firm's principal place of business. Additionally, an on-site visit must be performed at a job site if there is such a site on which the firm is working at the time of the eligibility review.

When scheduling an on-site review, certification staff or designees should advise the firm's owner(s) as to which records will require review. If information is located at several different locations, the firm's owner(s) should be advised to have all necessary information available at the on-site review.

Certification staff or designees should also advise the firm's owner(s) that photographs may be taken and that the review may be tape recorded. Should the owner(s) refuse to be tape recorded, the review must be conducted with two staff persons present.

Information obtained during the on-site review must be compiled in a separate comprehensive written report. The on-site review report is made a part of the certification file and incorporated accordingly.

If the on-site review is conducted in conjunction with the interview, certification staff or designees must ask the standard and firm specific interview questions, in addition to addressing the areas set forth below.

Depending upon the location of the firm, a Certifying Partner may request another Certifying Partner to conduct the on-site review. In such instances, a written request

must be made to, and issues of concern identified for, the Certifying Partner conducting the on-site review. The Certifying Partner conducting the on-site review will be responsible for preparing the on-site review report.

In lieu of conducting an on-site review for a firm outside of New York State, a Certifying Partner may utilize an on-site review report from a DOT recipient certifying in accordance with 49 CFR Part 26.

An applicant's failure to permit an on-site review will be grounds for denial of DBE certification for failure to cooperate.

At the very least, the following information should be received and reviewed no later than the on-site review:

Cash Receipts and Disbursements

- Check for entries in the cash receipts journal, which disclose initial capital contributions.
- Verify operational expenditures in the cash disbursements journal. Note questionable/exceptional/unusual entries and the frequency or consistency of such expenditures.
- Note payments to and from shareholders, directors, officers and key employee in the cash disbursements journal.
- Note payments to similar businesses for possible broker activity or evidence of conduit activity.
- Cross reference cash disbursements with cancelled checks.

Bank Statements and Cancelled Checks

- Verify initial capitalization of firm with the first bank statement, if available.
- Verify and document signature authority and consistency in which DBE owner v. non-DBE owner(s)/offices sign checks.
- Verify payments to shareholders, key employees and consultants.
- Pay particular attention to the "memo" section of checks.

Bank Statements and Cancelled Checks

- Determine if there are any additional checking accounts not disclosed prior to the visit. If so, note the authorized signatories.
- Cross reference payments to and from clients, suppliers, consultants, etc.

Payroll

- Determine who is on the firm's payroll.
- Determine if the owner is receiving compensation in accordance with his/her ownership interest.
- Determine who receives bonus payments and amounts.
- Compare W-2's and 1099's to payroll register, to extent possible, for key employees.

- Pay attention to any “memo” notations on any payroll checks.

Invoices and Receipts

- Check telephone bills to determine if they are addressed to the DBE firm.
- Review invoices to substantiate method and source of payment.
- Check invoices for suggestion of brokering activity or reliance on non-DBE firms.
- Examine invoices for resolution of regular dealer issues (freight charges).

Contract Files

- Determine who executes contracts on behalf of the firm.
- Verify the services provided by the applicant firm and the terms and conditions of the provision of their services.
- Verify consistency in which firm does business with a particular firm and whether any issues of dependency.

Inventory and Equipment

- Identify nature and use of equipment possessed by firm.
- Verify ownership of equipment with invoices.
- If equipment lease, review equipment lease agreements.
- Identify inventory maintained by firm.
- Determine whether lack of inventory suggests broker or conduit activity.
- If regular dealer, verify inventory, warehouse facility, transportation equipment, etc.
- Determine if firm’s name on vehicles (trucks).

Bonding and Insurance

- Determine who is guaranteeing/financing bonding.
- Is bond commensurate with size of firm?
- Are insurance documents in the name of the firm?
- Verify types of insurance maintained by firm.
- Does firm carry Key Man Insurance? If so, for whom?

Corporate Kit or Business Organization Documents

- Cross reference documents in corporate kit with original submission.
- Review all minutes and entries for voting, control, attendance, etc.

Corporate Kit or Business Organization Documents

- Review stock transfer ledger.
- Review cancelled/voided stock certificates and note reasons for cancellations.
- Review non-issued stock certificates to determine if there is numerical continuity.
- Verify corporate seal.
- Review by-laws for revisions since original submission of documents

Union Agreements

- Determine which unions the firm has agreements with.

- Determine who executes the agreements on behalf of the firm.
- Determine who is authorized to negotiate union contracts.
- Determine if the union affiliation is commensurate with the type of business the firm engages in.
- Determine if union agreements are current. Review union stamps or union cards.
- Cross reference checks with union benefit payments.

Employment Agreements

- Determine the existence of any Employment Agreements for owner(s) or key personnel.
- Review terms of Employment Agreements for possible conflict with qualifying owner's ability to control operations of firm.

Physical Characteristics of Office/Building Location

- Determine if the firm has identifying signs outside or inside of the building/office.
- Determine if DBE owner has own office.
- Request a tour of facilities and observe equipment on premises.
- Ask questions regarding operation of equipment.
- Determine if office space shared with other companies, and if so, the nature of the business of the other companies.
- Determine if equipment, supplies, etc. shared with other companies.
- If shared facilities, equipment, verify arrangement for sharing.
- Determine if owner(s) are operating other related or unrelated businesses from the location. If so, identify the business and its owner(s).

The NYSUCP Certifying Partners reserve the right to conduct an on-site review of a certified DBE at any time. Any of the following may require an on-site review of a certified DBE to be conducted promptly upon notification to the NYSUCP Certifying Partner:

- A request by the DBE to be listed for additional work types
- A change in ownership that affects the control of the DBE
- A change in the location of the DBE

The NYSUCP Certifying Partners may conduct an on-site review of a certified DBE six (6) years after the last on-site review was conducted, subject to consideration of the following criteria:

- The DBE had obtained \$\$\$ of work from NYSUCP Partners
- Complaints or allegations of fraud had been made concerning the DBE

4. Internal Management Review Process

Decision Memorandum: Certification staff will prepare a written certification determination recommending that the firm be certified or denied DBE certification. The

certification determination is the final product of all information, which has been reviewed, and is an evaluation of the firm's compliance with the certification eligibility standards set forth in the regulations. The written determination must be sufficiently comprehensive to persuade an objective party as to the merits of the recommendation.

Management Review: The certification determination must be submitted to the supervisor responsible for certification review. The complete file must accompany the submission of the certification. The supervisor responsible for certification review must provide written concurrence with the recommendation before a letter can be forwarded to the firm's owner(s).

Notice to NYSUCP Certifying Partners: Notice will be provided to the Certifying Partners of the intent to grant or deny the applicant firm DBE certification. If there are no objections from the Certifying Partners as to the intent to grant or deny the applicant firm DBE certification, the appropriate letter will be sent to the qualifying owner.

Notification to Applicant of Certification Determination: The applicant firm will receive notification, in writing, from the Certifying Partner, of the NYSUCP certification determination.

If a firm is granted DBE certification by the NYSUCP, it shall remain certified for a period of at least three years, unless and until its certification has been removed in accordance with procedures set forth in §26.87.

If a firm is denied DBE certification by the NYSUCP, it shall be provided a written explanation of the reasons for denial, specifically referencing the evidence in the record that supports each reason for the denial.

The applicant, upon written request to the Certifying Partner, will make all documents and information used to render a determination of denial available for inspection.

Certification Appeal:

A firm denied DBE certification may appeal the denial of DBE certification to the United States Department of Transportation (USDOT) in accordance with §26.89 of the regulation. Such appeal must be filed within 90 days of the date of the determination letter.

Pending a determination by USDOT, the decision rendered by the Certifying Partner remains in effect for the NYSUCP. Upon notification by USDOT, the NYSUCP Certifying Partner will forward a copy of the complete administrative record for review.

All appeal decisions rendered by USDOT are administratively final and are not subject to petitions for reconsideration.

A firm that is denied DBE certification may not again apply for certification with the NYSUCP for a period of one year.

If a firm denied DBE certification chooses to again apply for DBE certification, the application must be submitted to the Certifying Partner who rendered the original denial of DBE certification.

Notification to Database Manager: The NYSUCP Database Manager will receive written notification of the certification determination rendered by the NYSUCP Certifying Partner.

Annual Review of DBE Certification

Annual Submission Requirement: A certified DBE firm must submit annually, on the anniversary of their DBE certification, a No Change Affidavit, an SBA Personal Financial Statement, and supporting documentation including but not limited to personal and business tax returns, vehicle registrations, etc. A No Change Affidavit is a sworn affidavit affirming that there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership or control requirements of the regulation, or any material change in the information provided in its application for DBE certification, along with supporting documentation.

The certified firm will not be required to submit a new USDOT Uniform Application or undergo an on-site review.

A certified DBE firm has an affirmative responsibility to notify the Certifying Partner of the NYSUCP, in writing, of any change in circumstances affecting its ability to meet size, disadvantaged status, ownership, or control requirements of the regulation, or any material change in the information provided in its application for DBE certification. Such notice must be within thirty (30) days of the change taking place.

Notice of Annual Submission Requirement: Each firm will be notified by the Certifying Partner, at least 30 days in advance of its anniversary date, of the annual submission requirement and will be provided with the necessary affidavits.

A firm failing to comply with the annual submission requirement will be notified, in writing, 30 days from the date that the submission was due, of the NYSUCP's intent to revoke their DBE certification in accordance with §26.87 of the regulation.

A firm failing to comply with the annual submission requirement will have its certification removed.

Decision Memorandum: Certification staff will prepare a written certification determination recommending that the firm's DBE certification be continued or that certification be removed in accordance with procedures in §26.87 of the regulations.

Management Review: The certification determination must be submitted to the supervisor responsible for certification review. The complete file must accompany the submission of the certification. The supervisor responsible for certification review must provide written concurrence with the recommendation for continued certification or removal of certification before a letter can be forwarded to the firm's owner(s).

Notice to NYSUCP Certifying Partners: Notice will be provided to the Certifying Partners of the intent to continue the firm's DBE certification or to remove certification, in accordance with regulatory procedures. If there are no objections from the Certifying Partners as to the intent to continue or remove DBE certification, the appropriate letter will be sent to the qualifying owner.

Notification to Applicant of Certification Determination: The applicant firm will receive notification, in writing, from the Certifying Partner, of the NYSUCP's determination to continue the firm's DBE certification or, of its intent to remove the firm's DBE certification.

If a firm is granted continued DBE certification by the NYSUCP, it must continue to comply with annual submission and notification requirements.

If a determination has been made to remove a firm's DBE certification for failure to submit required documentation or exceeding Personal Net Worth thresholds, there will be no reconsideration to the NYSUCP after removal of DBE certification. The NYSUCP Certifying Partners will follow procedures consistent with §26.87 when removing DBE certification eligibility.

Notification to Database Manager: The NYSUCP Database Manager will receive written notification of the certification determination rendered by the NYSUCP Certifying Partner.

Reconsideration:

Reconsideration will be given to a DBE firm if a determination has been made to propose to remove a firm's DBE certification for any of the following reasons:

- The business has changed to the extent that it is no longer owned or controlled by socially and economically disadvantaged individual(s).
- The DBE firm is no longer an ongoing business entity.
- The socially and economically disadvantaged owner(s) falsify a sworn statement.
- The DBE fails to notify the Certifying NYSUCP Partner, within 30 days, of changes in ownership, control, independence or status as an ongoing concern.
- A determination by the Certifying Partner that the firm no longer meets certification eligibility standards.
- The DBE exhibits a pattern of conduct indicating its involvement in attempts to evade or subvert the intent or requirement of the regulations.

Exceeding the Personal Net Worth or size standards is not subject to reconsideration.

Any firm that was certified under 49 CFR Part 26 and has had their certification removed may file a written rebuttal with the NYSUCP or appear in person.

All requests for an informal hearing must be filed with the Certifying Partner responsible for the removal of DBE certification. The firm will have the opportunity to present information in person or file a written rebuttal with the NYSUCP.

Upon receipt of the request for reconsideration, the Certifying Partner will forward a copy of the file and a written response to the request to the NYSUCP Hearing Panel within a reasonable time, not to exceed 15 days. The Certifying Partner responsible for the proposed removal of DBE certification will not participate in the final determination.

Any firm not wishing to file a request for reconsideration with the NYSUCP may appeal directly to the United States Department of Transportation (USDOT) such appeal must be filed within 90 days of the date of the determination letter.

Pending a determination by USDOT, the decision rendered by the Certifying Partner remains in effect for the NYSUCP.

All appeal decisions rendered by USDOT are administratively final and are not subject to petitions for reconsideration.

Renewal of DBE Certification

A firm that is certified as a Disadvantaged Business Enterprise (DBE) under 49 CFR Part 26 is certified by the NYSUCP for a period of not less than three (3) years.

Once certified, a firm remains certified unless and until its certification is removed through the procedures for DBE eligibility removal outlined at §26.87.

A firm that has been certified as a Disadvantaged Business Enterprise (DBE) under federal regulations must submit, every year on the anniversary of their certification, an Affidavit of No Change from the socially and economically disadvantaged owners affirming whether there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership or control requirements for DBE certification. If there have been changes, the socially and economically owner must identify the changes and provide all documentation supporting the changes.

Firms reaching the end of their initial three (3) year certification period must submit the following information for certification renewal:

- Renewal application and required supporting documentation

- SBA Personal Financial Statement
- Personal Income Tax Returns*
- Business Tax Returns*
- Any other documents deemed necessary (i.e., licenses, vehicle registrations, insurance cards, etc.)

*If an extension was filed for the prior year, two (2) years may be requested.

Upon receipt of the above, the information must be reviewed to determine continued compliance with the certification eligibility criteria. A written evaluation of the firm's compliance with eligibility criteria must be prepared. In the event the firm continues to meet the eligibility criteria, the firm will be sent a Certification Renewal letter, providing the firm with certification for an additional three years. In the event that the firm no longer meets the eligibility criteria for certification, proceedings for the removal of eligibility will be commenced under §26.87.

If a firm does not provide the above listed information in a timely manner, the firm may be deemed as failing to cooperate under §26.109(c), and, proceedings for the removal of eligibility may be commenced in accordance with §26.87.

The minimum process to be followed for certification removal under §26.87 is as follows:

- Provide written notice to the firm of proposal to remove certification eligibility, setting forth, in detail, the reasons for the proposal to remove certification eligibility.
- Provide the firm with an opportunity to respond in person, by participation in an informal hearing, or in writing, to the reasons for the proposal to remove its eligibility,
- If the firm elects to participate in an informal hearing, the agency bears the burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards of 49 CFR Part 26.
- A complete record of the hearing must be maintained, and the original record of the hearing must be retained by the agency.
- If the firm elects to present information and arguments in writing, without going to a hearing, the agency bears the same burden of proof that it would have during an informal hearing.
- The firm must be provided with a written notice of the decision regarding removal of eligibility.

Third Party Challenge

NYSUCP Certifying Partners shall accept written complaints from any person, including Non-Certifying Partners, USDOT, and/or a Certifying Partner, alleging that a currently certified DBE firm is ineligible.

The complainant must state the specific reasons for the challenge and submit any documentation in support of the complaint. The complainant's identity shall be protected as provided for in §26.109(b).

The challenged firm shall be notified, in writing, by the original Certifying Partner, of the challenge, the basis for the challenge and the relevant regulations.

The Certifying Partner responsible for the original certification shall thoroughly investigate the complaint within a reasonable time, not to exceed 60 days.

The Certifying Partner shall notify the challenged firm, in writing, by certified mail, of the preliminary findings.

If reasonable cause to remove DBE certification eligibility is found, the original Certifying Partner will notify the complainant of the specific grounds for removal and will inform the firm of its right to appeal request the preliminary findings to the NYSUCP.

The NYSUCP will be the hearing board for all challenges to certified firms. The Certifying Partner conducting the investigation and making the preliminary determination for eligibility removal will not serve as a voting member on the hearing board for the firm in question.

The challenged firm may request reconsideration, in writing, of the intent to remove certification eligibility, within 15 days of the date of the notice.

The request for reconsideration must be made to the investigating NYSUCP Certifying Partner and must state if the firm wishes to file a written defense or appear in person for a hearing.

The investigating NYSUCP Certifying Partner must notify the NYSUCP Hearing Panel within five [5] days of receipt of the request for reconsideration from the challenged firm.

In the event that a firm requests the opportunity to appear before the NYSUCP Hearing Panel, the request for reconsideration must state whether the firm will be represented by counsel.

If the challenged firm requests reconsideration in person, the chair of the NYSUCP Hearing Panel will contact the firm and the members of the NYSUCP Hearing Panel to set a date.

USDOT may notify the NYSUCP of reasonable cause to find a certified DBE firm to be ineligible. In such cases, the NYSUCP shall without delay begin a proceeding to determine whether the firm's eligibility should be removed, as provided in Section 26.87.



**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE)
49 C.F.R. PART 26
NEW YORK STATE
UNIFORM CERTIFICATION RENEWAL APPLICATION**

Under Sec. 26.107 of 49 CFR Part 26, dated February 2, 1999, 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 49 CFR Part 29, taken enforcement action under 49 CFR 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.

SECTION 1: CERTIFICATION RENEWAL INFORMATION

A. Prior/Other Certification

Is your firm currently certified for any of the following programs? <i>(If Yes, check appropriate box(es))</i>	<input type="checkbox"/> 9 Yes <input type="checkbox"/> 9 8(a) <input type="checkbox"/> 9 SDB	Has your firm been 8(a) or SDB certified since it was last certified?
	<input type="checkbox"/> 9 No	IF YES, PLEASE INCLUDE A COPY OF YOUR FIRM'S 8(A) OR SDB LETTER.

B. Prior/Other Applications and Privileges

Has your firm (under any name) or any of its owners, Board of Directors, officers, or management personnel, ever withdrawn an application for any of the programs listed above, or ever been denied certification, decertified, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity?

9 "Yes, on: ___ / ___ / ___ 9 No

If "Yes," identify the State and the name of the state, local, or Federal agency and explain nature of the action:

Empty space for providing details of actions taken.

SECTION 2: GENERAL INFORMATION

A. Contract Information

(1) Contact Person and Title:	(2) Legal Name of Firm:		
(3) Phone #:	(4) Other Phone #:	(5) Fax #:	
(6) E-Mail Address:	(7) Website (if have one):		
(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. Business Profile

(1) Describe the primary activities of your firm:	(2) Firm's Federal Tax ID (if any):
(3) Number of Employees: Full-time ___ Part-Time ___ Total ___	
(4) Specify the gross receipts of the firm for the last three (3) years: Year: _____ Total receipts: \$ Year: _____ Total receipts: \$ Year: _____ Total receipts: \$	

C. Relationships with Other Businesses

1. Name of Individual: _____
 Title/Position in applicant: _____ Ownership % in applicant firm: ____%
 Shares of Stock in applicant firm: _____ Number _____ Class _____ Date Acquired ____/____/____
 Method of Acquisition [cash, gift, etc.] _____

A] Name of affiliate firm: _____
 Nature of affiliation: _____ Function/Title in affiliate firm: _____

B] Name of affiliate firm: _____
 Nature of affiliate firm: _____ Function/Title in affiliate firm: _____

C] Nature of the business relationship: _____

B. Disadvantaged Status - NOTE: Complete this section only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged).

(1) What is the Personal Net Worth (PNW) of the owner(s) applying for DBE qualification? (Use and attach the Personal Net Worth Statement Form at the end of this application; attach additional sheets if more than one owner is applying.)

(2) Has/have any trust(s) been created for the benefit of this disadvantaged owner(s)?
 9 Yes 9 No If yes, explain (attach additional sheets if needed).

SECTION 4: CONTROL

COMPLETE THIS SECTION ONLY IF THERE HAVE BEEN CHANGES SINCE YOUR FIRM WAS LAST CERTIFIED.

Have there been any changes in the managerial and/or operational control of the firm since it was last certified?
 9 Yes 9 No
 If "Yes," complete all of the following questions. If "No," please skip questions 1 and 2 and proceed to questions 3 and 4 of this Section.

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

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers					
	(a)				
	(b)				
	(c)				
	(d)				
	(e)				

	Name	Title	Date Appointed	Ethnicity	Gender
(2) Board					
	(a)				
	(b)				
	(c)				
	(d)				
	(e)				

(3) Do any of the firm's owners and/or Board of Directors perform a management or supervisory function for any other business? 9 Yes [attach additional sheets if necessary] 9 No

If "Yes," identify for each: Person: _____

Title: _____

Business: _____ Function: _____

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B. Identify your firm's management personnel who control your firm in the following areas (if more than two persons, attach a separate sheet):

	Name	Title	Ethnicity	Gender
(1) Financial decisions responsibility for acquisition of lines of credit, surety, etc.)	a.			
	b.			
(2) Estimating & bidding.	a.			
	b.			
(3) Negotiating & Contract Execution.	a.			
	b.			
(4) Hiring/firing of Management personnel.	a.			
	b.			
(5) Field/production operations./supervisor	a.			
	b.			
(6) Office management.	a.			
	b.			
(7) Marketing/Sales.	a.			
	b.			
(8) Purchasing of major Equipment.	a.			
	b.			
(9) Authorized to sign company checks (for any Purpose.	a.			
	b.			
(10) Authorized to make Financial transactions.	a.			
	b.			
<p>(11) Do any of the persons listed in (1) through (10) 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.)? 9 Yes 9 No</p> <p>If "Yes," identify for each: Person: _____ Title: _____ Business Name: _____ Function: _____</p>				
<p>(12) Do any of the person(s) listed in (1) - (10) 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.)? 9 Yes 9 No</p> <p><u>Attach additional sheets if more than one person:</u></p> <p>If "Yes," identify for each: Firm Name: _____ Person: _____ Nature of the business relationship: _____</p>				

C. Indicate your firm's major equipment and/or vehicles owned or leased by your firm (*attach additional sheets, if necessary*):

(1) Major Equipment			
Type of Equipment	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			
(2) Vehicles			
Type of Vehicle	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			

(c)			
-----	--	--	--

D. Does your firm rely on any other firm for management functions or employee payroll? 9 Yes 9 No

IF "YES," EXPLAIN AND INCLUDE A COPY OF THE MOST CURRENT AGREEMENT.

(COMPLETE ONLY IF THIS WAS CHANGED SINCE THE FIRM WAS LAST CERTIFIED.)

1. Banking Information:
 (a.) Name of Bank _____
 (b.) Address: _____ State: _____ Zip: _____
 (c.) City: _____
 (d.) Telephone No.: () _____

E. Financial Information COMPLETE ONLY IF THIS IS A CHANGE SINCE THE FIRM WAS LAST CERTIFIED

2. Bonding Information: If you have bonding capacity, please identify:
 (a.) Binder No.: _____
 (b.) Name of Agent/Broker: _____
 (c.) Address: _____
 (d.) City: _____ State: _____ Zip: _____
 (e.) Telephone No.: () _____
 (f.) Bonding Limit:
 1. Aggregate limit: \$ _____ Project Limit: \$ _____

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

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

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

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

H. List the three largest contracts completed by your firm within the last three years, if any:

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

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

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

EMK DOC: [A:\WORDPERFECT VERSION OF UCP RENEWAL APP.wpd]
COMPLETION DATE: JAN. 2, 04 LAST REVISED: JANUARY 8, 2004
DRAFT #8

**NEW YORK STATE
UNIFIED CERTIFICATION PROGRAM
IMPLEMENTATION PLAN**

The following are the implementation schedules for staff training and the unified DBE directory, respectively. The completion of the first step of each schedule will occur upon USDOT's approval of the NYSUCP. The time frame with regard to the completion of each subsequent step is in relation to the prior step. The Certifying NYSUCP Partners intend to pursue development of the staff training activities and the unified DBE directory while the NYSUCP is under review by USDOT.

TRAINING:

STEP	ACTION	TIMEFRAME
1	Develop and Finalize Training Modules for Manual: Eligibility Criteria, Forms and Procedures, On-Site Review, Personal Net Worth Analysis, Internet based system (DBE online directory).	60 days
2	Recruit instructors and determine locations for training workshops	30 days
3	Schedule joint training sessions	10 days
4	Conduct initial training	150 days

DATABASE MANAGEMENT:

STEP	ACTION	TIMEFRAME
1	Develop and complete parameters for Unified DBE Directory	90 days
2	Compare UCP partners' databases	30 days
3	Purge duplicate DBEs	45 days
4	Develop common database	90 days
5	Develop procedures for electronic submission of DBE firms for inclusion in Unified DBE Directory	45 days
6	Develop and issue press release on public access to online DBE Directory (information will be maintained in NYS DOT's website)	10 days

Attachment 10

Regulations: 49 CFR Part 23

<https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=28ecdda1f691b7384756be15d36f2bec&rgn=div5&view=text&node=49:1.0.1.1.17&idno=49>