

IOWA

DEPARTMENT OF TRANSPORTATION'S

DISADVANTAGED BUSINESS ENTERPRISE

PROGRAM

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Notes: June 1, 2000 revision includes the additions to the Iowa DOT DBE Program that were added in our March 24, 2000 memo to FHWA Iowa Division Administrator, Bobby Blackmon.

Notes: September 24, 2004 revision includes the additions to the Iowa DOT DBE Program that were added as a result of an FHWA review.

Note: April 1, 2006 changes were made as a general update to the Program.

Note: February 1, 2012 revisions were made only to the areas impacted by the Revised DBE Rule effective February 28, 2011.

Note: January 2, 2014 revisions were made to reflect the required changes presented to Iowa DOT from Headquarters in the December 21, 2012 letter.

Note: December 19, 2014 Revisions were made as a general update to the Program.

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Policy Statement and Objective

The Iowa Department of Transportation (DOT) has prepared its disadvantaged business enterprise (DBE) program to meet Federal DBE regulations set forth in 49 CFR part 26. To continue receiving Federal financial assistance appropriated under MAP-21, Moving Ahead for Progress in the 21st Century Act, the Iowa DOT must comply with these regulations.

Consistent with requirements of 49 CFR part 26, it is the policy of the Iowa DOT to ensure that DBEs have equal opportunities to receive and participate in U.S. DOT-assisted contracts. To accomplish this objective, the Iowa DOT will take the following actions:

1. Ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts
2. Create a level playing field on which DBEs can compete fairly for U.S. DOT-assisted contracts
3. Ensure that the DBE program is narrowly-tailored in accordance with applicable laws
4. Ensure that only firms, fully meeting the eligibility standards of 49 CFR part 26, are permitted to participate as DBEs
5. Help remove barriers to the participation of DBEs in U.S. DOT-assisted contracts
6. Assist in the development of DBE firms, enabling them to successfully compete outside the DBE program

This policy statement has been distributed to all offices of the Iowa DOT, as well as to all DBE and non-DBE businesses that perform work on U.S. DOT-assisted contracts. The statement will also be published in *The Des Moines Register*.



Paul Trombino III, Director
Iowa Department of Transportation

August 25, 2015

Date

IOWA DEPARTMENT OF TRANSPORTATION'S DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

The purpose of this document is to explain how the Iowa DOT plans to comply with requirements of 49 CFR part 26. The main body of the document is subdivided into five different sections, similar to chapters, each corresponding to one or more subparts of 49 CFR part 26. The sections are as follows: General Information; Administrative Requirements; Goals, Counting and DBE Participation; Certification; and Monitoring, Compliance and Enforcement.

Subsections within each of these sections address specific topics covered by 49 CFR part 26. The location of each of these topics within 49 CFR part 26 is identified in parentheses beside the corresponding subsection title.

Attachments A through G provide additional information pertaining to small business development contracts, the supportive services program, DBE availability and usage, the annual good faith efforts program, setting contract goals, good faith efforts determinations and certification standards and procedures. Copies of specific documents and forms are included as Attachment G.

SUBPART A: GENERAL INFORMATION (49 CFR § 26)

Subpart A of 49 CFR part 26 provides general information about the Iowa DOT's DBE program. Specific topics discussed in this section include definitions of terms, nondiscrimination, contract assurances of nondiscrimination and the Iowa DOT's Federal financial assistance agreement.

Definitions of Terms (49 CFR §26.5)

The terms used in this program are defined in 49 CFR part 26.5. The reader is referred to this section of the Federal regulations for detailed information about their meanings.

Nondiscrimination (49 CFR §26.7)

The Iowa DOT will never exclude any person from participating in any contract on the basis of race, color, sex, or national origin. The Iowa DOT will also never deny any person the benefits of such a contract nor will it discriminate against anyone in connection with the award and performance of such a contract. In administering its DBE program, the Iowa DOT will not, directly nor through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of DBE program objectives.

Contract Assurance of Nondiscrimination (49 CFR §26.13)

The Iowa DOT will include the following assurance in every U.S. DOT-assisted contract and subcontract:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of U.S. 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 Iowa DOT deems appropriate.

Federal Financial Assistance Agreement (49 CFR §26.13)

The Iowa DOT has signed a financial assistance agreement with the U.S. DOT, providing the following assurance of nondiscrimination that is applicable to all U.S. DOT-assisted contracts:

The Iowa DOT shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The Iowa DOT shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts. The Iowa DOT's DBE Program, as required by 49 CFR part 26 and as approved by the U.S. 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 Iowa DOT of its failure to carry out its approved program, the U.S. DOT 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.).

**SUBPART B:
ADMINISTRATIVE REQUIREMENTS (49 CFR §26)**

Subpart B of 49 CFR part 26 provides information about DBE administrative requirements. Included in this section is a discussion of specific requirements pertaining to DBE program compliance and updates, the DBE Liaison Officer and External Civil Rights Section, DBE financial institutions, prompt payment clauses, the DBE directory, over concentration of DBEs, business development programs and monitoring and enforcement mechanisms.

DBE Program Compliance and Updates (49 CFR §26.21)

In order to continue receiving federal funds appropriated under the MAP 21, the Iowa DOT will remain in compliance with its DBE program and 49 CFR part 26. The Iowa DOT will provide the Federal Highway Administration (FHWA) with any updates representing significant changes in the program.

DBE Liaison Officer and External Civil Rights Section (§26.25)

The name and address of the Iowa DOT's DBE Liaison Officer is:

Director of the Office of Operations and Finance
Iowa DOT
800 Lincoln Way
Ames, Iowa 50010

The DBE Liaison Officer is responsible for implementing all aspects of the DBE program and for ensuring that the Iowa DOT complies with all provisions of 49 CFR part 26. This position has direct, independent access to the Director of Transportation concerning DBE program matters.

Staff members of the Iowa DOT's External Civil Rights Section provide administrative support for the purpose of developing, implementing and monitoring the DBE program in coordination with the DBE Liaison Officer. Members of the External Civil Rights Section are identified as follows:

Director, Operations and Finance Bureau
Director, Office of Employee Services
Civil Rights Coordinator
External Civil Rights Administrator
Compliance Officer (DBE)
Compliance Officer (DBE)
Compliance Officer (Title VI)
Compliance Officer (Title VI)

Duties and responsibilities of the External Civil Rights Section include the following:

1. Gather and report statistical data and other information as required by the U.S.DOT
2. Set appropriate Contract DBE goals on a monthly basis.
3. Analyze the Iowa DOT's progress toward meeting the Annual DBE Goal (through both race-neutral and race-conscious measures) and identify ways to increase or decrease participation to ensure the goal is achieved.
4. Participate in pre-bid meetings to provide representation on matters pertaining to the DBE program, when necessary.
5. Advise the Director of the Iowa Department of Transportation on the attainment of DBE goals and on other matters pertaining to the DBE program.
6. Determine contractor compliance with good faith efforts.
7. Provide DBEs with as much information and assistance as possible in preparing bids.
8. Plan and participate in DBE training seminars.
9. Certify DBEs according to the criteria set by the U.S. DOT.
10. Provide outreach to potential DBEs through community organizations, small business seminars, career fairs, etc. offering advice about opportunities available to them.
11. Maintain an updated directory of DBEs certified by the Iowa DOT.
12. Provide supportive services to certified firms.
13. Including technical and educational assistance as per Attachment B.
14. Monitor DBE attainment throughout the federal fiscal year to ensure the annual goal is achieved.
15. Establish Annual DBE Goal.

DBE Financial Institutions (49 CFR §26.27)

The Iowa DOT will thoroughly investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in Iowa. The Iowa DOT will make reasonable efforts to use these institutions and will also encourage their use by prime contractors. To date, no such institutions have been found by the Iowa DOT, although the following institution, which is willing to work with the DBE community, has been identified:

West Bank of Des Moines, IA
Contact person: Ms: Jill Hansen, VP

Additional information regarding these institutions can be obtained from the Iowa DOT Civil Rights Team.

Prompt Payment Clause (49 CFR §26.29)

The Iowa DOT has implemented the following procedures to ensure contractors and subcontractors are paid promptly for satisfactory completed work:

A. Progress Payments to Prime Contractors

For work extending over a period of more than one month, the Contractor will receive monthly progress estimate payments based on the amount of work completed. For Primary and Secondary projects in which the Contracting Authority is the Department or a county Board of Supervisors, these progress payments will be bi-weekly if requested by the Contractor. For late payment, the Contracting Authority will pay a penalty of 1.0% per month (or part of a month), or a minimum of \$250, whichever is the greater amount, on any work completed but not processed for payment within 14 calendar days after completion of the work. Completion of the work includes physical completion of the work and submittal of all paperwork required by the contract. Should a reasonable doubt arise as to the integrity of any part of the completed work, the payment for that portion will not be allowed until the cause for such doubt has been removed. The Engineer's estimates of work completed will result in partial payments on the contract sum and the allowance of a progress payment by the Contracting Authority does not constitute final acceptance of the work upon which the payments are based.

B. Prompt Payment to Subcontractors.

The Contractor shall promptly pay each subcontractor. Any delay or postponement of payment among the parties may take place only for good cause, with written notification to the subcontractor. A payment, excluding retainage, to a subcontractor for satisfactory performance of the subcontractor's work shall be made by the Contractor no later than one of the following, as applicable:

1. Seven calendar days after the Contractor receives payment for the subcontractor's work.
2. Seven calendar days after the Contractor could have received payment for the subcontractor's work, if the reason for nonpayment is not the subcontractor's fault.

C. Joint Checks

The use of joint checks is acceptable under the following conditions:

1. The request for a joint check from the prime contractor is made by the DBE.
2. The joint check issued by the prime contractor is for an amount not to exceed the cost of unpaid invoice(s) from the materials supplier to a subcontractor on that contract.
3. The joint check is given to the subcontractor and the subcontractor must release the joint check to the material supplier.
4. The use of joint check by the prime contractor is applicable to all their subcontractors.
5. The joint check usage will be monitored as part of the company's EEO Contractor Compliance Review.

D. Payment of Retainage.

Three percent (3%) of each progress estimate will be deducted and held as retainage on the first \$1,000,000 paid on a contract, with no additional retainage withheld on the remainder of the contract payment amount. This retainage is held exclusively for claims filed in accordance with Chapter 573 of the Code of Iowa and shall not be considered as an encumbrance on work performed by a subcontractor.

The Contractor may withhold up to five percent (5%) of each progress estimate on work performed by subcontractors. All retained funds due a subcontractor shall be payable by the Contractor within 30 calendar days after the date of satisfactory completion of the work by the subcontractor. The subcontractor's work is satisfactorily completed when all requirements called for in the subcontract have been accomplished and required documentation provided by the subcontractor. These payments will be documented and certified by the prime contractor at the completion of the project on form 518002 which shall be submitted with the final voucher. The form will be forwarded to the Office of Employee Services, Civil Rights Team. The Civil Rights Team will track each Prime Contractors performance. Any non-complying reports without acceptable documentation will be reviewed. Prime Contractors that develop a pattern of non-compliance without cause will be required to submit an action plan to correct the deficiencies and may result in price adjustment credits or suspension of bidding qualification in accord with Article 1102.03, A,2. Non-bonded subcontractors may be required to submit proof of payment for all material bills and wages to the Contractor before the Contractor is required to pay the retainage.

E. Posting of payment information

The Iowa DOT is implementing a process to post progress payment information on the Internet for projects paid by the Iowa DOT. Contractors and material suppliers will be able to view quantities paid to date and the quantities paid on the most recent progress voucher.

<https://secure.iowadot.gov/ContractorPay/>

F. Prompt Payment Complaint Process

Compliance with prompt payment is the responsibility of both the Contracting Authority and Contractor. If the Contractor feels the Contracting Authority has not complied with the prompt payment provisions, the initial attempt to resolve the issue shall be with the Project Engineer. The attempt to resolve the issue shall include at least one written request to the Project Engineer, stating the project number, items of work, quantities, unit prices, dates work was performed, total amount owed and signature of a representative of the Contractor. If a subcontractor feels Contractor has not complied with the prompt payment provisions, the initial attempt to resolve the issue shall occur with the Contractor. The attempt to resolve the issue shall include at least one written request to the Contractor, stating the project number, items of work, quantities, unit prices, dates work was performed, total amount owed and signature of a representative of the subcontractor.

If the initial attempt to resolve the issue does not result in satisfactory payment for completed work, the Contractor or subcontractor shall submit a written complaint to the Office of Employee Services, Civil Rights Team on Form 650197. The written complaint shall include copies of the correspondence with the Project Engineer or Contractor that provides the details stated above.

The Department will investigate and provide written response to the complainant with 15 business days of receipt of the complaint.
 (<https://forms.iowadot.gov/FormsMgt/External/650197.pdf>)

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.

DBE Directory (49 CFR §26.31)

The Iowa DOT maintains a directory identifying all firms eligible to participate as DBEs in its program.

The directory lists each firm’s name, address, phone number, fax number, e-mail, website and the type of work it has been certified to perform (NAICS Code) as a DBE. Multiple NAICS codes may be assigned where appropriate.

The directory is in real time with additions, removals and changes in information being made as they are approved.

Inclusion in this directory does not constitute an endorsement of the firms listed by the Iowa DOT.

Overconcentration of DBEs (49 CFR §26.33)

The Iowa Department of Transportation has established four criteria to determine overconcentration of DBE as required by 49 CFR part 26, Section 26.33. The Department considers both whether the DBEs’ work performing a unique element of work exceeds their proportional share based on their availability and if DBEs’ share of the work for that element exceeded 50% of the work available. Overconcentration may be by one DBE firm or a group of DBE firms. This produces the following 2 by 2 matrix:

	Availability within worktype	Majority of the work
Overconcentration by DBEs as a group when the number of DBE firms > 1	1. DBE firms are obtaining a larger share of the market than their availability	2. DBE firms are obtaining the majority of the market
Overconcentration by an Individual DBE firm	3. A DBE firm is obtaining an excess share of the market	4. A DBE firm is obtaining the majority of the market

Overconcentration has been determined if any of the following four criteria is met:

Criteria #1- DBE firms are obtaining a larger share of the market than their availability

The percentage of the total amount of work awarded to the DBE firms in a fiscal year exceeds the percentage of the firms that the DBE represent who perform that element of work.

Criteria #2 - DBE firms are obtaining the majority of the market

The percentage of the total amount of work DBE firms obtain for an element of work exceeds 50% of that type for a fiscal year.

Criteria #3 - A DBE firm is obtaining an excess share of the market

The percentage of the total amount of work awarded to an individual DBE firm in a fiscal year exceeds twice its share of the marketplace if the work was evenly divided by all firms who perform that element of work.

Criteria #4 - A DBE firm is obtaining the majority of the market

An individual DBE firm is obtaining over 50% of the work awarded for an element of work for a fiscal year. (Note to readers: Criteria #4 is not necessary because this would already be covered by Criteria #2)

The following are the guidelines for overconcentration:

- An element of work may be a *group of bid items*, a *specific function*, or a *product* that is furnished by a supplier or manufacturer. The calculations are based on a percentage of the whole element, not a percentage of the work subcontracted.
- Percentages are based on dollar value of the element, not the number of units performed or supplied.
- Overconcentration for an individual DBE only applies to that DBE. Overconcentration for “DBEs as a group” applies to all DBEs.
- The year for calculations is July 1 to June 30 and would be used for contracts let from October 1 to September 30.
- Overconcentration applies to both proposal commitments and Annual GFE.
- All determinations of over-concentration require FHWA concurrence and approval.

Business Development Programs (49 CFR §26.35)(49 CFR §26.39)

The Iowa DOT offers two business development programs - the small business development contracts and the supportive services program. See Attachments A and B, respectively, for further information about these programs.

Monitoring and Enforcement Mechanisms (49 CFR §26.37)

If the Iowa DOT knows of any false, fraudulent, or dishonest conduct in connection with its DBE program, it will take appropriate action consistent with applicable Federal, State and local laws and regulations. Such action could result in referral to the Department of Justice or the U.S. DOT Inspector General for possible criminal prosecution, suspension and debarment, a finding of non-responsibility for future contracts and other possible sanctions and penalties.

**SUBPART C:
GOALS, COUNTING and DBE PARTICIPATION
(49 CFR §26)**

Subpart C of 49 CFR part 26 provides information about goals, counting and DBE participation. The specific topics discussed in this section include quotas, overall goals, contract goals, good faith efforts, methods of counting and commercially useful functions (CUF).

Quotas (49 CFR §26.43)

The Iowa DOT does not use quotas or set-asides in any way in the administration of its DBE program. To ensure compliance with 49 CFR part 26, the Iowa DOT encourages the use of DBEs on Contracts with or without goals.

Overall Goals (49 CFR §26.45)

By August 1 of a three-year cycle, the Iowa DOT will propose an overall goal for the participation of DBEs in the Iowa highway construction industry. The proposed overall DBE goal will be submitted to *The Des Moines Register*, *The New Iowa Bystander*, *Iowa Fronteras and El Comunicador* for public notification. The notice will state that, for 30 days following the date of public notification, both the proposed goal and its rationale will be available for public inspection during normal business hours at the Iowa DOT's Office of Employee Services. The public will also be informed that both the Iowa DOT and the U.S. DOT will accept comments about the goals for 30 days from the date of public notification. The following addresses will be provided to the public for inspecting information and mailing comments:

Address of the Iowa DOT's Office of Employee Services:

Civil Rights Section
Office of Employee Services, Iowa DOT
800 Lincoln Way
Ames, Iowa 50010
Email: DOT.civilrights@dot.iowa.gov
Website: www.iowadot.gov

Address of the U.S. DOT (for comments):

Federal Highway Administration-Iowa Division
105 Sixth Street
Ames, Iowa 50010

The Iowa DOT will submit its proposed overall goal to the FHWA on August 1 of a three-year cycle, along with a summary of comments received by the public and the Iowa DOT's response to these comments. Unless the Iowa DOT receives other instructions from the FHWA, it will begin using the overall goal on October 1 of each year.

Race-Neutral and Race-Conscious Measures

The Iowa DOT will meet as much of the overall goal as possible by using race-neutral measures to facilitate DBE participation in the Iowa highway construction industry. Participation arises from race-neutral measures when DBEs receive prime contracts, because such contracts are awarded to the lowest bidder. Participation is also considered race-neutral when DBEs are awarded subcontracts or portions of subcontracts that do not include or consider DBE goals. A list of contracts and subcontracts awarded on a race-neutral basis includes, but is not limited to, the following:

1. DBE prime contracts
2. DBE subcontracts on prime contracts that do not carry DBE goals
3. DBE subcontract amounts that exceed contract goals
4. DBE subcontracts awarded by prime contractors who did not consider firms' DBE statuses when making the awards

To facilitate DBE participation through race-neutral measures, the Iowa DOT will offer outreach and technical assistance to DBEs. The Iowa DOT will also provide an annual DBE workshop.

Outreach and technical assistance will include assistance and training in areas such as the preparation and use of a business plan, contract administration, bonding assistance, CPA assistance, banking assistance and working with the Iowa DOT.

Race-neutral participation will be monitored by the Iowa DOT to ensure that DBE participation does not fall short of the overall goal. Race-conscious measures will be used to meet any portion of the overall goal that cannot be met through race-neutral measures. The Iowa DOT will separately track each type of measure and report the results to the FHWA.

The Iowa DOT will implement race-conscious measures by establishing goals that apply only to U.S. DOT-assisted contracts with subcontracting possibilities. For each contract of this type, the size of the goal may vary, depending on circumstances such as the type and location of work and the availability of DBEs to perform a given type of work. The contract goal will be expressed as a percentage of the total contract and it will be established based upon the procedure described in Attachment D.

Establishing the Overall DBE Goal

To comply with 49 CFR part 26.45, the Iowa DOT will establish its overall DBE goal based on the availability of ready, willing and able DBEs, within the Iowa highway construction industry, relative to the availability of all ready, willing and able businesses within the same industry (hereafter, this proportion is referred to as "the relative availability of DBEs"). Establishing the overall DBE goal involves two primary steps:

1. Determining a base figure for the relative availability of DBEs.
2. Examining evidence in the state to determine what adjustments, if any, are necessary to the base figure to arrive at the overall goal.

The Iowa DOT DBE Goal Setting Methodology can be examined in Attachment C.

Good Faith Efforts (49 CFR §26.53)

The proposal will specify if the proposed contract has an established DBE goal. The established DBE goal will be shown on the proposal as a percent of the total amount bid.

It is the bidder's responsibility to determine the level of professional competence and financial responsibility of any proposed DBE subcontractor. The bidder shall ascertain that the proposed DBE subcontractor has suitable experience and equipment to perform a CUF for work that is common industry practice in the Iowa highway construction industry. Subcontractor expenditures, which may be counted towards the DBE commitment, will include DBE trucking, purchase of materials from a DBE Manufacturer or Supplier, or off-site services provided by a certified DBE firm.

Good Faith Effort Determination at the Letting

A. For contracts with established project goals the Bidders will be required to complete the "STATEMENT OF DBE COMMITMENTS", which is included in the computer software provided by the department.

The bidder shall list the following information on the Statement of DBE Commitments form that is electronically submitted with their bid:

- Certified DBE firms contacted
- Date that each DBE firm was first contacted concerning quoting on the proposal to be bid
- Whether each DBE firm submitted a quote on the proposal to be bid
- If the DBE firm is being used as part of the bidder's DBE commitment
- If used as part of the bidder's DBE commitment, the work items that the DBE will be used for on the contract
- If used as part of the bidder's DBE commitment, the "Quote Amount" which has been committed to each DBE firm which will be used on the contract
- If the DBE firm is being used as a supplier (in which case, only 60% of the dollars paid to the DBE firm will count toward the DBE commitment)
- The "Net Dollar Commitment" of each DBE firm which will be counted towards the DBE commitment

The percent of DBE participation of each bidder will be calculated by the Office of Contracts by dividing the sum of the commitments to each DBE firm by the total of the contract amount as defined by Article 1102.10. Each bidder's DBE participation commitment will be calculated to the nearest tenth of a percent. If two or more projects are combined on one proposal, the DBE commitment will be calculated using the sum of DBE commitments and the sum of the project totals. Only DBE firms listed in the Electronic Bidding System (EBS) for the current letting may be used.

B. The successful bidder shall be selected on the basis of having submitted the lowest responsive bid. Contractors who have met or exceed the proposed contract goal will be assumed to have made Good Faith Effort to utilize DBE firms. DBE firms who bid as prime contractors will be considered to have met the goal.

C. If a goal has been established for a contract, the Iowa DOT will award the contract to the lowest bidder making good faith efforts to meet the contract goal. The following is the Department's process used to judge the Good Faith Efforts of bidders who have not met the established DBE goal:

1) Good Faith Effort Evaluation Committee

When the apparent low bidder does not meet the DBE goal with the commitment listed in their DBE Commitment Form their good faith effort to meet the goal will initially be determined by the Good Faith Effort Evaluation Committee.

This committee will be comprised of three members of the Department appointed by the Director. They will meet within one business day following the letting and will consider only the information provided on the bidders DBE Commitment Form.

In the event the committee determines that the bidder performed a good faith effort, their bid will be determined responsive for meeting the DBE goal and will be further considered for award. In the event the committee determines that the bidder did not perform a good faith effort, the bidder will be denied award. A written decision will be issued.

A bidder denied award by the GFE Evaluation Committee may appeal that decision to the GFE Administrative Review Committee by request to the Contracts Engineer. The bidder will be allowed one business day following the committee's written decision to request an appeal. If an appeal is not so requested, the GFE evaluation process starts over with the next lowest bidder.

2) Good Faith Effort Administrative Review Committee

The Department's GFE Administrative Review Committee will consist of three members of the Department appointed by the Director. The members will not have been involved in the original evaluation of GFE.

The bidder must request appeal from the Contracts Engineer within one business day of being notified of the decision made by the GFE Evaluation Committee. The bidder will have the opportunity for a face-to-face meeting with the committee and to provide written documentation of their efforts. The GFE Administrative Review Committee will meet within one business day of the request and will issue a written decision to the bidder.

Any bidder who has requested Administrative Reconsideration shall not adjust their DBE Commitment or provide any additional documentation of DBE firms contacted that were not listed on DBE Commitment Form. However, the bidder will be allowed to provide documentation on other Good Faith Efforts they did to utilize DBE firms that are listed on DBE Commitment Form. Only those efforts prior to the bid deadline will be considered. These efforts may include:

(1) Efforts to provide 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.

- (2) Written documentation of negotiation with certified DBE firms including 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.
- (3) Written documentation of follow-ups made after the initial solicitations to encourage DBE firms to quote.
- (4) Written documentation that the DBE firm's quote was not reasonable or that the DBE firm was not capable of performing the work for which they quoted. The fact that there may be some additional costs involved in finding and using DBE firms 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 bidder to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make Good Faith Efforts.
- (5) Written documentation of efforts to assist interested DBE firms in obtaining bonding, lines of credit, or insurance as required by the specifications.
- (6) Written documentation of efforts to assist interested DBE firms in obtaining necessary equipment, supplies, materials, or related assistance or services needed for the project.
- (7) Other activities of the bidder that by their quality, quantity and intensity demonstrate that the bidder took all necessary and reasonable steps to achieve the contract goal and could reasonably have expected to do so but were unsuccessful.
- (8) The determination made by the Administrative Reconsideration Committee shall be considered final.

In the event the bidder's appeal is denied by the GFE Administrative Review Committee, the GFE evaluation process starts over with the next lowest bidder.

- 3) The Department may perform validation of any GFE information submitted by any bidder.

Good Faith Efforts When a DBE is Replaced (in full or part) on a Contract (49 CFR §26.53(f))

If a DBE, committed for a goal on a contract, has been terminated or has otherwise failed to complete work on a contract, the contractor must make good faith efforts to replace the DBE, to the extent needed to meet the committed amount on the contract, with another certified DBE. The prime contractor must immediately notify the project engineer of the DBE's inability or unwillingness to perform, providing reasonable documentation to support the notice. The project engineer will then notify the External Civil Rights Administrator in the Iowa DOT's Office of Employee Services and will obtain the administrator's written approval or consent of any substitution that is made prior to the termination for good cause; that may include:

- DBE fails or refuses to execute a written contract;
- DBE fails or refuses to perform the work of its subcontract consistent with normal industry standards. Good cause does not exist where failure or refusal to perform the work of the subcontract results from bad faith or discriminatory action of the prime contractor;
- DBE fails to meet reasonable, nondiscriminatory bond requirements;
- DBE becomes bankrupt, insolvent, or exhibits credit unworthiness;

- DBE is not a responsible contractor;
- DBE is ineligible to work on projects because of suspension and debarment proceedings;
- DBE voluntarily withdraws from the project and provides written notice;
- DBE is ineligible to receive DBE credit for the type of work required;
- DBE owner dies or becomes disabled and is unable to complete its work; or
- Other documented good cause that compels termination.

Before requesting the recipient's consent for the proposed replacement, the prime contractor must give written notice of the intent to request to replace, including the reason for the request to the DBE, with a copy to the External Civil Rights Administrator. The DBE must be given seven days to respond to the Prime contractor's notice and advise the Iowa DOT and the Prime of the reasons why it objects to the proposed replacement and why the Iowa DOT should not approve the Primes request. The notice period may be reduced if required by public necessity (e.g. safety).

When requesting approval of a replacement DBE, the Prime contractor must provide the Office of Contracts and the External Civil Rights Administrator with copies of new or amended subcontract requests, along with documentation of good faith efforts to continue meeting the original contract commitment. 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 replaced, to the extent needed to meet the DBE commitment. If the contractor fails or refuses to provide the required information, the contractor will be penalized, dollar for dollar, for any work committed to DBEs but performed by non-DBEs. Repeated violations may result in suspension of the contractor's bidding privileges per Standard Specification 1102.17 G.

Counting DBE Participation (49 CFR §26.55)

When calculating credit for DBE contract goals, the Iowa DOT will count only the work performed by and paid to the DBE firm. With respect to the amount of work counted for different kinds of DBE firms, the following rules and definitions will apply:

DBE Manufacturer

A DBE manufacturer is a DBE firm that owns and operates the facilities needed to produce a product. The product must be required by a contract and purchased by a contractor. If such products are purchased from a DBE manufacturer, 100% of the amount paid for the products will be counted toward the DBE goal.

DBE Supplier

A DBE supplier is a DBE firm that sells goods to the general public and maintains its inventory at an owned or leased warehouse or store. If goods are purchased from a DBE supplier, 60% of the amount paid for the goods will be counted toward the DBE goal.

DBE Broker

A DBE broker is a DBE firm that does not manufacture products or supply goods on a regular basis. If materials purchased by such a broker are resold by the broker to a contractor and if the materials become permanent parts of a contracted project, 100% of the fee or commission received by the DBE broker will be counted toward the DBE goal.

DBE Trucker

A DBE trucker is a DBE firm that performs trucking with its own employees and with its own trucks; trucks leased on a long-term basis; or trucks leased from another DBE firm, including an owner-operator who is a certified DBE. For a contractor to receive credit for 100% of the amount paid to a DBE trucker, the trucker must own at least one fully licensed, insured and operational truck for work performed on a contract.

A DBE trucker may also lease trucks from a non-DBE firm, including an owner operator. If a contractor purchases transportation from a DBE trucker under these circumstances, the contractor will receive credit only for the fee or commission paid to the non-DBE firm by the DBE trucker. The contractor will not receive credit for the total amount it paid to the DBE trucker because the DBE was a lesser rather than the actual provider of transportation services.

At all times, the DBE trucker must be responsible for managing and supervising the entire trucking operation. A subcontract with the DBE trucker must not be an arrangement contrived to create the appearance of meeting the DBE contract goal.

In order for a DBE trucker to be credited with the delivered price of materials and supplies, the trucker must also be certified as a supplier or manufacturer of these goods. In addition, the trucker must be responsible for selecting the source of the goods, ensuring their quality and negotiating their price.

DBE Contractor

A DBE contractor is a DBE firm that contracts or subcontracts to perform highway construction work. To be considered a DBE contractor, the DBE firm must perform work using its own employees and it must order and pay for all of the supplies and materials it uses. When a DBE contractor performs a defined and clearly measurable portion of a contract by providing its own labor and materials, the Prime contractor will receive credit for 100% of the amount it is paid to the DBE contractor.

Management

To perform a Commercially Useful Function (CUF), a DBE must actually perform, manage and supervise work involved in a contract. DBE management responsibilities include scheduling work operations, preparing and submitting certified payrolls and hiring and firing employees. All operational and managerial decisions must be made by the DBE. Supervision of daily operations must also be performed by the DBE personally or by a full-time, knowledgeable and skilled superintendent directly supervised by the DBE.

Employees

Performance of a CUF requires that all work on a contract be performed by the DBE's own workforce. To be considered an independent business, the DBE should maintain a workforce and the DBE shall not "share" employees with another contractor, especially a prime contractor.

Materials, Supplies and Equipment

With respect to the materials, supplies and equipment used to perform a CUF, the DBE must be responsible for negotiating the price of these goods; determining their quality and quantity; arranging for their delivery; and ordering, installing (where applicable) and paying for the goods. The Iowa DOT may review invoices to verify that they were billed to and paid by the DBE. No credit will be given toward a contract's DBE goal when goods used on the contract were paid for by the prime contractor.

The cost of materials purchased by the DBE from the prime contractor and the cost of equipment leased from the prime contractor will also not count toward the contract's DBE goal.

Monitoring and Enforcement

Commercially Useful Function (CUF) (49 CFR §26.55)(49 CFR §26.37)

A key requirement of the Federal DBE regulations is that DBEs perform a CUF, which means that DBEs must be responsible for executing a distinct portion of the work. To fulfill this responsibility, DBEs must meet certain requirements with regard to their management; employees; and materials, supplies and equipment. Compliance with these requirements will be monitored and enforced by the Iowa DOT by using Form 102166 Certification of DBE Accomplishments.

In addition to the documentation on Form 102116, the performance of a CUF by DBEs is monitored by Iowa DOT field personnel daily. Field personnel observe and document in the field diary at least one aspect of CUF; who owns the equipment used by DBEs, who supervises and pays DBE employees. All DBEs and employees are required to cooperate with personnel conducting the field audits and with staff from the Office of Employee Services, Civil Rights Team.

Work performed by a DBE will not be counted toward a contract goal if the DBE did not perform a CUF while doing the work. Failure to perform a CUF could also lead to the Iowa DOT's withholding of payment for the work. If deliberate fraud was involved, such failure could also result in criminal prosecution of both the prime contractor and the DBE.

Any of the following situations may be indicative of a DBE's failure to perform a CUF:

1. Employees shared by both the DBE and another contractor
2. Supervision of the DBE's crew by another contractor
3. DBE's use of the prime contractor's equipment
4. DBE's use of other equipment, which is neither owned nor leased by the DBE
5. Materials for the DBE that were ordered and/or paid for by the prime contractor
6. An item of work performed jointly by the DBE and another contractor

SUBPARTS D & E: CERTIFICATION (49 CFR §26)

Subparts D and E of 49 CFR §26, respectively set forth DBE certification standards and procedures, that will be used by the Iowa DOT to determine a firm's eligibility for participation as a DBE in U.S. DOT assisted contracts. Certification decisions are based on the facts as a whole and all certification standards must be met before a firm will be eligible for participation as a DBE.

Specific aspects of these standards and procedures are discussed within this section, including re-certifications, personal net worth, "notice of change" and "no change" affidavits, confidentiality, removals and denials of certification and the uniform certification program. Further information about DBE certification standards and procedures can be found in Attachment E.

To receive a copy of the Uniform Certification Application Form or to obtain information about the certification process, firms should contact:

External Civil Rights Administrator
Iowa DOT
Office of Employee Services
800 Lincoln Way
Ames, Iowa 50010

Phone number: (515)-239-1422
Fax number: (515)-817-6502 or 515-239-1175

Applicants seeking DBE certification will be required to certify they do not exceed the Personal Net Worth of \$1.32 million. The Affidavit of Certification signed at the time of application will include the following statement: *“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 who are not socially and economically disadvantaged”*.

“No Change” Affidavits (49 CFR §26.83)

All DBEs are required to submit the "AFFIDAVIT OF CONTINUED DBE CERTIFICATION ELIGIBILITY" form # 650044 that includes any change in circumstances affecting their ability to meet size, disadvantaged status, ownership, or control criteria of 49 CFR part 26. This notification must be provided within 30 days of the occurrence of the change. Changes in management responsibility among members of a limited liability company are covered by this requirement. Supporting documentation describing in detail the nature of such changes must be provided.

Confidentiality (49 CFR §26.83) & (49 CFR §26.109)

Consistent with Federal, State and local law, the Iowa DOT will safeguard from disclosure to third parties any information that may reasonably be regarded as confidential business information. Notwithstanding any contrary provisions of Federal, State, or local law, the Iowa DOT will not release personal financial information, submitted by a DBE applicant, to a third party (other than the U.S. DOT) without the written consent of the applicant. The Department complies with provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a).

Denial and Removal of Certification (49 CFR §26.85, 26.87 & 26.89)

An applicant, who has been denied certification as a DBE, or whose certification has been removed, will be provided an opportunity to appeal the decision to the Iowa DOT DBE appeal committee. The committee is comprised of five Iowa DOT employees, from outside the Department's Office of Employee Services, who are appointed by the director of the Iowa DOT's Project Delivery Bureau. The committee will be chaired by the Civil Rights Administrator, although that individual will not vote nor be considered a member of the committee. The Civil Rights Administrator and each of the committee members understand the certification requirements and will review all evidence provided to the Iowa DOT's civil rights compliance officer, who made the initial determination.

The applicant will be offered an opportunity to meet, face-to-face, with the committee to present his or her side of the findings. No new evidence will be reviewed at the meeting, which will be informal.

Procedures set forth under 49 CFR part 26.87 will be followed by the Iowa DOT if it proposes the removal of a DBE's certification. Attachment E explains these procedures in detail.

If, based upon its review of all records, materials and other required information, the Iowa DOT proposes to remove a DBE's certification, the proposal is forwarded to the DBE appeal committee, which makes the decision on whether to remove the certification. To ensure a separation of functions in such a decision, members of the DBE appeal committee will not have participated in any way in proceedings - or the decision to initiate proceedings - leading to the proposal to de-certify. An administrative "firewall" has been established to make certain that the separation of functions is always maintained.

A firm that either has had its eligibility removed or has been denied certification must wait 12 months before reapplying for certification. If an applicant for DBE certification withdraws its application before a decision on the application has been issued, the applicant can resubmit the application at any time. However, the reapplication may be placed in order of receipt and behind other applications that have been made since the firm's previous application was withdrawn. If a firm establishes a pattern of frequently withdrawing applications before a decision is made, a waiting period may be applied. In either action, however, a firm may appeal the Iowa DOT's decision to the U.S. DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590

The Iowa DOT will promptly implement any U.S. DOT certification appeal decisions affecting the eligibility of DBEs for U.S. DOT-assisted contracts. Thus, if the U.S. DOT determines that the Iowa DOT erroneously removed a firm's eligibility or denied certification to a firm, the Iowa DOT will promptly certify the firm.

Unified Certification Program (49 CFR §26.81)

The Iowa DOT has established a unified certification program (UCP) for all government entities receiving U.S. DOT funds in the State of Iowa. With respect to participation as a DBE on U.S. DOT-assisted contracts, the Iowa DOT will make all DBE certification decisions through the UCP on behalf of these entities. The purpose of the UCP is to provide "one-stop-shopping" to certification applicants, which means that once they have been certified, their certification will be honored by all other entities in the State that receive U.S. DOT funds.

Interstate Certification Process (49 CFR §26.85)

As per 49 CFR §26.85 (a)(b) When a firm is currently certified in its home state (State A) and applies with a written request to the Iowa DOT (State B) for DBE certification, the applicant firm must provide a copy of the certification notice (approval letter) from State A.

The Iowa DOT will go to the home state's electronic directory and print the screen shot reflecting the firm's DBE status. After Iowa DOT has verified that the home state's certification is current or in good standing, it must send the firm a written notice within 15 days and place the firm in the Iowa DBE directory.

If the firm fails to provide the certification notice (approval letter) or the home state's electronic directory does not show the firm as certified, Iowa DOT shall send the firm a notice within 15 days from receipt of the information stating Interstate DBE certification will not be accepted (or granted). The applicant must contact the home state to appeal this decision.

If there are any questions about the firm after receiving the information, the Iowa DOT will contact the applicant directly for clarification of the issues; and/or request the firm make application through the certification process per 49 CFR §26.85 (c). Should any third party raise concerns about the propriety of the certification, or have questions about the eligibility of the DBE firm for the program, those concerns will be referred to the DBE firm's home state for review and investigation, if deemed appropriate.

As per 49 CFR §26.85 (f) The Iowa DOT will enter into the Department of Transportation Office of Civil Rights' (DOCR's) Ineligibility Determination Online Database the following information for all de-certifications or denials of a firm's application.

1. The name of the firm;
2. The name(s) of the firm's owner(s);
3. The type and date of the action; and
4. The reason for the action.

As a UCP, the Iowa DOT will check the DOCR website at least once every month to determine whether any firms that are applying for certification or that are already certified are on the list. For any such firm that is on the list, a request for a copy of the listed decision will be made directly to the UCP that made the decision. All information received as part of this request will be considered in the decision in determining what action, if any, to take with respect to the certified DBE firm or applicant. A copy of the decision will be provided to the requesting UCP within 7 days of receiving the request.

SUBPART F: MONITORING, COMPLIANCE and ENFORCEMENT (49 CFR §26)

Highway construction practices involving DBEs are monitored at all stages, ranging from the initial request for subcontracts to dispute resolution and any necessary action consistent with applicable Federal, State and local laws and regulations. Within this section of subpart F, several aspects of construction monitoring are discussed, including subcontract requests, monitoring and documentation of work performed by DBEs, payment of DBEs, assistance offered to DBEs and dispute resolution. Methods of reporting and tracking the usage of DBEs are also presented.

If the Iowa DOT knows of any false, fraudulent, or dishonest conduct in connection with its DBE program, it will take appropriate action consistent with applicable Federal, State and local laws and regulations. Such action could result in referral to the Department of Justice or the U.S. DOT Inspector General for possible criminal prosecution, suspension and debarment, a finding of non-responsibility for future contracts and other possible sanctions and penalties.

Subcontract Requests

When making requests to subcontract, prime contractors must submit their "Subcontract Request and Approval" forms (Form 830231) when they return their signed contracts to the Iowa DOT's Office of Contracts. In certain situations, with the approval of the Iowa DOT, the contractor may request an extension of up to 30 days to submit the "Subcontract Request and Approval" forms. Either a new or an amended "Subcontract Request and Approval" form must be submitted if unforeseen field conditions require additional subcontractors or replacement of terminated subcontractors.

The Iowa DOT encourages the use of DBEs on all of its projects, including those with work above and beyond an established contract goal and those with no goal at all. The use of DBEs on all projects is viewed as a good faith effort.

DBE Work Performance and Payment of DBEs

The work activities and work accomplishments of DBEs on all projects will be monitored and documented by the Iowa DOT to ensure that DBEs are performing work as contracted at the time of its award. Any concerns will be immediately reported to both the project engineer and the prime contractor.

Upon a DBE's successful completion of the work, the project engineer will be responsible for comparing the amount actually paid to the DBE with the amount committed to the DBE when the contract was awarded. The amount paid to the DBE is reported on the "Certification of DBE Accomplishment" (Form 102116), which is submitted to the project engineer by the prime contractor when the work is completed.

Payments of less than the amount committed will require justification (i.e., item under-runs, item deletions, etc.) by the project engineer. The prime contractor can be penalized, dollar for dollar, for the shortage if it is not justified by the project engineer. Repeated shortages can result in suspension of the prime contractor's bidding privileges.

For three years following a DBE's performance of work on a contract, the prime contractor is required to maintain records of payments made to all DBEs. The records must be made available for inspection upon the request of any authorized representative of the Iowa DOT or the U.S. DOT.

The Iowa DOT will perform interim audits of contract payments to DBE subcontractors during a contractor compliance review. The audit will review payments to these DBEs to ensure that the actual amount they were paid equals or exceeds the dollar amounts stated in the "Disadvantaged Business Enterprise Information Statement of DBE Commitments" (Form 102115).

Assistance Offered to DBEs by Prime Contractors

Prime contractors are allowed to offer construction assistance to DBE subcontractors, but only in areas where DBEs can benefit from prime contractors' expertise or in situations arising from unforeseen emergencies or natural disasters. The assistance must be short-term (one day or less) and involve only equipment, not workers. Before offering the assistance, the prime contractor must notify the project engineer and obtain the approval of the Civil Rights Administrator in the Iowa DOT's Office of Employee Services.

Other forms of assistance, such as offering technical advice and occasional guidance, are encouraged. Before offering these forms of assistance, however, it is also necessary to notify the project engineer and obtain the approval of the Iowa DOT's Civil Rights Administrator.

Dispute Resolution

Disputes within the highway construction industry usually involve conflicts between two or more parties about such things as costs, delays, payment disputes and the timeliness of performance. Dispute Review Boards (DRB) are pre-selected, project-specific panels, used increasingly as a technique for resolving such issues. The boards are comprised of three neutral and impartial members, mutually selected and respected by all parties involved in a contract. Members could also have valued experience in the type of work encompassed by the dispute.

The use of DRBs increases the likelihood of resolving disputes at the project level. Their use is not intended to replace any existing procedures. Rather, they are meant to supplement those procedures with open-mindedness.

Reporting to the U.S. DOT

At the completion of each contract with DBE usage, the Iowa DOT will require prime contractors to submit a "Certification of Actual Dollars Paid to DBE Firms" (Form 102116). This form will include a written certification that the Iowa DOT has reviewed contracting records and monitored work sites in its state to verify the accuracy of subcontract information submitted prior to beginning work on a project.

Semi-Annually a report of "Uniform Report of DBE Awards or Commitments and Payments Form DBE Awards and Commitments and Payments" is completed and forwarded to FHWA. The report covering the first half of the federal fiscal year is due June 1, the report covering the entire year is due December 1. The first part of this report provides information on actual dollars awarded and committed during the reporting period to DBE's, the second part breaks those dollars down into ethnic groups receiving the dollars. The third and final part shows the total original committed dollars to DBE's on contracts completed over the six month reporting period. The actual dollars paid to DBE's after the contracts were completed is then entered, the actual dollars paid should meet or exceed the dollars committed.

If the Iowa DOT fails to meet its overall DBE goal at the end of the fiscal year, an analysis of the reasons for the shortfall will be performed and establish specific steps and milestones to correct any problems identified in the analysis that will enable the Iowa DOT to

meet its goal in the new fiscal year. The analysis and corrective actions will be submitted for approval by FHWA within 90 days of the end of the fiscal year.

Small Business Development Contracts

The Iowa Department of Transportation recognizes the benefits of having many contractors and suppliers available to perform work on highway construction projects. As a result we have assembled the attached packet of information to assist the Small Business firms who are interested in beginning work with us.

Small Business – A firm which meets the requirements of Iowa Code 314.14 which defines a "*Small business*" as any enterprise which is operated for profit, under a single management, and which has either fewer than twenty employees or an annual gross income of less than four million dollars computed as the average of the three preceding fiscal years.

Developmental Specifications for Small Business Development Contracts

DS-09036 provides a Description of the program, definitions, prequalification and necessary information to assist the Small Business Contractor in working with the Iowa Department of Transportation.

Small Business Certification Form 650064

A self-certification form must be completed and returned to the Office of Employee Services, Civil Rights team by noon the day before the letting and allows the contractor to self-certify that their company meets the requirements of a Small Business as defined by Iowa Code section 314.14. See Attachment I- Forms for a copy of the Small Business Certification Form 650064.

Small Business Development Contracts Q & A

An overview of information is provided on common questions and areas of interest about the Small Business Development Contracts on the Iowa DOT Office of Employee Services' Website. In addition, the document contains links to the Specification requirements, electronic BidExpress website, and provides contact information.

Iowa DOT Letting Process

The Office of Contracts conducts lettings for all highway construction work on the primary and interstate systems as well as many secondary projects throughout the state. This brochure provides an overview of the entire letting process, including prequalification of bidders, advertising, bidding proposals and other information. Pay particular attention to Section C, Advertising for Bids. This describes the Electronic Weekly Letting Report, which is a primary method for learning about upcoming work and ordering letting documents. These small business contracts are represented by a special group in our Bid Order categories (980, 981, etc.) so they would be easily identified in the Electronic Weekly Letting Report.

SUPPORTIVE SERVICE PROGRAMS OFFERED BY THE IOWA DOT

Iowa Department of Transportation (Iowa DOT) will provide supportive services to all certified Disadvantaged Business Enterprises (DBEs). These services include but are not limited to:

Provide technical assistance and answers to questions about projects to be bid.

1. After award of contracts, provide by mail to each DBE, a list of those projects that they were used to fulfill a commitment.
2. Verify that each and every DBE subcontract request form meets or exceeds the amount committed at the time of bid
3. Provide technical assistance during the construction phase of a project.
4. Provide technical assistance to help DBEs secure bonding and bank financing.
5. Provide workshops and seminars in locations throughout the state, topics to include but not limited to:
 - plan reading, estimating, cost accounting, business plans, insurance, financing, equipment and other requested topics.
6. If necessary, provide referrals to U. S. DOT bond and loan programs, all SBA programs and services and local resources.
7. Provide information and technical assistance, including alternate dispute resolution, to DBEs who are having a problem with a prime contractor or with Iowa DOT.
8. Provide a list of prime bidders on upcoming Iowa DOT projects.
9. Provide business counseling and technical assistance to DBEs through the use of our DBE Consultant, EEO Section supportive services, or Senior Engineering Technicians.
10. Provide financial assistance totaling up to fifty percent (50%) of the initial cost of services for certified DBEs, requiring a Certified Public Accountant (CPA) to a reviewed Financial-Experience-Equipment Statement to become prequalified to bid as prime contractors on Iowa DOT projects.
11. Provide technical assistance and support to DBEs with the possible assistance of a Business consultant. Services shall include but not be limited to: office visits, site visits, seeking out new DBEs to enter the program and attending meetings with DBEs if requested.

12. Provide assistance, when requested by DBEs, concerning prompt payment on projects let by Iowa DOT.
13. Provide self-study plan reading courses used by Iowa DOT inspectors at no cost to DBEs.
14. Provide financial assistance totaling up to fifty percent (50%) of the cost of securing bonding.



Iowa Department of Transportation

FY 2012-2014 DBE Goals

July 28, 2011

Methodology

To comply with 49 CFR Part 26.45, the Iowa Department of Transportation (DOT) established its Disadvantaged Business Enterprise (DBE) goal based on availability of ready, willing and able DBEs within the Iowa highway construction industry, relative to the availability of all ready, willing and able businesses within the same industry (hereafter, this proportion is referred to as "the relative availability of DBEs").

Establishing the DBE goal involves two primary steps:

1. Determining a base figure for the relative availability of DBEs
2. Examining evidence in the state to determine what adjustments, if any, are necessary to the base figure to arrive at the overall goal

The Iowa DOT used this methodology to determine its FY2012 DBE goal, as well as all prior annual goals starting in FY2000. Comparisons to previous goals are shown in Attachment A. A timeline of events for the annual DBE goal-setting methodology process is provided in Attachment B.

Step one: Determining a base figure for the relative availability of DBEs

The Iowa DOT has used various comparative methods to determine the availability of ready, willing and able DBEs within the Iowa highway construction industry, relative to the availability of all ready, willing, and able businesses within the same industry.

In 1999, the Iowa DOT established a plan-holders database that identifies each project let for bid, and the firms whom have requested a plan (or bid proposal document) for that project. The assumption is any ready, willing and able firm would need the details of the project to submit a bid.

Since the Iowa DOT is the only source of these documents, the plan-holders list is considered a statistically representative list of the universe of ready, willing and able firms, including both DBE and nonDBE contractors and subcontractors.

From the database, a plan-holders list covering a three-year period for all contracts, including suppliers, manufacturers, truckers, and consultants was compiled. The resulting list was used to determine the percentage of DBE firms among all firms requesting a plan or proposal, which was calculated to be 4.5 percent.

(Notes: Information on a business' current operating status is not collected for nonDBE firms; therefore, the information could not be used to screen both lists equally of ready, willing and able firms. The market area identified in the database encompasses all firms who requested either a plan or proposal regardless of their business' location. Thus, surrounding states are represented in this calculation.)

$$\frac{48 \text{ DBE firms requested a plan or proposal}}{1058 \text{ total firms requested a plan or proposal}} = 4.5\%$$

(Note: Suppliers, manufacturers and consultants were not included in this calculation.)

37 different DBE firms receiving contracts or subcontracts = 5.1%
719 different firms, in industry, receiving contracts or subcontracts

- The data representing the 2008-2010 Planholders' list is screened manually to remove any duplicate names, name changes, internal state DOT requests, joint ventures, material quarries and mock bidding by area colleges. This process is performed to both non-DBEs and DBEs.
- The data collected in Planholders' list represents all ready, willing and able contractors for both federally and non-federally assisted projects. The participation of DBEs occurs on both types of projects and the data should be inclusive of both funding options to represent all ready, willing and able participants.
- The IA DOT supplies free plans and proposals to all interested contractors. The simplified request process along with technological advances would provide suppliers, consultants, truckers, haulers, subcontractors and manufactures the opportunity to request a plan for their own entity and be represented in the Planholders' list.
- The five year median shows that consultant firm participation has been 2 percent of the total federal funds. The IA DOT has not weighted the Planholders' list for consultant participation due to the insignificant representation of this group.
- The decision to utilize data representing a three year collection of Planholders, rather than a five year period, has been consistently used since 2000. The timeframe represents in a shortened duration that would remove contractors who may have gone out of business while still including those who may have not requested plans during the first year of interest in working with the IA DOT. In addition, calculating the Annual DBE goal once every three years will reflect the most recent three years of data and represent the ready, willing and able contractors for a period consistent with the term it is being calculated for.
- The period of time for which the data is collected is reported in the table on Attachment A. This table provided the calendar year for the period of data and now includes an additional row for clarification on the Fiscal Year as well.
- Data collection to represent the potential DBE firms is provided in the Planholders' list of ready, willing and able contractors. A contractor would be deemed ready, willing and able if they have completed the DBE certification process. Outside data sources, such as the census data list contains many firms who have no desire to work on DOT highway projects or who are coded as something other than a highway contractors. Additionally, women and minority owned companies might not demonstrate the necessary size or control requirements of DBE certification. Including this entire population would not represent the true potential highway contractors.

- The method of obtaining data on potential DBE firms could be collected from the census data however was not utilized due to the list containing many firms who have no desire to work on DOT highway projects or who have been coded as something other than a highway contractor. As stated above, women and minority owned companies might not demonstrate the necessary size or control requirements of DBE certification.
- A five-year median of federally assisted consultant and local contracts account for 2 percent. A step II adjustment was not warranted based on the minuscule representation of these funds.
- The Iowa DOT believes the planholders list is a better source of data than either the bidders list or census data for the following distinctions. The planholders list is a comprehensive list of contractors who have expressed interest in working on DOT let contracts. A bidders list provides an incomplete list because the information is collected from the contractors and the contractor submittals frequently misses firms who actually provided a quote to the contractor but the contractor failed to report them. The census data list contains many firms who have no desire to work on DOT highway projects or who have been coded as something other than a highway contractor.

Step two: Examining available evidence to make adjustments, if necessary

To determine what adjustments, if any, were necessary to estimates of the relative availability of DBEs, the Iowa DOT examined the following five factors:

Factor 1 - The percentage of all Iowa DOT prime contracts received by DBEs was examined, because such contracts were awarded through a race-neutral, low-bid process. The percentage should, therefore, represent the ability of DBE firms to compete and obtain prime contracts in a race-neutral market. The following formula was used to obtain this percentage:

$$\frac{63 \text{ DBE prime contract awards}}{1960 \text{ all prime contract awards}} = 3.2\%$$

Factor 2 - The percentage of all Iowa DOT subcontracts received by DBEs, for both federal-aid and nonfederal-aid projects, was examined, because this percentage represents the ability of DBEs to compete and obtain subcontracts through both race-neutral and race-conscious measures. Suppliers, manufacturers, truckers and consultants were not included in the calculation.

$$\frac{793 \text{ DBE subcontracts awarded}}{7007 \text{ all subcontracts awarded}} = 11.3\%$$

Factor 3 - The percentage of all Iowa DOT contracts and subcontracts awarded to DBEs, according to total dollar value, for both federal-aid and nonfederal-aid projects, was examined. The resulting percentage determined the amount of work received by DBEs relative to the maximum total work capacity of all firms. The following formula was used to obtain this percentage:

$$\frac{\$93.7 \text{ million of all DBE contracts and subcontracts}}{\$2,327.9 \text{ million of all contracts (to all firms in the industry)}} = 4.0\%$$

Factor 4 - The percentage of all Iowa DOT contracts awarded to DBEs, according to total dollar value, for both federal-aid and nonfederal-aid projects, was examined. The resulting percentage determined the amount of work received by DBEs by the low bid process, which is race neutral. The following formula was used to obtain this percentage.

$$\frac{\$26.0 \text{ million of all DBE contracts}}{\$2,327.9 \text{ million dollars of all contracts}} = 1.1\%$$

Factor 5 - The percentage of all Iowa DOT subcontracts, by total dollar value, received by DBEs was examined in three categories:

1. The percentage of all contract dollars received by DBEs, for both federal-aid and nonfederal-aid projects

$$\frac{\$67.7 \text{ million of DBE subcontracts on all contract}}{\$2,327.9 \text{ million on all contracts}} = 2.9\%$$

2. The percentage of contract dollars subcontracted to DBEs on contracts with DBE goals. The resulting percentage determines the amount of subcontract work received by DBEs through race-conscience efforts.

$$\frac{\$55.9 \text{ million of DBE subcontracts}}{\$1,485.2 \text{ million on contracts with DBE goals}} = 3.8\%$$

3. The percentage of contract dollars subcontracted to DBEs on contracts without goals. The resulting percentage determines the amount of subcontract work received by DBEs through race-neutral subcontract efforts.

$$\frac{\$8.6 \text{ million of DBE subcontracts}}{\$842.6 \text{ million of all contracts without of goals}} = 1.0\%$$

○ Attachment A is a table of historical data representing the capacity of DBEs to perform work from 2002-2010 calendar years. Updates to Attachment A includes three additional rows; Federal Fiscal Year, Race Neutral DBE Accomplishment and Race Conscious DBE accomplishment. The reported total Fiscal Year DBE Accomplishment has been expanded to report the last five years of data instead only the previous year. The analysis of federal dollars contracted for consultants and local projects represent 2 percent over a five-year median. This minuscule representation does not warrant a step II adjustment.

○ The information at the top of Attachment A indicated these contracts represent about 98 percent of the dollars contracted through the DOT and its subrecipients. Modifying this data, to report a five-year median does not require the document to change. The number remains at 98 percent, even though it now represents a five-year median.

	2006	2007	2008	2009	2010	5 Year Median
DOT LET	97%	98%	99%	99%	92%	98%
Consultant	3%	2%	1%	1%	8%	2%
Local Projects	0%	0%	0%	0%	0%	0%

- An internet search was performed to ascertain that no disparity studies related to federally-assisted highway construction projects were conducted within the State of Iowa. In 2007 the City of Davenport performed an Availability Study and not a true disparity study on their local market area.
- The Iowa DOT did not consider the City of Davenport’s Availability Study as necessary information to consider in a Step II Adjustment because it was not a true disparity study.

Proposed overall FHWA FY 2012-2014 DBE goal

Step 1: Determining the annual DBE goal based on the relative availability of DBE firms. Iowa has been making the Step 1 determination of ready, willing and able based on three calendar years total of plan-holders data. Based on the data, the FY2012-2014 DBE goal should be 4.5%. (Last year’s calculations showed 4.6% based on similar procedures and the requirement to utilize FY 2010’s annual DBE goal.)

Step 2: Once the base figure for the annual goal has been determined, the recipient must examine all of the evidence available in your jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at the overall goal. Suggested evidence in the federal regulations that the Iowa DOT considered are:

1. Current capacity of DBE firms to perform the work – The data shows that minority and female contractors and suppliers have been, on a percentage basis, more successful at getting contracts than the male nonminority contractors and suppliers. The DOT contends the participation percentage may be exceeding the availability percentage due to the race-conscious measures used by the department.
2. Evidence of disparity studies –The Iowa DOT has not conducted any disparity studies. The department is also unaware of any current disparity studies related to federally-assisted projects within the state and/or the market area. Should a disparity study to determine the existence of discrimination and its effects in the state marketplace specific to it federal-aid assisted projects become available, the Iowa DOT would be willing to actively participate and/or provide relevant information for a study.
3. Using the base figure of another recipient – Not applicable since the Iowa DOT has computed its own base figure.
4. Statistical disparities in the ability of DBE firms to get financing, bonding and insurance – The Iowa DOT has not been able to identify any such disparities.
5. Data on employment and training opportunities for DBE firms to perform in the Iowa DOT’s contracting program – The Iowa DOT has not been able to identify any available data on such opportunities.

6. Adjustment to take into account continuing effects of past discrimination – The Iowa DOT has no evidence of past discrimination.

No Step 2 adjustments made a result of these issues. Therefore, the Iowa DOT proposes to set the FY2012-2014 DBE goal at 4.5 percent, based on Step 1, the availability of ready, willing and able DBE firms as a percentage of all firms that are ready, willing and able, without a Step 2 adjustment.

Race- and gender- neutral and conscious measures section 26.51

Race-neutral and race-conscious division: Based on historical data, the Iowa DOT contends it can achieve approximately 2.1 percent through race-neutral methods since DBE firms historically receive prime contracts representing approximately 1.1 percent of available federal funds; and are used for about 1.0 percent on projects without DBE goals. Therefore, the Iowa DOT proposes to accomplish 47 percent of its goal (2.1 percent) through race-neutral measures and 53 percent (2.4 percent) of its goal through race-conscious measures.

Attachment A, provided a table of additional supporting data. This table has been updated to include additional rows of information on the Race Neutral and Race Conscious DBE Accomplishment for the last five years.

- A. Description of information relied upon:** The Iowa DOT uses the Transport software, as supported by other data compiled and maintained by the Iowa DOT Office of Contracts, to manage and report its awards/commitments and payments. The Iowa DOT analyzed past DBE participation using payment information for the three-year period from 2008 to 2010. This data was based on prime contracts awarded to DBEs, the extent of DBE participation on contracts without goals and DBE participation in contracts with goals. The Iowa DOT's estimate of the maximum feasible portion of the goal (2.1 percent) achievable through race-neutral participation is based on past participation and supported by race-neutral measures noted in the following paragraph.
- B. Description of the types of race-neutral measures implemented by the state:** A good-faith effort point system, encouraging the continual usage of DBE's on all contracts (nonfederal and federal) throughout the entire year. Total dollars subcontracted to DBEs compared to all dollars earned over the most recent 24 month period, on contracts let by the Iowa DOT, is used monthly to calculate a contractor's good-faith effort of DBE participation. Participation must equal or exceed 67 percent of the department's annual DBE goal.

Public participation section 26.45 (g)

- A. Consultation:** On May 3, 2011, the Iowa DOT conducted a public information meeting to explain its goal-setting methodology and solicit feedback from program stakeholders. Representatives from the following groups were present: material suppliers, professional services providers, disadvantaged business enterprises, prime contractors and members of the Associated General Contractors of Iowa. During this meeting, further discussion was held regarding the use of a bidder's list method and prospect of applying another method

that may yield higher relative availability. Further discussion led to inquiries regarding the availability of supportive services offerings to DBEs. The Iowa DOT responded to these concerns by explaining the reliability and specific nature of its data, as well as the supportive services currently offered that potentially affect the goal.

On July 5, 2011, the Iowa DOT conducted the second of two public meetings to explain and solicit feedback from program stakeholders on the process and proposed FY 2012-2014 annual DBE goal. Professional service providers, disadvantaged business enterprises, prime contractors and members of the Associated General Contractors of Iowa attended the meeting. During this meeting, explanation was provided on the chosen method, option 5 (Alternative Method), to identify the ready, willing and able population of Iowa DBE's in comparison to all contractors. The calculation method was shown and potential step 2 calculations were reviewed. No Step 2 adjustments were taken on the proposed calculated goal.

- B. Published notice:** The Iowa DOT published notice of the proposed goal and availability of its methodology in the *Des Moines Register* June 10, 2011. This notice was also posted on the Bidx website for all contractors and Office of Contract's website. The notice was also posted in the following newspapers and publications: The Des Moines Register (04/01/2011)(06/10/2011), EL Comunicador and Iowa Fronteras Newspapers (04/29/2011) (06/09/2011) and Iowa Bystander (04/01/2011)(06/10/2011). The Iowa DOT sent personal invitations (03/28/2011) to the May 3 and July 5 meeting to the following: all certified Iowa Highway Construction DBEs and AGC/IDOT/DBE Task Force Committee Members. The Iowa DOT sent an email notice (04/01/2011) with both meeting dates to the following distribution list: *Asian Contacts*; *Latino Contacts*; okodomoi@msn.com; *SiouxCityAAContacts*; *StateAAContacts*; *WlooAAClergy*; *DSMAAAContacts*; *CedarRapidsAAContacts*; *QuadCitiesAAContacts*; *WlooAAContacts*; mwalton@asac.us; *Miller, Helen [LEGIS]*; *Abdul-Samad, Ako [LEGIS]*; *Alba Perez*; *Alfred Ramirez* (alfred@gqchcc.com); *City Human/Civil Rights Contacts*; *Commission on the Status of Asian and Pacific Islanders*; *Division of Deaf Services*; *Division of Persons with Disabilities*; *Division on the Status of African Americans*; *Division on the Status of Women*; *Iowa Division of Latino Affairs*; *IVRS*; *Japanese Association of Iowa* (info@japaniowa.org); *Kevin Clark*; *Latinos Unidos* (latinosunidosofiowa@gmail.com); *Ohr, Henny [DHR]*; *Pastor Isaac Oyibo*; *Plander, Lynette [DVRs]*; *Reed, Walter [DOT]*; *Women and Minorities in Construction Program Grant Coordinator (Thea Holmon-Ellis)*; *Zalaznik, Scott [DOT]*. The Iowa DOT sent an email notice to the DBE Goal Setting Distribution list on (04/05/2011) to the following: (breilly@reilly-construction.com); (creilly@reilly-construction.com); (jlechtenberg@reilly-construction.com); (lance.thompson@reilly-construction.com); (lthompson@reilly-construction.com); (Mary.Prescott@state.mn.us); (mary.walker@dot.gov); (tomm@mccrossan.com); (vglass@reilly-construction.com); *Anderson, Kimberly*; *AndraySwift@yahoo.com*; *Asphalt Paving Assoc. of Iowa* (apai@apai.net); *Belzung, Steven [DOT]*; *Bierbaum, Roger [DOT]*; *Cain, Suezet [DOT]*; *Charlie Bailey* (jumpme4307@sbcglobal.net); *Chris Swalla* (cswalla@netins.net); *Cork Peterson* (cork@petersoncontractors.com); dale_bragg@hotmail.com; *Dan Graves*; dturner@dstcompanies.com; ebbe@mail.com; *Hanson, Scott [DOT]*; hizone@core.com;

Hobbs, Maria [DOT]; Iowa Concrete Paving Assoc. (icpa@iowaconcretepaving.org); Jack, Krandel [DOT]; Kardell, Sheldon [DOT]; Kasper, Edward [DOT]; Kent Austin (skaustin@mac.com); Krista Taylor (ktaylor@taylorconstr.com); ladym58@sbcglobal.net; LeeLeenMart@aol.com; Nate Lawrence (nlaw10000@aol.com); pburnett44@gmail.com; Robert Cramer (rcramer@cramerandassociatesinc.com); Terry M Grabosch; Theo Holmon-Ellis (tholmon-ellis@eicc.edu); Theo McElhose (tmcelhose@sioux-city.org)

On June 10, 2011, the Iowa DOT sent personal invitations to a July 5 meeting to the following: all certified Iowa Highway Construction DBEs and AGC/IDOT/DBE Task Force Committee Members. The Iowa DOT sent an email notice (06/09/2011) with the July 5 meeting date to the following distribution list: *Asian Contacts; Latino Contacts; okodomoi@msn.com; SiouxCityAAContacts; StateAAContacts; WlooAAClergy; DSMAAContacts; CedarRapidsAAContacts; QuadCitiesAAContacts; WlooAAContacts; mwalton@asac.us; Miller, Helen [LEGIS]; Abdul-Samad, Ako [LEGIS]; Alba Perez; Alfred Ramirez (alfred@gqchcc.com); City Human/Civil Rights Contacts; Commission on the Status of Asian and Pacific Islanders; Division of Deaf Services; Division of Persons with Disabilities; Division on the Status of African Americans; Division on the Status of Women; Iowa Division of Latino Affairs; IVRS; Japanese Association of Iowa (info@japaniowa.org); Kevin Clark; Latinos Unidos (latinosunidosofiowa@gmail.com); Ohr, Henny [DHR]; Pastor Isaac Oyibo; Plander, Lynette [DVRs]; Reed, Walter [DOT]; Women and Minorities in Construction*

Program Grant Coordinator (Thea Holmon-Ellis); Zalaznik, Scott [DOT]; Plogmann, Danielle [DHR]; McGee, Isaiah [ED]; Denita Gadson; Paula Kelley (pkelley@southslope.net); Sydni Fenner; (breilly@reilly-construction.com); (creilly@reilly-construction.com); (jlechtenberg@reilly-construction.com); (lance.thompson@reilly-construction.com); (lthompson@reilly-construction.com); (Mary.Prescott@state.mn.us); (mary.walker@dot.gov); (tomm@mccrossan.com); (vglass@reilly-construction.com); Anderson, Kimberly; AndraySwift@yahoo.com; AsphaltPaving Assoc. of Iowa (apai@apai.net); Belzung, Steven [DOT]; Bierbaum, Roger [DOT]; blackwellci@yahoo.com; Cain, Suezet [DOT]; Charlie Bailey (jumpme4307@sbcglobal.net); Chris Swalla (cswalla@netins.net); Cork Peterson (cork@petersoncontractors.com); dale_bragg@hotmail.com; Dan Graves; dturner@dstcompanies.com; ebbe@mail.com; Hanson, Scott [DOT]; hizone@core.com; Hobbs, Maria [DOT]; Iowa Concrete Paving Assoc. (icpa@iowaconcretepaving.org); Jack, Krandel [DOT]; Kardell, Sheldon [DOT]; Kasper, Edward [DOT]; Kent Austin (skaustin@mac.com); Krista Taylor (ktaylor@taylorconstr.com); ladym58@sbcglobal.net; LeeLeenMart@aol.com; Nate Lawrence (nlaw10000@aol.com); pburnett44@gmail.com; Robert Cramer (rcramer@cramerandassociatesinc.com); Smith, Larry [DOT]; Steve Sandquist (uci@unitedcontractors.net); Terry M Grabosch; Theo Holmon-Ellis (tholmon-ellis@eicc.edu); Theo McElhose (tmcelhose@sioux-city.org)

- C. Comments:** On April 1, 2011 the 45-day public comment period began on the Iowa DBE goal-setting methodology. The comment period ended on May 27, 2011 (based on date of

the last published notice). Discussions during the public meeting on the availability and reliability of the use of a bidder's list took place. No additional comments were received. Meeting minutes, attendance and handouts were made available on the Office of Contracts website May 11, 2011.

On June 10, 2011, the 45-day public comment period began on the proposed annual DBE goal. Iowa DOT's 45-day comment period ended on July 25, 2011 (based on date of the last published notice). One additional request to review the goal-setting methodology was received via E-mail; however, no comments were received. Meeting minutes, attendance and handouts were made available on the Office of Contracts' Website July 8, 2011.

Public Meeting Summaries

On May 3, 2011, the Iowa DOT conducted a public information meeting to explain its goal-setting methodology and solicit feedback from program stakeholders. Representatives from the following groups were present: material suppliers, professional services providers, disadvantaged business enterprises, prime contractors and members of the Associated General Contractors of Iowa.

The meeting began with an overview of the Federal Regulations of the 3-Year Cycle for setting the Annual DBE Goal by representatives from the FHWA Division Office and IA DOT Office of Contracts. The policy statements and objectives of the program to ensure nondiscrimination in the award and administration of US DOT assisted contracts was included in the power point presentation utilized. This tool also explained the Annual Goal Setting Process, the current stage of the process and the five optional methods that can be utilized to establish an annual DBE goal.

During this meeting, further discussion was held regarding the use of a bidder's list method and prospect of applying another method that may yield higher relative availability. IA DOT representative addressed these questions and clarified the differences between the Planholders' list, as well as the data necessary to create each type of list.

Further discussion led to inquiries regarding the availability of supportive services offerings to DBEs, the monthly goal setting process, spreading the goals throughout the year rather than concentrating on the earlier months, setting bigger goals on the larger projects and no goals on smaller projects. Additional topics included tracking of monthly goals in comparison to dollars awarded, setting separate goals for women and minorities, reporting the accomplishment by race and gender and performing a CUF when materials are provided by a DBE. The Iowa DOT responded to these concerns by explaining the reliability and specific nature of its data, as well as the supportive services currently offered that potentially affect the goal.

On July 5, 2011, the Iowa DOT conducted the second of two public meetings to explain and solicit feedback from program stakeholders on the process and proposed FY 2012-2014 annual DBE goal. Professional service providers, disadvantaged business enterprises, prime contractors and members of the Associated General Contractors of Iowa attended the meeting. During this meeting, explanation was provided on the chosen method, option 5 (Alternative Method), to identify the ready, willing and able population of Iowa DBE's in comparison to all contractors.

The calculation method was shown and potential step 2 calculations were reviewed. A discussion with the assistance of a power point presentation covered in detail how to determine the step I figure of ready, willing and able contractors, implementation of the federal regulations and race neutral vs. race conscious measures as they relate to the achievement of the annual DBE goal and monthly goal setting process.

Questions centered on the availability of data from a disparity study and were responded to with information on the need to update the data every 3-4 years, cost associated with them and the nonexistence of a true disparity study at this time. Off topic discussions included providing an update to the request that came from the May 3 meeting on reporting by ethnicity and gender and the current resources and tools used to solicit firms to become DBEs.

Proposed overall FTA 2012 DBE goal

The Iowa DOT's Modal Division has submitted a proposed FFY 2011-2013 DBE goal of 0.37 percent. Approximately 0.29 percent will be achieved through race-conscious means and 0.08 percent through race-neutral means

Proposed overall FAA FY2012 DBE goal

The Iowa DOT's Modal Division has submitted a proposed FAA 2012 DBE goal of 1.2 percent. This will be obtained through 0.55 percent race-neutral means and 0.65 percent through race-conscious means.

Local Market Area:

- The local market area encompasses all contractors interested in working on Iowa DOT let contracts. When using planholders' data we have an actual representation of the contractors who are interested in Iowa DOT let contracts regardless of their geographical location. All contracts dollars let by the Iowa DOT during the Fiscal Years 2007-2011 was analyzed. The geographic distribution of contracting dollars and areas included all 99 counties within the State of Iowa. During state fiscal years 2006-2011 the top five counties where total dollars were let represented twenty-five percent of the total dollars and were located in Polk, Pottawattamie, Woodbury, Johnson and Scott Counties. During this same five-year period, the greatest DBE subcontract participation was located in Van Buren, Jefferson, Benton, Louisa and Winneshiek Counties, which only accounted for 3.3 percent of the total funds let.

Data reported in the Five-Year Highway Program 2012-2016 indicates the geographic distribution of contract dollars will include 87 of the 99 counties and all areas of the State of Iowa. The top five counties where total dollars are programmed to be let represent 41.3 percent of the total dollars and will be located in Woodbury, Pottawattamie, Polk, Scott and Warren Counties.

The comparison between five-year historical data and five year programmed funds illustrates that Iowa DOT has allocated total funds to all 99 counties and will continue to distribute contracting dollars to all areas of the State of Iowa and 87 of the 99 counties. Although DBE participation historically occurred in all of these counties, the greatest DBE participation has come from counties located in the eastern side of the state.

Historically the top five counties only accounted for 25.2 percent of the total dollars let and there is a shift in the five-year program that will increase the top five counties allocation of funds to 41.3 percent of the total dollars to be let. Geographically two counties located in the western side of the State of Iowa will increase in contracting dollars let by 16.5 percent. A Step II adjustment to decrease the Annual DBE Goal based on this information due to the historical data indicating the majority of DBE firms and participation has taken place in the eastern side of the state was considered. However, historically DBE participation has occurred in every county and no adjustment will be made based on the Local market Area.

Tables and supporting documentation is provided at the end of this response.

Top Five Counties of funds let 2006-2011 by the DOT

COUNTY	Funds Let by DOT 2006-2011	% Funds Let by DOT	Dollars Subcontracted to DBEs	% Co. DBE Subcontract Awards	DOT Five Year Program 2011-2016	% Funds Five Year Program
POLK	\$332,712,904	9.4%	\$13,900,681	4.2%	\$193,934,000	7.0%
POTTAWATTAMIE	\$184,304,563	5.2%	\$7,679,768	4.2%	\$345,523,000	12.5%
WOODBURY	\$142,437,363	4.0%	\$4,321,167	3.0%	\$364,999,000	13.2%
JOHNSON	\$127,807,525	3.6%	\$3,792,820	3.0%	\$17,934,000	0.7%
SCOTT	\$100,671,680	2.9%	\$3,585,192	3.6%	\$152,586,000	5.5%
Totals	\$ 887,934,035	25.2%	\$ 623,137,737		\$ 1,074,976,000	39.0%

Top Five Counties with DBE participation with funds let 2006-2011 by the IA DOT

COUNTY	Funds Let by DOT 2006-2011	% Funds Let by DOT	Dollars Subcontracted to DBEs	% Co. DBE Subcontract Awards	DOT Five Year Program 2011-2016	% Funds Five Year Program
VAN BUREN	\$11,723,067	0.3%	\$13,900,681	46.4%	\$9,027,000	0.3%
JEFFERSON	\$51,983,746	1.5%	\$7,679,768	23.8%	\$1,820,000	0.1%
BENTON	\$21,856,653	0.6%	\$4,321,167	22.6%	\$17,895,000	0.6%
LOUISA	\$9,901,936	0.3%	\$3,792,820	21.1%	\$19,564,000	0.7%
WINNESHIEK	\$20,714,703	0.6%	\$3,585,192	15.8%	\$7,549,000	0.3%
Totals	\$ 116,180,105	3.3%	\$ 623,137,737		\$ 55,855,000	2.0%

Top Five Counties programmed for funds let 2012-2016 by the IA DOT

COUNTY	Funds Let by DOT 2006-2011	% Funds Let by DOT	Dollars Subcontracted to DBEs	% Co. DBE Subcontract Awards	DOT Five Year Program 2011-2016	% Funds Five Year Program
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WOODBURY	\$142,437,363	4.0%	\$4,321,167	3.0%	\$364,999,000	13.2%
POTTAWATTA MIE	\$184,304,563	5.2%	\$7,679,768	4.2%	\$345,523,000	12.5%
POLK	\$332,712,904	9.4%	\$13,900,681	4.2%	\$193,934,000	7.0%
SCOTT	\$100,671,680	2.9%	\$3,585,192	3.6%	\$152,586,000	5.5%
WARREN	\$56,904,445	1.6%	\$1,607,577	2.8%	\$82,963,000	3.0%
Totals	\$ 817,030,955	23.2%	\$ 31,094,385		\$ 1,140,005,00 0	41.3%

DBE Availability and Usage

Based on computation of existing data (2002-2010 calendar years)

Includes the following data:

- Calendar year data based on the contract letting date
- Subcontracts based on the date they were let, not the date they were awarded
- This includes all contracts (federal-aid and nonfederal-aid) let through the Iowa DOT's Office of Contracts. A five-year median indicates these contracts represent about 98 percent of the dollars contracted through the DOT and its subrecipients. Data from locally let contracts and consultant contracts have not been included since that data is not readily available. However, it is assumed this contract data would be similar to the data on contracts let by the Iowa DOT.

Fiscal Year	2006	2007	2008	2009	2010	2011	2012
Calendar Year Data used	2002-2004	2003-2005	2004-2006	2005-2007	2006-2008	2006-2008	2008-2010
STEP 1							
Availability based on expressed interest *	3.4%	4.5%	4.6%	4.4%	4.6%	4.6%	4.5%
Availability on participation	5.6%	6.2%	6.4%	6.8%	7.8%	7.8%	5.1%
STEP 2							
Factor 1 – DBE% of Prime contracts by number	5.6%	4.5%	6.0%	5.0%	4.8%	4.8%	3.2%
Factor 2 – DBE% of Subcontracts by number	13.2%	11.5%	11.5%	10.9%	10.3%	10.3%	11.3%
Factor 3 – DBE% of Primes/subcontracts by dollars	6.3%	5.6%	5.9%	5.6%	5.1%	5.1%	4.0%
Factor 4 - DBE% of Prime contracts by dollars	2.8%	2.4%	3.0%	2.9%	2.7%	2.7%	1.1%
Factor 5a – DBE% of Subcontracts for all contracts by dollars	3.5%	3.2%	2.9%	2.7%	2.4%	2.4%	2.9%
Factor 5b –DBE% of Subcontracts on projects with goals by dollars	4.8%	4.4%	4.1%	4.0%	4.0%	4.0%	3.8%
Factor 5c – DBE% of Subcontracts on projects without goals by dollars	1.5%	1.7%	1.6%	1.5%	1.1%	1.1%	1.0%

Annual FY DBE Goal	5.0%	4.5%	4.6%	4.4%	4.6%	4.6%	4.5%
FY DBE Accomplishment	5.4%	5.9%	5.2%	5.1%	5.7%		
FY RN Accomplishment	2.3%	3.7%	2.6%	1.1%	2.6%		
FY RC Accomplishment	3.1%	2.2%	2.6%	4.0%	3.1%		

* Beginning in FY 2003, Method 1 was based on plan-holder data. Prior to FY 2002, data was based on the list of prequalified contractors, since plan-holder data is not available prior to Jan. 1, 1999.

Calculations with 2008-2010 Data

June 6, 2011

Step 1, Method 1

- Availability based on expressed interest
63DBEs currently certified in highway areas
48 DBEs requested letting documents/1058 total contractors = 4.5%

Step 1, Method 2

- Availability based on participation
 $37/719=5.1\%$

Step 2, Factor 1

- DBE percentage of prime contracts by number
 $63/1960=3.2\%$

Step 2, Factor 2

- DBE percentage of subcontracts by number
 $793/7007=11.3\%$

Step 2, Factor 3

- DBE percentage of prime contracts/subcontracts by dollar value
 $(37.7m+26.0m)/2327.9m = 4.0\%$

Step 2, Factor 4

- DBE percentage of prime contracts by dollar value
 $26.0m/2327.9m = 1.1\%$

Step 2, Factor 5a

- DBE percentage of subcontractors on projects, all contracts
 $67.7m/2327.9m = 2.9\%$

Step 2, Factor 5b

- DBE percentage of subcontracts on projects, with goals by dollar value
 $255.9m/1485.2m = 3.8\%$

Step 2, Factor 5c

- DBE percentage of subcontractors on projects, without goals by dollars
 $8.6\text{m}/(403.2\text{m}+439.4\text{m}) = 1.0\%$

Setting Contract Goals

DBE Goal Setting Meeting

Seven weeks prior to the letting, a goal setting meeting is held. Those persons attending the goal setting may include the Civil Rights Coordinator, External Civil Rights Administrator, the Proposal Engineers, DBE contractors, Prime Contractors, Sub Contractors and members of the Associated General Contractors. Representatives from FHWA and Materials Suppliers may also attend. Participation by telephone conference is available for each meeting.

This is an open meeting and anyone with an interest in the process or in a specific project is welcome to attend in person or via telephone conference.

Criteria for Setting Highway Construction Contract Goals

The following criteria are used as a guide in setting DBE goals.

- Set only on US DOT-assisted proposals.
- Try to attain the dollar amount of DBE usage represented by the overall goal on all contracts let by the Iowa DOT. The percentage of DBE accomplishments, tracked year-to-date from prime contracts awarded to DBE contractors and subcontract request forms, will be used to adjust the total amount of DBE goal set per letting. Contract goals will be set to make up the difference in the amount of DBE usage that can be obtained through race neutral means and the overall goal.
- Balance DBE goals work between industries such as structures, paving, asphalt and grading.
- Balance DBE goals work between county, city and state projects.
- Maintain a balance of DBE goal work across the state so all-geographical locations share in the DBE Program.
- Identify individual items that are normally subcontracted. Iowa DOT staff will share the approximate percentage of the overall contract estimate for the Committee to review.
- Consider availability of DBE contractors who are ready, willing and able to quote the work available to subcontract.
- Assure at least 3 ways to make a DBE goal. This may be three or more items that can be subcontracted to DBE contractors to meet the goal or three or more DBE contractors ready, willing and able to quote on the available subcontract work. A goal should never be set on a proposal so that there is only one way available for bidders to meet that goal.
- Set DBE goals for individual proposals from 1.0% to 15.0%, in 1.0% increments.
- Evaluate Major Change Orders on existing Contracts to determine potential DBE usage.

DBE CERTIFICATION STANDARDS**Burden of Proof**

Each applicant firm has the burden of demonstrating to Iowa DOT by the preponderance of evidence that the firm is eligible for certification. Preponderance of evidence means the greater weight in the areas of group membership, ownership, control and social and economic disadvantage.

Applicants who are members of a presumed group do not have to prove social disadvantage but must explain how they have been socially disadvantaged and sign a sworn affidavit attesting to it. The disadvantage must pertain to education, employment, business or access to capital or credit, based on race, sex, color or national origin. Applicants who are not members of a presumed group have the burden of proving to Iowa DOT by a preponderance of evidence that they are socially and economically disadvantaged.

Eligibility Standards

Group Membership (§26.63): Each applicant who is not readily identifiable as a group member must demonstrate by a preponderance of the evidence that he or she is a member of a presumed group. The applicant must be regarded as a group member by both group members and the general community. The group membership and recognition must be of long standing and not just for a short time before the application.

Business Size (§26.65): An applicant firm including all affiliates must meet SBA standards of 13 CFR Part 121 appropriate to the type of work the firm seeks to perform. In any federal fiscal year, if the firm and all affiliates have average annual gross receipts over the firm's previous three fiscal years, in excess of the current SBA Standard of \$22.41 million, the firm is not eligible to be a DBE. A congratulatory letter of completion will be sent to the firm.

Social Disadvantage (§26.67): Every applicant who is readily identifiable as a protected group member must submit a signed, notarized affidavit. The affidavit should describe how the person has been disadvantaged or discriminated against due to their race, sex, color or national origin. The disadvantage should pertain to access to education, capital, employment or business opportunities. Applicants who are not protected group members must provide proof of disadvantage.

Economic Disadvantage (§26.67): Each qualifying applicant must have personal net worth (PNW) of less than \$1.32 million, excluding the value of the primary residence and the value of their ownership in the applicant company. Applicants seeking DBE certification will be required to certify they do not exceed the Personal Net Worth of \$1.32 million. The Affidavit of Certification signed at the time of application will include the following statement: *"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 who are not socially and economically disadvantaged"*. The PNW statement must

have a signed, notarized affidavit swearing to the truth of the figures submitted. If the qualifying applicant's personal net worth exceeds \$1.32 million, the owner is no longer disadvantaged and the firm is not eligible to be a DBE. A congratulatory letter of completion will be sent to the firm.

Ownership (§26.69): To be an eligible DBE, a firm must be at least 51 percent owned by socially and economically disadvantaged individuals. The ownership must be real, substantial and continuing. The contributions of capital or expertise to acquire ownership must be real and substantial.

Examples of unqualified contributions are:

1. A promise to contribute or an unsecured note.
2. A gift.
3. Un-renounced joint assets.
4. Transfers from non-disadvantaged individuals.

Examples of qualified contributions are:

1. A legal settlement, with court documents.
2. Inheritance after a death.
3. Legally transferred assets from a spouse, with court documents.
4. Personally held assets.

Control (§26.71): The socially and economically disadvantaged owners must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on matters of management, policy and operations. The owner must hold the highest office, must control the board of directors or be the controlling partner. The socially and economically disadvantaged owners must have an overall understanding of and managerial and technical competence and experience directly related to the type of business in which the firm is engaged and the firm's operations. The socially and economically disadvantaged owners are not required to have experience or expertise in every critical area of the firm's operations, or to have greater experience or expertise in a given field than managers or key employees. The socially and economically disadvantaged owners must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to use this information to make independent decisions concerning the firm's daily operations, management and policymaking. Generally, expertise limited to office management, administration, or bookkeeping functions unrelated to the principal business activities of the firm is insufficient to demonstrate control. A franchise is eligible so long as there is no affiliation, restrictions or common management.

Independence (§26.71): An independent business does not rely on another firm for personnel, facilities, equipment, capital or other resources. The firm cannot be dependent on a former non-disadvantaged owner. The firm cannot have exclusive or primary dealings with another firm or dealings outside normal industry practice.

Cooperation (§26.73): Every applicant and certified DBE firm shall cooperate fully with all Iowa DOT requests for information. Failure to do so in a timely manner is ground for denial or removal of certification.

All new firms' applications are examined for recording purposes, this data includes company name, owner, address and work type. If it is determined at that time that the work type the applicant performs would obviously preclude them from being able to perform work on a USDOT funded contract, the application will be returned and not considered for certification.

Iowa DOT Procedures

Objectives: Iowa DOT's commitment is to maximize contracting opportunities to bona fide DBE firms and DBE majority controlled joint venture firms. These must be small businesses owned and controlled by one or more socially and economically disadvantaged persons.

Definitions: A socially disadvantaged person is one who is a U. S. citizen or legal resident, has been subject to discrimination in education or business, has documented such discrimination and is:

1. Black American
2. Hispanic American
3. Native American
4. Asian-Pacific American
5. Subcontinent-Asian American
6. Woman
7. Others determined to be disadvantaged

An economically disadvantaged person is one who is a member of one of the above protected groups and who has a personal net worth of less than \$1.32 million excluding the value of one personal residence and the value of the ownership in the applicant firm. See Appendix D of 49 CFR Part 26.

An eligible firm is an existing small business at least 51% owned and controlled by one or more socially and economically disadvantaged persons.

Application: An applicant must complete Iowa DOT Form 650194, Uniform Certification Application and enclose all required documents on the checklist. All incoming applications are checked for completeness and compliance with business size and ownership. Complete applications will receive a decision letter within 90 calendar days. The Iowa DOT will advise each applicant within 30 days from receipt of the application whether the application is complete and suitable for evaluation and, if not, what additional action is required. Incomplete applications may be returned.

Document review: Each complete application is assigned to an Iowa DOT DBE specialist for an in-depth review. The specialist will evaluate the operational and managerial control through corporation, partnership and leasing documents review the financial statements, personal and business tax returns, verify proof of ownership, resume of experience and the firm's work experience.

On-site interview: An interview is scheduled with the owner(s) at the firm's office. The DBE specialist uses Iowa DOT's on-site review questionnaire and supplements it with areas of concern specific to the firm.

Job-site review: If the firm has any type of job in progress, the DBE specialist will visit the job site, interview employees, look at equipment and speak with other contractors or inspectors at the job site.

Evaluation: At the completion of the review, the DBE specialist will evaluate all information and conduct any final verification. The initial recommendation of the specialist is the first step in the team process. The file then goes to the certification team, which is comprised of the Office Director, Civil Rights Coordinator, and External Civil Rights Administrator of the Office of Employee Services. If there are any questions, uncertain issues, a denial, or removal of eligibility, the team meets to discuss and perhaps request further investigation. If all concur, a denial letter is sent. If necessary, the file may be returned to the specialist for further work.

Certification: When a firm is certified, they will be notified in writing, added to the DBE directory and mail list and be given an opportunity to request specific support services to meet their needs. Every 3 years the firm will undergo a three-year review and may be required to submit supporting documentation including, but not limited, to a Personal-Net Worth statement.

Annual affidavit: Each year by an assigned date (the 15th of the month in which they were certified by Iowa DOT) every certified DBE firm must submit a signed, sworn notarized statement that the firm meets the size standard and has no changes in ownership or control that would affect eligibility. The statement must be accompanied by supporting documentation, which may include personal tax return, personal financial statement, the company tax return and the company financial statement. Failure to do so by the assigned date will result in an intent to decertify the firm for failure to cooperate. At least one extension may be granted before the deadlines, upon request.

Decertification Process

The following dates and corresponding lengths of time in days shall apply to all forms of Decertification. A DBE firm can voluntarily withdraw from the DBE program by sending a letter to the certifying agency and saying that it wants to cease participation in the program. An acknowledgement letter will be sent to the firm saying that the firm's DBE certification will be terminated effective the date of the letter. The firm will be removed from the Directory and the firm would not, in the future, be eligible to participate as a DBE unless it later applied for certification through an initial application.

Warning Notice

Firms that have not sent the documentation or been granted an extension will be sent a warning notice of the Department's intent to remove DBE certification for "failure to cooperate" if required information is not received within fifteen (15) calendar days from the receipt of the notice - Certified Mail.

Notice of intent to Decertify

Firms that have not sent in the required documentation or been granted an extension will be sent notice of the Department's intent to remove DBE certification for "failure to cooperate". As required by 49 CFR, Part 26.87 (d), this notice must inform the DBE of the opportunity to request an appeal hearing with the Department's DBE Appeal Committee. As provided by the Department's Policies and Procedures Manual (PPM No. 300.18), the DBE firm has fifteen (15) calendar days from the date this notice is received to request the hearing - Certified Mail.

Notice of Decision

If there is no request for appeal, or if an appeal is upheld, the DBE firm will be sent a notice of removal of certification for "failure to cooperate". As required by 49 CFR, Part 26.87 (g), this notice must inform the firm of the consequences of this decision and the availability of an appeal to U.S. DOT. Firm is removed from the Directory - Certified Mail.

Denials

When the application review team recommends denial of a new applicant, the applicant firm is notified in writing, sent certified mail. The letter explains the reason for denial and specifically references the evidence to support each reason for denial. The applicant firm has fifteen (15) calendar days from receipt of the notice to appeal the decision to the Iowa DOT.

A denied firm may not reapply for a period of 12 months from the date of the denial letter. The firm may appeal in writing to Iowa DOT DBE Appeal Committee and if the denial is upheld by the Committee the applicant can appeal to the U. S. Department of Transportation. As a UCP, when the Iowa DOT denies a firm's application, rejects the application of a firm certified in State A or any other State in which the firm is certified, the Iowa DOT will make entry in the Department of Transportation Office of Civil Rights' (DOCR's) Ineligibility Determination Online Database. The following information will be entered:

1. The name of the firm;
2. The names(s) of the firm's owner(s);
3. The type and date of the action;
4. The reason for the action.

As a UCP, the Iowa DOT will check the DOCR Website at least once every month to determine whether any firm that is applying to you for certification or that you have already certified is on the list.

For any such firm that is on the list, the Iowa DOT will promptly request a copy of the listed decision from the UCP that made it. Once this information is received it will be considered in the decision and determine what, if any, action to take with respect to the certified DBE firm or applicant.

If the Iowa DOT receives such a request, a copy of the decision to the requesting UCP will be provided within 7 days of receiving the request.

Removal of Eligibility

Complaints: Iowa DOT will accept written complaints from any person alleging that a currently certified DBE firm is ineligible, stating specific reasons for ineligibility. Anonymous or general complaints will not be accepted. The Iowa DOT will thoroughly investigate the complaint and if reasonable cause is found, will notify the DBE and the complainant in writing.

Iowa DOT Initiated: When Iowa DOT has reason to believe a certified DBE firm is ineligible, the DBE will be notified of the finding in writing. The letter will state the reason and cite the evidence.

USDOT Initiated: The USDOT may notify Iowa DOT of reasonable cause to find a certified DBE firm to be ineligible. The Iowa DOT must immediately initiate removal procedures.

Hearing: When a DBE firm receives written notice of intent to remove eligibility, the firm has 15 days to request an informal hearing to refute the allegations. The Iowa DOT must prove by a preponderance of evidence that the firm is ineligible. The Iowa DOT will provide a Tape Recorder to record the hearing and prepare a transcript. The decision-maker for the appeal hearing will be the Iowa DOT Appeal Committee.

Decision: The decision to remove eligibility will be based on circumstances that have changed since certification, evidence that was not available at certification, evidence that was concealed or misrepresented, a change in certification standards or a documentation of erroneous facts.

Notice of Decision: Following the decision, the Iowa DOT will notify the DBE firm in writing of the decision and any consequences. The firm remains an eligible DBE throughout the investigation and hearing process. The removal of eligibility becomes effective on the date of the decision letter.

Effects: The prime contractor will receive DBE credit for all DBE work that is currently under contract. If there was a bid commitment but no written subcontract was executed, the prime contractor must make a good faith effort to find another DBE firm for all or part of the committed amount.

US DOT Appeals

Who May Appeal: Any applicant who has been denied certification by the Iowa DOT or a previously certified firm whose eligibility was removed by the Iowa DOT may appeal. Any complainant in an ineligibility complaint to the Iowa DOT may appeal if the Iowa DOT does not remove eligibility and they believe the finding to be in error.

Where: Send appeals to:

Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue SE
Washington D. C. 20590

When: The complete appeal must be filed within 90 days of the decision letter date.

What: The appeal must contain a narrative as to why the Iowa DOT decision was in error and documents to show or prove the error. If you are an applicant who was denied or a DBE whose eligibility was removed, you must disclose in the appeal all other denials or rejections within one year of the date of the appeal. Failure to do so is a failure to cooperate.

Recipient: The Iowa DOT will provide to USDOT the administrative record and hearing transcript within 20 days.

Record Keeping Requirements

The Iowa Department of Transportation will provide inspection and supportive services on highway construction projects with DBE participation. Part of this service is maintaining accurate records on the activities and progress of the project while also monitoring the quality of materials and workmanship being incorporated into the project. To insure prompt and accurate payment for work successfully completed, all project information is kept daily in the field book. This should include working day reports, item progress, payment vouchers, field test results, etc.

DBE Guidelines for Local Public Agency (LPA) Consultant and Locally Let Federal-aid Contracts

Local Public Agencies are required to consider DBE participation in Federally funded contracts, as outlined in [I.M. 3.710](#), DBE Guidelines.

http://www.iowadot.gov/local_systems/publications/im/3710.pdf

DBE CERTIFICATION ON-SITE REVIEW FORM

I. GENERAL INFORMATION

1. Authorized Name of Firm _____

2. Street Address of Firm _____

3. Address _____ City _____ State _____ Zip Code _____

4. Contact Person _____ Phone No. _____

FAX No. _____ Cell Phone No. _____

5. Person(s) Being Interviewed

Name	Address	Title
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Type of Firm

___ Sole Proprietorship ___ Partnership ___ Corporation ___ LLC

7. Description of Work Performed

8. (a) Date Business was Established _____

(b) List Other Business Names Previously Used

9. Identification Numbers and Certification

(a) Federal Identification Number _____

(b) If Firm SBA 8(a) Certified? _____ Yes _____ No
(If yes, attach a copy of current certification)

(c) If firm DBE, MBE, or WBE certified by another Federal, State, or Local agency?

_____ Yes _____ No

(If yes, attach a copy of current certification)

10. Has this firm or any of its owners, members of the Board of Directors, Officers, or management personnel ever been denied certification or been decertified as a DBE, MBE, or WBE by any agency in any state?

_____ Yes _____ No (If yes, indicate state(s), agency(s) and date(s))

(Provide a copy of the denial or decertification letter.)

11. Does this firm have any M/W/DBE applications pending in other States or Agencies?

_____ Yes _____ No (If yes, please list.)

II. FINANCIAL INFORMATION

12. (a) Provide the following banking information:

Name of Financial Institution _____

Officers _____

Address and Phone _____

(b) If you have established bonding capacity, identify agent, surety and limit.

Name _____

Address _____

Phone _____

Bonding Limit: Aggregate _____ Project _____

(c) Indicate the source of investment capital for disadvantaged group members or women who have an ownership interest in the business. What is the percentage of ownership of each, value of investment and date acquired?

(1) _____ Personal Savings

(2) _____ Joint Savings - Identify joint account holders

(3) _____ Proceedings from sale of real estate or personal property.
(If property sold in past 6 months, indicate date the sales contract was executed.)

(4) _____ Gift

(5) _____ Personal Loan

(6) _____ Jointly owned property used to collateralize loans

(7) _____ Other (specify)

(d) If the source of capital is a gift, state the following:

Name of Source(s) _____

Date of Gift(s) _____

If gift is conditional, state conditions _____

(e) Identify all sources, amount and purposes of money loaned to firm, including name of person securing loan, if other than owner. Provide copies of all loan agreements.

13. Identify three contracts your firm has been awarded and has completed. Indicate the following.

Name of Owner or Prime Contractor

Dollar amount of contract

Type of work involved in contract

(a) _____

(b) _____

(c) _____

III. PERSONNEL/MANAGEMENT

ETHNIC CODES

Woman

W

Disadvantaged:

D

Black American	B
Hispanic American	H
Native American	N
Asian-Pacific American	P
Asian-Indian American	I

14. List names of principals who are permanent residents of the U.S. (Indicate ethnic code letters.)

_____ ()
 _____ ()
 _____ ()
 _____ ()
 _____ ()
 _____ ()
 _____ ()

15. List the names of all supervisory personnel. (Indicate ethnic code letters.)

_____ ()
 _____ ()
 _____ ()
 _____ ()

16. If applicable, identify individuals or firms who provide any contracted services to your firm: (e.g. accountant, attorney, computer services, etc.)

_____ ()
 _____ ()
 _____ ()
 _____ ()

17. List current licenses/permits held by your firm (e.g. Contractor, Engineer, Architect, Interstate Commerce, etc.)

Individual's Name	License Name	Date of Expiration	License Number
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

18. Submit work experience resume of each owner. (Please attach)

19. Identify the current Board of Directors. (Submit a work experience resume for each.)

Name	Address	Ethnic Code	Sex	Other Business Affiliation
_____	_____	_____	_____	_____

20. (a) Do any employees of the firm perform a management or supervisory function for any other business?

_____ Yes _____ No

(If yes, identify by name, title, business and function.)

(b) Do any owners/employees of the firm own or work for other firms which have a business relationship with this firm?

(Relationships include: ownership interest, shared office space, financial investments, equipment leases, or personnel sharing.)

_____ Yes _____ No

(If yes, identify by name, title, business and function.)

21. (TO BE COMPLETED FOR A SOLE PROPRIETORSHIP)

(a) Date established _____

(b) Is business registered? _____ Yes _____ No

List state, city, or town in which business is registered:

Date of registration _____

(c) If title of business was purchased or received as a gift to the present owner, please complete the following:

Date title was transferred to present owner _____

Name of previous owners:

22. (TO BE COMPLETED IF FIRM IS A SUPPLIER)

(a) Indicate type of supplier

Describe owned or leased warehouse, office and yard. Attach copies of lease agreements for space rental.

Address	General Description	Square Feet	Current Value/ Amount of Rental

(c) Do you rent space from another company? Yes No

If yes, list name of company _____

Name of principal owner(s) _____



CERTIFICATION OF DBE ACCOMPLISHMENT

(To be completed by the Prime Contractor and submitted with the final documents, for all Federal-Aid contracts.)

County: _____ Letting Date: _____

Contract I.D.: _____

Prime Contractor: _____

Total DBE Commitment Listed on Form 102115: _____

**For Suppliers Only*

DBE Companies	Dollars Committed <i>(102115 Form) (1)</i>	Dollar Amount Paid	% For Goal <i>(100% or *60%)</i>	Dollars Credit To DBE Goal
	\$	\$	%	\$
	\$	\$	%	\$
	\$	\$	%	\$
	\$	\$	%	\$
	\$	\$	%	\$
	\$	\$	%	\$
	\$	\$	%	\$
TOTAL				\$

(1) If no DBE goal was established for the contract, enter \$0

I, _____ the _____
(Name) (Corporate Officer)

of _____
(Prime Contractor) Certify the DBE accomplishment to be

true and accurate.

It is understood that the accomplishment will be compared to the commitment and may result in a penalty in accordance with Article 1102.17 of the Standard Specifications.

(Signature)

(Date)

Form 102115 Commitment (1)	
Approved Adjustments	
Revised 102115 Commitment	
Contractor Accomplishment	
** Reduction in Prime Contractor Payment	
* Locally Paid Projects Only*	
Federal Dollars in Contract:	

** Please include a copy of change order for any reduction in Prime Contractor Payment.

I have monitored the work performed by the DBE and certify that the work performed was done by the DBE listed above as required by Article 1102.17 F and G of the Standard Specifications.

(Project Engineer)

(Office)



Iowa Department of Transportation

SMALL BUSINESS CERTIFICATION

In order to bid on Small Business Development Contracts let by the Iowa DOT, this form must be submitted ten days prior to the next letting and allows a contractor to self certify that their company meets the requirements of a Small Business as defined by U.S. Small Business Administration (SBA) regulations at 13 CFR Part 121, as amended. Size standards for each applicant shall be determined by identifying the firm's primary area(s) of work, locating the related North American Industry Classification System (NAICS) code(s) and applying the corresponding SBA size standard.

_____	_____
Company Name	Contact Name
_____	_____
Company Address	Company Phone
_____	_____
City, State, and ZIP Code	Company FAX
_____	_____
Type of work company performs/NAICS code	e-Mail Address

Please answer the following four questions:

Is the primary owner of the above-listed business a U.S. citizen? YES NO

Is this business independently owned and operated, organized for profit, and is not dominant in its field? YES NO

What are the gross annual receipts for the business above? _____

How many employees work for this business? _____

I, _____, give this unsworn declaration executed under penalty of perjury of the laws of the United States and the State of Iowa that all the statements provided in this Small Business Certification application are true and correct. Any false or misrepresentation of information shall result in denial or revocation of certification; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

Dated _____

State of _____ County of _____

Signed and sworn to (or affirmed) before me on _____
Date

By _____
Name(s) of individual(s) making statement

Signature of Notarial Officer _____ Stamp

Title of Office _____

My commission expires _____



**Disadvantaged Business Enterprise (DBE) Program
49 C.F.R. § 26**

Uniform Certification Application

Please return this entire document, when completed, to:

Civil Rights Team
Office of Employee Services
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010



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

Roadmap for Applicants

1. Should I apply?

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

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

2. How do I apply?

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

3. Where can I send my application? Iowa DOT, Civil Rights Office, 800 Lincoln Way, Ames, IA 50010

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

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

5. Where can I find more information?

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

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

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

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



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

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

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

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

B. Prior/Other Certifications and Applications

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

Section 2: GENERAL INFORMATION

A. Business profile:

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

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

B. Relationships and Dealings with Other Businesses

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



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

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

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

Section 3: MAJORITY OWNER INFORMATION

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

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

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

B. Additional Owner Information

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

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

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

Section 4: CONTROL

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

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



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

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

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

C. Inventory: Indicate firm inventory in these categories:

(1) Equipment and Vehicles

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

(2) Office Space

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

(3) Storage Space

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

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

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

E. Financial / Banking Information

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

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

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

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

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

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

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

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

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

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

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

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

AIRPORT CONCESSION (ACDBE) APPLICANTS

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

AFFIDAVIT & SIGNATURE

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



Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

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

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

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

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

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

B. Prior/Other Certifications and Applications

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

DBE ACDBE Names of certifying agencies: _____

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

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

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

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

- (a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? Yes No
(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? Yes No

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

Section 2: GENERAL INFORMATION

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

(2) Applicable NAICS Codes for this line of work include: _____

(3) This firm was established on ___/___/___ (4) I/We have owned this firm since: ___/___/___

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

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



Section 3: MAJORITY OWNER INFORMATION

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

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

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

(5) Gender: Male Female

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

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

(7) U.S. Citizenship:

- U.S. Citizen
 Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____%

Class of stock owned: _____

Date acquired _____

Table with 3 columns: (10) Initial investment to acquire ownership interest in firm, Type, Dollar Value. Rows include Cash, Real Estate, Equipment, and Other.

Describe how you acquired your business:

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

(Attach documentation substantiating your investment)

B. Additional Owner Information

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

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

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

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

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

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

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

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

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

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



Section 3: OWNER INFORMATION, Cont'd.

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

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

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

(5) Gender: Male Female

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

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

(7) U.S. Citizenship:

- U.S. Citizen
 Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____%

Class of stock owned: _____

Date acquired _____

Table with 3 columns: Initial investment to acquire ownership interest in firm, Type (Cash, Real Estate, Equipment, Other), Dollar Value (\$). Includes checkboxes for each type.

Describe how you acquired your business:

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

(Attach documentation substantiating your investment)

B. Additional Owner Information

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

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

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

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

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

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

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

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

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

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



Section 4: CONTROL

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

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

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

Yes No If Yes, identify for each:

Person: _____ Title: _____

Business: _____ Function: _____

Person: _____ Title: _____

Business: _____ Function: _____

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

Yes No If Yes, identify for each:

Firm Name: _____ Person: _____

Nature of Business Relationship: _____

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

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

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

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

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

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

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

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

1. Equipment and Vehicles

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

2. Office Space

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

AIRPORT CONCESSION (ACDBE) APPLICANTS ONLY MUST COMPLETE THIS SECTION

Identify the following information concerning the ACDBE applicant firm:

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

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

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



AFFIDAVIT OF CERTIFICATION

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

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

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

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

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

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

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

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

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

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

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

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

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

Signature _____ (Date)
(DBE/ACDBE Applicant)

NOTARY CERTIFICATE



UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

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

Required Documents for All Applicants

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

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

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

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

Optional Documents to Be Provided on Request

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

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

Suppliers

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



U.S. Department of
Transportation

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

As of _____

OMB APPROVAL NO:
EXPIRATION DATE:

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

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

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

Section 2. Notes Payable to Banks and Others

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

Section 3. Brokerage and custodial accounts, stocks, bonds, retirement accounts. (Full Value) (Use attachments if necessary).				
Name of Security / Brokerage Account / Retirement Account	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

Section 4. Real Estate Owned (Including Primary Residence, Investment Properties, Personal Property Leased or Rented for Business Purposes, Farm Properties, or any Other Income Producing property). (List each parcel separately. Add additional sheets if necessary).			
	Primary Residence	Property B	Property C
Type of Property			
Address			
Date Acquired and Method of Acquisition (purchase, inherit, divorce, gift, etc.)			
Names on Deed			
Purchase Price			
Present Market Value			
Source of Market Valuation			
Name of all Mortgage Holders			
Mortgage Acc. # and balance (as of date of form)			
Equity line of credit balance			
Amount of Payment Per Month/Year (Specify)			

Section 5. Life Insurance Held (Give face amount and cash surrender value of policies, name of insurance company and beneficiaries).				
Insurance Company	Face Value	Cash Surrender Amount	Beneficiaries	Loan on Policy Information

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

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

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

Section 8. Other Liabilities and Unpaid Taxes (Describe)

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

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

NOTARY CERTIFICATE:

(Insert applicable state acknowledgment, affirmation, or oath)

Signature (DBE/ACDBE Owner)

Date

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



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

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

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

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

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

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

Assets

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

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

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

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

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

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

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

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

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

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

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

Liabilities

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

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

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

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

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

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

Transfers of Assets:

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

Affidavit

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



**AFFIDAVIT OF
CONTINUED DBE CERTIFICATION ELIGIBILITY**

Name of Firm:		Contact Person:	
Address of Firm:		Business Telephone Number:	
		Cellular Telephone Number:	
e-Mail Address	Alternative Telephone Number:	FAX Telephone Number:	

No Change Affidavit

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 I have provided written notice to the Iowa Department of Transportation under §26.83(i).

[Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern, and its average annual gross receipts do not exceed the maximum dollar limit, as defined by SBA rules (13 CFR 121.402), over the firm's previous three fiscal years. The Secretary of Transportation adjusts this amount for inflation from time to time, and will vary with the type of firm.

I 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 who are not socially and economically disadvantaged.

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

FOR USE OF NOTARY PUBLIC

Notary Public

Signature of Owner

Date

Title

SUPPORTIVE DOCUMENTATION REQUIRED

Personal Net Worth (PNW) - Each minority and female owner constituting the 51% must affirm the range of PNW:

<u>Owner A</u>	<u>Owner B</u>	<u>Owner C</u>	<u>Owner D</u>
<input type="checkbox"/> Less than \$500,000			
<input type="checkbox"/> \$500,000 - \$750,000			
<input type="checkbox"/> \$750,00 - \$1,320,000			
<input type="checkbox"/> Over \$1,320,000			

Report gross receipts for the past calendar year:	Report average number of employees employed by firm:
---	--

Please check the appropriate box:

The company's nature of business remains the same. A revised nature of business form with capability statement is enclosed.

Identify any management changes that have occurred in the past year:

Annual Gross Receipts

A **complete** copy (including all schedules, attachments, and Form 1099s) of the firm's last year's tax returns must be attached.

Personal Business / Corporate

If there have been changes in ownership and/or control, the following will be required:

- Ownership Changes
 - Board of Directors meeting minutes
 - Stock Ledgers and/or copies of stock certificates
 - Investment proof (minority and female owners only), cancelled checks, bank withdrawals/transfers, etc.
- Control Changes
 - Board of Directors meeting minutes
 - Current listing of officers

Identify all current owners/partners of the firm and the percentage of ownership by each:

	Name	Ethnic Group/Sex	Percent Owned	Date Acquired
A.				
B.				
C.				
D.				

If the firm is a corporation, identify all current stockholders/members:

	Name of Shareholder	Percent of Stock Owned	Date Acquired
A.			
B.			
C.			
D.			