

**CITY OF ALBUQUERQUE
TRANSIT DEPARTMENT – ABQ RIDE**

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
JANUARY 2022**

POLICY STATEMENT

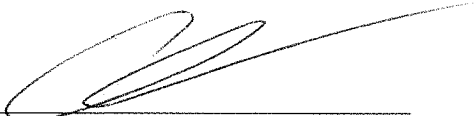
The City of Albuquerque – Transit Department (ABQ RIDE) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 and, accordingly, establishes annual DBE participation goals. ABQ RIDE has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, ABQ RIDE has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of ABQ RIDE to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. Specifically, it is also our policy:

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

The ABQ RIDE Principal Planner has been designated as the DBE Liaison Officer. In that capacity, the ABQ RIDE Principal Planner is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by ABQ RIDE in its financial assistance agreements with the Department of Transportation.

ABQ RIDE has disseminated this policy statement to the City of Albuquerque's Governing Body and all of the Divisions and Sections of our organization. ABQ RIDE will distribute this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.


Stephanie Dominguez, Acting Director

1/12/22
Date

**CITY OF ALBUQUERQUE
TRANSIT DEPARTMENT – ABQ RIDE**

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
AUGUST 2013**

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SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

ABQ Ride's DBE Program objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

ABQ Ride is the recipient of federal-aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21, Pub. L. 105-178, 112 Stat. 107.

In addition, ABQ Ride is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

ABQ Ride will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

ABQ Ride will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

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

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

ABQ Ride will report DBE participation to FTA on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBE's on DOT-assisted contracts.

Bidders List: 26.11(c)

ABQ Ride in coordination with the City of Albuquerque's Purchasing Division will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to calculate overall DBE program goals. The bidder list will include the name, address, DBE non-DBE status, and annual gross receipts of firms.

Specifically, ABQ Ride will collect this information in the following ways:

As part of the solicitation and contractual documents, bidders are required to report the names, address, prime contact information, phone number and business category of all firms who quote to them on subcontracts.

Section 26.13 Federal Financial Assistance Agreement

ABQ Ride has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

ABQ Ride shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26, and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to AQ Ride of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

In the event ABQ Ride has sub-recipients, this language will appear in any financial assistance agreement.

Contract Assurance: 26.13b

ABQ Ride will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since ABQ Ride has received a grant of \$250,000 or more in FTA planning, capital, and or operating assistance in a federal fiscal year, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

ABQ Ride has designated the following individual as our DBE Liaison Officer (DBLEO):

Andrew de Garmo
Principal Planner
100 First St. SW
Albuquerque, NM 87102
(505) 724-3109
adegarmo@cabq.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that ABQ Ride complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the City of Albuquerque's Chief Administrative Officer concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. 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 DBEs in a timely manner.
4. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
5. Analyzes ABQ Ride's progress toward attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Advises the Director and CAO's office on DBE matters and achievement.
8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Provides outreach to DBEs and community organizations to advise them of opportunities.
11. Maintains ABQ Ride's updated directory on certified DBEs.
12. Submits quarterly DBE Reports.

Section 26.27 DBE Financial Institutions

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

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment Mechanisms

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

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contract receives from ABQ Ride. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of ABQ Ride. This clause applies to both DBE and non-DBE subcontracts.

Prime contractor, design consultant and other consultant will be required to submit appropriate payment documentation on form A-644 to the ABQ Ride project manager. A prime contractor, design consultant or other consultant shall be required to fully document any alleged disputes with its subcontractors or subconsultants. The prime contractor, design consultant, or other consultant shall ensure that all situations in which regularly scheduled payments are not made to subcontractors or subconsultants are reported to ABQ Ride. If the prime contractor, design consultant, or other consultant is found to be in violation or fails to abide by the prompt payment mechanisms, ABQ Ride shall impose sanctions as stated under paragraph 30 Compliance Procedures. The prime contractor, design consultant, or other consultant shall further be required to release retainage payments to the subcontractors or subconsultants within thirty (30) calendar days of satisfactory completion of the entire subcontractor's or subconsultant's work and final payment of such work by ABQ Ride.

Section 26.31 Directory

ABQ Ride shall seek to achieve that level of participation that can be achieved absent discrimination by maintaining and disseminating a directory identifying all certified construction design or other firms eligible to participate as DBEs. The directory shall be updated as needed and made available to prime construction contractors, prime design consultants, other consultants and the public upon request. The directory shall identify DBE contractors, NAICS codes, name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE.

The ABQ Ride DBE Program Guidelines are available by contacting the Disadvantaged Business Enterprise Liaison Officer by calling (505) 724-3109. Copies may also be picked up at the Alvarado Transportation Center located at 100 First St., SW, Albuquerque, NM 87102. The Directory may be found in Attachment 2 to this program document.

Section 26.33 Overconcentration

A. Overconcentration shall be presumed to exist in a type of work, other than trucking work, when either of the following conditions have been met:

(1) More than 50% of the total number of firms ready, willing and able to perform such work are comprised of DBE firms, or

(2) More than 50% of the total Federal-aid dollars spent on such work during the previous federal fiscal year was earned by DBE firms.

B. Overconcentration shall be presumed to exist in trucking work when both the following conditions have been met:

(1) More than 80% of the total number of firms ready, willing and able to perform such work are comprised of DBE firms and,

(2) More than 80% of the total Federal-aid dollars spent on such work during the previous federal fiscal year was earned by DBE firms.

(3) In the event a presumption of overconcentration arises pursuant to Sections 23.1 or 23.2, ABQ Ride shall make further investigation to determine if the presumption of overconcentration in a type of work is rebutted by a review of the totality of the circumstances. Such review shall consider whether a false presumption of overconcentration is resulting from extraneous influences such as the geographic location of the work versus the geographic location of the DBE and non-DBE firms involved, the number and size of contracts giving rise to the appearance of overconcentration, and any other relevant factors affecting DBE or non-DBE participation in the type of work.

D. If overconcentration in a type of work is deemed by ABQ Ride to exist, measures to address the overconcentration will be devised. These measures may include the use of incentives, technical assistance, business development programs, mentor programs and other appropriate measures.

E. If ABQ Ride determines that DBE firms are so over concentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in that type of work, such determination, and the proposed measures to address the determination, shall be approved by the appropriate Operating Administration prior to implementation of the proposed remedial measures.

F. No credit for the use of DBEs in the type of work for which overconcentration is determined by ABQ Ride to exist shall be given in the event a race-conscious DBE goal has been placed on a project. If ABQ Ride determines such reduced credit is required for a type of work on a project, ABQ Ride shall so notify prospective bidders in the Invitation For Bids.

Section 26.37 Monitoring and Enforcement Mechanisms

ABQ Ride will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26:

1. Bring to the attention of the DOT 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 26.109.
2. Consider similar action under City of Albuquerque legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available to ABQ Ride in the event of non-compliance with DBE regulations by a participant in ABQ Ride procurement activities.
3. Provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs.
4. As part of all agreements and contracts include DBE clauses, which bind such recipients to the requirements of the DBE Program.
5. Keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Fostering Small Business Participation (February 23, 2012)

ABQ Ride intends to establish a race-neutral, Small Business Participation element for its DBE Program. This element will include steps to eliminate obstacles for small business participation and create a level playing field for small businesses to compete fairly for DOT assisted contracts.

For purposes of developing this element, ABQ Ride will utilize the existing "small business" program as provided for within the City of Albuquerque's Public Purchase Ordinance (COA-PPO §5-5-17). As outlined within the ordinance, ABQ Ride will utilize the following small business definition and verification process:

- A small business is defined as: *"a business which employs an average of fewer than 50 full-time employees in a calendar year"* (COA-PPO §5-5-17 B-4)
- The status of small businesses under this program element will be verified by requesting a business's quarterly IRS Form 941 or other documentation acceptable to the City, from which the total number of full time employees can be determined and verified (COA-PPO §5-5-17 B-4). The City's Purchasing Division currently performs this certification.

ABQ Ride will implement the following elements for its Small Business Participation program:

1. As part of primed contracts not having specific DBE contract goals, the requirement for prime contractors to provide minimum contracting threshold requirements for subcontracting opportunities to small businesses shall be included. The following information shall be included in procurement solicitations and contract documents:

Prime contractors shall provide small business opportunities for any portion of its prime contract that exceeds \$50,000. Prime contractors shall provide a subcontractor listing for every prime contract that includes subcontracting opportunities which exceeds \$50,000 for small businesses participation. The listing shall include the name of the small business, business location, contact information, type of subcontracting provided and amount of subcontract.

2. To meet ABQ Ride's portion of our overall DBE Program Goal, ABQ Ride will ensure that a reasonable number of contracts are of a size that small businesses including DBE's can reasonably perform are made available during each fiscal year.

Each fiscal year, the City of Albuquerque shall strive to award to small businesses competed City purchases for goods and services processed the equivalent of 10% of the total value of such purchases for the prior fiscal year. (COA-PPO §5-5-17 D)

On an annual basis, but no later than September 30, ABQ Ride will perform an annual review of its contracting opportunities for small businesses to determine if the annual goal of 10% has been met. If the annual goal has not been met, ABQ Ride will review its program elements and determine if additional program elements are required to be included to meet its overall annual goal.

As part of the Fostering Small Businesses Participation program, ABQ Ride will work with the following internal and external organizations to provide small businesses the information necessary to facilitate competition and eliminate obstacles for their participation:

1. City of Albuquerque's Purchasing Division (certifying entity)
2. Albuquerque Chamber of Commerce
3. City of Albuquerque's Economic Development Department
4. Local Contractor Associations and Business Development Organizations
5. Small Business Administration

ABQ Ride will complete the implementation of its Small Business Participation Program by June 30, 2012.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

ABQ Ride does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) ABQ Ride will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, ABQ Ride will consult with the State of New Mexico Department of Transportation to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and ABQ Ride's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, ABQ Ride will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at ABQ Ride's principal office for 30 days following the date of the notice, and informing the public that ABQ Ride will accept comments on the goals for forty five days (45) from the date of the notice. ABQ Ride will strive to have the notice issued by June 1 of each year.

ABQ Ride's overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

ABQ Ride will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.49 Transit Vehicle Manufacturers Goals

ABQ Ride will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, ABQ Ride may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program. This section of the program will be updated annually when the DBE goal calculation is updated.

Section 26.51(d-g) Contract Goals

ABQ Ride will use contract goals to meet any portion of the overall goal that ABQ Ride does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

ABQ Ride will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. ABQ Ride will not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

ABQ Ride will express our contract goals as a percentage of the total amount a DOT-assisted contract.

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.

The DBLEO shall be responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible.

ABQ Ride will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

ABQ Ride treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within thirty (30) days of being informed by ABQ Ride that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Bruce Rizzieri
 Director – ABQ Ride
 100 1st St. SW
 Albuquerque, NM 87102
 (505) 724-3100

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

ABQ Ride will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. ABQ Ride will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, ABQ Ride will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of ABQ Ride 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 contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE overall program goal of 0.09% percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 8), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

As part of the Uniform Certification Program (UCP) administered by the State of New Mexico Department of Transportation (NMDOT), ABQ Ride will rely on the NMDOT's certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

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

Andrew de Garmo
Principal Planner / DBELO
ABQ Ride
100 First St. SW
Albuquerque, NM 87102
(505) 724-3109
adegarmo@cabq.gov

NMDOT certification application forms and documentation requirements are found in Attachment 6 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

ABQ Ride is the member of a Unified Certification Program (UCP) administered by the State of New Mexico Department of Transportation (NMDOT). The UPC will meet all of the requirements of this section and the following is a description of the UCP:

- A. ABQ Ride and all other USDOT recipients in New Mexico must participate in a Unified Certification Program (UCP):
- (1) Within three years of March 4, 1999, ABQ Ride and all other recipients in New Mexico must sign an agreement establishing the UCP for New Mexico and submit the agreement to the Secretary of the Department of Transportation (USDOT) for approval. The Secretary of USDOT may, on the basis of extenuating circumstances shown by ABQ Ride or another recipient in New Mexico, extend this deadline for no more than one additional year.
 - (2) The agreement will provide for the establishment of a UCP meeting all the requirements of this section. The agreement specifies that the UCP will follow all certification procedures and standards of this part, on the same basis as ABQ Ride; that the UCP shall cooperate fully with oversight, review and monitoring activities of USDOT and its operating administrations; and that the UCP shall implement USDOT directives and guidance concerning certification matters. The agreement shall commit ABQ Ride and other recipients to ensuring that the UCP has sufficient resources and expertise to carry out the requirements of this part. The agreement shall include an implementation schedule ensuring that the UCP is fully operational no later than 18 months following the approval of the agreement by the Secretary of the USDOT.
 - (a) Subject to approval by the Secretary of USDOT, the UCP in New Mexico may take any form acceptable to all recipients in New Mexico.
 - (b) The Secretary of USDOT shall review the UCP and approve it, disapprove or remand it to the NMDOT for revisions. A complete agreement which is not disapproved or remanded within 180 days of its receipt is deemed to be accepted.
 - (c) If ABQ Ride and other recipients in New Mexico fail to meet these deadlines, NMDOT shall have the opportunity to make an explanation to the Secretary of USDOT why a deadline could not be met and why meeting the deadline was beyond its control. If NMDOT

fails to make such an explanation, or the explanation does not justify the failure to meet the deadline, the Secretary of USDOT shall direct NMDOT to complete the required action by a date certain. If NMDOT fails to carry out this direction in a timely manner, ABQ Ride and the other recipients will be collectively in noncompliance with this part.

B. The UCP shall make all certifications on behalf of all USDOT recipients in New Mexico with respect to participation in the USDOT DBE Program.

(1) Certification decisions by the UCP shall be binding on all USDOT recipients within New Mexico.

(2) The UCP shall provide "one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in New Mexico.

(3) All obligations of recipients with respect to certification and non-discrimination must be carried out by UCPs, and recipients may use only UCPs that comply with the certification and nondiscrimination requirements of this part.

C. All certifications by UCPs shall be pre-certifications; i.e., certifications that have been made final before the due date for bids or offers on an Invitation to Bid or Request for Proposal on which a firm seeks to participate as a DBE.

D. A UCP is not required to process an application for certification from a firm having its principal place of business outside New Mexico if the firm is not certified by the UCP in the state in which it maintains its principal place of business. The "home state" UCP shall share its information and documents concerning the firm with other UCPs that are considering the firm's application.

E. Subject to USDOT approval as provided in this section, the recipients in two or more states may form a regional UCP. UCPs may also enter into written reciprocity agreements with other UCPs. Such an agreement shall outline the specific responsibilities of each participant. A UCP may accept the certification of any other UCP or USDOT recipient.

F. Pending the establishment of UCPs meeting the requirements of this section, the COATD may enter into agreements with other recipients, on a regional or inter-jurisdictional basis, to perform certification functions required by this part.

G. Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this section. The UCP shall make the directory available to the public electronically, on the Internet, as well as in print. The UCP shall update the electronic version of the directory by including additions, deletions and other changes as soon as they are made.

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

In coordination with NMDOT, ABQ Ride will review the eligibility of DBEs that were certified under former part 23, to make sure that they will meet the standards of Subpart E of Part 26. ABQ Ride will complete this review no later than three years from the most recent certification date of each firm. ABQ Ride shall undertake this review process based upon ABQ Ride's database of the number of most active firms determined by date and then by the next most active firms by determined by date.

For firms that we have certified or reviewed and found eligible under part 26, we will again review their eligibility every three years from the most recent certification date of each firm.

These reviews will be handled on a case-by-case basis and may include the following components:

1. Submission of New Application by Firm
2. On-site Review by ABQ Ride
3. Processing of New Application

“No Change” Affidavits and Notices of Change (26.83(j))

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

We also require all owners of all DBEs we have certified to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of 26.83(j). The test of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [*name of DBE firm*] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [*name of DBE*]’s application for certification, except for any changes about which you have provided written notice to the [*Recipient*] under 26.83(j). [*Name of firm*] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm’s previous three fiscal years do not exceed \$16.6 million.

ABQ Ride requires DBEs to submit with this affidavit documentation of the firm’s size and gross receipts.

In coordination with NMDOT, ABQ Ride will notify all currently certified DBE firms of these obligations on at least every year, no later than June 30 of the current calendar year. This notification will inform DBEs that to submit the “no change” affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. Likewise, if a firm’s owner knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

Section 26.85 Denials of Initial Requests for Certification

If NMDOT denies a firm’s application or decertify it, it may not reapply until twelve (12) consecutive calendar months have passed from our action.

Section 26.87 Removal of a DBE’s Eligibility

In the event ABQ Ride proposes to remove a DBE’s certification, ABQ Ride will provide written notice to NMDOT outlining the basis for removal. ABQ Ride will follow procedures consistent with 26.87. Attachment 7 to this program sets forth these procedures in detail.

To ensure separation of functions in a de-certification, ABQ Ride has determined that the ABQ Ride Grant Manager will serve as the local decision-maker in de-certification proceedings. ABQ Ride’s Department Director will be established as the administrative “firewall” to ensure that the ABQ Ride Grant Manager will not have participated in any way in the de-certification proceeding against the firm (including in the decision to initiate such a proceeding).

Section 26.89 Certification Appeals

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

US Department of Transportation
Office of Civil Rights
400 7th Street, SW., Room 2104
Washington, D.C. 19590

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

SUBPART F – COMPLIANCE AND ENFORCEMENT**Section 26.109 Information, Confidentiality, Cooperation**

ABQ Ride will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, ABQ Ride will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

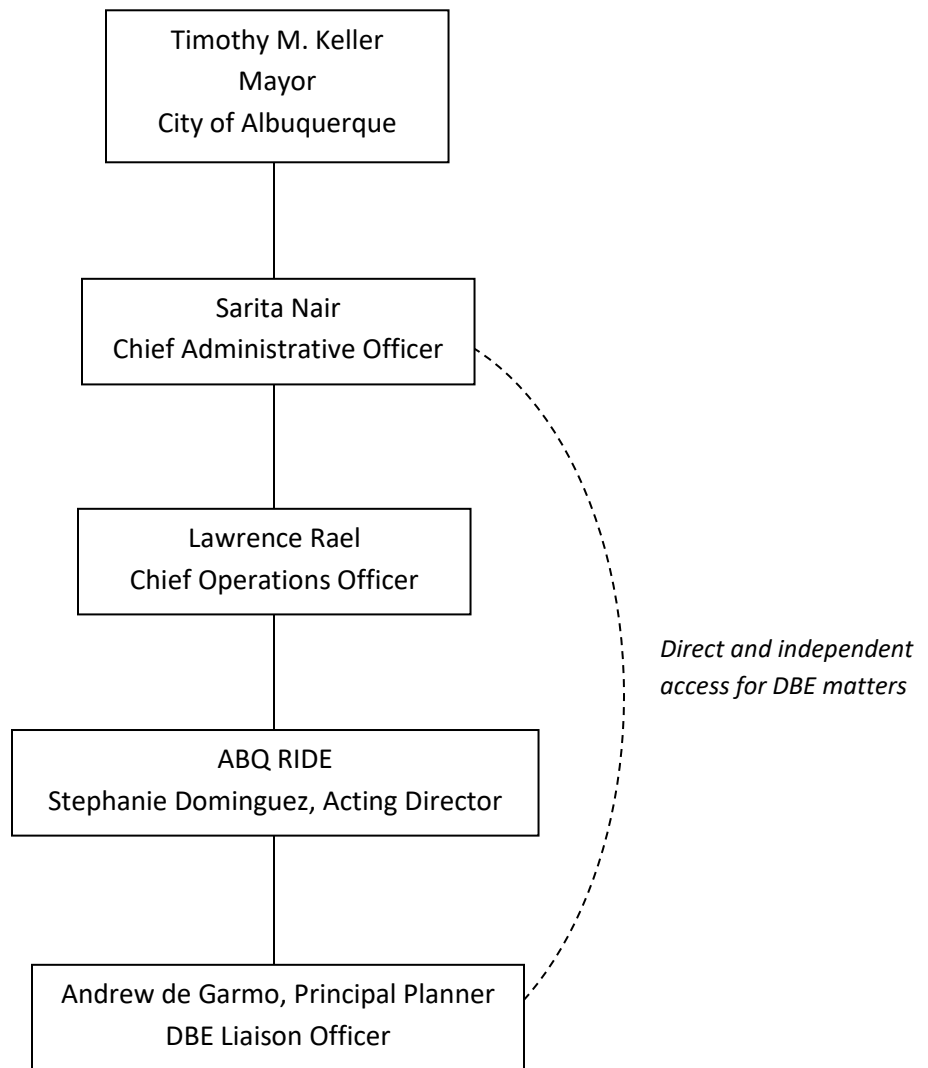
Monitoring Payments to DBEs

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

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

Attachment 1

Organizational Chart
City of Albuquerque – ABQ RIDE
Updated December 2021



Attachment 2

DBE Directory

The information provided in this file is not to be used for unsolicited advertising, spam, or any other unauthorized use.

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
Z C's Freight Broker, LLC		Laura	Mason	522 Finnie Flat Rd E-618	Camp Verde	AZ	86322	522 Finnie Flat Rd E-618	Camp Verde	AZ	86322	602-509-8924	623-546-8876	lauramason@zcsfreight.com	NMDOT	DBE	NAICS 484110 - Freight Broker, Transfer (trucking) services, general freight, local and long haul
Zseven Contracting, Inc.		Maria	Montoya	PO Box 28116	Santa Fe	NM	87592	PO Box 28116	Santa Fe	NM	87592	505-471-4406		martymart27@msn.com	NMDOT	DBE	NAICS 237310 Highway construction - specialties associated with GA-98 and GF-98; NAICS 236118 Building, residential, addition, alteration and renovation - specialties associated with GB-98; NAICS 236210 Industrial building (except warehouses) construction, general contractors - specialties associated with GB-98 ;
A & B Surveying, LLC		Amanda	Allred	317 E. 16th Street	Silver City	NM	88061	317 E. 16th Street	Silver City	NM	88061	575-597-7878		absurveying@gmail.com	NMDOT	DBE	NAICS 541370 Land surveying services
A-1 QUALITY RED MIX, INC.		Pablo	Aguilar	P.O. Box 591 - 1141 West Highway 60	Socorro	NM	87801	P.O. Box 591	Socorro	NM	87801	575-835-2417	575-835-2527	aggle_54@hotmail.com	NMDOT	DBE	Ready-mix concrete manufacturing and distributing; (Manufacturer & Supplier)
A. A. C. Construction LLC		Andrew	Sineros	18 La Luna Rd	Santa Fe	NM	87507	18 La Luna Rd	Santa Fe	NM	87507	505-577-9532	505-473-4787	andrew@cnsip.com	NMDOT	DBE	- NAICS 237210 Land subdividing and utility installation (e.g., electric, sewer and water) ; - NAICS 237310 Concrete paving (i.e., highway, road, street, public sidewalk) ; - NAICS 238110 Concrete Contractors ; - NAICS 238110 Concrete Contractors ; - NAICS 238110 Retaining wall (except anchored earth), poured concrete, construction ; - NAICS 238910 Excavating, earthmoving, or land clearing contractors ; ;
Aan Garrett-Coleman & Associates, Inc.	Coleman & Associates, Inc.	Aan	Coleman	9890 Silver Mountain Drive	Austin	TX	78737	9890 Silver Mountain Drive	Austin	TX	78737	512-476-2090		katie@colemanandassoc.com	NMDOT	DBE	NAICS 541320 Landscape architectural services ; NAICS 541320 Landscape design services ;
Abraham's Construction, Inc.		Abraham	Jaquez	7605 Morrow Road NE	Albuquerque	NM	87105	7605 Morrow Road NE	Albuquerque	NM	87105	505-830-3820	505-881-1666	lborrt4@aol.com	NMDOT	DBE	NAICS 237310 Concrete paving (highway, road, street, public sidewalk); Culverts, highway, road and street, construction; Curbs, street gutters, highway, road, street, construction; Highway construction; Road construction; Sidewalk, public, construction; Street construction ; NAICS 238110 Concrete Contractors; Concrete finishing; Concrete pouring; Concrete pumping; Concrete repair; Footing and foundation concrete contractors; Foundation, building, poured concrete, contractors; Grouting (i.e., reinforcing with earth); Retaining wall (except anchored earth), poured concrete, construction; Shotcrete contractors ; NAICS 238140 Cinder block installation; Retaining wall, masonry (i.e., block, brick, stone), construction ; NAICS 238990 Concrete patio construction; Concrete paving, residential and commercial driveway and parking area; Curb and gutter construction, residential and commercial driveway and parking area, concrete; Sidewalk construction, residential and commercial ;
Access Technologies, Inc.	Access Technologies	Praphai	Gorman	1301 Cuesta Arriba Ct. NE, Suite B	Albuquerque	NM	87113	1301 Cuesta Arriba Ct. NE, Suite B	Albuquerque	NM	87113	505-341-0202	505-346-1773	pie.gorman@atsiw.com	NMDOT	DBE	- NAICS 541512 Computer software consulting services or consultants ; ;
ACE Rebar, Inc.		Juan	Valdez	4805 Williams St. SE	Albuquerque	NM	87105	P.O. Box 23397	Albuquerque	NM	87192	505-452-0058	505-452-9663	baxleyvaldez@msn.com	NMDOT	DBE	- Rebar contractors ; - Fabricated structural metal manufacturing & installation; (construction, manufacturer & supplier)
ACI Group, LLC		Janna	Paulson	1001 Mopac Circle, Ste. 100	Austin	TX	78746	1001 Mopac Circle, Suite 100	Austin	TX	78746	512-347-9000	512-306-0974	jpaulson@aci-consulting.net	NMDOT	DBE	- NAICS 541410 Interior design consulting services ; - NAICS 541620 Environmental consulting services
AECs, Inc. dba Apex Erosion Control Supply		Kristi	Flack	CR 6100, #344	Kirtland	NM	87417	P.O. Box 1063	Kirtland	NM	87417	505-598-5163	505-598-5574	kristi@aecsweb.com	NMDOT	DBE	NAICS 541330-Erosion control engineering services; Construction
Aerial Data Service, Inc.		Regina	Carter	8301 E. 51st St., Suite 100	Tulsa	OK	74145	8301 E. 51st St., Suite 100	Tulsa	OK	74145	918-622-4144	918-622-4119	services@aerialdata.com	NMDOT	DBE	NAICS 541330 Engineering services ; NAICS 541370 Aerial surveying (except geophysical) services ; NAICS 541922 Photographers specializing in aerial photography ;
Almone-Martin Associates, Inc.		Dr Catherine T	Martin	1005 Bullock Avenue	Socorro	NM	87801	1005 Bullock Avenue	Socorro	NM	87801	575-838-2229	505-838-2229	cathy@aimonemartin.com	NMDOT	DBE	- Engineering Services ; - Surveying and mapping services (except geophysical) ; - Geotechnical testing laboratories or services ; - Vibration testing laboratories or services ; - Management Consulting Services
Airport Lighting Systems, Inc.		Courtney	Denney	931 South Church Street	Grapevine	TX	76051	931 South Church Street	Grapevine	TX	76051	817-912-0400	817-310-0146	cd@airportlighting.com	NMDOT	DBE	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers; (Supplier)
Alliance-Texas Engineering Company	Alliance Transportation Group, Inc.	Gayle	Heath	11500 Metric Blvd., Bldg. M-1, Ste 150	Austin	TX	78758	11500 Metric Blvd., Bldg. M-1, Ste 150	Austin	TX	78758	512-821-2081	512-821-2085	gheath@emailatg.com	NMDOT	DBE	NAICS 541330 Civil engineering services ; NAICS 541614 Process, Physical Distribution, and Logistics Consulting Services ;
ALTOR CONSTRUCTION		Maria	Alvidrez	P.O. BOX 1174	Los Lunas	NM	87031	P.O. BOX 1174	Los Lunas	NM	87031	505-341-1551	505-341-1549	maridrez@aol.com	NMDOT	DBE	-NAICS 238110 Concrete Contractors;
AmaTerra Environmental, Inc.		Jill	Madden	4009 Banister Lane, Ste. #300	Austin	TX	78704	4009 Banister Lane, Ste. #300	Austin	TX	78704	512-329-0031	512-329-0012	jmadden@amaterra.com	NMDOT	DBE	NAICS 541620 Environmental consulting services

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
Anissa Construction Inc.		Anissa	Hogeland	1232 Western Meadows Road NW	Albuquerque	NM	87114	1232 Western Meadows Road NW	Albuquerque	NM	87114	505-896-1944		anissaconstruction@gmail.com	NMDOT	DBE	- NAICS 236220: Construction management, commercial and institutional building ; - NAICS 238110: Poured Concrete Foundation and Structure Contractors ; - NAICS 238130: Framing contractors ; - NAICS 238140: Masonry contractors ; - NAICS 238190: Other Foundation, Structure, and Building Exterior Contractors ; - NAICS 238310: Drywall contractors ; - NAICS 238350: Finish carpentry ; - NAICS 238910: Site Preparation Contractors ; - NAICS 541310: Architectural (except landscape) design services ;
ArLand, LLC	ArLand Land Use Economics	Arleen	Taniwaki	1934 S. Emerson St.	Denver	CO	80210	1934 S. Emerson St.	Denver	CO	80210	720-244-7678	720-228-2211	taniwaki@arlandllc.com	NMDOT	DBE	-Urban planning services ; -Marketing management consulting services ; -Economic consulting services
Arnold Ventures, LLC		Tammy	Arnold	PO Box 333	Lordsburg	NM	88045	PO Box 333	Lordsburg	NM	88045	520-507-0464	575-452-9430	tammy@badlandstowing.com	NMDOT	DBE	- NAICS 488410 Wrecker services (i.e., towing services), motor vehicle ; - NAICS 811198 Automotive tire repair (except retreading) shops ; - NAICS 811310 Welding repair services (e.g., automotive, general) ;
Aviation Alliance, Inc.		Shirley A.	Roberts	101 Timberline North	Colleyville	TX	76034	P. O. Box 799	Colleyville	TX	76034	817-498-0388	817-281-1867	shirley@aviationalianceinc.com	NMDOT	DBE	-Addition, alteration and renovation general contractors, commercial and institutional building ; -Other Airport Operations ; - Engineering services ; -Manufacturing operations improvement consulting services ;
Avila Retail Development & Management, LLC		John	Avila	5001 Ellison NE	Albuquerque	NM	87109	5001 Ellison N.E.	Albuquerque	NM	87109	505-341-3753	505-341-2835	john@avilaretail.com	NMDOT	DBE	Gift, Novelty, and Souvenir Stores; (other); NAICS 99 Airport Concessions
B & B DIVERSIFIED MATERIALS		Beverly	Christensen	17872 Log Cabin Ln	Bend	OR	97707	P.O. BOX 2080	Bend	OR	97707	541-598-7950	541-598-7960	beverly@bndiversified.com	NMDOT	DBE	-Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers; (Supplier)
BACA'S TREES INC.		Clarence	Baca	7933 EDITH BLVD. NE	ALBUQUERQUE	NM	87113	7933 EDITH BLVD. NE	ALBUQUERQUE	NM	87113	505-899-6666	505-899-6950	jenab@bacatrees.com	NMDOT	DBE	Electrical work ; Lawn maintenance services ; Ornamental tree and shrub services ;
Baseline Supply LLC		Tracey	Meents	65 Turnberry Dr	Monroe Township	NJ	8831	65 Turnberry Dr	Monroe Township	NJ	8831	732-835-2080	888-398-2080	baselinesupply@gmail.com	NMDOT	DBE	- NAICS 423310 Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers ; - NAICS 423320 Brick, Stone, and Related Construction Material Merchant Wholesalers ; - NAICS 423330 Roofing, Siding, and Insulation Material Merchant Wholesalers ; - NAICS 423390 Other Construction Material Merchant Wholesalers ; - NAICS 423610 Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers ; - NAICS 423710 Hardware (except motor vehicle) merchant wholesalers ; - NAICS 423720 Plumbing, Heating Equipment and Supplies (Wholesalers) ; - NAICS 423840 Industrial supplies (except disposable plastics, paper) merchant wholesalers ; - NAICS 424950 Paint, Varnish, and Supplies Merchant Wholesalers ;
BLACK MESA COFFEE COMPANY, INC.		Christina M	Christy	P.O. Box 9982	Albuquerque	NM	87119	P.O. Box 9982	Albuquerque	NM	87119	505-842-4305	505-842-7082	cchristy@blackmesacoffee.com	NMDOT	DBE	Limited-Service Eating Places; (other)
Bladerunner Earthmoving, Inc.		Ivy	Bullard	PO Box 579	Moriarty	NM	87035	PO Box 579	Moriarty	NM	87035	505-507-9775		winterwind77@aol.com	NMDOT	DBE	NAICS 237310 Culverts, highway, road and street, construction ; NAICS 237310 Grading, highway, road, street and airport runway ; NAICS 238910 Excavating, earthmoving, or land clearing contractors ; NAICS 238910 Site Preparation Contractors (Wrecking, Demolition, and Excavation) ;
Blue Collar Construction, LLC		Kim	Massey-Dimsha	PO Box 23182	Albuquerque	NM	87192	PO Box 23182	Albuquerque	NM	87192	505-553-0651	505-212-0335	office@chipseal.net	NMDOT	DBE	- NAICS 238390: Asphalt coating and sealing, residential and commercial parking lot and driveway; Concrete coating, glazing or sealing; Parking lot paving and sealing
BLUE SKIES CONSULTING, LLC		Tami	Wiggins	100 Blue Skies Drive, Belen Alexander Airport	Belen	NM	87002	100 Blue Skies Drive	Belen	NM	87002	505-864-3700	505-440-0828	tami@blueskies.aero	NMDOT	DBE	-Administrative and General management Consulting Services ; -Photographers specializing in aerial photography ; - (Engineering/Consulting)
Britt Enterprises, LLC		Karen A.	Britt	3400 Vassar NE	Albuquerque	NM	87107	P.O. Box 30953	Albuquerque	NM	87190	505-259-5091	505-822-0611	uesbritt@msn.com	NMDOT	DBE	- NAICS 23821 Electrical Contractors; (construction)
Brockington and Associates, Inc.		Sarah	Brockington	6611 Bay Circle, Suite 220	Norcross	GA	30071	6611 Bay Circle, Suite 220	Norcross	GA	30071	770-662-4124	770-662-5824	andrewscarr@brockington.org	NMDOT	DBE	NAICS 541370 Geographic information system (GIS) base mapping services ; NAICS 541614 Logistics management consulting services ; NAICS 926110 Cultural and arts development support program administration ; NAICS 541990 Scientific and Technical Services ;
BSN Santa Fe		Alex C	Vigil	28 Bisbee Court Ste. B-10	Santa Fe	NM	87505	28 Bisbee Court Ste. B-10	Santa Fe	NM	87505	505-473-7973	505-473-1079	bsnsantafe@aol.com	NMDOT	DBE	NAICS 541330: Civil engineering services; NAICS 541380: Geotechnical testing laboratories or services
Byerly & Cosyleon, Inc.		Bonifacio	Cosyleon	1700 Wildhorse Road	Pueblo	CO	81007	1700 Wildhorse Road	Pueblo	CO	81007	719-545-2585	719-543-1963	bacosyleon@msn.com	NMDOT	DBE	- Concrete paving (i.e., highway, road, street, public sidewalk) ; -Highway, Street, and Bridge Construction;
Cadit Company, Inc.		Kathryn	Carlisle	1 Cypress Court	Trophy Club	TX	76262	PO Box 784	Roanoke	TX	76262	817-430-4409	817-430-0409	k.carlisle@caditcompany.com	NMDOT	DBE	-NAICS 238120 Erecting structural steel ; - NAICS 332312 Fabricated structural metal manufacturing ; -NAICS 332322 Sheet metal work (except stampings) manufacturing;
Cano Structures LLC		Jay R	Cano	15717 W. Yucatan Drive	Surprise	AZ	85379	15717 W. Yucatan Drive	Surprise	AZ	85379	623-810-3507	623-251-6999	slcano@cox.net	NMDOT	DBE	NAICS 238110 Concrete repair ; NAICS 238910 Wrecking, building or other structure
CARGO TRANSIT, INC.		Lisa	Fouts	127 COZY MOUNTAIN LANE	WEAVERVILLE	NC	28787	P.O. BOX 792	WEAVERVILLE	NC	28787	828-645-9828	828-645-9830	lisa.fouts@cargotransit.com	NMDOT	DBE	NAICS 488510 Freight forwarding

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
Casias Trucking		Louie	Casias	7900 Richwood, Rd., N.W.	Albuquerque	NM	87120	7900 Richwood, Rd., N.W.	Albuquerque	NM	87120	505-991-1000		garcia.veronica17@yahoo.com	NMDOT	DBE	NAICS 484220 ; *Flatbed trucking, local ; *Gravel & Sand hauling, local ; Trucking
Charles Aybar LLC		Charles	Aybar	29228 N. 48TH STREET	CAVE CREEK	AZ	85331	PO Box 7662	Cave Creek	AZ	85327	623-252-1594	480-419-8739	info@charlesaybar.com	NMDOT	DBE	NAICS 541611 Business management consulting services
Ck Group, Inc.		Ogbonna	Abarickwu	16448 N 40th St # A	Phoenix	AZ	85032	16448 N. 40th St.	Phoenix	AZ	85032	602-482-5884	602-482-2885	ckgroup@theckgroup.com	NMDOT	DBE	-NAICS 237310 Highway construction ; -NAICS 237990 Heavy Construction (Non-Building Project) ; -NAICS 238210 Electrical work ; -NAICS 541330 Engineering/Consulting services ; -NAICS 541370 Topographic surveying services ; -NAICS 541611 Business management consulting services
Clark Transportation Consulting & Ser		Brian	Clark	1 Vail Lane	Flemington	NJ	8822	1 Vail Lane	Flemington	NJ	8822	908-788-9900	908-284-1081	bclark@clarktransportation.net	NMDOT	DBE	-Industrial design services ; -Other Scientific and Technical Consulting Services ;
Complete Concrete & Excavating		Toby	Fuentes	5012 Broadway SE	Albuquerque	NM	87105	5012 Broadway SE	Albuquerque	NM	87105	505-792-0212	505-792-0327	tce290@aol.com	NMDOT	DBE	NAICS 237310 Concrete paving ; NAICS 238110 Chimney concrete, concrete finishing,Concrete floor surfacing, pouring,pumping, repair, resurfacing, Footing and foundation contractors, building, poured concrete, Grouting, Retaining wall ; NAICS 238180 Concrete block laying ; NAICS 238190 Concrete form contractors, erection and dismantling ; NAICS 238390 Coating concrete structures with plastics, glazing or sealing, weatherproofing ; NAICS 238910 Concrete breaking,cutting for demolition ; NAICS 238990 Concrete patio construction, paving, residential and commercial driveway and parking area,sawing and drilling, culvert, curb & gutter construction,NAICS 325998 Concrete additive preparations manufacturing ; NAICS 327320 Central-mixed concrete manufacturing ; NAICS 332618 Concrete reinforcing mesh ; ; Product/Service Description Code ;
Concrete Aggregate & Asphalt Testing LLC		Carolyn	Hacker	901 6th	Las Vegas	NM	87701	PO Box 1228	Las Vegas	NM	87701	505-718-3030	505-425-9159	carolyn@ca2testing.com	NMDOT	DBE	- NAICS 541380. Geotechnical testing laboratories or services
Construction Recruiters America, Inc.	CRA Staffing of America	Diane	Dalman	14931 Foxheath Dr	Southwest Ranches	FL	33331	14931 Foxheath Dr	Southwest Ranches	FL	33331	954-533-1689	888-457-3336	diane@crastaffing.com	NMDOT	DBE	NAICS 561311 Employment agencies; NAICS 561320 Temporary employment services
Consultant Engineering, Inc.		John	Patterson	P.O. Box 37167	Phoenix	AZ	85029	P.O. Box 37167	Phoenix	AZ	85029	480-361-4487	480-832-1712	aconnelly@cei-az.com	NMDOT	DBE	NAICS 237310 Construction management, highway, road, street and bridge
Coover-Clark & Associates, Inc.	CooverClark	Carol	Coover-Clark	1936 Market St	Denver	CO	80202	1936 Market St	Denver	CO	80202	303-783-0040	303-783-0060	terbruinsma@cooverclark.com	NMDOT	DBE	NAICS 541320 Landscape architectural services; NAICS 541320 Urban planning services ; NAICS 541410 Interior design services
Cox Strategies and Solutions, LLC		Jeff	Cox	10700 Academy Rd NE #1022	Albuquerque	NM	87111	10700 Academy Rd NE #1022	Albuquerque	NM	87111	505-554-3282		jeff.cox@cssquaredllc.com	NMDOT	DBE	NAICS 541611 Administrative and General Management Consulting Services ; NAICS 541612 Human resource consulting services ; NAICS 541613 Marketing consulting services ; NAICS 541614 Process, Physical Distribution, and Logistics Consulting Services ; NAICS 541618 Other Management Consulting Services ; NAICS 561110 Office administration services ; NAICS 561210 Facilities (except computer operation) support services ; NAICS 561320 Temporary help services ;
Creelman & Associates, Inc.		Dr. Lynn	Creelman	280 Harvest Ridge Way	Paso Robles	CA	93446	280 Harvest Ridge Way	Paso Robles	CA	93446	805-237-9500	805-237-2384	linfo@lynncreelman.com	NMDOT	DBE	-NAICS 541330 Engineering services ; -NAICS 541618 Other Management Consulting Services ; -NAICS 541620 Environmental consulting services ; -NAICS 541690 Other Scientific and Technical Consulting Services ;
Cross Construction, Inc.		Joe	Cruz	4850 Geiger Blvd	Colorado Springs	CO	80915	4850 Geiger Blvd	Colorado Springs	CO	80915	719-596-9226	719-596-9324	crzconstruction@aol.com	NMDOT	DBE	-NAICS 237310 Concrete paving (i.e., highway, road, street, public sidewalk) ; -NAICS 237310 Guardrail construction ; -NAICS 238990 Fence installation (except electronic containment fencing for pets)
CSW Funding, LLC		Wanda	Rogers	2741 Lemon Grove Ave. #202-B	Lemon Grove	CA	91945	2741 Lemon Grove Ave #202	Lemon Grove	CA	91945	619-303-6890	619-303-6891	wrogers@constructionworkers.com	NMDOT	DBE	NAICS 522292 - Real estate credit lending, NAICS 522320 - Financial Transactions Processing, reserve & liquidity services, NAICS 541191 - Title & Abstract & Settlement Offices; (other);
Dallago Corporation		David	Dallago	2411 E. Artec Avenue	Gallup	NM	87301	2411 E. Artec Avenue	Gallup	NM	87301	505-722-6638	505-863-9433	dird@cnctco.com	NMDOT	DBE	-Plumbing, Heating, and Air-Conditioning Contractors; (Construction)
DBE PLANS & GOALS PREPARATION SERVICES		Anita H.	Dougherty	210 Lake Hollow Drive	Weatherford	TX	76087	210 Lake Hollow Drive	Weatherford	TX	76087	817-594-7283	817-594-7283	ahdough@hotmail.com	NMDOT	DBE	-NAICS 541611 Business management consulting services ;
DIAMOND CONSTRUCTION, INC.		Mauro Antonio	Gomez	2705 W. Hadley Ave.	Las Cruces	NM	88005	2705 W. Hadley Ave.	Las Cruces	NM	88007	575-527-5411	575-527-5439	diamondcon@gmail.com	NMDOT	DBE	-NAICS 237310 Culverts, highway, road and street, construction ; -NAICS 238110 Concrete Contractors
Diesel Electrical Equipment, Inc.		Susan	Pappas	139 N. Griffith Boulevard	Griffith	IN	46319	139 N. Griffith Boulevard	Griffith	IN	46319	219-922-1848	219-922-1849	dieselegpt@aol.com	NMDOT	DBE	NAICS 336510 Railroad locomotives and parts (except diesel engines) manufacturing ; NAICS 423610 Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers ; NAICS 423860 Railroad equipment and supplies merchant wholesalers ; NAICS 488210 Switching services, railroad ;
DMG FOUR CORNERS RESEARCH, INC.		Dawn	Greenwald	23323 Highway 70 East	Tularosa	NM	88352	P.O. Box 1265	Tularosa	NM	88352	575-585-5566	575-585-8413	dawng@4cornersresearch.com	NMDOT	DBE	-Archological research and development services; -(Engineering/Consulting)

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
Dominguez Trucking, LLC		Mario	Dominguez	201 Moon NE	Albuquerque	NM	87123	201 Moon NE	Albuquerque	NM	87123	505-319-2302	866-764-7444	domingueztrucking@yahoo.com	NMDOT	DBE	NAICS 484110 Transfer (trucking) services, general freight, local ; NAICS 484121 General Freight trucking, long-distance, truckload (TL)
E B PAVING, INC.		Ernest J	Baca	19 Falcon	Tijeras	NM	87054	P.O. Box 9766	Albuquerque	NM	87119	505-452-1730	505-452-1730	ebpaving@cybermesa.com	NMDOT	DBE	Culverts, highway, road and street, construction
Earth Worx Environmental Services, LLC		Louis	Trujillo	601 Carrisa Ct.	Los Lunas	NM	87031	601 Carrisa Ct.	Los Lunas	NM	87031	505-866-1912	505-866-1912	trujillo10@comcast.net	NMDOT	DBE	- NAICS 54162: Environmental Consulting Services
EASTERN ENGINEERING GROUP COMPANY		Raissa	Lopez	3401 NW 82ND AVENUE, SUITE 370	MIAMI	FL	33122	3401 NW 82ND AVENUE, SUITE 370	MIAMI	FL	33122	305-599-8133	305-599-8076	raissa@easterneg.com	NMDOT	DBE	- NAICS 54133 Engineering Services ; - NAICS 541340 Drafting services ; - NAICS 541350 Building inspection services
ECOSYSTEM MANAGEMENT, INC		Bill E	Hevron	3737 Princeton Dr. NE, Suite 150	Albuquerque	NM	87107	3737 Princeton Dr. NE, Suite 150	Albuquerque	NM	87107	505-884-8300	505-884-8305	carolg@emi-nm.com	NMDOT	DBE	- Environmental engineering services ; - General management consulting services ; - Other Scientific and Technical Consulting Services ;
ELITE PROFESSIONALS, LLC		Danielle	Wanser	5174 S UNIVERSITY DRIVE	DAVIE	FL	33328	5174 S UNIVERSITY DRIVE	DAVIE	FL	33328	954-680-6416	954-434-0929	dwan@eliteprofessionalsllc.com	NMDOT	DBE	NAICS 561320 Temporary help services; installation of minor equipment on mass transit vehicles (APCs, GPS, AVLs)
ENCHANTMENT STEEL, INC.		Juan	Valdez	9204 Susan SE	Albuquerque	NM	87123	P.O. Box 23397	Albuquerque	NM	87192	505-299-3605	505-299-4194	baxleyvaldez@msn.com	NMDOT	DBE	-Rebar contractors, (construction)
EP VENTURE GROUP, LLC		Ray	Gonzalez	9 CIVIC CENTER PLAZA	EL PASO	TX	79901	9 CIVIC CENTER PLAZA	EL PASO	TX	79901	915-545-5025	915-545-1636	marilyn@epvgroup.com	NMDOT	DBE	- NAICS 541512: Computer software consulting services and design
ESP Enterprises, Inc.		Steve	Phelan	10963 Cutten Rd., Suite B 101	Houston	TX	77066	10963 Cutten Rd., Suite B 101	Houston	TX	77066	281-444-2377	888-686-7694	accounting@espenprisesinc.com	NMDOT	DBE	NAICS 517919 Other Telecommunications; specifically fare box maintenance and installation
Evergreen Spray Service, Inc.		Paula	Gross	P.O. Box 12650	Prescott	AZ	86304	P.O. Box 12650	Prescott	AZ	86304	800-315-5140	928-777-0478	evergreenspray@aol.com	NMDOT	DBE	-Soil Preparation, Planting, and Cultivating ; - Landscaping Services; -Weed control and fertilizing services; -(Construction)
EZ CONSTRUCTION		Sergio	Enriquez	P.O. BOX 35	ORGAN	NM	88052	P.O. BOX 35	ORGAN	NM	88052	575-373-9750	575-373-9747	ezconstruction.sr@gmail.com	NMDOT	DBE	-Dump trucking (e.g., gravel, sand, top soil); -Flatbed trucking, local ; -Gravel hauling, local; -Culverts, highway, road and street, construction; -Erosion control engineering services
FAY'S PAINTING		Jeanette	Fay	P.O. Box 10128	Albuquerque	NM	87184	P.O. Box 10128	Albuquerque	NM	87184	505-898-1385	505-898-2234	fayspainting@gmail.com	NMDOT	DBE	-NAICS 238200 Painting & Wall Covering Contractors ; -NAICS 238990 Sandblasting, building exterior ; (construction);
Faye Stewart Transportation Service, LLC		Ida Faye	Stewart	3056 N. 33rd Avenue	Phoenix	AZ	85017	P.O. Box 11286	Glendale	AZ	85318	602-233-3500	602-233-1508	faye@fayestewarttrans.com	NMDOT	DBE	NAICS 484110 - General freight trucking, local ;
Felix Chavez & Son Construction, LLC		Ryan	Chavez	PO Box 114	Weston	CO	81090	PO Box 114	Weston	CO	81090	719-868-2123	719-868-2096	fcsc_color@msn.com	NMDOT	DBE	NAICS 237310 Culverts, highway, road and street, construction ; NAICS 237310 Resurfacing, highway, road, street, bridge or airport runway ; NAICS 484220 Dump trucking (e.g., gravel, sand, top soil) ; NAICS 484220 Gravel hauling, local ; NAICS 484220 Top-soil hauling, local ;
Fresquez Concessions, Inc.		Linda A.	Fresquez	8218-B Louisiana Blvd, NE	Albuquerque	NM	87113	8218 Louisiana Blvd. NE	Albuquerque	NM	87113	505-884-7484	505-880-1015	denisecorder@fresquezcompanies.com	NMDOT	DBE	-NAICS 72221 Limited-Service Eating Places ; -NAICS 722410 Alcoholic beverage drinking places ; -NAICS 99 Airport Concessions; (other)
G.W. Peoples Contracting Company, Inc		Melvin E.	Clark	2011 CRYSTAL DRIVE SUITE 400	ARLINGTON	VA	22202	2011 CRYSTAL DRIVE SUITE 400	ARLINGTON	VA	22202	202-488-7185	703-682-6804	rbanks.gwpeoples@gmail.com	NMDOT	DBE	NAICS 237990 Railroad construction
GALACTIC TRANSPORT & TOURS, LLC	GALACTIC TRANSPORT & TOURS	Rhonda	Spence	448 Adams St.	Hatch	NM	87937	448 Adams St.	Hatch	NM	87937	575-496-6581		rhonda@galactic.com	NMDOT	DBE	- NAICS 484220 Dry bulk trucking (except garbage collection, garbage hauling), local ; - NAICS 561520 Tour operators (i.e., arranging and assembling tours) ;
GARY A. CRAIN, INC.		Kimberly L	Hyden	103647 S. Hwy 99	Prague	OK	74864	103647 S. Hwy. 99	PRAGUE	OK	74864	405-567-4058	405-567-4684	khyden@windstream.net	NMDOT	DBE	-Highway, Street, and Bridge Construction; - Special Trade Contractors ;
Geomat, Inc.		George	Madrid	915 Malta Avenue	Farmington	NM	87401	915 Malta Ave	Farmington	NM	87401	505-327-7928	505-326-5721	george.madrid@geomatengineering.com	NMDOT	DBE	- NAICS 541380: Geotechnical testing laboratories or services
Gill Con Inc.		Fred J.	Gilliam	1351 Solar Ct. SE	Rio Rancho	NM	87124	PO Box 15293, 1351 Solar Ct. SE	Rio Rancho	NM	87124	505-269-4710	505-892-9013	gillcon92@msn.com	NMDOT	DBE	- NAICS 238120 Rebar contractors ; - NAICS 238120 Reinforcing steel contractors ;
GL ENVIRONMENTAL, INC.		Denise	Gallegos	4200 Meadowlark Lane, Ste. 1-A	Rio Rancho	NM	87124	PO Box 1746	Las Vegas	NM	87701	505-454-0830	505-454-8093	gldenise@flash.net	NMDOT	DBE	NAICS 541620 Environmental consulting services; Permitting, Compliance and Monitoring
Gloworks Trucking		John E.	Lucero	437 Monte Largo Dr. NE	Albuquerque	NM	87123	437 Monte Largo Dr. NE	Albuquerque	NM	87123	505-275-3411	505-275-3414	gloworkstrucking@gmail.com	NMDOT	DBE	-Dump trucking (e.g., gravel, sand, top soil); -Flatbed trucking, local; -equipment hauling
GM Emulsion, LLC		Michelle	Martinez	3607 Constellation	Santa Fe	NM	87507	3607 Constellation	Santa Fe	NM	87507	505-470-7417		gmemulsion@yahoo.com	NMDOT	DBE	NAICS 237310 Highway construction to include oil distribution, fog seal and transporting equipment and materials; NAICS 212321 Construction sand and gravel beneficiating (e.g., grinding, screening, washing) ; NAICS 237310 Asphalt paving (i.e., highway, road, street, public sidewalk) ; NAICS 237310 Concrete paving (i.e., highway, road, street, public sidewalk) ; NAICS 237310 Culverts, highway, road and street, construction ; NAICS 238390 Concrete coating, glazing or sealing ; NAICS 238910 Construction equipment (except crane) rental with operator ; NAICS 238910 Excavating, earthmoving, or land clearing contractors ; NAICS 238990 Asphalt coating and sealing, residential and commercial parking lot and driveway ; NAICS 561730 Erosion control services ;
Gonzales Construction Company, Inc.	K & J Construction, Inc.	Frankie	Gonzales	29996 Highway 184	Dolores	CO	81223	P.O. Box 1468	Dolores	CO	81223	970-882-4805	970-882-7153	kgonzales@gccguardrail.com	NMDOT	DBE	NAICS 237310 - Guardrail construction (earthwork, concrete, traffic signing, waterline, storm drainage, structure excavating & backfill, permanent traffic signing);
Gram Traffic Counting, Inc.		Patricia	Nassour	21220 Jakeshill Rd, Bldg 1	Hutto	TX	78634	21220 Jakeshill Rd, Bldg 1	Hutto	TX	78634	512-832-8650	512-833-6471	pat@gramtraffic.com	NMDOT	DBE	-Traffic reporting services; -Traffic engineering consulting services

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
Groundhog Excavating Inc.		Troy	Otero	805 Nikanda Road NE	Albuquerque	NM	87107	805 Nikanda Road NE	Albuquerque	NM	87107	505-243-2113	505-243-1444	troy@ghoginc.com	NMDOT	DBE	-NAICS 238910 Site Preparation Contractors ; -NAICS 238910 Support Activities for Forestry ; -NAICS 236210 Industrial building (except warehouses) construction ; -NAICS 236220 Construction of Building (Commercial and Institutional) ; -NAICS 237110
Gunn Communications, Inc.		Theresa	Gunn	8629 W. Alex Ave.	Peoria	AZ	85382	8629 W. Alex Ave.	Peoria	AZ	85382	623-362-1597	623-362-1721	tgunn@gcaz.com	NMDOT	DBE	- Public relations consulting services
Guzman Construction Solutions, LLC		Rudy	Guzman	6020 Industry Way SE	Albuquerque	NM	87107	6020 Industry Way SE	Albuquerque	NM	87107	505-452-0663	505-452-0664	ed@guzmancs.com	NMDOT	DBE	NAICS 2361 Residential Building Construction ; NAICS 237310 Asphalt paving (i.e., highway, road, street, public sidewalk) ; NAICS 237310 Concrete paving (i.e., highway, road, street, public sidewalk) ; NAICS 237310 Highway construction ; NAICS 237310 Highway, Street, and Bridge Construction ; NAICS 484110 Container trucking services, local ;
H.O. Construction, Inc.		Horacio	Ortiz	4132 Sheldon St. S.W.	Albuquerque	NM	87105	4132 Sheldon St. S.W.	Albuquerque	NM	87105	505-873-0554			NMDOT	DBE	- NAICS 237310 Asphalt paving (i.e., highway, road, street, public sidewalk) ; - NAICS 237310 Concrete paving (i.e., highway, road, street, public sidewalk) ; - NAICS 238990 Curb and gutter construction, residential and commercial driveway and parking area, concrete ; - NAICS 238990 Sidewalk construction, residential and commercial ;
HAFCO SERVICES INC		Humberto	Friede	11411 BRISTLE OAK TRAIL	AUSTIN	TX	78750	11411 BRISTLE OAK TRAIL	AUSTIN	TX	78750	512-925-1193	512-996-0722	hafriede@yahoo.com	NMDOT	DBE	-Railway construction (e.g., interlocker, roadbed, signal, track) ; -Railroad equipment and supplies merchant wholesalers ; -Railroad ties, wood, merchant wholesalers ; Maintenance of rights-of-way and structures, railway
HASSE CONTRACTING CO., INC.		William S.	Hasse, Jr.	3327 Tower Rd. SW	Albuquerque	NM	87121	P. O. Box 26808	Albuquerque	NM	87125	505-242-9226	505-242-4188	lindag@hasseco.com	NMDOT	DBE	Highway, Street, and Bridge Construction
HERRERA TRUCKING		Richard	Herrera	P. O. Box 3232	Farmington	NM	87401	P. O. Box 3232	Farmington	NM	87499	505-632-2668	505-632-2668	herreratrucking@hotmail.com	NMDOT	DBE	Dump trucking (e.g., gravel, sand, top soil)
High Country Fencing		Julius & Mildred	Ferran	HCR 77 Box F-11	Ojo Caliente	NM	87549	HCR 77 Box F-11	Ojo Caliente	NM	87549	505-927-0085	505-747-8684	highcountryfencing@gmx.com	NMDOT	DBE	Fence installation (except electronic containment fencing for pets); (Construction)
High Desert Staffing, Inc.		Linda	Brown	2201 San Pedro NE, Bldg. 4, Ste. 100	Albuquerque	NM	87110	2201 San Pedro NE, Bldg. 4, Ste. 100	Albuquerque	NM	87110	505-881-3449	505-881-9089	linda@highdesertstaffing.com	NMDOT	DBE	-Employment placement agencies or services; (other)
Horizon Environmental Services, Inc.	Horizon Environmental Services	Julian	Campbell	3205 CR 510	Ignacio	CO	81137	P.O. Box 9057	Durango	CO	81302	970-884-2985		julianmc@horizonenvservices.com	NMDOT	DBE	- NAICS 541330 Erosion control engineering services ; - NAICS 561730 Hydroseeding services (e.g., decorative, erosion control purposes) ; - NAICS 926140 Weed control, agriculture, government ;
Hydra-Tech, Inc		Albert	Molinas	333 W. Drake Road, Suite 40	Fort Collins	CO	80526	333 W. Drake Road, Suite 40	Fort Collins	CO	80526	970-223-9864	970-223-8484	molinas@hydra-tech.com	NMDOT	DBE	NAICS 541330 Civil engineering services ; NAICS 541512 Computer software consulting services or consultants ; NAICS 541690 Hydrology consulting services ;
IDEALS, Inc.		Margaret Lin	Dubbin	644 Papen Memorial Plaza	Las Cruces	NM	88001	644 Papen Memorial Plaza	Las Cruces	NM	88001	575-532-9652	575-532-5045	lmcenre@civileng.pro	NMDOT	DBE	-Project Management ; -Engineering consulting services ; -Surveying and Mapping (except Geophysical) Services ; - Environmental consulting services ;
ina ba		Duane	Aspaas	4801 North Butler Ave., Suite 1101	Farmington	NM	87401	4801 North Butler Ave., Ste. 1101	Farmington	NM	87401	505-327-1072	505-327-1517	daspas@inaba.com	NMDOT	DBE	-Engineering services ; -Topographic surveying services ; -Environmental consulting services ; -Environmental remediation services ; (construction)
Inspections Plus, Inc.	Inspections Plus, Inc.	Rene	Hartman	2400 Bogie Road SE	Rio Rancho	NM	87124	3150 Carlisle Blvd. NE, Suite 112	Albuquerque	NM	87110	505-830-6081	505-830-6087	rene@inspectionsplusinc.com	NMDOT	DBE	NAICS 541620 - Environmental consulting services including SWPPP Management Services ; NAICS 541690 - Safety consulting services ; NAICS 541330-Erosion control engineering services; NAICS 561730 Hydroseeding services (e.g., decorative, erosion control purposes)
Inspections Plus, Inc.	Inspections Plus, Inc.	Rene	Hartman	4382 Alexander Blvd. NE	Albuquerque	NM	87107	3150 Carlisle Blvd. NE, Suite 112	Albuquerque	NM	87110	505-830-6081	505-830-6087	rene@inspectionsplusinc.com	NMDOT	DBE	NAICS 541620 - Environmental consulting services including SWPPP Management Services ; NAICS 541690 - Safety consulting services ; NAICS 541330-Erosion control engineering services
Integrated Control Systems, Inc.		Steven	Chavez	4020 Vasser Drive. NE, Ste. H	Albuquerque	NM	87107	4020 Vasser Drive. NE, Ste. H	Albuquerque	NM	87107	505-884-3503	505-883-0130	schavez@icscontrols.com	NMDOT	DBE	Plumbing, Heating, and Air-Conditioning Contractors
Interactive Elements, Inc		Susan	Gilbert	60 W. 55th Street	New York	NY	10165	60 East 42nd St.	New York	NY	10165	212-490-9090	212-490-9611	isrg@ietransit.com	NMDOT	DBE	NAICS 541614 - Transportation management consulting services ; NAICS 541820 - Public relations consulting services ; ;
Interstate Sealant & Concrete, Inc.		Cheryl	Sment	540 W24211 ROCKWOOD WAY	WAUKESHA	WI	53189	540 W24211 Rockwood Way	Waukesha	WI	53189	262-547-6316	262-547-6844	csment@interstatesealant.com	NMDOT	DBE	-Concrete Contractors ;-(Construction)
Iron Horse Architects, Inc.	Iron Horse Architect	Virginia	McAllister	1701 Wynkoop St, Suite 200	Denver	CO	80202	1701 Wynkoop St, Suite 200	Denver	CO	80202	720-855-7572	303-623-6602	virginia@ihama.com	NMDOT	DBE	NAICS 541310: Architectural (except landscape) services
J & M Trucking, LLC		Marsela	Olvera	165 Escondido St. Sp#2	Hatch	NM	87937	P.O. Box 1074	Hatch	NM	87937	575-650-4267	575-267-4632	jptrucking_llc@yahoo.com	NMDOT	DBE	-Dump trucking (e.g., gravel, sand, top soil) ; -Flatbed trucking, local
J & W Construction		Jim	Griego	361 South Roosevelt Rd R1/2	Portales	NM	88130	P. O. Box 781	Portales	NM	88130	575-760-6548	575-356-9816	lw@yucca.net	NMDOT	DBE	- NAICS 236115 Residential construction, single-family, general contractors ; -NAICS 236118 Construction management, residential remodeling ; -NAICS 23811 Poured Concrete Foundation and Structure Contractors ; -NAICS 238110 Concrete Contractors ; -NAICS 238140 Stucco contractors ; -NAICS 238160 Sheet metal roofing installation ; -NAICS 238910 Building demolition ;

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
J.F.Q. CONSTRUCTION INC.	J.F.Q. CONSTRUCTION INC.	JESUS F.	APODACA	501 MARTINEZ DR. N.E.	ALBUQUERQUE	NM	87102	PO Box 25624	Albuquerque	NM	87125	505-554-2092		vafajqinc@yahoo.com	NMDOT	DBE	- 237310 Concrete paving (i.e., highway, road, street, public sidewalk) ; - 238110 Concrete Contractors ; - 238990 Concrete paving, residential and commercial driveway and parking area; (construction)
J.G. Management Systems, Inc.		Jerome	Gonzales	336 Main Street, Suite 207	Grand Junction	CO	81501	336 Main Street, Suite 207	Grand Junction	CO	81501	970-254-1354	970-254-1356	jbrown@jgmsinc.com	NMDOT	DBE	NAICS 236220 Project Management ; NAICS 541330 Construction engineering services ; NAICS 541620 Environmental consulting services ;
J.R.'s Striping, Inc.		Jose	Lucero	1064 Iglesia Rd.	Anton Chico	NM	87711	P.O. Box 63	Anton Chico	NM	87711	505-427-4112	505-427-0370	j_r_striping@live.com	NMDOT	DBE	- Highway line painting (Striping) ; - Reflectored Pavement Markings ; - Grading, highway, road, street and airport runway ; - Sign erection, highway, roads street or bridge ; - Grading construction sites ; - Septic tank and weeping tile installation ; - Underground tank (except hazardous material) removal ; - Asphalt coating and sealing, residential and commercial parking lot and driveway ; - Dump trucking (e.g., gravel, sand, top soil); - (Construction)
JOHNNYBOARDS, LLC		Reuben	Garcia	832 Madison NE	Albuquerque	NM	87110	832 Madison NE	Albuquerque	NM	87110	505-254-1147	866-803-5098	ruben@johnnyboards.com	NMDOT	DBE	- NAICS 54181: Advertising Agencies; - NAICS 423220: Frames and pictures merchant wholesalers ; - NAICS 541430: Graphic design services ; - NAICS 541613: Marketing consulting services ; - NAICS 541830: Media buying services ; - NAICS 541840: Advertising media representatives (i.e., independent of media owners) ; - NAICS 541850: Display advertising services ; - NAICS 541850: Transit advertising services ; - NAICS 442299: Picture frame shops, custom
Jose Lucero Trucking		Jose	Lucero	89 W. Compress Road	Artesia	NM	88210	89 W. Compress Road	Artesia	NM	88210	505-746-7694	505-746-9094	blucero0@hotmail.com	NMDOT	DBE	Dump trucking (e.g., gravel, sand, top soil)
KFH Group, Inc.		Sue	Knapp	4920 Elm Street, Suite 350	Bethesda	MD	20814	4920 Elm Street, Suite 350	Bethesda	MD	20814	301-951-8660	301-951-0026	sknapp@kfhgroup.com	NMDOT	DBE	NAICS 541330 Engineering services; NAICS 541611 Administrative and General management Consulting Services; NAICS 541613 Marketing consulting services; NAICS 541614 Transportation management consulting services ;
Kimo Constructors, Inc.		Mathew	Lucero	3681 Highway 47	Bosque Farms	NM	87068	3681 Highway 47	Bosque Farms	NM	87068	505-869-9311	505-869-9312	mlucero@kimoconstructorsinc.com	NMDOT	DBE	Highway construction ; Excavation contractors; Site Preparation Contractors ; Landscaping Services
Kimo Constructors, Inc.		Mathew	Lucero	3681 Highway 47	Bosque Farms	NM	87068	3681 Highway 47	Bosque Farms	NM	87068	505-869-9311	505-869-9312	mlucero@kimoconstructorsinc.com	NMDOT	DBE	Highway construction ; Excavation contractors; Site Preparation Contractors ; Landscaping Services
KMI, INC		Clarence	Garcia	37 Meadowbrook Dr.	Pueblo	CO	81001	P.O. BOX 6216	Pueblo	CO	81001	484-808-1790	484-631-0843	garciaconst@verizon.net	NMDOT	DBE	Highway construction
La Cacerita Construction LLC		Otzwin	Villalobos	P.O. Box 756	Las Cruces	NM	88004	P.O. Box 756	Las Cruces	NM	88004	575-556-1075	575-556-8006	robby38@aol.com	NMDOT	DBE	Bridge Construction
La Villa del Rio Grande LLC		Kimberly	Sanchez	8712 Rio Grande NW	Albuquerque	NM	87114	8712 Rio Grande NW	Albuquerque	NM	87114	505-681-7962		kimsanchez@aol.com	NMDOT	DBE	- NAICS 451211: Book stores ; - NAICS 451212 News dealers ; - NAICS 451212 Newsstands (i.e., permanent)
LEONARD BARELA TRUCKING		Leonard	Barela	15 CR 5367 NBU 3022-A	Farmington	NM	87401	15 CR 5367 NBU 3022-A	Farmington	NM	87401	505-632-9304	505-632-9304	hildabarela5@gmail.com	NMDOT	DBE	Dump trucking (e.g., gravel, sand, top soil) ; - General Freight Trucking
Leslie Saunders Insurance Agency, Inc		Leslie	Saunders	1535 N. Dale Mabry Hwy, Suite 101	Lutz	FL	33548	1535 N. Dale Mabry Hwy, Ste 101	Lutz	FL	33548	813-949-8964	813-949-9655	lbe@lesliesaunders.com	NMDOT	DBE	-NAICS 524210, Agencies, insurance ; - Brokerages, insurance ; (other);
Lightcap Industries, Inc.	J C Supply & Manufacturing	Connie	Lightcap	1612 S. CUCAMONGA AVENUE,	ONTARIO	CA	91761	1612 Cucamonga Ave	Ontario	CA	91761	909-373-1773	909-373-1785	connie@jcsupply.us	NMDOT	DBE	NAICS 332312: Structural steel, fabricated, manufacturing ; NAICS 332999: All Other Miscellaneous Fabricated Metal Product Manufacturing
Lisa Cooley Associates, LLC		Lisa	Cooley	109 Calle Paula	Santa Fe	NM	87505	109 Calle Paula	Santa Fe	NM	87505	505-239-3446		lisacooleyassociates@gmail.com	NMDOT	DBE	NAICS 54161 Management Consulting Services - related to construction procurement and job order contracting
Loadstone Transportation, LLC		Ruthann	Clyons	PO Box 1265	Fair Acres	NM	88033	PO Box 1265	Fair Acres	NM	88033	575-541-9047		ruthann@loadstonetransportation.com	NMDOT	DBE	- NAICS 488510: Shipping agents (freight forwarding)
Longhouse Inventory Solutions		Jami	Jones	2301 E L Anderson Blvd.	Claremore	OK	74017	PO Box 1212	Claremore	OK	74018	918-342-3127	918-342-2423	jami@longhouseinventorysolutions.com	NMDOT	DBE	NAICS 423990 Other Miscellaneous Durable Goods Merchant Wholesalers
Lujan's Communications, Inc.		Mary Ann	Lujan	3632 Highway 47	Peralta	NM	87042	3632 Highway 47	Peralta	NM	87042	505-869-6056		lujanscom@qwestoffice.net	NMDOT	DBE	NAICS 237130 Cable laying (e.g., cable television, electricity, marine, telephone), including underground ; NAICS 237130 Fiber optic cable transmission line construction ;
MAC Construction Services, LLC		Lisa	Garcia Brassell	100 Richard Rd.	Corrales	NM	87048	100 Richard Rd.	Corrales	NM	87048	505-264-6014		lbrassell@gmail.com	NMDOT	DBE	NAICS 237130 Construction management, power and communication transmission line
Marquez Trucking - Exiquilo Marquez	Marquez Trucking	Exiquilo	Marquez	229 Mora Lane	Sunland Park	NM	88063	P.O. Box 4037	Sunland Park	NM	88063	575-589-7562	575-589-1571	marqueztrucking@yahoo.com	NMDOT	DBE	- NAICS 484220 Dump trucking (e.g., gravel, sand, top soil hauling);
MARRON & ASSOCIATES, INC.		Shelly	Herbst	7511 4th St., NW	Albuquerque	NM	87107	7511 4th St., NW	Albuquerque	NM	87107	505-898-8848	505-897-7847	shelly@marroninc.com	NMDOT	DBE	Commercial physical research/Engr. Consul
MARTICH PROFESSIONAL SERVICES, PLLC		Katrina M	Martich, PE	414 Executive Center Blvd, Suite 200-C	El Paso	TX	79902	414 Executive Center Blvd, Suite 200-C	El Paso	TX	79902	915-351-6970	915-532-7373	kmartich@martichps.com	NMDOT	DBE	Engineering consulting services ; Logistics management consulting services ; Environmental consulting services
Mary A. Lynch		Mary	Lynch	5719 Overridge Drive	Arlington	TX	76017	5719 Overridge Dr.	Arlington	TX	76011	817-478-3308		malynch316@aol.com	NMDOT	DBE	-NAICS 488190 Other Airport Operations ; - NAICS 488190 Other Support Activities for Air Transportation ; NAICS 541611 Administrative and General management Consulting Services ; -NAICS 541613 Marketing consulting services ; -NAICS 541618 Other Management Consulting Services

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
MEVACON, LLC		Amado	Rivas	1207 Scoggins Ave	Las Cruces	NM	88005	1207 Scoggins Ave	Las Cruces	NM	88005	575-642-2135	575-524-1094	mevacon3@gmail.com	NMDOT	DBE	- NAICS 236118 Remodeling and renovating operative builders ; - NAICS 236210 Construction management, industrial building (except warehouses) ; - NAICS 236220 Commercial building construction general contractors ; - NAICS 236220 Recreational facility building construction ; - NAICS 237310 Asphalt paving (i.e., highway, road, street, public sidewalk) ; - NAICS 237990 Drainage canal and ditch construction ; - NAICS 238910 Excavating, earthmoving, or land clearing contractors ; - NAICS 238910 Septic system contractors ; - NAICS 238990 Asphalt coating and sealing, residential and commercial parking lot and driveway ;
Michael Chavez Trucking		Michael Larry	Chavez	2200 S. Union	Roswell	NM	88203	2200 S. Union	Roswell	NM	88203	575-799-4542	575-623-0551	mchavtrucking@yahoo.com	NMDOT	DBE	- NAICS 484220 Dump trucking (e.g., gravel, sand, top soil) ; - NAICS 562119 Dump trucking of rubble or brush with collection or disposal ;
Michelle Robinson Design		Michelle	Robinson	PO Box 2234	Leander	TX	78641	PO Box 2234	Leander	TX	78641	267-767-9644	000-000-0000	mrobison.architect@verizon.net	NMDOT	DBE	NAICS 541310 Architectural (except landscape) consultants' offices ; NAICS 541340 Drafting services; NAICS 541410 Interior design consulting services ; NAICS 541611 General management consulting services ;
Mill City Environmental Corporation		Brian	Chapman	116 John Street, 4th Floor	Lowell	MA	1852	116 John Street, 4th Floor	Lowell	MA	1852	978-654-6741	978-452-0688	bchapman@millcityenv.com	NMDOT	DBE	NAICS 238910 Demolition contractor ; NAICS 541614 Transportation management consulting services ; NAICS 541620 Environmental consulting services ; NAICS 562910 Asbestos abatement services ; NAICS 562910 Environmental remediation services ; NAICS 562910 Toxic material removal contractors ;
Moles LLC		Mollie	Tolbert	4159 Musgrove Drive	Florence	AL	35630	4159 Musgrove Drive	Florence	AL	35630	256-710-5368	256-766-1882	moleallc@aol.com	NMDOT	DBE	NAICS 423320 Cement merchant wholesalers ; NAICS 423320 Concrete building products merchant wholesalers ; NAICS 423390 Other Construction Material Merchant Wholesalers ; NAICS 423510 Bars, metal (except precious), merchant wholesalers ; NAICS 423510 Wire (except insulated) merchant wholesalers ;
MONNREAL TRUCKING		Fernando	Monreal	195 Anapra Rd.	Sunland Park	NM	88063	P.O. BOX 2250	SUNLAND	NM	88063	915-820-1765	000-000-0000	monrealtrucking@dbcglobal.net	NMDOT	DBE	NAICS 484110 Trucking, general freight, local
Montenegro's Trucking		Salvador	Montenegro	3018 Aliso Dr., NE	Albuquerque	NM	87110	3018 Aliso Dr., NE	Albuquerque	NM	87110	505-881-6214	505-830-2295	saltrucking01@msn.com	NMDOT	DBE	NAICS 48411 General Freight Trucking, Local ; Trucking, hauling sand, gravel, hotmix
Montgomery Consulting Group, Inc.		Montgomery	Gethys	501 S. New York Ave., Ste. 210	Winter Park	FL	32789	501 S. New York Ave., Ste. 210	Winter Park	FL	32789	407-539-7030	407-539-7035	monty.gethys@mcgi-us.com	NMDOT	DBE	-NAICS 541613 Marketing consulting services ; -NAICS 541614 Process, Physical Distribution, and Logistics Consulting Services ; -NAICS 541618 Other Management Consulting Services ; -NAICS 541630 Environmental consulting services ; -NAICS 541690 Economic consulting services ; -NAICS 541690 Other Scientific and Technical Consulting Services
MWI Inc.		Andrew	Pedroncelli	2303 Phoenix Ave., NE	Albuquerque	NM	87107	PO Box 30670	Albuquerque	NM	87107	505-508-0744	505-717-2013	andrew@mwinc.net	NMDOT	DBE	NAICS 238210 Highway, street and bridge lighting and electrical signal installation ; NAICS 238210 Traffic signal installation ; NAICS 339950 Signs and signboards, Intelligent Transportation Systems, Digital Message Signs ;
Nevarez Trucking		Mario A.	Nevarez	908 S. Plains Park Dr.	Roswell	NM	88203	908 S. Plains Park Dr.	Roswell	NM	88203	575-627-6301		ilanita_n@hotmail.com	NMDOT	DBE	- NAICS 484220 Dump trucking (e.g., gravel, sand, top soil) ; - NAICS 484220 Gravel hauling, local ; - NAICS 562119 Dump trucking of rubble or brush with collection or disposal ;
NORTH SOUND CONSULTING, INC.		JoAnn	English	P.O. Box 94027	Albuquerque	NM	87199	P.O. Box 94027	ALBUQUERQUE	NM	87199	505-867-3432	303-328-2933	english@northsoundconsulting.com	NMDOT	DBE	-Engineering Services
North/Western Electrical Corporation of Colorado		Enrique I.	Vera	10825 Irma Dr	Northglenn	CO	80233	PO Box 33875	Northglenn	CO	80233	303-452-8576	303-452-0255	rlynn@northwesternelec.com	NMDOT	DBE	- NAICS 238210. Electrical contractors
One Source Freight LLC		Valorie	Martin	2410 W 14th St	Tempe	AZ	85281	2410 W 14th St	Tempe	AZ	85281	480-946-6932	480-946-9525	val@onesrc.com	NMDOT	DBE	-Trucking, general freight, local ; - Shipping agents (freight forwarding)
Ordonez and Vogelsang, LLC		Beth	Ordonez	1701 Wynkoop St, Suite 127	Denver	CO	80202	147 S. Lookout Mountain Road	Golden	CO	80401	303-589-5651	720-554-7630	beth@ovllc.com	NMDOT	DBE	- NAICS 541614 Transportation management consulting services
P & M Signs, Inc.		Phill T.	Archuleta	P.O. Box 567	Mountainair	NM	87036	P.O. Box 567	Mountainair	NM	87036	505-847-2850	505-847-0007	info@pmsignsinc.com	NMDOT	DBE	-Sign erection, highway, roads street or bridge; -(Construction)
Pate Construction Company, Inc.		Theresa	Pate	87 N. Mission Drive	Pueblo West	CO	81007	87 N. Mission Drive	Pueblo West	CO	81007	719-647-0463	719-647-0116	blue@pateconstruction.net	NMDOT	DBE	-Construction sand and gravel beneficiating (e.g., grinding, screening, washing); -Utility line (i.e., sewer, water), construction ; - Culverts, bridge, highway, road and street construction; -Riprap installation ; - Concrete Contractors
Pavement Solutions, Inc.		Aaron	Ruiz	P.O. Box 1790	Queen Creek	AZ	85142	P.O. Box 1790	Queen Creek	AZ	85142	480-254-2091	480-840-3317	timpavesol@gmail.com	NMDOT	DBE	NAICS 237310 Highway bump grinding and profiling
PCG Utility Consultants, Inc.		Mary Ann	Watson	9952 Dolores St., Suite B	Spring Valley	CA	91977	9865 Mozelte Ln.	La Mesa	CA	91941	619-660-1355	619-660-1372	maw@proconggp.com	NMDOT	DBE	- NAICS 541618 Utilities management consulting services
PEACHTREE TELECOMMUNICATIONS INTERNATIONAL, LLC		Sandra Kay	Stewart	11465 JOHNS CREEK PKY STE 350	Johns Creek	GA	30097	11465 Johns Creek Parkway, Ste. 350	Duluth	GA	30097	770-242-1970	770-242-0818	corp@peachtreetelecom.com	NMDOT	DBE	-Wired Telecommunications Carriers ; - Wireless telephone communications carriers (except satellite); -Telecommunications Resellers; -Telecommunications management consulting services;

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
Perrin Enterprises		All	Perrin	4302 Sugar Stone Ln. Ste. 114	Charlotte	NC	28269	4302 Sugar Stone Ln. Ste. 114	Charlotte	NC	28269	410-845-8740		perrinempkellc@yahoo.com	NMDOT	DBE	- NAICS 237310 Concrete paving (i.e., highway, road, street, public sidewalk) ; - NAICS 238110 Concrete finishing ; - NAICS 238990 Concrete paving, residential and commercial driveway and parking area
Pettigrew & Associates, P.A.		Debra P	Hicks	100 E. Navajo Dr., Ste 100	Hobbs	NM	88240	100 E. Navajo Dr., Ste 100	Hobbs	NM	88240	575-393-9827	575-393-1543	dhicks@pettigrew.us	NMDOT	DBE	- Engineering Services ; - Topographic surveying services ; - Testing Laboratories ; - Environmental consulting services ;
Pinnacle Consulting Management Group		Lisa	Harrison	5534 N. Western	Oklahoma City	OK	73118	1141 N. Robinson	Oklahoma City	OK	73103	405-879-0600	405-604-4627	lharrison@pinnaclegroup.biz	NMDOT	DBE	Administrative and General management Consulting Services
Point Engineers LLC		Paul	Waung	7600 N. 16th St. Ste. 202	Phoenix	AZ	85020	7600 N. 16th St. Ste. 202	Phoenix	AZ	85020	602-320-7148	602-314-7535	pwaung@pointengineers.com	NMDOT	DBE	NAICS 541330 Engineering services ; NAICS 541614 Transportation management consulting services ;
POST TENSIONING REINFORCING SERVICES		Edward	Aragon	8612 Paseo Alameda NE	Albuquerque	NM	87113	8612 Paseo Alameda , Unit D	Albuquerque	NM	87113	505-821-2556	505-821-2291	prseddyaragon@msn.com	NMDOT	DBE	-NAICS 238120: Structural steel contractors ; - (Construction)
Precision Compliance, Inc.		Beverly	Krieger	1220 Ravenwood Rd	Boulder	CO	80303	1220 Ravenwood Rd	Boulder	CO	80303	303-499-1473		bkrieger@precisioncompliance.com	NMDOT	DBE	- NAICS 541614: Transportation management consulting services
Prodigy Builders Inc.	Prodigy Builders	Robert M.	Padilla	4829 GTO Dr. S.W.	Albuquerque	NM	87109	4829 GTO Dr. S.W.	Albuquerque	NM	87109	505-452-9474		prodigybuilders@gmail.com	NMDOT	DBE	- NAICS 23611 Residential Building Construction ; - NAICS 236220 Commercial building construction general contractors ; - NAICS 23891 Site Preparation Contractors ; - NAICS 238910 Site Preparation Contractors ; - NAICS 541350 Building inspection services ;
Quality Testing, LLC		John	Patterson	175 S. Hamilton Place, Bld 6, Ste. 114	Gilbert	AZ	85233	P.O. Box 37965	Phoenix	AZ	85069	480-496-2000	480-496-2001	patterson@qt-az.com	NMDOT	DBE	NAICS 237310 Construction management, highway, road, street and bridge
R & J Coons Trucking, LLC		Janet	Coons	110 Harris Ln.	Ruidoso Downs	NM	88346	P.O. Box 98	Ruidoso Downs	NM	88346	505-362-4500	575-378-5335	rjcoonstrucking@aol.com	NMDOT	DBE	-Dump trucking (e.g., gravel, sand, top soil) ; - Flatbed trucking, local ;
R. CASIAS TRUCKING		Richard	Casias	8015 Emerald Dr. NW	Albuquerque	NM	87120	P.O. BOX 66165	ALBUQUERQUE	NM	87193	505-991-2000		rcasias@yahoo.com	NMDOT	DBE	- NAICS 484220 Dump trucking (e.g., gravel, sand, top soil) ; - NAICS 484220 Gravel hauling, local ; - Sand hauling, local ; [trucking]
R2 CONTRACTORS SPECIALTY, INC.		Ralph	Gonzales	P. O. Box 16015	Las Cruces	NM	88004	P. O. Box 16015	Las Cruces	NM	88004	575-523-4052	575-523-9884	r2csi@zianet.com	NMDOT	DBE	-Highway line painting [striping] ; -Sign Manufacturing ; - Industrial safety devices (e.g., eye shields, face shields, first-aid kits) merchant wholesalers ; -Flagging (i.e., traffic control) services ; - (Construction) ;
RAMIREZ & SONS, INC.		Alonzo	Ramirez	3404 N. Enterprise Drive	Hobbs	NM	88240	3404 N. Enterprise Dr.	Hobbs	NM	88240	575-492-0480	575-492-0479	donna@ramirezandsonsinc.com	NMDOT	DBE	Highway construction ; General freight trucking, local
Richard Rivera	R.R. Trucking	Richard	Rivera	297 Harris Rd.	Las Vegas	NM	87701	297 Harris Rd.	Las Vegas	NM	87701	505-426-0581	505-426-0581	royote5@q.com	NMDOT	DBE	- NAICS 562119 Dump trucking of rubble or brush with collection or disposal ; - NAICS 484220 Dump trucking (e.g., gravel, sand, top soil) ; - NAICS 484220 Flatbed trucking, local
RKM Construction Co., Inc		Richard	Montoya	6901 W. 117TH AVE., SUITE 14	BROOMFIELD	CO	80020	6901 W 117th Ave, #14	Broomfield	CO	80020	303-410-0588	303-410-0589	richard@rkm-construction.com	NMDOT	DBE	NAICS 237310 Painting lines on highways, streets and bridges
RL Controls, LLC		Lena	Walsh	10V Gill Street	WOBURN	MA	1801	10V Gill Street	WOBURN	MA	1801	781-932-3349	781-932-3359	lena@rlcontrols.com	NMDOT	DBE	NAICS 238210 Electrical contractors ; NAICS 425120 Wholesale Trade Agents and Brokers ; NAICS 488210 Support Activities for Rail Transportation ; NAICS 541380 Testing laboratories (except medical, veterinary) ; NAICS 541614 Process, Physical Distribution, and Logistics Consulting Services ; NAICS 811213 Communication equipment repair and maintenance services ;
Rocky Mountain Reinforcement, Inc.		James	Martinez	4632 S. Pagosa Circle	Aurora	CO	80015	4632 S. Pagosa Circle	Aurora	CO	80015	303-770-5911	303-770-5912	martinez@rmreinforcement.com	NMDOT	DBE	-Retaining walls, anchored (e.g., with piles, soil nails, tieback anchors), construction ; - Structural Steel and Precast Concrete Contractors ; -Rebar contractor/supplier ; -Pile driving, building foundation ;
ROYBAL ENTERPRISES GENERAL CONTRACTORS		L.Manuel	Roybal	11 West Gutierrez, PO Box 3559 Pojoaque	Santa Fe	NM	87506	11 West Gutierrez, Box 3559 Pojoaque	Santa Fe	NM	87506	505-455-7746	505-455-0013	roybalconstruction@aol.com	NMDOT	DBE	- NAICS 237310 Curbs and street gutters, highway, road and street, construction ; - NAICS 238110 Concrete Contractors ; - NAICS 238990 Carb and gutter construction, residential and commercial driveway and parking area, concrete
Russell Sand & Gravel Co., Inc.		Russell	Casados	P.O. Box 296	Los Ojos	NM	87551	P.O. Box 296	Los Ojos	NM	87551	575-588-7933	575-588-9225	rsgravel@hotmail.com	NMDOT	DBE	NAICS 212321 Sand and gravel quarrying (i.e., construction grade) and/or beneficiating ; NAICS 212399 Asphalt rock mining and/or beneficiating ; NAICS 237310 Asphalt paving (i.e., highway, road, street, public sidewalk) ; NAICS 237310 Concrete paving (i.e., highway, road, street, public sidewalk) ; NAICS 237310 Highway, Street, and Bridge Construction ; NAICS 238110 Concrete Contractors ; NAICS 238910 Excavating, earthmoving or land clearing, mining (except overburden removal at open pit mine sites or quarries) ; NAICS 238910 Excavation contractors ; NAICS 238990 Concrete paving, residential and commercial driveway and parking area ; NAICS 327320 Central-mixed concrete manufacturing ; NAICS 331313 Rock crushing machinery, stationary, manufacturing ; NAICS 484220 Dump trucking (e.g., gravel, sand, top soil) ;
S & L INDUSTRIAL		David	Rael	P.O. Box 128	Cowley	WY	82420	675 Road 7 1/2, P.O. Box 126	Cowley	WY	82420	307-548-2242	307-548-2678	jennierael@sandlindustrial.com	NMDOT	DBE	NAICS 237310 Road construction ; NAICS 23832 Painting and Wall Covering Contractors ; NAICS 238990 Special Trade Contractors ;

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
Saigan Construction, Inc.		Timothy	Fogarty	3949 Corrales Road Ste 160	Corrales	NM	87048	PO Box 2210	Corrales	NM	87048	505-792-2918		tim@saiganconstruction.com	NMDOT	DBE	NAICS 221310 Water supply systems ; NAICS 221320 Sewage treatment plants or facilities ; NAICS 236210 Industrial building (except warehouses) construction ; NAICS 236220 Commercial building construction general contractors ; NAICS 237110 Water and Sewer Line and Construction ; NAICS 237990 Other Heavy and Civil Engineering Construction ; NAICS 238110 Poured Concrete Foundation and Structure Contractors ; NAICS 238120 Structural steel contractors ; NAICS 238190 Other Foundation, Structure, and Building Exterior Contractors ; ; ;
San Bar Construction Corp		David A	Sanchez	9101 Broadway SE	Albuquerque	NM	87105	9101 Broadway SE	Albuquerque	NM	87105	505-452-8000	505-452-8800	bob@sanbarcc.com	NMDOT	DBE	-Highway line painting (striping) ; - Sign erection, highway, roads street or bridge ; - Guardrails, highway, sheet metal (except stampings), manufacturing ; -(Construction)
San Engineering, LLC		Eduardo	San	6099 S. Windemere St	Littleton	CO	80120	6099 S. Windemere St	Littleton	CO	80120	303-503-2593	303-953-9016	eduardo@saniengineeringllc.com	NMDOT	DBE	- NAICS 237310 Construction management, highway, road, street and bridge ; - NAICS 541330 Civil engineering services ; - NAICS 541340 Drafting services ; - NAICS 54135 Building Inspection Services ; - NAICS 541611 Site selection consulting services ; - NAICS 541614 Transportation management consulting services
Sandia Land Surveying, LLC		Christina	Medina	15 Casa Terreros	Placitas	NM	87043	15 Casa Terreros	Placitas	NM	87043	505-867-1241	505-867-1405	sandialand@comcast.net	NMDOT	DBE	NAICS 541370 - Land surveying services
Santiago Romero Jr. and Associates, Inc.		Santiago	Romero Jr	8708 Brandywine Rd., NE	Albuquerque	NM	87111	8708 Brandywine Rd., NE	Albuquerque	NM	87111	505-884-5119	505-884-5119	sromero01@qwestoffice.net	NMDOT	DBE	-NAICS 54133 Engineering Services ; NAICS 54137 Surveying and Mapping (except Geophysical) Services ;
Scooter's Trucking		Cathy	Bryant	1625 Muscatel	Carlsbad	NM	88220	1625 Muscatel	Carlsbad	NM	88220	575-703-5453		scooterstrucking@hotmail.com	NMDOT	DBE	-NAICS 484110: General Freight trucking, local ; -NAICS 484121: General freight trucking, long-distance, truckload (TL) ; - NAICS 484220: Dry bulk trucking (except garbage collection, garbage hauling), local
Sealant Specialists, Inc.		Spencer	Mello	7933 A Edith N E	Albuquerque	NM	87113	7933 A Edith N E	Albuquerque	NM	87113	505-848-8045	505-341-1630	sealantspecialists@comcast.net	NMDOT	DBE	NAICS 238190 - Fireproofing building; NAICS 238310 - Insulation contractor ; NAICS 238390 - Caulking (i.e., waterproofing) contractors ; NAICS 238390 - Waterproofing contractor ; (construction);
Sentinel Fence Company, LLC		Sharon	Hamilton	6325 E. Alta Hacienda	Scottsdale	AZ	85251	6325 E. Alta Hacienda	Scottsdale	AZ	85251	602-327-0566	480-961-7723	sharonh@sentinelfence.com	NMDOT	DBE	- NAICS 238990- Fence installation
Sequola Landscaping, Inc.		Luis	Gonzales	810 Rankin Road NE	Albuquerque	NM	87107	810 Rankin Road	Albuquerque	NM	87107	505-977-2767	505-715-4703	sequolaland@msn.com	NMDOT	DBE	NAICS 561730 - Landscaping services (except planning/Hydroseeding services (e.g., decorative, erosion control purposes); NAICS 238110 - Poured Concrete Foundation and Structure Contractors
SERAFINA TECHNICAL CONSULTING LLC		Brinda	Ramanathan	41 Rodeo Drive	Serafina	NM	87569	PO BOX 77	SERAFINA	NM	87569	575-421-0124	575-421-1234	brinda@serafinatechnical.com	NMDOT	DBE	Traffic engineering consulting services; Site location consulting services; Transportation management consulting services ; Environmental consulting services ;
Serrano's Inc.		Antonio	Serrano	P.O. Box 2423	Bloomfield	NM	87413	P.O. Box 2423	Bloomfield	NM	87413	505-632-9494		gserrano@serranosinc.com	NMDOT	DBE	NAICS 237310 Highway construction ; NAICS 484220 Bulk liquids trucking, local ; NAICS 484220 Trucking, dump truck or specialized freight (except used goods) ; NAICS 562991 Portable toilet renting and/or servicing ; NAICS 562991 Pumping (i.e., cleaning) portable toilets ; NAICS 562991 Septic tank pumping (i.e., cleaning) services ;
Sharon Greene & Associates		Sharon	Greene	1100 South Coast Highway, Suite 318	Laguna Beach	CA	92651	1100 South Coast Highway, Suite 318	Laguna Beach	CA	92651	949-715-0205	949-715-0204	lcmhugh@sharongreene.org	NMDOT	DBE	-NAICS 541611 ; Business management consulting services
Signal Core		Pamela	Keys	850 Crescent Dr.	Bosque Farms	NM	87068	850 Crescent Dr.	Bosque Farms	NM	87068	505-450-7938		pkkeys@comcast.net	NMDOT	DBE	NAICS 238210 Electrical contractors ;
Site-Con LLC		Estevan	Pino	6310 Desert Rd	Albuquerque	NM	87105	6310 Desert Rd	Albuquerque	NM	87105	505-321-4001	505-452-9698	mpino@siteconllc.com	NMDOT	DBE	- NAICS 237310 Concrete paving (i.e., highway, road, street, public sidewalk) ; Concrete finishing ; Concrete floor surfacing ; Concrete pouring ; Concrete repair ; Concrete resurfacing ; Retaining wall (except anchored earth), poured concrete, construction ; - NAICS 238120 Curtain wall, precast concrete, installation ; Precast concrete panel, slab, or form installation ; - NAICS 238910 Dirt moving for construction ; Site Preparation Contractors (Wrecking, Demolition, and Excavation) ;
SLICK-VIC TRUCKING		Victor	Baca	822 Turkey Canyon Lane	Ruidoso Downs	NM	88346	P.O. Box 2005	Ruidoso Downs	NM	88346	575-808-2804		sllickvictrucking374@yahoo.com	NMDOT	DBE	- NAICS 484220 Dump trucking (e.g., gravel, sand, top soil hauling)
Solid Network Solutions, LLC		Maria	Curcio	326 Brandon Blvd.	Freehold	NJ	7728	326 Brandon Blvd.	Freehold	NJ	7728	732-863-7080	732-863-6614	certs@solidnetsol.com	NMDOT	DBE	-Building materials supply dealers ; -Systems integration design services, computer ; - Security consulting services ;
Somers-Jaramillo & Associates, Inc.		Suzanne	Somers	2159 South 700 East, Ste 210	Salt Lake City	UT	84106	2159 South 700 East, Ste 210	Salt Lake City	UT	84106	801-530-0933	801-583-0623	leah@somers-jaramillo.com	NMDOT	DBE	NAICS 541820 Public relations consulting services
STRIDE, INC.		Barbara	Brennan	1021 Carlisle Blvd., SE	Albuquerque	NM	87106	1021 Carlisle Blvd., SE	Albuquerque	NM	87106	505-232-3201	505-232-3201	berry@stridewrite.com	NMDOT	DBE	- NAICS 323118 Looseleaf binders and devices manufacturing ; - NAICS 325998 Inks, writing, manufacturing ; - NAICS 424120 Binders, looseleaf, merchant wholesalers ; - NAICS 424120 Pens, writing, merchant wholesalers ;
Strike Group, LLC		Lane	Coleman	18800 Fairway Dr.	Detroit	MI	48221	18800 Fairway Dr., P.O. Box 21954	Detroit	MI	48221	313-586-0003	313-586-0003	lane@strikegroup.org	NMDOT	DBE	NAICS 423610 - Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
Sun City Builders, Inc.		Claude	Sapien	1101 Medpark Drive	Las Cruces	NM	88005	1101 Medpark Dr.	Las Cruces	NM	88005	575-541-8125	575-526-3730	suncitybdgs@comcast.net	NMDOT	DBE	-Construction Buildings; -Electrical Contractors; -Highway, street and bridge lighting and electrical signal installation
Terra Land Surveys, LLC		Christopher	Medina	PO Box 2532	Corrales	NM	87048	PO Box 2532	Corrales	NM	87048	505-792-0513	505-792-5233	terrasurveys@comcast.net	NMDOT	DBE	NAICS 541370 Land surveying services
Terrazzo USA, LLC		Sherry	Hill	426 S. McCloud Rd	McCloud	OK	74851	404 E. Franklin St	Shawnee	OK	74804	405-275-7591	405-273-9821	sherry@terrazzousa.com	NMDOT	DBE	NAICS 238340 Terrazzo contractors (installation)
The Genesis Consulting Group, LLC	N/A	Mary	Ortega- Itzell	5104 North 33rd Street	Phoenix	AZ	85018	5104 North 33rd Street	Phoenix	AZ	85018	210-488-1019	602-287-9290	mary@genesis-avlation.com	NMDOT	DBE	- NAICS 541611: Administrative and General management Consulting Services ; - NAICS 541613: Marketing consulting services
THE TRANSTEC GROUP, INC.		Dan	Rozycki	6111 Balcones Dr	AUSTIN	TX	78731	6111 Balcones Dr	AUSTIN	TX	78731	512-451-6233	512-451-6234	dan@thetranstecgroup.com	NMDOT	DBE	NAICS 541330 Engineering consulting services ; NAICS 541334 Engineering design services ; NAICS 541614 Transportation management consulting services ;
Theresa M. Cross, PhD & Associates		Theresa	Cross	8008 Loma Larga	Corrales	NM	87048	8008 Loma Larga	Corrales	NM	87048	505-508-3656		msbit@comcast.net	NMDOT	DBE	NAICS 611430: Professional development training ; NAICS 541611: General management consulting services
Tis Ya To'Y, Inc.		Lavina	Lamone	PO Box 360	La Plata	NM	87418	PO Box 360	La Plata, NM	NM	87418	505-793-4994	888-854-8356	lavina.lamone@tisiyahot.com	NMDOT	DBE	Environmental engineering services ; Environmental testing laboratories or services ; Environmental consulting services ; Asbestos removal contractors ; Environmental remediation services ;
Tofu Corporation	Teriyaki Bowl	Frank	Yu	1847 Cerrillos Road	Santa Fe	NM	87505	1847 Cerrillos Road, 2320 Camino Del Prado	Santa Fe	NM	87505	505-988-4646	505-988-4646	frankyu@aol.com	NMDOT	DBE	-Limited-Service Eating Places; (other)
Tom Sawyer Production, Inc.	Tom Sawyer Company	Carolyn	Sawyer	12551 CAPITAL STATION PMB12551	COLUMBIA	SC	29210	P. O. Box 12551	Columbia	SC	29211	803-252-8773	803-252-9760	carolyn@tomsawyercompany.com	NMDOT	DBE	- NAICS 512110 Video production ; - NAICS 541613 Marketing consulting services ; - NAICS 56142 Telephone Call Centers ;
Transcend Spatial Solutions, LLC	Transcend Spatial Solutions	Connie	Gurchiek	8205 Santa Rosa Court	Sarasota	FL	34243	8205 Santa Rosa Court	Sarasota	FL	34243	941-359-9697	941-359-9787	cgurchiek@tsagsi.com	NMDOT	DBE	- NAICS 541370: Geographic information system (GIS) base mapping services
Triman Construction Industries, Inc.		Tim	Riley	119 Entrada Aragon	Los Lunas	NM	87031	101 S. Main Street - Ste. 304	Belen	NM	87002	505-966-0104	505-966-0309	triley@ticonstruction.net	NMDOT	DBE	NAICS 237110 - Utility line (i.e., sewer, water), construction; NAICS 237310 - Concrete paving (i.e., highway, road, street, public sidewalks)
Triste's Trucking		Jose	Triste	3715 Carriage Hills Road	Garfield	NM	87936	PO Box 338	Hatch	NM	87937	575-621-8506		tristetrucking@yahoo.com	NMDOT	DBE	NAICS 484110 General freight trucking, local; NAICS 484220 Dump trucking (e.g., gravel, sand, top soil) ; NAICS 484220 Flatbed trucking, local
Tyler Communication & Associates, LLC		Tony	Tyler	PO BOX 14366	ATLANTA	GA	30324	PO Box 14366	Atlanta	GA	30324	404-923-0038		tony.tyler@tylercommunication.com	NMDOT	DBE	NAICS 611430 Training Professional and Management Development ; NAICS 611691 Exam preparation services ; NAICS 611710 Educational support services ;
Urban Trucking & Excavating, LLC		Martin	Urban	40 Los Arribenos	Pena Blanca	NM	87041	P.O. Box 1360	Pena Blanca	NM	87041	505-465-2837	505-465-0349	surban@hughes.net	NMDOT	DBE	-Site Preparation Contractors (Wrecking, Demolition, and Excavation) ; -Dump trucking (e.g., gravel, sand, top soil) ; -Dump trucking of rubble or brush with collection or disposal ;
V Technologies		Vicky	Dohrer	133 Atwell Drive	Statesville	NC	28615	133 Atwell Drive	Statesville	NC	28615	704-528-0620	704-528-0620	wicky_dohrer@yahoo.com	NMDOT	DBE	NAICS 238210 Surveillance system installation; Service Contracts
Valley Fence Company	Apache Construction Co, Inc.	Paul	Chavez	1932 Coors Blvd. SW	Albuquerque	NM	87121	P.O. Box 12312	Albuquerque	NM	87195	505-877-1155	505-877-5301	pchavez@valleyfencecompany.com	NMDOT	DBE	-NAICS 237310 Culverts, highway, road and street, construction ; -Curbs and street gutters, highway, road and street, construction ; -Guardrail construction ; -NAICS 238990 Fencing contractors
VIGIL ENTERPRISES, INC.		Denise	Vigil	24226 Briones Dr.	Laguna Niguel	CA	92677	460 St. Michaels Dr., Suite 504	Santa Fe	NM	87505	505-455-1211	505-455-1311	dvigil@vigilenterprises.com	NMDOT	DBE	Management Consulting Services ; - Secretarial services ; -Court reporting services ;
Villalobos Construction Co., Inc.		Nick	Villalobos	P. O. Box 6188	Las Cruces	NM	88006	P. O. Box 6188	Las Cruces	NM	88006	575-532-8041	575-532-8041	nickvillalobos@msn.com	NMDOT	DBE	NAICS 23731 Highway, Street, and Bridge Construction (Remove)
Virginkar & Associates, Inc.		Arun	Virginkar	3350 E. Birch Street, Suite 101	Brea	CA	92821	3350 E. Birch Street, Suite 101	Brea	CA	92821	714-993-1000	714-962-1061	virginkar.arun@va-inc.com	NMDOT	DBE	-Administrative and General management Consulting Services ; -General management consulting services ; -Transportation management consulting services ;
VIS-COM, INC.		Ronald O	Lucero	101 Menaui NE	Albuquerque	NM	87107	101 Menaui NE	Albuquerque	NM	87107	505-345-6426	505-344-1699	rlucero@viscommn.com	NMDOT	DBE	-Utility line (i.e., sewer, water), construction ; -Telephone line construction ; -Heavy Construction(non-building Project) ; -Electrical work ; -Site Preparation Contractors (Wrecking ; Demolition, and Excavation)
Wayne and Sons Enterprises, Inc.		Richard	Wayne, Jr.	10515 E 40th Ave, Suite 103	Denver	CO	80239	10515 E 40th Ave, Suite 103	Denver	CO	80239	303-375-8000	303-375-9215	rwe@wayneenterprises.com	NMDOT	DBE	- NAICS 561612 Security guard services ; - NAICS 561720 Janitorial services
Zaxon, Inc.		Sam	Tengra	3132 SE Loop 820	Fort Worth	TX	76140	3132 SE Loop 820	Fort Worth	TX	76140	817-551-7772	817-551-7752	tengras@zaxonusa.com	NMDOT	DBE	-Construction management, highway, road, street and bridge ; -General management consulting services

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification Type	Capability
Zohnnie Construction Industries, Inc.	ZCI	Harrietta	Zohnnie	PO Box 748	Farmington	NM	87401	PO Box 748	Farmington	NM	87401	505-860-0077	505-326-9177	zohngiri@aol.com	NMDOT	DBE	NAICS 236115 Construction management, single-family building ; NAICS 236116 Low income housing, multifamily, construction general contractors ; NAICS 236118 Construction management, residential remodeling ; NAICS 236210 Addition, alteration and renovation, general contractors, industrial building (except warehouses) ; NAICS 236220 Addition, alteration and renovation general contractors, commercial and institutional building ; NAICS 238110 Concrete Contractors ; NAICS 238130 Framing contractors ; NAICS 238140 Masonry and Stone Contractors ; NAICS 238150 Glass and Glazing Contractors ; NAICS 238160 Roofing contractors ; NAICS 238170 Flashing contractors ; NAICS 238170 Siding contractors ; NAICS 238320 Drywall contractors ; NAICS 238320 Painting and wallpapering ; NAICS 238330 Floor Laying and Other Floor Contractors ; NAICS 238210 Electrical work ; NAICS 238990 Fencing contractors (except electronic containment fencing for pets)
ZTEX CONSTRUCTION, INC.		Ruben P	Apodaca	2150 TRAWOOD DRIVE STE # A-270	EL PASO	TX	79935	2150 TRAWOOD DRIVE STE # A270	EL PASO	TX	79935	915-591-6900	915-591-6911	ztxepo@gmail.com	NMDOT	DBE	NAICS 221310 Irrigation system operation ; NAICS 221310 Water supply systems ; NAICS 237110 Water and Sewer Line and Construction ; NAICS 238110 Poured Concrete Foundation and Structure Contractors ; NAICS 238910 Site Preparation Contractors ; NAICS 324121 Asphalt Paving Mixture and Blocking Manufacturing ;

Generated from the B2Gnow System.

Attachment 3**Monitoring and Enforcement Mechanisms**

ABQ Ride has available several remedies to enforce the DBE requirements contained in its procurement solicitations and contracts, including, but not limited to, the following:

1. Procurement Solicitations shall include the required DBE clauses and certifications and if the response does not contain certification of DBE Requirements, the proposal will be deemed non-responsive.
2. Once a contract is issued, if the contractor does breach the contract based upon DBE Requirements, ABQ Ride may terminate the agreement pursuant to the terms of the contract.

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

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

Attachment 4

City of Albuquerque Transit Department Disadvantaged Business Enterprise Goal FY 2017 through FY 2019

The City of Albuquerque - Transit Department (ABQ RIDE) has prepared the following Disadvantaged Business Enterprise (DBE) program goals for contracting opportunities in Federal Fiscal Years 2017 through 2019. The amount of the Annual Anticipated Disadvantaged Business Enterprise Participation Level (AADPL) and methodology are presented herein in accordance with Title 49 of the Code of Federal Regulations, Part 26. ABQ RIDE has established an AADPL goal of 3.4% for the Federal Fiscal Years 2017 through 2019 beginning October 1, 2016 and ending on September 30, 2019.

Market Area

After examining relevant available data, ABQ RIDE identified its DBE local market area based upon the following factors:

- the area where the substantial majority of the contractors and subcontractors with which ABQ RIDE does business are located and
- the area in which ABQ RIDE spends its contracting dollars.

Based on these criteria, ABQ RIDE's market area is considered to be:

- Bernalillo County
- Sandoval County
- Tarrant County
- Valencia County
- Santa Fe County
- Dona Ana County

Method for Determining Base DBE Availability Figure

ABQ RIDE has used the "Use of DBE Directories and Census Bureau Data" method for calculating the FY2017-2019 goal.

The New Mexico Unified Certification Program (UCP) is the official statewide database of firms certified as DBE's in New Mexico. The UCP provides the information necessary to determine the number of ready, willing, and able DBE firms that could potentially participate in upcoming contract opportunities. The U.S. Department of Commerce, Bureau of the Census, 2014 County Business Patterns (released April 21, 2016) provides data necessary to determine the total number of all firms (DBE's and non-DBE's) ready, willing and able to bid on contracts.

A. Establishment of FY2017-2019 DBE Goal Methodology

1. Projected Contracting Opportunities, DBE Directory, and Census Bureau Data

ABQ RIDE forecasted the FTA-funded projects anticipated to have contracting opportunities over the next three fiscal years. For each project, ABQ RIDE estimated the amount of FTA funding to be used and the primary work type involved. This

forecast provided the basis for the weight of each project in the overall goal and the work involved in the project by NAICS code. ABQ RIDE used existing available grant funding as well as funding planned in the regional Transportation Improvement Program to forecast the projects that are likely to have contracting opportunities in the FY2017-2019 goal period.

To determine the number of DBE firms, ABQ RIDE reviewed the New Mexico UCP database for currently certified DBE firms by NAICS code expertise. The number of firms was narrowed to include firms that are located within the market area in the relevant NAICS codes to determine the Step 1 Base Figure for DBE availability.

To determine the number of all firms (DBE's and non-DBE's) in the market area that are ready, willing and able to bid on the Transit projects, ABQ RIDE reviewed the Census Bureau's 2014 County Business Patterns (released April 21, 2016). These data sets, for the relevant market area and NAICS codes, were utilized because they closely match the location of the firms that have previously conducted business for ABQ RIDE.

2. Step 1: Base Figure

The table on the following page shows the calculation of the 3.4% goal for the three-year period. The method used to calculate the relative availability of DBEs for Step 1 is in accordance with 49 CFR 26.45(c)(1).

3. Step 2 - Base Figure Adjustments

Step 2 of the goal determination is to examine all evidence in the market area to determine what adjustment, if any, is needed to the base figure to reflect actual DBE availability (Section 26.45 (d)).

ABQ RIDE has determined that the Census data and the UCP DBE database represent a realistic number of contractors that could potentially bid on these projects. The department considered other factors that could impact DBE's ability to perform work in the DOT-assisted program. ABQ RIDE has also considered the available evidence from related fields that affect opportunities for DBE firms to form, grow, and compete. In our research we have found no available information that would require an adjustment to the base figure, and the department's goal is not the goal of another recipient and therefore did not require an adjustment to the local market.

ABQ RIDE also reviewed past DBE participation in its contracts to determine if an adjustment was necessary based on that prior experience. The department forecasts that it will not meet its FY2014-2016 goal due to much greater level of contracting for engineering services and other, non-construction-related materials and service (e.g. computer equipment and major vehicle maintenance expenses) than anticipated in the original calculation of that goal. Those work types have relatively low rates of DBE participation, and although ABQ RIDE did get DBE participation in some of those work types it was, as expected, a low percentage of the total contract values, leading to lower overall DBE participation than anticipated in the original goal calculation. After adjusting for actual contracts issued, the department's DBE participation is anticipated to be close

to the expected participation given those work types. The FY17-19 goal calculations capture the shift in anticipated work types, and therefore ABQ RIDE does not anticipate a need to adjust the new goal based on past experience.

ABQ RIDE FY2017-19 DBE Goal Calculation

Project List	NAICS Description	Total DBE's	Total All Firms	DBE Relative Availability	Project Federal Funds	Project Weight	Projected DBE Participation
ART Expansion - Station Construction	2362 - Nonresidential Building Construction	6	251	0.0239	\$ 400,000	2%	\$ 9,560
ART Expansions - Street Construction	23731 Highway, Street, and Bridge Construction	20	44	0.4545	\$ 400,000	2%	\$ 181,800
ART Expansion - TVM's & Signal Equipment	23821 - Electrical Contractors and Other Wiring Installation Contractors	5	299	0.0167	\$ 800,000	5%	\$ 13,360
Design of ART Expansion	5413 - Architectural, Engineering, and Related Services	14	548	0.0255	\$ 2,800,000	17%	\$ 71,400
Bus Stop Improvements - Signs & Pucks	339950 - Sign Manufacturing	3	17	0.1765	\$ 200,000	1%	\$ 35,300
CNG Fueling Station at Daytona	238290 - Other Building Equipment Contractors	0	17	0	\$ 3,120,000	19%	\$ -
CUTC Construction - Shelter Structure & Bathroom	23622 - Construction, Commercial & Institutional Buildings	6	240	0.025	\$ 640,000	4%	\$ 16,000
CUTC Construction - Paving	2389 Other Specialty Trade Contractors (includes paving commercial driveways & parking lots)	17	226	0.0752	\$ 480,000	3%	\$ 36,096
Coors Corridor Park & Ride Design	5413 - Architectural, Engineering, and Related Services	14	548	0.0255	\$ 280,000	2%	\$ 7,140
Coors Corridor Park & Ride Construction (Paving & Related)	2389 Other Specialty Trade Contractors (includes paving commercial driveways & parking lots)	17	226	0.0752	\$ 1,400,000	8%	\$ 105,280
Coors Corridor Park & Ride Construction (Structures)	2362 - Nonresidential Building Construction	6	251	0.0239	\$ 200,000	1%	\$ 4,780
Rehabilitation of Facilities - Design	5413 - Architectural, Engineering, and Related Services	14	548	0.0255	\$ 120,000	1%	\$ 3,060
Rehabilitation of Facilities - Paving	2389 Other Specialty Trade Contractors (includes paving commercial driveways & parking lots)	17	226	0.0752	\$ 400,000	2%	\$ 30,080

- Continued -							
Project List	NAICS Description	Total DBE's	Total All Firms	DBE Relative Availability	Project Federal Funds	Project Weight	Projected DBE Participation
Rehabilitation of Facilities - Buildings	23622 - Construction, Commercial & Institutional Buildings	6	240	0.025	\$ 400,000	2%	\$ 10,000
Replace Servers & PC's	443142 - Electronics Stores	0	136	0	\$ 720,000	4%	\$ -
Installation of Security Cameras at Facilities	23821 - Electrical Contractors and Other Wiring Installation Contractors	5	299	0.0167	\$ 1,200,000	7%	\$ 20,040
Uptown Transit-Oriented Development	2362 - Nonresidential Building Construction	6	251	0.0239	\$ 400,000	2%	\$ 9,560
Advertising (Transportation Demand Management)	5418 - Advertising, Public Relations, and Related Services	2	114	0.0175	\$ 96,000	1%	\$ 1,680
Supplies (Transportation Demand Management)	4532 - Office Supplies, Stationery, and Gift Stores	0	128	0	\$ 120,000	1%	\$ -
Vehicle Major Maintenance - Parts Other Than Hybrid Batteries	423120 Motor Vehicle Supplies and New Parts Merchant Wholesalers	0	48	0	\$ 160,000	1%	\$ -
Vehicle Major Maintenance - Hybrid Batteries	423120 Motor Vehicle Supplies and New Parts Merchant Wholesalers	0	48	0	\$ 1,248,000	8%	\$ -
Bike Lockers & Racks	236220 - Commercial and Institutional Building Construction	6	240	0.025	\$ 160,000	1%	\$ 4,000
New Maintenance Vehicles	4412 Other Motor Vehicle Dealers	0	54	0	\$ 80,000	0%	\$ -
Other Maintenance Equipment	23829 - Other Building Equipment Contractors	0	17	0	\$ 80,000	0%	\$ -
Replace Bus Shelter Batteries	23821 - Electrical Contractors and Other Wiring Installation Contractors	5	299	0.0167	\$ 72,000	0%	\$ 1,202
Transit Scheduling Software - Maintenance and Upgrades	51121 - Software Publishers	0	18	0	\$ 600,000	4%	\$ -
Total Projected Federal Project Funds					\$ 16,576,000	100%	\$ 560,338
Overall DBE Availability							3.4%

Race-Neutral Projections

A. Summary of Race-Neutral Methods of Achieving DBE Participation

The Regulations require that the maximum feasible portion of the DBE overall availability be achieved by using race-neutral means (i.e. not using contract goals per Section 26.51) and that ABQ RIDE include a projection of the overall availability of DBE effort to be met through race-neutral means. Race-neutral methods include ensuring that bidding and contracting requirements facilitate participation by DBE's and other small businesses, unbundling large contracts to make them more accessible to small businesses, encouraging prime contractors to subcontract portions of the work they might otherwise perform themselves, and providing technical assistance, communications programs and other support services to facilitate consideration of DBE's and other small businesses. The regulations require that a U. S. Department of Transportation (DOT) recipient use contract-specific ("race-conscious") goals only after it determines that it cannot meet its overall annual DBE goal otherwise.

B. Methods of Overall Annual Goal Achievement

Based on the necessity for ABQ RIDE to use race-conscious methods during the FY2014-2016 period, ABQ RIDE anticipates the need to use race-conscious methods (i.e. contract-specific goals) to achieve the FY2017-2019 goal. ABQ RIDE will focus race-conscious efforts on the projects with ample sub-contracting opportunities and with work types that have more than minimal rates of DBE participation. These projects will likely include construction projects with paving and related work. Therefore, the department estimates that it will achieve 1.8% overall DBE participation through race-conscious means and the remaining 1.6% through race-neutral participation. However, ABQ RIDE will adjust the estimated breakout of race-neutral and race-conscious participation as needed to minimize the use of race-conscious methods. ABQ RIDE will continue to track and report race-neutral and race-conscious participation separately.

Public Participation

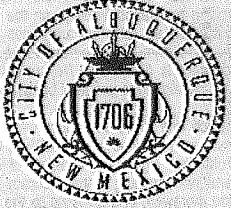
A. Consultation

ABQ RIDE solicited input on the goal-setting methods and resulting goal from minority, women's and small business groups that could have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and efforts to establish a level playing field for the participation of DBEs. The consultation included one-on-one meetings with representatives from the NM Black Chamber of Commerce, the Albuquerque Hispano Chamber of Commerce, and the Small Business Resource Collaborative, a coalition of non-profit business assistance organizations including ACCION, NM Community Capital, Small Business Development Center at the Central NM Community College, SCORE, The Loan Fund, and WESST.

B. Public Notice

The proposed goal was posted on ABQ RIDE's website and was advertised as available for inspection in the *Albuquerque Journal*. The notice specified that ABQ RIDE would accept public comments on the proposed goal for 30 days and would make adjustments to the goal as necessary after considering those comments.

No changes to the goal were necessary as a result of the consultation process or comments received.



AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
County of Bernalillo SS

ABQ RIDE, the City of Albuquerque Transit Department, has proposed a 3.4% Disadvantaged Business Enterprise (DBE) three-year goal for the period from Fiscal Year 2017 through 2019 (contracts awarded from October 1, 2016 through September 30, 2019). This proposed goal and rationale are available for inspection during normal business hours at the principal office of ABQ RIDE or online at: www.myabqrider.com. ABQ RIDE will accept comments on the proposed goal through July 15, 2016. Interested persons may submit written comments to Andrew de Garmo, Principal Planner, ABQ RIDE - City of Albuquerque, Alvarado Transportation Center, P. O. Box 1293, 100 1st Street SW, Albuquerque, NM 87103 or to ade.garmo@cabq.gov.

NOTICE TO PERSONS WITH DISABILITIES: If you require special assistance to participate in this review process, please contact ABQ RIDE; TTY users can use the New Mexico Relay Network at 1-800-659-8331.
Journal: June 15, 2016

Sharon Friedes, being duly sworn, declares and says that she is Advertising Director of **The Albuquerque Journal**, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times on the following dates:
June 15, 2016

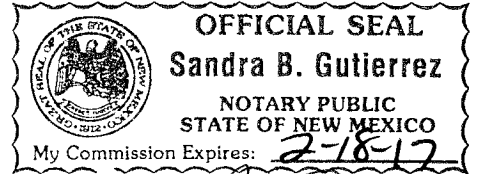
Sharon Friedes

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 23 day of June of 2016.

PRICE \$30.39

Statement to come at end of month.

ACCOUNT NUMBER 1007862



Sandra B. Gutierrez

Attachment 5

Forms 1 & 2 for Demonstration of Good Faith Efforts

Forms will be made part of solicitation documents.

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

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

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

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

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ Title _____
(Signature)

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

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

Affirmation

The above-named DBE 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 DBE subcontractor.)

Attachment 6

NMDOT Certification Application Forms

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

UNIFORM CERTIFICATION APPLICATION

ROADMAP FOR APPLICANTS

Should I apply?

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

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

Is there an easier way to apply?

If you are currently certified by the SBA as an 8(a) and/or SDB firm, you may be eligible for a streamlined certification application process. Under this process, the certifying agency to which you are applying will accept your current SBA application package in lieu of requiring you to fill out and submit this form. **NOTE: You must still meet the requirements for the DBE program, including undergoing an on-site review.**

Be sure to attach all of the required documents listed in the Documents Check List at the end of this form with your completed application.

Where can I find more information?

- U.S. DOT – <http://www.osdbu.dot.gov/DBEProgram/index.cfm> (this site provides useful links to the rules and regulations governing the DBE program, questions and answers, and other pertinent information)
- SBA – <http://www.ntis.gov/naics> (provides a listing of NAICS codes) and <http://www.sba.gov/size/indextableofsize.html> (provides a listing of SIC codes)
- 49 CFR Part 26 (the rules and regulations governing the DBE program)

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, take 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 INFORMATION

A. Prior/Other Certifications

Is your firm currently certified for any of the following programs? <i>(If Yes, check appropriate box(es))</i>	DBE	Name of certifying agency:
		Has your firm's state UCP conducted an on-site visit? __ Yes, on ___/___/___ State: _____ __ No
	8(a)	<input checked="" type="checkbox"/> STOP! If you checked either the 8(a) or SDB box, you <u>may not</u> have to complete this application. Ask your state UCP about the streamlined application process under the SBA-DOT MOU.
	SDB	

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?
Yes, on ___/___/___ __ No
If Yes, identify State and name of state, local, or Federal agency and explain the nature of the action:

Section 2: GENERAL INFORMATION

A. Contact Information

(1) Contact person and Title:		(2) Legal name of firm:		
(3) Phone #:	(4) Other Phone #:	(5) Fax #:		
(6) E-mail:		(7) Website <i>(if have one)</i> :		
(8) Street address of firm <i>(No P.O. Box)</i> :		City:	County/Parish:	State: Zip:
(9) Mailing address of firm <i>(if different)</i> :		City:	County/Parish:	State: Zip:

B. Business Profile

(1) Describe the primary activities of your firm:		(2) Federal Tax ID (if any):
(3) This firm was established on ___/___/___		(4) I/We have owned this firm since: ___/___/___
(5) Method of acquisition <i>(check all that apply)</i> : __ Started new business __ Bought existing business __ Inherited business __ Secured concession __ Merger or consolidation __ Other <i>(explain)</i> _____		
(6) Is your firm "for profit"? <input type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> STOP! If your firm is NOT for-profit, then you do NOT qualify for this program and do NOT need to fill out this application.

(7) Type of firm (*check all that apply*):

- Sole Proprietorship
- Partnership
- Corporation
- Limited Liability Partnership
- Limited Liability Corporation
- Joint Venture
- Other, Describe: _____

(8) Has your firm ever existed under different ownership, a different type of ownership, or a different name?
 ___ Yes ___ No
 If Yes, explain: _____

(9) Number of employees: Full-time _____ Part-time _____ Total _____

(10) Specify the gross receipts of the firm for the last 3 years: Year _____ Total receipts \$ _____
 Year _____ Total receipts \$ _____
 Year _____ Total receipts \$ _____

C. Relationships 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 space, yard, warehouse, facilities, equipment, or office staff, with any other business, organization, or entity?
 ___ Yes ___ No

If Yes, identify: Other Firm's name: _____
 Explain nature of shared facilities: _____

(2) At present, or at any time in the past, has your firm:	(a) been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(b) consisted of a partnership in which one or more of the partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(c) owned any percentage of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(d) had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No

(3) Has any other firm had an ownership interest in your firm at present or at any time in the past? Yes No

(4) If you answered "Yes" to any of the questions in (2)(a)-(d) and/or (3), identify the following for each (*attach extra sheets, if needed*):

	<u>Name</u>	<u>Address</u>	<u>Type of Business</u>
1.			
2.			
3.			

D. Immediate Family Member Businesses

Do any of your immediate family members own or manage another company? Yes No

If Yes, then list (*attach extra sheets, if needed*):

	<u>Name</u>	<u>Relationship</u>	<u>Company</u>	<u>Type of Business</u>	<u>Own or Manage?</u>
1.					
2.					

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below *(If more than one owner, attach separate sheets for each additional owner):*

A. Background Information

(1) Name:	(2) Title:	(3) Home Phone #:
(4) Home Address <i>(street and number)</i> : _____		
City: _____ State: _____ Zip: _____		
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	(6) Ethnic group membership <i>(Check all that apply)</i> :	
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Asian Pacific <input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other <i>(specify)</i> _____	
(8) Lawfully Admitted Permanent Resident: <input type="checkbox"/> Yes <input type="checkbox"/> No		

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to acquire ownership interest in firm: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u>Type</u></td> <td style="text-align: center;"><u>Dollar Value</u></td> </tr> <tr> <td style="text-align: center;">Cash</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">Real Estate</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">Equipment</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">Other</td> <td style="text-align: center;">\$</td> </tr> </table>	<u>Type</u>	<u>Dollar Value</u>	Cash	\$	Real Estate	\$	Equipment	\$	Other	\$
<u>Type</u>		<u>Dollar Value</u>									
Cash		\$									
Real Estate	\$										
Equipment	\$										
Other	\$										
(3) Percentage owned:											
(4) Familial relationship to other owners:											
(5) Shares of Stock:											
<u>Number</u>	<u>Percentage</u>										
<u>Class</u>	<u>Date acquired</u>										
<u>Method Acquired</u>											
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Name of Business: _____ Function/Title: _____											
(7) Does this owner own or work for any other firm(s) that has a relationship with this firm <i>(e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Name of Business: _____ Function/Title: _____ Nature of Business Relationship: _____											

C. 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? <i>(Use and attach the Personal Financial Statement form at the end of this application; attach additional sheets if more than one owner is applying)</i>
(2) Has any trust been created for the benefit of this disadvantaged owner(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain <i>(attach additional sheets if needed)</i> :

Section 4: CONTROL

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 of the Company	(a)				
	(b)				
	(c)				
	(d)				
	(e)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				
	(e)				

(3) Do any of the persons listed in (1) and/or (2) above perform a management or supervisory function for any other business? Yes No

If Yes, identify for each: Person: _____ Title: _____
Business: _____ Function: _____

(4) Do any of the persons listed (1) and/or (2) 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. 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 <i>(responsibility for acquisition of lines of credit, surety bonding, supplies, etc.)</i>	a.			
	b.			
(2) Estimating and bidding	a.			
	b.			
(3) Negotiating and 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.			

(11) Do any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business? Yes No
 If Yes, identify for each: Person: _____ Title: _____
 Business: _____ Function: _____

(12) 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.)?
 Yes No

If Yes, identify for each: Firm Name: _____ Person: _____
 Nature of Business Relationship: _____

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

(1) 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)			

(3) Office Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

(4) Storage Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

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

If Yes, explain:

E. Financial Information

(1) Banking Information:
 (a) Name of bank: _____ (b) Phone No: () _____
 (c) Address of bank: _____ City: _____ State: _____ Zip: _____

(2) **Bonding Information:** If you have bonding capacity, identify: (a) Binder No: _____
 (b) Name of agent/broker _____ (c) Phone No: () _____
 (d) Address of agent/broker: _____ City: _____ State: _____ Zip: _____
 (e) Bonding limit: Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of any persons or firms securing the loan, if other than the listed owner:

Name of Source	Address of Source	Name of Person Securing 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 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	License Number and 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.					

DBE UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

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

All Applicants

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

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

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

Trucking Company

- Documented proof of ownership of the company
- Insurance agreements for each truck owned or operated by your firm
- Titles and registration (notified) for each truck owned or operated by your firm
- List of U.S. DOT numbers for each truck owned or operated by your firm

Regular Dealer

- Proof of warehouse ownership or lease
- List of product lines carried
- List of distribution equipment owned/leased

NOTE: The specific state UCP to which you are applying may have additional required documents that you must also supply with your application. Contact the appropriate certifying agency to which you are applying to find out if more is required.



**Certification of Social and Economic Disadvantage
PERSONAL NET WORTH**



Complete this form for each disadvantaged individual that is an owner of a DBE or applicant firm. Personal assets and liabilities for that individual alone should be shown. Married individuals should show only his or her share of assets and liabilities held jointly or as community property with the individual's spouse.

Name: _____ Business Phone No. () _____
 Residence Address: _____ Residence Phone No. () _____
 City, State, Zip code: _____ Fax No. () _____
 Business Name of Applicant: _____

DETERMINATION OF SOCIAL DISADVANTAGE

“Socially disadvantaged individuals are those who have been subjected to racial and ethnic prejudice or cultural bias within American society because their identities as members of groups and without regard to their individual qualities.”

I certify that I have read and understand the above statement. I further certify that I have experienced social disadvantage based on discrimination because of my: (mark all that apply)

- Race Ethnicity Gender Other (Please explain on separate sheet)

(This statement is valid only when signed by the individual claiming social disadvantage)

Signature: _____ **Owner/Title:** _____

PERSONAL FINANCIAL STATEMENT

As of _____

ASSETS		(Omit Cents)	LIABILITIES	
Cash on hand & in Banks.....	\$	_____	Accounts Payable.....	\$ _____
Savings Accounts.....	\$	_____	Notes Payable.....	\$ _____
IRA, 401K, S.E.P., Keogh, or other Retirement Account.....	\$	_____	(Describe in Section 1)	
Accounts & Notes Receivable.....	\$	_____	Installment Account (Auto).....	\$ _____
Life Insurance-Cash surrender Value only (Complete Section 7)	\$	_____	Mo. Payments \$ _____	
Stocks and Bonds.....	\$	_____	Installment Account (Other).....	\$ _____
Real Estate.....	\$	_____	Mo. Payments \$ _____	
(Describe in Section 2)			Loan on Life Insurance.....	\$ _____
Real Estate.....	\$	_____	Mortgages on Real estate	\$ _____
(Describe in Section 3)			(Describe in Section 3)	
Automotive-Present Value.....	\$	_____	Unpaid Taxes.....	\$ _____
Other Personal Property.....	\$	_____	(Describe in Section 5)	
(Describe in Section 4)			Other Liabilities.....	\$ _____
Other Assets.....	\$	_____	(Describe in Section 6)	
(Describe in Section 4)			Total Liabilities.....	\$ _____
Total Assets.....	\$	_____	Net Worth	\$ _____
			(Total Assets Minus Total Liabilities)	

Source of Income		Contingent Liabilities		
Salary.....	\$	_____	As Endorser or Co-Maker.....	\$ _____
Net Investment Income.....	\$	_____	Legal Claims & Judgments.....	\$ _____
Real Estate Income.....	\$	_____	Provision for Federal Income Tax.....	\$ _____
Other Income (Describe below).....	\$	_____	Other Special Debt.....	\$ _____

Description of Other Income:

Section 1. Notes Payable to Bank and Others *(Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)*

Name and Address of Note holder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or endorsed (Type of Collateral)

Section 2. Stocks and Bonds *(Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)*

Number of Shares	Name of Securities	Cost	Market Value	Date of Quotation/Exchange	Total Value

Section 3. Real Estate Owned *(List each parcel separately. Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)*

	Property A	Property B	Property C
Type of Property			
Address			
Date Purchased			
Original Cost			
Present Market Value			
Name and Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			

Section 4. Other Personal Property and Other Assets *(Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment, and if delinquent, describe the delinquency.)*

Section 5. Unpaid Taxes *Describe in detail; type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)*

Section 6. Other Liabilities *(Describe in detail)*

Section 7. Life Insurance Held *(Give face amount and cash surrender value of policies-name of insurance company and beneficiaries.)*

I authorize the New Mexico Department of Transportation (NMDOT) to verify the accuracy of the statements made in order to determine whether I meet the standards of economic disadvantage for participation in the DBE Program at the NMDOT. I certify that to the best of my knowledge the information provided is true, accurate and complete.

Signature: _____ **Date:** _____ **Social Security Number:** _____

State of: _____

County of: _____

On this _____ day of _____, 20____, before me appeared _____ to me personally known, *(owners name)* and who, being duly sworn, did execute the foregoing document and did so at his or her free act and deed.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

SEAL (if required)

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

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 place(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 or subcontract, 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 (UCP) of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, 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 (DBE). In support of my application, I certify that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s) (check all that apply):

- Women
- 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 subject 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 \$1,320,000, 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 that 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.

Executed on: _____
(date)

Signature _____
(DBE Applicant)

Date: _____ State of: _____ County of: _____

Before me, a notary public, on this day personally appeared _____ (known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

(SEAL)

Notary Public

Commission Expiration

Attachment 7

Procedures for Removal of DBE's Eligibility

In accordance with §26.87, ABQ Ride has develop the following mechanisms for compliance.

1. Ineligibility Complaints:
 - (a) Any person may file with the ABQ Ride, a written complaint alleging that a currently certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. ABQ Ride is not required to accept general allegations that a firm is ineligible or an anonymous complaint. The complaint may include any information or arguments supporting the complainant's assertion that the firm is ineligible and should not continue to be certified. Confidentiality of the complainant's identities shall be protected as provided in 49 CFR 26.109 (b).
 - (b) ABQ Ride will review its records concerning the firm, any material provided by the firm and the complainant and any other available information. ABQ Ride may request additional information from the firm or conduct any other investigations that it deems necessary.
 - (c) If ABQ Ride determines, based upon this review, that this is reasonable cause to believe that the firm is ineligible, ABQ Ride must provide written notice to the firm that ABQ Ride proposes to find the firm ineligible, setting forth the reasons for the proposed determination. If ABQ Ride determines that such reasonable cause does not exist, ABQ Ride must notify the complainant and the firm in writing of this determination and the reasons for it. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based.

2. ABQ Ride Initiated Proceedings:
 - (a) If, based on notification by the firm of a change in its circumstances or other information that comes to ABQ Ride's attention, and that there is reasonable cause to believe that a currently certified firm is ineligible, ABQ Ride must provide written notice to the firm that it proposes to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which the reason is based.

3. UDOT Directive to Initiate Proceedings:
 - (a) If the USDOT (concerned operating administration) determines that information in ABQ Ride's certification records, or other information available to the concerned operating administration, provides reasonable cause to believe that a firm certified by ABQ Ride does not meet eligibility criteria of this part, the concerned operating administration may direct ABQ Ride to initiate a proceeding to remove the firm's certification.
 - (b) The concerned operating administration must provide ABQ Ride and the firm notice setting forth the reasons for the directive, including any relevant documentation or other information.
 - (c) ABQ Ride must immediately commence and prosecute a proceeding to remove the eligibility.

4. Hearing Protocols: A hearing will occur when ABQ Ride notifies a firm that there is reasonable cause to remove its eligibility as provided above, ABQ Ride will give the firm an opportunity for an informal hearing, at which time the firm may respond to the reasons for the proposal to remove its eligibility in person and provide information and arguments concerning why it should remain certified.
 - (a) In such a proceeding, ABQ Ride bears the burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards of this part.
 - (b) ABQ Ride will maintain a complete record of the hearing, by any means acceptable under state law for retention of a verbatim record of an administrative hearing. If there is an appeal to USDOT, ABQ Ride will provide a transcript of the hearing to USDOT, and on request, to the firm. ABQ Ride will retain the original record of the hearing. ABQ Ride may charge the firm only for the cost of copying the record.
 - (c) The firm may elect to present information and arguments in writing without going to a hearing. In such a situation, ABQ Ride bears the same burden of proving by preponderance of the evidence, that the firm does not meet the certification standards, as would be the case during a hearing.
5. Regarding, separation of functions, ABQ Ride will ensure that the decision in a proceeding to remove the firm's eligibility is made by an office and personnel that did not take part in actions leading to or seeking to implement the proposal to remove the firm's eligibility and are not subject, with respect to the matter, to direction from the office or personnel who did not take part in these actions.
 - (a) ABQ Ride's method of implementing this requirement is as follows: The Hearing Officer shall be a designee of ABQ Ride's Department Direction who is not assigned as the DBE Liaison Officer.
 - (b) The decision-maker shall be an individual who is knowledgeable about the certification requirements of ABQ Ride's DBE Program.
6. ABQ Ride will not base a decision to remove eligibility on a reinterpretation or changed opinion of information available to ABQ Ride at the time of its certification of the firm. ABQ Ride will base such decision only on one or more of the following:
 - (a) Changes in the firm's circumstances since the certification of the firm by ABQ Ride that renders the firm unable to meet the eligibility standards of this part;
 - (b) Information or evidence not available to ABQ Ride at the time the firm was certified;
 - (c) Information that was concealed or misrepresented by the firm in previous certification actions by ABQ Ride;
 - (d) A change in the certification standards or requirements of the USDOT since ABQ Ride certified the firm; or
 - (e) A documented finding that ABQ Ride's determination to certify the firm was factually erroneous.
7. Regarding notice of decision, ABQ Ride will provide the firm with a written notice of the decision and the reasons for it, including specific references to the evidence in the record that supports each reason for the decision. The notice will inform the firm of the consequences of ABQ Ride's decision and of the availability of an appeal to the USDOT. ABQ Ride must send copies of the notice to the complainant in an ineligibility complaint or to the USDOT that had directed ABQ Ride to initiate the proceeding.
8. Status of the Firm During Proceeding:
 - (a) A firm remains an eligible DBE during the pendency of ABQ Ride's proceeding to remove its eligibility.

- (b) The firm does not become ineligible until the issuance of the notice of decision.
9. When ABQ Ride removes a firm's eligibility, the following actions will be taken:
- (a) When a prime contractor has made a commitment to using the ineligible firm or ABQ Ride has made a commitment to using a DBE prime contractor, but a subcontract or contract has not been executed before ABQ Ride issues the decertification notice, the ineligible firm does not count toward any contract goal or the overall program goal. ABQ Ride must direct the prime contractor to meet any contract goal with an eligible DBE firm or demonstrate to ABQ Ride that it has made a good faith effort to do so.
 - (b) If a prime contractor has executed a subcontract with the firm before ABQ Ride has notified the firm of its ineligibility, the prime contractor may continue to use the firm on the contract and may continue to receive credit toward its DBE goal for the firm's work. In this case, or in a case where ABQ Ride has let a prime contract to the DBE that was later ruled ineligible, the portion of the ineligible firm's performance of the contract remaining after the ineligibility notice was issued shall not count toward ABQ Ride's overall goal, but may count toward any contract goal.
 - (c) Exception: If the DBE's ineligibility is caused solely by its having exceeded the size standard during the performance of the contract, ABQ Ride will continue to count its participation on that contract toward overall and nay contract goals.

10. Certification Appeals Process:

- (a) A firm that is denied certification or whose eligibility is removed by ABQ Ride may make an administrative appeal to the USDOT. Such appeals must be in writing to USDOT within 90 days of the date of ABQ Ride's final decision and consistent with 49 CFR Part 26.89.

Appeals can be forwarded to the following address:

US Department of Transportation
Office of Civil Rights
400 7t Street, SW Room 2401
Washington, D.C. 19590

Attachment 8

Regulations: 49 CFR Part 26

- 26.47 Can recipients be penalized for failing to meet overall goals?
- 26.49 How are overall goals established for transit vehicle manufacturers?
- 26.51 What means do recipients use to meet overall goals?
- 26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?
- 26.55 How is DBE participation counted toward goals?

Subpart D—Certification Standards

- 26.61 How are burdens of proof allocated in the certification process?
- 26.63 What rules govern group membership determinations?
- 26.65 What rules govern business size determinations?
- 26.67 What rules determine social and economic disadvantage?
- 26.69 What rules govern determinations of ownership?
- 26.71 What rules govern determinations concerning control?
- 26.73 What are other rules affecting certification?

Subpart E—Certification Procedures

- 26.81 What are the requirements for Unified Certification Programs?
- 26.83 What procedures do recipients follow in making certification decisions?
- 26.84 How do recipients process applications submitted pursuant to the DOT/SBA MOU?
- 26.85 How do recipients respond to requests from DBE-certified firms or the SBA made pursuant to the DOT/SBA MOU?
- 26.86 What rules govern recipients' denials of initial requests for certification?
- 26.87 What procedures does a recipient use to remove a DBE's eligibility?
- 26.89 What is the process for certification appeals to the Department of Transportation?
- 26.91 What actions do recipients take following DOT certification appeal decisions?

Subpart F—Compliance and Enforcement

- 26.101 What compliance procedures apply to recipients?
- 26.103 What enforcement actions apply in FHWA and FTA programs?
- 26.105 What enforcement actions apply in FAA programs?
- 26.107 What enforcement actions apply to firms participating in the DBE program?
- 26.109 What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?

APPENDIX A TO PART 26—GUIDANCE CONCERNING GOOD FAITH EFFORTS

APPENDIX B TO PART 26—UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS FORM

APPENDIX C TO PART 26—DBE BUSINESS DEVELOPMENT PROGRAM GUIDELINES

APPENDIX D TO PART 26—MENTOR-PROTÉGÉ PROGRAM GUIDELINES

APPENDIX E TO PART 26—INDIVIDUAL DETERMINATIONS OF SOCIAL AND ECONOMIC DISADVANTAGE

APPENDIX F TO PART 26—UNIFORM CERTIFICATION APPLICATION FORM

AUTHORITY: 23 U.S.C. 324; 42 U.S.C. 2000d, *et seq.*; 49 U.S.C. 1615, 47107, 47113, 47123; Sec. 1101(b), Pub. L. 105-178, 112 Stat. 107, 113.

SOURCE: 64 FR 5126, Feb. 2, 1999, unless otherwise noted.

Subpart A—General

§ 26.1 What are the objectives of this part?

This part seeks to achieve several objectives:

- (a) To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- (b) To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- (c) To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;
- (d) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
- (e) To help remove barriers to the participation of DBEs in DOT-assisted contracts;
- (f) To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
- (g) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

§ 26.3 To whom does this part apply?

(a) If you are a recipient of any of the following types of funds, this part applies to you:

- (1) Federal-aid highway funds authorized under Titles I (other than Part B) and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914,

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or Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178, 112 Stat. 107.

(2) Federal transit funds authorized by Titles I, III, V and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the TEA-21, Pub. L. 105-178.

(3) Airport funds authorized by 49 U.S.C. 47101, *et seq.*

(b) [Reserved]

(c) If you are letting a contract, and that contract is to be performed entirely outside the United States, its territories and possessions, Puerto Rico, Guam, or the Northern Marianas Islands, this part does not apply to the contract.

(d) If you are letting a contract in which DOT financial assistance does not participate, this part does not apply to the contract.

§ 26.5 What do the terms used in this part mean?

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

(1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

(i) One concern controls or has the power to control the other; or

(ii) A third party or parties controls or has the power to control both; or

(iii) An identity of interest between or among parties exists such that affiliation may be found.

(2) In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof

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of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

Compliance means that a recipient has correctly implemented the requirements of this part.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Contractor means one who participates, through a contract or sub-contract (at any tier), in a DOT-assisted highway, transit, or airport program.

Department or *DOT* means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged business enterprise or *DBE* means a for-profit small business concern—

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

DOT/SBA Memorandum of Understanding or MOU, refers to the agreement signed on November 23, 1999, between the Department of Transportation (DOT) and the Small Business Administration (SBA) streamlining certification procedures for participation in SBA's 8(a) Business Development (8(a) BD) and Small Disadvantaged Business (SDB) programs, and DOT's Disadvantaged Business Enterprise (DBE) program for small and disadvantaged businesses.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawai-

ians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or OA means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary industry classification means the North American Industrial Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the *North American Industry Classification Manual—United States, 1997* which is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA, 22161; by calling 1 (800) 553-6847; or via the Internet at: <http://www.ntis.gov/product/naics.htm>.

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

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Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, *race-neutral* includes gender-neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or *SBA* means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in § 26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is--

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

(i) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

(ii) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or

Portuguese culture or origin, regardless of race;

(iii) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;

(iv) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(v) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

(vi) Women;

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., 'You must do XYZ' means that recipients must do XYZ).

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 68 FR 35553, June 16, 2003]

§ 26.7 What discriminatory actions are forbidden?

(a) You must never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by this part on the basis of race, color, sex, or national origin.

(b) In administering your DBE program, you must 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 program with respect to individuals of

a particular race, color, sex, or national origin.

§ 26.9 How does the Department issue guidance and interpretations under this part?

(a) Only guidance and interpretations (including interpretations set forth in certification appeal decisions) consistent with this part 26 and issued after March 4, 1999 express the official positions and views of the Department of Transportation or any of its operating administrations.

(b) The Secretary of Transportation, Office of the Secretary of Transportation, FHWA, FTA, and FAA may issue written interpretations of or written guidance concerning this part. Written interpretations and guidance are valid, and express the official positions and views of the Department of Transportation or any of its operating administrations, only if they are issued over the signature of the Secretary of Transportation or if they contain the following statement:

The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 CFR part 26.

[72 FR 15617, Apr. 2, 2007]

§ 26.11 What records do recipients keep and report?

(a) [Reserved]

(b) You must continue to provide data about your DBE program to the Department as directed by DOT operating administrations.

(c) You must create and maintain a bidders list.

(1) The purpose of this list is to provide you as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on your Federally-assisted contracts for use in helping you set your overall goals.

(2) You must obtain the following information about DBE and non-DBE contractors and subcontractors who seek to work on your Federally-assisted contracts:

- (i) Firm name;
- (ii) Firm address;
- (iii) Firm's status as a DBE or non-DBE;
- (iv) Age of the firm; and

(v) The annual gross receipts of the firm. You may obtain this information by asking each firm to indicate into what gross receipts bracket they fit (*e.g.*, less than \$500,000; \$500,000-\$1 million; \$1-2 million; \$2-5 million; etc.) rather than requesting an exact figure from the firm.

(3) You may acquire the information for your bidders list in a variety of ways. For example, you can collect the data from all bidders, before or after the bid due date. You can conduct a survey that will result in statistically sound estimate of the universe of DBE and non-DBE contractors and subcontractors who seek to work on your Federally-assisted contracts. You may combine different data collection approaches (*e.g.*, collect name and address information from all bidders, while conducting a survey with respect to age and gross receipts information).

[64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000]

§ 26.13 What assurances must recipients and contractors make?

(a) Each financial assistance agreement you sign with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

(b) Each contract you sign with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

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

§26.15 How can recipients apply for exemptions or waivers?

(a) You can apply for an exemption from any provision of this part. To apply, you must request the exemption in writing from the Office of the Secretary of Transportation, FHWA, FTA, or FAA. The Secretary will grant the request only if it documents special or exceptional circumstances, not likely to be generally applicable, and not contemplated in connection with the rule-making that established this part, that make your compliance with a specific provision of this part impractical. You must agree to take any steps that the Department specifies to comply with the intent of the provision from which an exemption is granted. The Secretary will issue a written response to all exemption requests.

(b) You can apply for a waiver of any provision of Subpart B or C of this part including, but not limited to, any provisions regarding administrative requirements, overall goals, contract goals or good faith efforts. Program waivers are for the purpose of authorizing you to operate a DBE program that achieves the objectives of this part by means that may differ from one or more of the requirements of Subpart B or C of this part. To receive a program waiver, you must follow these procedures:

(1) You must apply through the concerned operating administration. The application must include a specific program proposal and address how you will meet the criteria of paragraph (b)(2) of this section. Before submitting your application, you must have had public participation in developing your proposal, including consultation with the DBE community and at least one public hearing. Your application must include a summary of the public par-

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ticipation process and the information gathered through it.

(2) Your application must show that—

(1) There is a reasonable basis to conclude that you could achieve a level of DBE participation consistent with the objectives of this part using different or innovative means other than those that are provided in subpart B or C of this part;

(ii) Conditions in your jurisdiction are appropriate for implementing the proposal;

(iii) Your proposal would prevent discrimination against any individual or group in access to contracting opportunities or other benefits of the program; and

(iv) Your proposal is consistent with applicable law and program requirements of the concerned operating administration's financial assistance program.

(3) The Secretary has the authority to approve your application. If the Secretary grants your application, you may administer your DBE program as provided in your proposal, subject to the following conditions:

(i) DBE eligibility is determined as provided in subparts D and E of this part, and DBE participation is counted as provided in §26.49;

(ii) Your level of DBE participation continues to be consistent with the objectives of this part;

(iii) There is a reasonable limitation on the duration of your modified program; and

(iv) Any other conditions the Secretary makes on the grant of the waiver.

(4) The Secretary may end a program waiver at any time and require you to comply with this part's provisions. The Secretary may also extend the waiver, if he or she determines that all requirements of paragraphs (b)(2) and (3) of this section continue to be met. Any such extension shall be for no longer than period originally set for the duration of the program.

Subpart B—Administrative Requirements for DBE Programs for Federally-Assisted Contracting

You must circulate the statement throughout your organization and to the DBE and non-DBE business communities that perform work on your DOT-assisted contracts.

§ 26.21 Who must have a DBE program?

(a) If you are in one of these categories and let DOT-assisted contracts, you must have a DBE program meeting the requirements of this part:

(1) All FHWA recipients receiving funds authorized by a statute to which this part applies;

(2) FTA recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) exceeding \$250,000 in FTA funds in a Federal fiscal year;

(3) FAA recipients receiving grants for airport planning or development who will award prime contracts exceeding \$250,000 in FAA funds in a Federal fiscal year.

(b)(1) You must submit a DBE program conforming to this part by August 31, 1999 to the concerned operating administration (OA). Once the OA has approved your program, the approval counts for all of your DOT-assisted programs (except that goals are reviewed by the particular operating administration that provides funding for your DOT-assisted contracts).

(2) You do not have to submit regular updates of your DBE programs, as long as you remain in compliance. However, you must submit significant changes in the program for approval.

(c) You are not eligible to receive DOT financial assistance unless DOT has approved your DBE program and you are in compliance with it and this part. You must continue to carry out your program until all funds from DOT financial assistance have been expended.

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 65 FR 68951, Nov. 15, 2000]

§ 26.23 What is the requirement for a policy statement?

You must issue a signed and dated policy statement that expresses your commitment to your DBE program, states its objectives, and outlines responsibilities for its implementation.

§ 26.25 What is the requirement for a liaison officer?

You must have a DBE liaison officer, who shall have direct, independent access to your Chief Executive Officer concerning DBE program matters. The liaison officer shall be responsible for implementing all aspects of your DBE program. You must also have adequate staff to administer the program in compliance with this part.

§ 26.27 What efforts must recipients make concerning DBE financial institutions?

You must thoroughly investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in your community and make reasonable efforts to use these institutions. You must also encourage prime contractors to use such institutions.

§ 26.29 What prompt payment mechanisms must recipients have?

(a) You must establish, as part of your DBE program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment you make to the prime contractor.

(b) You must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. You must use one of the following methods to comply with this requirement:

(1) You may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors.

(2) You may decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within

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30 days after the subcontractor's work is satisfactorily completed.

(3) You may hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

(c) For purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

(d) Your DBE program must provide appropriate means to enforce the requirements of this section. These means may include appropriate penalties for failure to comply, the terms and conditions of which you set. Your program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with your prior written approval.

(e) You may also establish, as part of your DBE program, any of the following additional mechanisms to ensure prompt payment:

(1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. You may specify the nature of such mechanisms.

(2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

(3) Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and

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other contractors are fully and promptly paid.

[68 FR 35553, June 16, 2003]

§ 26.31 What requirements pertain to the DBE directory?

You must maintain and make available to interested persons a directory identifying all firms eligible to participate as DBEs in your program. In the listing for each firm, you must include its address, phone number, and the types of work the firm has been certified to perform as a DBE. You must revise your directory at least annually and make updated information available to contractors and the public on request.

§ 26.33 What steps must a recipient take to address overconcentration of DBEs in certain types of work?

(a) If you determine that DBE firms are so overconcentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work, you must devise appropriate measures to address this overconcentration.

(b) These measures may include the use of incentives, technical assistance, business development programs, mentor-protégé programs, and other appropriate measures designed to assist DBEs in performing work outside of the specific field in which you have determined that non-DBEs are unduly burdened. You may also consider varying your use of contract goals, to the extent consistent with § 26.51, to ensure that non-DBEs are not unfairly prevented from competing for subcontracts.

(c) You must obtain the approval of the concerned DOT operating administration for your determination of overconcentration and the measures you devise to address it. Once approved, the measures become part of your DBE program.

§ 26.35 What role do business development and mentor-protégé programs have in the DBE program?

(a) You may or, if an operating administration directs you to, you must establish a DBE business development program (BDP) to assist firms in gaining the ability to compete successfully

in the marketplace outside the DBE program. You may require a DBE firm, as a condition of receiving assistance through the BDP, to agree to terminate its participation in the DBE program after a certain time has passed or certain objectives have been reached. See Appendix C of this part for guidance on administering BDP programs.

(b) As part of a BDP or separately, you may establish a 'mentor-protégé' program, in which another DBE or non-DBE firm is the principal source of business development assistance to a DBE firm.

(1) Only firms you have certified as DBEs before they are proposed for participation in a mentor-protégé program are eligible to participate in the mentor-protégé program.

(2) During the course of the mentor-protégé relationship, you must:

(i) Not award DBE credit to a non-DBE mentor firm for using its own protégé firm for more than one half of its goal on any contract let by the recipient; and

(ii) Not award DBE credit to a non-DBE mentor firm for using its own protégé firm for more than every other contract performed by the protégé firm.

(3) For purposes of making determinations of business size under this part, you must not treat protégé firms as affiliates of mentor firms, when both firms are participating under an approved mentor-protégé program. See Appendix D of this part for guidance concerning the operation of mentor-protégé programs.

(c) Your BDPs and mentor-protégé programs must be approved by the concerned operating administration before you implement them. Once approved, they become part of your DBE program.

§ 26.37 What are a recipient's responsibilities for monitoring the performance of other program participants?

(a) You must implement appropriate mechanisms to ensure compliance with the part's requirements by all program participants (e.g., applying legal and contract remedies available under Federal, state and local law). You must set

forth these mechanisms in your DBE program.

(b) Your DBE program must also include a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs.

(c) This mechanism must provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. In your reports of DBE participation to the Department, you must display both commitments and attainments.

[64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35554, June 16, 2003]

Subpart C—Goals, Good Faith Efforts, and Counting

§ 26.41 What is the role of the statutory 10 percent goal in this program?

(a) The statutes authorizing this program provide that, except to the extent the Secretary determines otherwise, not less than 10 percent of the authorized funds are to be expended with DBEs.

(b) This 10 percent goal is an aspirational goal at the national level, which the Department uses as a tool in evaluating and monitoring DBEs' opportunities to participate in DOT-assisted contracts.

(c) The national 10 percent goal does not authorize or require recipients to set overall or contract goals at the 10 percent level, or any other particular level, or to take any special administrative steps if their goals are above or below 10 percent.

§ 26.43 Can recipients use set-asides or quotas as part of this program?

(a) You are not permitted to use quotas for DBEs on DOT-assisted contracts subject to this part.

(b) You may not set-aside contracts for DBEs on DOT-assisted contracts subject to this part, except that, in limited and extreme circumstances, you may use set-asides when no other method could be reasonably expected to redress egregious instances of discrimination.

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§ 26.45 How do recipients set overall goals?

(a)(1) Except as provided in paragraph (a)(2) of this section, you must set an overall goal for DBE participation in your DOT-assisted contracts.

(2) If you are a FTA or FAA recipient who reasonably anticipates awarding (excluding transit vehicle purchases) \$250,000 or less in FTA or FAA funds in prime contracts in a Federal fiscal year, you are not required to develop overall goals for FTA or FAA respectively for that fiscal year. However, if you have an existing DBE program, it must remain in effect and you must seek to fulfill the objectives outlined in § 26.1.

(b) Your overall goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on your DOT-assisted contracts (hereafter, the "relative availability of DBEs"). The goal must reflect your determination of the level of DBE participation you would expect absent the effects of discrimination. You cannot simply rely on either the 10 percent national goal, your previous overall goal or past DBE participation rates in your program without reference to the relative availability of DBEs in your market.

(c) *Step 1.* You must begin your goal setting process by determining a base figure for the relative availability of DBEs. The following are examples of approaches that you may take toward determining a base figure. These examples are provided as a starting point for your goal setting process. Any percentage figure derived from one of these examples should be considered a basis from which you begin when examining all evidence available in your jurisdiction. These examples are not intended as an exhaustive list. Other methods or combinations of methods to determine a base figure may be used, subject to approval by the concerned operating administration.

(1) *Use DBE Directories and Census Bureau Data.* Determine the number of ready, willing and able DBEs in your market from your DBE directory. Using the Census Bureau's County Business Pattern (CBP) data base, determine the number of all ready, will-

ing and able businesses available in your market that perform work in the same NAICS codes. (Information about the CBP data base may be obtained from the Census Bureau at their web site, www.census.gov/epcd/cbp/view/cbpview.html.) Divide the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in your market.

(2) *Use a bidders list.* Determine the number of DBEs that have bid or quoted on your DOT-assisted prime contracts or subcontracts in the previous year. Determine the number of all businesses that have bid or quoted on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number for all businesses to derive a base figure for the relative availability of DBEs in your market.

(3) *Use data from a disparity study.* Use a percentage figure derived from data in a valid, applicable disparity study.

(4) *Use the goal of another DOT recipient.* If another DOT recipient in the same, or substantially similar, market has set an overall goal in compliance with this rule, you may use that goal as a base figure for your goal.

(5) *Alternative methods.* You may use other methods to determine a base figure for your overall goal. Any methodology you choose must be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in your market.

(d) *Step 2.* Once you have calculated a base figure, you must examine all of the evidence available in your jurisdiction to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal.

(1) There are many types of evidence that must be considered when adjusting the base figure. These include:

(i) The current capacity of DBEs to perform work in your DOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years;

(ii) Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure; and

(iii) If your base figure is the goal of another recipient, you must adjust it for differences in your local market and your contracting program.

(2) If available, you must consider evidence from related fields that affect the opportunities for DBEs to form, grow and compete. These include, but are not limited to:

(i) Statistical disparities in the ability of DBEs to get the financing, bonding and insurance required to participate in your program;

(ii) Data on employment, self-employment, education, training and union apprenticeship programs, to the extent you can relate it to the opportunities for DBEs to perform in your program.

(3) If you attempt to make an adjustment to your base figure to account for the continuing effects of past discrimination (often called the "but for" factor) or the effects of an ongoing DBE program, the adjustment must be based on demonstrable evidence that is logically and directly related to the effect for which the adjustment is sought.

(e) Once you have determined a percentage figure in accordance with paragraphs (c) and (d) of this section, you should express your overall goal as follows:

(1) If you are an FHWA recipient, as a percentage of all Federal-aid highway funds you will expend in FHWA-assisted contracts in the forthcoming fiscal year;

(2) If you are an FTA or FAA recipient, as a percentage of all FTA or FAA funds (exclusive of FTA funds to be used for the purchase of transit vehicles) that you will expend in FTA or FAA-assisted contracts in the forthcoming fiscal year. In appropriate cases, the FTA or FAA Administrator may permit you to express your overall goal as a percentage of funds for a particular grant or project or group of grants and/or projects.

(f)(1) If you set overall goals on a fiscal year basis, you must submit them to the applicable DOT operating administration for review on August 1 of each year, unless the Administrator of the concerned operating administration establishes a different submission date.

(2) If you are an FTA or FAA recipient and set your overall goal on a project or grant basis, you must submit the goal for review at a time determined by the FTA or FAA Administrator.

(3) You must include with your overall goal submission a description of the methodology you used to establish the goal, including your base figure and the evidence with which it was calculated, and the adjustments you made to the base figure and the evidence relied on for the adjustments. You should also include a summary listing of the relevant available evidence in your jurisdiction and, where applicable, an explanation of why you did not use that evidence to adjust your base figure. You must also include your projection of the portions of the overall goal you expect to meet through race-neutral and race-conscious measures, respectively (see § 26.51(c)).

(4) You are not required to obtain prior operating administration concurrence with the your overall goal. However, if the operating administration's review suggests that your overall goal has not been correctly calculated, or that your method for calculating goals is inadequate, the operating administration may, after consulting with you, adjust your overall goal or require that you do so. The adjusted overall goal is binding on you.

(5) If you need additional time to collect data or take other steps to develop an approach to setting overall goals, you may request the approval of the concerned operating administration for an interim goal and/or goal-setting mechanism. Such a mechanism must:

(i) Reflect the relative availability of DBEs in your local market to the maximum extent feasible given the data available to you; and

(ii) Avoid imposing undue burdens on non-DBEs.

(g) In establishing an overall goal, you must provide for public participation. This public participation must include:

(1) Consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could

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be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and your efforts to establish a level playing field for the participation of DBEs.

(2) A published notice announcing your proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that you and the Department will accept comments on the goals for 45 days from the date of the notice. The notice must include addresses to which comments may be sent, and you must publish it in general circulation media and available minority-focused media and trade association publications.

(h) Your overall goals must provide for participation by all certified DBEs and must not be subdivided into group-specific goals.

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 65 FR 68951, Nov. 15, 2000; 68 FR 35553, June 16, 2003]

§ 26.47 Can recipients be penalized for failing to meet overall goals?

(a) You cannot be penalized, or treated by the Department as being in non-compliance with this rule, because your DBE participation falls short of your overall goal, unless you have failed to administer your program in good faith.

(b) If you do not have an approved DBE program or overall goal, or if you fail to implement your program in good faith, you are in noncompliance with this part.

§ 26.49 How are overall goals established for transit vehicle manufacturers?

(a) If you are an FTA recipient, you must require in your DBE program that each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the requirements of this section. You do not include FTA assistance used in transit vehicle procurements in the base

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amount from which your overall goal is calculated.

(b) If you are a transit vehicle manufacturer, you must establish and submit for FTA's approval an annual overall percentage goal. In setting your overall goal, you should be guided, to the extent applicable, by the principles underlying § 26.45. The base from which you calculate this goal is the amount of FTA financial assistance included in transit vehicle contracts you will perform during the fiscal year in question. You must exclude from this base funds attributable to work performed outside the United States and its territories, possessions, and commonwealths. The requirements and procedures of this part with respect to submission and approval of overall goals apply to you as they do to recipients.

(c) As a transit vehicle manufacturer, you may make the certification required by this section if you have submitted the goal this section requires and FTA has approved it or not disapproved it.

(d) As a recipient, you may, with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of complying through the procedures of this section.

(e) If you are an FHWA or FAA recipient, you may, with FHWA or FAA approval, use the procedures of this section with respect to procurements of vehicles or specialized equipment. If you choose to do so, then the manufacturers of this equipment must meet the same requirements (including goal approval by FHWA or FAA) as transit vehicle manufacturers must meet in FTA-assisted procurements.

§ 26.51 What means do recipients use to meet overall goals?

(a) You must meet the maximum feasible portion of your overall goal by using race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider

§26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?

(a) When you have established a DBE contract goal, you must award the contract only to a bidder/offeror who makes good faith efforts to meet it. You must determine that a bidder/offeror has made good faith efforts if the bidder/offeror does either of the following things:

(1) Documents that it has obtained enough DBE participation to meet the goal; or

(2) Documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so. If the bidder/offeror does document adequate good faith efforts, you must not deny award of the contract on the basis that the bidder/offeror failed to meet the goal. See Appendix A of this part for guidance in determining the adequacy of a bidder/offeror's good faith efforts.

(b) In your solicitations for DOT-assisted contracts for which a contract goal has been established, you must require the following:

(1) Award of the contract will be conditioned on meeting the requirements of this section;

(2) All bidders/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 DBE firms that will participate in the contract;

(ii) A description of the work that each DBE will perform;

(iii) The dollar amount of the participation of each DBE firm participating;

(iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;

(v) Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and

(vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of this part); and

(3) At your discretion, the bidder/offeror must present the information re-

quired by paragraph (b)(2) of this section--

(i) Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures; or

(ii) At any time before you commit yourself to the performance of the contract by the bidder/offeror, as a matter of responsibility.

(c) You must make sure all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing yourself to the performance of the contract by the bidder/offeror.

(d) If you determine that the apparent successful bidder/offeror has failed to meet the requirements of paragraph (a) of this section, you must, before awarding the contract, provide the bidder/offeror an opportunity for administrative reconsideration.

(1) As part of this reconsideration, the bidder/offeror must 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.

(2) Your decision on reconsideration must be made by an official who did not take part in the original determination that the bidder/offeror failed to meet the goal or make adequate good faith efforts to do so.

(3) The bidder/offeror must have the opportunity to meet in person with your reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so.

(4) You must send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so.

(5) The result of the reconsideration process is not administratively appealable to the Department of Transportation.

(e) In a "design-build" or "turnkey" contracting situation, in which the recipient lets a master contract to a contractor, who in turn lets subsequent subcontracts for the work of the project, a recipient may establish a goal for the project. The master contractor then establishes contract goals,

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as appropriate, for the subcontracts it lets. Recipients must maintain oversight of the master contractor's activities to ensure that they are conducted consistent with the requirements of this part.

(f)(1) You must require that a prime contractor not terminate for convenience a DBE subcontractor listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm) and then perform the work of the terminated subcontract with its own forces or those of an affiliate, without your prior written consent.

(2) When a DBE subcontractor is terminated, or fails to complete its work on the contract for any reason, you must require the prime contractor to make good faith efforts to find another DBE subcontractor to substitute for the original DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal you established for the procurement.

(3) You must include in each prime contract a provision for appropriate administrative remedies that you will invoke if the prime contractor fails to comply with the requirements of this section.

(g) You must apply the requirements of this section to DBE bidders/offerors for prime contracts. In determining whether a DBE bidder/offeror for a prime contract has met a contract goal, you count the work the DBE has committed to performing with its own forces as well as the work that it has committed to be performed by DBE subcontractors and DBE suppliers.

§ 26.55 How is DBE participation counted toward goals?

(a) When a DBE participates in a contract, you count only the value of the work actually performed by the DBE toward DBE goals.

(1) Count the entire amount of that portion of a construction contract (or other contract not covered by paragraph (a)(2) of this section) that is performed by the DBE's own forces. Include the cost of supplies and materials obtained by the DBE for the work of

the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate).

(2) Count the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a DOT-assisted contract, toward DBE goals, provided you determine the fee to be reasonable and not excessive as compared with fees customarily allowed for similar services.

(3) When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals.

(b) When a DBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces toward DBE goals.

(c) Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.

(1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the

DBE credit claimed for its performance of the work, and other relevant factors.

(2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, you must examine similar transactions, particularly those in which DBEs do not participate.

(3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, you must presume that it is not performing a commercially useful function.

(4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (c)(3) of this section, the DBE may present evidence to rebut this presumption. You may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

(5) Your decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to DOT.

(d) Use the following factors in determining whether a DBE trucking company is performing a commercially useful function:

(1) The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.

(2) The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.

(3) The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.

(4) The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.

(5) The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE lessees not to exceed the value of transportation services provided by DBE-owned trucks on the contract. Additional participation by non-DBE lessees receives credit only for the fee or commission it receives as a result of the lease arrangement. If a recipient chooses this approach, it must obtain written consent from the appropriate Department Operating Administration.

Example to this paragraph (d)(5): DBE Firm X uses two of its own trucks on a contract. It leases two trucks from DBE Firm Y and six trucks from non-DBE Firm Z. DBE credit would be awarded for the total value of transportation services provided by Firm X and Firm Y, and may also be awarded for the total value of transportation services provided by four of the six trucks provided by Firm Z. In all, full credit would be allowed for the participation of eight trucks. With respect to the other two trucks provided by Firm Z, DBE credit could be awarded only for the fees or commissions pertaining to those trucks Firm X receives as a result of the lease with Firm Z.

(6) For purposes of this paragraph (d), a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

(e) Count expenditures with DBEs for materials or supplies toward DBE goals as provided in the following:

(1)(i) If the materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies toward DBE goals.

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(ii) For purposes of this paragraph (e)(1), a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

(2)(i) If the materials or supplies are purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE goals.

(ii) For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

(A) To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

(B) A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided in this paragraph (e)(2)(i) if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.

(C) Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph (e)(2).

(3) With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward DBE goals, provided you determine the fees to be reasonable and not excessive as compared with fees customarily al-

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lowed for similar services. Do not count any portion of the cost of the materials and supplies themselves toward DBE goals, however.

(f) If a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, do not count the firm's participation toward any DBE goals, except as provided for in §26.87(i).

(g) Do not count the dollar value of work performed under a contract with a firm after it has ceased to be certified toward your overall goal.

(h) Do not count the participation of a DBE subcontractor toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

[64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35554, June 16, 2003]

Subpart D—Certification Standards

§26.61 How are burdens of proof allocated in the certification process?

(a) In determining whether to certify a firm as eligible to participate as a DBE, you must apply the standards of this subpart.

(b) The firm seeking certification has the burden of demonstrating to you, by a preponderance of the evidence, that it meets the requirements of this subpart concerning group membership or individual disadvantage, business size, ownership, and control.

(c) You must rebuttably presume that members of the designated groups identified in §26.67(a) are socially and economically disadvantaged. This means they do not have the burden of proving to you that they are socially and economically disadvantaged. In order to obtain the benefit of the rebuttable presumption, individuals must submit a signed, notarized statement that they are a member of one of the groups in §26.67(a). Applicants do have the obligation to provide you information concerning their economic disadvantage (see §26.67).

(d) Individuals who are not presumed to be socially and economically disadvantaged, and individuals concerning whom the presumption of disadvantage has been rebutted, have the burden of

proving to you, by a preponderance of the evidence, that they are socially and economically disadvantaged. (See Appendix E of this part.)

(e) You must make determinations concerning whether individuals and firms have met their burden of demonstrating group membership, ownership, control, and social and economic disadvantage (where disadvantage must be demonstrated on an individual basis) by considering all the facts in the record, viewed as a whole.

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35554, June 16, 2003]

§ 26.63 What rules govern group membership determinations?

(a)(1) If, after reviewing the signed notarized statement of membership in a presumptively disadvantaged group (see § 26.61(c)), you have a well founded reason to question the individual's claim of membership in that group, you must require the individual to present additional evidence that he or she is a member of the group.

(2) You must provide the individual a written explanation of your reasons for questioning his or her group membership and a written request for additional evidence as outlined in paragraph (b) of this section.

(3) In implementing this section, you must take special care to ensure that you do not impose a disproportionate burden on members of any particular designated group. Imposing a disproportionate burden on members of a particular group could violate § 26.7(b) and/or Title VI of the Civil Rights Act of 1964 and 49 CFR part 21.

(b) In making such a determination, you must consider whether the person has held himself out to be a member of the group over a long period of time prior to application for certification and whether the person is regarded as a member of the group by the relevant community. You may require the applicant to produce appropriate documentation of group membership.

(1) If you determine that an individual claiming to be a member of a group presumed to be disadvantaged is not a member of a designated disadvantaged group, the individual must demonstrate social and economic disadvantage on an individual basis.

(2) Your decisions concerning membership in a designated group are subject to the certification appeals procedure of § 26.89.

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35554, June 16, 2003]

§ 26.65 What rules govern business size determinations?

(a) To be an eligible DBE, a firm (including its affiliates) must be an existing small business, as defined by Small Business Administration (SBA) standards. As a recipient, you must apply current SBA business size standard(s) found in 13 CFR part 121 appropriate to the type(s) of work the firm seeks to perform in DOT-assisted contracts.

(b) Even if it meets the requirements of paragraph (a) of this section, a firm is not an eligible DBE in any Federal fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by SBA regulations (see 13 CFR 121.402), over the firm's previous three fiscal years, in excess of \$20.41 million.

(c) The Department adjusts the number in paragraph (b) of this section using the Department of Commerce price deflators for purchases by State and local governments as the basis for this adjustment. The Department issues a final rule by August 10 of each year making this adjustment.

[72 FR 15617, Apr. 2, 2007]

§ 26.67 What rules determine social and economic disadvantage?

(a) *Presumption of disadvantage.* (1) You must rebuttably presume that citizens of the United States (or lawfully admitted permanent residents) who are women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, or other minorities found to be disadvantaged by the SBA, are socially and economically disadvantaged individuals. You must require applicants to submit a signed, notarized certification that each presumptively disadvantaged owner is, in fact, socially and economically disadvantaged.

net worth exceeds \$750,000 shall not be deemed to be economically disadvantaged. In making these determinations, use the guidance found in Appendix E of this part. You must require that applicants provide sufficient information to permit determinations under the guidance of Appendix E of this part.

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 68 FR 35554, June 18, 2003]

§ 26.69 What rules govern determinations of ownership?

(a) In determining whether the socially and economically disadvantaged participants in a firm own the firm, you must consider all the facts in the record, viewed as a whole.

(b) To be an eligible DBE, a firm must be at least 51 percent owned by socially and economically disadvantaged individuals.

(1) In the case of a corporation, such individuals must own at least 51 percent of the each class of voting stock outstanding and 51 percent of the aggregate of all stock outstanding.

(2) In the case of a partnership, 51 percent of each class of partnership interest must be owned by socially and economically disadvantaged individuals. Such ownership must be reflected in the firm's partnership agreement.

(3) In the case of a limited liability company, at least 51 percent of each class of member interest must be owned by socially and economically disadvantaged individuals.

(c) The firm's ownership by socially and economically disadvantaged individuals must be real, substantial, and continuing, going beyond pro forma ownership of the firm as reflected in ownership documents. The disadvantaged owners must enjoy the customary incidents of ownership, and share in the risks and profits commensurate with their ownership interests, as demonstrated by the substance, not merely the form, of arrangements.

(d) All securities that constitute ownership of a firm shall be held directly by disadvantaged persons. Except as provided in this paragraph (d), no securities or assets held in trust, or by any guardian for a minor, are considered as held by disadvantaged persons in determining the ownership of a firm. However, securities or assets held

in trust are regarded as held by a disadvantaged individual for purposes of determining ownership of the firm, if—

(1) The beneficial owner of securities or assets held in trust is a disadvantaged individual, and the trustee is the same or another such individual; or

(2) The beneficial owner of a trust is a disadvantaged individual who, rather than the trustee, exercises effective control over the management, policy-making, and daily operational activities of the firm. Assets held in a revocable living trust may be counted only in the situation where the same disadvantaged individual is the sole grantor, beneficiary, and trustee.

(e) The contributions of capital or expertise by the socially and economically disadvantaged owners to acquire their ownership interests must be real and substantial. Examples of insufficient contributions include a promise to contribute capital, an unsecured note payable to the firm or an owner who is not a disadvantaged individual, or mere participation in a firm's activities as an employee. Debt instruments from financial institutions or other organizations that lend funds in the normal course of their business do not render a firm ineligible, even if the debtor's ownership interest is security for the loan.

(f) The following requirements apply to situations in which expertise is relied upon as part of a disadvantaged owner's contribution to acquire ownership:

(1) The owner's expertise must be—

(i) In a specialized field;

(ii) Of outstanding quality;

(iii) In areas critical to the firm's operations;

(iv) Indispensable to the firm's potential success;

(v) Specific to the type of work the firm performs; and

(vi) Documented in the records of the firm. These records must clearly show the contribution of expertise and its value to the firm.

(2) The individual whose expertise is relied upon must have a significant financial investment in the firm.

(g) You must always deem as held by a socially and economically disadvantaged individual, for purposes of determining ownership, all interests in a

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business or other assets obtained by the individual—

(1) As the result of a final property settlement or court order in a divorce or legal separation, provided that no term or condition of the agreement or divorce decree is inconsistent with this section; or

(2) Through inheritance, or otherwise because of the death of the former owner.

(h)(1) You must presume as not being held by a socially and economically disadvantaged individual, for purposes of determining ownership, all interests in a business or other assets obtained by the individual as the result of a gift, or transfer without adequate consideration, from any non-disadvantaged individual or non-DBE firm who is—

(i) Involved in the same firm for which the individual is seeking certification, or an affiliate of that firm;

(ii) Involved in the same or a similar line of business; or

(iii) Engaged in an ongoing business relationship with the firm, or an affiliate of the firm, for which the individual is seeking certification.

(2) To overcome this presumption and permit the interests or assets to be counted, the disadvantaged individual must demonstrate to you, by clear and convincing evidence, that—

(i) The gift or transfer to the disadvantaged individual was made for reasons other than obtaining certification as a DBE; and

(ii) The disadvantaged individual actually controls the management, policy, and operations of the firm, notwithstanding the continuing participation of a non-disadvantaged individual who provided the gift or transfer.

(i) You must apply the following rules in situations in which marital assets form a basis for ownership of a firm:

(1) When marital assets (other than the assets of the business in question), held jointly or as community property by both spouses, are used to acquire the ownership interest asserted by one spouse, you must deem the ownership interest in the firm to have been acquired by that spouse with his or her own individual resources, provided that the other spouse irrevocably renounces and transfers all rights in the owner-

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ship interest in the manner sanctioned by the laws of the state in which either spouse or the firm is domiciled. You do not count a greater portion of joint or community property assets toward ownership than state law would recognize as belonging to the socially and economically disadvantaged owner of the applicant firm.

(2) A copy of the document legally transferring and renouncing the other spouse's rights in the jointly owned or community assets used to acquire an ownership interest in the firm must be included as part of the firm's application for DBE certification.

(j) You may consider the following factors in determining the ownership of a firm. However, you must not regard a contribution of capital as failing to be real and substantial, or find a firm ineligible, solely because—

(1) A socially and economically disadvantaged individual acquired his or her ownership interest as the result of a gift, or transfer without adequate consideration, other than the types set forth in paragraph (h) of this section;

(2) There is a provision for the co-signature of a spouse who is not a socially and economically disadvantaged individual on financing agreements, contracts for the purchase or sale of real or personal property, bank signature cards, or other documents; or

(3) Ownership of the firm in question or its assets is transferred for adequate consideration from a spouse who is not a socially and economically disadvantaged individual to a spouse who is such an individual. In this case, you must give particularly close and careful scrutiny to the ownership and control of a firm to ensure that it is owned and controlled, in substance as well as in form, by a socially and economically disadvantaged individual.

§26.71 What rules govern determinations concerning control?

(a) In determining whether socially and economically disadvantaged owners control a firm, you must consider all the facts in the record, viewed as a whole.

(b) Only an independent business may be certified as a DBE. An independent business is one the viability of which

firm in any capacity, the disadvantaged individual now owning the firm must demonstrate to you, by clear and convincing evidence, that:

(1) The transfer of ownership and/or control to the disadvantaged individual was made for reasons other than obtaining certification as a DBE; and

(2) The disadvantaged individual actually controls the management, policy, and operations of the firm, notwithstanding the continuing participation of a non-disadvantaged individual who formerly owned and/or controlled the firm.

(m) In determining whether a firm is controlled by its socially and economically disadvantaged owners, you may consider whether the firm owns equipment necessary to perform its work. However, you must not determine that a firm is not controlled by socially and economically disadvantaged individuals solely because the firm leases, rather than owns, such equipment, where leasing equipment is a normal industry practice and the lease does not involve a relationship with a prime contractor or other party that compromises the independence of the firm.

(n) You must grant certification to a firm only for specific types of work in which the socially and economically disadvantaged owners have the ability to control the firm. To become certified in an additional type of work, the firm need demonstrate to you only that its socially and economically disadvantaged owners are able to control the firm with respect to that type of work. You may not, in this situation, require that the firm be recertified or submit a new application for certification, but you must verify the disadvantaged owner's control of the firm in the additional type of work.

(o) A business operating under a franchise or license agreement may be certified if it meets the standards in this subpart and the franchiser or licensor is not affiliated with the franchisee or licensee. In determining whether affiliation exists, you should generally not consider the restraints relating to standardized quality, advertising, accounting format, and other provisions imposed on the franchisee or licensee by the franchise agreement or license, provided that the franchisee or licensee

has the right to profit from its efforts and bears the risk of loss commensurate with ownership. Alternatively, even though a franchisee or licensee may not be controlled by virtue of such provisions in the franchise agreement or license, affiliation could arise through other means, such as common management or excessive restrictions on the sale or transfer of the franchise interest or license.

(p) In order for a partnership to be controlled by socially and economically disadvantaged individuals, any non-disadvantaged partners must not have the power, without the specific written concurrence of the socially and economically disadvantaged partner(s), to contractually bind the partnership or subject the partnership to contract or tort liability.

(q) The socially and economically disadvantaged individuals controlling a firm may use an employee leasing company. The use of such a company does not preclude the socially and economically disadvantaged individuals from controlling their firm if they continue to maintain an employer-employee relationship with the leased employees. This includes being responsible for hiring, firing, training, assigning, and otherwise controlling the on-the-job activities of the employees, as well as ultimate responsibility for wage and tax obligations related to the employees.

§ 26.73 What are other rules affecting certification?

(a)(1) Consideration of whether a firm performs a commercially useful function or is a regular dealer pertains solely to counting toward DBE goals the participation of firms that have already been certified as DBEs. Except as provided in paragraph (a)(2) of this section, you must not consider commercially useful function issues in any way in making decisions about whether to certify a firm as a DBE.

(2) You may consider, in making certification decisions, whether a firm has exhibited a pattern of conduct indicating its involvement in attempts to evade or subvert the intent or requirements of the DBE program.

(b) You must evaluate the eligibility of a firm on the basis of present circumstances. You must not refuse to certify a firm based solely on historical information indicating a lack of ownership or control of the firm by socially and economically disadvantaged individuals at some time in the past, if the firm currently meets the ownership and control standards of this part. Nor must you refuse to certify a firm solely on the basis that it is a newly formed firm.

(c) DBE firms and firms seeking DBE certification shall cooperate fully with your requests (and DOT requests) for information relevant to the certification process. Failure or refusal to provide such information is a ground for a denial or removal of certification.

(d) Only firms organized for profit may be eligible DBEs. Not-for-profit organizations, even though controlled by socially and economically disadvantaged individuals, are not eligible to be certified as DBEs.

(e) An eligible DBE firm must be owned by individuals who are socially and economically disadvantaged. Except as provided in this paragraph, a firm that is not owned by such individuals, but instead is owned by another firm—even a DBE firm—cannot be an eligible DBE.

(1) If socially and economically disadvantaged individuals own and control a firm through a parent or holding company, established for tax, capitalization or other purposes consistent with industry practice, and the parent or holding company in turn owns and controls an operating subsidiary, you may certify the subsidiary if it otherwise meets all requirements of this subpart. In this situation, the individual owners and controllers of the parent or holding company are deemed to control the subsidiary through the parent or holding company.

(2) You may certify such a subsidiary only if there is cumulatively 51 percent ownership of the subsidiary by socially and economically disadvantaged individuals. The following examples illustrate how this cumulative ownership provision works:

Example 1: Socially and economically disadvantaged individuals own 100 percent of a holding company, which has a wholly-owned

subsidiary. The subsidiary may be certified, if it meets all other requirements.

Example 2: Disadvantaged individuals own 100 percent of the holding company, which owns 51 percent of a subsidiary. The subsidiary may be certified, if all other requirements are met.

Example 3: Disadvantaged individuals own 80 percent of the holding company, which in turn owns 70 percent of a subsidiary. In this case, the cumulative ownership of the subsidiary by disadvantaged individuals is 56 percent (80 percent of the 70 percent). This is more than 51 percent, so you may certify the subsidiary, if all other requirements are met.

Example 4: Same as Example 2 or 3, but someone other than the socially and economically disadvantaged owners of the parent or holding company controls the subsidiary. Even though the subsidiary is owned by disadvantaged individuals, through the holding or parent company, you cannot certify it because it fails to meet control requirements.

Example 5: Disadvantaged individuals own 60 percent of the holding company, which in turn owns 51 percent of a subsidiary. In this case, the cumulative ownership of the subsidiary by disadvantaged individuals is about 31 percent. This is less than 51 percent, so you cannot certify the subsidiary.

Example 6: The holding company, in addition to the subsidiary seeking certification, owns several other companies. The combined gross receipts of the holding companies and its subsidiaries are greater than the size standard for the subsidiary seeking certification and/or the gross receipts cap of §26.65(b). Under the rules concerning affiliation, the subsidiary fails to meet the size standard and cannot be certified.

(f) Recognition of a business as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is an independent business, owned and controlled by socially and economically disadvantaged individuals.

(g) You must not require a DBE firm to be prequalified as a condition for certification unless the recipient requires all firms that participate in its contracts and subcontracts to be prequalified.

(h) A firm that is owned by an Indian tribe or Native Hawaiian organization, rather than by Indians or Native Hawaiians as individuals, may be eligible for certification. Such a firm must meet the size standards of §26.35. Such a firm must be controlled by socially and economically disadvantaged individuals, as provided in §26.71.

(1) The following special rules apply to the certification of firms related to Alaska Native Corporations (ANCs).

(1) Notwithstanding any other provisions of this subpart, a direct or indirect subsidiary corporation, joint venture, or partnership entity of an ANC is eligible for certification as a DBE if it meets all of the following requirements:

(1) The Settlement Common Stock of the underlying ANC and other stock of the ANC held by holders of the Settlement Common Stock and by Natives and descendants of Natives represents a majority of both the total equity of the ANC and the total voting power of the corporation for purposes of electing directors;

(ii) The shares of stock or other units of common ownership interest in the subsidiary, joint venture, or partnership entity held by the ANC and by holders of its Settlement Common Stock represent a majority of both the total equity of the entity and the total voting power of the entity for the purpose of electing directors, the general partner, or principal officers; and

(iii) The subsidiary, joint venture, or partnership entity has been certified by the Small Business Administration under the 8(a) or small disadvantaged business program.

(2) As a recipient to whom an ANC-related entity applies for certification, you do not use the DOT uniform application form (*see* Appendix F of this part). You must obtain from the firm documentation sufficient to demonstrate that entity meets the requirements of paragraph (1)(1) of this section. You must also obtain sufficient information about the firm to allow you to administer your program (*e.g.*, information that would appear in your DBE Directory).

(3) If an ANC-related firm does not meet all the conditions of paragraph (1)(1) of this section, then it must meet the requirements of paragraph (h) of this section in order to be certified, on the same basis as firms owned by Indian Tribes or Native Hawaiian Organizations.

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35555, June 16, 2003]

Subpart E—Certification Procedures

§ 26.81 What are the requirements for Unified Certification Programs?

(a) You and all other DOT recipients in your state must participate in a Unified Certification Program (UCP).

(1) Within three years of March 4, 1999, you and the other recipients in your state must sign an agreement establishing the UCP for that state and submit the agreement to the Secretary for approval. The Secretary may, on the basis of extenuating circumstances shown by the recipients in the state, extend this deadline for no more than one additional year.

(2) The agreement must provide for the establishment of a UCP meeting all the requirements of this section. The agreement must specify that the UCP will follow all certification procedures and standards of this part, on the same basis as recipients; that the UCP shall cooperate fully with oversight, review, and monitoring activities of DOT and its operating administrations; and that the UCP shall implement DOT directives and guidance concerning certification matters. The agreement shall also commit recipients to ensuring that the UCP has sufficient resources and expertise to carry out the requirements of this part. The agreement shall include an implementation schedule ensuring that the UCP is fully operational no later than 18 months following the approval of the agreement by the Secretary.

(3) Subject to approval by the Secretary, the UCP in each state may take any form acceptable to the recipients in that state.

(4) The Secretary shall review the UCP and approve it, disapprove it, or remand it to the recipients in the state for revisions. A complete agreement which is not disapproved or remanded within 180 days of its receipt is deemed to be accepted.

(5) If you and the other recipients in your state fail to meet the deadlines set forth in this paragraph (a), you shall have the opportunity to make an explanation to the Secretary why a deadline could not be met and why meeting the deadline was beyond your

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control. If you fail to make such an explanation, or the explanation does not justify the failure to meet the deadline, the Secretary shall direct you to complete the required action by a date certain. If you and the other recipients fail to carry out this direction in a timely manner, you are collectively in noncompliance with this part.

(b) The UCP shall make all certification decisions on behalf of all DOT recipients in the state with respect to participation in the DOT DBE Program.

(1) Certification decisions by the UCP shall be binding on all DOT recipients within the state.

(2) The UCP shall provide "one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state.

(3) All obligations of recipients with respect to certification and nondiscrimination must be carried out by UCPs, and recipients may use only UCPs that comply with the certification and nondiscrimination requirements of this part.

(c) All certifications by UCPs shall be pre-certifications; i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE.

(d) A UCP is not required to process an application for certification from a firm having its principal place of business outside the state if the firm is not certified by the UCP in the state in which it maintains its principal place of business. The "home state" UCP shall share its information and documents concerning the firm with other UCPs that are considering the firm's application.

(e) Subject to DOT approval as provided in this section, the recipients in two or more states may form a regional UCP. UCPs may also enter into written reciprocity agreements with other UCPs. Such an agreement shall outline the specific responsibilities of each participant. A UCP may accept the certification of any other UCP or DOT recipient.

(f) Pending the establishment of UCPs meeting the requirements of this

section, you may enter into agreements with other recipients, on a regional or inter-jurisdictional basis, to perform certification functions required by this part. You may also grant reciprocity to other recipient's certification decisions.

(g) Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this section), the information required by § 26.81. The UCP shall make the directory available to the public electronically, on the internet, as well as in print. The UCP shall update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made.

(h) Except as otherwise specified in this section, all provisions of this subpart and subpart D of this part pertaining to recipients also apply to UCPs.

§ 26.83 What procedures do recipients follow in making certification decisions?

(a) You must ensure that only firms certified as eligible DBEs under this section participate as DBEs in your program.

(b) You must determine the eligibility of firms as DBEs consistent with the standards of subpart D of this part. When a UCP is formed, the UCP must meet all the requirements of subpart D of this part and this subpart that recipients are required to meet.

(c) You must take all the following steps in determining whether a DBE firm meets the standards of subpart D of this part:

(1) Perform an on-site visit to the offices of the firm. You must interview the principal officers of the firm and review their résumés and/or work histories. You must also perform an on-site visit to job sites if there are such sites on which the firm is working at the time of the eligibility investigation in your jurisdiction or local area. You may rely upon the site visit report of any other recipient with respect to a firm applying for certification;

(2) If the firm is a corporation, analyze the ownership of stock in the firm;

(3) Analyze the bonding and financial capacity of the firm;

(4) Determine the work history of the firm, including contracts it has received and work it has completed;

(5) Obtain a statement from the firm of the type of work it prefers to perform as part of the DBE program and its preferred locations for performing the work, if any;

(6) Obtain or compile a list of the equipment owned by or available to the firm and the licenses the firm and its key personnel possess to perform the work it seeks to do as part of the DBE program;

(7) Require potential DBEs to complete and submit an appropriate application form, unless the potential DBE is an SBA certified firm applying pursuant to the DOT/SBA MOU.

(i) You must use the application form provided in Appendix F to this part without change or revision. However, you may provide in your DBE program, with the approval of the concerned operating administration, for supplementing the form by requesting additional information not inconsistent with this part.

(ii) You must make sure that the applicant attests to the accuracy and truthfulness of the information on the application form. This shall be done either in the form of an affidavit sworn to by the applicant before a person who is authorized by state law to administer oaths or in the form of an unsworn declaration executed under penalty of perjury of the laws of the United States.

(iii) You must review all information on the form prior to making a decision about the eligibility of the firm.

(d) When another recipient, in connection with its consideration of the eligibility of a firm, makes a written request for certification information you have obtained about that firm (e.g., including application materials or the report of a site visit, if you have made one to the firm), you must promptly make the information available to the other recipient.

(e) When another DOT recipient has certified a firm, you have discretion to take any of the following actions:

(1) Certify the firm in reliance on the certification decision of the other recipient;

(2) Make an independent certification decision based on documentation provided by the other recipient, augmented by any additional information you require the applicant to provide; or

(3) Require the applicant to go through your application process without regard to the action of the other recipient.

(f) Subject to the approval of the concerned operating administration as part of your DBE program, you may impose a reasonable application fee for certification. Fee waivers shall be made in appropriate cases.

(g) You must safeguard from disclosure to unauthorized persons information gathered as part of the certification process that may reasonably be regarded as proprietary or other confidential business information, consistent with applicable Federal, state, and local law.

(h) Once you have certified a DBE, it shall remain certified for a period of at least three years unless and until its certification has been removed through the procedures of § 26.87. You may not require DBEs to reapply for certification as a condition of continuing to participate in the program during this three-year period, unless the factual basis on which the certification was made changes.

(i) If you are a DBE, you must inform the recipient or UCP in writing of any change in circumstances affecting your ability to meet size, disadvantaged status, ownership, or control requirements of this part or any material change in the information provided in your application form.

(1) Changes in management responsibility among members of a limited liability company are covered by this requirement.

(2) You must attach supporting documentation describing in detail the nature of such changes.

(3) The notice must take the form of an affidavit sworn to by the applicant before a person who is authorized by state law to administer oaths or of an unsworn declaration executed under penalty of perjury of the laws of the United States. You must provide the

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written notification within 30 days of the occurrence of the change. If you fail to make timely notification of such a change, you will be deemed to have failed to cooperate under § 26.109(c).

(j) If you are a DBE, you must provide to the recipient, every year on the anniversary of the date of your certification, an affidavit sworn to by the firm's owners before a person who is authorized by state law to administer oaths or an unsworn declaration executed under penalty of perjury of the laws of the United States. This affidavit must affirm that there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership, or control requirements of this part or any material changes in the information provided in its application form, except for changes about which you have notified the recipient under paragraph (i) of this section. The affidavit shall specifically affirm that your firm continues to meet SBA business size criteria and the overall gross receipts cap of this part, documenting this affirmation with supporting documentation of your firm's size and gross receipts. If you fail to provide this affidavit in a timely manner, you will be deemed to have failed to cooperate under § 26.109(c).

(k) If you are a recipient, you must make decisions on applications for certification within 90 days of receiving from the applicant firm all information required under this part. You may extend this time period once, for no more than an additional 60 days, upon written notice to the firm, explaining fully and specifically the reasons for the extension. You may establish a different time frame in your DBE program, upon a showing that this time frame is not feasible, and subject to the approval of the concerned operating administration. Your failure to make a decision by the applicable deadline under this paragraph is deemed a constructive denial of the application, on the basis of which the firm may appeal to DOT under § 26.89.

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35555, June 16, 2003]

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§ 26.84 How do recipients process applications submitted pursuant to the DOT/SBA MOU?

(a) When an SBA-certified firm applies for certification pursuant to the DOT/SBA MOU, you must accept the certification applications, forms and packages submitted by a firm to the SBA for either the 8(a) BD or SDB programs, in lieu of requiring the applicant firm to complete your own application forms and packages. The applicant may submit the package directly, or may request that the SBA forward the package to you. Pursuant to the MOU, the SBA will forward the package within thirty days.

(b) If necessary, you may request additional relevant information from the SBA. The SBA will provide this additional material within forty-five days of your written request.

(c) Before certifying a firm based on its 8(a) BD or SDB certification, you must conduct an on-site review of the firm (*see* § 26.83(c)(1)). If the SBA conducted an on-site review, you may rely on the SBA's report of the on-site review. In connection with this review, you may also request additional relevant information from the firm.

(d) Unless you determine, based on the on-site review and information obtained in connection with it, that the firm does not meet the eligibility requirements of Subpart D of this part, you must certify the firm.

(e) You are not required to process an application for certification from an SBA-certified firm having its principal place of business outside the state(s) in which you operate unless there is a report of a "home state" on-site review on which you may rely.

(f) You are not required to process an application for certification from an SBA-certified firm if the firm does not provide products or services that you use in your DOT-assisted programs or airport concessions.

[68 FR 35555, June 16, 2003]

§ 26.85 How do recipients respond to requests from DBE-certified firms or the SBA made pursuant to the DOT/SBA MOU?

(a) Upon receipt of a signed, written request from a DBE-certified firm, you must transfer to the SBA a copy of the

firm's application package. You must transfer this information within thirty days of receipt of the request.

(b) If necessary, the SBA may make a written request to the recipient for additional materials (*e.g.*, the report of the on-site review). You must provide a copy of this material to the SBA within forty-five days of the additional request.

(c) You must provide appropriate assistance to SBA-certified firms, including providing information pertaining to the DBE application process, filing locations, required documentation and status of applications.

[68 FR 35555, June 16, 2003]

§ 26.86 What rules govern recipients' denials of initial requests for certification?

(a) When you deny a request by a firm, which is not currently certified with you, to be certified as a DBE, you must provide the firm a written explanation of the reasons for the denial, specifically referencing the evidence in the record that supports each reason for the denial. All documents and other information on which the denial is based must be made available to the applicant, on request.

(b) When you deny DBE certification to a firm certified by the SBA, you must notify the SBA in writing. The notification must include the reason for denial.

(c) When a firm is denied certification, you must establish a time period of no more than twelve months that must elapse before the firm may reapply to the recipient for certification. You may provide, in your DBE program, subject to approval by the concerned operating administration, a shorter waiting period for reapplication. The time period for reapplication begins to run on the date the explanation required by paragraph (a) of this section is received by the firm.

(d) When you make an administratively final denial of certification concerning a firm, the firm may appeal the denial to the Department under § 26.89.

[64 FR 5126, Feb. 2, 1999. Redesignated and amended at 68 FR 35555, June 16, 2003]

§ 26.87 What procedures does a recipient use to remove a DBE's eligibility?

(a) *Ineligibility complaints.* (1) Any person may file with you a written complaint alleging that a currently-certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. You are not required to accept a general allegation that a firm is ineligible or an anonymous complaint. The complaint may include any information or arguments supporting the complainant's assertion that the firm is ineligible and should not continue to be certified. Confidentiality of complainants' identities must be protected as provided in § 26.109(b).

(2) You must review your records concerning the firm, any material provided by the firm and the complainant, and other available information. You may request additional information from the firm or conduct any other investigation that you deem necessary.

(3) If you determine, based on this review, that there is reasonable cause to believe that the firm is ineligible, you must provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. If you determine that such reasonable cause does not exist, you must notify the complainant and the firm in writing of this determination and the reasons for it. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based.

(b) *Recipient-initiated proceedings.* If, based on notification by the firm of a change in its circumstances or other information that comes to your attention, you determine that there is reasonable cause to believe that a currently certified firm is ineligible, you must provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based.

(c) *DOT directive to initiate proceeding.* (1) If the concerned operating administration determines that information in

(h) When you decertify a DBE firm certified by the SBA, you must notify the SBA in writing. The notification must include the reason for denial.

(1) *Status of firm during proceeding.* (1) A firm remains an eligible DBE during the pendency of your proceeding to remove its eligibility.

(2) The firm does not become ineligible until the issuance of the notice provided for in paragraph (g) of this section.

(j) *Effects of removal of eligibility.* When you remove a firm's eligibility, you must take the following action:

(1) When a prime contractor has made a commitment to using the ineligible firm, or you have made a commitment to using a DBE prime contractor, but a subcontract or contract has not been executed before you issue the decertification notice provided for in paragraph (g) of this section, the ineligible firm does not count toward the contract goal or overall goal. You must direct the prime contractor to meet the contract goal with an eligible DBE firm or demonstrate to you that it has made a good faith effort to do so.

(2) If a prime contractor has executed a subcontract with the firm before you have notified the firm of its ineligibility, the prime contractor may continue to use the firm on the contract and may continue to receive credit toward its DBE goal for the firm's work. In this case, or in a case where you have let a prime contract to the DBE that was later ruled ineligible, the portion of the ineligible firm's performance of the contract remaining after you issued the notice of its ineligibility shall not count toward your overall goal, but may count toward the contract goal.

(3) *Exception:* If the DBE's ineligibility is caused solely by its having exceeded the size standard during the performance of the contract, you may continue to count its participation on that contract toward overall and contract goals.

(k) *Availability of appeal.* When you make an administratively final removal of a firm's eligibility under this section, the firm may appeal the removal to the Department under § 26.89.

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35556, June 16, 2003]

§ 26.89 What is the process for certification appeals to the Department of Transportation?

(a)(1) If you are a firm that is denied certification or whose eligibility is removed by a recipient, including SBA-certified firms applying pursuant to the DOT/SBA MOU, you may make an administrative appeal to the Department.

(2) If you are a complainant in an ineligibility complaint to a recipient (including the concerned operating administration in the circumstances provided in § 26.87(c)), you may appeal to the Department if the recipient does not find reasonable cause to propose removing the firm's eligibility or, following a removal of eligibility proceeding, determines that the firm is eligible.

(3) Send appeals to the following address: Department of Transportation, Office of Civil Rights, 1200 New Jersey Avenue, SE., Washington, DC 20590.

(b) Pending the Department's decision in the matter, the recipient's decision remains in effect. The Department does not stay the effect of the recipient's decision while it is considering an appeal.

(c) If you want to file an appeal, you must send a letter to the Department within 90 days of the date of the recipient's final decision, including information and arguments concerning why the recipient's decision should be reversed. The Department may accept an appeal filed later than 90 days after the date of the decision if the Department determines that there was good cause for the late filing of the appeal.

(1) If you are an appellant who is a firm which has been denied certification, whose certification has been removed, whose owner is determined not to be a member of a designated disadvantaged group, or concerning whose owner the presumption of disadvantage has been rebutted, your letter must state the name and address of any other recipient which currently certifies the firm, which has rejected an application for certification from the firm or removed the firm's eligibility within one year prior to the date of the appeal, or before which an application for certification or a removal of eligibility is pending. Failure to provide

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this information may be deemed a failure to cooperate under § 26.109(c).

(2) If you are an appellant other than one described in paragraph (c)(1) of this section, the Department will request, and the firm whose certification has been questioned shall promptly provide, the information called for in paragraph (c)(1) of this section. Failure to provide this information may be deemed a failure to cooperate under § 26.109(c).

(d) When it receives an appeal, the Department requests a copy of the recipient's complete administrative record in the matter. If you are the recipient, you must provide the administrative record, including a hearing transcript, within 20 days of the Department's request. The Department may extend this time period on the basis of a recipient's showing of good cause. To facilitate the Department's review of a recipient's decision, you must ensure that such administrative records are well organized, indexed, and paginated. Records that do not comport with these requirements are not acceptable and will be returned to you to be corrected immediately. If an appeal is brought concerning one recipient's certification decision concerning a firm, and that recipient relied on the decision and/or administrative record of another recipient, this requirement applies to both recipients involved.

(e) The Department makes its decision based solely on the entire administrative record. The Department does not make a de novo review of the matter and does not conduct a hearing. The Department may supplement the administrative record by adding relevant information made available by the DOT Office of Inspector General; Federal, state, or local law enforcement authorities; officials of a DOT operating administration or other appropriate DOT office; a recipient; or a firm or other private party.

(f) As a recipient, when you provide supplementary information to the Department, you shall also make this information available to the firm and any third-party complainant involved, consistent with Federal or applicable state laws concerning freedom of information and privacy. The Department

makes available, on request by the firm and any third-party complainant involved, any supplementary information it receives from any source.

(1) The Department affirms your decision unless it determines, based on the entire administrative record, that your decision is unsupported by substantial evidence or inconsistent with the substantive or procedural provisions of this part concerning certification.

(2) If the Department determines, after reviewing the entire administrative record, that your decision was unsupported by substantial evidence or inconsistent with the substantive or procedural provisions of this part concerning certification, the Department reverses your decision and directs you to certify the firm or remove its eligibility, as appropriate. You must take the action directed by the Department's decision immediately upon receiving written notice of it.

(3) The Department is not required to reverse your decision if the Department determines that a procedural error did not result in fundamental unfairness to the appellant or substantially prejudice the opportunity of the appellant to present its case.

(4) If it appears that the record is incomplete or unclear with respect to matters likely to have a significant impact on the outcome of the case, the Department may remand the record to you with instructions seeking clarification or augmentation of the record before making a finding. The Department may also remand a case to you for further proceedings consistent with Department instructions concerning the proper application of the provisions of this part.

(5) The Department does not uphold your decision based on grounds not specified in your decision.

(6) The Department's decision is based on the status and circumstances of the firm as of the date of the decision being appealed.

(7) The Department provides written notice of its decision to you, the firm, and the complainant in an ineligibility complaint. A copy of the notice is also sent to any other recipient whose administrative record or decision has been involved in the proceeding (*see*

paragraph (d) of this section). The Department will also notify the SBA in writing when DOT takes an action on an appeal that results in or confirms a loss of eligibility to any SBA-certified firm. The notice includes the reasons for the Department's decision, including specific references to the evidence in the record that supports each reason for the decision.

(8) The Department's policy is to make its decision within 180 days of receiving the complete administrative record. If the Department does not make its decision within this period, the Department provides written notice to concerned parties, including a statement of the reason for the delay and a date by which the appeal decision will be made.

(g) All decisions under this section are administratively final, and are not subject to petitions for reconsideration.

[64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35555, June 16, 2003; 73 FR 33329, June 12, 2008]

§ 26.91 What actions do recipients take following DOT certification appeal decisions?

(a) If you are the recipient from whose action an appeal under § 26.89 is taken, the decision is binding. It is not binding on other recipients.

(b) If you are a recipient to which a DOT determination under § 26.89 is applicable, you must take the following action:

(1) If the Department determines that you erroneously certified a firm, you must remove the firm's eligibility on receipt of the determination, without further proceedings on your part. Effective on the date of your receipt of the Department's determination, the consequences of a removal of eligibility set forth in § 26.87(1) take effect.

(2) If the Department determines that you erroneously failed to find reasonable cause to remove the firm's eligibility, you must expeditiously commence a proceeding to determine whether the firm's eligibility should be removed, as provided in § 26.87.

(3) If the Department determines that you erroneously declined to certify or removed the eligibility of the firm, you must certify the firm, effective

on the date of your receipt of the written notice of Department's determination.

(4) If the Department determines that you erroneously determined that the presumption of social and economic disadvantage either should or should not be deemed rebutted, you must take appropriate corrective action as determined by the Department.

(5) If the Department affirms your determination, no further action is necessary.

(c) Where DOT has upheld your denial of certification to or removal of eligibility from a firm, or directed the removal of a firm's eligibility, other recipients with whom the firm is certified may commence a proceeding to remove the firm's eligibility under § 26.87. Such recipients must not remove the firm's eligibility absent such a proceeding. Where DOT has reversed your denial of certification to or removal of eligibility from a firm, other recipients must take the DOT action into account in any certification action involving the firm. However, other recipients are not required to certify the firm based on the DOT decision.

Subpart F—Compliance and Enforcement

§ 26.101 What compliance procedures apply to recipients?

(a) If you fail to comply with any requirement of this part, you may be subject to formal enforcement action under § 26.103 or § 26.105 or appropriate program sanctions by the concerned operating administration, 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, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

(b) As provided in statute, you will not be subject to compliance actions or sanctions for failing to carry out any requirement of this part because you have been prevented from complying

§ 26.103

because a Federal court has issued a final order in which the court found that the requirement is unconstitutional.

§ 26.103 What enforcement actions apply in FHWA and FTA programs?

The provisions of this section apply to enforcement actions under FHWA and FTA programs:

(a) *Noncompliance complaints.* Any person who believes that a recipient has failed to comply with its obligations under this part may file a written complaint with the concerned operating administration's Office of Civil Rights. If you want to file a complaint, you must do so no later than 180 days after the date of the alleged violation or the date on which you learned of a continuing course of conduct in violation of this part. In response to your written request, the Office of Civil Rights may extend the time for filing in the interest of justice, specifying in writing the reason for so doing. The Office of Civil Rights may protect the confidentiality of your identity as provided in § 26.109(b). Complaints under this part are limited to allegations of violation of the provisions of this part.

(b) *Compliance reviews.* The concerned operating administration may review the recipient's compliance with this part at any time, including reviews of paperwork and on-site reviews, as appropriate. The Office of Civil Rights may direct the operating administration to initiate a compliance review based on complaints received.

(c) *Reasonable cause notice.* If it appears, from the investigation of a complaint or the results of a compliance review, that you, as a recipient, are in noncompliance with this part, the appropriate DOT office promptly sends you, return receipt requested, a written notice advising you that there is reasonable cause to find you in noncompliance. The notice states the reasons for this finding and directs you to reply within 30 days concerning whether you wish to begin conciliation.

(d) *Conciliation.* (1) If you request conciliation, the appropriate DOT office shall pursue conciliation for at least 30, but not more than 120, days from the date of your request. The appropriate DOT office may extend the conciliation

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period for up to 30 days for good cause, consistent with applicable statutes.

(2) If you and the appropriate DOT office sign a conciliation agreement, then the matter is regarded as closed and you are regarded as being in compliance. The conciliation agreement sets forth the measures you have taken or will take to ensure compliance. While a conciliation agreement is in effect, you remain eligible for FHWA or FTA financial assistance.

(3) The concerned operating administration shall monitor your implementation of the conciliation agreement and ensure that its terms are complied with. If you fail to carry out the terms of a conciliation agreement, you are in noncompliance.

(4) If you do not request conciliation, or a conciliation agreement is not signed within the time provided in paragraph (d)(1) of this section, then enforcement proceedings begin.

(e) *Enforcement actions.* (1) Enforcement actions are taken as provided in this subpart.

(2) Applicable findings in enforcement proceedings are binding on all DOT offices.

§ 26.105 What enforcement actions apply in FAA programs?

(a) Compliance with all requirements of this part by airport sponsors and other recipients of FAA financial assistance 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.

(b) The provisions of § 26.103(b) and this section apply to enforcement actions in FAA programs.

(c) Any person who knows of a violation of this part by a recipient of FAA funds may file a complaint under 14 CFR part 16 with the Federal Aviation Administration Office of Chief Counsel.

§ 26.107 What enforcement actions apply to firms participating in the DBE program?

(a) If you are a firm that does not meet the eligibility criteria of subpart D of this part and that attempts to participate in a DOT-assisted program as a DBE 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 may initiate suspension or debarment proceedings against you under 49 CFR part 29.

(b) If you are a firm that, in order to meet DBE contract goals or other 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, the Department may initiate suspension or debarment proceedings against you under 49 CFR part 29.

(c) In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the concerned operating administration may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude the Department from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.

(d) The Department may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under 49 CFR part 31.

(e) The Department 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 a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

§ 26.109 What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?

(a) *Availability of records.* (1) In responding to requests for information concerning any aspect of the DBE program, the Department complies with provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Department may

make available to the public any information concerning the DBE program release of which is not prohibited by Federal law.

(2) Notwithstanding any provision of Federal or state law, you must not release information that may be reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting documentation. However, you must transmit this information to DOT in any certification appeal proceeding under § 26.89 in which the disadvantaged status of the individual is in question.

(b) *Confidentiality of information on complainants.* Notwithstanding the provisions of paragraph (a) of this section, the identity of complainants shall be kept confidential, at their election. If such confidentiality will hinder the investigation, proceeding or hearing, or result in a denial of appropriate administrative due process to other parties, the complainant must be advised for the purpose of waiving the privilege. Complainants are advised that, in some circumstances, failure to waive the privilege may result in the closure of the investigation or dismissal of the proceeding or hearing. FAA follows the procedures of 14 CFR part 16 with respect to confidentiality of information in complaints.

(c) *Cooperation.* All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of

non-responsibility for future contracts and/or suspension and debarment).

(d) *Intimidation and retaliation.* If you are a recipient, contractor, or any other participant in the program, you must not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. If you violate this prohibition, you are in noncompliance with this part.

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35556, June 16, 2003]

APPENDIX A TO PART 26—GUIDANCE CONCERNING GOOD FAITH EFFORTS

I. When, as a recipient, you establish a contract goal on a DOT-assisted contract, a bidder must, in order to be responsible and/or responsive, make good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

II. In any situation in which you have established a contract goal, part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, it is up to you to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere *pro forma* efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.

III. The Department also strongly cautions you against requiring that a bidder meet a

contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring *bona fide* good faith efforts.

IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform

the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

V. In determining whether a bidder has made good faith efforts, you may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

APPENDIX B TO PART 26—UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS FORM

INSTRUCTIONS FOR COMPLETING THE UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS

1. Indicate the DOT Operating Administration (OA) that provides your Federal financial assistance. If assistance comes from more than one OA, use separate reporting forms for each OA. If you are an FTA recipient, indicate your Vendor Number in the space provided.
2. If you are an FAA recipient, indicate the relevant AIP Numbers covered by this report. If more than six, attach a separate sheet.
3. Specify the Federal fiscal year (i.e., October 1 – September 30) in which the covered reporting period falls.
4. State the date of submission of this report.
5. Check the appropriate box that indicates the reporting period that the data provided in this report covers. If this report is due June 1, data should cover October 1 – March 31. If this report is due December 1, data should cover April 1 – September 30. If this report is due to the FAA, data should cover the entire year.
6. Name of the recipient.
7. State your annual DBE goal(s) established for the Federal fiscal year of this report to be submitted to and approved by the relevant OA. Your Overall Goal is to be reported as well as the breakdown for specific Race Conscious and Race Neutral Goals (both of which include gender-conscious/neutral goals). The Race Conscious Goal portion should be based on programs that focus on and provide benefits only for DBEs. The use of contract goals is a primary example of a Race Conscious measure. The Race Neutral Goal portion should include programs that, while benefiting DBEs, are not solely focused on DBE firms. For example, a small business outreach program, technical assistance, and prompt payment clauses can assist a wide variety of businesses in addition to helping DBE firms.
- 8-9. The amounts in items 8(A)-9(I) should include all types of prime contracts awarded and all types of subcontracts awarded or committed, including: professional or consultant services, construction, purchase of materials or supplies, lease or purchase of equipment and any other types of services. All dollar amounts are to reflect only the Federal share of such contracts, and should be rounded to the nearest dollar.
- 8(A). Provide the total dollar amount for all prime contracts assisted with DOT funds that were awarded during this reporting period.
- 8(B). Provide the total number of all prime contracts assisted with DOT funds that were awarded during this reporting period.
- 8(C). From the total dollar amount awarded in item 8(A), provide the dollar amount awarded to certified DBEs during this reporting period.
- 8(D). From the total number of prime contracts awarded in item 8(B), specify the number awarded to certified DBEs during this reporting period.
- 8(E). From the total dollars awarded in 8(C), provide the dollar amount awarded to DBEs through the use of Race Conscious methods. See the definition of Race Conscious Goal in item 7 and the explanation of project types in item 8 to include in your calculation.
- 8(F). From the total number of prime contracts awarded in 8(D), specify the number awarded to DBEs through Race Conscious methods.
- 8(G). From the total dollar amount awarded in item 8(C), provide the dollar amount awarded to certified DBEs through the use of Race Neutral methods. See the definition of Race Neutral Goal in item 7 and the explanation of project types in item 8 to include.
- 8(H). From the total number of prime contracts awarded in 8(D), specify the number awarded to DBEs through Race Neutral methods.
- 8(I). Of all prime contracts awarded this reporting period, calculate the percentage going to DBEs. Divide the dollar amount in item 8(C) by the dollar amount in item 8(A) to derive this percentage. Round percentage to the nearest tenth.
- 9(A)-9(I). Items 9(A)-9(I) are derived in the same way as items 8(A)-8(I), except that these calculations should be based on subcontracts rather than prime contracts. Unlike prime contracts, which may only be awarded, subcontracts may be either awarded or committed.
- 10(A)-11(I). For all DBEs awarded prime contracts and awarded or committed subcontracts as indicated in 8(C)-(D) and 9(C)-(D), break the data down further by total dollar amount as well as the number of all contracts going to each ethnic group as well as to non-minority women. The "Other" category includes those DBEs who are not members of the presumptively disadvantaged groups already listed, but who are determined eligible for the DBE program on an individual basis (e.g. a Caucasian male with a disability). The TOTALS value in 10(H) should equal the sum of 8(C) plus 9(C), and similarly, the TOTALS value in 11(H) should equal the sum of 8(D) plus 9(D). Column 1 should only be filled out if this report is due on December 1, as indicated in item 5. The values for this column are derived by adding the values reported in column H in your first report with the values reported in this second report.
- 12(A). Provide the total number of prime contracts completed during this reporting period that had Race Conscious goals. Race Conscious contracts are those with contract goals or another Race Conscious measure.
- 12(B). Provide the total dollar value of prime contracts completed this reporting period that had Race Conscious goals.
- 12(C). Provide the total dollar amount of DBE participation on all Race Conscious prime contracts completed this reporting period that was necessary to meet the contract goals on them. This applies only to Race Conscious prime contracts.
- 12(D). Provide the actual total DBE participation in dollars on the race conscious prime contracts completed this reporting period.
- 12(E). Of all the prime contracts completed this reporting period, calculate the percentage of DBE participation. Divide the actual total dollar amount in 12(D) by the total dollar value provided in 12(B) to derive this percentage. Round to the nearest tenth.
- 13(A)-13(E). Items 13(A)-13(E) are derived in the same manner as items 12(A)-12(E), except these figures should be based on Race Neutral prime contracts (i.e. those with no race conscious measures).
- 14(A)-14(E). Calculate the totals for each column by adding the race conscious and neutral figures provided in each row above.
15. Name of the Authorized Representative preparing this form.
16. Signature of the Authorized Representative.
17. Phone number of the Authorized Representative.
18. Fax number of the Authorized Representative.

**Submit your completed report to your Regional or Division Office.

UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS
 "Please refer to the instructions sheet for directions on filling out this form"

1. Submitted to (check only one): FHWA FAA FTA--Vendor Number

2. AIF Numbers (FAA Recipients Only)

3. Federal fiscal year in which reporting period falls: FY _____

4. Date This Report Submitted: [] Report due Dec. 1 (for period April 1-Sept. 30) [] Report due Oct. 1 (Mar. 31)

5. Reporting Period: [] FFA Annual Report

6. Name of Recipient: _____

	Race Conscious Goal		Race Neutral Goal		OVERALL Goal	
	A	B	C	D	E	F
AWARDS OR COMMITMENTS AWARDED DURING THIS REPORTING PERIOD (Sub-prime and Subcontract awards only - exclude training fee reporting period)	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs/Race Conscious (dollars)	Total to DBEs/Race Neutral (number)
8. Prime contracts awarded this period						
9. Subcontract awards/committed this period						
TOTAL						
DBE AWARDS COMMITMENTS THIS REPORTING PERIOD - BREAKDOWN BY ETHNICITY & GENDER	A	B	C	D	E	F
	Black American	Hispanic American	Native American	Subcont. Asian American	Asian-Pacific American	Non-Minority Women
10. Total Number of Contracts (Prime and Sub)						
11. Total Dollar Value						
AWARDS OR COMMITMENTS AWARDED DURING THIS REPORTING PERIOD - BREAKDOWN BY CONTRACT TYPE	A		B		C	
	Number of Prime Contracts Completed	Total Dollar Value of Prime Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Other (i.e., not of any other group listed here)	TOTALS for this reporting period only
12. Race Conscious						
13. Race Neutral						
14. Totals						
15. Submitted by (Print Name of Authorized Representative)						16. Signature of Authorized Representative
17. Phone Number						18. Fax Number

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35556, June 16, 2003]

APPENDIX C TO PART 26—DBE BUSINESS DEVELOPMENT PROGRAM GUIDELINES

The purpose of this program element is to further the development of DBEs, including but not limited to assisting them to move into non-traditional areas of work and/or compete in the marketplace outside the DBE

program, via the provision of training and assistance from the recipient.

(A) Each firm that participates in a recipient's business development program (BDP) program is subject to a program term determined by the recipient. The term should consist of two stages; a developmental stage and a transitional stage.

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(B) In order for a firm to remain eligible for program participation, it must continue to meet all eligibility criteria contained in part 26.

(C) By no later than 6 months of program entry, the participant should develop and submit to the recipient a comprehensive business plan setting forth the participant's business targets, objectives and goals. The participant will not be eligible for program benefits until such business plan is submitted and approved by the recipient. The approved business plan will constitute the participant's short and long term goals and the strategy for developmental growth to the point of economic viability in non-traditional areas of work and/or work outside the DBE program.

(D) The business plan should contain at least the following:

(1) An analysis of market potential, competitive environment and other business analyses estimating the program participant's prospects for profitable operation during the term of program participation and after graduation from the program.

(2) An analysis of the firm's strengths and weaknesses, with particular attention paid to the means of correcting any financial, managerial, technical, or labor conditions which could impede the participant from receiving contracts other than those in traditional areas of DBE participation.

(3) Specific targets, objectives, and goals for the business development of the participant during the next two years, utilizing the results of the analysis conducted pursuant to paragraphs (C) and (D)(1) of this appendix;

(4) Estimates of contract awards from the DBE program and from other sources which are needed to meet the objectives and goals for the years covered by the business plan; and

(5) Such other information as the recipient may require.

(E) Each participant should annually review its currently approved business plan with the recipient and modify the plan as may be appropriate to account for any changes in the firm's structure and redefined needs. The currently approved plan should be considered the applicable plan for all program purposes until the recipient approves in writing a modified plan. The recipient should establish an anniversary date for review of the participant's business plan and contract forecasts.

(F) Each participant should annually forecast in writing its need for contract awards for the next program year and the succeeding program year during the review of its business plan conducted under paragraph (E) of this appendix. Such forecast should be included in the participant's business plan. The forecast should include:

(1) The aggregate dollar value of contracts to be sought under the DBE program, reflecting compliance with the business plan;

(2) The aggregate dollar value of contracts to be sought in areas other than traditional areas of DBE participation;

(3) The types of contract opportunities being sought, based on the firm's primary line of business; and

(4) Such other information as may be requested by the recipient to aid in providing effective business development assistance to the participant.

(G) Program participation is divided into two stages; (1) a developmental stage and (2) a transitional stage. The developmental stage is designed to assist participants to overcome their social and economic disadvantage by providing such assistance as may be necessary and appropriate to enable them to access relevant markets and strengthen their financial and managerial skills. The transitional stage of program participation follows the developmental stage and is designed to assist participants to overcome, insofar as practical, their social and economic disadvantage and to prepare the participant for leaving the program.

(H) The length of service in the program term should not be a pre-set time frame for either the developmental or transitional stages but should be figured on the number of years considered necessary in normal progression of achieving the firm's established goals and objectives. The setting of such time could be factored on such items as, but not limited to, the number of contracts, aggregate amount of the contract received, years in business, growth potential, etc.

(I) Beginning in the first year of the transitional stage of program participation, each participant should annually submit for inclusion in its business plan a transition management plan outlining specific steps to promote profitable business operations in areas other than traditional areas of DBE participation after graduation from the program. The transition management plan should be submitted to the recipient at the same time other modifications are submitted pursuant to the annual review under paragraph (E) of this section. The plan should set forth the same information as required under paragraph (F) of steps the participant will take to continue its business development after the expiration of its program term.

(J) When a participant is recognized as successfully completing the program by substantially achieving the targets, objectives and goals set forth in its program term, and has demonstrated the ability to compete in the marketplace, its further participation within the program may be determined by the recipient.

(K) In determining whether a concern has substantially achieved the goals and objectives of its business plan, the following factors, among others, should be considered by the recipient:

- (1) Profitability;
- (2) Sales, including improved ratio of non-traditional contracts to traditional-type contracts;
- (3) Net worth, financial ratios, working capital, capitalization, access to credit and capital;
- (4) Ability to obtain bonding;
- (5) A positive comparison of the DBE's business and financial profile with profiles of non-DBE businesses in the same area or similar business category; and
- (6) Good management capacity and capability.

(L) Upon determination by the recipient that the participant should be graduated from the developmental program, the recipient should notify the participant in writing of its intent to graduate the firm in a letter of notification. The letter of notification should set forth findings, based on the facts, for every material issue relating to the basis of the program graduation with specific reasons for each finding. The letter of notification should also provide the participant 45 days from the date of service of the letter to submit in writing information that would explain why the proposed basis of graduation is not warranted.

(M) Participation of a DBE firm in the program may be discontinued by the recipient prior to expiration of the firm's program term for good cause due to the failure of the firm to engage in business practices that will promote its competitiveness within a reasonable period of time as evidenced by, among other indicators, a pattern of inadequate performance or unjustified delinquent performance. Also, the recipient can discontinue the participation of a firm that does not actively pursue and bid on contracts, and a firm that, without justification, regularly fails to respond to solicitations in the type of work it is qualified for and in the geographical areas where it has indicated availability under its approved business plan. The recipient should take such action if over a 2-year period a DBE firm exhibits such a pattern.

APPENDIX D TO PART 26—MENTOR-PROTÉGÉ PROGRAM GUIDELINES

(A) The purpose of this program element is to further the development of DBEs, including but not limited to assisting them to move into non-traditional areas of work and/or compete in the marketplace outside the DBE program, via the provision of training and assistance from other firms. To operate a mentor-protégé program, a recipient must obtain the approval of the concerned operating administration.

(B)(1) Any mentor-protégé relationship shall be based on a written development plan, approved by the recipient, which clearly sets forth the objectives of the parties and their respective roles, the duration of the arrangement and the services and resources to be provided by the mentor to the protégé. The formal mentor-protégé agreement may set a fee schedule to cover the direct and indirect cost for such services rendered by the mentor for specific training and assistance to the protégé through the life of the agreement. Services provided by the mentor may be reimbursable under the FTA, FHWA, and FAA programs.

(2) To be eligible for reimbursement, the mentor's services provided and associated costs must be directly attributable and properly allowable to specific individual contracts. The recipient may establish a line item for the mentor to quote the portion of the fee schedule expected to be provided during the life of the contract. The amount claimed shall be verified by the recipient and paid on an incremental basis representing the time the protégé is working on the contract. The total individual contract figures accumulated over the life of the agreement shall not exceed the amount stipulated in the original mentor/protégé agreement.

(C) DBEs involved in a mentor-protégé agreement must be independent business entities which meet the requirements for certification as defined in subpart D of this part. A protégé firm must be certified *before* it begins participation in a mentor-protégé arrangement. If the recipient chooses to recognize mentor/protégé agreements, it should establish formal general program guidelines. These guidelines must be submitted to the operating administration for approval prior to the recipient executing an individual contractor/ subcontractor mentor-protégé agreement.

APPENDIX E TO PART 26—INDIVIDUAL DETERMINATIONS OF SOCIAL AND ECONOMIC DISADVANTAGE

The following guidance is adapted, with minor modifications, from SBA regulations concerning social and economic disadvantage determinations (see 13 CFR 124.103(c) and 124.104).

SOCIAL DISADVANTAGE

I. Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities. Social disadvantage must stem from circumstances beyond their control. Evidence of individual social disadvantage must include the following elements:

APPENDIX F TO PART 26—UNIFORM CERTIFICATION APPLICATION FORM

**INSTRUCTIONS FOR COMPLETING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE)
PROGRAM UNIFORM CERTIFICATION APPLICATION**

NOTE: 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. Prior/Other Certifications**

Check the appropriate box indicating for which program your firm is currently certified. If you are already certified as a DBE, indicate in the appropriate box the name of the certifying agency that has previously certified your firm, and also indicate whether your firm has undergone an onsite visit. If your firm has already undergone an onsite visit/review, indicate the most recent date of that review and the state UCP that conducted the review.

NOTE: If your firm is currently certified under the SBA's 8(a) and/or SDB programs, you may not have to complete this application. You should contact your state UCP to find out about a streamlined application process for firms that are already certified under the 8(a) and SDB programs.

B. Prior/Other Applications and Privileges

Indicate whether your firm or any of the persons listed has ever withdrawn an application for a DBE program or an SBA 8(a) or SDB program, or whether any have ever been denied certification, decertified, debarred, suspended, or had bidding privileges denied or restricted by any state or local agency or Federal entity. If your answer is yes, indicate the date of such action, identify the name of the agency, and explain fully the nature of the action in the space provided.

Section 2: GENERAL INFORMATION**A. Contact Information**

- (1) State the name and title of the person who will serve as your firm's primary contact under this application.
- (2) State the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) State the primary phone number of your firm.
- (4) State a secondary phone number, if any.
- (5) State your firm's fax number, if any.
- (6) State your firm's or your contact person's email address.
- (7) State your firm's website address, if any.
- (8) State the street address of your firm (i.e., the physical location of its offices — not a post office box address).
- (9) State the mailing address of your firm, if it is different from your firm's street address.

B. Business Profile

- (1) In the box provided, briefly describe the primary business and professional activities in which your firm engages.
- (2) State the Federal Tax ID number of your firm as provided on your firm's filed tax returns, if you have one. This could also be the Social Security number of the owner of your firm.
- (3) State the date on which your firm was officially established, as stated in your firm's Articles of Incorporation or charter.

- (4) State the date on which you and/or each other owner took ownership of the firm.

- (5) Check the appropriate box that describes 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."

NOTE: If you checked "No," then you do NOT qualify for the DBE program and therefore do not need to complete the rest of this application. The DBE program requires all participating firms be for-profit enterprises.

- (7) Check the appropriate box that describes the legal form of ownership of your firm, as indicated in your firm's Articles of Incorporation or charter. If you checked "Other," briefly explain in the space provided.

- (8) Check the appropriate box that indicates whether your firm has ever existed under different ownership, a different type of ownership, or a different name. If you checked "Yes," specify which and briefly explain the circumstances in the space provided.

- (9) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time and part-time basis.

- (10) Specify the total gross receipts of your firm for each of the past three years, as declared in your firm's filed tax returns.

C. Relationships 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, or any office staff with any other business, organization, or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and briefly explain the nature of the shared facilities or other items in the space provided.

- (2) Check the appropriate box that indicates whether at present, or at any time in the past:

- (a) Your firm has been a subsidiary of any other firm;
- (b) Your firm consisted of a partnership in which one or more of the partners are other firms;
- (c) Your firm has owned any percentage of any other firm; and
- (d) Your firm has had any subsidiaries of its own.

- (3) Check the appropriate box that indicates whether any other firm has ever had an ownership interest in your firm.

- (4) If you answered "Yes" to any of the questions in (2)(a)-(d) or (3), identify the name, address and type of business for each.

D. Immediate Family Member Businesses

Check the appropriate box that indicates whether any of your immediate family members own or manage another company. An "immediate family member" is any person who is your father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law. If you answered "Yes," provide the name of each relative, your relationship to them, the name of the company they own or manage, the type of business, and whether they own or manage the company.

Section 3: OWNERSHIP

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 additional owner):

A. Background Information

- (1) Give the name of the owner.
- (2) State his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) State his/her home (street) address.
- (5) Check the appropriate box that indicates this owner's gender.
- (6) Check the appropriate box that indicates this owner's ethnicity (check all that apply). 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.
- (8) If this owner is not a U.S. citizen, check the appropriate box that indicates whether this owner is 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. This, however, does not necessarily disqualify your firm altogether from the DBE program if another owner is a U.S. citizen or lawfully admitted permanent resident and meets the program's other qualifying requirements.

B. Ownership Interest

- (1) State the number of years during which this owner has been an owner of your firm.
- (2) 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.
- (3) State the percentage of total ownership control of your firm that this owner possesses.
- (4) State the familial relationship of this owner to each other owner of your firm.
- (5) Indicate the number, percentage of the total, class, date acquired, and method by which this owner acquired his/her shares of stock in your firm.

- (6) Check the appropriate box that indicates 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 or title held in that business.
- (7) 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 and this owner's function or title held in that business. Briefly describe the nature of the business relationship in the space provided.

C. Disadvantaged Status

NOTE: You only need to complete this section for each owner that is applying for DBE qualification (i.e., for each owner who is claiming to be "socially and economically disadvantaged" and whose ownership interest is to be counted toward the control and 51% ownership requirements of the DBE program)

- (1) Indicate in the space provided the total Personal Net Worth (PNW) of each owner who is applying for DBE qualification. Use the PNW calculator form at the end of this application to compute each owner's PNW.
- (2) Check the appropriate box that indicates whether any trust has ever been created for the benefit of this disadvantaged owner. If you answered "Yes," briefly explain the nature, history, purpose, and current value of the trust(s).

Section 4: CONTROL

A. Identify your 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 of your firm.
- (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 that indicates whether any of your firm's officers and/or directors listed above perform 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. If you answered "Yes," identify the name of the firm, the officer or director, and the nature of his/her business relationship with that other firm.

B. Identify your firm's management personnel (by name, title, ethnicity, and gender) who control your firm in the following areas:

- (1) Making financial decisions on your firm's behalf, including the acquisition of lines of credit, surety bonds, supplies, etc.;
 - (2) Estimating and bidding, including calculation of cost estimates, bid preparation and submission;
 - (3) Negotiating and contract execution, including participation in any of your firm's negotiations and executing contracts on your firm's behalf;
 - (4) Hiring and/or firing of management personnel, including interviewing and conducting performance evaluations;
 - (5) Field/Production operations supervision, including site supervision, scheduling, project management services, etc.;
 - (6) Office management;
 - (7) Marketing and sales;
 - (8) Purchasing of major equipment;
 - (9) Signing company checks (for any purpose); and
 - (10) Conducting any other financial transactions on your firm's behalf not otherwise listed.
- (11) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above perform 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.
- (12) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the name of the person, and the nature of his/her business relationship with that other firm.
- C. Indicate your firm's inventory in the following categories:**
- (1) **Equipment**
State the type, make and model, and current dollar value of each piece of equipment held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm.
 - (2) **Vehicles**
State the type, make and model, and current dollar value of each motor vehicle held and/or used by your firm. Indicate whether each vehicle is either owned or leased by your firm.
 - (3) **Office Space**
State the street address of each office space held and/or used by your firm. Indicate whether your firm owns or leases the office space and the current dollar value of that property or its lease.
 - (4) **Storage Space**
State the street address of each storage space held and/or used by your firm. Indicate whether your firm owns or leases the storage space and the current dollar value of that property or its lease.
- 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," briefly explain the nature of that reliance and the extent to which the other firm carries out such functions.
- E. Financial Information**
- (1) **Banking Information**
 - (a) State the name of your firm's bank.
 - (b) State the main phone number of your firm's bank branch.
 - (c) State the address of your firm's bank branch.
 - (2) **Bonding Information**
 - (a) State your firm's Binder Number.
 - (b) State the name of your firm's bond agent and/or broker.
 - (c) State your agent's/broker's phone number.
 - (d) State your agent's/broker's address.
 - (e) State your firm's bonding limits (in dollars), specifying both the Aggregate and Project Limits.
- F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms securing the loan, if other than the listed owner:**
State the name and address of each source, the name of the person securing the loan, the original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm.
- G. List all contributions or transfers of assets to/from your firm and to/from any of its owners 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. List 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 license or permit, the expiration date of the permit or license, and the license/permit number and issuing State of the license or permit.
- I. List the three 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. List the three 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.
- AFFIDAVIT & SIGNATURE**
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.

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

UNIFORM CERTIFICATION APPLICATION

ROADMAP FOR APPLICANTS	
①	<p>Should I apply?</p> <ul style="list-style-type: none"> ○ Is your firm at least 51%-owned by a socially and economically disadvantaged individual(s) who also controls the firm? ○ Is the disadvantaged owner a U.S. citizen or lawfully admitted permanent resident of the U.S.? ○ Is your firm a small business that meets the Small Business Administration's (SBA's) size standard and does not exceed \$17.42 million in gross annual receipts? ○ Is your firm organized as a for-profit business? <p style="text-align: center; margin-left: 40px;">⇒ If you answered "Yes" to all of the questions above, you may be eligible to participate in the U.S. DOT DBE program.</p>
②	<p>Is there an easier way to apply?</p> <p>If you are currently certified by the SBA as an 8(a) and/or SDB firm, you may be eligible for a streamlined certification application process. Under this process, the certifying agency to which you are applying will accept your current SBA application package in lieu of requiring you to fill out and submit this form.</p> <p>NOTE: You must still meet the requirements for the DBE program, including undergoing an on-site review.</p>
③	<p>Be sure to attach all of the required documents listed in the <u>Documents Check List</u> at the end of this form with your completed application.</p>
④	<p>Where can I find more information?</p> <ul style="list-style-type: none"> ○ U.S. DOT – http://osdbuweb.dot.gov/business/dbe/index.html (this site provides useful links to the rules and regulations governing the DBE program, questions and answers, and other pertinent information) ○ SBA – http://www.ntis.gov/naics (provides a listing of NAICS codes) and http://www.sba.gov/size/index/tableofsize.html (provides a listing of NAICS codes) ○ 49 CFR Part 26 (the rules and regulations governing the DBE program)

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, Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-free Workplace (grants), take 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 INFORMATION

A. Prior/Other Certifications

Is your firm currently certified for any of the following programs? <i>(If Yes, check appropriate box(es))</i>	<input type="checkbox"/> DBE	Name of certifying agency:
		Has your firm's state UCP conducted an on-site visit?
		<input type="checkbox"/> Yes, on ___ / ___ / ___ State: _____ <input type="checkbox"/> No
	<input type="checkbox"/> 8(a)	⊗ STOP! If you checked either the 8(a) or SDB box, you <u>may not</u> have to complete this application. Ask your state UCP about the streamlined application process under the SBA-DOT MOU.
	<input type="checkbox"/> SDB	

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?

Yes, on ___ / ___ / ___ No

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

Section 2: GENERAL INFORMATION

A. Contact Information

(1) Contact person and Title:		(2) Legal name of firm:			
(3) Phone #:		(4) Other Phone #:		(5) Fax #:	
(6) E-mail:		(7) Website <i>(if have one)</i> :			
(8) Street address of firm <i>(No P.O. Box)</i> :		City:	County/Parish:	State:	Zip:
(9) Mailing address of firm <i>(if different)</i> :		City:	County/Parish:	State:	Zip:

B. Business Profile

(1) Describe the primary activities of your firm:		(2) Federal Tax ID <i>(if any)</i> :
(3) This firm was established on ___ / ___ / ___		(4) I/We have owned this firm since: ___ / ___ / ___
(5) Method of acquisition <i>(check all that apply)</i> : <input type="checkbox"/> Started new business <input type="checkbox"/> Bought existing business <input type="checkbox"/> Inherited business <input type="checkbox"/> Secured concession <input type="checkbox"/> Merger or consolidation <input type="checkbox"/> Other <i>(explain)</i>		
(6) Is your firm "for profit"? <input type="checkbox"/> Yes <input type="checkbox"/> No		⊗ STOP! If your firm is NOT for-profit, then you do NOT qualify for this program and do NOT need to fill out this application.

(7) Type of firm (check all that apply):

- Sole Proprietorship
- Partnership
- Corporation
- Limited Liability Partnership
- Limited Liability Corporation
- Joint Venture
- Other, Describe: _____

(8) Has your firm ever existed under different ownership, a different type of ownership, or a different name?
 Yes No
 If Yes, explain: _____

(9) Number of employees: Full-time _____ Part-time _____ Total _____

(10) Specify the gross receipts of the firm for the last 3 years: Year _____ Total receipts \$ _____
 Year _____ Total receipts \$ _____
 Year _____ Total receipts \$ _____

C. Relationships 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 space, yard, warehouse, facilities, equipment, or office staff, with any other business, organization, or entity?
 Yes No
 If Yes, identify: Other Firm's name: _____
 Explain nature of shared facilities: _____

(2) At present, or at any time in the past, has your firm:	(a) been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(b) consisted of a partnership in which one or more of the partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(c) owned any percentage of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(d) had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No

(3) Has any other firm had an ownership interest in your firm at present or at any time in the past? Yes No

(4) If you answered "Yes" to any of the questions in (2)(a)-(d) and/or (3), identify the following for each (attach extra sheets, if needed):

Name	Address	Type of Business
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

D. Immediate Family Member Businesses

Do any of your immediate family members own or manage another company? Yes No
 If Yes, then list (attach extra sheets, if needed):

Name	Relationship	Company	Type of Business	Own or Manage?
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (If more than one owner, attach separate sheets for each additional owner):

A. Background Information

(1) Name:	(2) Title:	(3) Home Phone #:
(4) Home Address (street and number):		
City:		State: Zip:
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	(6) Ethnic group membership (Check all that apply):	
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Black	<input type="checkbox"/> Hispanic <input type="checkbox"/> Native American
(8) Lawfully Admitted Permanent Resident:	<input type="checkbox"/> Asian Pacific	<input type="checkbox"/> Subcontinent Asian
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other (specify) _____	

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to acquire ownership interest in firm:	Type	Dollar Value
(3) Percentage owned:		Cash	\$
(4) Familial relationship to other owners:		Real Estate	\$
		Equipment	\$
		Other	\$
(5) Shares of Stock:			
Number	Percentage	Class	Date acquired Method Acquired
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, identify: Name of Business:		Function/Title:	
(7) 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.)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, identify: Name of Business:		Function/Title:	
Nature of Business Relationship:			

C. 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 calculator form at the end of this application; attach additional sheets if more than one owner is applying)
(2) Has any trust been created for the benefit of this disadvantaged owner(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain (attach additional sheets if needed):

Section 4: CONTROL

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 of the Company	(a)				
	(b)				
	(c)				
	(d)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				

(3) Do any of the persons listed in (1) and/or (2) above perform a management or supervisory function for any other business? Yes No
 If Yes, identify for each: Person: _____ Title: _____
 Business: _____ Function: _____

(4) Do any of the persons listed (1) and/or (2) 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. 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 <i>(responsibility for acquisition of lines of credit, surety bonding, supplies, etc.)</i>	a.			
	b.			
(2) Estimating and bidding	a.			
	b.			
(3) Negotiating and 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.			

(11) Do any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business? Yes No
 If Yes, identify for each: Person: _____ Title: _____
 Business: _____ Function: _____

(12) 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.)? Yes No
 If Yes, identify for each: Firm Name: _____ Person: _____
 Nature of Business Relationship: _____

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

(1) 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)			

(3) Office Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

(4) Storage Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

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

If Yes, explain:

E. Financial Information

(1) Banking Information:
 (a) Name of bank: _____ (b) Phone No: () _____
 (c) Address of bank: _____ City: _____ State: _____ Zip: _____

(2) Bonding Information: If you have bonding capacity, identify: (a) Binder No: _____
 (b) Name of agent/broker _____ (c) Phone No: () _____
 (d) Address of agent/broker: _____ City: _____ State: _____ Zip: _____
 (e) Bonding limit: Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of any persons or firms securing the loan, if other than the listed owner:

Name of Source	Address of Source	Name of Person Securing 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 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	License Number and 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.					

<p align="center">DBE UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST In order to complete your application for DBE certification, you must attach copies of all of the following documents as they apply to you and your firm.</p>
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All Applicants

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

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

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

Trucking Company

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

Regular Dealer

- Proof of warehouse ownership or lease
- List of product lines carried
- List of distribution equipment owned and/or leased

NOTE: The specific state UCP to which you are applying may have additional required documents that you must also supply with your application. Contact the appropriate certifying agency to which you are applying to find out if more is required.

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 applicant firm _____ (firm name) 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 place(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 or subcontract, 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 (UCP) of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, 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 (DBE). In support of my application, I certify that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s) (circle all that apply):

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

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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 \$750,000, 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.

Executed on _____ (Date)

Signature _____
(DBE Applicant)

NOTARY CERTIFICATE