Pennsylvania Department of Transportation

Disadvantaged Business Enterprise Program Plan

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DEPARTMENT OF TRANSPORTATION

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Pennsylvania Department of Transportation

Disadvantaged Business Enterprise Program Plan

Introduction

The Pennsylvania Department of Transportation (Department) submits this Disadvantaged Business Enterprise (DBE) Program Plan to the United States Department of Transportation (DOT), acting through the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) in accordance with 49 CFR Part 26, as amended (Part 26).

The DBE Program described within this manual has been designed and implemented by the Department to satisfy the DBE regulations codified at 49 CFR Part 26, as amended. The program also complies with 49 CFR Part 23, as amended, where applicable.

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The Department's DBE Program aims to achieve the following DBE regulatory objectives:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs.
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- To ensure that the Department's DBE Program is narrowly-tailored in accordance with applicable law.
- To ensure that only firms that fully meet the eligibility standards of Part 26 are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To promote the use of DBEs in all types of DOT-assisted contracts and procurement activities conducted by recipients.
- To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

- To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

Section 26.3 Applicability

The DBE Program is applicable to the Department as a primary recipient of the federal funds noted in the three following paragraphs as well as any subrecipient to whom the Department extends federal financial assistance. The DBE program requirements do not apply to projects with no federal assistance.

The Department is the recipient of Federal-Aid highway funds authorized under Titles I (other than Part B) and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, or Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178, 112 Stat. 107. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; and Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405.

The Department is the recipient of federal transit funds authorized by Titles I, III, V and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the TEA-21, Pub. L. 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; and Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405.

The Department is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The Department uses the definitions contained in Part 26, Section 26.5, for this program. In addition, the following terms not included in Part 26, Section 26.5, will have the meanings provided.

Overconcentration – A situation in which DBE firms perform such a disproportionate share of a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work.

Subrecipient – Any entity, public or private, to which the Department has extended DOT financial assistance in support of the programs of the FAA, FHWA, or FTA, or any entity that has applied for such assistance.

Section 26.7 Non-discrimination Requirements

The Department shall not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, the Department shall not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or

substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Recordkeeping Requirements

The Department reports DBE participation to DOT in accordance with Part 26 recordkeeping requirements and with additional requirements imposed by FAA, FHWA, and FTA in conformance with Part 26. The Department will continue to submit the Uniform Report of DBE Awards or Commitments and Payments by the scheduled due dates.

Data used to populate the Uniform Report of DBE Awards or Commitments and Payments is collected by the Department either monthly (FHWA-funded contracts) or quarterly (FAA- and FTA-funded contracts). The Department consolidates the collected data and uses it to complete the Uniform Report, which is then forwarded to DOT to meet the appropriate deadlines.

Vendors, consultants, and contractors outside of the Department report monthly DBE participation using either Form EO-402 – Monthly DBE/SBE Status Report, or by inputting the information into one of several information management systems used by the Department. Examples are dotGrants[1] and the Engineering and Construction Management System (ECMS).[2]

Bureaus and sections within the Department report DBE commitments using Form EO-401 – DBE Awards and Commitments Report, or by running electronic reports from their database systems. The information is then forwarded to the Department's Bureau of Equal Opportunity (BEO).

The Department has developed and maintains information equivalent to a bidders list comprised of DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The bidder list includes the name, address, DBE status, age, and annual gross receipts of the firms.

Using a survey method, the Department requests information by using its ECMS-registered business partner list, including, but not limited to, prequalified contractors and engineering consultants. Survey forms are sent on a triennial basis to obtain subcontracting solicitation and utilization activities. The information is maintained in a Department database.

The Department and subrecipients maintain all internal records relevant to DBE compliance, including, but not limited to commitments and awards, goal attainment, commercially useful function reviews, etc. for a minimum of three years. Various regulations and contract provisions similarly bind subcontractors and suppliers to maintain records related to DBE compliance for a minimum of three years.

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[1] dotGrants is a web-based grant management system to award and track grants that involve DOT funding.

[2] Engineering and Construction Management System (ECMS) is the web-based application used by the Department for project delivery and management.

The Department will submit the report required under Part 26, Section 26.11 (e), on behalf of the PA Uniform Certification Program (PA UCP) to the DOT Office of Civil Rights by January 1 of each year..

Details regarding recordkeeping requirements follow.

Bureau of Project Delivery – Consultant Agreements

Publication 93, Section 5.4.3 – Records of DBE Participation, requires prime consultants to keep and maintain records of DBE participation and also provides for required reporting by the Department's Contract Management Section to BEO.

In addition, Publication 442, Section 4.5 – Maintaining Records and Documentation, requires consultants and subconsultants/subcontractors to maintain all records supporting costs incurred during the project for seven years from the date of final payment.

DBE commitments, subcontracts, and actual attainments are captured in the Department's ECMS system.

Projects completed by a Local Project Sponsor are governed by Publication 740 – Local Project Delivery Manual. Section 3.11 of that document requires the retention of all records for three years from the date of submission of the final voucher to FHWA. For local projects, ECMS is used for consultant selection and engineering agreements, thus capturing DBE commitments electronically.

Bureau of Project Delivery – Highway Construction

The Department requires prime contractors to maintain records and documents of payments to DBEs for three years following the receipt of final payment, as documented in Publication 408, Section 112 – Project Records, and Appendix C – Designated Special Provisions 7 (DSP7). Upon request, these records are available for inspection by any authorized representative of the Department, FAA, FHWA, FTA, or the DOT. This reporting requirement also extends to any DBE-certified subcontractor.

DBE commitments, subcontracts, and actual attainments are captured in the Department's ECMS system.

For projects led by a Local Project Sponsor, Publication 740, Section 3.11, requires the retention of all records for three years from the date of submission of the final voucher to FHWA. ECMS is used for nearly all local construction projects, similar to Department-led projects, allowing for the capture of all necessary DBE data.

Bureau of Aviation

Publication 405, Section 4.2.1 – Assurances and Obligations, requires airport sponsors to maintain all records related to a grant-funded project for three years after the date of the final project payment. The airport sponsor must make these records available to PennDOT for accounting or audit purposes.

The Bureau of Aviation (BOA) uses the Department's dotGrants to award and track grants that involve DOT funding. The dotGrants system requires grantees to provide a range of data used for reporting functions, including initial DBE participation and quarterly DBE status reporting. This requirement is included in Form AV-27 – DBE Project Compliance Review Checklist for Airports. The DBE data is compiled from all data submitted by airport grantees by BEO and included in DBE participation reports submitted to FAA.

Separate from the dotGrants system, BOA maintains a list of all its Block Grant Airports, which serves as the equivalent of a bidder's list for these projects.

Bureau of Public Transportation

The Bureau of Public Transportation's (BPT) Standard Terms and Conditions for Public Transportation Grants Using Federal Funds requires that project records, including those pertaining to DBE participation, be retained for three years after the grantee is notified by the Department that the project has been closed out.

Separate from the dotGrants system, BPT maintains a list of all Pennsylvania transit agencies, which serves as the equivalent of a bidder's list for these projects.

Bureau of Planning and Research

The DBE Requirements Contract Appendix that is attached to Bureau of Planning and Research (BPR) contracts specifies that vendors must maintain records pertaining to DBE participation for three years after final payment. See Attachment A: DBE Requirements Contract Appendix.

BPR maintains a listing of contractors, their DBE status, and the amount of work performed within their Research Program Management System (RPMS) database. Crystal Reports is used to query this database on a monthly basis to report DBE participation data to BEO. The RPMS system serves as the equivalent of a bidder's list for these projects.

Bureau of Office Services

The DBE Requirements Contract Appendix that is attached to Bureau of Office Services (BOS) contracts specifies that vendors must maintain records for three years after final payment. See Attachment A: DBE Requirements Contract Appendix.

BOS reports DBE commitments and attainments to BEO monthly.

BOS utilizes the Pennsylvania Department of General Services eMarketplace system to solicit and award contracts. The eMarketplace system collects a wide range of data on vendors and serves as the equivalent of a bidder's list for these projects.

Center for Program Development

The Master Grant Agreement between the Department and the local metropolitan or regional planning organization specifies in Section 9 that the planning organization and its consultants

and contractors must maintain records for three years from the date of submission of the final voucher to FHWA. See Attachment B: Master Grant Agreement.

Local planning organizations are responsible for soliciting and awarding contracts issued against the master grant agreement. As such, these organizations are responsible for keeping detailed data in support of the bidders list. This requirement is contained in Exhibit S, Section V(a) of the master grant agreement in Attachment B. This information is reported to the Program Center on a quarterly basis in connection with requests for reimbursement using the spreadsheet in Attachment D.

PA Department of Conservation and Natural Resources

The Pennsylvania Department of Conservation and Natural Resources (DCNR) utilizes standard Grant Terms and Conditions for all Recreational Trails Projects (RTP). Article VII – Records; Audits, of that document identifies the requirement to keep all records three years from final payment or, if an audit is subsequently performed, three years from the date of the audit. RTP grant agreements also include Exhibit A – DBE and SBE Requirements for the Recreational Trails Program, which requires that records related to DBE and SBE participation be retained for three years. See Attachment C for this exhibit.

DCNR maintains a listing of grantees, contractors, their DBE status, and the amount of work performed within a spreadsheet, provided in Attachment E. This information is forwarded to BEO every six months. The spreadsheet serves as the equivalent of a bidder's list for these projects.

Section 26.13 Required DBE Contract Assurances

The Department and its sub-recipients have signed the following assurance, which is applicable to all DOT-assisted contracts and their administration:

> *PennDOT shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. PennDOT shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. PennDOT's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to PennDOT of its failure to carry out its approved program, the DOT may impose sanctions as provided for under 49 CFR 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.).*

Each DOT-assisted contract that the Department signs with a contractor and each subcontract the prime contractor signs with a subcontractor must include the following assurance:

> *The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:*
>
> *(1) Withholding progress payments;*
>
> *(2) Assessing sanctions;*
>
> *(3) Liquidated damages; and/or*
>
> *(4) Disqualifying the contractor from future bidding as non-responsible.*

Sub-recipients must similarly require that each DOT-assisted contract that is signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) includes the above assurances.

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Requirements

The Department, as a direct recipient of federal funds is required to establish a DBE program and must apply the DBE Program to all expenditures of federal highway, aviation, and transit funds. These expenditures include construction contracts, professional services, management services, and research. The Department's subrecipients, as indirect recipients of federal funds, must comply with the Department's DBE program.

The Department administers its DBE Program as required and submits periodic updates to DOT regarding significant changes in its program. If a program update is required to comply with DOT regulatory changes, the Department will undertake an update effort as documented in Workflow 8 in Attachment F.

Section 26.23 Policy Statement

The Department's DBE Policy Statement applies to the Department as well as its subrecipients. It is disseminated each year Department-wide, to subrecipients, and to numerous minority and woman contractor associations along with general trade associations as a reminder of the Department's commitment to employing DBE firms on DOT-assisted projects. When updates are made to the DBE Program, notice is given to affected business units of the Department and subrecipients; information and training is provided as needed.

Section 26.25 DBE Liaison Officer

The Department has designated the following individual as the DBE Liaison Officer:

Deputy Secretary for Administration
Pennsylvania Department of Transportation
Commonwealth Keystone Building, 8th Floor
400 North Street
Harrisburg, PA 17101
(717) 787-5628

In this capacity, the Deputy Secretary or designee is responsible for directing all aspects of the DBE Program and for ensuring that the Department complies with all provisions of Part 26. This includes ensuring adequate staff to administer the program in compliance with Part 26. The Deputy Secretary has direct independent access to the Pennsylvania Secretary of Transportation concerning DBE Program matters. See Attachment G: PennDOT Organizational Chart. The Director of the Department's Bureau of Equal Opportunity and the Chief of the DBE/Title VI Division support the DBE Liaison Officer in administering the DBE Program. The DBE/Title VI Division consists of a Division Chief, five Equal Opportunity Specialists, and one Equal Opportunity Assistant. See Attachment H: PennDOT Bureau of Equal Opportunity Organizational Chart.

Subrecipients have access to the DBE Liaison Officer through the BEO and its staff members. On a yearly basis, subrecipients are notified of the DBE Liaison Officer and the methods of communicating with BEO and the DBE Liaison Officer for DBE-related questions and concerns.

The BEO Director and the DBE/Title VI Division Chief are responsible for administering and monitoring the DBE Program, in coordination with other appropriate personnel. Duties and responsibilities include but are not limited to the following:

- Gathering and reporting statistical data and other information required by DOT.
- Working with various Department bureaus to develop and submit the Department's FAA, FHWA, and FTA DBE Methodologies and Goals.
- Managing the Department's DBE/SBE Supportive Services Program.
- Administering the approved Small Business Element.
- Ensuring that bid notices and requests for proposals are available to DBEs/SBEs in a timely manner.
- Assisting in identifying contracting opportunities for DBEs/SBEs.
- Analyzing the Department's progress toward goal attainment and identifying ways to improve progress.
- Advising the Department's Secretary and Deputy Secretary for Administration/DBE Liaison Officer on DBE matters.
- Participating with Department Executives, the Bureau of Project Delivery (BOPD), Districts, and the Department's Office of Chief Counsel in determining contractor compliance with good faith efforts.
- Working to resolve disputes between prime contractors and DBEs/SBEs.
- Providing DBEs/SBEs with information and assistance in preparing bids and obtaining bonding and insurance.
- Planning and participating in DBE/SBE training seminars, workshops, and networking sessions.
- Providing outreach to DBEs/SBEs and community organizations on how to do business with the Department and to promote contracting opportunities.
- Certifying DBEs in accordance with the criteria set by DOT and acting as a liaison to the PA UCP.
- Assisting in maintaining and updating the statewide directory of certified PA UCP DBEs.
- Certifying SBEs in accordance with the criteria established by the Department
- Maintaining and updating the statewide directory of certified SBEs

The Department administers a bifurcated certification process (two Department organizations each have a separate role in the process) for DBEs. BEO is responsible for the distribution and administrative review of certification applications. The Office of Chief Counsel, Investigative Section, is responsible for performing on-site reviews and recommending certification determinations. The Investigation Section is comprised of an Investigator-in-Charge, three special investigators, and a shared legal assistant.

The Department also has a designated legal adviser for DBE matters that provides guidance in all areas covered by Part 26.

Although chief responsibility for the administration of the DBE Program lies within BEO as bulleted above, multiple organizations fulfill a designated role in overall program administration.

The following summarizes the primary areas of responsibility for the organizations involved in developing, implementing, and enforcing the Department's DBE Program.

Deputy Secretary for Administration

- Serves as DBE Liaison Officer
- Sets PennDOT policy in accordance with federal and state regulations
- Establishes general direction for implementing policy
- Participates as a voting member on both the Good Faith Effort Committee and the Certification Appeal Committee

Bureau of Equal Opportunity

- Monitors the DBE Program
- Assists in assuring effective administration of the Pennsylvania Unified Certification Program (PA UCP)
- Establishes DBE goal methodologies and triennial goals for federally funded projects (FAA, FHWA, and FTA)
- Adjusts DBE goals mid-course as needed or as required by the impacted DOT operating administrations
- Assists potential DBEs and SBEs in understanding certification procedures
- Assists certified DBEs and SBEs in becoming business partner registered, prequalified, and/or consultant qualified
- Oversees DBE/SBE Supportive Services
- Reviews DBE/SBE certification and continuing eligibility applications, including Affidavit of No Change and Notice of Change
- Assists in managing and updating the PA UCP DBE Directory
- Ensures compliance with reporting requirements

- Delivers training on DBE/SBE requirements to Districts
- Assists DBEs and SBEs in understanding program requirements and procedures
- Conducts compliance reviews
- Participates in the DBE Interdisciplinary Review Team (IRT) for analysis of Good Faith Effort submissions
- Assures effective administration of the SBE Element

Office of Chief Counsel

- Conducts on-site reviews and investigations in support of DBE certification and continuing eligibility applications, including affidavit of change/no-change
- Handles application denials and removal of eligibility
- Conducts DBE fraud investigations
- Investigates ineligibility complaints
- Provides guidance on all aspects of federal DBE regulations
- Provides a legal adviser for the PA UCP Certification Appeals Committee
- Provides a legal adviser to the DBE Good Faith Effort Review Committee
- Provides legal representation for the PA UCP Oversight Committee
- Participates in compliance reviews

Bureau of Project Delivery

- Establishes project-specific DBE participation goals
- Monitors and reports on DBE goal attainment for construction/consultant agreements
- Reviews and approves proposed DBE project participation (original and revisions)
- Reviews and approves Good Faith Effort requests for revisions to DBE goals
- Establishes DBE participation special provisions, as appropriate
- Accepts or rejects bids, based in part on proposed DBE involvement
- Chairs the DBE Interdisciplinary Review Team (IRT) for analysis of Good Faith Effort submissions for highway construction contracts and consultant agreements
- Coordinates Good Faith Effort submissions, including data gathering
- Delivers ECMS training related to DBE data input, monitoring, and reporting
- Assists primes in identifying qualified DBEs
- Participates in prequalifying consultants and contractors, including DBEs

- Monitors prompt payment of DBE subconsultants
- Grants provisional prequalification approval for all firms seeking to expand their areas of service, including DBEs
- Approves proposed sub-subcontractor and joint venture arrangements
- Conducts quality assurance reviews
- Provides ad hoc reports on DBE goals, commitments, and attainments
- Coordinates resolution of project-related problems involving DBE participation
- Delivers training to Districts on DBE involvement
- Imposes sanctions on contractors for failing to comply with DBE requirements

Bureau of Public Transportation

- Monitors DBE goals for specific projects
- Reports on DBE project goal attainment
- Reviews and approves proposed DBE project participation (original and revisions)
- Reviews and approves Good Faith Effort requests for revisions to DBE goals
- Chairs the DBE Interdisciplinary Review Team (IRT) for analysis of Good Faith Effort submissions for public transportation grants and contracts
- Coordinates Good Faith Effort submissions, including data-gathering
- Monitors prompt payment of DBE subcontractors
- Conducts quality assurance reviews
- Provides ad hoc reports on DBE goals, commitments, and attainments
- Coordinates resolution of project-related problems involving DBE participation

Bureau of Aviation

- Monitors DBE goals for specific projects
- Reports on DBE project goal attainment
- Reviews and approves proposed DBE project participation (original and revisions)
- Reviews and approves Good Faith Effort requests for revisions to DBE goals
- Chairs the DBE Interdisciplinary Review Team (IRT) for analysis of Good Faith Effort submissions for aviation grants
- Monitors prompt payment of DBE subcontractors
- Conducts quality assurance reviews

- Provides ad hoc reports on DBE goals, commitments, and attainments
- Coordinates resolution of grant-related problems involving DBE participation

Bureau of Planning and Research

- Monitors DBE goals for specific projects
- Reports on DBE project goal attainment
- Monitors prompt payment of DBE subcontractors
- Conducts quality assurance reviews
- Provides ad hoc reports on DBE goals, commitments, and attainments

Bureau of Office Services

- Monitors DBE goals for specific projects
- Reports on DBE project goal attainment
- Monitors prompt payment of DBE subcontractors
- Conducts quality assurance reviews
- Provides ad hoc reports on DBE goals, commitments, and attainments

Center for Program Development

- Monitors DBE goals for specific projects
- Reports on DBE project goal attainment
- Monitors prompt payment of DBE subcontractors
- Conducts quality assurance reviews
- Provides ad hoc reports on DBE goals, commitments, and attainments

PA Department of Conservation and Natural Resources

- Reports on DBE utilization
- Monitors prompt payment of DBE subcontractors
- Conducts quality assurance reviews
- Provides ad hoc reports on DBE goals, commitments, and attainments

Engineering Districts

- Monitors DBE participation on individual projects (District Executives, Assistant District Executives, Project Inspectors, District EEO/DBE Coordinators)
- Verifies that DBE firms are performing a commercially useful function (CUF)
- Monitors prompt payment of DBE subcontractors

Section 26.27 DBE Financial Institutions

The Department adheres to Management Directive 305.8 – Commonwealth Bank Accounts and Special Banking Services, established by the Governor's Office. This document establishes policy, defines responsibilities for payment of banking services costs, provides uniform procedures for establishing bank accounts and procuring special banking services, and establishes reporting requirements.

The following financial institution has been identified as being owned and controlled by socially and economically disadvantaged individuals:

United Bank of Philadelphia
30 South 15th Street
Philadelphia PA 19102
215-351-4600

The Department and its DBE Supportive Services Consultant encourages and promotes use of this bank by consultants, contractors, and subrecipients.

Section 26.29 Prompt Payment Mechanisms

Prompt payment of subcontractors, suppliers, and/or dealers by a prime contractor is required by the Department. Requirements vary by Office and Bureau, but all requirements comply with the 30 days mandated by Part 26, Section 26.29. Subrecipients are also required to have a contract clause requiring prime contractors to pay subcontractors within 30 days of receipt of payment.

The Department and subrecipients do not require retainage for contracts with prime contractors.

Bureau of Project Delivery – Consultant Agreements

Publication 93, Section 6.7.5, and Publication 442, Section 4.4, both require that a prime consultant pay a subconsultant within 14 days of receipt of payment from the Department. These prompt payment terms and conditions are incorporated into all Department consultant agreements.

Projects sponsored by local public agencies are governed by Publication 740 – Local Project Delivery Manual. Section 3.9 notes that reimbursement agreements generally require the Local Project Sponsor to pay the consultant within 10 days after receiving payment from the Department.

Bureau of Project Delivery – Highway Construction

Publication 408, Section 110.05 - Current Estimate Payments, requires prime contractors to pay subcontractors their earned share of the payments, including all retainage, within seven calendar days of the receipt of current estimate and final payments. Section 110.06 requires the same of prime contractors for payments to providers of materials stored on-site.

The Bureau of Project Delivery (BOPD) is responsible for monitoring and enforcing the prompt payment process. BOPD monitors prompt payment of subcontractors by utilizing the Subcontractor Past Performance Report (PPR) for every project. The form is completed by the Inspector-in-Charge and reviewed and approved by the Assistant District Engineer for Construction. For any PPR where a subcontractor indicates that they were not promptly paid, the Prequalification Office and District personnel will investigate and review information supplied by the subcontractor.

If subcontractor's claim is found to be valid, a letter of inquiry is sent to the prime contractor, who then has 10 days to demonstrate proof of prompt payment throughout all estimate periods and final payment, or provide an explanation of any delay in payment.

When a contractor fails to comply with the prompt payment requirement, sanction procedures are initiated similar to those described for major violations in Publication 2, Section B.10 – Contract Labor Compliance Guidelines and Responsibilities. Publication 2, commonly referred to as the Project Office Manual or POM, provides that the contractor be notified of the violation in writing and given two weeks to make payment. If payment is not made within two weeks, an amount equal to that in question is withheld from the next payment to the contractor. If payment is not made within five weeks, all payments to the prime contractor are stopped until payment is made to the subcontractor.

Additionally, failure by the prime contractor to make prompt payment without justification is reported on its final PPR, which is used when evaluating the contractor's prequalification status.

The BEO addresses prompt payment when performing its contract compliance reviews. The prime contractor's procedures to ensure prompt payment of subcontractors are inspected during the compliance review. In addition, the following is included in the project questionnaires for the Inspector In-Charge, Project Superintendent, and EEO Officer:

- Are subcontractors, especially DBEs, being paid in a timely manner? Verify procedures to ensure prompt payment.

The following is included in the Construction Project Checklist under Subcontract Agreements as an item requiring review:

- ECMS "Minority Payment" Screen (DBE Payment Monitoring)

Any allegation of prompt payment anomalies are investigated by the Department's Prequalification Office in conjunction with the respective District's personnel.

Projects sponsored by local public agencies are governed by Publication 740 – Local Project Delivery Manual. Section 3.9 notes that reimbursement agreements generally require the Local

Project Sponsor to pay the consultant within 10 days after receiving payment from the Department.

Bureau of Aviation

Publication 405, Section 4.1.4, requires that an airport sponsor pay all contractors within 30 days of receipt of payment by the Department. This requirement is also contained within the Bureau of Aviation checklists in Attachment I and Form AV-27.

Bureau of Public Transportation

BPT requires compliance with the DBE provisions of Part 26 in its Standard Terms and Conditions for Public Transportation Grants Using Federal Funds (Attachment J). These standard terms and conditions are made part of all grant agreements with subrecipient transit agencies.

In addition, BPT ensures that recipients of FTA funding comply with this requirement by collecting and reviewing Form EO-402 – Monthly DBE/SBE Status Report. This form is completed and signed by the prime contractor, and lists the date on which the contractor and DBE/SBE were paid.

Bureau of Planning and Research

The DBE Requirements Contract Appendix that is attached to all BPR contracts specifies that vendors must make payments to all subcontractors no later than 10 days after the vendor is paid by the Department. See Attachment A: DBE Requirements Contract Appendix.

Bureau of Office Services

BOS follows the Commonwealth Procurement Code, 62 Pa.C.S. § 101. Chapter 21 of The Procurement Code deals with Small and Disadvantaged Businesses. At 62 Pa.C.S. § 2108, the Commonwealth is required to comply with federal laws and regulations when a procurement involves federal funds.

Center for Program Development

The Program Center's master agreement with planning organizations (Attachment B) specifies in Sections 2 and 6 the conditions required for payment by the Department. Section 11.B on subcontracting requires that subcontracts contain the same provisions of the master agreement, including timeliness of payment.

PA Department of Conservation and Natural Resources

The DCNR standard Grant Terms and Conditions for all RTP in Appendix A specifies that DCNR will retain 10 percent of the grant amount until the project is complete and all costs and payments are reviewed and approved via Form EO-402.

RTP grant agreements also include Exhibit A – DBE and SBE Requirements for the Recreational Trails Program, which requires compliance with all DBE requirements of Part 26, including the prompt payment requirements of Part 26, Section 26.29. See Attachment C for this exhibit.

Section 26.31 DBE Directory

The PA UCP maintains a shared database that produces the statewide directory of firms eligible to participate as DBEs on DOT-assisted contracts. The PA UCP database is electronic and updates to the directory occur in real time. For each firm, the PA UCP Directory lists the firm name, address, owner, phone number, fax number, e-mail, website, applicable North American Industry Classification System (NAICS) codes, service category, and a description of work the DBE has been certified to perform.

A searchable directory of certified DBEs can be viewed by visiting www.paucp.com. The directory is available for free to all Department organizations, contractors, consultants, construction/consultant associations, minority, women and small business development entities, federal/state agencies, all interested bidders/proposers, and the general public.

On a quarterly basis, a hard copy of the PA UCP DBE Directory is printed and made available for free upon request by contacting the Department or any of the other four certifying participants in the PA UCP (the Southeastern Pennsylvania Transportation Authority (SEPTA), the Port Authority of Allegheny County, Philadelphia International Airport's DBE Program Office, and Allegheny County Department of MBE/WBE/DBE). See Section 26.61-26.73 for contact information.

Section 26.33 Overconcentration

The Department, working in tandem with its DBE Supportive Services consultant, has not currently identified the existence of overconcentration in the types of work that DBEs perform. A contractor, however, may challenge that there is an area of DOT-assisted work in which there is an overconcentration of DBE firms, and that such concentration creates an undue burden for non-DBE firms in obtaining work in this area. Where such challenges are made, they shall be processed as follows:

The challenge must be submitted in writing to the Pennsylvania Department of Transportation, Director, Bureau of Equal Opportunity, at either of the following addresses:

Pennsylvania Dept. of Transportation
Director, Bureau of Equal Opportunity
Commonwealth Keystone Building
5th Floor
400 North Street
Harrisburg, PA 17120

or

Pennsylvania Dept. of Transportation
Director, Bureau of Equal Opportunity
P.O. Box 3251
Harrisburg, PA 17105-3251

The written challenge must identify the challenging party, summarize the grounds for the challenge, and include all available information relevant to determining whether the challenge is valid. The Department will thoroughly review the information submitted.

Based on this information, the Department will conduct an inquiry. To assist in the inquiry, the Department will use the information available within ECMS maintained by the Department. ECMS contains project information regarding all subcontracting activity on highway construction projects. Information contained in the PA UCP database or other sources may also be used.

If the Department determines that there is no reason to believe the challenge is valid, the challenging party shall be informed in writing thereby terminating the challenge procedure.

If it is determined that there is reason to believe that the party has a valid claim, the Department will work with the concerned DOT operating administration on a determination of overconcentration and to devise measures to address it. The measures may include the use of incentives, technical assistance, business development programs, mentor-protégé programs, and other appropriate measures designed to assist DBEs in performing work outside of the specified field in which the Department determined that non-DBEs are unduly burdened. Once approved by DOT, the measures will become part of the DBE Program.

Section 26.35 Business Development Programs

Two separate business development programs offered by Pennsylvania are discussed below.

The Department has not established a mentor–protégé program. Subrecipients may, upon their own initiative and with approval by the Department, establish and operate a mentor–protégé program that complies with Part 26, Section 26.35.

DBE Business Development Program

The Department operates a comprehensive DBE Supportive Services Program aimed at enhancing the growth, development, and self-sufficiency of all DBE firms competing for DOT-assisted contracts and subcontracts. That program is described in the Race-Neutral subsection of Section 26.51. The Department also supports a Comprehensive Business Development Program (BDP) that is made available to a limited number of DBE firms that are selected based on criteria including the firm's commitment to the program. Both the DBE Supportive Services Program and the BDP are federally-funded.

The BDP assists these firms in developing a comprehensive business plan, which:

- Provides an analysis of the participating DBE's market potential, the competitive environment, and other business analysis capable of estimating the prospects for profitable operation during the term of participation in and after graduation from the program.
- Provides an analysis of the firm's strengths and weaknesses, with particular attention to the means of correcting any financial, managerial, technical, or labor conditions which could impede the participant from receiving contracts for work that historically has not been performed by DBEs.
- Sets specific targets, objectives, and goals for the business development of the participant DBE during their participation in the BDP.

- Provides estimates of contract awards from the DBE Program and from other sources needed to meet the objectives and goals for the period covered by the BDP.
- Includes a transition management plan that prepares the firm for graduation from the program when specified criteria are met.

The BDP and the DBE Supportive Services Program are operated by a single contractor chosen using a competitive procurement process. By awarding the contract for both programs to one vendor, the two similar and interrelated programs can be operated more efficiently and with better outcomes for the participating DBE firms.

Department of Community and Economic Development Programs

The Department refers DBEs/SBEs and potential applicants to the Pennsylvania Department of Community and Economic Development (DCED), which offers various programs aimed at the successful expansion of businesses within Pennsylvania. DCED assists all businesses (both DBE and non-DBE) in writing business plans, obtaining financing, navigating tax laws, pursuing expansion, and an array of other activities. This assistance is best exemplified in the Starting and Growing a Business in Pennsylvania website and Entrepreneur's Guide.

Section 26.37 Monitoring and Enforcement Mechanisms

The Department utilizes the following monitoring and enforcement mechanisms to ensure compliance with Part 26.

The Department brings to the attention of the DOT any known activities that appear to be inconsistent with Part 26 of this program so that the DOT can take the steps provided in Part 26, Section 26.107 (e.g., referral to the United States Department of Justice for criminal prosecution, referral to the DOT Inspector General and/or the Commonwealth's Office of Inspector General, or action under suspension and debarment or Program Fraud and Civil Penalties rules).

The Department employs a number of standard forms used to collect DBE information for initial project setup and for ongoing monitoring of DBE participation:

- Form AV-27 – DBE Project Compliance Review Checklist for Airports
- Form PT-27 – DBE Project Compliance Review Checklist for Transit Systems
- Form EO-354 – DBE Commercially Useful Function Report
- Form EO-354AV – DBE Commercially Useful Function Report – Aviation
- Form EO-354PT – DBE Commercially Useful Function Report – Public Transportation
- Form EO-355 – DBE Regular Dealer Verification Form
- Form EO-380 – DBE Participation for Federal Projects
- Form EO-380PT – DBE Participation for Federal Projects (BPT)
- Form EO-385 – DBE Participation for Federally Funded Service Agreements (BPR and BOS)

- Form EO-401 – DBE Awards and Commitments Report
- Form EO-402 – Monthly DBE/SBE Status Report
- Form EO-402LP – Monthly DBE/SBE Status Report for Local Projects

The Bureau of Equal Opportunity conducts direct monitoring of DBE requirements via a number of methods. The DBE Field Agent conducts onsite compliance reviews of FHWA funded Highway Construction projects. The DBE Field Agent reviews DBE subcontracts, payments, completed CUF reports, and evaluates any DBE firms working on the project during the date of the visit. The DBE Field Agent also reviews monthly progress reports submitted by individual Engineering Districts which provide status on all FHWA funded projects. Based upon the comments included in the report and the progress of individual projects in meeting the goal, the DBE Field Agent conducts follow up inquiries and provides technical assistance as needed. Additionally, BEO's Contract Compliance Division evaluates DBE requirements, including CUF, as part of general compliance reviews of construction contractors.

In addition to the forms and the direct monitoring activities by BEO noted above, the Department also relies upon several electronic systems to assist in monitoring and enforcement. Highway construction and consultant agreement contract awards, commitments, and payments are all captured in the ECMS system. The EO-354 along with the field inspector's journal is used to monitor performance. When final payments to DBE firms are entered, the system requires Good Faith Effort documentation to be submitted for any shortfall in meeting the DBE goal. This documentation is evaluated in connection with project closeout. Aviation grants awards, commitments, and payments are captured in dotGrants. Airport sponsors (or their designee) complete the EO-354AV for all DBE firms performing on the grant. Airport sponsors must provide complete records, including DBE payments and any Good Faith Effort documentation, to the Department in order to receive the final grant reimbursement. Various other offline and online processes are utilized by other program areas as noted below. Regardless of the program area or system used, the Department signs off that the DBE requirements have been met as part of its larger contract closeout process.

Bureau of Project Delivery – Consultant Agreements

Publication 93, Section 5.4.4 - Monitoring of DBE Consultants, provides for the monthly monitoring of DBE consultant participation and contains procedures if under-utilization of DBEs by a consultant occurs.

The Department's ECMS tracks DBE commitments, DBE subcontracts, and DBE payments. The Consultant Agreements Section also generates a monthly report showing projects awarded using federal dollars, which is submitted to BEO. This report includes a breakdown of DBE goals established for each project and the percentage of participation the prime consultant committed to as a condition of award.

For projects completed by a Local Project Sponsor, Publication 740, Section 3.8, and Publication 93, Section 1.1, require the use of ECMS for consultant selection and engineering agreements. ECMS automatically captures DBE commitments. Invoicing for these local projects is done

outside of ECMS. Therefore, DBE attainments for these projects are captured in a process documented in Workflow 5a in Attachment F.

Bureau of Project Delivery – Highway Construction

The Department's Publication 408 - DSP7, and Publication 2 – Project Office Manual, Section B.11.6, provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. Publication 2, Section B.11.5, is the EEO Checklist for the project Inspector-in-Charge, which contains several items related to DBE monitoring. For projects led by a Local Project Sponsor, Publication 740, Section 7.1.C, contains provisions for monitoring and enforcing DBE compliance. A few local projects are completed each year on paper, outside of ECMS. These projects rely on paper forms such as Form EO-380 to verify DBE participation and Form CS-4339R for subcontractor approval. DBE attainments are captured using a process documented in Workflow 5a in Attachment F.

The Department's ECMS is used to track DBE commitments, DBE subcontracts, and DBE payments. The Contract Awards Section also generates a monthly report showing projects awarded using federal dollars, which is submitted to BEO. This report includes a breakdown of DBE goals established for each project and the percentage of participation the prime contractor committed to as a condition of award.

In addition, the Department utilizes a DBE Monthly Monitoring Report that assists in monitoring DBE goal attainment on all DOT-assisted projects within each Engineering District. The Districts submit monthly reports tracking goal attainment to date on active projects. That report also highlights potential issues or concerns. BEO submits a feedback report to the Districts based upon the review of District reports and independent monitoring conducted by BEO. The feedback report requests additional information and/or identifies additional actions the Districts need to take related to DBE goals. Workflow 5, provided in Attachment F, details the process for this monthly report.

The Department reviews payments made to DBEs as part of its contract compliance project reviews to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts listed in the approved DBE commitments.

Bureau of Aviation

The Bureau of Aviation utilizes the Department's dotGrants to award and track aviation grants. The dotGrants system requires grantees to provide a range of data used for reporting functions, including initial DBE commitment and ongoing DBE participation reporting. The data allows BEO to confirm that actual DBE attainments are on track to meet DBE commitments and goals. The dotGrants system is used to compile the individual reports into a statewide Monthly Grant Administration Report of all aviation projects for analysis and for reporting to FAA.

The Bureau of Aviation employs the use of two checklists that aid airport sponsors and the BOA in properly administering projects and grants for DBE compliance. These checklists are in Attachment I and Form AV-27.

Bureau of Public Transportation

BPT requires Form PT-27 – DBE Project Compliance Checklist for Transit Systems to be completed for all projects with DBE participation. For projects on which BPT provides direct construction or project management, BPT's construction manager will assist the sub-recipient with this information. For all other projects, BPT will review this information as part of an on-site compliance review process.

Bureau of Planning and Research

The DBE Requirements Contract Appendix that is attached to BPR contracts specifies that vendors must submit Form EO-385 with their bid to document DBE commitments. BPR uses the EO-385 in combination with data from its RPMS to complete the EO-401 report. Vendors are further required to submit monthly reports on DBE attainment (typically done with Form EO-402 – Monthly DBE/SBE Status Report). BPR runs Crystal Reports monthly against the RPMS database, which identifies contract awards containing federal dollars and DBE commitment information.

Bureau of Office Services

The DBE Requirements Contract Appendix that is attached to BOS contracts (Attachment A) specifies that vendors must submit Form EO-385 with their bid to document DBE commitments. The DBE commitment information along with overall contract information, including identification of the award date, vendor, and dollar amount, is used by BEO and individual purchasing agents to complete Form EO-401. Vendors are further required to submit monthly reports on DBE attainment (typically done with Form EO-402 – Monthly DBE/SBE Status Report).

Center for Program Development

The Program Center's master agreement with planning organizations (Attachment B) specifies in Section 14 that a status report on the DBE goal must be submitted to the Department quarterly.

The Program Center utilizes a spreadsheet to capture awards, commitments, and payments to DBEs throughout the life of a project and forwards the spreadsheet to BEO quarterly. The spreadsheet is Attachment D.

PA Department of Conservation and Natural Resources

DCNR's RTP grant agreement includes Exhibit A – DBE and SBE Requirements for the Recreational Trails Program (Attachment C). Section 6(b) of this exhibit requires project, grantees to submit Form EO-402 – Monthly DBE/SBE Status Report during the project.

DCNR records data from that report in a DBE Awards, Commitments, and Payments Report spreadsheet for reporting to BEO. The spreadsheet is shown in Attachment E.

Section 26.39 Small Business Enterprise Element

The Department has implemented a Small Business Element of its Disadvantaged Business Enterprise Program in accordance with Part 26, Section 26.39. The element is designed to foster and facilitate participation by Small Business Enterprises (SBE) on DOT-assisted projects and to overcome barriers or obstacles to their participation. The element incorporates a variety of strategies designed to meet the regulatory objective, which are described briefly below.

- Create an SBE certification to identify firms that meet the definition of a small business concern as contained in Part 26, Section 26.5.
- Collect data and produce reports on the level of participation by SBEs in the Department's DOT-assisted projects.
- Encourage prime contractors and consultants to use SBEs as subcontractors and actively market SBEs to primes to assist the SBEs in establishing business relationships.
- Create an SBE special provision for use in selected municipal bid packages where prequalified SBE subcontractors will be allowed to bid as primes.
- Support the Small Business Enterprise Supportive Services Center (The SBE SS Center) to assist all small businesses in acquiring skills and identifying resources that will contribute to their growth and eventual self-sufficiency.
- Maintain a list of prime contractors certified as SBEs by work class code and provide this list to District personnel for consideration for projects utilizing FHWA Emergency Repair funding.
- Publicize the list of potential prime contractor bidders for Department projects to allow SBEs to contact the bidders to offer quotes on portions of the work that will be subcontracted. BEO also provides ongoing monitoring of SBE involvement by prime contractors.

See Section 26.51 and the website www.pennsbess.com for more information on the SBE Supportive Services Center.

The BEO reviews all bid documents used by subrecipients to verify that they include relevant references to SBE requirements. In addition, subrecipients are required to report SBE commitments and attainments to BEO on a monthly or quarterly basis, depending on the program area. The methods used are the same as those used for reporting DBE commitments and attainments.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-Asides or Quotas

The Department and its subrecipients do not use set-asides or quotas in the administration of this DBE Program.

Section 26.45 Overall Goals

The Department develops its overall DBE involvement goal consistent with Part 26, Section 26.45. The methodology used to develop the overall goal is available to the public electronically through the Department's web site at www.padbegoals.org. Additionally, physical copies of the methodology are available upon request by contacting BEO at 800-468-4201 or 717-787-5891. The Department's methodologies are incorporated in the DBE Program by reference. The Department has recently undertaken a Public-Private Partnership (P3) project for the replacement of 558 bridges throughout Pennsylvania. This project has necessitated the creation of a separate goal-setting for this project. The goal-setting methodology is detailed in a document at http://www.dot.state.pa.us/public/Bureaus/Press/P3/P3_RBR_DBE_Goal_Methodology.pdf. Subrecipients adopt the Department's methodology and goals consistent with the subrecipient's operating areas.

The Department submits its FAA, FHWA, and FTA methodologies and goals to the appropriate operating administration as required. Submittal is based upon the staggered three-year goal schedule established for federal highway, transit, and aviation funds. The Department implements the overall goal on October 1 of the appropriate fiscal year, unless it receives other instructions from the DOT.

Workflow 10 in Attachment F documents the DBE Methodology and Goal Development process used by the Department.

Section 26.47 Goal Attainment

The Department constantly monitors attainment of DBE goals through the use of the various methods described in Section 26.11 – Recordkeeping Requirements and Section 26.37 – Monitoring and Enforcement Mechanisms. If at the end of a fiscal year the Department has not attained the overall goal applicable for that year, the Department shall analyze the reasons for the shortfall and create a corrective action plan in accordance with Part 26, Section 26.47. The analysis and corrective action plan shall be submitted to FHWA, FAA, and FTA within 90 days of the end of the fiscal year.

Section 26.51 Breakout of Estimated Race-Neutral and Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation is updated in the Department's methodology and goal-setting documents for each required DBE goal submission. The Department monitors the race-neutral and race-conscious goal apportionment and makes

adjustments up or down as supported by the most recent data available. The Department reviews monthly reports submitted by each market area defined in its methodology to ensure that appropriate DBE goals are set on contracts and that DBE commitments and attainments are monitored. Additionally, each District provides a detailed monthly report of DBE commitments and attainments on its highway construction contracts. This further assists the Department in identifying potential shortfalls early and also serves as a reminder to track DBE payments closely. Adjustments to the DBE contract goals are made as required based upon attainment within the appropriate market area and the overall goal. The DBE/Title VI Division Chief sends quarterly reports of goal attainment along with recommendations to adjust individual market area goals, if warranted.

Race-Neutral

The Department attempts to meet the maximum feasible portion of its overall goal using race-neutral means. Race-neutral credit is given for the dollar amount of a prime contract awarded to a DBE that exceeds the goal amount and is not subcontracted to a non-DBE, a DBE subcontract executed on a project that did not contain a DBE goal, or DBE commitment or payment dollar amounts exceeding the contract goal. Race-neutral means employed by the Department include, but are not limited to, the following programs.

<u>DBE Supportive Services Center</u>

One method used by the Department to improve its race-neutral performance is the establishment and operation of the federally-funded Disadvantaged Business Enterprise Supportive Services Program. This program is intended to provide training, assistance, and services to DBE firms certified in the DBE Program to facilitate their development into viable self-sufficient organizations capable of competing for and performing on DOT-assisted highway projects on an equal basis with non-DBE firms.

The program is operated by a contractor as the DBE Supportive Services Center (The DBE SS Center). The program's objectives are to:

1. Build relationships and communication networks with available expertise at all government levels in addition to the private, non-profit, and academic sectors; maintain a database of these contacts.
2. Determine critical DBE needs relative to performance on PennDOT's DOT-assisted highway projects within the areas of business, construction, consulting, and technology management.
3. Develop and deploy needs-based training for participating DBE firms.
4. Conduct direct consultative assistance to participating DBE firms concerning PennDOT's DOT-assisted highway projects.
5. Generate support services information through the collection, promotion, and dissemination of business, construction, consultant, and technical materials.
6. Spearhead, coordinate, and attend conferences, meetings, and symposia.

7. Evaluate and continuously improve the key supportive services activities by collecting, analyzing, and utilizing feedback from a variety of sources.

The DBE Supportive Services Center provides the following services, all of which are free of charge.

Continual Needs Assessment and Identification
The DBE SS Center conducts an annual formal Needs Assessment Survey of DBE firms and conducts ongoing informal needs assessments by means of face-to-face and telephone interviews, e-mails, and self-administered surveys. The objective of the needs assessments is to identify the barriers that DBEs face in competing with non-DBEs for DOT-assisted contracts and subcontracts, and determine what services would assist DBEs in overcoming those barriers. The results of both the formal and informal assessments are used to adjust processes and services provided by The DBE SS Center and the objectives of the DBE Supportive Services Program.

Training, Consulting, and Information Management
The DBE SS Center develops approaches to providing training, consulting, and information management. This includes a training reimbursement program to provide financial assistance to pre-screened DBEs for company-specific training. The DBE SS Center coordinates instructor-led training, computer-based training, and one-on-one consulting services. In addition, The DBE SS Center continues to collect, promote, and disseminate information deemed relevant to the DBE community. The DBE SS Center bases the initial need for ongoing trainings on historical information, results of various needs assessments, and data available through the Department's Bureau of Equal Opportunity. The DBE SS Center continually reevaluates and updates those needs based on feedback received from training evaluations, interaction with and requests from DBE firms, and other relevant sources.

Outreach, Networking, and Communication
The DBE SS Center uses various methods of outreach to inform and encourage DBEs to use its services. These include:

- The DBE SS Center website www.PennsylvaniaDBE.com
- Newsletter articles
- Brochures and other promotional materials
- Direct mail (both U.S. mail and e-mail)

Networking methods include participating in meetings, preconstruction conferences and symposia (at which DBEs and the prime contracting community are likely to be present), as well as outreach to community, civic, ethnic, business, and construction organizations. In addition to the above outreach and communication methods, The DBE SS Center responds to individual written and telephone requests for assistance.

Continual Evaluation of Processes, Outcomes, and Effectiveness
The DBE SS Center uses personal interviews, online interviews, telephone follow-up, and self-administered survey forms as part of its ongoing self-evaluation. The DBE SS Center utilizes a combination of qualitative and quantitative methods to analyze the data, as well as evaluation and measurement of the attainment of specific training objectives. The DBE SS Center maintains

a website that allows for the collection of formal and informal real-time data through online DBE interaction. Collection of the data assists in determining if changes need to be made to services or activities being delivered in subsequent fiscal years, and if so, what those changes should be.

SBE Supportive Services Center

The Department also operates a state-funded Small Business Enterprise Supportive Services Program, executed by a Small Business Enterprise Supportive Services Center (The SBE SS Center) that assists firms that meet the definition of a small business concern as defined in Part 26, Section 26.5. This designation is solely based on size and not on social disadvantage. The SBE SS Center is operated by a contractor selected using a competitive procurement process. It provides statewide training and consulting services to enable SBEs to compete on an equal basis with non-SBEs for DOT-assisted Department contracts and subcontracts.

The SBE Supportive Services Center provides the following services, all free of charge.

Communication Channels Maintenance
The SBE SS Center maintains telephone, e-mail, website, and social media sites as a means of communicating with SBEs.

Training, Consulting, and Information Management
The SBE SS Center provides consulting services and training sessions to improve SBEs' competitiveness on PennDOT's DOT-assisted projects. It maintains databases and information on other relevant training, certifications, and workshops provided by the Commonwealth of Pennsylvania and other qualified entities.

Marketing and Outreach
The SBE SS Center markets its services to SBEs and networks with potential business partners and other constituents in ways that are beneficial to SBEs competing for Department projects. Outreach methods include:

- Newsletter articles
- Developed promotional materials, such as brochures
- Mailing lists (both e-mail and U.S. mail)

Performance Monitoring and Measurement
The SBE SS Center uses various tools, including surveys and training evaluation forms, to continually monitor its performance and outcomes.

Contractor Prequalification

The Department makes use of two types of contractor prequalification, but does not require prequalification as a condition for DBE certification, in accordance with Part 26, Section 26.73(g).

Provisional Prequalification
Provisional Prequalification can enable a prequalified contractor to become prequalified in an additional work classification. Provided both parties agree, the prime contractor provides

training and oversight to the subcontractor in the performance of the work classification. Upon completion of provisional subcontract work, the District files a Past Performance Report with the Prequalification Officer which includes a recommendation to either revoke provisional approval, deem it unattainable (Inspector-in-Charge does not think a firm is capable of learning a given task regardless of additional training), continue provisional approval, require further training, or make approval permanent, with no further training required. Provisional prequalification approval is project-specific.

Conditional Prequalification
Conditional Prequalification can enable a prequalified contractor to become prequalified in an additional work classification or new contractor applicants to become prequalified based upon a superintendent's prior work experience as a superintendent for another contractor. Conditional prequalification approval is not project-specific.

Provisional and Conditional Prequalification are specialized programs. Requests are evaluated on a case-by-case basis.

Designated Race-Neutral Programs and Contracts

In addition to the strategies noted above, the Department has deemed certain program areas and/or contracts to be race-neutral and no contract goals are established. In making such a determination, the Department considers a number of factors including subcontracting opportunities, dollar value, project type, location, and the availability of DBEs. Work that is performed intermittently or that deviates from what is generally performed by the Department is also considered.

As an example, the Department utilizes the DCNR Recreational Trails Program as a race-neutral component of its DBE Program. No DBE goals are established in connection with the Recreational Trails Grants. Instead, language is included with the grants encouraging the utilization of DBEs, SBEs, and other small business concerns. Any DBE or SBE utilization is tracked by grantees and reported to DCNR quarterly. DNCR in turn reports all DBE and SBE attainment to BEO every six months.

The Department's also utilizes Right-of-Way Demolition Contracts as a race-neutral component. These contracts are small, often less than $10,000.00 and offer no subcontracting opportunities. Individual Engineering Districts are required to notify DBE or SBE demolition contractors located in the subject County and surrounding counties where the work is to be performed. Within ECMS Districts can search for DBEs and SBEs that have the work class code for Building Demolition and thus are approved to do the work on Department projects.

No other program areas are currently race-neutral but the Department continues to evaluate potential opportunities based upon the criterial noted above.

Race-Conscious

The Department utilizes race-conscious or contract goals to attain a portion of its overall DBE participation goal. Contract goals are applied in order to meet the overall goal that is not projected to be met through the use of race-neutral means.

The Department does not establish a DBE goal on every federally-funded contract as Part 26 does not require that it do so. The Department establishes goals only on those contracts that lend themselves to subcontracting opportunities. Dollar value, project type, location, and the availability of DBEs to perform specific services are considered in setting an appropriate DBE goal on a given project, consistent with the Department's approved DBE goal-setting methodology. If a subrecipient intends to offer a contract with a DBE goal, the goal is determined in consultation with the Department.

The Department expresses its contract goals as a percentage of the total dollar amount of a DOT-assisted contract. The Department does not permit the use of rounding in determining DBE contract goal attainment.

Bureau of Project Delivery – Consultant Agreements

Publication 93, Section 3.6.8, provides procedures for review and compliance with the advertised DBE goal.

Bureau of Project Delivery – Highway Construction

Design-build projects include pay items for both design consultants and highway contractors on the design build project team. Design-build project DBE goals are developed through coordination of the design consultant and highway contractor portions of the overall design-build project. Publication 448, Section 3.2.4.1, provides calculations for the DBE goal for design-build projects.

Bureau of Planning and Research

BPR awards federally funded agreements infrequently. As such, when agreements containing federal funds are identified, BPR contacts BEO to determine whether a DBE goal should be established for the project. In order to make this determination BPR provides information including estimated cost, scope of work, length of contract, and other factors that could potentially impact the ability of DBE firms to participate on the project.

Bureau of Office Services

The Bureau of Office Services delegates some purchasing authority to individual purchasers that reside in District and County offices. Purchasers are instructed to contact BEO for DBE goal-setting purposes via the established End User Procedures whenever federal funds are involved.

Section 26.53 DBE Good Faith Effort Procedures

For all DOT-assisted projects in any bureau of the Department, the obligation of the apparent low bidder is to make a good faith effort to meet the DBE goal. The low bidder must demonstrate that it has done so either by meeting the DBE contract goal or documenting good faith efforts taken in its effort to meet the goal.

The Department will ensure that all information is complete, consistent, and adequately demonstrates the low bidder's good faith effort before the contact is awarded.

The Department treats bidders' compliance with good faith effort requirements as a matter of responsiveness that requires serious consideration under Part 26. Each proposal for which a contract goal has been established requires the low bidder to submit the following information within seven days (to be reduced to five days beginning 1/1/2017) after the bid opening, using Form EO-380, Form EO-380PT, Form EO-385, ECMS input, or the resource e-mail account minorityparticipation@pa.gov.

- Names and contact persons for DBE firms that will participate in the contract.
- A description or list of work items that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract.
- Dollar amount of each DBE's participation.
- Written or electronic signature of a commitment to use a DBE subcontractor whose participation is being used to meet a contract goal.
- Written or electronic signature confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.
- If the contract goal is not met, evidence of good faith efforts that meet the standards set forth in Part 26, Appendix A. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

If the contract goal is not met, the bidder's good faith efforts are reviewed by the Department and may be approved or disapproved. If disapproved, the bidder may seek administrative reconsideration of the disapproval, which is conducted by persons other than those involved in the initial determination.

If a prime intends to terminate a DBE subcontractor, the prime must request approval from the Department prior to termination. Additionally, the prime must provide the DBE firm notice in writing that it intends to terminate the DBE's contract and state the reason for termination. DBE firms are to be given a minimum of five days from receipt of that notice to respond, agreeing or disagreeing with the prime's intention, including reasons for disagreement.

If a DBE contractor is removed from a project or fails to complete its work on a project for any reason, the prime contractor is required to make a good faith effort to find another DBE subcontractor to replace the original DBE and perform an equivalent amount of work. Primes must have a minimum of seven days to provide their good faith effort documentation or identify

substitute DBE firms. At the request of the prime, contracting entities may be afforded additional time if deemed appropriate by the Department. The prime may also submit the information early, before the seven-day deadline.

Bureau of Project Delivery – Consultant Agreements

Publication 93 contains five sections relevant to good faith efforts for consultant agreements. Section 3.6.8, Review for DBE Goal Compliance, describes how a price proposal must be reviewed for compliance with the advertised DBE goal. Section 5.4.1 lists types of actions that should be considered as part of a consultant's good faith efforts to obtain DBE participation. Section 5.4.5, DBE Good Faith Effort Approval Process for Consultant Agreements, provides the actions considered to be a good faith effort and procedures for good faith effort review, appeal, and reconsideration in consultant agreements. Section 5.4.6, Evaluation of DBE Goal Attainment for Consultant Agreements, describes procedures for determining whether an agreement's DBE goal has been met. Section 5.4.7, Good Faith Effort Sanctions, details the roles and procedures when the good faith effort is not approved. See Attachment K: Good Faith Efforts for Service Agreements.

For projects completed by a Local Project Sponsor, Publication 740, Section 3.8, and Publication 93, Section 1.1, require the use of ECMS for consultant selection and engineering agreements. By using this procedure, all bids are reviewed for DBE goal compliance or good faith effort in the same manner as a Department-led project.

Bureau of Project Delivery – Highway Construction

Publication 408, DSP 7, Sections VI and VII, describe the good faith efforts requirements for highway construction projects. These requirements have been written to strictly comply with Section 26. Implementation of the requirements is clarified by Publication 2, Section B.11.6, which discusses procedures District Office personnel must follow regarding the prime contractor's documentation of good faith efforts. Sections C.1.5 and C.1.7 of Publication 2 contain additional information related to DBE subcontractor documentation. The good faith effort requirements of Publication 408 and Publication 2 also apply to projects completed by a Local Project Sponsor, as documented in Publication 740, Section 7.0.

The Department requires that a contractor make a good faith effort to replace (with another certified DBE) any DBE-committed dollar amount from a DBE contract that is terminated or reduced due to project requirements or due to the DBE firm's failure to complete its work on a contract, to the extent needed to meet the contract goal. Specific substitution requirements are documented in Publication 408, DSP 7, Section VII.(d). The implementation of these requirements is supported by other documents. Workflows 3A, 3B, and 3C in Attachment F document the process for a prime contractor to remove and replace a DBE subcontractor. Publication 2, Section B.11.6.III.C, discusses procedures for documenting good faith efforts in DBE replacement situations. Additionally, Workflows 2 and 4 in Attachment F have been created to document the construction contract good faith efforts procedures both pre- and post-award.

Attachment L provides a detailed description of the Good Faith Efforts Approval Process for construction.

Design-Build: The Department establishes contract goals on design-build projects and utilizes the overall dollar amount of both the final design portion and construction cost estimate to determine the design-build DBE contract goal. The Department uses the same monitoring methods for design-build projects as it does for traditional project delivery. Publication 448, Section 3.2.4.1, provides information on DBE goal calculation.

Bureau of Aviation

Publication 405, Section 4.2.2, requires airport sponsors to adhere to the DBE requirements set forth in the grant conditions and assurances contained in each grant issued by the BOA. The good faith efforts approval process for airport projects is contained in Attachment M: Good Faith Efforts for Aviation.

Good faith efforts requirements are also noted in Attachment I: Aviation Checklist.

Bureau of Public Transportation

The Good Faith Efforts approval process for public transportation projects is contained in Attachment N: Good Faith Efforts for Public Transportation.

Good faith efforts requirements are also noted in Form PT-27 – DBE Project Compliance Review Checklist for Transit Systems.

Bureau of Planning and Research

The DBE Requirements Contract Appendix that is attached to BPR contracts specifies that vendors must submit a Form EO-385 with their bid to document DBE commitments. See Attachment A: DBE Requirements Contract Appendix.

Attachment K provides a detailed description of the Good Faith Efforts Approval Process for service agreements.

Bureau of Office Services

The DBE Requirements Contract Appendix that is attached to BOS contracts specifies that vendors must submit a Form EO-385 with their bid to document DBE commitments. See Attachment A: DBE Requirements Contract Appendix.

Attachment K provides a detailed description of the Good Faith Efforts Approval Process for service agreements.

Center for Program Development

Section 22 of the Program Center's master grant agreement with planning organizations (Attachment B) encourages the use of DBEs for any contracting or subcontracting needs. It also

requires that if a DBE goal has been created, the organization must meet the DBE goal or to make a good faith effort to meet it. The master grant agreement includes Exhibit S containing the requirements to demonstrate good faith effort.

Attachment O provides a detailed description of the Good Faith Efforts Approval process for the Program Center.

Section 26.55 Counting DBE Participation

The Department counts DBE participation toward overall and contract goals as described in Part 26, Section 26.55. The Department monitors its projects to ensure that DBEs are performing a commercially useful function (CUF). The results of the CUF evaluation are reported using Form EO-354 – DBE Commercially Useful Function Report.

Bureau of Project Delivery – Consultant Agreements

The Department's processes for monitoring the work of DBE consultants to be sure they are actually performing the work committed to is contained within Publication 93. The document contains two sections related to counting DBE participation toward overall and contract goals. Section 5.4.2 – DBE Certification, provides certification requirements that DBEs must meet for counting towards the DBE goal. Section 5.4.4 – Monitoring of DBE Consultants, describes the procedures for verifying that DBEs are performing a CUF on an agreement.

Bureau of Project Delivery – Highway Construction

Publication 408, DSP7, Section III, contains requirements for counting DBE participation toward the DBE goal. This section contains provisions for counting the DBE percentage for prime contractors, subcontractors, materials and supplies, service providers, and trucking firms. Section III(b) includes instruction for how to count materials and supplies purchased through DBE Regular Dealers and DBE Transaction Expediters/Brokers. The determination of whether a DBE is acting as a regular dealer or an expeditor/broker will be made on a contract-by-contract basis. Detailed provisions are included in Section III(d) for trucking firms, to ensure that DBE credit is only provided where approved by Part 26.

Publication 2, Section B.11.6.III.E, discusses the procedures used by the Inspector-in-Charge to evaluate whether the DBE is performing a CUF. For projects completed by a Local Project Sponsor, Publication 740, Section 7.1.C.3, requires the Inspector-in-Charge to evaluate if the DBE is performing a CUF.

Workflow 7 in Attachment F details the process for determining whether a DBE is performing a CUF.

Bureau of Aviation

The Bureau of Aviation employs two checklists that aid airport sponsors and BOA in properly administering projects and grants for DBE compliance. These checklists are Form AV-27 and Attachment I. Both include checklist items to verify that DBEs are performing a CUF and

documenting such on Form EO-354AV – DBE Commercially Useful Function Report - Aviation.

For some projects (generally larger projects), a consultant construction manager performs the CUF evaluation. Smaller projects are generally overseen by airport employees, who perform the CUF evaluation in those instances.

Bureau of Public Transportation

BPT uses a "DBE Project Compliance Review Checklist for Transit Systems." The checklist aids transit systems and BPT in properly administering projects and grants for DBE compliance. As part of this checklist, transit systems are required to verify that DBEs are performing a CUF and document this action on Form EO-354PT – DBE Commercially Useful Function Report – Public Transportation.

For some projects (generally larger projects), a consultant construction manager performs the CUF evaluation. Smaller projects are generally overseen by transit system employees, who perform the CUF evaluation in those instances.

Bureau of Planning and Research

The DBE Requirements Contract Appendix (Attachment A) that is attached to BPR contracts specifies that the Department will review the vendor's DBE involvement efforts during the performance of the contract and will include a CUF analysis for all DBEs.

Bureau of Office Services

The DBE Requirements Contract Appendix (Attachment A) that is attached to BOS contracts specifies that the Department will review the vendor's DBE involvement efforts during the performance of the contract and will include a CUF analysis for all DBEs.

Center for Program Development

Section 14 of the Program Center's master grant agreement with planning organizations (Attachment B) requires compliance with all of Part 26, which includes Part 26, Section 26.55, regarding the counting of DBE participation.

PA Department of Conservation and Natural Resources

DCNR's RTP grant agreement Includes Exhibit A – DBE and SBE Requirements for the Recreational Trails Program (Attachment C). Section 5 of this exhibit requires a CUF analysis for all DBEs working on the grant-funded project.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Standards

As a member of the PA UCP, the Department uses the certification standards of Part 26, Subpart D, to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. Additionally, the Department utilizes 49 CFR Part 23, Subpart C, to determine the eligibility of airport concessionaries to participate as Airport Concessionaire DBEs (ACDBE) in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The firm seeking certification has the burden of proving by a preponderance of the evidence that it meets the requirements concerning group membership or individual disadvantage, business size, ownership, and control. The Department will make certification decisions based on all the facts in the record as required by Parts 26 and 23.

For detailed information on applying for certification, the certification process, and certification standards, firms may contact Department at either of the following addresses or they may contact any certifying participant in the PA UCP by visiting www.paucp.com. This website and the Department's main website are both ADA-compliant.

Pennsylvania Dept. of Transportation
Bureau of Equal Opportunity
DBE/Title VI Division
Commonwealth Keystone Building
5th Floor
400 North Street
Harrisburg, PA 17120

717-787-5891
800-468-4201
717-772-4026 (fax)
penndotucpinfo@state.pa.us

or

Pennsylvania Dept. of Transportation
Bureau of Equal Opportunity
DBE/Title VI Division
P.O. Box 3251
Harrisburg, PA, 17105-3251

The Department follows a set of procedures for processing initial certification requests as documented in Workflow 9A in Attachment F. DBE firms certified to perform certain types of work (under certain NAICS codes) may request to become certified in additional areas of work. The Department's procedures for these requests are contained in Workflow 9C in Attachment F.

Section 26.65 Business Size Standards

To qualify for certification as a DBE, a firm must be an existing small business, as defined by federal Small Business Administration business size standards found in 13 CFR Part 121, and have had average annual gross receipts (as defined by SBA regulations in 13 CRF 121.402) for the firm's three previous fiscal years less than the amount specified in Part 26, Section 26.65(b) and (c).

Section 26.67 Social and Economic Disadvantage Standards

Citizens of the United States and lawfully admitted permanent residents who are women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, or other minorities found to be disadvantaged by the SBA are presumed to be socially and economically disadvantaged individuals. Applicants in one of these groups must submit a signed, notarized certification that each presumptively disadvantaged owner is, in fact, socially and economically disadvantaged. In addition, each firm owner whose ownership and control are relied upon for DBE certification must certify that he or she has a personal net worth that does not exceed $1.32 million.

An individual's presumption of disadvantage can be rebutted in one of two ways: (1) Having a net worth in excess of $1.23 million. (2) Demonstrating that the individual has the capacity to accumulate significant wealth. If the presumption is rebutted, that individual's ownership interest cannot be counted toward meeting requirements for DBE certification. If the second method of rebuttal is used, a proceeding is required to present evidence in support of the rebuttal.

Individuals that are not presumed to be disadvantaged and those whose presumed disadvantage has been rebutted may apply for an individual determination of social and economic disadvantage. The individual determination shall include a proceeding where the firm has the burden of proving that the individuals who own and control it are socially and economically disadvantaged. Appendix E of Part 26 will be used in making these determinations.

Section 26.73 Other Standards

When making certification decisions, the Department may consider whether a firm has exhibited a pattern of conduct indicating its involvement in attempts to evade or subvert the intent or the requirements of the DBE program. In all other situations, the eligibility of the firm for certification will be evaluated only on present circumstances.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Program

The Department is a member of the PA UCP and abides by the Cooperative Memorandum of Agreement, as amended, having established a Unified DBE Certification Program between and among DOT recipients in the Commonwealth of Pennsylvania. The PA UCP received approval of the agreement from DOT on January 20, 2004. The PA UCP meets all of the requirements of Part 26, Section 26.81.

Certifying participants in the PA UCP are Allegheny County Department of MBE/WBE/DBE, the Philadelphia International Airport's DBE Program Office, the Port Authority of Allegheny County, the Southeastern Pennsylvania Transportation Authority, and PennDOT.

The PA UCP uses its Standards and Procedures Manual (Procedures Manual), included in Attachment P: PA UCP Standards and Procedures Manual, to ensure uniformity of practice in the implementation of the DBE certification process. The Department amends its Procedures Manual as corrective amendments to Parts 26 and 23 are issued that impact DBE certification standards and procedures.

The PA UCP utilizes the DOT's Uniform Certification Application and is structured so that a DBE applicant can submit its application to any certifying participant. However, upon receipt by a given certifying participant, the application will either be handled internally or forwarded to another certifying participant where a backlog or geographic considerations make it more cost-efficient for another certifying participant to evaluate the application. The certifying participants make all certification decisions on behalf of all DOT recipients in the Commonwealth. Once a DBE applicant has been certified by any certifying participant, all other DOT recipients within the Commonwealth recognize the certification. This comports with the "one-stop shopping" component of Part 26, Section 26.81, and ensures that a prospective DBE applicant will need to apply only once for a DBE certification that will be honored by all recipients. If a certifying participant or other Pennsylvania recipient/signatory is unwilling to abide by a decision made by a PA UCP certifying participant, then the UCP Oversight Committee (OC) will be responsible for establishing remedial procedures to resolve. If the dispute cannot be resolved by the OC, the matter may be referred to a designated executive/official within the certifying participants' organization for additional guidance. Should the OC or the designated official(s)/executive(s) require further guidance or reach an impasse, the OC may bring the matter to the attention of DOT for intervention and possible conciliation.

Out-of-state firms seeking DBE certification in Pennsylvania must first be DBE-certified in their home state. The PA UCP has not formed regional reciprocity with other states at this time. See Section 26.85.

Section 26.83 Procedures for Certification Decisions

The PA UCP reviewed the eligibility of DBEs that were certified under former Part 23 to ensure that each firm met the standards of Subparts D and E of Part 26.

DBEs that are found to be eligible in accordance with Part 26 are considered certified until they are removed from the program under procedures outlined under Part 26, Section 26.87.

Firms seeking initial certification as a DBE may do so through the www.paucp.com website or by contacting any of the certifying participants directly, as noted on the website. Department procedures for processing initial certification requests are contained in Workflow 9A in Attachment F. Workflow 9C details the procedures for DBE firms certified to perform certain types of work (NAICS codes) to become certified in additional areas of work.

A DBE is required to submit a Notice of Change Affidavit for circumstances that may affect its ability to meet size, disadvantaged status, ownership, or control criteria of Part 26 or when there are any material changes to the information provided with DBE's application for certification. Department procedures related to this affidavit are in Workflow 9B in Attachment F.

A DBE is required to submit an annual Affidavit of No Change affirming that there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership, or control criteria of Part 26 or of any material changed in the information provided with DBE's application for certification. Approximately one month prior to the firm's certification anniversary date, the DBE will be sent an Affidavit of No Change to be completed and returned to any certifying participant. Department procedures related to the processing of this affidavit are in Workflow 9D in Attachment F.

A DBE may be required to provide additional information to determine continued eligibility for the program. Additionally, the Department reserves the right to revisit or investigate a firm if there is a reason to suspect that the firm is no longer eligible to participate as a DBE.

Section 26.85 Interstate Certification

A firm certified as a DBE in its home state may apply for certification in Pennsylvania. The Department may, at its discretion, accept the home state's certification and certify the firm without further procedure. To obtain certification in this manner, the firm shall provide the Department with a copy of its certification notice from its home state and the Department will confirm the validity of the certification from the home state.

If the Department chooses not to accept the home state's certification, the firm shall provide the information required by Part 26, Section 26.85(c)(1), to the Department, which shall make a determination of certification as required by Part 26, Section 26.85.

Section 26.86 Denials of Initial Requests for Certification

In the event of a denial of certification or an ineligibility determination, a firm may reapply for certification six months from the date the denial was issued. Firms are advised of the right to receive an informal administrative hearing/appeal before the PA UCP's Certification Appeals Committee (Committee) or to appeal a decision directly to the DOT. Department procedures related to the Committee are contained in Workflow 9E in Attachment F.

Section 26.87 Removal of Eligibility

In the event of removal of eligibility of a DBE, the procedures outlined in Part 26 are followed. The firm may reapply for certification six months from the date removal of eligibility was issued. Prior to removing eligibility, the DBE is notified of its right to an administrative due process hearing where a stenographer is present to create a verbatim transcript of the proceedings. When a DBE's eligibility is removed, the firm is advised of its right to appeal the decision to the DOT. To ensure separation of functions in a removal of eligibility proceeding, the Committee confirms that the initial decision-maker has not participated in any way in the earlier removal decision against the firm or the decision to initiate such proceeding.

Section 26.88 Summary Suspension of Certification

The Department shall immediately suspend a DBE's certification if an owner whose ownership and control of the firm are necessary to the firm's certification dies or is incarcerated. The PA UCP may immediately suspend a DBE's certification where there is adequate evidence that there has been a material change in circumstances that may affect the firm's DBE eligibility or when the firm fails to notify the Department of a material change in circumstances or fails to file an annual Affidavit of No Change.

The suspension notice will be drafted by the Department's Office of Chief Counsel and must be communicated to the firm immediately. The suspension takes effect when the DBE receives or is deemed to have received the notice. Following receipt of a notice suspension, a DBE that believes it is no longer eligible for the program may voluntarily withdraw from the program. If the DBE believes that its eligibility should be reinstated, it must provide to the Department information demonstrating its eligibility. The Department, within 30 days of receiving this information, must either lift the suspension and reinstate the DBE's certification or commence a hearing under Section 26.87.

Section 26.89 Certification Appeals to DOT

Any firm denied certification or whose eligibility has been removed may appeal to DOT. Such appeals are sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Avenue, SE W-35
Washington, DC 20590
Phone: 202-366-4754
TTY: 202-366-9696
Fax: 202-366-5575.

Section 26.91 DOT Certification Appeals Decisions

Certification appeal decisions affecting the eligibility of DBEs are promptly implemented as required by Part 26.

If DOT determines the Department erroneously certified a firm as a DBE, the firm's DBE status will be removed, effective on the date of receipt of DOT's decision.

If DOT determines the Department erroneously failed to find reasonable cause to remove a firm's eligibility, the Department will expeditiously begin proceedings to determine whether the firm's eligibility should be removed.

If DOT determines that the Department erroneously declined to certify or removed the eligibility of a firm, the Department will certify the firm, effective on the date of receipt of DOT's decision.

If DOT determines that the Department erroneously determined that the presumption of social and economic disadvantage either should or should not be deemed rebutted, the Department will take the corrective action stipulated by DOT.

If DOT affirms the Department's determination, no further action will be taken.

All participants in the Department's DBE program will cooperate with compliance reviews, investigations, and other actions triggered by DOT.

SUBPART F - COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures for Recipients

If the Department or any of its subrecipients fails to comply with requirements of Part 26, then the Department or the subrecipient may be subject to formal enforcement action which could result in the suspension or termination of federal funds or refusal to approve projects, grants, or contracts.

Section 26.103 Enforcement Actions

Non-compliance complaints: Any person who believes that the Department or a subrecipient has failed to comply with its obligations under this part may file a written complaint with the concerned operating administration's Office of Civil Rights. The complainant must do so no later than 180 days after the date of the alleged violation or the date on which the complainant learned of a continuing course of conduct in violation of this part. In response to the written request, the Office of Civil Rights may extend the time for filing in the interest of justice, specifying in writing the reason for so doing. The Office of Civil Rights will protect the confidentiality of the complainant's identity as provided in Part 26, Section 26.109(b). Complaints under Part 26 are limited to allegations of violation of the provisions of Part 26.

Anyone wishing to file a complaint with the Federal Aviation Administration (FAA) may address it to:

Office of Civil Rights
Federal Aviation Administration
U.S. Department of Transportation
800 Independence Avenue
Washington, DC 20591

Anyone wishing to file a complaint with the Federal Highway Administration (FHWA) may address it to:

Office of Civil Rights
Federal Highway Administration
Pennsylvania Division Office
228 Walnut Street
Harrisburg, PA 17101-1720

Anyone wishing to file a complaint with the Federal Transit Administration (FTA) may address it to:

Office of Civil Rights
Federal Transit Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

If the Department has reason to believe that a subrecipient, contractor, consultant, supplier, or lessee on a DOT-assisted contract is not operating in compliance with the terms, conditions or requirements of the DBE program and the Department's special provisions, the Department will commence an investigation by contacting the appropriate engineering district. Where necessary, the Department will send a contract compliance specialist to the job site for a preliminary assessment and report.

In the event that the report and the supporting evidence suggest that the contractor is not in compliance, the Department will issue a written "Show Cause Notice" to the party or parties. This Notice will contain a list of the specific infractions. The contractor will be required to submit a Corrective Action Plan and/or schedule a compliance conference with the Department to negotiate the Plan within fifteen (15) days of receipt of the "Show Cause Notice". The Notice shall also state that failure to make corrections within the prescribed timeframe may result in the sanctions (i.e. withholding of all or part of payments; potential suspension of the contract and disqualification of the vendor from future bidding on the Department's federal-aid projects).

If the contractor fails to respond to the notice and continues to be in non-compliance, the Department, after consultation with its Office of Chief Counsel, will initiate the most appropriate sanctions contained in the Notice and take all necessary and reasonable actions under its authority to ensure that the DBE program requirements are enforced. The Department will send a copy of its written enforcement actions to the impacted operating administration (OA) of the DOT for consideration of additional sanctions (action under suspension and debarment or, if necessary, referral to the Department of Justice or to the DOT's Inspector General).

Section 26.107 Enforcement Actions for Firms

DOT may initiate suspension or debarment proceedings against any firm that does not meet the DBE eligibility criteria and that attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent or deceitful statements or representations or circumstances indicating a serious lack of business integrity or honesty. Similarly, DOT may initiate suspension or debarment proceedings against any firm that in order to meet DBE contract goals or other DBE program requirements, use or attempts to use another firm that does not meet the DBE eligibility criteria on the basis of false, fraudulent or deceitful statements or representations. DOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action. DOT may refer to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement related to participation of a DBE in any DOT-assisted program or who otherwise violates applicable Federal statutes.

Additionally, if the Department has reason to believe that a contractor, consultant, supplier, or lessee on a DOT-assisted contract is not operating in compliance with the terms, conditions or requirements of the DBE program and the Department's special provisions, the Department will refer the matter to the Office of Chief Counsel to determine the appropriate course of action which may include an investigation and a referral to the Office of Inspector General for the Commonwealth.

Section 26.109 Information, Confidentiality, Cooperation

The Department safeguards from disclosure third-party information, including financial information, consistent with federal, state, and local law. The PA Right to Know Law (RTKL), 65 P.S. Sections 67.101-67.3104 contains an exception for trade secrets. It also prohibits disclosure where such disclosure is barred by state or federal law.

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

The Department's contracts and agreements with subrecipients contain confidentiality clauses binding the subrecipient to confidentiality requirements.

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URL Summary List

The following hyperlinks appear in this report; full URLs are provided below.

Linked Text	URL
49 CFR Part 23, as amended	http://www.ecfr.gov/cgi-bin/text-idx?SID=ae43b2b2e9cf3b7bf59563b68f74e401&node=pt49.1.23&rgn=div5
49 CFR Part 26, as amended	http://www.ecfr.gov/cgi-bin/text-idx?SID=df232feeac1a39e6f07b918bfe3e7c19&node=pt49.1.26&rgn=div5
62 Pa.C.S. § 2108	http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=62&div=0&chpt=21
DBE Policy Statement	http://www.penndot.gov/about-us/EqualEmployment/Documents/DBE%20Policy%20Statement_%208-31-15_%20LSR.pdf
Entrepreneur's Guide	http://newpa.com/business-assistance/small-business-assistance/entrepreneur-guide/
Form AV-27	http://www.dot.state.pa.us/public/pubsforms/Forms/AV-27.pdf
Form EO-354	http://www.dot.state.pa.us/public/PubsForms/Forms/EO-354.pdf
Form EO-354AV	http://www.dot.state.pa.us/public/PubsForms/Forms/EO-354AV.pdf
Form EO-354PT	http://www.dot.state.pa.us/public/PubsForms/Forms/EO-354PT.pdf
Form EO-355	http://www.dot.state.pa.us/public/PubsForms/Forms/EO-355.pdf
Form EO-380	http://www.dot.state.pa.us/public/PubsForms/Forms/EO-380.pdf
Form EO-380PT	http://www.dot.state.pa.us/public/PubsForms/Forms/EO-380PT.pdf
Form EO-385	http://www.dot.state.pa.us/public/PubsForms/Forms/EO-385.pdf
Form EO-401	http://www.dot.state.pa.us/public/PubsForms/Forms/EO-401.xls
Form EO-402	http://www.dot.state.pa.us/public/PubsForms/Forms/EO-402.pdf
Form EO-402LP	http://www.dot.state.pa.us/public/PubsForms/Forms/EO-402LP.xlsx
Form PT-27	http://www.dot.state.pa.us/public/PubsForms/Forms/PT-27.pdf
Grant Terms and Conditions	http://www.dcnr.state.pa.us/cs/groups/public/documents/document/d_001231.pdf
Management Directive 305.8	http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS_0_2_785_711_0_43/http%3B/pubcontent.state.pa.us/publishedcontent/publish/global/files/management_directives/financial_management/305_8.pdf
PA UCP	http://www.paucp.com/

Linked Text	URL
PennDOT Bureau of Equal Opportunity	http://www.penndot.gov/about-us/EqualEmployment
Publication 2	http://www.dot.state.pa.us/public/pdf/BOCM_MTD_LAB/PUBLICATIONS/POM/POMcover.pdf
Publication 405	http://www.dot.state.pa.us/public/PubsForms/Publications/PUB 405.pdf
Publication 408	http://www.dot.state.pa.us/public/bureaus/design/pub408/pub%20408-2011.pdf
Publication 442	http://www.dot.state.pa.us/public/pubsforms/Publications/PUB 442.pdf
Publication 448	http://www.dot.state.pa.us/public/pubsforms/Publications/Pub%20448/Pub%20448.pdf
Publication 740	http://www.dot.state.pa.us/public/pubsforms/Publications/PUB%20740.pdf
Publication 93	http://www.dot.state.pa.us/public/PubsForms/Publications/PUB 93.pdf
US DOT Uniform Certification Application	http://www.dot.gov/osdbu/disadvantaged-business-enterprise/dbe-uniform-certification-application

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APPENDIX ____

DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

I. DBE GOAL—

The Pennsylvania Department of Transportation (Department) has established, in connection with this contract, a Disadvantaged Business Enterprise (DBE) goal as specified in the Request for Proposal/Request for Quote/Invitation for Bid for the utilization of for profit, small business concerns that are 51% owned and controlled by socially and economically disadvantaged (disadvantaged) individuals certified by the PA Unified Certification Program (PA UCP) as DBEs. *For the purposes of this document, the term 'bid' refers to the response to a request for proposal, request for quote, or invitation for bid.* The DBE goal is stated in terms of total project cost and is based on the project's potential for subcontracted work and the availability of DBEs to perform such work. If the DBE goal is zero, the selected vendor will be required to make a DBE good faith effort (GFE) to identify, solicit, and utilize DBEs and Small Business Enterprises (SBEs). This DBE goal remains in effect for the life of the project.

The selected vendor shall include the following provisions (paragraphs a through d) in every subcontract. These provisions shall be binding upon the selected vendor as well each subcontractor, supplier, service provider or consultant.

(a) Policy for Federally-Funded Projects. It is the policy of the U.S. Department of Transportation (DOT) and the Department that DBEs, as defined in 49 CFR Part 26, (Part 26) and this specification, be afforded the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this contract. Consequently, the DBE requirements of Part 26, apply to this contract.

(b) DBE Obligation. The selected vendor will take all necessary and reasonable steps to ensure that DBEs have the opportunity to compete for and to perform contracts. The selected vendor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of the Department and DOT - assisted contracts.

(c) Failure to Comply with DBE Requirements. Failure to carry out the requirements as specified constitutes a breach of contract and may result in termination of the contract, being barred from bidding on Department contracts for up to three (3) years, or any other remedy that the Department deems appropriate. Failure to comply with DBE requirements may include, but is not limited to, failure to submit DBE Participation information with the bid, failure to exert a reasonable Good Faith Effort to meet the established DBE goal, or failure to realize the approved DBE participation level set forth may result in the selected vendor being declared ineligible for the contract.

(d) Small Business Enterprise (SBE) Participation. The recruitment and utilization of certified SBEs serves as an additional requirement in addition to all other equal opportunity requirements of the contract. There is no SBE goal for this contract.

II. DEFINITIONS—

The following definitions apply for terms used in this specification:

(a) Certified Disadvantaged Business Enterprise (DBE). A for-profit small business concern that meets the following requirements:

1. DBE certification from the Pennsylvania Unified Certification Program (PAUCP) as listed on www.paucp.com.
2. Meets the ownership and control requirements of the DBE certification program as set forth in Part 26.
3. Meets the Personal Net Worth requirements of the DBE certification program.

(b) **Certified Small Business Enterprise (SBE)**. A for-profit small business concern that meets the following requirements:

1. Obtains certification as an SBE by the Department as listed on www.dotsbe.pa.gov.
2. Meets the ownership and control requirements of the SBE certification program.
3. Meets the Personal Net Worth requirements of the SBE certification program.

(c) **Commercially Useful Function (CUF).** A DBE performs a CUF when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable), and paying for the material itself.

(d) **Interdisciplinary Review Team (IRT).** A team of three (3) individuals representing the Department's Bureaus of Equal Opportunity and representatives from the impacted business area(s) that performs the initial review of the GFE documentation and makes the recommendation to the Director of the Bureau of Equal Opportunity.

(e) **Committee.** The GFE Review Committee.

(f) **Director.** Director, Bureau of Equal Opportunity.

(g) **DBE Participation.** The work performed by DBEs on the contract and counted toward the project's DBE goal. This information is to be submitted with the bid and if approved becomes a contractual obligation for the life of the contract.

(h) **Revised DBE Participation.** If, during the performance of the contract the DBE Participation requires revision, the selected vendor must request approval from the Department. If approved, the Revised DBE Participation becomes a contractual obligation for the life of the contract.

(i) **Supplier.** A manufacturer, regular dealer, or transaction expeditor/broker.

1. **Manufacturer.** A DBE/SBE that operates or maintains a factory or establishment that produces on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.
2. **Regular Dealer.** A DBE/SBE that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided above if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.
3. **Transaction Expeditor/Broker.** A DBE/SBE packager, broker, manufacturers' representatives, or other persons who arrange or expedite transactions and who arrange for material drop-shipments.

(j) **Service Provider.** A DBE/SBE that performs professional, technical consultant, or managerial services.

(k) **Shortfall.** The difference between the dollar amount on the approved DBE commitment and the amount of payments to the approved DBE entities.

III. COUNTING DBE PARTICIPATION

Utilization of certified DBEs is in addition to all other equal opportunity requirements of the contract.

Count DBE Participation toward meeting the DBE Goal for federal projects as follows: If a firm is a certified DBE contractor or subcontractor at the time of submission for the bid, the total dollar value of the contract awarded to the certified DBE is counted toward the applicable DBE goal as provided below. Any services to be performed by a DBE are required to be readily identifiable to the project.

(a) Construction.

1. **Prime Contractor.** The Department requires that all prime contractors including DBE prime contractors perform at least 50% of the work on a Department project. A DBE prime contractor will receive credit for all work performed with its own forces. The Department strongly encourages DBE prime contractors to make additional outreach efforts to solicit DBEs to perform subcontracting work on the project.

2. **Subcontractor.** When a DBE participates in a contract directly as a subcontractor or as a second- tier or lower-tier subcontractor, count only the value of the work actually performed by the DBE.

   Count the entire amount of that portion of a contract that is performed by the DBE's own forces. Include the cost of supplies and materials obtained by the DBE for the work of the subcontract, including supplies purchased or equipment leased by the DBE.

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

   Count expenditures to a DBE contractor only if the DBE is performing a CUF on that contract.

(b) Materials and Supplies.

1. **DBE Manufacturer.** If the materials or supplies are obtained from a DBE manufacturer, count 100% of the cost of the materials or supplies.

2. **DBE Regular Dealer.** If the materials or supplies are purchased from a DBE regular dealer, count 60% of the cost of the materials or supplies.

3. **DBE Transaction Expeditor/Broker.** If the materials or supplies are purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, provided the fees are determined to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves.

(c) Service Providers. Count toward the DBE Goal 100% of expenditures of DBE services including, professional, technical, consultant, or managerial services. Count fees or commissions charged for providing any bonds or insurance specifically required for the performance the contract, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services.

(d) Trucking Firms. Count 100% of trucking costs using the following factors to determine what can be counted:

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

2. Count if the DBE owns and operates at least one fully licensed, insured, and operational truck used on the contract.

3. Count the total value of the transportation services the DBE provides on the contract using trucks it owns, insures, and operates using drivers it employs.

4. The DBE may lease trucks from another DBE firm, including an owner-operator who is a certified DBE. If the DBE leases trucks from another DBE, count the total value of the transportation services the lessee DBE provides on the contract.

5. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. If the DBE leases trucks from a non-DBE count only the fee or commission it paid as a result of the lease arrangement. Do not count the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.

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

IV. COUNTING SBE PARTICIPATION

(a) Recruitment and utilization of certified SBEs is in addition to all other equal opportunity requirements of the contract.

(b) There is no SBE goal.

(c) Count SBE participation the same as DBE participation.

V. ACTIONS REQUIRED BY THE BIDDER AT THE BIDDING STAGE AND PRIOR TO AWARD FOR PROJECTS WITH A DBE GOAL—

(a) Submission Requirements. The selected vendor must include its DBE Participation with the bid by completing Form EO-385. This submission must include the business name of the DBE firm with address, contact person, and phone number, a detailed narrative description of the service to be provided by the DBE along with the corresponding North American Industry Classification System (NAICS) code(s), and the percent of the bid's cost to be contractually allocated to the DBE in the bid submission. Do not request or include physical certification letters. The PA UCP database at www.paucp.com is the only resource that should be used to verify DBE eligibility. In addition, please note that DBE certification does not expire and expiration dates should not be requested or included. As long as a firm remains visible in the PA UCP database they remain eligible to participate as a DBE on federally-assisted contracts.

When the DBE goal established by the Department is not met (the Department will not round), demonstrate a Good Faith Effort (GFE) to meet the contract's DBE goal. Demonstrate that the efforts made were those that a vendor seeking to meet the DBE goal established by the Department would make, given all relevant circumstances. Failure to include GFE documentation with the submission, when the DBE goal is not met, will result in rejection of the bid.

(b) Good Faith Effort Requirements. In response to a bid, the vendor must make a 'Good Faith Effort' to subcontract a portion of the contract work to certified DBEs. The demonstration of GFE is accomplished by seeking out DBE participation in the contract given all relevant circumstances. If unable to meet the contracts established DBE Goal, the selected vendor must submit documentation of its GFE. The following illustrate the types of efforts that may be taken, but they are not deemed to be exclusive or exhaustive. The Director and/or Committee will consider other factors and types of efforts that may be relevant:

- Efforts made to solicit through all reasonable and available means (e.g., use of the DBE Directory, attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The selected vendor must provide written notification, at least fifteen (15) calendar days prior to the bid due date, to allow the DBEs to respond to the solicitation. The selected vendor must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

- Efforts made to select portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goal will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the selected vendor might otherwise prefer to perform these work items with its own forces.

- Efforts made 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.

- Efforts made to negotiate in good faith with interested DBEs. It is the selected vendor's responsibility to make a portion of the contract work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work. A vendor using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract DBE goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a vendor's failure to meet the contract's DBE goal, as long as such costs are reasonable. Also, the ability or desire of the selected vendor to perform the work of a contract with its own work force does not relieve the vendor of the responsibility to make GFE. The selected vendor is not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable. In situations where the selected vendor chooses to reject a DBE firm's quote over a non-DBE firm solely due to cost, copies of the quotes received from both the DBE and non-DBE firm must be included in the GFE documentation.

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

- Efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance.

- Efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

- Efforts to effectively use the services of the Department's DBE and/or SBE Supportive Services Centers, services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

VI. ACTIONS TO BE TAKEN BY THE DEPARTMENT BEFORE AWARD—

(a) Approval. If the selected vendor includes the DBE Participation with their bid, meets the contract's DBE goal, and all other contract requirements, the Department will approve the submission.

(b) Good Faith Effort Review. If the selected vendor includes the DBE Participation with their bid, but fails to meet the contract's DBE goal, the Department will review the GFE documentation included with

the bid. The selected vendor may not provide additional GFE documentation beyond what is included at the time of bid submission. However, if during the review of the vendor's GFE information the reviewers have questions, the selected vendor may be contacted by the IRT Chairperson for clarification. The GFE steps to be taken are as follows:

1. The IRT reviews and makes a recommendation to the Director.

2. The Director will do one of the following:

a. Concur with the IRT recommendation that a GFE was made and the DBE Participation will be approved;

b. Concur with the IRT disapproval of the GFE submission. The selected vendor will be afforded the opportunity for administrative reconsideration as required by Part 26.

(i.) If the selected vendor requests administrative reconsideration, the Director forwards the GFE request to the Committee.

(ii.) If the selected vendor does not request administrative reconsideration, than the recommendation stands and the GFE is disapproved. The selected vendor must notify the Department to this effect in writing. The bid will then be considered non-responsive and will be rejected.

c. Disagree with the IRT recommendation. If the Director determines that a GFE has been made, the DBE Participation will be approved. If the Director determines that a GFE has not been made, the selected vendor will be afforded the administrative reconsideration process as described above.

3. If administrative reconsideration is requested, the Committee meets and makes the final determination. If the Committee determines that the selected vendor made a GFE, the DBE Participation will be approved. If the Committee determines that the selected vendor has failed to make a GFE, the bid will be rejected and the selected vendor will be notified of the rejection. The Department will then review the next selected vendor's DBE participation to determine if the DBE goal is met or if a GFE was made.

VII. ACTION TO BE TAKEN BY THE DEPARTMENT DURING PERFORMANCE OF THE CONTRACT—

To ensure that all obligations awarded to DBEs under this contract are met, the Department will review the selected vendor's DBE involvement efforts during the performance of the contract whether or not the DBE is listed on the approved DBE Participation. The review will include a CUF review and analysis for all DBEs performing on the contract.

Sanctions. Upon completion of the work the Department will review the actual DBE participation and make a determination regarding the selected vendor's compliance with the applicable requirements. Sanctions may be imposed for noncompliance or unwarranted shortfalls in the approved DBE goal.

VIII. ACTIONS REQUIRED BY THE SELECTED VENDOR DURING PERFORMANCE OF THE CONTRACT—

(a) DBE Participation. When DBE Participation is approved in an amount less than the contract's DBE goal, continue GFE toward meeting the contract's DBE goal for the life of the contract. Ensure that the DBE Participation is attained. Proof of attainment is provided by payments to DBEs and documented in monthly reports.

(b) DBE Revised Participation. Obtain written consent from the impacted business area before substituting a DBE or making any change to the approved DBE Participation or any other DBE performing on the project. Immediately request substitution authorization from the impacted business area in writing who will contact the Bureau of Equal Opportunity. The request must include documentation supporting the substitution and written agreement from the DBE to the change. Include proof that a certified letter giving

the DBE five (5) days to respond with acceptance or to notify the Department of non-acceptance. Demonstrate that every effort has been made to allow the DBE to perform.

1. If the arrangement to be replaced is agreeable between the selected vendor and the DBE, document the following procedures:

- Make a GFE to subcontract the work with another DBE, or subcontract other work items to DBE firms, to make up the DBE shortfall. The selected vendor has seven (7) days from approval of its request to submit the GFE documentation. The selected vendor may request additional time by contacting the impacted business area in writing.

- When the substitution results in meeting the DBE goal, complete a Revised DBE Participation which includes letter(s) from the DBE(s) of their intent to perform on the contract. If the DBE being replaced or substituted has already performed on the contract, the Revised Participation request should include the total amount paid to the DBE prior to its substitution or replacement.

- When the substitution does not result in meeting the DBE goal, complete a Revised DBE Participation with DBE acknowledgement and provide GFE documentation. If the DBE performed on the project, the Revised DBE Participation should include the total amount paid to the DBE prior to their substitution.

Good Faith Effort Review. The Department will review the GFE documentation for substitution. If, during the review of the selected vendor's GFE information and documentation, the reviewers have questions, the selected vendor may be contacted for clarification. The GFE steps to be taken are, as follows:

a. The impacted business area reviews and, if acceptable, approves the GFE and Revised DBE Participation or recommends that the IRT make the determination.

b. The IRT either:
1. Approves recommendation that the GFE was met and the Revised DBE Participation will be approved, or
2. Disapproves the GFE resulting in a shortfall requiring the selected vendor to continue to fulfill its GFE obligation and commitment.

c. If forwarded to them by the impacted business area, the IRT makes a final determination.

Do not perform any of the DBE work included in the substitution request without prior written approval from the Department.

If the projected DBE participation meets or exceeds the DBE goal amount for the contract without replacing the DBE, then no contract shortfall exists. A Revised DBE Participation must be submitted to reflect the decreased dollar amount.

2. If the arrangement to be replaced is not agreeable between the selected vendor and the DBE, the following procedures are required:

- Until a determination is made, do not perform the DBE work without prior approval.

- The IRT will review and make a determination and the impacted business area will notify both the selected vendor and the DBE.

- The selected vendor or the DBE may request a meeting with the Department by contacting the impacted business area.

(e) SBE Participation. There is no goal for SBE participation. However, the utilization of SBE firms must be reported and documented in monthly reports with proof of payment consistent with the process for DBE firms.

(f) Additional Work. When additional work is required for any classification of work which is identified on the DBE Participation to be performed by the DBE, at least (50%) of this additional work will be performed by the same DBE unless the DBE submits, in writing, that he/she cannot perform the work due to his/her own limitations.

(g) Progress Payments. Make payments to all subcontractors, suppliers, service providers, and consultants no later than ten (10) days after being reimbursed by the Department. Document all DBE and SBE progress payments via the Monthly DBE/SBE Status Report, EO-402. The form is to be submitted no later than ten (10) days following the start of the month for the proceeding month's activity PennDOTDBEGoal@pa.gov. Bring to the attention of the Department, in writing, any situation in which regularly scheduled progress payments are not made to DBE/SBE subcontractors, suppliers, service providers or consultants.

(h) Records and Reports. Keep such project records as are necessary to determine compliance with DBE Requirements. These records can be used as GFE documentation. Design these records to indicate:

- The number of disadvantaged and non-disadvantaged subcontractors, small businesses, regular dealers, manufacturers, consultants, and service providers, and the type of work or services performed on or materials incorporated in this project.

- The progress and efforts made in seeking out DBE and SBE contractor organizations and individual DBEs and SBEs for work on this project.

- Documentation of all correspondence, personal contacts, telephone calls, etc., to obtain the services of DBEs and SBEs for this project. Submit reports, as required by the Department. Certify that the amounts were actually paid to the DBE and SBE for work performed on the project and keep cancelled checks on file in the home office to reflect payment for the specific project and for inspection and audit by the Department. Enter the payment information on the monthly payment report which will include the following:

  - The number of contracts awarded to DBEs and SBEs, noting the type of work and amount of each contract executed with each firm and including the execution date of each contract.

  - The amount paid to each DBE and SBE during the month and the amount paid to date. If no payments are made to a DBE/SBE during the month, enter a zero ($0.00) payment.

  - Paid invoices or a certification attesting to the actual amount paid to each firm, upon completion of the individual DBE's and SBE's work. In the event the actual amount paid is less than the award amount, provide a complete explanation of the difference.

Maintain all such records for a period of three (3) years following acceptance of final payment. Make these records available for inspection by the Department and FHWA.

If DBE credit is being claimed for material costs included in a DBE subcontract or agreement, submit purchase orders for the material to PennDOTDBEGoal@pa.gov on a monthly basis in conjunction with the monthly payment report.

PennDOT DBE
Program Plan

ATTACHMENTS

Attachment B: Master Grant Agreement

Agreement Number
Federal ID Number
SAP Vendor No
Fund Commitment No.

MASTER GRANT AGREEMENT

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

AND

THIS MASTER GRANT AGREEMENT, made this _____ day of _____, 201_ at Harrisburg, Pennsylvania, between the Commonwealth of Pennsylvania, acting through the DEPARTMENT OF TRANSPORTATION ("DEPARTMENT"),

a n d

____ acting through its _____ ("GRANTEE"), its successors or assigns, a non-profit-making organization and/or political subdivision, acting through its proper officials, covering services in the field of transportation planning and/or programming for the _____.

WITNESSETH:

WHEREAS, transportation of people and goods is vital to the economic and social well-being of the Commonwealth of Pennsylvania; and

WHEREAS, general purpose local governments of the area served by GRANTEE; the Commonwealth of Pennsylvania; and local, regional, state, and federal agencies have a strong common interest in coordinating and cooperating in performing transportation planning to meet local, regional, state, and federal goals and objectives; and

WHEREAS, the transportation, air quality, environmental resource consumption, social equity, land use, urban growth, economic development, safety and security activities of public and private agencies within the area are of such magnitude and complexity and of such potential degrees of mutual impact, as to make necessary a formal, coordinated, comprehensive and continuing transportation planning process carried on cooperatively by local governments and agencies and the state; and

WHEREAS, Title 23 of the United States Code requires such a transportation planning and/or programming process; and

WHEREAS, GRANTEE is either a Metropolitan Planning Organization (MPO) or a Rural Planning Organization (RPO) as defined in Title 23 and/or Title 49 of the United States Code, or an independent county or a Transportation Management Association that receives grants under the Congestion Mitigation and Air Quality Improvement Program pursuant to Title 23 of the United States Code and relevant Federal Highway Administration policies; and

WHEREAS, GRANTEE's purpose is to act as an appropriate and effective forum to address comprehensive transportation planning and to promote cooperative transportation decision-making within their respective jurisdiction by local governments and local, regional, and state transportation agencies; and

WHEREAS, pursuant to federal regulations, GRANTEE has been designated as the entity responsible for developing and carrying out the transportation planning process specified in Title 23 and/or Title 49 of the United States Code for the area within its jurisdiction; and

WHEREAS, it is the purpose of this Agreement to provide funding for transportation planning and/or programming to be performed by GRANTEE pursuant to the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual promises set forth in this document, the PARTIES agree, with the intention of being legally bound, as follows:

1. Recitals

The foregoing recitals are incorporated by reference as a material part of this Agreement.

2. Agreement Provisions

A. Time of Performance. The terms of this Agreement shall begin July 1, 2016, and terminate on June 30, 2022. This term may be extended by letter amendment, signed by the authorized representatives of the GRANTEE and DEPARTMENT, for single or multi-year extensions, but in no event shall this Agreement continue past June 30, 2027.

B. Effective Date of Agreement. This Agreement and the authorizations granted in it shall be effective only after full execution and approval by all necessary Commonwealth officials as required by law. Following full execution, the DEPARTMENT will insert the effective date at the top of Page 1. The authorizations granted by this Agreement shall be further contingent upon written approval of the FHWA, if necessary.

C. Agreement Monitoring. The DEPARTMENT has the right to review and inspect all study activities. The DEPARTMENT and USDOT, in funding the GRANTEE's planning activities, are governed by federal and state laws, regulations, and policies, which are set forth in various laws, regulations and rules. To ensure the GRANTEE's conformance with such federal and state laws regulations and policies, the DEPARTMENT and FHWA/FTA shall monitor the GRANTEE's work program, proposals and work in progress through periodic meetings. The DEPARTMENT shall have the prerogative of asking that work on any task be halted if, during the monitoring process, it appears that the work on it is inconsistent with federal and/or state laws, regulations or policies. In such

event, the Executive Director of the GRANTEE shall halt staff work on the task until outstanding issues are resolved.

D. Agreement Amendment. During the existence of this Agreement, the DEPARTMENT agrees to pay the GRANTEE the actual costs incurred for the work outlined in Exhibit **1** to each Work Order issued pursuant to this Agreement. It is understood that total actual costs shall include salary and fringe benefit costs, other direct costs, and overhead costs. Total costs pursuant to this Agreement shall not exceed _____ dollars ($_____). Any increase or decrease to the total cost of this Agreement shall be processed by letter amendment. A letter amendment shall not be effective until signed and dated by duly authorized representatives of the GRANTEE, the DEPARTMENT, the Department's Office of Chief Counsel, and the Office of the Comptroller. A sample letter of amendment is attached hereto as **Exhibit F**.

E. Termination of Agreement. The DEPARTMENT shall have the right to terminate this Agreement at any time upon thirty (30) calendar days' written notice to the GRANTEE in the event the study is to be abandoned for any reason, indefinitely postponed, or if GRANTEE's becomes unable to perform the work. The GRANTEE shall be compensated for the actual cost of services satisfactorily rendered up to the date of termination specified in the notice.

Furthermore, the DEPARTMENT shall have the right to terminate GRANTEE's services immediately when, in the judgment of the DEPARTMENT, such services are unsatisfactory, the GRANTEE has failed to abide in all respects by the conditions of this Agreement, or for the convenience of the DEPARTMENT if the DEPARTMENT determines termination to be in the best interest. In such event the GRANTEE shall be paid as hereinabove set forth. The DEPARTMENT may terminate this Agreement at any time if the funds for its purposes are unavailable.

3. Scope of Services

The Work Order's Scope of Services is also known as the Unified Planning Work Program ("UPWP"). The UPWP will be attached as Exhibit 1 and made part of each Work Order issued pursuant to this Agreement. The work items to be performed by GRANTEE shall include the scope of work set forth in Exhibit 1 to each work order. The scope of work identified in each work order and UPWP update will be consistent with the generic scope of work attached as **Exhibit A** to this Agreement.

4. Work Order Provisions

The GRANTEE shall develop and submit for DEPARTMENT approval a UPWP identifying services in the field of transportation planning and/or programming work items to be performed by the GRANTEE. The GRANTEE is required to submit the following materials in support of the proposed work order: Scope of Services (Exhibit 1), Purchase of Services Register (Exhibit 2), and Staff Salary Schedule (Exhibit 3) prepared in accordance with referenced guidance. The scope of services and designated cost materials cover a two year period, to be updated every two years.

A. Approval Procedures. The GRANTEE shall submit biennial Work Program updates to the DEPARTMENT, which shall determine the projects and costs designated for the program period. If the DEPARTMENT concurs with the scope and cost of the work and services set forth in the biennial update, a Work Order will be prepared and forwarded to the GRANTEE for approval. The Work Order will be signed by the authorized representatives of the GRANTEE, the DEPARTMENT, and the Comptroller's Office. Following execution of the Work Order, the DEPARTMENT shall give the GRANTEE a written Notice to Proceed. A sample Work Order is attached hereto as **Exhibit D-1.**

B. Notice To Proceed (NTP). Upon receipt of the DEPARTMENT's written NTP for each Work Order, the GRANTEE may begin to incur costs for reimbursement for work performed in accordance with such Work Order. No expenditures incurred prior to the date of the DEPARTMENT's NTP are eligible for reimbursement.

C. Work Order Amendment (WOA). Any changes to an existing Work Order, including, but not limited to, increases or decreases in funding or changes in scope that effect the funding of a Work Order, shall be made by a WOA. The WOA shall not take effect until it has been signed by the authorized representatives of the GRANTEE, the DEPARTMENT and the Comptroller's Office. A sample WOA is attached hereto as **Exhibit D-2**.

D. Letter Adjustment. Minor changes in scope that do not affect the total funding for a Work Order, or any extensions of time for a Work Order shall be effected by Letter Adjustment signed by the Grantee and the Department. A copy of such letter adjustment shall be provided to the Department's Comptroller. A sample letter adjustment is attached hereto as **Exhibit E**.

E. No new Work Orders will be executed during the six (6) months prior to this Agreement's expiration date but amendments to existing Work Orders may be executed during the last six (6) months of the Agreement period.

5. Cost Provisions

A. Purchase of Services Register (PSR). The PSR shall be attached and made part of each Work Order as Work Order Exhibit 2. The PSR identified in each work order and UPWP update will be consistent with the sample PSR attached as **Exhibit B** to this Agreement.

B. Subcontracting and Specialized Services. The GRANTEE agrees that it shall perform work with its organization of not less than fifty (50%) percent of the total Agreement amount with the

exception of specialized services. It is understood and agreed that the subcontracting and specialized services will be listed as line items in the PSR.

i. The GRANTEE's standard purchasing documents shall be utilized for these subcontracts and specialized services.

ii. Any additional subcontracting or specialized services not included as line items in the PSR shall be subject to the prior written approval of the DEPARTMENT and, as appropriate, FHWA/FTA.

iii. Any subcontract must also contain a provision that the subcontract may be terminated by the GRANTEE if the GRANTEE's contract is terminated by the DEPARTMENT for any reason.

C. Staff Salary Schedule (SSS). The Staff Salary Schedule shall be attached and made part of each Work Order as Work Order Exhibit 3. The SSS identified in each work order and UPWP update will be consistent with the sample schedule attached as **Exhibit C** to this Agreement.

i. Overhead applied to direct salary shall be computed on the provisional rate used in preparing the GRANTEE's budget for its UPWP, attached to each Work Order as Exhibit 1, and/or the rate used in preparing the GRANTEE's Staff Salary Schedule. Final determination of the actual overhead amount shall be based on an audit to be performed subsequent to the completion of this Agreement.

ii. Changes in Staff or Pay Rates. It is understood and agreed that, prior to any invoicing, the GRANTEE shall apprise the DEPARTMENT in its monthly or quarterly progress/expenditure reports, as applicable, referenced in Paragraph 8, Reports, of this Agreement, of any staff additions or deletions or pay rate increases or decreases that are applied or anticipated by the GRANTEE for that invoicing period. If the GRANTEE does not

provide prior notification to the DEPARTMENT, the GRANTEE shall prepare invoices in accordance with the rates contained in the Staff Salary Schedule.

D. Actual Costs. During the existence of this Agreement, the DEPARTMENT agrees to pay the GRANTEE the actual costs incurred for the work outlined in Exhibit 1 to each Work Order issued pursuant to this Agreement. It is understood that total actual costs shall include salary and fringe benefit costs, other direct costs, and overhead costs. No expenditures incurred prior to the date of the DEPARTMENT's NTP are eligible for reimbursement.

E. Statement of Expenditures (Invoice). The DEPARTMENT shall reimburse the GRANTEE for costs incurred on a monthly/quarterly basis upon receipt of a certified, detailed statement of actual monthly/quarterly expenditures, to be submitted by the 30th of the month following each month or quarter, in a format prescribed by the DEPARTMENT, upon satisfactory completion of the work identified in each Work Order's Exhibit 1.

F. Travel and Subsistence Allowance. As outlined in the Commonwealth's Management Directive 230.10 **(Exhibit R)**, as amended from time to time, the GRANTEE agrees to adhere to the attached policies and procedures for travel, use of personal vehicles and the related record keeping. Additionally, prior approval must be procured from the DEPARTMENT for any out-of-state travel to be paid out of Agreement funds.

G. All expenditures of DEPARTMENT and federal funds shall be made in accordance with the procedures and requirements of the Commonwealth of Pennsylvania and USDOT. Any expenditures not so made shall be disallowed and that amount refunded to the DEPARTMENT or USDOT as appropriate.

6. Funding

It is understood that the GRANTEE's receipt of Motor License Fund monies to support the work in the UPWP is contingent upon appropriation to the DEPARTMENT by the Pennsylvania General Assembly. It is further understood that other state funding may be contingent upon requirements and/or appropriation relevant to the source of such state funding. It is further understood that the GRANTEE's receipt of FHWA monies (**PL Funds),** Statewide Planning & Research Funds **(SPR Funds)** and/or FTA Planning Funds (**FTAP Funds**) and/or Congestion Mitigation and Air Quality Funds (**CMAQ Funds**) or other federal funds is conditioned upon the respective authorization by FHWA and FTA for the expenditure of such funds as defined in each Work Order's Exhibit 1. If the federal approval for any of these four sources of funds is delayed, invoices may still be submitted and processed for the other approved funds.

7. Payments

A. Payments to the GRANTEE shall be made by the DEPARTMENT conditioned upon the DEPARTMENT's receipt from the GRANTEE of all progress/expenditure reports referenced in Paragraph 8, Reports, of this Agreement. The GRANTEE's failure to provide the DEPARTMENT with quarterly progress/expenditure reports by the 30th of the month following each month or quarter shall be cause for the DEPARTMENT to withhold payment due the GRANTEE until such time as the GRANTEE submits a plan for executive action to take corrective steps and demonstrates corrective action through on time performance for three consecutive months.

B. The GRANTEE agrees to comply with the Pennsylvania Electronic Payment Program ("PEPP") Provision attached to this Agreement as **Exhibit G** and contained in Management Directive 310.30.

8. Reports

The GRANTEE shall provide the DEPARTMENT with the following reports:

A. Monthly/Quarterly reports of expenditures and progress on individual transportation work tasks, on or before the 30th of the month following each quarter, in accordance with the requirements and format prescribed in writing by the DEPARTMENT.

B. Final product of individual work tasks, submitted as work tasks are completed in accordance with the schedule in Exhibit 1 to each Work Order. The GRANTEE understands and agrees that it may not publish any reports, results of findings or studies, or other material required or developed under this Agreement without the prior written approval of the DEPARTMENT. If the DEPARTMENT approves publication, a statement giving credit to the supporting State agency(s) and the USDOT must be included along with the standard disclaimer clauses required by these agencies.

C. Additional reports may be required in **Exhibit M** (Federal Nondiscrimination and Equal Employment Opportunity Clauses).

9. Records

The GRANTEE shall maintain, and it shall require its consultants and contractors to maintain, all books, documents, papers, records, supporting cost proposals, accounting records, employees' time cards, payroll records and other evidence pertaining to costs incurred in the Project and shall make such materials available at all reasonable times during the contract period and for three (3) years from the date of submission of the final voucher to FHWA, for inspection and/or audit by the DEPARTMENT, the FHWA or any other authorized representatives of the state or federal government; and copies shall be furnished, if requested. Time records for personnel performing any work shall account for direct labor performed on the Project as well as the time of any personnel included in the computation of overhead costs. In addition, a complete record of time shall be kept

for personnel assigned part-time to the Project. A record of time limited to only their work on this Project will not be acceptable. Additional provisions for record-keeping are included in **Exhibit M** (Federal Nondiscrimination and Equal Employment Opportunity Clauses).

10. Audit Requirements

A. As specified by the Office of Management and Budget (OMB), the GRANTEE agrees to satisfy the audit requirements contained in the 2 CFR Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and, for this purpose, to comply with the Audit Clause to be used in Agreements with entities receiving Federal Awards from the Commonwealth, dated December 26, 2014, which is incorporated into this Agreement by reference as though physically attached. Also, refer to **Exhibit U (**Management Directive 325.9-Processing Audits of Federal Pass-Through Funds). As used in the Audit Clause, the term "Subrecipient" means the GRANTEE.

B. Any audit work undertaken by the GRANTEE, or subcontractors of the GRANTEE, shall be based upon a cost allocation plan as specified in the current OMB Circular found at 2 C.F.R. 200 subpart F, and related plans approved beforehand by the designated federal cognizant agency.

11. Compliance with Rules and Regulations - General

A. The GRANTEE shall comply with all federal, state and local laws, regulations, and policies, including, but not limited to OMB Circulars, applicable to its work and shall procure at its expense all licenses and all permits necessary for the fulfillment of its obligations under this Agreement.

B. The GRANTEE shall ensure that any subcontracts contain all the required provisions in this Agreement. Any subcontract must also contain a provision that the subcontract may be

terminated by the GRANTEE if the GRANTEE's contract is terminated by the DEPARTMENT for any reason.

12. Compliance with Rules and Regulations - Specified

The GRANTEE shall comply with the following legal and regulatory provisions and ensure that all subcontracts contain the provisions identified in this paragraph. Additional specified references identified in **Exhibit M** (Federal Nondiscrimination and Equal Employment Opportunity Clauses); and **Exhibit S** (Disadvantaged Business Enterprise Requirements for Planning Partners Policy) are also part of the legal and regulatory provisions that GRANTEES are required to follow and include in their subcontracts.

A. Liability. The GRANTEE shall indemnify and hold harmless and, if requested, defend the DEPARTMENT and, when applicable, FHWA/FTA from any and all claims, suits, actions, liabilities and costs of any kind arising out of or in connection with the performance of its work under the terms of this Agreement.

B. Ownership of Data. All data or recorded information collected under this Agreement including, but not limited to, graphs, tapes, summaries and charts derived therefrom shall be properly catalogued and become the property of the DEPARTMENT. This data cannot be furnished to any other parties without written permission of the DEPARTMENT and shall be delivered to the DEPARTMENT prior to final payment. GRANTEE shall have a non-exclusive license to use such data in furtherance of the purposes of this Agreement.

C. Ownership of Equipment. Nonexpendable items of equipment, instrumentation, or component parts purchased from monies paid under this Agreement shall become the property of the DEPARTMENT. Said equipment, instrumentation or component parts hereinabove referred to may

be leased or rented through the expenditure of FHWA and FTA funds provided, subject to the following conditions:

i. In no event shall the aggregate rental of leasing charges exceed the initial cost of the equipment, and

ii. The equipment shall remain at the exclusive disposal of the highway and transit planning portion of the work for its entire useful life.

D. Proprietary Rights. If patentable discoveries, inventions, or other creative product protected by applicable law should result from work performed under this Agreement, all rights accruing from such discoveries or inventions shall be the sole property of the GRANTEE. However, the GRANTEE agrees the DEPARTMENT and all State Highway and/or Transportation DEPARTMENT's and the United States Government shall have an irrevocable, nonexclusive, nontransferable and royalty-free license to such creative product in the manufacture, use and disposition, according to law, of any article or material, and in the use of any method that may be developed as a part of the work under this Agreement.

E. Use of Confidential Information Provided by the DEPARTMENT

i. Accident data, information and reports are considered confidential under 75 Pa. C.S. Section 3754 and 23 U.S.C. Section 409.

ii. The DEPARTMENT is committed to routinely providing such information to the GRANTEE for traffic safety related transportation planning and/or programming purposes (long range planning, CMS and IMS planning, TIP development, corridor/subarea studies, etc.)

iii. Pursuant to subparagraphs (a) and (b) above, any publication, reproduction, release or discussion of this information, as well as the use of or reliance upon the information

for any purpose other than stated above, is expressly prohibited without the specific written consent of the DEPARTMENT.

iv. No modification, amendment, rescission, waiver or other change shall be binding unless agreed to in writing by the DEPARTMENT.

F. Responsibility for the Replacement of DEPARTMENT Equipment. The GRANTEE will be responsible for the replacement, in kind, of any equipment which is provided to it by the DEPARTMENT, whether or not said equipment is being utilized to carry out work tasks outlined in this contract, in the event said equipment is lost, stolen, vandalized or otherwise destroyed to the point which the equipment is no longer capable, at the sole discretion of the DEPARTMENT, of performing the functions it was designed for, except in normal wear and/or aging of the equipment. The cost of any replacement equipment will be determined by the manufacturer's current list price and will be the sole responsibility of the GRANTEE. In the event said equipment is obsolete or no longer manufactured, the GRANTEE will be responsible for replacing said equipment with a similar device to the satisfaction of the DEPARTMENT. Title to any such replacement equipment purchased by the GRANTEE shall be held by and vest in the DEPARTMENT.

G. Digital Copies. The Commonwealth of Pennsylvania requests that a digital copy of all digital orthophotography images, in native georeferenced format (GeoTIFF, etc.) as well as any mosaicked and compressed, georeferenced image file formats (MrSID, etc.), FGDC-compliant metadata, Digital Elevation Model data (including gridded data, surveyed control points, breaklines and mass points), etc., that are delivered by the GRANTEE or its selected contractor/vendor be provided to the DCNR PAMAP Program Office in the Bureau of Topographic and Geologic Survey (BTGS), for use by all GT users in the Commonwealth and to fulfill the DEPARTMENT's public access mission for all Commonwealth digital orthophotography and derived products.

Questions may be addressed to:
Director, DCNR/BGTS
3240 Schoolhouse Road
Middletown, PA 17057
(717) 702-2053

H. Safety. Protective devices and personal protective equipment, such as hard hats and reflector vests, must be utilized when GRANTEE staff is involved in any field operation pertaining to work activities outlined in any Work Order or its Exhibits.

I. Interest of Members of or Delegate to Congress. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.

13. Non-Discrimination (ND) Requirements

Parties subject to this Master Agreement shall keep such records and reports as may be required to document compliance with 49 CFR Part 21, federal regulatory provisions on non-discrimination effecting Title VI of the Civil Rights Act of 1964 (the Act)(42 U.S.C. 2000 d-1 through d-4). The purpose of the Act is that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation. Non-discrimination requirements are further effected through provisions identified in **Exhibit M.**

A. ND Records and Reports. The GRANTEE shall keep such records and submit to the DEPARTMENT timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the DEPARTMENT may determine to be necessary to enable it to ascertain whether the GRANTEE has complied or is complying with 49 CFR Part 21.

B. Required Communications. The GRANTEE shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of 49 CFR Part 21 and its applicability to the program for which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the DEPARTMENT, the FHWA or any other authorized representatives of the state or federal government finds necessary to apprise such persons of the protections against discrimination assured them by Title VI.

C. Sub-recipient Compliance. In the case in which a GRANTEE extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the DEPARTMENT as may be necessary to enable the DEPARTMENT to carry out its obligations under 49 CFR Part 21. In general GRANTEE should have available for the DEPARTMENT racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.

14. Disadvantaged Business Enterprise (DBE) Program, Policy, and Assurance

The GRANTEE shall not discriminate on the basis of race, color, national origin or sex in the performance of this Agreement. The GRANTEE shall carry out applicable requirements of 49 CFR Part 26, compliance with the U.S. Department of Transportation (USDOT) DBE rule, in the award and administration of DOT-assisted agreements. GRANTEE policy must ensure that DBEs have an equal opportunity to receive and participate in DOT-assisted contracts. Failure by the GRANTEE to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the DEPARTMENT deems appropriate, which may include but not limited to:

1. Withholding process payments;
2. Accessing sanctions;

3. Liquidated damages; and/or

4. Disqualifying the contractor from future bidding as non-responsible.

A. The DEPARTMENT is committed to providing opportunities for DBEs and small business concerns to compete for work. The GRANTEE is encouraged to involve DBEs and small business concerns and to submit documentation of any such involvement. The DEPARTMENT's current FHWA and FTA goals apply to the GRANTEE contacting and subcontracting activities or in the alternative; the GRANTEE must show a good faith effort. A complete description of the Disadvantaged Business Enterprise and DBE Good Faith Effort Requirements are attached as **Exhibit S** and **Exhibit T** and are made a part of this agreement. Documentation of good faith shall be made by the GRANTEE and subject to concurrence of the DEPARTMENT. A report on the status of the DBE goals shall be submitted to the Department quarterly.

B. Assurance of Compliance. If the GRANTEE is providing services or supplies for the DEPARTMENT pursuant to this Agreement, it must include this assurance in each subcontract that it signs with a subcontractor. If the GRANTEE is a grantee or other recipient of funds from the DEPARTMENT, it must include this assurance in each contract into which it enters to carry out the project or activities being funded by this Agreement. Specific required language for an assurance of compliance can be found at 49 CFR 26.13(a).

15. Other Exhibits

The following exhibits shall be made a part of this Agreement: Exhibit **H,** an Affidavit by the GRANTEE accepting provisions of the Pennsylvania Workmen's Compensation Act; Exhibit **I**, Certification of Non-Collusion by the GRANTEE; Exhibit **J,** Certification of Non-Collusion by the DEPARTMENT; Exhibit **K,** Certification of Restrictions on Lobbying (Management Directive 305.16); Exhibit **L**, the Americans with Disabilities Act Provisions (MD 215.12); Exhibit **N**,

Nondiscrimination/Sexual Harassment Clause (MD 215.16); Exhibit **O,** Contractor Integrity Provisions (MD 215.8); Exhibit **P**, Contractor Responsibility Provisions; and Exhibit **Q,** the Offset Provision (MD 215.9).

IN WITNESS WHEREOF, the parties have executed this Agreement the date first above written.

ATTEST:

_____*
(Name of GRANTEE)

_____	_____
Signature DATE	Signature DATE
_____	_____
Title	Title

*** Unless the individuals signing this Agreement on behalf of the GRANTEE are authorized to do so by statute or regulation, the GRANTEE's resolution authorizing execution and attestation must accompany this Agreement; please indicate the signers' titles in the blanks provided and date all signatures.**

DO NOT WRITE BELOW THIS LINE--FOR COMMONWEALTH USE ONLY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY_____
Deputy Secretary DATE

APPROVED AS TO LEGALITY

AND FORM

BY_____
for Chief Counsel Date

CERTIFIED FUNDS AVAILABLE
FUNDS COMMITMENT DOC. NO._____
FUND _____
COST CENTER_____
GL. ACCOUNT_____
AMOUNT_____

BY_____
for Comptroller Date

BY _____
Deputy General Counsel Date

BY _____
Deputy Attorney General Date

Agreement No. ___ is split 80%, expenditure amount of _____, for federal funds and __%, expenditure amount of $___ for state funds. The related federal assistance program name and number is _____ The state program name and SAP fund is ___; ___. This paragraph does not affect the costs to the GRANTEE. In the event this paragraph is altered in particular work orders to reflect changes in program names or numbers, the work order shall provide a paragraph cataloguing this type of information.

DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS FOR PLANNING PARTNERS

I. GENERAL—

Include the following provisions (Paragraphs a through d) in every contract and subcontract entered into in support of the grant, so that such provisions will be binding not only upon the prime contractor, but also upon each subcontractor, supplier, service provider, and trucking firm performing work towards the contract.

(a) Policy for Federally-Funded Projects. It is the policy of the U.S. Department of Transportation (DOT) and the Pennsylvania Department of Transportation (Department) that Disadvantaged Business Enterprises (DBEs) as defined in Section 26.5 of Title 49 Code of Federal Regulations, Part 26, as amended, (Part 26) and this specification, be afforded the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds. Consequently, the DBE requirements of Part 26 apply to this contract.

(b) DBE Obligation. The grantee will take all necessary and reasonable steps to ensure that DBEs have the opportunity to compete for and to perform contracts. The grantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of the Department and U.S. Department of Transportation-assisted contracts.

(c) Failure to Comply with DBE Requirements. Failure by the grantee to carry out these requirements constitutes a material breach of this contract, which may result in termination of this grant agreement or such other remedy as the Department deems appropriate, which may include, but is not limited to:

a. Withholding progress payments;
b. Assessing sanctions;
c. Liquidated damages; and/or
d. Disqualifying the contractor from future bidding as non-responsible.

(d) Small Business Enterprise Participation. The recruitment and utilization of certified Small Business Enterprises (SBEs) serves as an additional requirement in addition to all other equal opportunity requirements of the grant. There is no SBE goal for this grant.

II. DEFINITIONS—

The following definitions apply for terms used in this specification:

(a) Disadvantaged Business Enterprise (DBE). A for-profit small business concern that meets the following requirements:

1. DBE certification from the Pennsylvania Unified Certification Program (PAUCP) as listed on www.paucp.com.
2. That meets the ownership and control requirements of the DBE certification program as set forth in Part 26.
3. That meets the Personal Net Worth requirements of the DBE certification program.

(b) Small Business Enterprise (SBE). A for-profit small business concern that meets the following requirements:

1. An entity certified by the Pennsylvania Department of Transportation (PennDOT) as listed on www.dotsbe.pa.gov.
2. That meets the ownership and control requirements of the Small Business Element (SBE) certification program.

3. That meets the Personal Net Worth requirements of the SBE certification program.

(c) Commercially Useful Function. A DBE performs a Commercially Useful Function (CUF) when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable), and paying for the material itself.

(d) Transportation Planning Coordinator. An individual within the Department's Program Center that is responsible for coordinating and overseeing planning activities with the grantee.

(e) Interdisciplinary Review Team (IRT). A team of three (3) individuals representing the Department's Program Center and Bureau of Equal Opportunity that performs the initial review of the GFE documentation and makes the recommendation to the Director of the Bureau of Equal Opportunity.

(f) Committee. The Department's Good Faith Effort (GFE) Review Committee.

(f) Director. Director, Bureau of Equal Opportunity.

(h) DBE Participation. The work performed by DBEs on a contract and counted toward the project's DBE goal. This information is to be submitted with the bid/proposal and if approved becomes a contractual obligation for the life of the contract.

(i) Revised DBE Participation. If, during the performance of a contract entered into in support of this grant the DBE Participation requires revision, the selected bidder/offeror must request approval from the grantee. The grantee must obtain concurrence from the Department prior to approving any revision. If approved, the Revised DBE Participation becomes a contractual obligation for the life of the contract.

(j) Supplier. A manufacturer, regular dealer, or transaction expeditor/broker.

1. **Manufacturer.** A DBE/SBE that operates or maintains a factory or establishment that produces on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.
2. **Regular Dealer.** A DBE/SBE that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided above if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.
3. **Transaction Expeditor/Broker.** A DBE/SBE packager, broker, manufacturers' representatives, or other persons who arrange or expedite transactions and who arrange for material drop-shipments.

(k) Service Provider. A DBE/SBE that performs professional, technical consultant, or managerial services.

(l) Shortfall. The difference between the dollar amount on the approved DBE commitment and the amount of payments to the approved DBE entities.

III. COUNTING DBE PARTICIPATION

Utilization of certified DBEs is in addition to all other equal opportunity requirements of the contract.

Count DBE Participation toward meeting the DBE Goal for federal projects as follows: If a firm is a certified DBE contractor or subcontractor at the time of submission for the bid, the total dollar value of the contract awarded to the certified DBE is counted toward the applicable DBE goal as provided below. Any services to be performed by a DBE are required to be readily identifiable to the project.

(a) Construction.

1. **Prime Contractor.** The Department requires that all prime contractors including DBE prime contractors perform at least fifty percent (50%) of the work on a Department project. A DBE prime contractor will receive credit for all work performed with its own forces. The Department strongly encourages DBE prime contractors to make additional outreach efforts to solicit DBEs to perform subcontracting work on the project.

2. **Subcontractor.** When a DBE participates in a contract directly as a subcontractor or as a second-tier or lower-tier subcontractor, count only the value of the work actually performed by the DBE.

   Count the entire amount of that portion of a contract that is performed by the DBE's own forces. Include the cost of supplies and materials obtained by the DBE for the work of the subcontract, including supplies purchased or equipment leased by the DBE.

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

   Count expenditures to a DBE contractor only if the DBE is performing a CUF on that contract.

(b) Materials and Supplies.

1. **DBE Manufacturer.** If the materials or supplies are obtained from a DBE manufacturer, count 100% of the cost of the materials or supplies.

2. **DBE Regular Dealer.** If the materials or supplies are purchased from a DBE regular dealer, count sixty percent (60%) of the cost of the materials or supplies.

3. **DBE Transaction Expeditor/Broker.** If the materials or supplies are purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, provided the fees are determined to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves.

(c) Service Providers. Count toward the DBE Goal 100% of expenditures of DBE services including, professional, technical, consultant, or managerial services. Count fees or commissions charged for providing any bonds or insurance specifically required for the performance the contract, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services.

(d) Trucking Firms. Count 100% of trucking costs using the following factors to determine what can be counted:

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

2. Count if the DBE owns and operates at least one fully licensed, insured, and operational truck used on the contract.

3. Count the total value of the transportation services the DBE provides on the contract using trucks it owns, insures, and operates using drivers it employs.

4. The DBE may lease trucks from another DBE firm, including an owner-operator who is a certified DBE. If the DBE leases trucks from another DBE, count the total value of the transportation services the lessee DBE provides on the contract.

5. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. If the DBE leases trucks from a non-DBE count only the fee or commission it paid as a result of the lease arrangement. Do not count the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.

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

IV. COUNTING SBE PARTICIPATION

(a) Recruitment and utilization of certified SBEs is in addition to all other equal opportunity requirements of the contract.

(b) There is no SBE goal.

(c) Count SBE participation the same as DBE participation.

V. ACTIONS REQUIRED BY THE BIDDER AT THE BIDDING STAGE AND PRIOR TO AWARD FOR PROJECTS WITH A DBE GOAL—

(a) Submission Requirements. If the grantee establishes a DBE goal in connection with a contract awarded in support of the grant, then the selected bidder/offeror must include its DBE Participation with the bid/proposal. This submission must include the business name of the DBE firm with address, contact person, and phone number, a detailed narrative description of the service to be provided by the DBE, the North American Industrial Classification System (NAICS) code(s) that correspond(s) to the work to be performed by the DBE firm, and the percent of the bid's cost to be contractually allocated to the DBE in the bid submission. A letter of intent (or comparable documentation) from the DBE stating that the DBE has agreed to enter into a subcontract if the vendor is successful should also be included with the bid. Do not request or include physical certification letters. The PA UCP database at www.paucp.com is the only resource that should be used to verify DBE eligibility. In addition, please note that DBE certification does not expire and expiration dates should not be requested or included. As long as a firm remains visible in the PA UCP database they remain eligible to participate as a DBE on federally-assisted contracts.

When the DBE goal established by the grantee is not met (the grantee will not round), demonstrate a Good Faith Effort (GFE) to meet the contract's DBE goal. Demonstrate that the efforts made were those that a bidder/offeror seeking to meet the DBE goal established by the grantee would make, given all relevant circumstances. Failure to include GFE documentation with the submission, when the DBE goal is not met, will result in rejection of the bid/proposal.

(b) Good Faith Effort Requirements. In response to a bid/proposal, the bidder/offeror must make a 'Good Faith Effort' (GFE) to subcontract a portion of the contract work to certified DBEs. The demonstration of GFE is accomplished by seeking out DBE participation in the contract given the totality of all relevant circumstances. If unable to meet the contract's established DBE Goal, the selected bidder/offeror must submit documentation of its GFE. The following illustrate the types of efforts that may be taken, but shall not be deemed to be exclusive or exhaustive. The Director and/or Committee will consider other factors and types of efforts that may be relevant:

- Efforts made to conduct market research to identify small business contractors and suppliers and solicit through all reasonable and available means (e.g., use of the DBE Directory, attendance at pre-bid

meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The selected bidder/offeror must provide written notification, at least fifteen (15) calendar days prior to the bid due date, to allow the DBEs to respond to the solicitation. The selected bidder/offeror must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

- Efforts made to select portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goal will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the selected bidder/offeror might otherwise prefer to perform these work items with its own forces.

- Efforts made 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.

- Efforts made to negotiate in good faith with interested DBEs. It is the selected bidder's/offeror's responsibility to make a portion of the contract work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work. A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract DBE goals into consideration. The fact that there may be some additional costs involved in finding and using DBEs is not in and of itself sufficient reason for a bidder's/offeror's failure to meet the contract's DBE goal, provided that such costs are reasonable. Also, the ability or desire of the selected bidder/offeror to perform the work of a contract with its own work force does not relieve the bidder/offeror of the responsibility to make GFE. The selected bidder/offeror is not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

- The selected bidder's/offeror's determination of a DBE as being unqualified without sound reasons based on a thorough investigation of its capabilities. The selected bidder's/offeror's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the selected bidder's/offeror's efforts to meet the DBE contract goal. Another practice considered an insufficient GFE is the rejection of a DBE because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder/offeror or prime contractor to accept unreasonable quotes in order to satisfy a contract DBE goal.

- Efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance.

- Efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

- Efforts to effectively use the services of the Department's DBE and/or SBE Supportive Services Centers, services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

VI. ACTIONS TO BE TAKEN BY THE GRANTEE AND DEPARTMENT BEFORE AWARD FOR PROJECTS WITH A DBE GOAL —

(a) Approval. If the selected bidder/offeror includes the DBE Participation with their bid/proposal, meets the contract's DBE goal, and all other contract requirements, the grantee will approve the submission.

(b) Good Faith Effort Review. If the selected bidder/offeror includes the DBE Participation with their bid, but fails to meet the contract's DBE goal, the grantee will review the GFE documentation included with the bid. The selected bidder/offeror may not provide additional GFE documentation beyond what exists in writing at the time of bid submission. If during the review of the bidder's/offeror's GFE information the reviewers have questions, the selected bidder/offeror may be contacted by for clarification. The GFE steps to be taken are as follows:

1. The grantee reviews the GFE submission and makes a recommendation to approve or disapprove to the Transportation Planning Coordinator.

2. If the grantee recommends approval then Transportation Planning will do one of the following:
- **a.** Concur with the grantee's recommendation that a GFE was made and the DBE Participation will be approved
- **b.** Disagree with the grantee's recommendation which will result in a review of the GFE submission by the IRT.

3. If the grantee recommends disapproval then the IRT will review the GFE submission.

4. The IRT reviews and makes a recommendation to the Director.

5. The Director will do one of the following:

- **a.** Concur with the IRT recommendation that a GFE was made and the DBE Participation will be approved;
- **b.** Concur with the IRT disapproval of the GFE submission. The selected bidder/offeror will be afforded the opportunity for administrative reconsideration as required by Part 26.
  - **(i.)** If the selected bidder/offeror requests administrative reconsideration, the Director forwards the GFE request to the Committee.
  - **(ii.)** If the selected bidder/offeror does not request administrative reconsideration, than the recommendation stands and the GFE is disapproved. The selected vendor must notify the Department to this effect in writing. The bid will then be considered non-responsive and will be rejected.
- **c.** Disagree with the IRT recommendation. If the Director determines that a GFE has been made, the DBE Participation will be approved. If the Director determines that a GFE has not been made, the selected bidder/offeror will be afforded the administrative reconsideration process as described above.

6. If administrative reconsideration is requested, the Committee meets and makes the final determination. If the Committee determines that the selected bidder/offeror made a GFE, the DBE Participation will be approved. If the Committee determines that the selected bidder/offeror has failed to make a GFE, the bid will be rejected and the selected bidder/offeror will be notified of the rejection. The grantee will then review the next selected bidder's/offeror's DBE participation to determine if the DBE goal is met or if a GFE was made.

VII. ACTION TO BE TAKEN BY THE DEPARTMENT DURING PERFORMANCE OF THE CONTRACT—

To ensure that all obligations awarded to DBEs under this contract are met, the grantee and the Department will review the selected bidder's/offeror's DBE involvement efforts during the performance of the contract whether or not the DBE is listed on the approved DBE Participation. The review will include a CUF review and analysis for all DBEs performing on the contract.

Sanctions. Upon completion of the work the grantee and the Department will review the actual DBE participation and make a determination regarding the selected bidder's/offeror's compliance with the applicable requirements. Sanctions may be imposed for noncompliance or unwarranted shortfalls in the approved DBE goal.

VIII. ACTIONS REQUIRED BY THE SELECTED VENDOR DURING PERFORMANCE OF THE CONTRACT—

(a) DBE Participation. When DBE Participation is approved in an amount less than the contract's DBE goal, continue GFE toward meeting the contract's DBE goal for the life of the contract. Ensure that the DBE Participation is attained. Proof of attainment is provided by payments to DBEs and documented in monthly reports.

(b) DBE Revised Participation. Obtain written consent from the Department before substituting a DBE or making any change to the approved DBE Participation or any other DBE performing on the project. Immediately request substitution authorization from the grantee in writing who will contact the Department. The request must include documentation supporting the substitution and written agreement from the DBE to the change. Include proof that a certified letter giving the DBE five (5) days to respond with acceptance or to notify the grantee of non-acceptance. Demonstrate that every effort has been made to allow the DBE to perform.

1. If the arrangement to be replaced is agreeable between the bidder's/offeror's and the DBE, document the following procedures:

- Make a GFE to subcontract the work with another DBE, or subcontract other work items to DBE firms, to make up the DBE shortfall.

- When the substitution results in meeting the DBE goal, complete a Revised DBE Participation which includes letter(s) from the DBE(s) of their intent to perform on the contract. If the DBE being replaced or substituted has already performed on the contract, the Revised Participation request should include the total amount paid to the DBE prior to its substitution or replacement.

- When the substitution does not result in meeting the DBE goal, complete a Revised DBE Participation with DBE acknowledgement and provide GFE documentation. If the DBE performed on the project, the Revised DBE Participation should include the total amount paid to the DBE prior to their substitution.

Good Faith Effort Review. The grantee will review the GFE documentation for substitution. If, during the review of the selected bidder's/offeror's GFE information and documentation, the reviewers have questions, the selected bidder/offeror may be contacted for clarification. The GFE steps to be taken are, as follows:

a. The grantee reviews the GFE submission and makes a recommendation to the Transportation Planning Coordinator.

1. If the recommendation is to approve and the Transportation Planning Coordinator concurs, then the Revised DBE Participation will be approved.
2. If the recommendation is to disapprove or if the Transportation Planning Coordinator disagrees with the grantee's recommendation, then the GFE is forwarded to the IRT for review and determination.

b. The IRT either:

1. Approves recommendation that the GFE was met and the Revised DBE Participation will be approved, or
2. Disapproves the GFE resulting in a shortfall requiring the selected vendor to continue to fulfill its GFE obligation and commitment.

c. If forwarded to them by the Transportation Planning Coordinator, the IRT makes a final determination.

Do not perform any of the DBE work included in the substitution request without prior written approval from the Department.

If the projected DBE participation meets or exceeds the DBE goal amount for the contract without replacing the DBE, then no contract shortfall exists. A Revised DBE Participation must be submitted to reflect the decreased dollar amount.

2. If the arrangement to be replaced is not agreeable between the selected bidder/offeror and the DBE, the following procedures are required:

- Until a determination is made, do not perform the DBE work without prior approval.
- The IRT will review and make a determination and the grantee will notify both the selected bidder/offeror and the DBE.
- The selected bidder/offeror or the DBE may request a meeting with the Department by contacting the grantee.

(e) SBE Participation. There is no goal for SBE participation. However, the utilization of SBE firms must be reported and documented in monthly reports with proof of payment consistent with the process for DBE firms.

(f) Additional Work. When additional work is required for any classification of work which is identified on the DBE Participation to be performed by the DBE, at least (50%) of this additional work will be performed by the same DBE unless the DBE submits, in writing, that he/she cannot perform the work due to his/her own limitations.

(g) Progress Payments. The bidder/offeror shall make payments to all subcontractors, suppliers, service providers, and consultants no later than thirty (30) days after being reimbursed by the Department. Document all DBE and SBE progress payments on a monthly basis. Bring to the attention of the grantee, in writing, any situation in which regularly scheduled progress payments are not made to DBE/SBE subcontractors, suppliers, service providers or consultants.

(h) Records and Reports. Both the bidder/offeror and the grantee shall keep such project records as are necessary to determine compliance with DBE Requirements. These records can be used as GFE documentation. Design these records to indicate:

- The number of disadvantaged and non-disadvantaged subcontractors, small businesses, regular dealers, manufacturers, consultants, and service providers, and the type of work or services performed on or materials incorporated in this project.
- The progress and efforts made in seeking out DBE and SBE contractor organizations and individual DBEs and SBEs for work on this project.
- Documentation of all correspondence, personal contacts, telephone calls, etc., to obtain the services of DBEs and SBEs for this project. Submit reports, as required by the Department. Certify that the amounts were actually paid to the DBE and SBE for work performed on the project and keep cancelled checks on file in the home office to reflect payment for the specific project and for inspection and audit by the Department. Enter the payment information on the monthly payment report which will include the following:
  - The number of contracts awarded to DBEs and SBEs, noting the type of work and amount of each contract executed with each firm and including the execution date of each contract.
  - The amount paid to each DBE and SBE during the month and the amount paid to date. If no payments are made to a DBE/SBE during the month, enter a zero ($0.00) payment.
  - Paid invoices or a certification attesting to the actual amount paid to each firm, upon completion of the individual DBE's and SBEs work. In the event the actual amount paid is less than the award amount, provide a complete explanation of the difference.

Maintain all such records for a period of three (3) years following acceptance of final payment. Make these records available for inspection by the Department and FHWA.

If DBE credit is being claimed for material costs included in a DBE subcontract or agreement, submit purchase orders for the material to PennDOTDBEGoal@pa.gov on a monthly basis in conjunction with the monthly payment report.

The grantee shall ensure records have sufficient information in order to complete and submit the Planning Partners DBE Report quarterly.

Attachment C: DBE and SBE Requirements for the Recreational Trails Program (DCNR Exhibit A)

EXHIBIT A
DCNR DISADVANTAGED BUSINESS ENTERPRISE (DBE) AND SMALL BUSINESS ENTEPRISE (SBE) REQUIREMENTS FOR THE RECREATIONAL TRAILS PROGRAM

1. DBE

Include the following provisions (Paragraphs a through d) in every contract, so that such provisions will be binding not only upon the grantee, but upon any contractor, supplier, service provider and trucking firm performing work towards the grant.

(a) Policy for Federally-Funded Projects. It is the policy of the U.S. Department of Transportation (DOT) and the Department that DBEs, as defined in 49 CFR Part 26, as amended, (Part 26) and this specification, be given the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this contract. Consequently, the DBE requirements of Part 26, as amended, apply to this contract.

(b) DBE Obligation. Take all necessary and reasonable steps to ensure that all DBEs have the opportunity to compete for and perform contracts. The grantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of this contract.

(c) Failure to Comply with DBE Requirements. Failure by the grantee to carry out these requirements is a material breach of this contract, which may result in termination of this grant agreement or such other remedy as the Department deems appropriate, which may include, but is not limited to:

a. Withholding progress payments;
b. Assessing sanctions;
c. Liquidated damages; and/or
d. Disqualifying the contractor from future bidding as non-responsible.

(d) Small Business Enterprise (SBE) Participation. Recruitment and utilization of certified SBEs is in addition to all other equal opportunity requirements of the contract. There is no SBE goal.

2. DEFINITIONS

The following definitions apply for terms used in this specification:

(a) Disadvantaged Business Enterprise (DBE). A for-profit small business concern:

1. An entity certified by the Pennsylvania Unified Certification Program (PAUCP) as listed on www.paucp.com.
2. That meets the ownership and control requirements of the DBE certification program.
3. That meets the Personal Net Worth requirements of the DBE certification program.

(b) Small Business Enterprise (SBE). A for-profit small business concern:

1. An entity certified by the Pennsylvania Department of Transportation (PennDOT) as listed on www.dotsbe.pa.gov.
2. That meets the ownership and control requirements of the Small Business Element (SBE) certification program.
3. That meets the Personal Net Worth requirements of the SBE certification program.

(c) Commercially Useful Function. A DBE performs a Commercially Useful Function (CUF) when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable), and paying for the material itself.

(d) Supplier. A manufacturer, regular dealer, or transaction expeditor/broker.

1. **Manufacturer.** A DBE/SBE that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.
2. **Regular Dealer.** A DBE/SBE that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided above if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Whether a DBE/SBE firm meets the criteria for being treated as a regular dealer is a contract-by-contract determination to be made by the Department.
3. **Transaction Expeditor/Broker.** A DBE/SBE packager, broker, manufacturers' representatives, or other persons who arrange or expedite transactions and who arrange for material drop-shipments.

3. COUNTING DBE PARTICIPATION

Although no DBE goal is established for this project, the grantee is still encouraged to involve DBEs in the required work and to submit documentation of any such involvement in the project. Recruitment and utilization of certified DBEs is in addition to all other equal opportunity requirements of the contract.

(a) Construction.

1. **Prime Contractor.** A DBE prime contractor will receive credit for all work performed with its own forces. The Department strongly encourages DBE prime contractors to make additional outreach efforts to solicit DBEs to perform subcontracting work on the project.

2. **Subcontractor.** When a DBE participates in a contract directly as a subcontractor or as a second-tier or lower-tier subcontractor, count only the value of the work actually performed by the DBE.

   Count the entire amount of that portion of a construction contract that is performed by the DBE's own forces. Include the cost of supplies and materials obtained by the DBE for the work of the subcontract, including supplies purchased or equipment leased by the DBE.

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

   Count expenditures to a DBE contractor only if the DBE is performing a CUF on that contract.

(b) Materials and Supplies.

1. **DBE Manufacturer.** If the materials or supplies are obtained from a DBE manufacturer, count 100% of the cost of the materials or supplies.

2. **DBE Regular Dealer.** If the materials or supplies are purchased from a DBE regular dealer, count 60% of the cost of the materials or supplies. Note: There is no North American Industry Classification System (NAICS) code for regular dealer.

3. **DBE Transaction Expeditor/Broker.** If the materials or supplies are purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, provided the fees are determined to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves.

(c) **Service Providers.** Count the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance the contract, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services.

(d) **Trucking Firms.** Count 100% of trucking costs using the following factors to determine what can be counted:

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

2. Count if the DBE owns and operates at least one fully licensed, insured, and operational truck used on the contract.

3. Count the total value of the transportation services the DBE provides on the contract using trucks it owns, insures, and operates using drivers it employs.

4. The DBE may lease trucks from another DBE firm, including an owner-operator who is a certified DBE. If the DBE leases trucks from another DBE, count the total value of the transportation services the lessee DBE provides on the contract.

5. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. If the DBE leases trucks from a non-DBE firm and the DBE operates these leased trucks (with its own forces), count the total value of the transportation services. If the DBE leases trucks from a non-DBE owner-operator, count only the fee or commission it paid as a result of the lease arrangement. Do not count the total value of the transportation services provided by the lessee (non-DBE owner-operator), since these services are not provided by a DBE.

6. For purposes of this provision, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from being used for work for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE. A lease must explicitly state that the DBE leases trucks without operators when the counting of the total value of transportation services is desirable.

(e) **Specialty Items.** In cases where specialty items and DBE involvement overlap, follow the requirements specified in Section 108.01(c).

4. COUNTING SBE PARTICIPATION

Although no SBE goal is established for this project, the grantee is still encouraged to involve SBEs in the required work and to submit documentation of any such involvement in the project. Recruitment and utilization of certified

SBEs is in addition to all other equal opportunity requirements of the contract. Count SBE participation the same as you would count DBE participation.

5. COMMERCIALLY USEFUL FUNCTION

A Commercially Useful Function (CUF) analysis is required under 49 CFR §26.55 to ensure DBE participation is credited appropriately on federally-assisted transportation projects. A DBE performs a CUF when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved.

(a) The grantee (or designee other than the prime contractor) will complete the Form EO-354, DBE Commercially Useful Function Report, (Attachment 1) for all DBEs performing work towards the grant. The CUF form must be completed within five (5) days of the DBE performing work on the project. If all questions on the CUF form are answered 'Yes', then no further action is required. However, a copy of the form must be kept with the project's files for auditing purposes and submitted to the Department with the final close-out information for the grant.

(b) If any question on the CUF form is answered 'No' then the grantee (or designee other than the prime contractor) will immediately fax or e-mail the form to Department. The Department will fax or e-mail a copy of the form to the PennDOT's Bureau of Equal Opportunity (BEO) for further review and analysis. The analysis and subsequent determination of the CUF will be made by BEO. However, BEO may request additional information from DCNR to help with the investigation and analysis. BEO will also consult with Department staff prior to issuing its determinations on the CUF. The determination will be issued in writing and provided to all parties (the Department, the grantee, the prime contractor and the DBE firm being impacted). If the determination warrants a change in the DBE commitment the Department will be notified. The Department will work closely with PennDOT to make the necessary revisions.

6. RECORDS & REPORTING

The grantee is required to keep such records and submit such reports as are necessary to determine compliance with DBE Requirements.

(a) **Records.** The records must be designed to indicate the following:

1. The number of DBEs, SBEs, and non-DBE/SBE contractors, suppliers, truckers, and or/service providers and the type of work on services performed on or materials incorporated into the project;

2. The progress and efforts made in seeking out DBE and SBE contractor organizations and individual DBEs and SBEs for work on the grant;

3. Documentation of all communication to obtain the services of DBEs/SBEs on a project;

4. The dollar amounts paid to DBEs/SBEs each month.

(b) **Reports.** While no DBE or SBE goal has been established in connection with the grant, the grantee is required to submit documentation of DBE and SBE involvement should they perform work in support of the grant.

1. The grantee must submit the Monthly DBE/SBE Status Report, EO-402 (Attachment 2. This Form should be completed each month once the grantee has issued a notice to proceed to the prime contractor. The report is to be completed by the prime contractor within five (5) business days following the end of each month. The grantee, upon receipt, should immediately review for completeness and forward to the Department.

2. If no payments are made to DBE or SBE firms during a given month, the prime contractor must still submit a zero activity report to the grantee. The grantee must inform the Department, in writing, of

any situation in which payments are not made to DBE/SBE subcontractors, suppliers, service provider or consultant as required by the subcontract including reasons why.

3. While they need not be submitted to the Department monthly, the grantee must keep cancelled checks on file showing payment to DBE or SBE firms. This documentation must be provided for inspection and audit by the Department upon request.

4. Upon completion of a DBE's or SBE's work, the grantee must submit a certification of the total amount paid to the DBE or SBE. In the event the actual amount paid is less than the award amount, provide a complete explanation of the difference.

Maintain all such records and reports for a period of three (3) years following acceptance of final payment. Make these records available for inspection by the Department and FHWA.

ATTACHMENTS

Attachment 1 – DBE Commercially Useful Function Report – EO-354

Attachment 2 – Monthly DBE/SBE Status Report – EO-402

PennDOT DBE
Program Plan

ATTACHMENTS

Attachment D: Program Center Awards, Commitments, and Payments Spreadsheet

Commonwealth of Pennsylvania - DBE Report **Report Date** **PennDOT Contractor**
(Insert Planning Commission Name Here)

PROJECT TITLE: (Name of Project Title/Task)

RFP/RFQ Date	Funding Source	PRIME CONTRACTOR	DBE/SBE/ NA	NAICS Code	CONTRACT AWARD DATE	AMOUNT AWARDED	GOAL %	GOAL DOLLARS	DBE COMMITTED DOLLARS	DBE COMMITED %	RC	RC%	RN	RN%	DBE PAYMENTS	DBE % Paid	SBE PAYMENTS	SBE % PAID	FINAL PAYMENT (Y/N)	PROJECT COMPLETED (Y/N)	DATE COMPLETED
								$0.00	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
		SUB-CONTRACTOR																			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
					Summary	**$0.00**	**0.00%**	**$0.00**	**$0.00**	**#DIV/0!**	**$0.00**	**#DIV/0!**	**$0.00**	**#DIV/0!**	**$0.00**	**0.00%**	**0.00%**	**0.00%**			

PROJECT TITLE: (Name of Project Title/Task)

RFP/RFQ Date	Funding Source	PRIME CONTRACTOR	DBE/SBE/ NA	NAICS Code	CONTRACT AWARD DATE	AMOUNT AWARDED	GOAL %	GOAL DOLLARS	DBE COMMITTED DOLLARS	DBE COMMITED %	RC	RC%	RN	RN%	DBE PAYMENTS	DBE % Paid	SBE PAYMENTS	SBE % PAID	FINAL PAYMENT (Y/N)	PROJECT COMPLETED (Y/N)	DATE COMPLETED
								$0.00	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
		SUB-CONTRACTOR																			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
					Summary	**$0.00**	**0.00%**	**$0.00**	**$0.00**	**#DIV/0!**	**$0.00**	**#DIV/0!**	**$0.00**	**#DIV/0!**	**$0.00**	**0.00%**	**0.00%**	**0.00%**			

PROJECT TITLE: (Name of Project Title/Task)

RFP/RFQ Date	Funding Source	PRIME CONTRACTOR	DBE/SBE/ NA	NAICS Code	CONTRACT AWARD DATE	AMOUNT AWARDED	GOAL %	GOAL DOLLARS	DBE COMMITTED DOLLARS	DBE COMMITED %	RC	RC%	RN	RN%	DBE PAYMENTS	DBE % Paid	SBE PAYMENTS	SBE % PAID	FINAL PAYMENT (Y/N)	PROJECT COMPLETED (Y/N)	DATE COMPLETED
								$0.00	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
		SUB-CONTRACTOR																			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
					Summary	**$0.00**	**0.00%**	**$0.00**	**$0.00**	**#DIV/0!**	**$0.00**	**#DIV/0!**	**$0.00**	**#DIV/0!**	**$0.00**	**0.00%**	**0.00%**	**0.00%**			

PROJECT TITLE: (Name of Project Title/Task)

RFP/RFQ Date	Funding Source	PRIME CONTRACTOR	DBE/SBE/ NA	NAICS Code	CONTRACT AWARD DATE	AMOUNT AWARDED	GOAL %	GOAL DOLLARS	DBE COMMITTED DOLLARS	DBE COMMITED %	RC	RC%	RN	RN%	DBE PAYMENTS	DBE % Paid	SBE PAYMENTS	SBE % PAID	FINAL PAYMENT (Y/N)	PROJECT COMPLETED (Y/N)	DATE COMPLETED
								$0.00	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
		SUB-CONTRACTOR																			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
									$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%			
					Summary	**$0.00**	**0.00%**	**$0.00**	**$0.00**	**#DIV/0!**	**$0.00**	**#DIV/0!**	**$0.00**	**#DIV/0!**	**$0.00**	**0.00%**	**0.00%**	**0.00%**			

Terms	Definitions/Narrative Description
RFP/RFQ Date	Date that the project is bid.
Funding Source	For Planning Partners, will be either FHWA or FTA funds.
DBE	A Disadvanted Business Enterprise which is certified by the PA UCP as listed on www.paucp.com.
SBE	A Small Business Enterprise which is certified by PennDOT as listed on www.dotsbe.pa.gov.
NAICS Code	North American Industry Classification Code - DBE firms are required to include the NAICS code that corresponds to the scope of work they intend to perform on the contract/project as part of their quotes. All DBE firms are certified with at least one NAICS code by the PA UCP. The NAICS codes are visible as part of the search results for all DBE firms on www.paucp.com.
Contract Award Date	Date that a the Prime is issued a notice to proceed or date of last agreement signature.
Goal %	% DBE Goal established as a part of RFP/RFQ. You are encouraged to contact Dustin Hobaugh or Dwan Lee in establishing this goal. RFP/RFQ contract goals are developed based upon a number of factors including cost, scope of work, and the availability of DBE firms. In determining RFP/RFQ contract goals PennDOT considers its progress to date in meeting its overall FHWA goal. The overall FHWA goal is developed triannually but can be adjusted annually based on changed circumstances.
RC	Race Conscious - Race-conscious measures, such as the use of individual contract/project goals, are those measures and programs that focus on specifically assisting DBEs only.
RN	Race Neutral - Race-Neutral measures are activities or programs that benefit and assist all small business equally, including DBEs and SBEs. Race-neutral DBE participation occurs when a DBE wins a contract or subcontract that did not have contract specific goals, or when the DBE status was not considered in making the award.
Final Payment	If the work is complete, and the payment is final, then put yes. If the work is still ongoing, then put no.
Project Completed	Yes or no if work is completed on the agreement/project.
Date Completed	Date of project completion.

Commonwealth of Pennsylvania - DBE Report

Report Date 5/1/2015

PennDOT Contractor DVRPC

PROJECT TITLE: Household Travel Survey

RFP/RFQ Date	Funding Source	PRIME CONTRACTOR	DBE/SBE/ NA	NAICS Code	CONTRACT AWARD DATE	AMOUNT AWARDED	GOAL %	GOAL DOLLARS	DBE COMMITTED DOLLARS	DBE COMMITED %	RC	RC%	RN	RN%	DBE PAYMENTS	DBE % Paid	SBE PAYMENTS	SBE % PAID	FINAL PAYMENT (Y/N)	PROJECT COMPLETED (Y/N)	DATE COMPLETED
1/26/2015	FHWA	Prime Contractor A	NA	N/A	2/1/2012	$1,079,271.00	8.00%	$86,341.68	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	Y	Y	6/30/2013
		SUB-CONTRACTOR																			
		DBE Firm A	DBE	541330					$97,134.39	9.00%	$86,341.68	8.00%	$10,792.71	1.00%	$21,273.00	2.00%	$0.00	0.00%	Y		
		DBE Firm B	DBE	541512					$106,778.00	10.00%	$0.00	0.00%	$106,778.00	10.00%	$13,541.00	1.00%	$0.00	0.00%	NA		
		SBE Firm A	SBE	541370					$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$7,856.00	1.00%	NA		
		NA							$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	NA		
					Summary	**$1,079,271.00**	**8.00%**	**$86,341.68**	**$203,912.39**	**18.89%**	**$86,341.68**	**8.00%**	**$117,570.71**	**10.89%**	**$34,814.00**	**3.00%**	**785600.00%**	**1.00%**			

PennDOT DBE
Program Plan

ATTACHMENTS

Attachment E: DCNR Awards, Commitments, and Payments Spreadsheet

DCNR Awards, Commitments, and Payments Report

DCNR Project Information								Contract Information						Payment Information for Reporting Period		
Federal Fiscal Year	Grantee Name	Project Title	County(s)	DCNR Project Number	DCNR Grant Amount	Estimated Total Project Cost	Status	Firm Type	Firm Name	Contract Award Date	Contract Amount	DBE Commitment Amount	DBE Commitment %	NAICS Code(s)	DBE (RN) Payment Amount	DBE (RN) Contract %
								Prime Contractor								
								DBE/SBE								
								DBE/SBE								
								Non-DBE/SBE								
								Non-DBE/SBE								
								Prime Contractor								
								DBE/SBE								
								DBE/SBE								
								Non-DBE/SBE								
								Non-DBE/SBE								
								Prime Contractor								
								DBE/SBE								
								DBE/SBE								
								Non-DBE/SBE								
								Non-DBE/SBE								
								Prime Contractor								
								DBE/SBE								
								DBE/SBE								
								Non-DBE/SBE								
								Non-DBE/SBE								
								Prime Contractor								
								DBE/SBE								
								DBE/SBE								
								Non-DBE/SBE								
								Non-DBE/SBE								

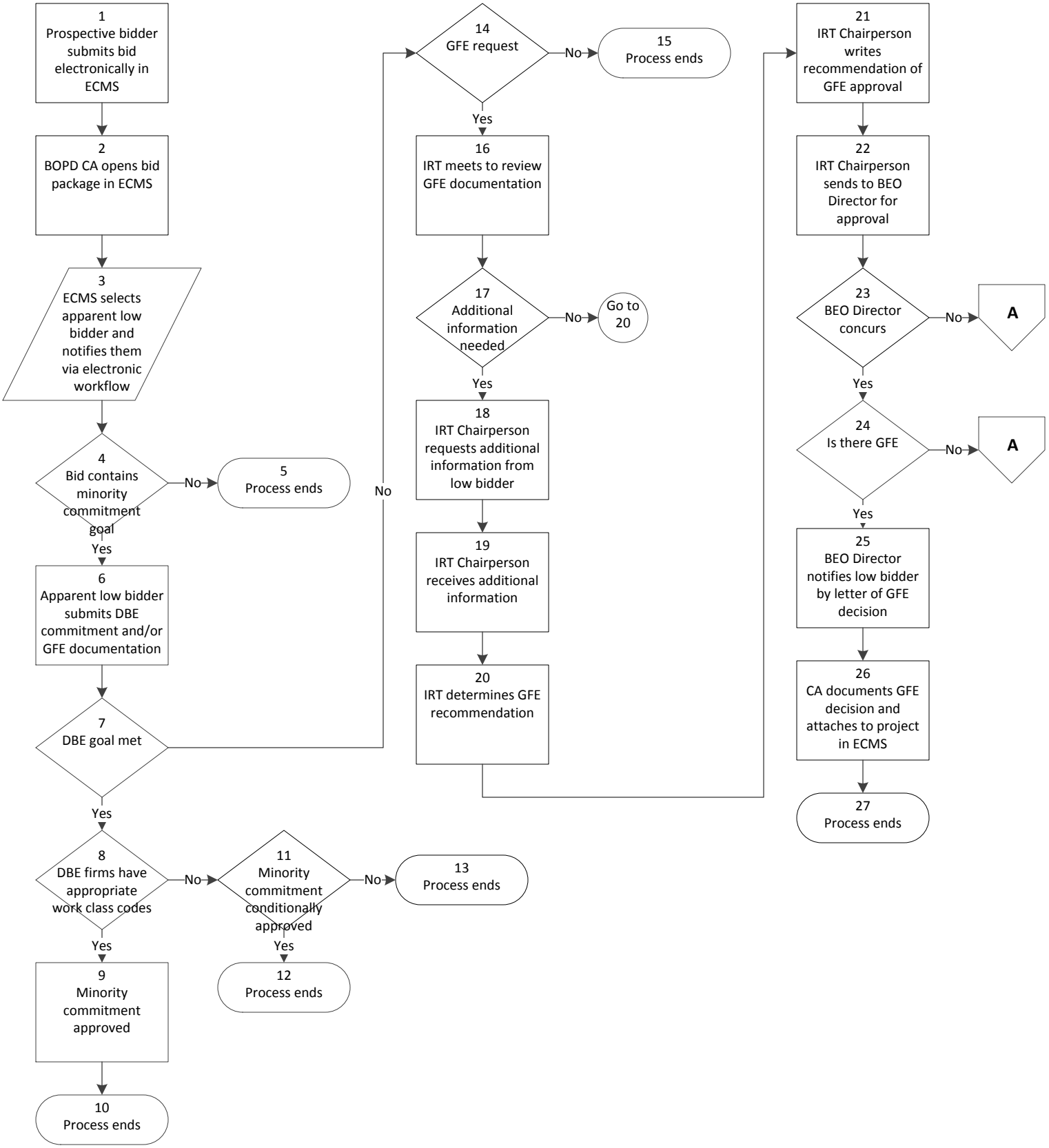
PennDOT DBE
Program Plan

ATTACHMENTS

Attachment F: Workflows

1. Initial Minority Participation Approval Pre-Award

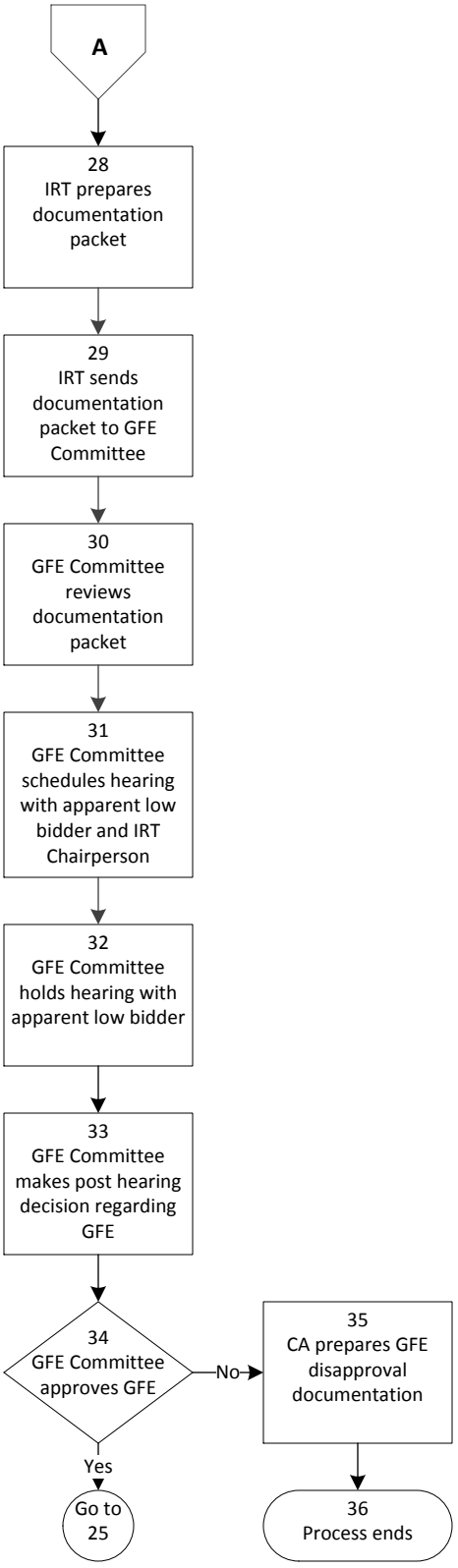
February 11, 2013



BEO – Bureau of Equal Opportunity
BOPD – Bureau of Project Delivery
CA – Contract Awards
DBE – Disadvantaged Business Enterprise
GFE – Good Faith Effort
IRT – Interdisciplinary Review Team

1. Initial Minority Participation Approval Pre-Award

February 11, 2013



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IRT – Interdisciplinary Review Team

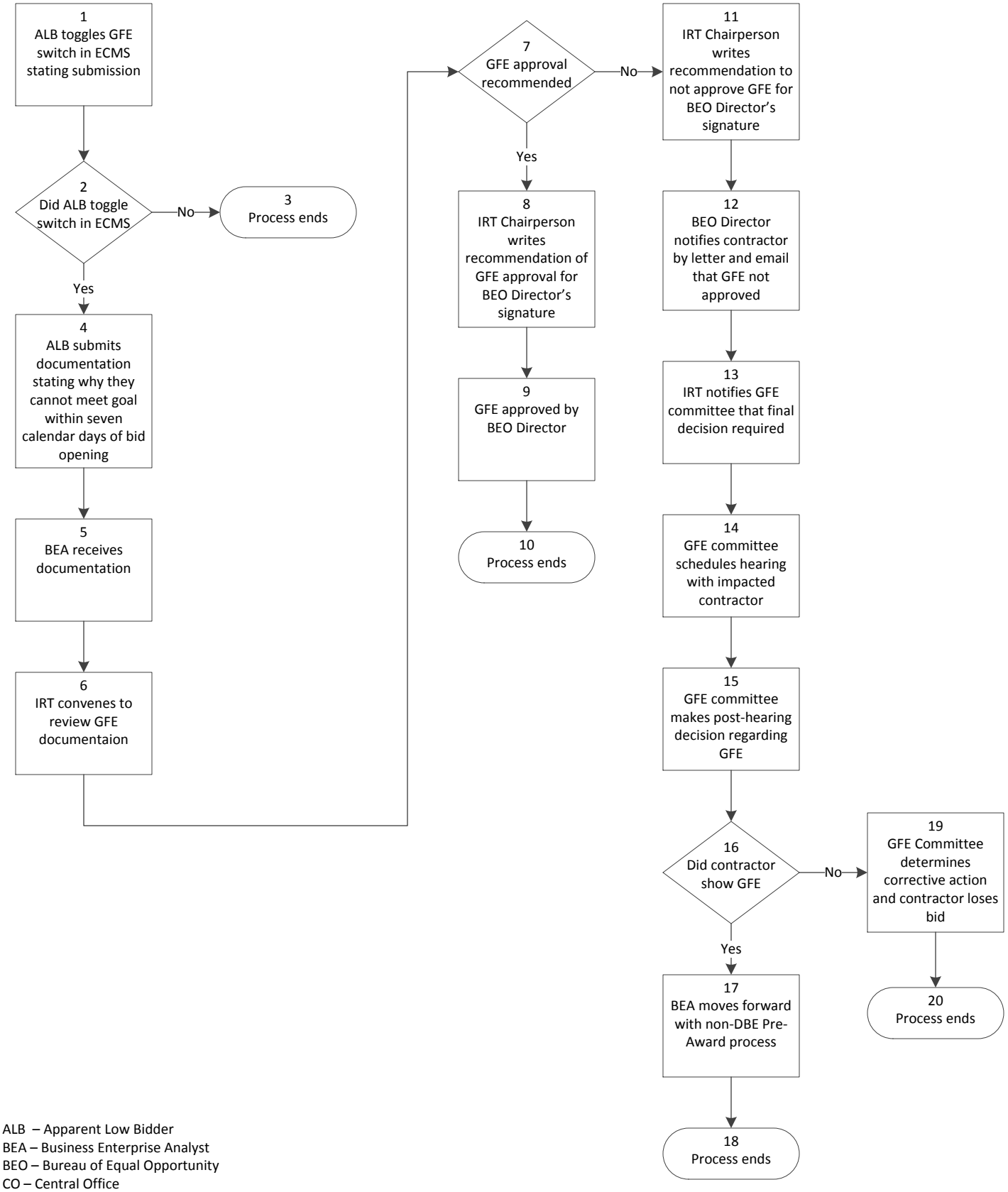
1. Initial Minority Participation Approval Pre-Award
Process Explanation
Process Owner: Dustin Hobaugh

Step	Comments	Requirements
6	Low bidder must submit commitment documentation (electronically in ECMS) by 3PM prevailing local time within 7 calendar days after the bid opening.	
7	CA reviews low bidder's commitment documentation that was received by the deadline to determine if DBE$ goal was met and/or if the commitment can be approved.	

NOTE: The initial participation approval process is managed and controlled by BOPD, Contract Awards. However, BEO is responsible for ensuring DBE requirements are met on all federally assisted transportation projects.

2. Good Faith Efforts (Pre-Award)

October 2, 2012



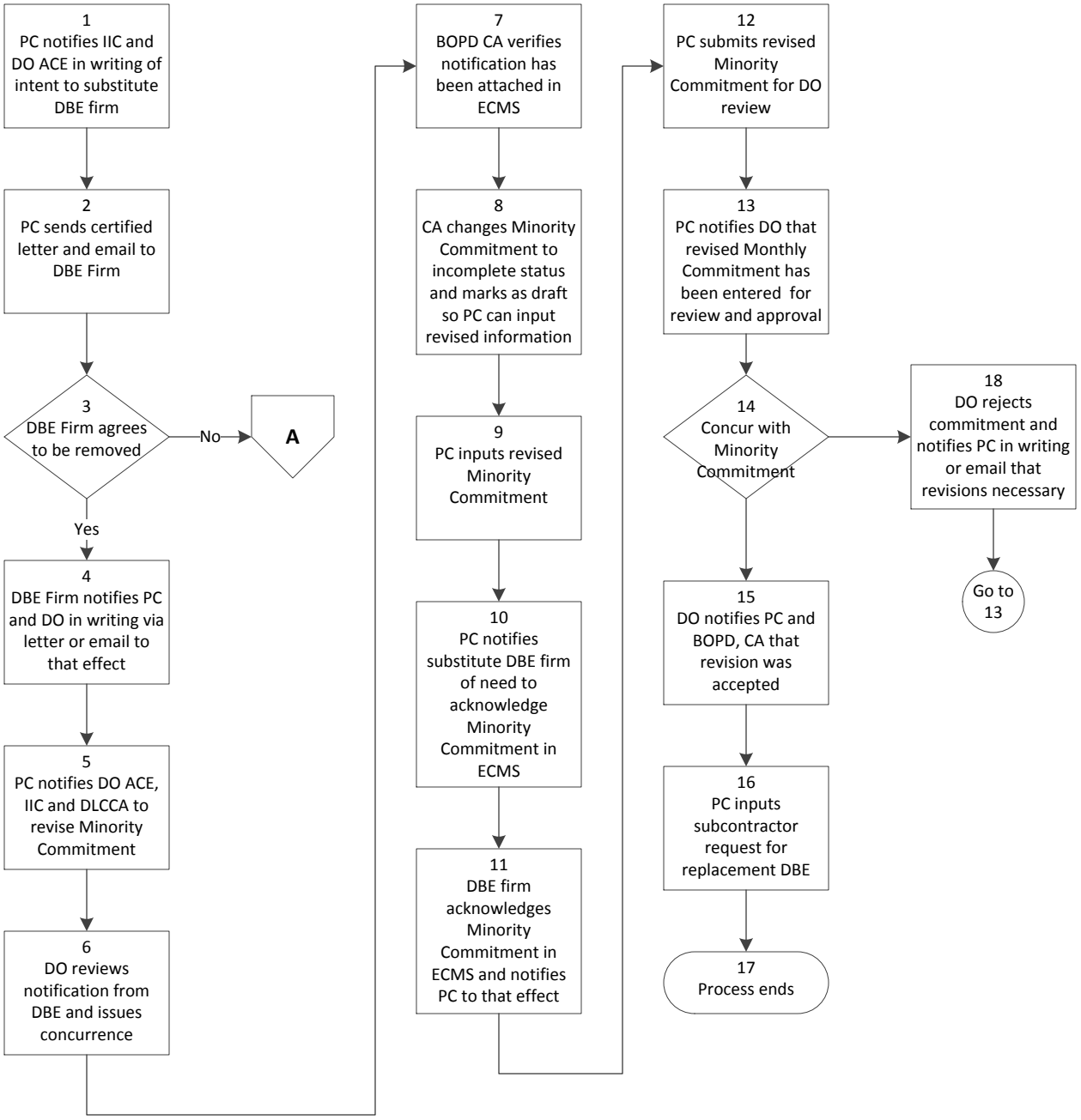
ALB – Apparent Low Bidder
BEA – Business Enterprise Analyst
BEO – Bureau of Equal Opportunity
CO – Central Office
DBE – Disadvantages Business Enterprise
DO – District Office
ECMS – Engineering & Construction Management System
GFE – Good Faith Effort
IRT – Interdisciplinary Review Team

2. Good Faith Efforts (Pre-Award)
Process Explanation
Process Owner: Dustin Hobaugh

Step	Comments	Requirements
1	Apparent Low Bidder does this prior to 3PM on the 7th calendar day after bid opening date. Apparent Low Bidder provides copies of quotes from DBE firms, emails and /or faxes sent out to DBE contractors, etc.	
12 & 14	This is part of Due Process.	

3A. Substitution - DBE Used To Meet Project Goal

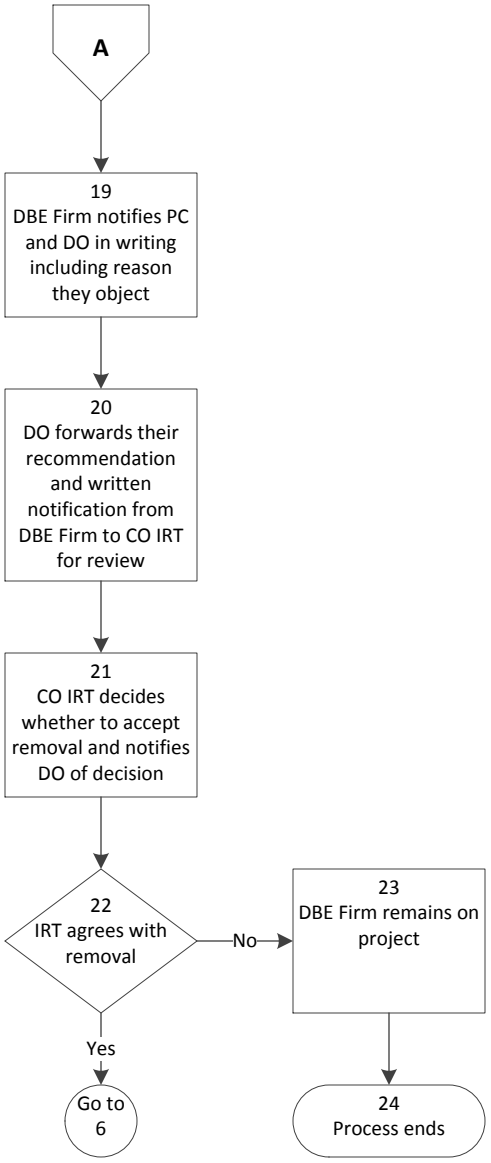
December 19, 2012



ACE – Assistant Construction Engineer
BOPD – Bureau of Project Delivery
CA – Contract Awards
CO – Central Office
DBE – Disadvantaged Business Enterprise
DLCCA – District Labor Contract Compliance Agent
DO – District Office
ECMS – Engineering and Construction Management System
IIC - Inspector in Charge
IRT – Interdisciplinary review Team
PC – Prime Contractor

3A. Substitution - DBE Used To Meet Project Goal

December 19, 2012



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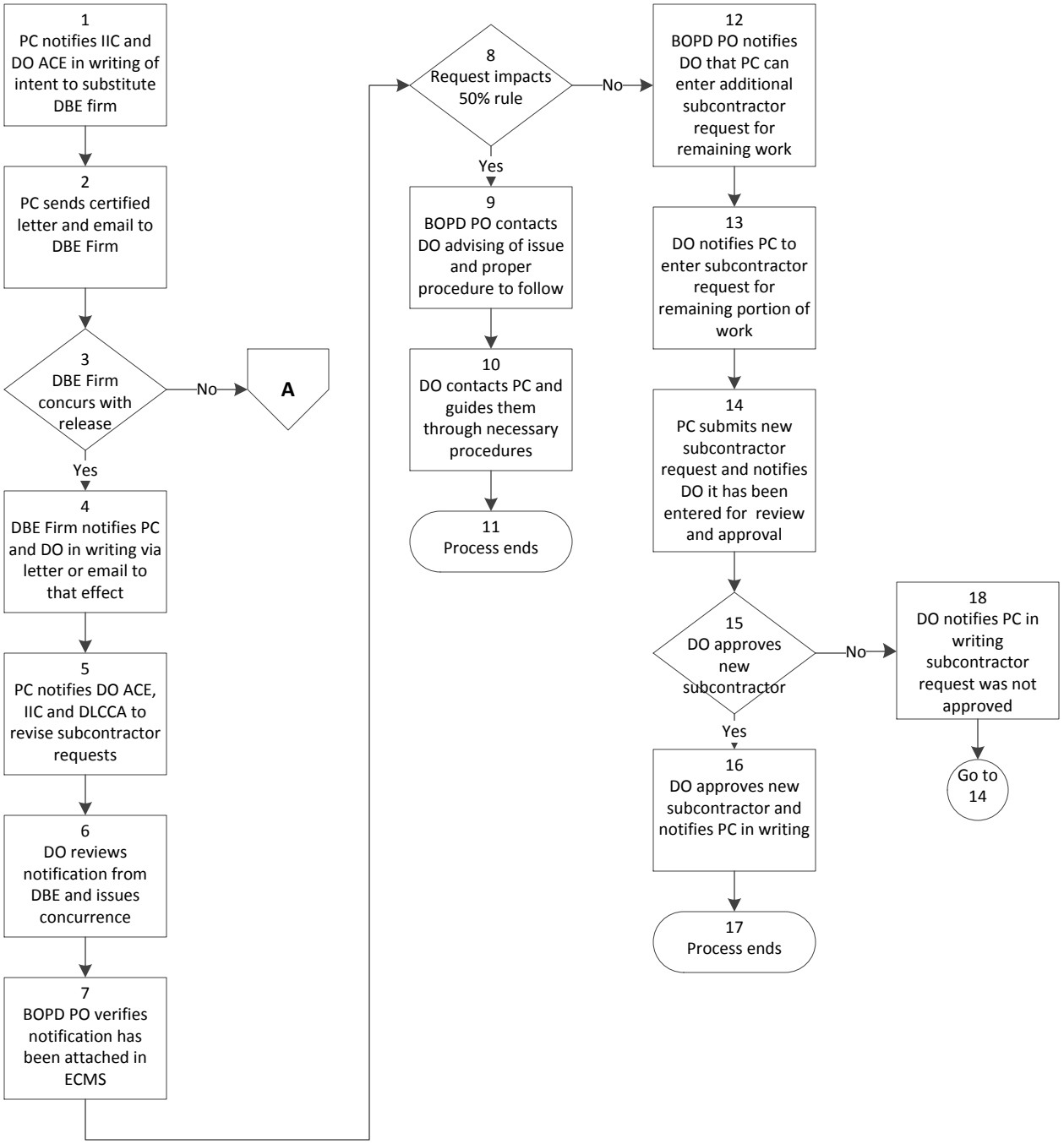
PC – Prime Contractor

3A. DBE Used To Meet Project Goal
Process Explanation
Process Owner: Dustin Hobaugh

Step	Comments	Requirements
1	Prime contractor should include a copy of the current subcontract agreement. If the work to be performed by the DBE is eliminated by the Department, then this process need not be followed.	
2	DBE Firm is given 5 business days from the date of receipt of the letter to respond to the notification of removal. If the Prime contractor has documentation from the DBE Firm acknowledging the removal then no certified notification is needed.	
5	Prime contractor also provides District Office with notification from DBE.	
6	The DO can also receive and review letter stating IRT's decision to remove. Once complete, the DO attaches notification in ECMS to the Minority Commitment and notifies BOPD, Contract Awards to that effect.	
8	CA notifies DO who in turn notifies PC.	
9	Includes substitute DBE firms, if applicable.	
19	This must be done within 5 business days of receipt.	
20	If needed, IRT has District Office request additional clarification/information from Prime contractor or DBE.	
21	DO is responsible for notifying Prime contractor and DBE Firm of IRT's decision via certified letter. The notification letter from the DO includes the DBE firm's right to request a mediation meeting immediately upon receipt.	
23	If needed, a meeting will be held with both parties to facilitate resolution of any outstanding issues.	

3B. Substitution - DBE Not Used To Meet Project Goal & Work Performed

December 13, 2012



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DLCCA – District Labor Contract Compliance Agent
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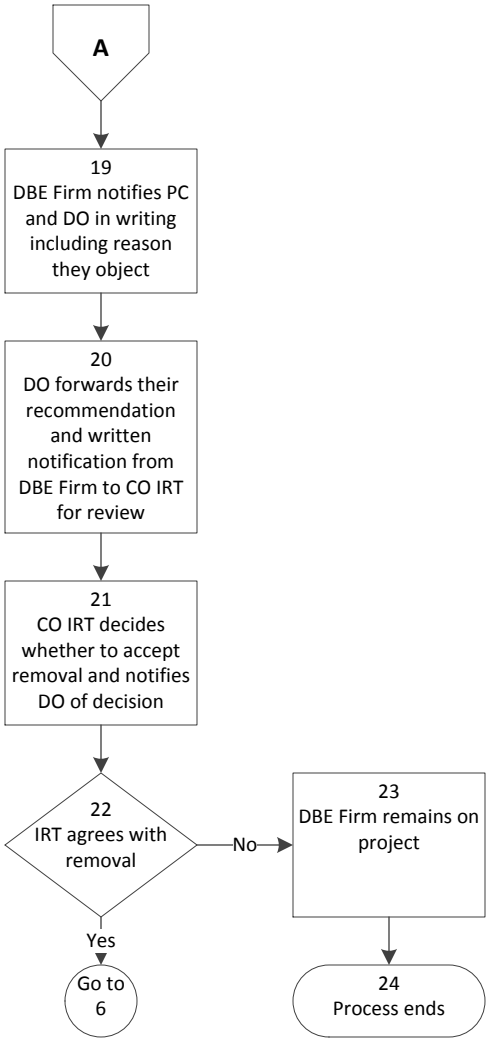
ECMS – Engineering and Construction Management System
IIC - Inspector in Charge
IRT – Interdisciplinary review Team
PC – Prime Contractor
PDCA – Project Delivery Contract Awards
PO – Prequalification Office

3B. Substitution - DBE Not Used To Meet Project Goal & Work Performed

December 13, 2012



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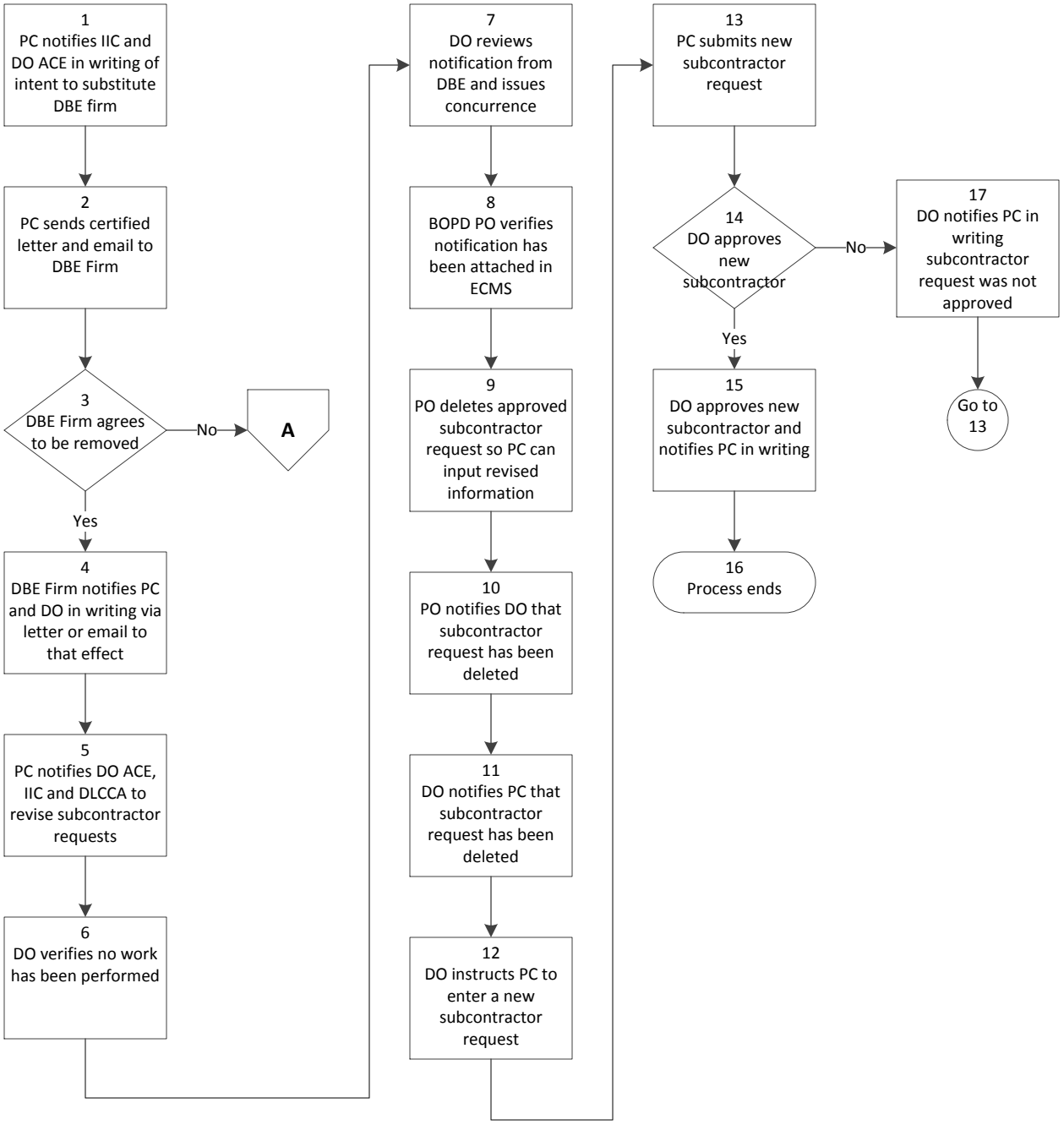
IRT – Interdisciplinary review Team
PC – Prime Contractor
PDCA – Project Delivery Contract Awards
PO – Prequalification Office

3C. Substitution - DBE Not Used To Meet Project Goal & No Work Performed

December 14, 2012



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DLCCA – District Labor Contract Compliance Agent
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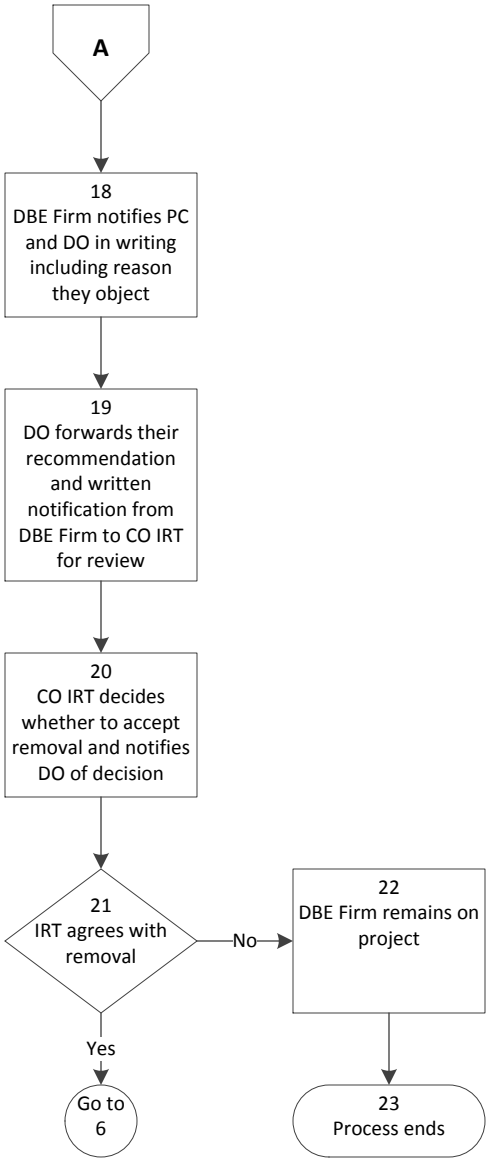
ECMS – Engineering and Construction Management System
IIC - Inspector in Charge
IRT – Interdisciplinary Review Team
PC – Prime Contractor
PO – Prequalification Office

3C. Substitution - DBE Not Used To Meet Project Goal & No Work Performed

December 14, 2012



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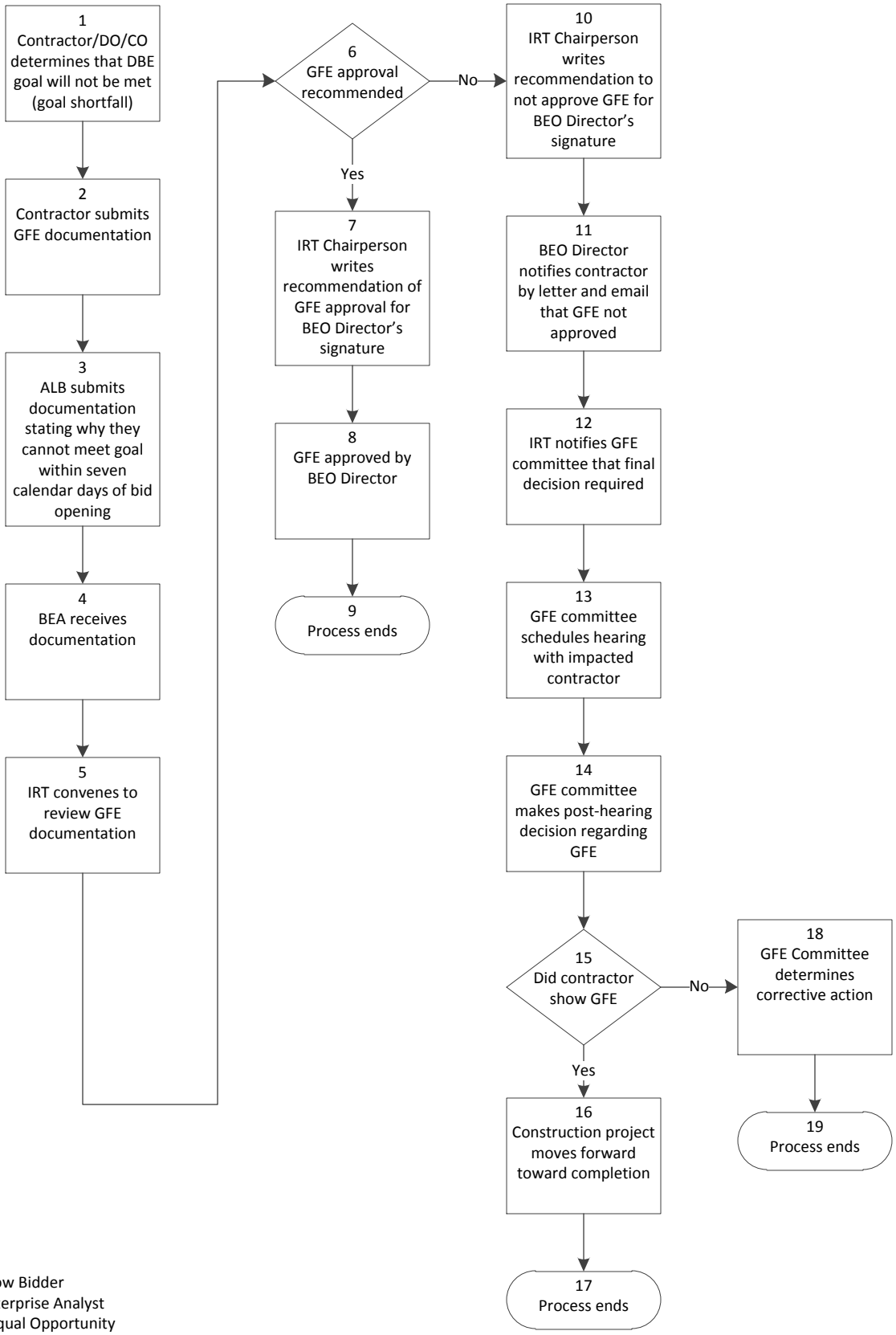
DBE – Disadvantaged Business Enterprise
DLCCA – District Labor Contract Compliance Agent
DO – District Office
ECMS – Engineering and Construction Management System
IIC - Inspector in Charge
IRT – Interdisciplinary Review Team
PC – Prime Contractor
PO – Prequalification Office

4. Good Faith Efforts (Post-Award)

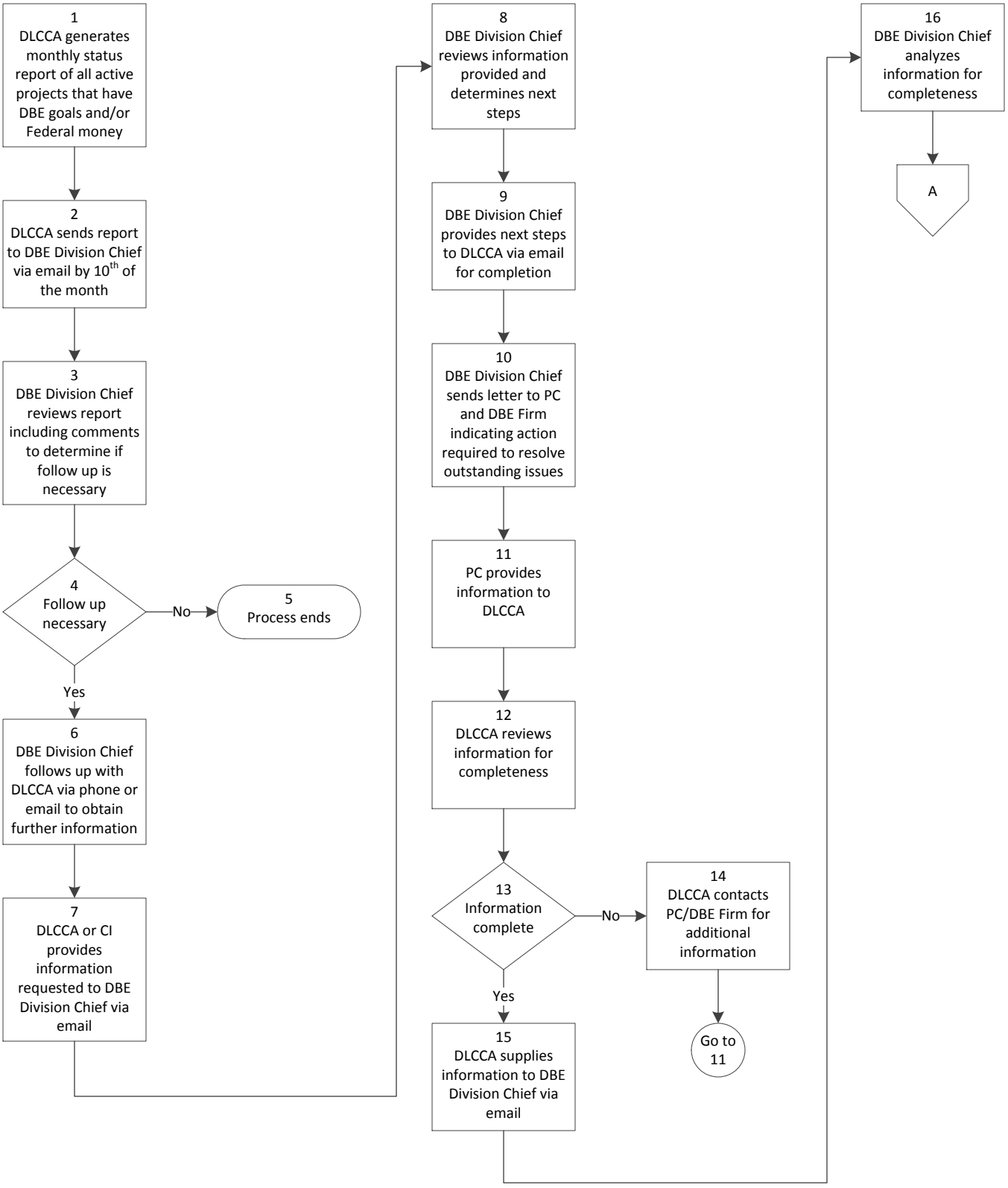
October 2, 2012



ALB – Apparent Low Bidder
BEA – Business Enterprise Analyst
BEO – Bureau of Equal Opportunity
CO – Central Office
DBE – Disadvantages Business Enterprise
DO – District Office
ECMS – Engineering & Construction Management System
GFE – Good Faith Effort
IRT – Interdisciplinary Review Team

5. DBE Goal Monitoring (Monthly District Report)

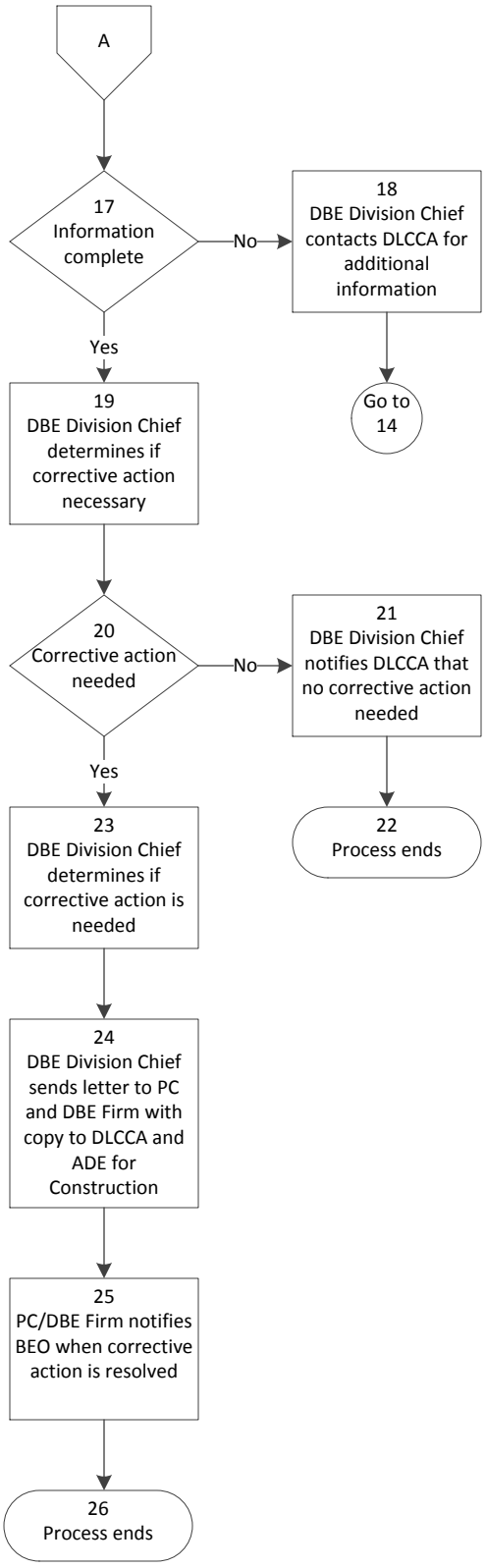
September 24, 2012



ADE – Assistant District Executive
BEO – Bureau of Equal Opportunity
CI – Chief Inspector
DBE – Disadvantaged Business Enterprise
DLCCA – District Labor Contract Compliance Agent
DO – District Office
PC – Prime Contractor

5. DBE Goal Monitoring (Monthly District Report)

September 24, 2012

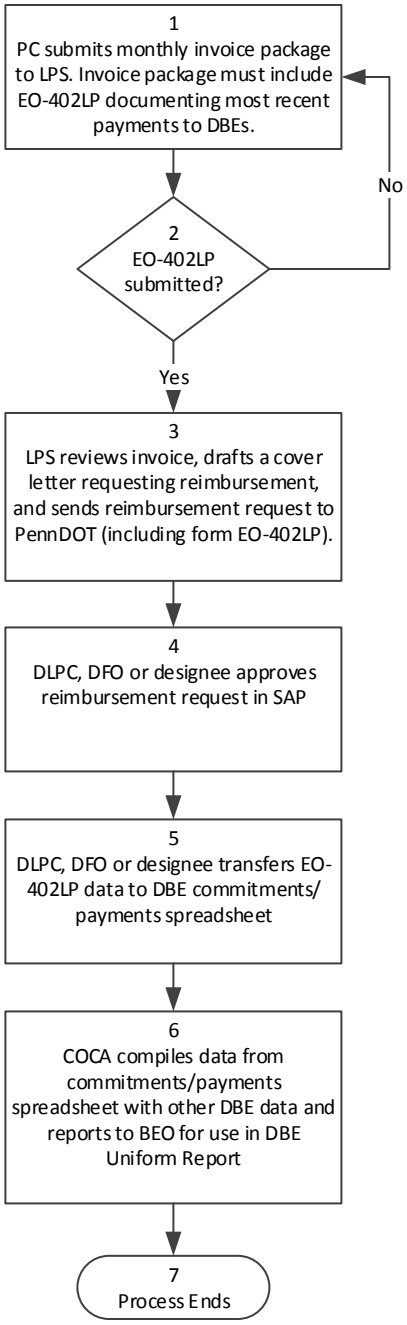


ADE – Assistant District Executive
BEO – Bureau of Equal Opportunity
CI – Chief Inspector
DBE – Disadvantaged Business Enterprise
DLCCA – District Labor Contract Compliance Agent
DO – District Office
PC – Prime Contractor

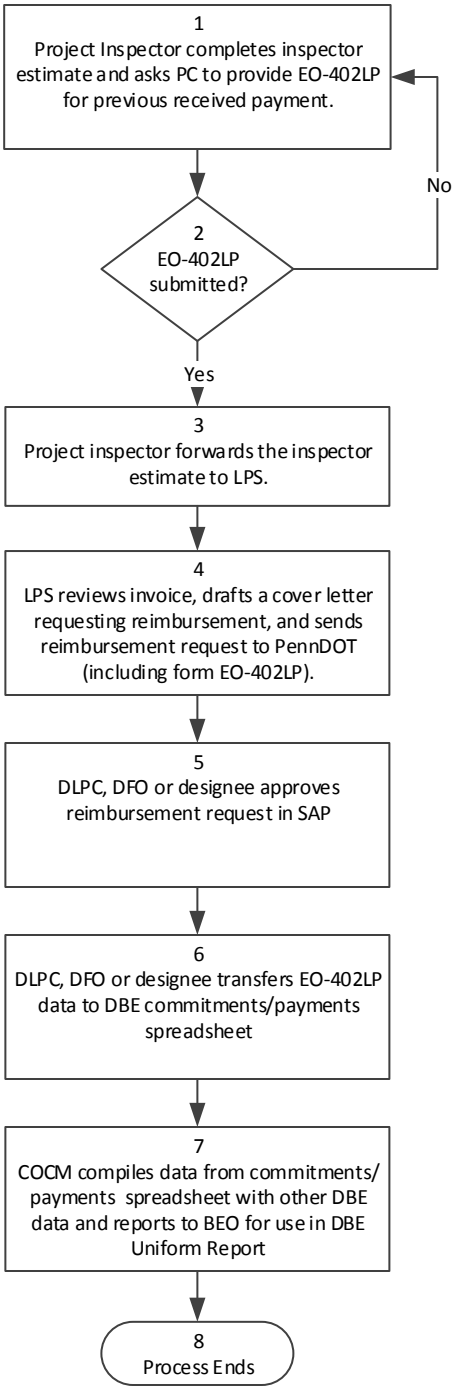
5A. DBE Goal Monitoring-Local Design and Construction Projects (Monthly District Report)

August 20, 2015

Design Projects



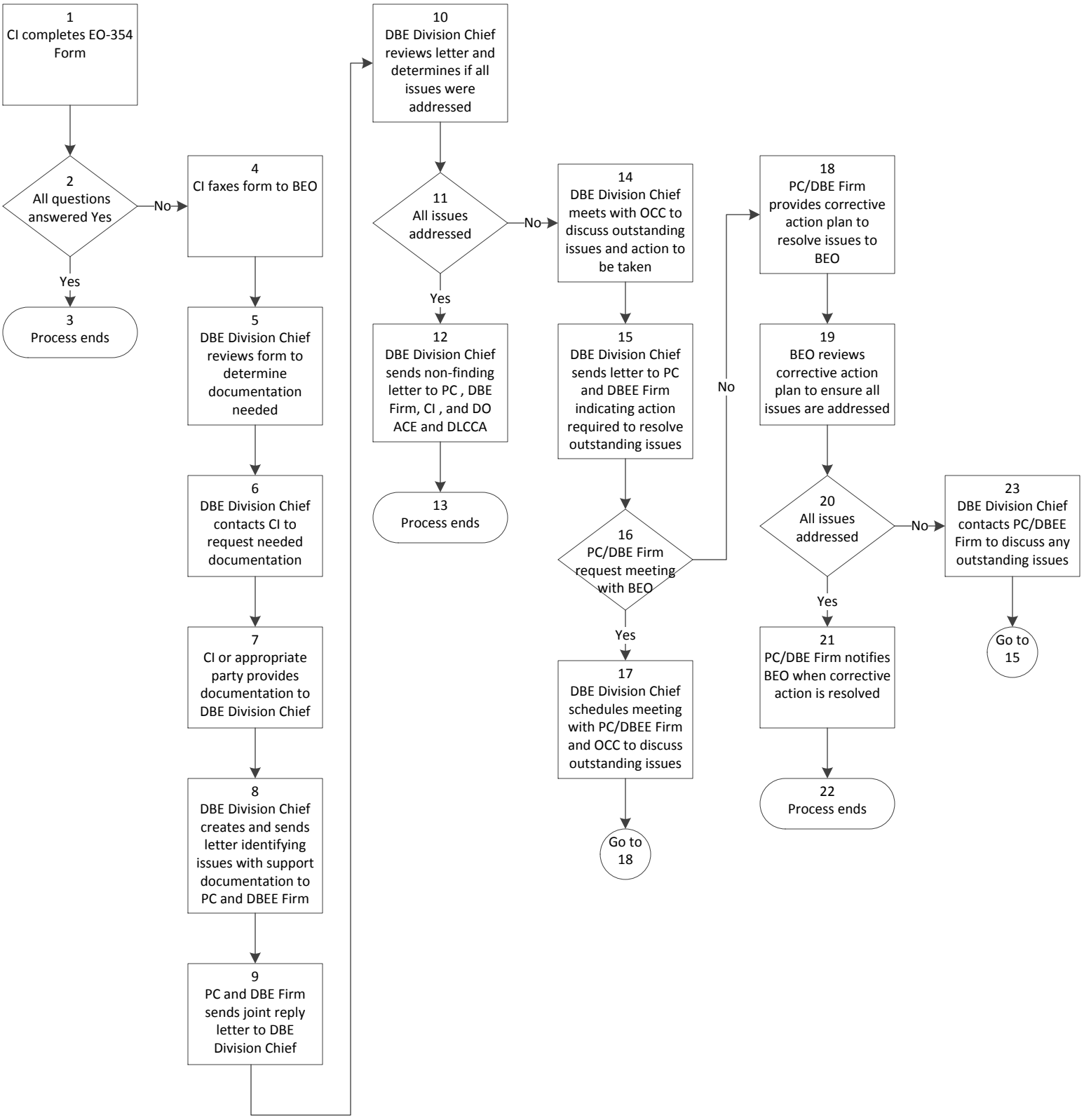
Construction Projects



BEO – Bureau of Equal Opportunity
COCA – Central Office Consultant Agreement Unit
COCM – Central Office Contract Management Unit
DBE – Disadvantaged Business Enterprise
DLPC – District Local Projects Coordinator
DFO – District Fiscal Officer
DO – District Office
EO-380 – DBE Participation for Federal Project
EO-402 – Monthly DBE/SBE Status Report
LPS – Local Project Sponsor
PC – Prime Consultant/Contractor
SAP – Commonwealth accounting system

7. DBE Commercially Useful Function Report

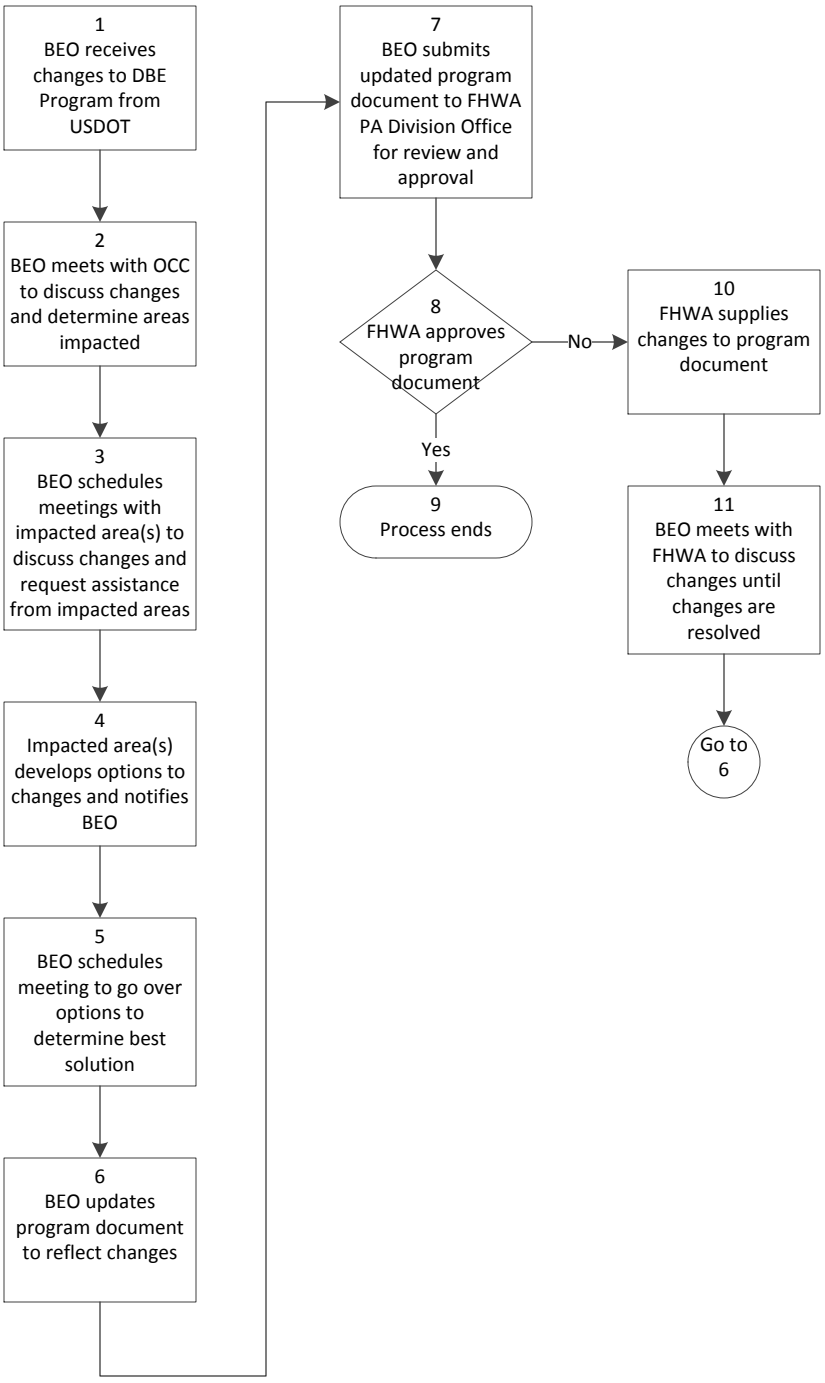
September 14, 2012



ACE – Assistant Construction Executive
CI – Construction Inspector
DB – Disadvantaged Business
DLCCA – District Labor Contract Compliance Agent
DO – District Office
DBE – Disadvantaged Business Enterprise
PC – Prime Contractor

8. Update DBE Program Document Per USDOT Regulatory Changes

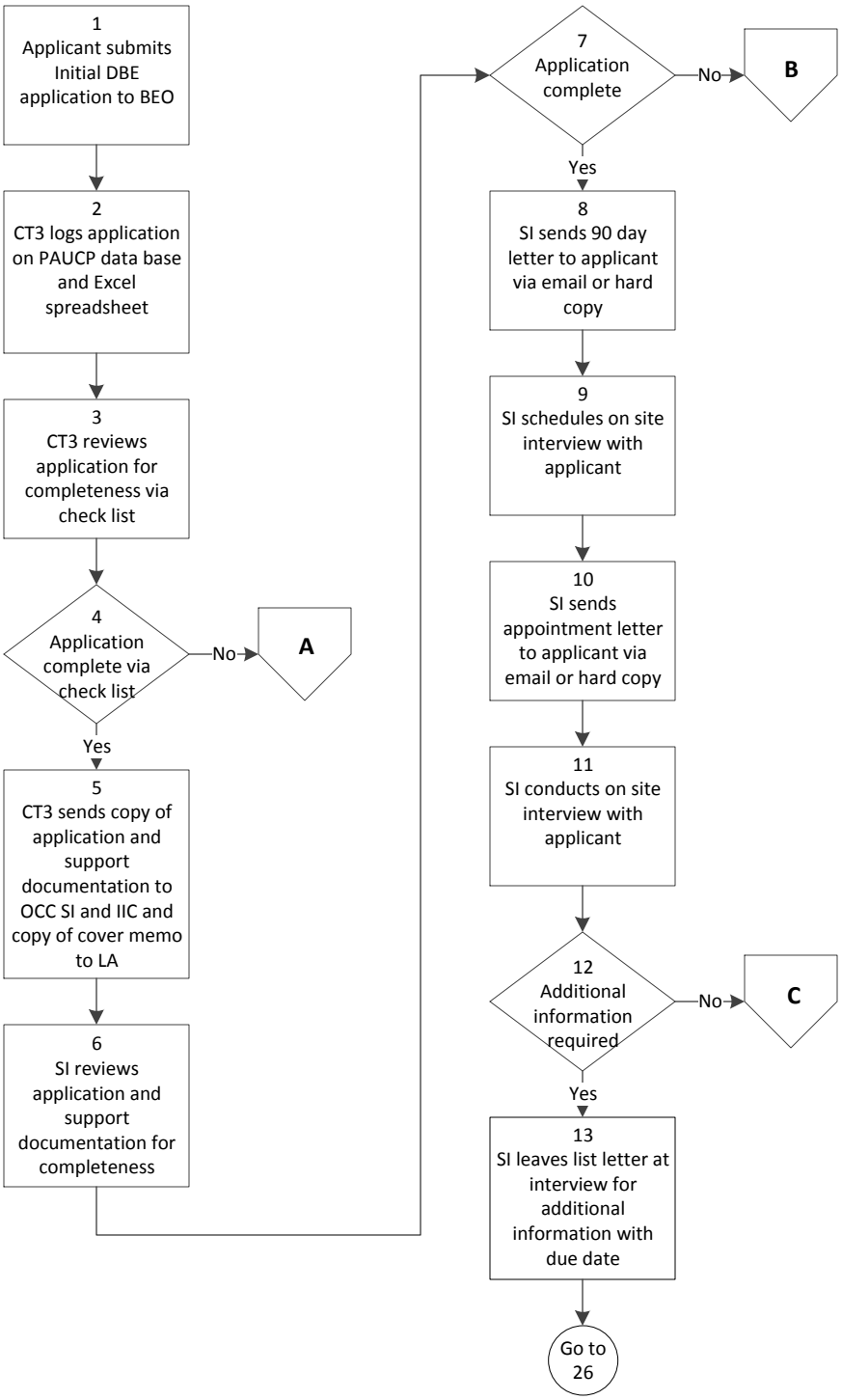
October 4, 2012



BEO – Bureau of Equal Opportunity
DBE – Disadvantages Business Enterprise
FHWA – Federal Highway Administration
OCC – Office of Chief Counsel
USDOT – United States Department of Transportation

9A. Initial DBE Certification

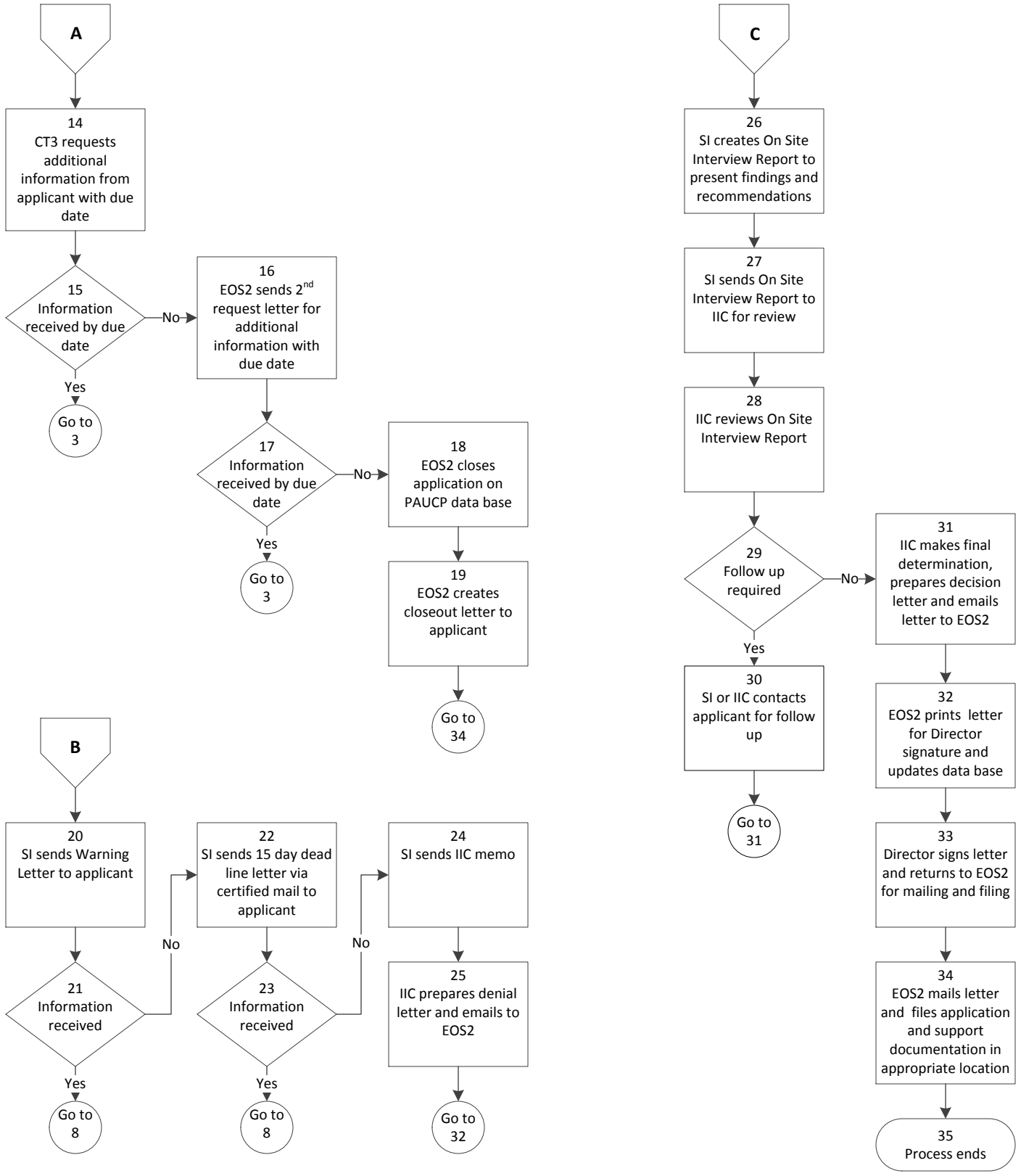
November 20, 2012



CT – Clerk Typist
DBE – Disadvantaged Business Enterprise
IIC – Investigator In Charge
LA – Legal Assistant
OCC – Office of Chief Counsel
PAUCP – Pennsylvania Unified Certification Program
SI – Special Investigator

9A. Initial DBE Certification

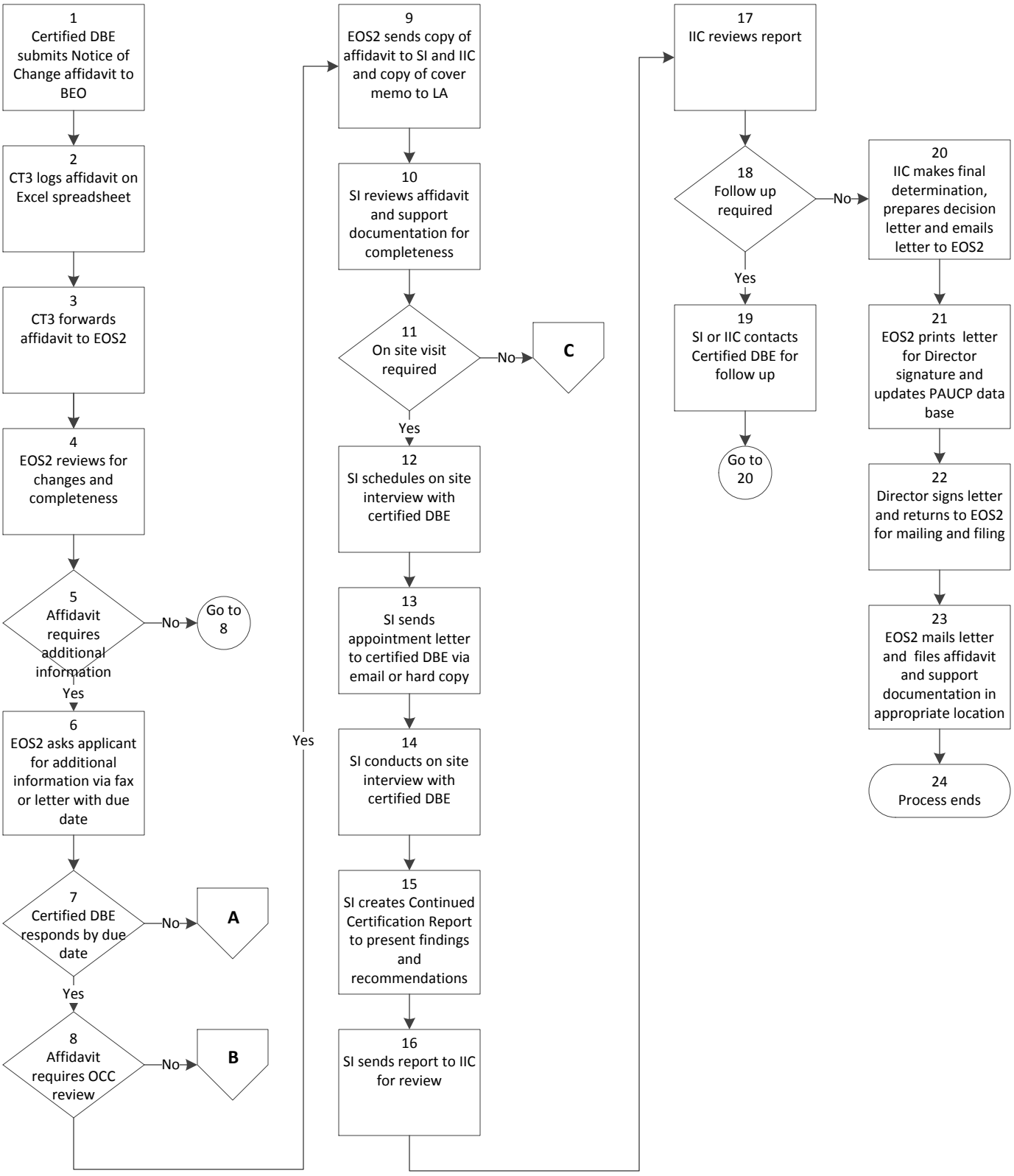
November 20, 2012



CT – Clerk Typist
DBE – Disadvantaged Business Enterprise
IIC – Investigator In Charge
LA – Legal Assistant
OCC – Office of Chief Counsel
PAUCP – Pennsylvania Unified Certification Program
SI – Special Investigator

9B. DBE Notice of Change Affidavit Submission

November 21, 2012



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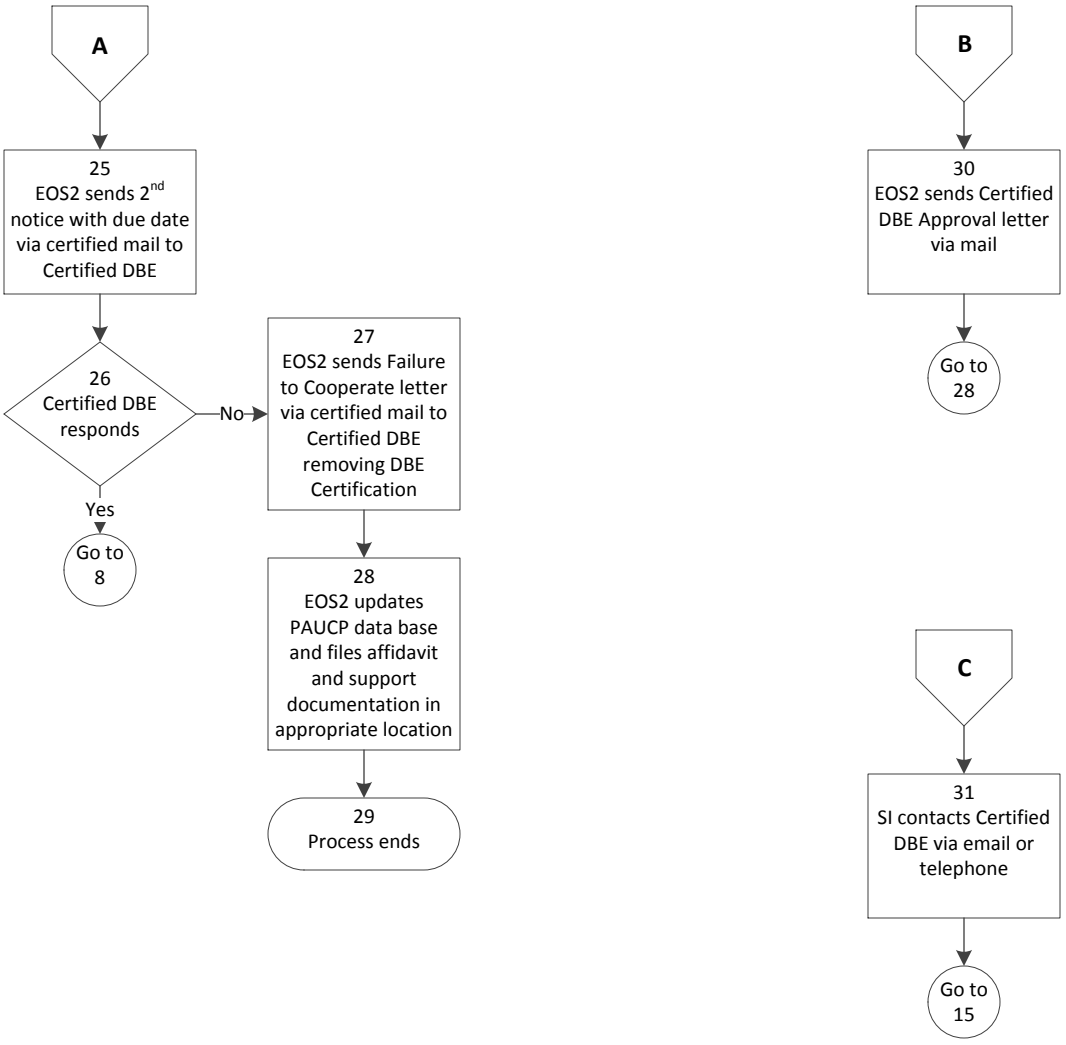

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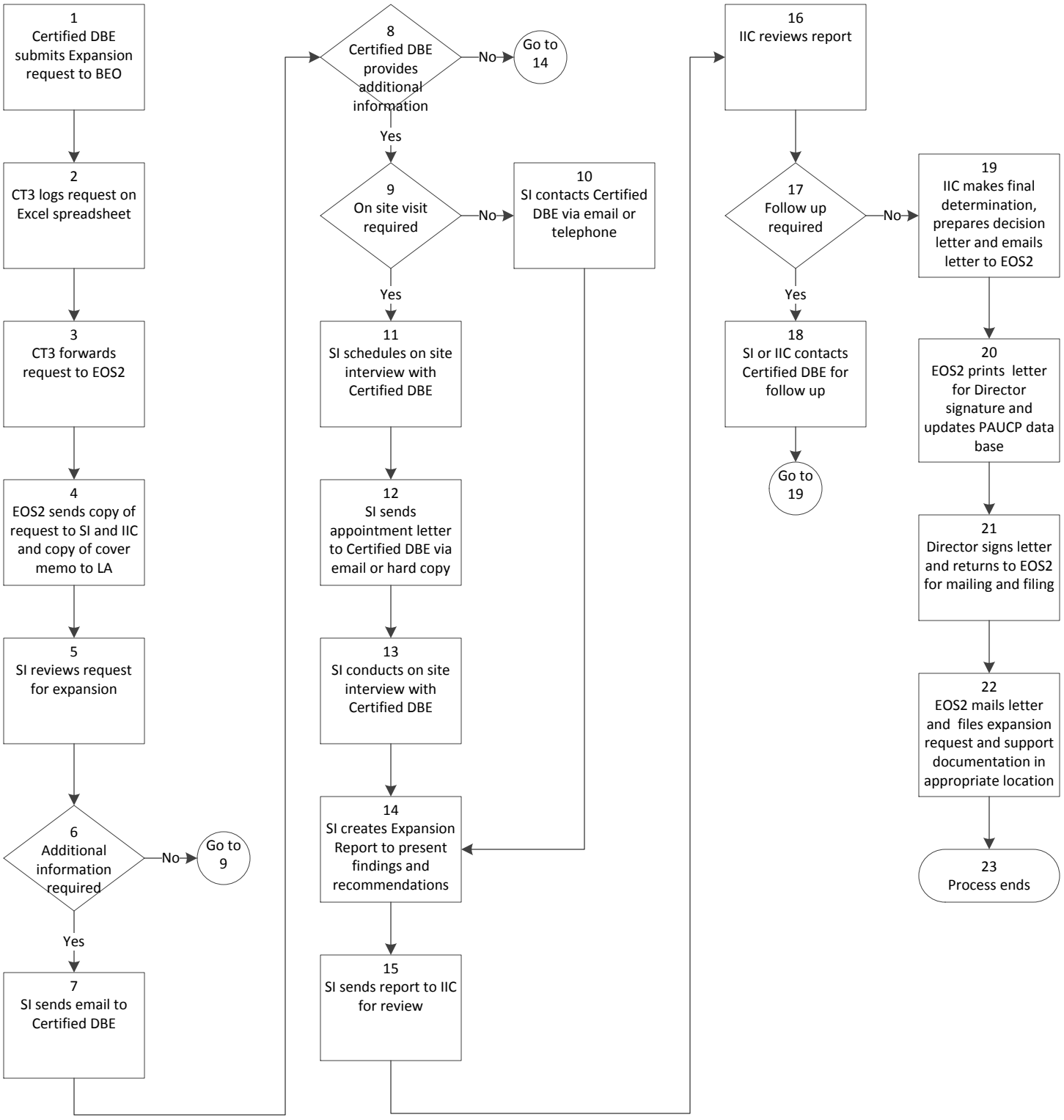
OCC – Office of Chief Counsel
PAUCP – Pennsylvania Unified Certification Program
SI – Special Investigator

9C. DBE Expansion Request Letter Submission

November 21, 2012



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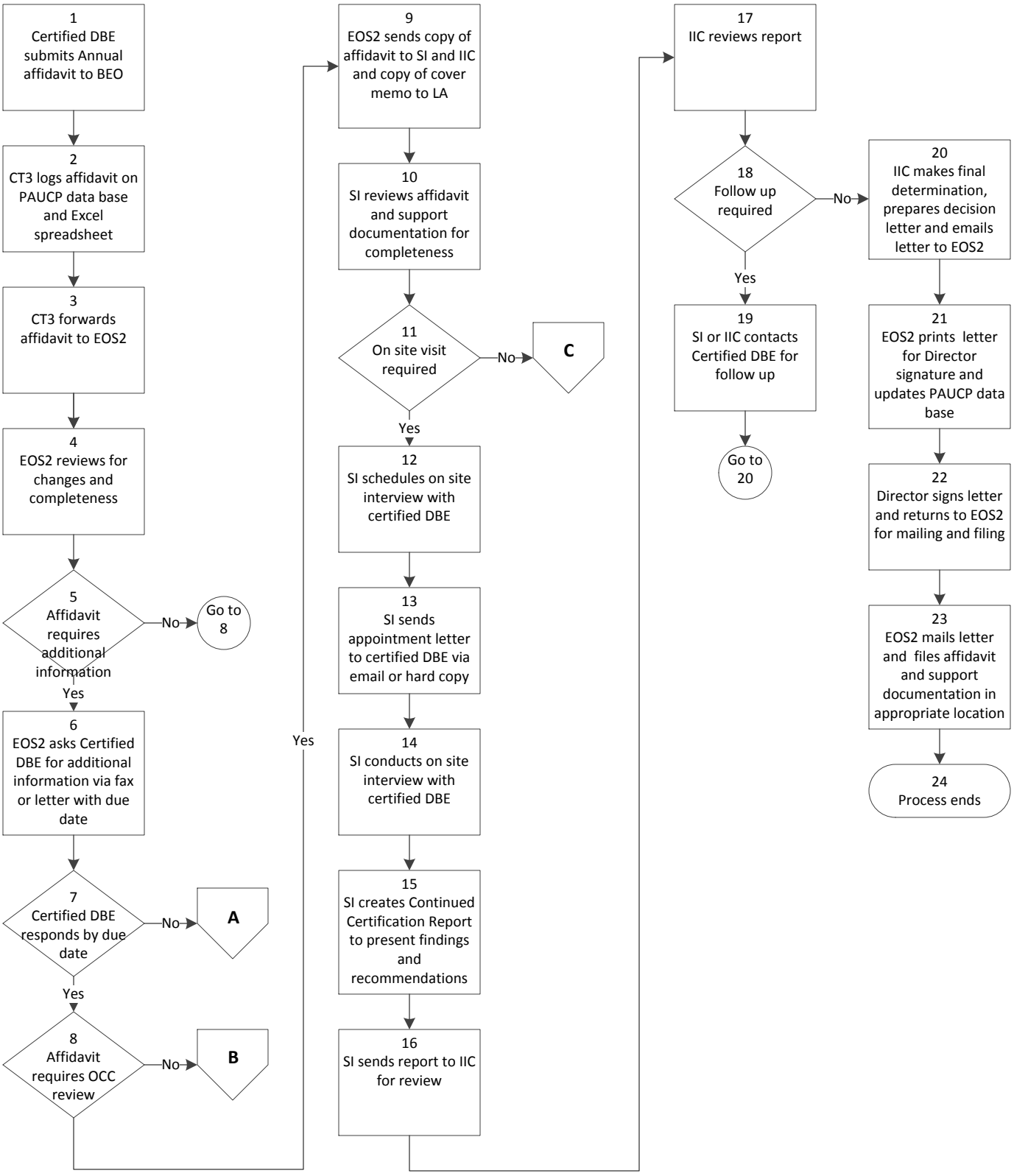
LA – Legal Assistant
OCC – Office of Chief Counsel
PAUCP – Pennsylvania Unified Certification Program
SI – Special Investigator

9D. DBE Annual Affidavit To Maintain DBE Status Submission

November 21, 2012



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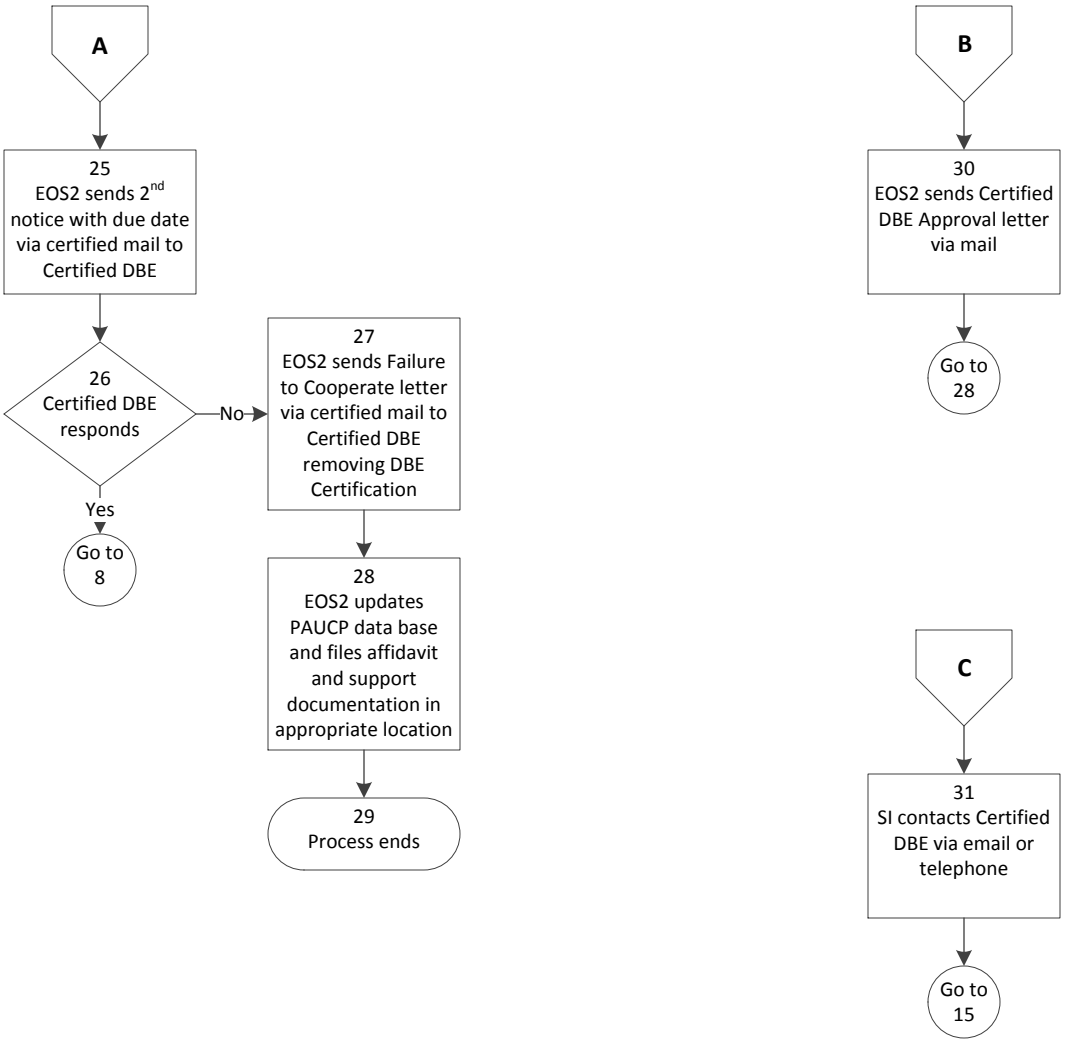
LA – Legal Assistant
OCC – Office of Chief Counsel
PAUCP – Pennsylvania Unified Certification Program
SI – Special Investigator

9D. DBE Annual Affidavit To Maintain DBE Status Submission

November 21, 2012



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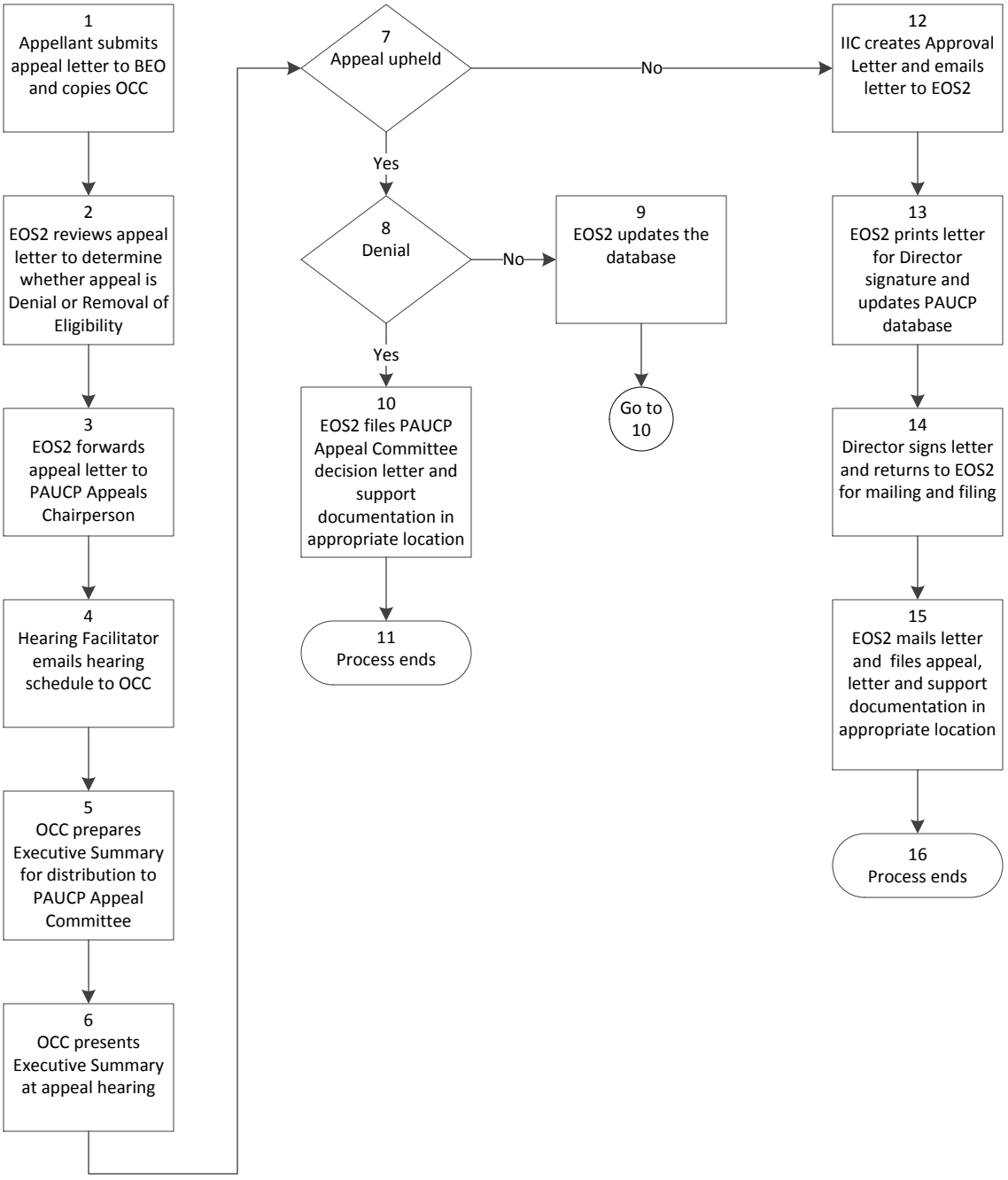
DBE – Disadvantaged Business Enterprise
IIC – Investigator In Charge
LA – Legal Assistant
OCC – Office of Chief Counsel
PAUCP – Pennsylvania Unified Certification Program
SI – Special Investigator

9E. DBE Certification Appeal Letter Submission

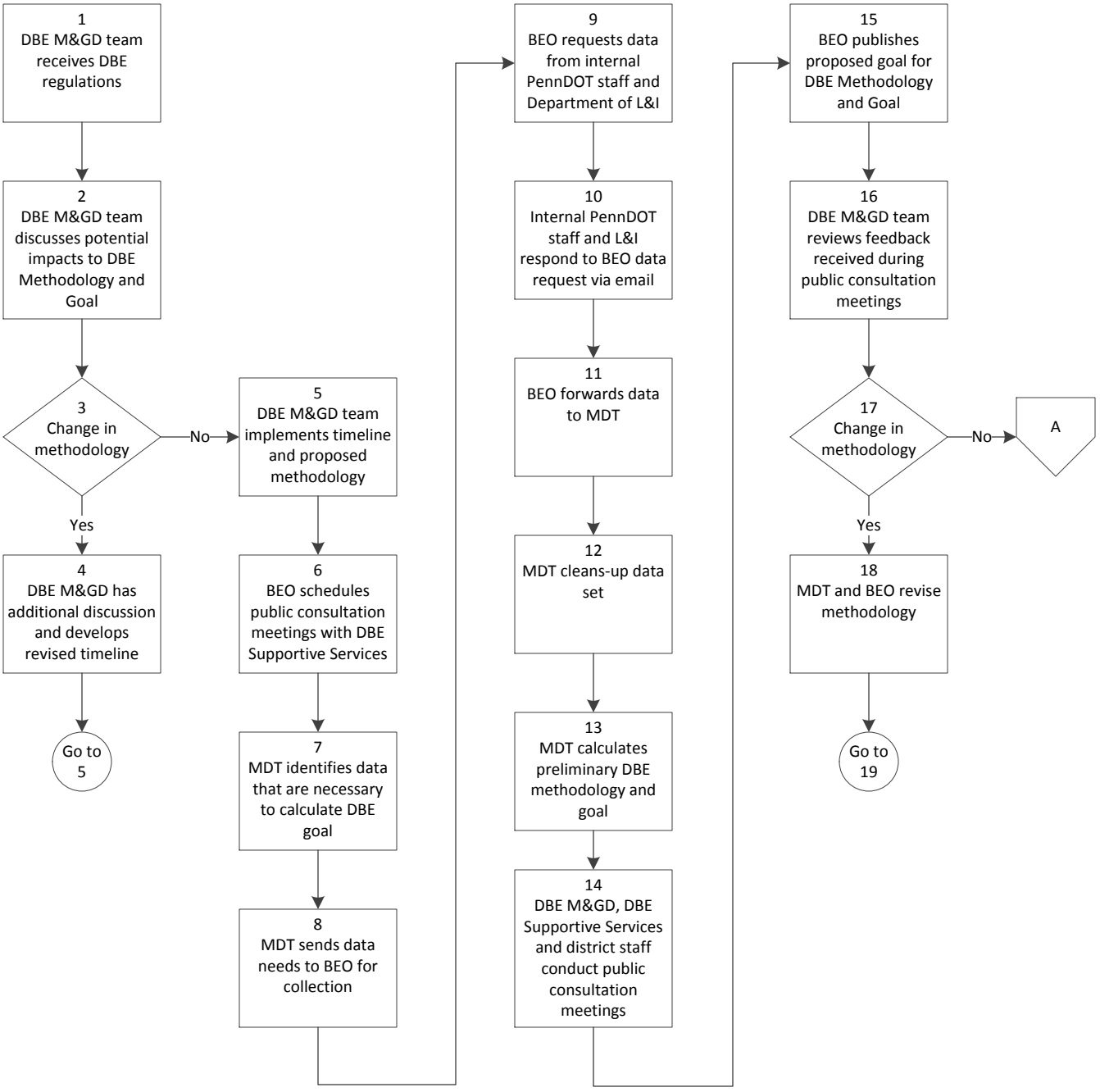
November 21, 2013



BEO – Bureau of Equal Opportunity
EOS – Equal Opportunity Specialist
IIC – Investigator In Charge
OCC – Office of Chief Counsel
PAUCP – Pennsylvania Unified Certification Program

10. DBE Methodology and Goal Development

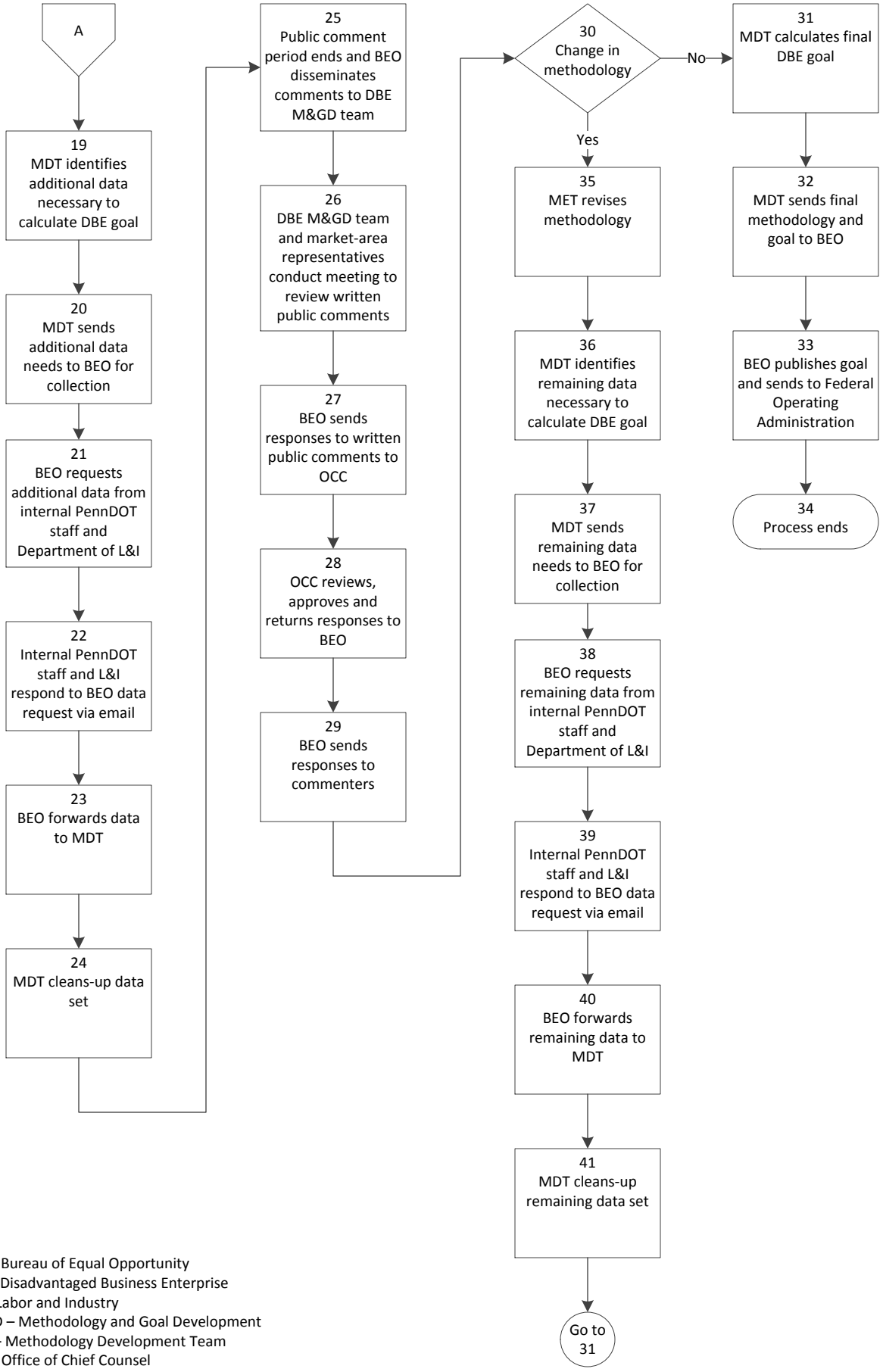
December 18, 2012



BEO – Bureau of Equal Opportunity
DBE – Disadvantaged Business Enterprise
L&I – Labor and Industry
M&GD – Methodology and Goal Development
MDT – Methodology Development Team
OCC – Office of Chief Counsel

10. DBE Methodology and Goal Development

December 18, 2012



BEO – Bureau of Equal Opportunity
DBE – Disadvantaged Business Enterprise
L&I – Labor and Industry
M&GD – Methodology and Goal Development
MDT – Methodology Development Team
OCC – Office of Chief Counsel

10. DBE Methodology & Goal Development
Process Explanation
Process Owner: Dustin Hobaugh

Step	Comments	Requirements
1	DBE Methodology and Goal Development Team consists of Methodology Development Team located at Indiana University of Pennsylvania (IUP), Office of Chief Counsel (OCC) and Bureau of Equal Opportunity (BEO) staff that annually reviews 49 CFR Part 26 and, if necessary, initiates revisions to the goal and methodology. Revisions may be needed due to potential rule changes, regulation changes, written statements, questions and answers at meetings, proposals, etc.	
2	The time line plan is established and methodology determined at this meeting.	
5 & 33	Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are completed in the same year; Federal Aviation Administration (FAA) is completed in a different year.	
6 & 14	Supportive Services Center is made up of Cheyney University staff. They contact DBE firms and groups to assist them in understanding the documentation and may represent them in future meetings, if needed. BEO contacts appropriate District Offices to schedule the meetings.	
8	The Methodology Development Team may contact directly for additional information if previous contacts have been successfully performed.	
9, 21 & 38	Who is contacted within PennDOT is dependent upon what data is needed. Any data needed from Labor & Industry (L&I) is provided on CD Rom and is hand delivered to BEO.	
15	Publication marks the beginning of the 45 day public comment period.	
16	After the 45 day public comment period is over the Methodology Development Team collects updated data for creating the final document.	
18	Revisions are created in consultation with BEO staff.	
27	Market area representatives, besides the DBE Team (see Step 1 above), are Bureau of Design, Planning and Research, Office Services, and Construction staff. Public comments are reviewed to determine if change to methodology is needed and to discuss the content for the formal written responses to public written comments received. The final written responses are created by BEO, reviewed by OCC, and distributed to the commenter.	

Attachment G: PennDOT Organizational Chart

pennsylvania
DEPARTMENT OF TRANSPORTATION

ADMINISTRATION DEPUTATE

Deputy Secretary for Administration
*DBE Liaison Officer for PennDOT

Bureau of Innovations
Divisions:
- Next Generation
- Tourism Services

Bureau of Human Resources
Divisions:
- Classification and Placement
- Employee Safety
- Labor Relations and Equal Opportunity
- Employee Services
- Workforce Development

Bureau of Equal Opportunity

Bureau of Fiscal Management
Divisions:
- Budget
- Finance

Bureau of Office Services
Divisions:
- Materials and Services Management
- Graphic Service Center
- Facilities Management

Information Systems and Technology Office

Bureau of Business Solutions & Services
Divisions:
- Safety Applications
- Highway Applications
- Data Administration
- Enterprise Services

Bureau of Infrastructure & Operations
Divisions:
- Operations
- Network
- Communications
- IT Coordinator

Bureau of IT Project Development & Delivery
Divisions:
- Policy, Planning & Performance
- Contract Management
- Project Management
- Business Analysis & Process Improvement

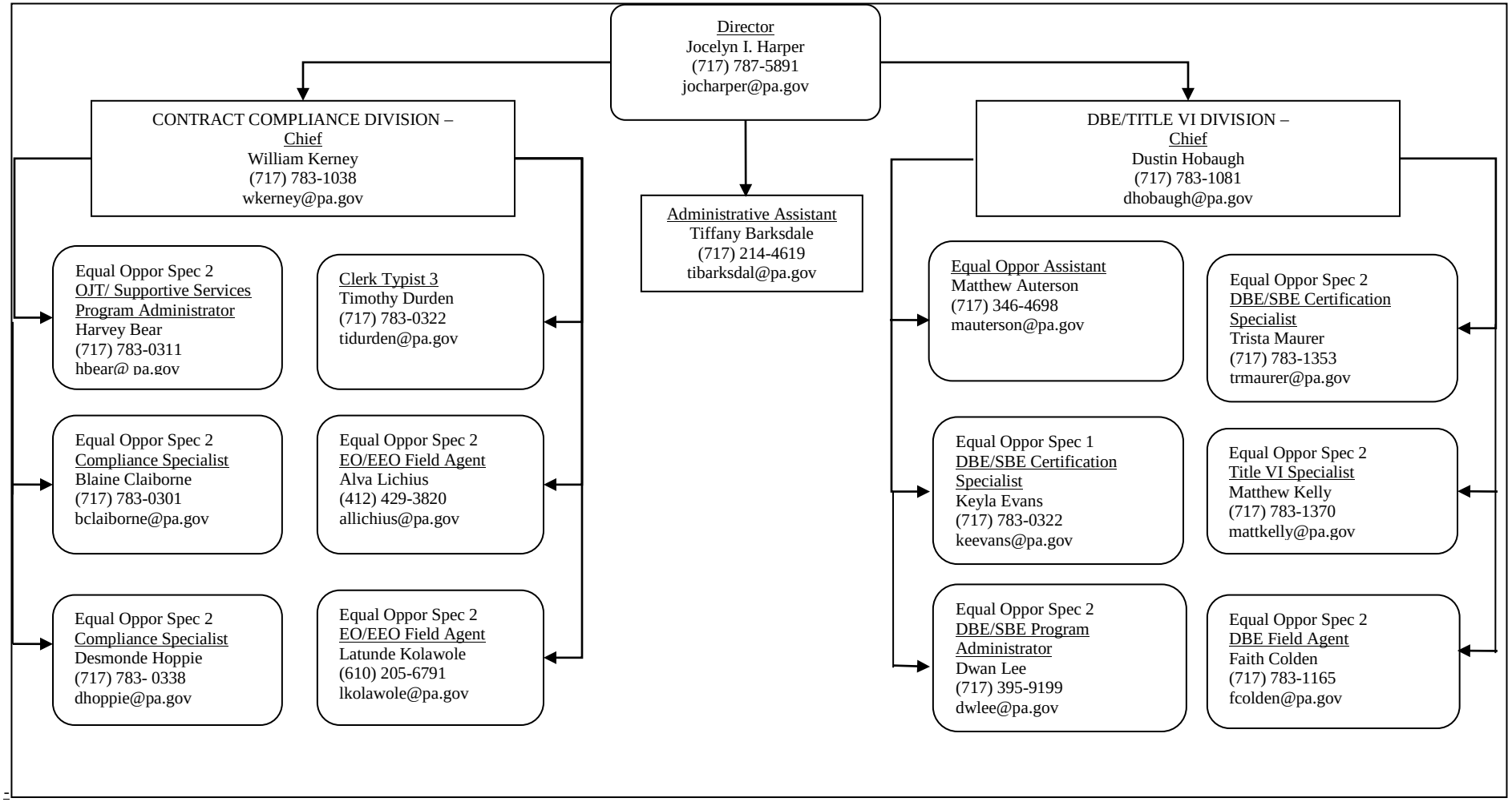
PennDOT DBE
Program Plan

ATTACHMENTS

Attachment H: PennDOT Bureau of Equal Opportunity Organizational Chart

Revised 9/25/15

Bureau of Equal Opportunity
Pennsylvania Department of Transportation
400 North Street
5th Floor, Keystone Building
Harrisburg, PA 17120
Phone: (717) 787-5891 or 1(800) 468-4201
Fax: (717) 772-4026



PennDOT DBE
Program Plan

ATTACHMENTS

Attachment I: Aviation Checklist

DBE Project Compliance Review Checklist for Aviation Grants

Airport Name: Airport Name

Grant Identifier: Unique Grant Identifier/Number

Airport DBE POC: Airport DBE POC Name

DBE POC Telephone #: 555-555-5555 **DBE POC Email:** pointofcontact@yourairport.com

BOA Project Manager: BOA Project Manager Name

Pre-Award Project Checklist

- ☐ Review completed form EO-380, DBE Participation for Federal Projects, to ensure that all DBE information is complete and accurate (or a bidder's good faith effort has been documented, if applicable) before approving award
  - ☐ Ensure good faith effort documentation includes quotes for DBEs and non-DBEs in instances where a non-DBE firm was selected based on the prime's determination that the DBE firm's quote was too high or excessive, if applicable.
  - ☐ Ensure that NAICS codes were included as part of the DBE firm's submission and those codes accurately reflect the scope of work.

Project Site Visit Checklist

- ☐ Review dotGrants to verify information on EO-380 has been entered into the system
- ☐ Review fully executed DBE subcontracts to ensure firms listed and scope of work is consistent with what is listed on EO-380 and in dotGrants
- ☐ Review completed/filed form EO-354, DBE Commercially Useful Function Report, to verify that the DBE's are performing a commercially useful function
  - ☐ Verify that business names on equipment and vehicles are not covered with paint or magnetic signs (visual inspection of vehicles on site)
  - ☐ Verify who employs the workers on site (visually inspect badges/id's; establish reporting relationships of workers on site/review certified payrolls)

- ☐ Review supplier invoices and cancelled checks to verify what firm orders and pays for the necessary supplies being used by the DBE subcontractor

☐ Review DBE invoices and corresponding cancelled checks (or other proof of payment such as bank statements, electronic funds transfer, etc.) to verify prompt payment (within 30 days per 49 CFR 26.29)

☐ Review any correspondence related to terminations, substitutions or deletions of DBE firms

- ☐ Ensure documentation is included which verifies DBE firm received sufficient notice and time to respond (at least five (5) days' notice per 49 CFR Part 26.53)
- ☐ Ensure approval from BOA Project Manager was received prior to making the change and is on file
- ☐ If terminations, substitutions, or deletions were approved, ensure documentation of prime contractor's good faith effort to find a replacement firm is included and approval from BOA Project Manager is on file.

Certification:

I, Name of Person Completing Checklist hereby certify that the contracting records for federally funded Bureau of Aviation Grant Unique Grant Identifier/Number have been reviewed and the work site has been visited/monitored.

Signature: _____

Date: _____

PennDOT DBE
Program Plan

ATTACHMENTS

Attachment J: PennDOT Bureau of Public Transportation Standard Terms and Conditions for Grants

June 2014

STANDARD TERMS AND CONDITIONS FOR PUBLIC TRANSPORTATION GRANTS USING FEDERAL FUNDS

1. **Audit provisions**.

a. Audit requirements.

The Grantee must comply with all federal and state audit requirements including: the Single Audit Act, as amended, 31 U. S. C. 7501 et. seq.; Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as amended; and any other applicable law or regulation and any amendment to such other applicable law or regulation which may be enacted or promulgated by the federal government.

If the Grantee is a local government or non-profit organization and expends total federal awards of $500,000 or more during its fiscal year, received either directly from the federal government or indirectly from a recipient of federal funds, the Grantee is required to have an audit made in accordance with the provisions of OMB Circular A-133.

If the Grantee expends total federal awards of less than $500,000 during its fiscal year, it is exempt from these audit requirements, but is required to maintain auditable records of federal awards and any state funds which supplement such awards, and to provide access to such records by federal and state agencies or their designees.

b. Submission of audit information to the Commonwealth.

The Grantee must submit copies of the audit report package to the Commonwealth, which shall include:

1). Data Collection Form.

2). Financial statements and schedule of expenditures of federal awards.

3). Auditor's reports on the financial statements and schedule of expenditures of federal awards, internal control and compliance as well as a schedule of findings and questioned costs.

4). Summary schedule of prior audit findings.

5). Corrective action plan.

6). Management letter comments.

The number of copies to be submitted shall equal one for the Bureau of Audits (archival copy) plus one for each Commonwealth agency which provided federal pass-through awards to the entity, as reflected in the entity's Schedule of Expenditures of Federal Awards. The audit report package should be submitted to the:

Bureau of Audits
Special Audit Services Division
Forum Place – 8th Floor
555 Walnut Street
Harrisburg, PA 17101
Phone: (717) 783-9120
Fax: (717) 703-3943

In instances where a federal program-specific audit guide is available, the audit report package for a program-specific audit may be different and should be prepared in accordance with the audit guide and OMB Circular A-133.

c. General Audit Provisions.

The Grantee is responsible for obtaining the necessary audit and securing the services of a certified public accountant or other independent governmental auditor. Federal regulations preclude public accountants licensed in the Commonwealth of Pennsylvania from performing audits of federal awards.

The Commonwealth reserves the right for federal and state agencies or their authorized representatives to perform additional audits of a financial or performance nature, if deemed necessary by Commonwealth or federal agencies. Any such additional audit work will rely on work already performed by the Grantee's auditor, and the costs for any additional work performed by the federal or state agencies will be borne by those agencies at no additional expense to the Grantee.

Audit working papers and audit reports must be retained by the Grantee's auditor for a minimum of three years from the date of issuance of the audit report, unless the Grantee's auditor is notified in writing by the Commonwealth or the cognizant or oversight federal agency to extend the retention period. Audit working papers will be made available upon request to authorized representatives of the Commonwealth, the cognizant or oversight agency, the federal funding agency, or the General Accounting Office.

2. Records. In addition, financial records, supporting documentation, and all other records pertinent to a grant must be made readily available to authorized representatives of the U. S. Department of Transportation and the Comptroller General of the United States during the retention period. The retention period starts upon notification by the Department that the federal project has been closed out on a statewide basis regardless of the close of the project period. If any litigation, claim or audit is started before the expiration of the three-year period, the records must be retained beyond the three-year period until all litigation, claims, or audit finding involving the records have been resolved. This paragraph supplements Paragraph 2. Records in STANDARD TERMS AND CONDITIONS FOR PUBLIC TRANSPORTATION GRANTS.

3. Local match requirement. The Grantee agrees that, if it does not provide local matching funds (if any) required under this Agreement, the difference between the permissible total state and federal contribution and the actual amount paid to the Grantee by the Department shall, in accordance with the terms of Paragraph 3 of STANDARD TERMS AND CONDITIONS FOR PUBLIC TRANSPORTATION GRANTS, be refunded to the Department or offset against future payments.

4. Disadvantaged business enterprise. The Grantee shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The Grantee shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of United States Department of

Transportation-assisted contracts. Failure by the Grantee 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 Pennsylvania Department of Transportation deems appropriate. If the Grantee is providing services or supplies for the Pennsylvania Department of Transportation pursuant to this contract, it must include this assurance in each subcontract that it signs with a subcontractor. If the Grantee is a grantee or other recipient of funds from the Department of Transportation, it must include this assurance in each contract into which it enters to carry out the project or activities being funded by this contract.

5. **Appropriations.** The Grantee understands and acknowledges that the Agreement is conditioned upon the availability and receipt by the Department of Federal and State funds appropriated for the purposes of the Agreement.

6. **Congressional interest.** The Grantee shall not admit any member or delegate to the Congress of the United States to any share or part of this Project or to any benefit arising out of the Agreement.

7. **Uniform requirements.** The Grantee shall comply with the requirements of 49 C.F.R. Part 18, "Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments," or 49 C.F.R. Part 19, "Uniform Administrative Requirement for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations", as applicable, which are incorporated by reference into the Agreement.

8. **Buy America.** The Grants shall comply with the applicable provisions of Section 165 of the Surface Transportation Assistance Act of 1982, as amended.

9. **Federal standards.** The Grantee agrees to comply with the terms and conditions of the Federal Nondiscrimination and Equal Employment Opportunity Clauses dated January, 1976, and the Federal Certification of Restrictions on Lobbying dated 8/6/90.

10. **Disadvantaged Business Enterprises**. If this grant includes federal transit funds, to the extent authorized by applicable Federal law and consistent with the current Disadvantaged Business Enterprise methodology and goal developed by the Department for subrecipients of FTA funding, the Grantee will facilitate participation by for-profit small business concerns that are at least 51% owned and controlled by one or more socially and economically disadvantaged individuals, also referred to as "Disadvantaged Business Enterprises" (DBEs), in the Project. The Grantee shall comply with the following requirements:

(a) Section 1101(b) of MAP-21, 23 U.S.C. § 101 note, relating to DBEs;

(b) U.S. DOT regulations, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 C.F.R. part 26; and

(c) Federal transit law, specifically 49 U.S.C. § 5332, the FTA's nondiscrimination statute.

Attachment K: Good Faith Efforts for Service Agreements

Pennsylvania Department of Transportation
Disadvantaged Business Enterprise Program

Good Faith Efforts Approval Process

THE REGULATORY MANDATE - GOOD FAITH EFFORTS DOCUMENTATION

In accordance with the federal Disadvantaged Business Enterprise (DBE) regulation set forth in 49 Code of Federal Regulations Part 26 (Part 26), the Pennsylvania Department of Transportation (Department) is required to establish procedures addressing DBE good faith efforts in those instances where DBE contract goals have been imposed on federally-assisted contracts. Section 26.53 of Part 26 requires that contracts carrying a DBE goal requirement be awarded to a bidder who makes a good faith effort to meet the DBE contract goal. Section 26.53(a) states that a good faith effort is established either by documentation that a vendor has obtained sufficient DBE participation to meet the prescribed contract goal or by documentation that the vendor made an adequate good faith effort to meet the DBE goal even though it did not succeed.

Each case turns on its own facts. However, both Section 26.53 and Appendix A of Part 26 outline factors to be used in a good faith effort analysis. In addition, institutional guidance issued by the United States Department of Transportation's (USDOT) Office of General Counsel in the form of a question and answer (q and a) also sets forth guiding principles to be used in good faith efforts reviews. Since each of the three sources contain guidelines for reviewing good faith efforts submissions, they are attached to this document and viewed by the Department as part and parcel of the Department's good faith effort review process document. Should changes originate from USDOT in this area; this document will be amended accordingly.

The vendor must include its DBE Participation with the bid. *For the purposes of this document, the term 'bid' refers to the response to a request for proposal, request for quotation, or invitation for bid.* The submission must include the business name of the DBE firm with address, contact person, and phone number, a detailed narrative description of the service to be provided by the DBE, and the percent of the proposal's cost to be contractually allocated to the DBE as specified in the DBE Requirements Appendix. Failure to meet the DBE goal or submit adequate good faith effort documentation will result in rejection of the bid.

The pre-award good faith effort review process is triggered when the DBE goal established by the Department is not met and the vendor attempts to

document a Good Faith Effort. All Good Faith Effort documentation must be submitted with the bid.

The post-award good faith effort review process is triggered when the vendor requests a good faith effort review for revisions to a DBE commitment. A two-tiered review process is used to address good faith effort issues that cannot be resolved by Department officials tasked with reviewing documentation on in the proposal/bid.

GOOD FAITH EFFORTS PROCEDURES TIER I:
THE INTERDISCIPLINARY REVIEW TEAM RECOMMENDATION AND RULING OF THE DIRECTOR OF THE BUREAU OF EQUAL OPPORTUNITY

When the vendor requests review of its DBE good faith effort submission, the Department's Interdisciplinary Review Team (IRT), comprised of a representative from the Bureau of Equal Opportunity (BEO) and two (2) management representatives from the impacted business area(s), will review the submitted documentation. The representative from BEO will act as chairperson.

Where necessary, personnel from the impacted business area and other individuals familiar with the Department's procurement process, project specifications, and the DBE Requirements, may be consulted and may be asked to assist in the review process. The IRT will evaluate a vendor's good faith effort in accordance with the regulatory guidelines set forth in Section 26.53 of Part 26, as well as Appendix A of Part 26, the DBE Requirements Appendix, and the official Q and A referred to above.

Because good faith effort issues are time-sensitive, the IRT will be required to complete its review of the submitted documentation within seven (7) business days of the vendor's good faith effort submission. Upon completion, the IRT will forward its findings and recommendations to BEO's s Director for approval or disapproval. If approved by the Director, documentation indicating that the "good faith effort" has been approved will be forwarded to the impacted Department business area for notification to the vendor.

In the event that the Director disapproves the "good faith effort," the second tier of the Department's good faith effort review process will be initiated. Section 26.53 requires that the Department provide the vendor with an opportunity for administrative reconsideration. Section 26.53 (d) (1) states that the Department's decision on reconsideration must be made by an official who did not take part in the original determination that the vendor failed to meet the goal or failed to make adequate good faith efforts to do so. Consistent with this provision, neither BEO's Director nor any member of the IRT will participate in the second tier determination, to be known as the Good Faith Effort Committee.

GOOD FAITH EFFORTS PROCEDURES TIER II:
THE GOOD FAITH EFFORT REVIEW COMMITTEE

Purpose: In the event that the IRT or the Director disapproves the good faith effort submitted by a vendor, the vendor will be afforded an opportunity for administrative reconsideration before the Department's Good Faith Effort Review Committee (Committee). The Committee will meet on an as-needed basis. As noted above, this body is independent of both the IRT and BEO's s Director. The Committee will review the vendor's DBE documentation and good faith effort to meet the DBE contract goal to determine whether to approve or disapprove the submission.

Composition: The Committee will be comprised of three (3) Deputy Secretaries or their designee(s). The Deputy Secretary (or designee) for the impacted Department business area will serve as Chairperson. Alternates will be available should a need arise. Examples of alternates include, but are not limited to, Directors, District Executives, or other high ranking Department officials. An attorney with the Department's Office of Chief Counsel will serve as legal adviser to the Committee, but will not participate as a decision maker. A quorum will consist of three (3) members and may include both standing committee members and alternates.

The Committee meetings are not subject to the Sunshine Law and are not open to the public. Attendance is limited to the impacted vendor, the Committee members, and the legal adviser. The IRT chairperson also attends to provide supporting information as required.

Good Faith Effort Review Documentation Package and Scheduling of the Committee Meeting: The Chair of the IRT will prepare the background information that generated the appeal and will attend the hearing to clarify material contained in the source documentation provided to Committee members. A complete good faith effort review package will be provided to the Committee two (2) business days' prior to the meeting. The information will include the IRT information and findings. However, this individual will not be permitted to participate in any deliberations.

Regulatory Guidance Documents: Each Committee member will evaluate the good faith effort submission in accordance with DBE Requirements Appendix and the applicable regulatory guidelines for DBE good faith effort submissions. These include Appendix A of Part 26 as well as Section 26.53 of Part 26 and the institutional guidance issued by USDOT's Office of General Counsel (in the form of official questions and answers).

Vendor Notification Prior to the Committee Meeting: Whenever a Committee meeting is intended to be convened, BEO will be responsible for scheduling the meeting and notifying the impacted vendor in writing of the scheduled date for the meeting. The vendor will be advised that the purpose of the meeting is to clarify documentation previously submitted to the Department within the time constraints set forth in the bid documents and DBE Requirements Appendix. The vendor will not be authorized to submit additional good faith effort documentation consistent with Part 26 regulatory guidelines. The vendor will be expected to address questions posed by Committee members and will have the opportunity to clarify points resulting from questions asked or from review of its good faith effort submissions. The vendor will then be excused and the Committee will deliberate in an executive session. The legal adviser will participate in the executive session to address regulatory questions.

Vendor Notification Subsequent to the Committee Meeting: At the conclusion of the executive session and deliberation, the Committee will vote to approve or disapprove the good faith effort submission. The decision will result from a simple majority vote. The majority must reach a consensus as to the reason for accepting or rejecting the vendor's good faith effort. The Committee's decision will be outlined in a letter sent to the vendor by first-class mail. The decision letter will be prepared by the legal adviser and will be signed by the Good Faith Effort Committee's Chairperson. Consistent with Section 26.53, the Committee's decision is not administratively appealable to USDOT. All decisions of the Committee are final and binding.

Good Faith Effort after Contract Execution: Because of the time-sensitive nature of a DBE good faith effort review after contract execution, a determination may be made by the Chair of the IRT if necessary. Personnel from the impacted business area and other individuals familiar with the Department's procurement process, project specifications, and its DBE Requirements, may be consulted and may be asked to assist in the review process. The IRT Chair will evaluate a vendor's good faith effort to replace the dollar amount of a DBE commitment that creates a shortfall of the DBE goal in accordance with the regulatory guidelines set forth in Section 26.53 of Part 26 as well as DBE Requirements, Appendix A and the official q and a referred to above.

Attachment L: Good Faith Efforts

Pennsylvania Department of Transportation
Disadvantaged Business Enterprise Program

Good Faith Efforts Approval Process

THE REGULATORY MANDATE - GOOD FAITH EFFORTS DOCUMENTATION

In accordance with the federal DBE regulation set forth in 49 Code of Federal Regulations Part 26 (Part 26), the Pennsylvania Department of Transportation (Department) is required to establish procedures addressing good faith efforts in those instances where Disadvantaged Business Enterprise (DBE) contract goals have been imposed. Section 26.53 of Part 26 requires that contracts carrying a DBE goal requirement be awarded to a bidder who makes a good faith effort to meet the contract goal. Section 26.53(a) states that a good faith effort is established either by documentation that a bidder has obtained sufficient DBE participation to meet the prescribed contract goal or by documentation that the bidder made an adequate good faith effort to meet the goal even though it did not succeed.

Each case turns on its own facts. However, both Section 26.53 and Appendix A of Part 26 outline factors to be used in a good faith effort analysis. In addition, institutional guidance issued by the United States Department of Transportation's (USDOT) Office of General Counsel in the form of questions and answers (Q and A) also sets forth guiding principles to be used in good faith efforts reviews. Since each of the three sources contain guidelines for reviewing good faith efforts submissions, they are attached to this document and viewed by the Department as part and parcel of the Department's good faith effort review process document. Should changes originate from USDOT in this area; this document will be amended accordingly.

As the result of internal changes in the Department's procurement processes and the implementation of electronic bidding, DBE commitment and good faith effort documentation is contained on and within the designated *Minority Participation and Commitment Screen*. This information must be submitted by the bidder by 3:00 p.m. prevailing local time within seven (7) calendar days' of the bid opening date as specified in Publication 408 – DSP7, and the information is reviewed by appropriate Department personnel.

The pre-award good faith effort review process is triggered when the prime contractor requests a good faith effort review and provides good faith effort documentation within the 7 calendar day deadline identified above. The construction good faith effort review process is triggered when the prime contractor requests a good faith effort review for revisions to a DBE

commitment. Where pre-award good faith effort occurs, a two-tiered good faith effort review process is used to address good faith effort issues that cannot be resolved by Department officials tasked with reviewing documentation on the *Minority Participation and Commitment Screen*.

GOOD FAITH EFFORTS PROCEDURES TIER I:
THE INTERDISCIPLINARY REVIEW TEAM RECOMMENDATION AND RULING OF THE DIRECTOR OF THE BUREAU OF EQUAL OPPORTUNITY

Where there is a request for review of a contractor's good faith effort submission, the Department's Interdisciplinary Review Team (IRT), comprised of personnel from the Department's Bureaus of Design (BOD), Construction and Materials (BOCM), and Design (BOD), will review the submitted documentation. The representative from the Bureau of Design will act as chairperson. When necessary, personnel from the impacted engineering district and other individuals familiar with the Department's bidding process as well as the project specifications and its DBE Special Provisions, may be consulted and may be asked to assist in the review process. The IRT will evaluate a bidder's good faith effort in accordance with the regulatory guidelines set forth in Section 26.53 of Part 26 as well as Publication 408-DSP7, Appendix A and the official Q and A referred to above. When DBE percentages are calculated, the Department will not round.

Because good faith effort issues are time-sensitive, the IRT will be required to complete its review of the submitted documentation within seven (7) business days of the contractor's good faith effort submission. Upon completion, the IRT will forward its findings and recommendations to the Bureau of Equal Opportunity (BEO) Director for approval or disapproval. If approved by the Director, documentation indicating that the "good faith effort" has been approved will be forwarded to the BOD, Contract Awards.

In the event that the Director disapproves the "good faith effort," the second tier of the Department's good faith effort review process will be initiated. Section 26.53 requires that the Department provide the bidder with an opportunity for administrative reconsideration. Section 26.53 (d) (1) states that the Department's decision on reconsideration must be made by an official who did not take part in the original determination that the bidder failed to meet the goal or failed to make adequate good faith efforts to do so. Consistent with this provision, neither the BEO Director nor any member of the IRT will participate in the second tier determination, to be known as the Good Faith Effort Committee.

GOOD FAITH EFFORTS PROCEDURES TIER II:
THE GOOD FAITH EFFORT REVIEW COMMITTEE

Purpose: In the event that the IRT and Director disapprove the good faith effort submitted by a bidder, the bidder will be afforded an opportunity for administrative reconsideration before the Department's Good Faith Effort Review Committee (Committee). The Committee will meet on an as-needed basis. As noted above, this body is independent of both the IRT and the BEO Director. The Committee will review the low bidder's DBE documentation and good faith effort to meet the DBE contract goal to determine whether to approve or disapprove the submission.

Composition: The Committee will be comprised of three members. The Department's Deputy Secretary for Highway Administration will serve as Chairperson. The Department's Deputy Secretary for Administration and the Director of the Bureau of Construction and Materials will serve as the remaining members. Alternates will be available should a need arise. For the Deputy Secretaries, any other Deputy may serve as an alternate. Alternates for the Director of the Bureau of Construction and Materials are the Director, Bureau of Maintenance and Operations; Director, Bureau of Highway Safety and Traffic Engineering; and the Director of the Bureau of Design or a District Executive originating from any engineering district other than the district where the project at issue is being performed. An attorney with the Department's Office of Chief Counsel will serve as legal adviser to the Committee but will not participate as a decision maker. A quorum will consist of three (3) members and may include both standing committee members and alternates.

The Committee meetings are not subject to the Sunshine Law and are not open to the public. Attendance is limited to the impacted contractor, the Committee members, and the legal adviser. The IRT chairperson also attends to provide supporting information as required.

Good Faith Effort Review Documentation Package and Scheduling of the Committee Meeting: The Chair of the IRT will prepare the background information that generated the appeal and will attend the hearing to clarify material contained in the source documentation provided to Committee members. A complete good faith effort review package will be provided to the Committee two (2) business days' prior to the meeting. The information will include the IRT information and findings. However, this individual will not be permitted to participate in any deliberations.

Regulatory Guidance Documents: Each Committee member will evaluate the good faith effort submission in accordance with Publication 408-DSP7 and the applicable regulatory guidelines for DBE good faith effort submissions. These

include Appendix A of Part 26 as well as Section 26.53 of Part 26 and the institutional guidance issued by USDOT's Office of General Counsel (in the form of official questions and answers).

Contractor Notification Prior to the Committee Meeting: Whenever a Committee meeting is intended to be convened, BEO will be responsible for scheduling the meeting and notifying the impacted contractor in writing of the scheduled date for the meeting. The contractor will be advised that the purpose of the meeting is to clarify documentation previously submitted to the Department within the time constraints set forth in the bid documents and DBE Special Provisions. The contractor will not be authorized to submit additional good faith effort documentation consistent with Part 26 regulatory guidelines. The contractor will be expected to address questions posed by Committee members and will have the opportunity to clarify points resulting from questions asked or from review of its good faith effort submissions. The contractor will then be excused and the Committee will deliberate in an executive session. The legal adviser will participate in the executive session to address regulatory questions.

Contractor Notification Subsequent to the Committee Meeting: At the conclusion of the executive session and deliberation, the Committee will vote to approve or disapprove the good faith effort submission. The decision will result from a simple majority vote. The majority must reach a consensus as to the reason for accepting or rejecting the contractor's good faith effort. The Committee's decision will be outlined in a letter sent to the contractor by first-class mail. The decision letter will be prepared by the legal adviser and will be signed by the Good Faith Effort Committee's Chairperson. Consistent with Section 26.53, the Committee's decision is not administratively appealable to USDOT. All decisions of the Committee are final and binding.

Construction Good Faith Effort: Because of the time-sensitive nature of a good faith effort review during the construction phase of a given project, the good faith documentation is reviewed and a determination is made by the Chair of the IRT. When necessary, personnel from the impacted engineering district and other individuals familiar with the Department's bidding process as well as the project specifications and its DBE Special Provisions, may be consulted and may be asked to assist in the review process. The IRT Chair will evaluate a bidder's good faith effort to replace the dollar amount of a DBE commitment that creates a shortfall of the DBE goal in accordance with the regulatory guidelines set forth in Section 26.53 of Part 26 as well as Publication 408-DSP7, Appendix A and the official Q and A referred to above.

Attachment M: Good Faith Efforts for Aviation

Pennsylvania Department of Transportation
Disadvantaged Business Enterprise Program

Good Faith Efforts Approval Process – Bureau of Aviation

THE REGULATORY MANDATE - GOOD FAITH EFFORTS DOCUMENTATION

In accordance with the federal DBE regulation set forth in 49 Code of Federal Regulations Part 26 (Part 26), the Pennsylvania Department of Transportation (Department) is required to establish procedures addressing good faith efforts in those instances where Disadvantaged Business Enterprise (DBE) contract goals have been imposed. Section 26.53 (a) of Part 26 requires that contracts carrying a DBE goal requirement be awarded to a bidder who fully documents that it meets the DBE contract goal or documents a good faith effort (GFE) to meet the goal even though it did not succeed.

Each case turns on its own facts. However, both Section 26.53 and Appendix A of Part 26 outline factors to be used in a GFE analysis. In addition, institutional guidance issued by the United States Department of Transportation's (USDOT) Office of General Counsel in the form of questions and answers (Q and A) also sets forth guiding principles to be used in GFE reviews. Since each of the three sources contain guidelines for reviewing GFE submissions, they are attached to this document and viewed by the Department as part and parcel of the Department's GFE review process document. Should changes originate from USDOT in this area; this document will be amended accordingly.

DBE commitment and GFE documentation is contained within the bid documentation referenced within the respective bid advertisement. This information must be submitted by the bidder by the advertised bid closing date, and the information is reviewed by appropriate Department personnel.

The pre-award GFE review process is triggered when the prime contractor requests a GFE review and provides GFE documentation within the deadline identified above. The GFE review process is triggered when the prime contractor requests a GFE review for revisions to a DBE commitment. Where pre-award GFE efforts occur, a two-tiered GFE review process is used to address regulatory GFE issues that cannot be resolved by Bureau of Aviation officials tasked with reviewing documentation.

GOOD FAITH EFFORTS PROCEDURES TIER I:
THE INTERDISCIPLINARY REVIEW TEAM RECOMMENDATION AND RULING OF THE DIRECTOR OF THE BUREAU OF EQUAL OPPORTUNITY

Where there is a request for review of a contractor's GFE submission, the Department's Interdisciplinary Review Team (IRT), comprised of personnel from the Department's Bureau of Aviation (BOA) and Bureau of Equal Opportunity will review the submitted documentation. The Chief of the Engineering and Planning Division of the Bureau of Aviation will act as chairperson. When necessary, personnel from the impacted engineering region and other individuals familiar with the project specifications and its DBE Special Provisions may be consulted and may be asked to assist in the review process. The IRT will evaluate a bidder's good faith effort in accordance with the regulatory guidelines set forth in Section 26.53 of Part 26, Appendix A and the official Q and A referred to above. When DBE percentages are calculated, the Department will not round.

Because GFE issues are time-sensitive, the IRT will be required to complete its review of the submitted documentation within seven (7) business days of the contractor's GFE submission. Upon completion, the IRT will forward its findings and recommendations to the Bureau of Equal Opportunity (BEO) Director for approval or disapproval. If approved by the Director, documentation indicating that the GFE has been approved will be forwarded to the BOA.

In the event that the Director disapproves the GFE, the second tier of the Department's GFE review process is triggered. Section 26.53 requires that the Department provide the bidder with an opportunity for administrative reconsideration. Section 26.53 (d) (1) states that the Department's decision on reconsideration must be made by an official who did not take part in the original determination that the bidder failed to meet the goal or failed to make adequate GFE to do so. Consistent with this provision, neither the BEO Director nor any member of the IRT will participate in the second tier determination, to be known as the GFE Committee.

GOOD FAITH EFFORTS PROCEDURES TIER II:
THE GOOD FAITH EFFORT REVIEW COMMITTEE

Purpose: In the event that the IRT and Director disapprove the GFE submitted by a bidder, the bidder will be afforded an opportunity for administrative reconsideration before the Department's GFE Review Committee (Committee). The Committee will meet on an as-needed basis. As noted above, this body is independent of both the IRT and the BEO Director. The Committee will review the low bidder's DBE documentation and GFE to meet the DBE contract goal to determine whether to approve or disapprove the submission.

Composition: The Committee will be comprised of three members. The Department's Deputy Secretary for Multi-Modal Transportation will serve as Chairperson. The Department's Director of Aviation and the Director of the Bureau of Rail Freight will serve as the remaining members. Alternates will be available should a need arise. For the Deputy Secretary, any other Deputy may serve as an alternate. Alternates for the Director of Aviation and the Director of the Bureau of Rail Freight are the Director of the Bureau of Public Transit and the Director of Ports. An attorney with the Department's Office of Chief Counsel will serve as legal adviser to the Committee but will not participate as a decision maker. A quorum will consist of three (3) members and may include both standing committee members and alternates.

The Committee meetings are not subject to the Sunshine Law and are not open to the public. Attendance is limited to the impacted contractor, the Committee members, and the legal adviser. The IRT chairperson also attends to provide supporting information as required.

Good Faith Effort Review Documentation Package and Scheduling of the Committee Meeting: The Chair of the IRT will prepare the background information that generated the appeal and will attend the hearing to clarify material contained in the source documentation provided to Committee members. A GFE review package will be provided to the Committee two (2) business days' prior to the meeting. The information will include the IRT information and findings. However, this individual will not be permitted to participate in any deliberations.

Regulatory Guidance Documents: Each Committee member will evaluate the GFE submission in accordance with the applicable regulatory guidelines for DBE GFE. These include Appendix A of Part 26 as well as Section 26.53 of Part 26 and the institutional guidance issued by USDOT's Office of General Counsel (in the form of official questions and answers).

Contractor Notification Prior to the Committee Meeting: Whenever a Committee meeting is intended to be convened, BEO will be responsible for scheduling the meeting and notifying the impacted contractor in writing of the scheduled date for the meeting. The contractor will be advised that the purpose of the meeting is to clarify documentation previously submitted to the Department within the time constraints set forth in the bid documents and DBE Special Provisions. The contractor will not be authorized to submit additional GFE documentation consistent with Part 26 regulatory guidelines. The contractor will be expected to address questions posed by Committee members and will have the opportunity to clarify points resulting from questions asked or from review of its GFE submissions. The contractor will then be excused and the Committee will

deliberate in an executive session. The legal adviser will participate in the executive session to address regulatory questions.

Contractor Notification Subsequent to the Committee Meeting: At the conclusion of the executive session and deliberation, the Committee will vote to approve or disapprove the GFE submission. The decision will result from a simple majority vote. The majority must reach a consensus as to the reason for accepting or rejecting the contractor's GFE. The Committee's decision will be outlined in a letter sent to the contractor by first-class mail. The decision letter will be prepared by the legal adviser and will be signed by the Committee's Chairperson. Consistent with Section 26.53, the Committee's decision is not administratively appealable to USDOT. All decisions of the Committee are final and binding.

Construction Good Faith Effort: Because of the time-sensitive nature of a GFE review during the construction phase of a given project, the GFE documentation is reviewed and a determination is made by the Chair of the IRT. When necessary, personnel from the impacted engineering region and other individuals familiar with the project specifications and its DBE Special Provisions may be consulted and may be asked to assist in the review process. The IRT Chair will evaluate a bidder's good faith effort to replace the dollar amount of a DBE commitment that creates a shortfall of the DBE goal in accordance with the regulatory guidelines set forth in Section 26.53 of Part 26 as well as Appendix A and the official Q and A referred to above.

Attachment N: Good Faith Efforts for Public Transportation

Pennsylvania Department of Transportation
Disadvantaged Business Enterprise Program

Good Faith Efforts Approval Process – Bureau of Public Transportation

THE REGULATORY MANDATE - GOOD FAITH EFFORTS DOCUMENTATION

In accordance with the federal DBE regulation set forth in 49 Code of Federal Regulations Part 26 (Part 26), the Pennsylvania Department of Transportation (Department) is required to establish procedures addressing good faith efforts in those instances where Disadvantaged Business Enterprise (DBE) contract goals have been imposed. Section 26.53 (a) of Part 26 requires that contracts carrying a DBE goal requirement be awarded to a bidder who fully documents that it meets the DBE contract goal or documents a good faith effort (GFE) to meet the goal even though it did not succeed.

Each case turns on its own facts. However, both Section 26.53 and Appendix A of Part 26 outline factors to be used in a GFE analysis. In addition, institutional guidance issued by the United States Department of Transportation's (USDOT) Office of General Counsel in the form of questions and answers (Q and A) also sets forth guiding principles to be used in GFE reviews. Since each of the three sources contain guidelines for reviewing GFE submissions, they are attached to this document and viewed by the Department as part and parcel of the Department's GFE review process document. Should changes originate from USDOT in this area; this document will be amended accordingly.

DBE commitment and GFE documentation is contained within the bid documentation referenced within the respective bid advertisement. This information must be submitted by the bidder by the advertised bid closing date, and the information is reviewed by appropriate Transit Agency personnel.

The pre-award GFE review process is triggered when the prime contractor requests a GFE review and provides GFE documentation within the deadline identified above. The GFE review process is triggered when the prime contractor requests a GFE review for revisions to a DBE commitment. Where pre-award GFE efforts occur, a two-tiered GFE review process is used to address regulatory GFE issues that cannot be resolved by Bureau of Public Transportation officials tasked with reviewing documentation.

GOOD FAITH EFFORTS PROCEDURES TIER I:
THE INTERDISCIPLINARY REVIEW TEAM RECOMMENDATION AND RULING OF THE DIRECTOR OF THE BUREAU OF EQUAL OPPORTUNITY

Where there is a request for review of a contractor's GFE submission, the Department's Interdisciplinary Review Team (IRT), comprised of personnel from the Department's Bureau of Public Transportation (BPT) and Bureau of Equal Opportunity will review the submitted documentation. The Chief of the Rural and Intercity Division of the Bureau of Public Transportation will act as chairperson. When necessary, a BPT project coordinator and other individuals familiar with the project specifications and its DBE Special Provisions may be consulted and may be asked to assist in the review process. The IRT will evaluate a bidder's good faith effort in accordance with the regulatory guidelines set forth in Section 26.53 of Part 26, Appendix A and the official Q and A referred to above. When DBE percentages are calculated, the Department will not round.

Because GFE issues are time-sensitive, the IRT will be required to complete its review of the submitted documentation within seven (7) business days of the contractor's GFE submission. Upon completion, the IRT will forward its findings and recommendations to the Bureau of Equal Opportunity (BEO) Director for approval or disapproval. If approved by the Director, documentation indicating that the GFE has been approved will be forwarded to the BPT.

In the event that the Director disapproves the GFE, the second tier of the Department's GFE review process is triggered. Section 26.53 requires that the Department provide the bidder with an opportunity for administrative reconsideration. Section 26.53 (d) (1) states that the Department's decision on reconsideration must be made by an official who did not take part in the original determination that the bidder failed to meet the goal or failed to make adequate GFE to do so. Consistent with this provision, neither the BEO Director nor any member of the IRT will participate in the second tier determination, to be known as the GFE Committee.

GOOD FAITH EFFORTS PROCEDURES TIER II:
THE GOOD FAITH EFFORT REVIEW COMMITTEE

Purpose: In the event that the IRT and Director disapprove the GFE submitted by a bidder, the bidder will be afforded an opportunity for administrative reconsideration before the Department's GFE Review Committee (Committee). The Committee will meet on an as-needed basis. As noted above, this body is independent of both the IRT and the BEO Director. The Committee will review the low bidder's DBE documentation and GFE to meet the DBE contract goal to determine whether to approve or disapprove the submission.

Composition: The Committee will be comprised of three members. The Department's Deputy Secretary for Multi-Modal Transportation will serve as Chairperson. The Department's Director of Public Transportation and the Director of the Bureau of Aviation will serve as the remaining members. Alternates will be available should a need arise. For the Deputy Secretary, any other Deputy may serve as an alternate. Alternates for the Director of Public Transportation and the Director of the Bureau of Aviation are the Director of the Bureau of Rail Freight and the Director of Ports. An attorney with the Department's Office of Chief Counsel will serve as legal adviser to the Committee but will not participate as a decision maker. A quorum will consist of three (3) members and may include both standing committee members and alternates.

The Committee meetings are not subject to the Sunshine Law and are not open to the public. Attendance is limited to the impacted contractor, the Committee members, and the legal adviser. The IRT chairperson also attends to provide supporting information as required.

Good Faith Effort Review Documentation Package and Scheduling of the Committee Meeting: The Chair of the IRT will prepare the background information that generated the appeal and will attend the hearing to clarify material contained in the source documentation provided to Committee members. A GFE review package will be provided to the Committee two (2) business days' prior to the meeting. The information will include the IRT information and findings. However, this individual will not be permitted to participate in any deliberations.

Regulatory Guidance Documents: Each Committee member will evaluate the GFE submission in accordance with the applicable regulatory guidelines for DBE GFE. These include Appendix A of Part 26 as well as Section 26.53 of Part 26 and the institutional guidance issued by USDOT's Office of General Counsel (in the form of official questions and answers).

Contractor Notification Prior to the Committee Meeting: Whenever a Committee meeting is intended to be convened, BEO will be responsible for scheduling the meeting and notifying the impacted contractor in writing of the scheduled date for the meeting. The contractor will be advised that the purpose of the meeting is to clarify documentation previously submitted to the Department within the time constraints set forth in the bid documents and DBE Special Provisions. The contractor will not be authorized to submit additional GFE documentation consistent with Part 26 regulatory guidelines. The contractor will be expected to address questions posed by Committee members and will have the opportunity to clarify points resulting from questions asked or from review of its GFE submissions. The contractor will then be excused and the Committee will deliberate in an executive session. The legal adviser will participate in the executive session to address regulatory questions.

Contractor Notification Subsequent to the Committee Meeting: At the conclusion of the executive session and deliberation, the Committee will vote to approve or disapprove the GFE submission. The decision will result from a simple majority vote. The majority must reach a consensus as to the reason for accepting or rejecting the contractor's GFE. The Committee's decision will be outlined in a letter sent to the contractor by first-class mail. The decision letter will be prepared by the legal adviser and will be signed by the Committee's Chairperson. Consistent with Section 26.53, the Committee's decision is not administratively appealable to USDOT. All decisions of the Committee are final and binding.

Construction Good Faith Effort: Because of the time-sensitive nature of a GFE review during the construction phase of a given project, the GFE documentation is reviewed and a determination is made by the Chair of the IRT. When necessary, a BPT project coordinator and other individuals familiar with the project specifications and its DBE Special Provisions may be consulted and may be asked to assist in the review process. The IRT Chair will evaluate a bidder's good faith effort to replace the dollar amount of a DBE commitment that creates a shortfall of the DBE goal in accordance with the regulatory guidelines set forth in Section 26.53 of Part 26 as well as Appendix A and the official Q and A referred to above.

Attachment O: Good Faith Efforts for the Program Center

Pennsylvania Department of Transportation
Disadvantaged Business Enterprise Program

Good Faith Efforts Approval Process – Center for Program Development and Management

THE REGULATORY MANDATE - GOOD FAITH EFFORTS DOCUMENTATION

In accordance with the federal DBE regulation set forth in 49 Code of Federal Regulations Part 26 (Part 26), the Pennsylvania Department of Transportation (Department) is required to establish procedures addressing good faith efforts in those instances where Disadvantaged Business Enterprise (DBE) contract goals have been imposed. Section 26.53 (a) of Part 26 requires that contracts carrying a DBE goal requirement be awarded to a bidder who fully documents that it meets the DBE contract goal or documents a good faith effort (GFE) to meet the goal even though it did not succeed.

Each case turns on its own facts. However, both Section 26.53 and Appendix A of Part 26 outline factors to be used in a GFE analysis. In addition, institutional guidance issued by the United States Department of Transportation's (USDOT) Office of General Counsel in the form of questions and answers (Q and A) also sets forth guiding principles to be used in GFE reviews. Since each of the three sources contain guidelines for reviewing GFE submissions, they are attached to this document and viewed by the Department as part and parcel of the Department's GFE review process document. Should changes originate from USDOT in this area; this document will be amended accordingly.

DBE commitment and GFE documentation is contained within the bid documentation referenced within the respective bid advertisement. This information must be submitted by the bidder by the advertised bid closing date, and the information is reviewed by appropriate Planning Partner and Department personnel.

The pre-award GFE review process is triggered when the prime contractor requests a GFE review and provides GFE documentation within the deadline identified above. The GFE review process is also triggered when the prime contractor requests a GFE review for revisions to a DBE commitment. Finally, the GFE review process is also triggered when the prime contractor, Planning Partner, or representative from the Department identifies a potential or actual shortfall in meeting the DBE goal established for the contract. Where GFE efforts occur, a two-tiered GFE review process is used to address regulatory GFE issues

that cannot be resolved by Center for Program Development and Management (Program Center) officials tasked with reviewing documentation.

GOOD FAITH EFFORTS PROCEDURES TIER I:
THE INTERDISCIPLINARY REVIEW TEAM RECOMMENDATION AND RULING OF THE DIRECTOR OF THE BUREAU OF EQUAL OPPORTUNITY

Where there is a request for review of a contractor's GFE submission, the Planning Partner that received the bids will provide a preliminary review of the submitted GFE documentation using Section 26.53 and Appendix A of Part 26 as standards for the analysis. Based on that review, the Planning Partner will then recommend either approval or disapproval of the GFE and forward the recommendation to the Department's Transportation Planning Coordinator overseeing that Planning Partner.

If the Planning Partner recommends approval of the GFE and the Transportation Planning Coordinator concurs with the approval, documentation indicating approval of the GFE will be forwarded to the Planning Partner.

If the Planning Partner recommends approval of the GFE and the Transportation Planning Coordinator disagrees with the approval, the GFE submission will be forwarded to the Department's Interdisciplinary Review Team (IRT) for review.

If the Planning Partner recommends disapproval of the GFE, the GFE submission will be forwarded to the IRT for review.

The Department's IRT, comprised of three (3) staff members from the Department's Program Center and Bureau of Equal Opportunity, will review the submitted documentation. The Transportation Planning Manager of the Financial & Contract Management Section of the Program Center will act as chairperson, with the Financial & Contract Services Division Manager serving as an alternate. The second member of the IRT will be the DBE/Title VI Division Chief of the Bureau of Equal Opportunity (BEO), with the DBE Program Administrator serving as the alternate. The final member will be the Program Center's Transportation Planning Coordinator for the affected Planning Partner, with any other Transportation Planning Coordinator serving as the alternate. The IRT will evaluate a bidder's good faith effort in accordance with the regulatory guidelines set forth in Section 26.53 of Part 26, Appendix A and the official Q and A referred to above. When DBE percentages are calculated, the Department will not round.

Because GFE issues are time-sensitive, the IRT will be required to complete its review of the submitted documentation within seven (7) business days of the contractor's GFE submission. Upon completion, the IRT will forward its findings and recommendations to the Bureau of Equal Opportunity (BEO) Director for approval

or disapproval. If approved by the Director, documentation indicating that the GFE has been approved will be forwarded to the Program Center.

In the event that the Director disapproves the GFE, the second tier of the Department's GFE review process is triggered. Section 26.53 requires that the Department provide the bidder with an opportunity for administrative reconsideration. Section 26.53 (d) (1) states that the Department's decision on reconsideration must be made by an official who did not take part in the original determination that the bidder failed to meet the goal or failed to make adequate GFE to do so. Consistent with this provision, neither the BEO Director nor any member of the IRT will participate in the second tier determination, to be known as the GFE Committee.

GOOD FAITH EFFORTS PROCEDURES TIER II:
THE GOOD FAITH EFFORT REVIEW COMMITTEE

Purpose: In the event that the IRT and Director disapprove the GFE submitted by a bidder, the bidder will be afforded an opportunity for administrative reconsideration before the Department's GFE Review Committee (Committee). The Committee will meet on an as-needed basis. As noted above, this body is independent of both the IRT and the BEO Director. The Committee will review the low bidder's DBE documentation and GFE to meet the DBE contract goal to determine whether to approve or disapprove the submission.
Composition: The Committee will be comprised of three (3) members. The Department's Deputy Secretary for Planning will serve as Chairperson. The Department's Director of the Program Center and the Director of the Bureau of Planning and Research will serve as the remaining members. Alternates will be available should a need arise. For the Deputy Secretary, any other Deputy may serve as an alternate. The Alternate for the Director of the Program Center will be one of the Program Center's Division Managers other than Financial & Contract Services Division Manager. The alternate for the Director of the Bureau of Planning and Research will be one of the bureau's Division Managers. An attorney with the Department's Office of Chief Counsel will serve as legal adviser to the Committee but will not participate as a decision maker. A quorum will consist of three (3) members and may include both standing committee members and alternates.

The Committee meetings are not subject to the Sunshine Law and are not open to the public. Attendance is limited to the impacted contractor, the Committee members, and the legal adviser. The IRT chairperson also attends to provide supporting information as required.

Good Faith Effort Review Documentation Package and Scheduling of the Committee Meeting: The Chair of the IRT will prepare the background information that generated the appeal and will attend the hearing to clarify material

contained in the source documentation provided to Committee members. A GFE review package will be provided to the Committee two (2) business days' prior to the meeting. The information will include the IRT information and findings. However, this individual will not be permitted to participate in any deliberations.

Regulatory Guidance Documents: Each Committee member will evaluate the GFE submission in accordance with the applicable regulatory guidelines for DBE GFE. These include Appendix A of Part 26 as well as Section 26.53 of Part 26 and the institutional guidance issued by USDOT's Office of General Counsel (in the form of official questions and answers).

Contractor Notification Prior to the Committee Meeting: Whenever a Committee meeting is intended to be convened, BEO will be responsible for scheduling the meeting and notifying the impacted contractor in writing of the scheduled date for the meeting. The contractor will be advised that the purpose of the meeting is to clarify documentation previously submitted to the Department within the time constraints set forth in the bid documents and DBE Special Provisions. The contractor will not be authorized to submit additional GFE documentation consistent with Part 26 regulatory guidelines. The contractor will be expected to address questions posed by Committee members and will have the opportunity to clarify points resulting from questions asked or from review of its GFE submissions. The contractor will then be excused and the Committee will deliberate in an executive session. The legal adviser will participate in the executive session to address regulatory questions.

Contractor Notification Subsequent to the Committee Meeting: At the conclusion of the executive session and deliberation, the Committee will vote to approve or disapprove the GFE submission. The decision will result from a simple majority vote. The majority must reach a consensus as to the reason for accepting or rejecting the contractor's GFE. The Committee's decision will be outlined in a letter sent to the contractor by first-class mail. The decision letter will be prepared by the legal adviser and will be signed by the Committee's Chairperson. Consistent with Section 26.53, the Committee's decision is not administratively appealable to USDOT. All decisions of the Committee are final and binding.

Attachment P: PA UCP Standards and Procedures Manual

PENNSYLVANIA UNIFIED CERTIFICATION PROGRAM

STANDARDS AND PROCEDURES MANUAL December 2014

Providing One-Stop Shopping for DBE Certification

Unified Certification Program

uCp

Pennsylvania

www.paucp.com

Moving Pennsylvania forward and creating economic opportunities for all.

Introduction

This Pennsylvania Unified Certification Program (PA UCP) Procedures Manual has been established to provide uniformity in the implementation of the Disadvantaged Business Enterprise Certification Process for Pennsylvania.

The manual is to be utilized and adhered to by all certifying participants in the PA UCP.

All recommended changes or revisions to this manual must be submitted, in writing, to the Chairperson of the PA UCP Oversight Committee for review and approval by the Committee.

Approved changes will be maintained by the Project Manager for distribution and inclusion in this manual.

CONFIDENTIALITY

CONFIDENTIALITY

Consistent with procedures concerning the release of internal review documents related to the certification determination under the corrective amendment to Part 26 and Section 26.67, CPs will treat all documents containing financial information and findings as confidential, including the individual personal net worth statements and accompanying documentation submitted by prospective applicants. As indicated in Part 26, this information will only be released where prior written approval is obtained from the submitter or the information is requested by US DOT as part of an appeal process. All personnel taking part in the certification process on behalf of the CP will be expected to sign a Confidentiality Acknowledgement Statement.

Revised 11-28-08

CONFIDENTIALITY ACKNOWLEDGEMENT STATEMENT

As an individual who, in the course of employment, has, and may in the future, come into the possession of sensitive, confidential information submitted by applicants to the Disadvantaged Business Enterprise (DBE) program or compiled for the purpose of facilitating or providing necessary services and functions for the operation of the DBE program, I acknowledge that I have full awareness that this information must be kept confidential. I further acknowledge that I am aware and have been informed that failure to do so could constitute a violation of state laws and recognized privileges as well as the federal DBE regulation set forth in 49 Code of Federal Regulations (C.F.R.) and could result in disciplinary action as well as sanctions to be imposed by USDOT on my employer. I also acknowledge that I have full knowledge that I will not be authorized to disclose this information or any other confidential information or documentation during or after the term of my employment with _____ _____.

I agree that all Program Files shall be held in confidence, and shall not be used or disclosed to third parties, without the permission of the Submitter of the information as required under 49 C.F.R., Part 26. I agree to guard the confidentiality of the Program Files with the same diligence with which I guard my employer's own proprietary information.

I also understand that should another entity outside the PA UCP engaged in DBE certifications request a copy of all or part of a Program File containing confidential information submitted by applicants to the DBE program, I will release the requested information only if the authorized representative has signed a statement containing substantially the same provision as those contained herein and if the purpose of the request is to assist the entity in its own review of the applicant firm for the purposed of determining eligibility for the DBE program.

_____ _____
Sign Date

_____ _____
Print Name Title

GENERAL INFORMATION

Intake Services

The Intake Services component is a vital aspect of the Unified Certification Program in that it sets the framework for the remaining components of the certification application review process.

Through a voting process, the Pennsylvania Unified Certification Program (PA UCP) Taskforce has decided that the Intake Services process will be administered at the local level. Therefore, each Certifying Participant (CP) for the Commonwealth of Pennsylvania will be required to accept DBE certification applications. In keeping with the regulatory intent of the Program to assist Disadvantaged Business Enterprises (DBEs) with "one-stop shopping," the DBE applicant may submit an application for certification with any one of the five (5) CPs within the Commonwealth.

The PA UCP will employ the most effective communication dissemination tools to advise DBE firms and prospective DBEs of its implementation. Such tools will include but not be limited to, mass mailings, brochures, media advertisements and information on the PA UCP website. Applications for the PA UCP will be available through the website, from the offices of each CP**,** and by direct mailings to DBE applicants.

For the purposes of intake, the CPs are identified as follows:

Pennsylvania Department of Transportation, Harrisburg Office
City of Philadelphia, PHL Airport, DBE Program Office
Southeastern Pennsylvania Transportation Authority
Port Authority of Allegheny County
Allegheny County, Department of M/W/DBE

Since on-site reviews are a major requirement of certification, applications may be redistributed based on geographic location and/or the workload capacity of a particular CP.

Database

A web-based system acts as the source of accurate, timely, and up-to-date information for the PA UCP DBE Directory and for tracking DBE certification applications. The website is www.paucp.com. The data is housed on a server at the Allegheny County Airport Authority. The PA UCP web site is utilized by the general public and internal users.

Only certain information is available to the general public regarding a certified DBE. The information is limited to the DBE Directory information.

Information input into the system is made available to internal users. System security has been established limiting information that is available to the general public while internal users may have access to more detailed and/or sensitive information. For example, the general public is not able to view a firm that has applied for certification or has been denied certification; however, the internal users have access to this information.

Tracking the status of DBE certification applications is a key function of this system. Another key function of the system is to track and record application determinations, which are entered into the system by the reviewing CP. In the event of a denial, the reviewing CP will change the application status to denied and enter a denial date and reason. In the event of certification, the reviewing CP will enter the date certified, the date of certification reassessment the specific work that the firm is certified to perform, and other required information.

The internal data is accessed through routine queries and various reports established by the PA UCP Oversight Committee. The Oversight Committee periodically reviews comments and concerns submitted by the CPs for enhancements to the database.

The web-based system acts as the Pennsylvania Unified Certification Program's Disadvantaged Business Enterprise Directory. This directory is searchable.

For additional information regarding the PA UCP database, see **PA UCP Shared Database Training Manual**.

Policy for the Transfer of DBE Applications

The Pennsylvania Unified Certification Program Task Force has set forth the following provisions to govern the transfer of DBE certification applications between PA UCP Certifying entities.

The following represents instances whereby certification applications may be transferred:

- When the certifying entity initially receiving the certification application is unable to process it in a reasonable time frame due to workload, geographical location of the DBE, and/or resources, the application may be transferred to another certifying entity.

- A firm may choose to transfer to another certifying participant (CP). In order to complete this transfer, the firm must submit a letter on company letterhead to the original CP requesting the transfer to the CP of the company's choice. A copy of the letter must be sent to the new CP. Upon receipt of the request, the original CP will send a copy of the entire file to the new CP within 24 hours as outlined in "Policy for the Transfer of DBE Applications" (see below). If the file is not received within three (3) days, the copied entity will contact the original CP by telephone and request the information be sent. The new CP will notify the firm upon receipt of the documents and proceed with the process from this point.

When the certifying entity transfers an application it must be done within a twenty-four hour time period. In addition to the certification application and the supporting documentation, the certifying entity transferring the information must prepare a brief summary outlining the reasons the applicant file is being transferred. The receiving entity must formally notify the transfer entity within twenty-four hours if there is a problem with processing this application.

Procedure for Notification of Application Transfer

The transferring certifying entity must make formal contact in writing by providing official notification to receiving entity of pending action related to transfer of file. The receiving entity must acknowledge in writing its ability to respond to the request for transfer. Upon confirmation from the receiving entity of its ability to respond, the transferring entity must forward under separate cover the certification application and all supporting documentation required for a reasonable review by the receiving entity.

Transfer of the application and supporting documentation should take place at the point the original certifying entity acknowledges its' inability to process the application in a reasonable time frame as referenced above.

Documentation should be sent over night to the receiving entity with confirmation provided to the DBE applicant formally notifying the same of transfer to new certifying entity.

www.paucp.com
Moving Pennsylvania forward and creating economic opportunities for all.

Certifying Participant
Address:
Phone:
Fax:
E-mail:

DBE Transfer Notification (Revised February 2011)

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Transfer from another Certifying Participant
Certification I.D. #:_____**[if applicable]**

Dear _____:

Please be advised that the Pennsylvania Unified Certification (PA UCP) shares its resources in order to ensure that the applicant is afforded "one stop shopping" under the federal regulation. With that consideration, your firm has been transferred from **(original CP)** to **(CP being transferred to)**, a certifying participant of the Commonwealth of Pennsylvania Unified Certification Program (PA UCP). By mutual concurrence, **(CP being transferred to)** is the Certifying Participant (CP) now responsible for your DBE reviews.

These reviews may consist of Annual Affidavit or Affidavit of Change submissions. The Annual Affidavit is due yearly on the anniversary of your firm's certification. The Affidavit of Change is due within 30 days of a change in status. Please refer to your original certification letter for specific details.

The Annual Affidavit will be sent to you approximately sixty (60) days prior to the due date. This date is based on your firm's anniversary of DBE certification, which is **(Month/Day)**. Failure to comply at that time may render your firm ineligible to participate as a DBE on future DOT Federally-assisted projects.

Also be advised that under the PA UCP, certification approval by one CP or entity means acceptance by all of the certifying participants listed below (some agencies may require additional information), as well as other US DOT federal-aid recipients. Therefore, under the PA UCP you are only obligated to respond to one agency for yearly review for participation on DOT Federally-assisted projects.

If you have any questions, please contact **(insert contact name and phone number).**

Sincerely,

(CP Name)

CERTIFICATION PROCESS

Database Input Policy

The following should be adhered to when inputting information into the PA UCP database:

- Search the PA UCP database by Federal ID number and firm name to ensure that the application is not owned by another certifying participant. Double check.
- Complete the “Add a new applicant” screen in its entirety.
- Application/ business profile information should be entered into the PA UCP database upon receipt of the application.
- The business name should be input exactly as it appears on their fictitious name registration, e.g. Certificate of Incorporation, County Registration, etc.
- Avoid using all upper case when possible.
- Do not enter hyphens for Federal ID Number.
- Do not enter hyphens or brackets for phone number and fax numbers.
- White males who are Officers, Shareholders or Board Members should be listed as N/A, unless the white male is specifically requesting DBE status, then the white male should be listed as “Other”.
- Do not enter commas for # of employees or number of trucks.
- Do not enter commas, periods or dollar signs for Average Annual gross receipts.
- When certifying a firm in the database, the “Activate to Public Side” box must be checked. This allows the firm to be visible on the external web site.
- When withdrawing or removing a DBE's eligibility, the “Activate to Public Side” box must be unchecked. This will remove the firm from being visible on the external web site.
- The DBE certification reassessment date will coincide with the last day of the month in which the firm was certified. For example, if a firm is certified on November 4, 2008, the DBE certification reassessment date will be November 30, 2011. The DBE’s anniversary dates will be November 4, 2009 and November 4, 2010.
- When navigating through the PA UCP web site, do not use the “Back” ⇦ or “Forward” ⇨ buttons on your Browser tool bar.

Application Review Process

- If the application received is listed in the database and under review or certified by another CP, the application should be returned to the applicant using the return form letter stating another agency already has their file.

- If the application is listed in the database under another CP, but has been withdrawn or denied/revoked, the CP receiving the application must contact the original CP and have the database record transferred to the receiving CP. The database record should “reactivated” and updated as necessary.

- If the application is from an out-of-state firm, the CP must determine that they are currently certified in their home state before further review. If the firm is not certified in their home state the application and attachments should be returned to the applicant using the return form letter. The database record should be “withdrawn” with a reason of no home state certification.

- Once the application is received by the appropriate CP, it is reviewed, within five working days, to verify that the documents listed on the transmittal form are there and the application is checked for completeness. A file is made including a file log to document and detail, at a glance, any action taken with respect to that firm.

- If additional information is required, a written request is made directly to the firm establishing a timeframe to submit the additional information; at least 15 days are granted and the specific date is stated in the letter.

- If the information is not submitted by the date requested, a second letter is generated giving the firm at least an additional 15 days and advising it that if the information is still not received, the file will be closed.

- If the information is not received, the certification is closed and a file-closing letter is generated. Update database record to withdrawn status with comments such as failed to complete application/checklist.

- If the information is received it is logged in and reviewed for completeness.

- Consistent with the regulations, the ninety-day review period begins upon receipt of the completed application along with the required supporting documentation.

Appendix F

UNIFORM CERTIFICATION APPLICATION

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

Roadmap for Applicants

1. Should I apply?
You may be eligible to participate in the DBE/ACDBE program if:

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

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

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

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

5. Where can I find more information?
U.S. DOT—https://www.civilrights.dot.gov/ (This site provides useful links to the rules and regulations governing the DBE/ACDBE program, questions and answers, and other pertinent information)

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

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

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

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

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

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

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

B. Prior/Other Certifications and Applications

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

Section 2: GENERAL INFORMATION

A. Business profile:

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

B. Relationships and Dealings with Other Businesses

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

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

(2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.

(3) Check the appropriate box that indicates whether at present or at any time in the past your firm:

(a) ever existed under different ownership, a different type of ownership, or a different name;

(b) existed as a subsidiary of any other firm;

(c) existed as a partnership in which one or more of the partners are/were other firms;

(d) owned any percentage of any other firm; and

(e) had any subsidiaries of its own.

(f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

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

Section 3: MAJORITY OWNER INFORMATION

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

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

(1) Enter the full name of the owner.

(2) Enter his/her title or position within your firm.

(3) Give his/her home phone number.

(4) Enter his/her home (street) address.

(5) Indicate this owner's gender.

(6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.

(7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner.

(8) Enter the number of years during which this owner has been an owner of your firm.

(9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.

(10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment. Describe how you acquired your business and attach documentation substantiating this investment.

B. Additional Owner Information

(1) Describe the familial relationship of this owner to each other owner of your firm and employees.

(2) Indicate whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's function/title held in that business.

(3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has <u>any</u> 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 <u>from whom</u> it was transferred, the person or firm <u>to whom</u> 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.

<u>AIRPORT CONCESSION (ACDBE) APPLICANTS</u>
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.

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

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

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

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

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

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

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

B. Prior/Other Certifications and Applications

(10) Is your firm currently certified for any of the following U.S. DOT programs?
❑ DBE ❑ ACDBE Names of certifying agencies: _____

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

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

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

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

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

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

Section 2: GENERAL INFORMATION

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

_____
_____
_____
_____
_____
_____

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

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

(5) Method of acquisition *(Check all that apply)*:
❑ Started new business ❑ Bought existing business ❑ Inherited business ❑ Secured concession
❑ Merger or consolidation ❑ Other *(explain)* _____

(6) Is your firm "for profit"? ❑ Yes ❑No→ Federal Tax ID# _____

⊗ **STOP!** If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.

(7) Type of Legal Business Structure: *(check all that apply)*:

- ❑ Sole Proprietorship
- ❑ Partnership
- ❑ Limited Liability Company
- ❑ Applying as an ACDBE
- ❑ Limited Liability Partnership
- ❑Corporation
- ❑ Joint Venture (Identify all JV partners _____)
- ❑ Other, Describe _____

(8) Number of employees: Full-time _____ Part-time _____ Seasonal _____Total _____

(Provide a list of employees, their job titles, and dates of employment, to your application).

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

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

B. Relationships and Dealings with Other Businesses

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

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

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

(2) Has any other firm had an ownership interest in your firm at present or at any time in the past?
❑ Yes ❑ No If Yes, explain_____

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

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

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

Section 3: MAJORITY OWNER INFORMATION

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

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

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

(5) Gender: ❑ Male ❑ Female

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

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

(7) U.S. Citizenship:

❑ U.S. Citizen
❑ Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____
(9) Percentage owned: _____ %
Class of stock owned: _____
Date acquired _____

(10) Initial investment to acquire ownership interest in firm:

Type	Dollar Value
Cash	$
Real Estate	$
Equipment	$
Other	$

Describe how you acquired your business:
❑ Started business myself
❑ It was a gift from: _____
❑ I bought it from: _____
❑ I inherited it from: _____
❑ Other _____
(Attach documentation substantiating your investment)

B. Additional Owner Information
(1) Describe familial relationship to other owners and employees:
_____
_____
_____

(2) Does this owner perform a management or supervisory function for any other business? ❑ Yes ❑ No
If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? *(e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)* ❑ Yes ❑ No
Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:
_____
_____

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

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

(b)Has any trust been created for the benefit of this disadvantaged owner(s)? ❑ Yes ❑ No
(If Yes, you may be asked to provide a copy of the trust instrument).

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

Section 3: OWNER INFORMATION, Cont'd.

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

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

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

(5) Gender: ❑ Male ❑ Female

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

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

(7) U.S. Citizenship:

❑ U.S. Citizen
❑ Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____
(9) Percentage owned: _____ %
Class of stock owned: _____
Date acquired _____

(10) Initial investment to acquire ownership interest in firm:

Type	Dollar Value
Cash	$
Real Estate	$
Equipment	$
Other	$

Describe how you acquired your business:
❑ Started business myself
❑ It was a gift from: _____
❑ I bought it from: _____
❑ I inherited it from: _____
❑ Other _____
(Attach documentation substantiating your investment)

B. Additional Owner Information
(1) Describe familial relationship to other owners and employees:
_____
_____
_____

(2) Does this owner perform a management or supervisory function for any other business? ❑ Yes ❑ No
If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (*e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.*) ❑ Yes ❑ No
Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:
_____

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

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

(b)Has any trust been created for the benefit of this disadvantaged owner(s)? ❑ Yes ❑ No
(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? ❑ Yes ❑ No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage: *(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	**S = Seldom**	Majority Owner (51% or more)				Minority Owner (49% or less)			
F = Frequently	**N = Never**	Name: _____ Title: _____ Percent Owned:_____				Name: _____ Title: _____ Percent Owned:_____			
Sets policy for company direction/scope of operations		A	F	S	N	A	F	S	N
Bidding and estimating		A	F	S	N	A	F	S	N
Major purchasing decisions		A	F	S	N	A	F	S	N
Marketing and sales		A	F	S	N	A	F	S	N
Supervises field operations		A	F	S	N	A	F	S	N
Attend bid opening and lettings		A	F	S	N	A	F	S	N
Perform office management (billing, accounts receivable/payable, etc.)		A	F	S	N	A	F	S	N
Hires and fires management staff		A	F	S	N	A	F	S	N
Hire and fire field staff or crew		A	F	S	N	A	F	S	N
Designates profits spending or investment		A	F	S	N	A	F	S	N
Obligates business by contract/credit		A	F	S	N	A	F	S	N
Purchase equipment		A	F	S	N	A	F	S	N
Signs business checks		A	F	S	N	A	F	S	N

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 Name: _____ Title: _____ Race and Gender:_____ Percent Owned: _____				Officer/Director/Manager/ Key Personnel Name: _____ Title: _____ Race and Gender:_____ Percent Owned: _____			
Sets policy for company direction/scope of operations	A	F	S	N	A	F	S	N
Bidding and estimating	A	F	S	N	A	F	S	N
Major purchasing decisions	A	F	S	N	A	F	S	N
Marketing and sales	A	F	S	N	A	F	S	N
Supervises field operations	A	F	S	N	A	F	S	N
Attend bid opening and lettings	A	F	S	N	A	F	S	N
Perform office management (billing, accounts receivable/payable, etc.)	A	F	S	N	A	F	S	N
Hires and fires management staff	A	F	S	N	A	F	S	N
Hire and fire field staff or crew	A	F	S	N	A	F	S	N
Designates profits spending or investment	A	F	S	N	A	F	S	N
Obligates business by contract/credit	A	F	S	N	A	F	S	N
Purchase equipment	A	F	S	N	A	F	S	N
Signs business checks	A	F	S	N	A	F	S	N

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:

Concession Space	Address / Location at Airport	Value of Property or Lease	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 concession

Name of Concession	Location	Type of Concession	Start Date of Concession

AFFIDAVIT OF CERTIFICATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTARY CERTIFICATE

UNIFORM CERTIFICATION APPLICATION
SUPPORTING DOCUMENTS CHECKLIST

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

Required Documents for All Applicants

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

Partnership or Joint Venture
☐ Original and any amended Partnership or Joint Venture Agreements

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

Optional Documents to Be Provided on Request

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

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

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

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

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Duplicate in Database (Revised February 2011)

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Forms return

Dear _____:

The **(CP name)**, a certifying participant of the Pennsylvania Unified Certification Program (PA UCP), is in receipt of your application for certification as a Disadvantaged Business Enterprise (DBE). However, a review of the PA UCP database reveals you also applied to **(CP listed in database)**, a certifying participant of the PA UCP. The **(CP listed in database)** will process the DBE certification review of your application.

The PA UCP shares its resources in order to ensure the applicant is afforded "one stop shopping" under the federal regulation. When your application for DBE certification is approved, it will be accepted by all of the certifying participants listed below (some agencies may require additional information), as well other US DOT federal-aid recipients. The **(CP listed in database)** is also responsible for processing all annual reviews for your firm.

Because of the confidential nature of the documents submitted to our office, we are returning them to you.

If you have any questions regarding the UCP or how to do business with **(CP name),** please contact **(insert contact name and phone number).**

Sincerely,

(CP Name)
(CP Title)

Attachments

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

No Home State Certification (Revised December 2006)

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Forms return

Dear _____:

The Pennsylvania Disadvantaged Business Enterprise (DBE) Unified Certification Program (PA UCP) forms submitted by you are being returned. Consistent with Section 26.81(d), the PA UCP is not required to process an application for certification from a firm having its principal place of business outside the state of Pennsylvania if the firm is not certified by the UCP in the state in which it maintains its principal place of business. Therefore, all firms applying for certification outside our service area (Pennsylvania) must include with their submittal a current DBE certification issued by your home state Department Of Transportation, local transit authority or other local FTA grantee.

After you receive your home state certification, you may submit all other required documents along with a copy of the certification and we will be happy to process your application.

If you have any questions, please contact **(insert contact name and phone number).** Thank you for your interest in Pennsylvania's DBE program.

Sincerely,

(CP Name)
(CP Title)

Attachments

PA UCP FILE LOG

	Initials	Date
Application Reviewed for Completeness		
15-Day Warning Letter Sent		
Response Received to Above		
Response Reviewed for Completeness		
15-Day Deadline Letter Sent		
Response Received to Above		
Response Reviewed for Completeness		
Closing Letter Sent—file closed		
90-Day Review Process Letter Sent		
Pre-Interview Format Done		
Denial Letter Sent		
On-Site Interview Set by Phone		
Appointment Letter Sent		
On-Site Interview Format Done		
List Letter Left at Interview		
Formats Submitted to Decision Maker		
Decision Letter Issued—DBE yes no		
Database Updated		

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Certification – 1st notice for additional information (Revised December 2006)

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Certification Application

Dear _____:

The _____, a certifying participant in the Pennsylvania Unified Certification Program (UCP), has reviewed your DBE application and found it to be incomplete. In order to continue the certification process for your company, please submit the following information:

(Insert information)

Please forward the requested information to: **(insert relevant forwarding instructions)** such that it is received no later than **(at least 15 days from date of letter**.)

If you have any questions, please contact **(insert relevant party, etc.)**

Sincerely,

(CP Name)
(CP Title)

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Certification – 2nd notice for additional information (Revised December 2006)

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Additional information Request

Dear _____:

By letter of **(insert date of 15-day Warning Letter)** you were informed there was additional information needed to complete your DBE application for certification with the Pennsylvania Unified Certification Program (UCP). To date, that information has not been received. It consists of the following:

Insert

Please forward the requested information to **(insert relevant forwarding instructions)** such that it is received no later than **(at least 15 days from date of letter**.)

Your failure to timely respond to this request will cause your DBE application to be closed, which will bring a halt to the review. I look forward to receipt of this information so that the review process may continue.

If you have any questions, please contact **(insert relevant party, etc.)**

Sincerely,

(CP Name)
(CP Title)

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Certification – Close-Out (Revised December 2006)

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
File Closure

Dear _____:

This notice regards your incomplete DBE application to _____ **(insert name of agency)**, a certifying participant in the Pennsylvania Unified Certification Program (PA UCP). By letters dated _____ **(insert date of 15-day Warning Letter)** and _____ **(insert date of 15-day Deadline Letter)**, you were informed of the information needed to complete your DBE certification application. The second letter advised you that failure to provide the requested information within fifteen (15) days would cause your DBE application to be closed, bringing a halt to the review.

The fifteen (15) days have elapsed since the date of the second letter without response from you. Therefore we, **(insert name of agency),** has closed the filing of your DBE application.

Sincerely,

(CP Name)
(CP Title)

In-State Review Procedures

- If and when an application has been deemed complete, the 90-Day Letter is sent to inform the applicant that the application is complete. (A 60-Day Extension Letter may also be required during the process if the prescribed 90-days cannot be met.) The reviewer then preliminarily analyzes the application by completing the documents entitled “Pre-Interview and Review Format for Firms applying to the PA UCP for Certification under 49 CFR Parts 23 and 26”, “Size Analysis”, and “PNW Calculation Worksheet”.

- The reviewer then makes contact by telephone with the applicant to schedule an on-site visit to the applicant firm’s office to personally interview the officers and the disadvantaged owners representing at least 51% of the ownership structure, giving a non-exhaustive run-down of the information that should be available at the interview.

- The reviewer then confirms the conversation shortly thereafter by sending the appointment letter.

Out-of-State Review Procedures

- TBD

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

90-Day Application Review Letter – Revised October 2010

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Application Status

Dear _____:

This notice regards your request for DBE certification with the Pennsylvania Unified Certification Program (PA UCP).

As of _____, it appears you have provided the information necessary to complete your application package. Consistent with Title 49, Part 26.83(k) of the code of federal regulations which governs the DBE program, the PA UCP will make its eligibility determination within the prescribed 90 days (60-day extension allowable for reasons in accordance with section 26.83(k)). To do this, the PA UCP welcomes your cooperation as it proceeds with the review process.

Sincerely,

(CP Name)
(CP Title)

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

60-Day Extension Letter - Revised December 2006

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Application review extension

Dear _____:

Thank you for your patience in waiting for our determination as to the eligibility of _____ under the Pennsylvania Unified Certification Program (PA UCP). However, in reliance upon Title 49, Section 26.83(k) of the program's governing regulation, we are extending the 90-day period prescribed therein as the decision-making time frame for an additional 60 days. The reason for the extension is _____.

Thank you again for your understanding as well as your interest in the DBE program.

Sincerely,

(CP Name)
(CP Title)

PRE-INTERVIEW and Review Format

for Firms Applying to the PA UCP for **CERTIFICATION** Under 49 CFR Parts 23 and 26

Name of Firm:

When going through this format, check off as appropriate. Any time more explanation is required than asked for herein so state and attach a lettered comment with any necessary referenced and labeled documentation.

A. The body of the application is complete. ☐

B. All applicable attachments are there. ☐

C. The application package shows/implies firm is for profit. ☐

Explain:

D. Firm appears to be small based on the face value of what is presented in the application package. (Attach your calculations if need be.) ☐

Explain:

E. Based on the face of the attachments provided with the application, the following is the *documented* structure of this:

☐ Sole Proprietorship ☐ Partnership ☐ Corporation ☐ LLC

Name	Group	PNW*	Amount of Interest	Percentage of Interest	Director	Officer

*Figured according to 49 CFR 26.67 which excludes interest in applicant firm & equity in primary residence. (Attach your calculations if need be.)

F. Preceding disadvantaged individuals are either U.S. citizens or permanent residents ☐

Other:

IF THERE ARE, AT THIS POINT, FINDINGS THAT POINT TO A SITUATION WHERE A THRESHOLD REQUIREMENT(S)** MAY NOT BE MET, DO ANY OTHER NECESSARY WORK TO ESTABLISH THAT, IF NEED BE, AND SUBMIT THIS PRE-INTERVIEW FORMAT AND ACCOMPANYING WORK TO YOUR SUPERVISOR, COVERED BY A MEMO EXPLAINING HOW A DENIAL RECOMMENATION WITHOUT AN ON-SITE VISIT IS IN ORDER.

**Being for profit, small, having at least 51% ownership by disadvantaged people ($1,32M PNW maximum) who are U.S. citizens or permanent residents are threshold requirements. (Keep in mind in regard to size, if on the face of it the firm appears too big, you will have to explore with the applicant any exclusions and/or get more background on number of employees before you can definitively say a firm is not small. Related internal size forms will have to be part of your submission to your supervisor.)

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SIZE ANALYSIS

Receipts for the last 3 fiscal years of _____ are:
(On back, detail exclusions then insert appropriately; on back, perform any calculations for less than a 3-yr period then insert in "Average of Receipts" blank)

Year (pre-printed on tax form)
_____

"Total income"*	+	"Cost of goods sold"	-	Exclusions		
$_____	+	$_____	-	$_____	=	$_____

Year (pre-printed on tax form)
_____

"Total income"*	+	"Cost of goods sold"	-	Exclusions		
$_____	+	$_____	-	$_____	=	$_____

Year (pre-printed on tax form)
_____

"Total income"*	+	"Cost of goods sold"	-	Exclusions		
$_____	+	$_____	-	$_____	=	$_____

Sum of Receipts = $_____
Average of Receipts = $_____
(Sum ÷ 3)

*but if firm is a sole proprietorship, then "Gross income"

The number of employees is:

full-time	+	part-time	+	temporary	+	other	=	total
_____		_____		_____		_____		_____

ADD SHEETS FOR AFFILIATES AS NECESSARY

AGGREGATION OF RECEIPTS & EMPLOYEES

AGGREGATION OF RECEIPTS & EMPLOYEES OF APPLICANT FIRM WITH THOSE OF AFFILIATES, IF APPLICABLE, AND COMPARISONS WITH RELEVANT SIZE STANDARDS

Average of Receipts for:

applicant firm	_____	=	$_____
affiliate firm	_____	=	$_____
affiliate firm	_____	=	$_____
affiliate firm	_____	=	$_____
affiliate firm	_____	=	$_____
affiliate firm	_____	=	$_____
affiliate firm	_____	=	$_____
affiliate firm	_____	=	$_____
affiliate firm	_____	=	$_____
Total Average Receipts		=	$_____

Summation of Employee Totals for:

applicant firm	_____	=	_____
affiliate firm	_____	=	_____
affiliate firm	_____	=	_____
affiliate firm	_____	=	_____
affiliate firm	_____	=	_____
affiliate firm	_____	=	_____
affiliate firm	_____	=	_____
affiliate firm	_____	=	_____
affiliate firm	_____	=	_____
Grand Total of Employees		=	_____

Relevant Size Standards:

				Exceeded?
DBE Program Size Cap		=	$_____	□ Yes □ No
NAICS Code	_____	=	_____	□ Yes □ No
NAICS Code	_____	=	_____	□ Yes □ No
NAICS Code	_____	=	_____	□ Yes □ No
NAICS Code	_____	=	_____	□ Yes □ No
NAICS Code	_____	=	_____	□ Yes □ No
NAICS Code	_____	=	_____	□ Yes □ No
NAICS Code	_____	=	_____	□ Yes □ No
NAICS Code	_____	=	_____	□ Yes □ No
NAICS Code	_____	=	_____	□ Yes □ No

(Keep in mind that firms that exceed any of the relevant monetary size standards must be given the opportunity to set forth exclusions & firms that exceed any of the employee-based size standards must be asked to produce, for analysis, the type of documentation mentioned in 13 CFR 121.106 after which the two forms should be re-done.)

SIZE ANALYSIS FOR AIRPORT CONCESSIONAIRES

□ Banks & Financial Institutions: _____

$_____ in assets

□ Pay Telephone Companies & Automobile Dealers: _____
_____ employees

□ Car Rental Companies & All Other Firms: _____

(On back, detail exclusions then insert appropriately; on back, perform any calculations for less than a 3-yr period then insert in "Average of Receipts" blank)

Year (pre-printed on tax form)
_____

"Total income"*	+	"Cost of goods sold"	-	Exclusions		
$_____	+	$_____	-	$_____	=	$_____

Year (pre-printed on tax form)
_____

"Total income"*	+	"Cost of goods sold"	-	Exclusions		
$_____	+	$_____	-	$_____	=	$_____

Year (pre-printed on tax form)
_____

"Total income"*	+	"Cost of goods sold"	-	Exclusions		
$_____	+	$_____	-	$_____	=	$_____

Sum of Receipts = $_____
Average of Receipts = $_____
(Sum ÷ 3)

*but if firm is a sole proprietorship, then "Gross income"

ADD SHEETS FOR AFFILIATES AS NECESSARY

AGGREGATION OF ASSETS, EMPLOYEES, & RECEIPTS OF APPLICANT FIRM WITH THOSE OF AFFILIATES, IF APPLICABLE, AND COMPARISONS WITH RELEVANT SIZE STANDARDS FOR AIRPORT CONCESSIONAIRES

□ Banks & Financial Institutions:

			Assets
applicant firm	_____	=	$_____
affiliate firm	_____	=	$_____
affiliate firm	_____	=	$_____
Total Assets		=	$_____

Size Standard = $1 Billion in assets — Exceeded? □ Yes □ No

□ Pay Telephone Companies & Automobile Dealers:

			Employees
applicant firm	_____	=	_____
affiliate firm	_____	=	_____
affiliate firm	_____	=	_____
Total Employees		=	_____

Exceeded?

Size Standard = 1,500 employees (Pay Telephone Companies) — □ Yes □ No

Size Standard = 350 employees (Automobile Dealers) — □ Yes □ No

□ Car Rental Companies & All Other Firms:

			Average Receipts
applicant firm	_____	=	$_____
affiliate firm	_____	=	$_____
affiliate firm	_____	=	$_____
Total Average Receipts		=	$_____

Exceeded?

Size Standard = $75.23M in average receipts (Car Rental Companies) — □ Yes □ No

Size Standard = $56.42M in average receipts (All Other Firms) — □ Yes □ No

(Keep in mind that firms that appear to exceed an employee size standard & firms which appear to exceed an average receipts size standard must be asked to produce, for analysis, the type of documentation mentioned in 13 CFR 121.104 and 13 CFR 121.106, after which the two forms should be re-done.)

PNW CALCULATION WORKSHEET

For DBE's & For ACDBE's

"Total Assets"*	$_____	"Total Liabilities"*	$_____
Exclude (if included in above):		Exclude (if included in above):	
present market value of primary residence (both DBE's & ACDBE's)	$_____	mortgage balance on primary residence (both DBE's & ACDBE's)	$_____
interest in applicant firm (both DBE's & ACDBE's)	$_____		
other assets needed/encumbered (only ACDBE's)	$_____		
Other Adjustments^:		Other Adjustments^:	
_____	$_____	_____	$_____
_____	$_____	_____	$_____
Adjusted Assets	$_____	Adjusted Liabilities	$_____

ADJUSTED ASSETS MINUS ADJUSTED LIABILITIES = ADJUSTED PNW
$_____ MINUS $_____ = $_____

*Add figures presented on balance sheet to re-check arithmetic & insert correct figure here.

^List any other adjustments & explain below: (For example, figures presented on the balance sheet may be found to be incorrect & therefore need to be increased/decreased by a determined amount; other assets/liabilities may have surfaced; some liabilities claimed may not be valid; etc.).

_____

_____

_____

_____

_____

_____

_____

_____

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Site Visit Appointment Letter - Revised December 2006

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Scheduled appointment

Dear _____:

Pursuant to our telephone conversation, I have scheduled your firm for the required Disadvantaged Business Enterprise (DBE) on-site interview on _____ **(Insert Date and Time)** at **(Insert the firm's office address)**.

The interview should be attended by the disadvantaged owners representing at least 51% of the ownership structure as well as by the officers.

For this interview please make available for physical review and submission the items listed below. Please be advised this list may not be all inclusive and other information may be requested.

1)
2)
3)
4)
5)
6)
7)

Your cooperation in this matter is appreciated.

Sincerely,

(CP Name)
(CP Title)

On-Site Review Procedures

In order to meet the regulatory requirements of the UCP, an on-site review must be performed. On-site visits should be conducted every six (6) years unless information warrants a visit sooner.

- If the appropriate parties are not present at the interview site, the reviewer may use his/her judgment as to whether to allow for re-scheduling or to make a denial recommendation based on lack of cooperation to the decision maker.

- The reviewer uses the document entitled "On-Site Interview and Review Format for Firms Applying to the UCP for Certification under 49 CFR Parts 23 and 26" as a guide for conducting the interview and job site visit to:

  Verify group membership.
  Gather any additional size information.
  Gather any additional personal net worth information.
  Verify the form and substance of the ownership.
  Assess control.

- If any informational needs surfaced that could not be addressed at the interview, the reviewer leaves a list letter with the interviewee.

  The reviewer submits the completed "Pre-Interview and Review Format for Firms Applying to the PA UCP for Certification under 49 CFR Parts 23 and 26" as well as the "On-Site Interview and Review Format for Firms Applying to the PA UCP for Certification under 49 CFR Parts 23 and 26" to the decision maker for review and issuance of the certification/denial letter based on the content of the formats.

- The decision maker then generates the appropriate notification letter:

  - Certification – In accordance with 49 CFR 26.83(h), if a firm is certified, the DBE certification will be for a period of not less than three years. The DBE certification reassessment date will coincide with the last day of the month in which the firm was certified. For example, a firm is certified on January 5, 2004, the reassessment date will be January 31, 2007. Consequently, the firm's anniversary dates will be January 31, 2005, and January 31, 2006. NOTE: the initial date for recertification review NEVER changes. If the company is reassessed March 15, 2007 the <u>new date is January 31, 2010</u> [not March 31, 2010].

  - Denial – The firm will be given thirty (30) days to file a state level appeal in writing to the originating CP

- The shared database is then updated with the appropriate dates/information.

ON-SITE INTERVIEW and Review Format
for Firms Applying to the PA UCP for **CERTIFICATION** Under 49 CFR Parts 23 and 26

Name of Firm:

When going through this format, any time more explanation is required than asked for herein so state and attach a numbered comment with any necessary referenced and labeled documentation, keeping in mind this format does not prohibit follow-up or tailor-made questions. *The italicized items require the interviewer to form a conclusion.*

GROUP MEMBERSHIP

1. Yes ☐ No ☐ *Do the representations about race/gender on the application appear valid?*

If not, follow the provisions of Part 26.63 and state results here:

OWNERSHIP/DISADVANTAGE

2. How and why was this company formed?

3. In what Pennsylvania counties does your firm wish to work and what NAICS code(s) covers this work?

4. How did the firm's ownership structure come about? (Refer to item E of the pre-interview format.)

5. Yes ☐ No ☐ *Is there at least 51% ownership by disadvantaged individuals?*

6. What was the most difficult part of forming the company?

7. What are your short-term & long range goals for the company?

8. *If there are any findings which point against social and/or economic disadvantage explain here:*

9. What was your contribution in exchange for your ownership interest? [If expertise is the contribution, follow the provisions of Part 26.69 (f)].

10. Yes ☐ No ☐ *Were the ownership contribution(s) adequate in light of the current net worth of the firm?*

Explain:

11. What other monies did you or any other individual put into the firm?

12. Yes ☐ No ☐ *Is this a situation where the disadvantaged ownership is the result of a gift/transfer without adequate consideration from a nondisadvantaged individual or non-DBE firm involved in or engaged with the applicant firm/affiliate in the ways stated in Part 26.69(h) (1)?*

Explain:

13. Yes ☐ No ☐ *Was the preceding problem overcome when the opportunity was extended to show the ownership transfer was for reasons other than obtaining certification and that the disadvantaged owner controls?*

Explain:

14. Yes ☐ No ☐ *Is this a situation where marital assets were used by the disadvantaged owner to acquire his/her ownership interest?*

15. Yes ☐ N/A ☐ No ☐ *Did the spouse exercise the portion of the application transferring/renouncing rights in those assets?*

CONTROL

16. Describe your bidding process from how a decision is made to bid/quote a job, through the development of the bid/quote and ending with submission of the bid/quote:

17. Describe the job activities that take place after award of a job – acquiring employees/supplies/equipment, scheduling, doing field supervision:

18. Describe what you have chosen to delegate to employees or others as regards what we just talked about:

19. How does the work of this firm differ from what you did previously?

20. How have you adjusted?

[If any of the previous open-ended ownership/control questions have satisfactorily covered information asked for in another item(s) of the format, skip that item(s) by inserting "previously addressed."]

21. Yes ☐ No ☐ *Did you externally verify the authenticity of licenses accompanying the application?*

Explain the results:

22. Yes ☐ No ☐ *Does the resume of the disadvantaged owner support his/her claim of control? (Do a resume verification only if deemed necessary and attach results)* ☐ *Resume verification labeled & affixed as Attachment to question 21.*

23. Yes ☐ No ☐ *Is this a situation where the disadvantaged control is the result of a transfer of control from a nondisadvantaged*

individual who remains involved with the firm in any capacity?

24. Yes ☐ No ☐ *Was the preceding problem overcome when the opportunity was extended to show that the transfer of control was made for reasons other than obtaining certification and that the disadvantaged individual controls despite the continuing participation of the nondisadvantaged individual who formerly controlled?*

25. What does each person listed in the duties portion of the application do in regard to that duty? Is there any documentation?

26. Yes ☐ No ☐ Do you wish to mention any qualifications or education that may have been left off the resume?

Explain:

27. Yes ☐ No ☐ Do you wish to mention any other duties that are not indicated on the application?

Explain:

28. (Adapt the following when dealing with a non-construction firm.) Would you say that you can, on your own:

		Yes	No
a.	Read structural drawings? ……	☐	☐
b.	Perform estimates? …….	☐	☐
c.	Tell if an estimator's #'s are competitive? ……..	☐	☐
d.	Question decisions of an estimator/anyone else? …	☐	☐
e.	Recognize technical problems? …… ..	☐	☐
f.	Evaluate technical problems? …….	☐	☐
g.	Solve technical problems? …….	☐	☐

29. Yes ☐ No ☐ Can you revoke authority that you have chosen to delegate?

Explain:

30. Yes ☐ No ☐ If need be, could you hire/fire those to whom authority is delegated?

Explain:

31. Full–time ☐ Part–time ☐ Currently, do you regard this firm as a full-time or part-time operation?

32. Full-time ☐ Part-time ☐ None ☐ Do you have any other employment, whether full-time or part-time?

33. Yes ☐ No ☐ Do you have other business interests?

34. *If the answers to #31, #32, and/or #33 pose a dilemma, explore and explain here:*

35. *Who can sign checks and how is this evidenced?*

36. *Who has signed in connection with loans and/or the line of credit; how is this evidenced?*

37. May I see some typical signed (sub) contracts? *Describe pertinent details.*

38. What is your bonding/insurance arrangement? May I see any existing bonding/insurance documents?

39. *What of pertinence did a review of documents such as Articles/Certificate of Incorporation/Organization, bylaws/operating agreement/partnership agreement, financial statement, third party agreements, etc. show as to restrictions that hamper the disadvantaged owner in regard to making any business decision of the firm?*

40. *What does the financial statement reveal about financial capacity?*

41. *What of pertinence did a review of documents in the firm's job files reveal?*

42. *If the firm applied as a supplier, what seems to be the crediting potential for the products provided as far as manufacturing, regular dealing, and/or brokering is concerned?*

43. *What did an examination of the most recently issued Forms W2 and 1099 reveal?*

44. *What did an examination of the most recent typical payroll print-out reveal?*

45. Yes ☐ No ☐ *Was the firm able to produce cancelled paychecks?*

46. If not, why not?

47. Yes ☐ No ☐ *Is the disadvantaged owner's remuneration low in relation to that of others?*

48. If so, what is the reason?

49. How did you acquire your major assets?

50. How is debt being satisfied? (Refer to item 32.)

51. Yes ☐ No ☐ *Was the firm able to produce cancelled checks for typical overhead expenses?*

52. If not, why not?

53. What is the firm's source for equipment used on a project?

54. What is the firm's source for employees used on a project?

55. By what means does the firm occupy this location?

56. Are there any other occupants of this location?

57. *What did an examination of accounts payable reveal?*

58. *What did an examination of accounts receivable reveal?*

59. *What did a tour of the premises reveal?*

60. *If, in addition to any findings of shared resources already set forth, there is anything to add, explain here:*

61. Yes ☐ No ☐ *Was a job site visit made?*

62. *If so, set forth details here and if not explain why not here:*

BUSINESS SIZE

63. Yes ☐ ☐ 8(a) ☐ SDB No ☐ Is the firm certified by SBA?

64. Yes ☐ No ☐ *Was the firm found to have any affiliates?*

65. *If so, explain here and note what necessary documentation about affiliates came with the application and/or is hereto affixed as Attachment to question 65; also detail the structure of any affiliates (owners with percentages; directors, if any, or equivalents; officers, if any, or equivalents).*

66. Yes ☐ No ☐ Inconclusive ☐ *According to the short size analysis conducted on the following pages, is the firm a small business?*

67. Yes ☐ No ☐ N/A ☐ *According to the full size analysis conducted on the following pages, is the firm a small business?*

RECOMMENDATION

☐ *Certify as*

☐ *Deny*

☐ *Other*

Explain recommendation:

Interviewer/Reviewer:

Interviewee(s):

Place of Interview:

Date of Interview:

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

List Letter to Leave at Interview (Revised December 2006)

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Information Request

Dear _____:

While conducting the on-site interview to process your application for Disadvantaged Business Enterprise (DBE) status with the Pennsylvania Unified Certification Program (UCP), I discovered some additional information is needed. Please send the following to my attention within fifteen (15) calendar days from the date of this letter:

1)
2)
3)
4)
5)
6)
7)

Your failure to submit the information by **(Insert Date information is due)** will be deemed a failure to cooperate under Section 109(c) of Part 26. Failure or refusal to provide such information is a ground for denial of certification.

When responding, please note next to the item either attached or not applicable.

Sincerely,

(CP Name)
(CP Title)

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Moving Pennsylvania forward and creating economic opportunities for all.

Certifying Participant
Address:
Phone:
Fax:
E-mail:

Date

Revised February 2011

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
DBE Certification Approval

DBE Certification #_____

Attention: _____

Anniversary Date - Annually, on: _Month/Day_

The _____, a certifying participant in the Pennsylvania Unified Certification Program (PA UCP), has reviewed your request for certification as a Disadvantaged Business Enterprise (DBE) and is pleased to inform you that your firm appears to meet the requirements established by the United States Department of Transportation in Title 49, Part 26 of the Code of Federal Regulations. Consequently, your firm is now certified as a DBE to participate in the program in the following classification(s) only:

Insert NAICS Code(s): and basic work description(s) associated with each code

DBE certification continues from the date of this letter, but is contingent upon the firm renewing its eligibility annually with our office. You will be notified in advance of your obligation to provide to our office a copy of your renewal documents. These documents are also available online at www.paucp.com. However, the responsibility to assure continued certification is yours. Failure to continue your eligibility will result in immediate action to decertify the firm.

As long as your firm is listed in the PA UCP DBE Directory at www.paucp.com, you are DBE Certified in Pennsylvania. In order to maintain an accurate Directory, we are requesting that you make the PA UCP aware of any changes in your address, telephone number or specific geographical area where your firm is willing to perform work. If you wish to expand your status to include another type of business, you must contact the PA UCP for reevaluation prior to undertaking any projects as a DBE in the expanded area.

In the event of a change in circumstances affecting your ability to meet size, disadvantage, ownership, and control requirements of Part 26 or any material change in the information provided in your application form; you must inform the PA UCP by means of a Notice of Change Affidavit describing in detail the nature of such changes. You must submit a Notice of Change Affidavit (also available online) within 30 days of the occurrence of the change. Failure

to do so will be deemed a failure to cooperate. We would also remind you that the PA UCP reserves the right to review your firm at any time to ensure compliance with the program.

Supplier firms that wish to act as a regular dealer must be aware that regular dealer credit cannot be given for drop shipments.

Certified firms with a "trucking" classification must be aware that certain conditions must be met in order to be considered commercially useful. Foremost, the DBE trucking firm must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals. The DBE trucking firm must itself own and operate at least one fully licensed, insured, and operational truck used on the contract. For a full list of these conditions, consult Part 26.55 (d)(1) through (6) of the aforementioned regulations

We are pleased to have you as a Disadvantaged Business Enterprise and wish you success in acquiring work within the DBE program. If you have any questions, please contact **(insert relevant party, etc.)**

Sincerely,

(CP Name)
(CP Title)

www.paucp.com
Moving Pennsylvania forward and creating economic opportunities for all.

Certifying Participant
Address:
Phone:
Fax:
E-mail:

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program

DBE Certification Approval DBE Certification # _____
Reassessment: _____ __, ___

DBE Certification Denial

The _____, a certifying participant in the Pennsylvania Unified Certification Program (PA UCP), has reviewed your request for certification as a Disadvantaged Business Enterprise (DBE) and is pleased to inform you that your firm appears to meet the requirements established by the United States Department of Transportation in Title 49, Part 26 of the Code of Federal Regulations. Consequently, your firm is now certified as a DBE to participate in the program in the following classification(s) only:

Insert - NAICS Code _____

Consistent with the federal regulation, your firm is certified for a three year period. Prior to your annual anniversary date of _____ __, ____ of each year, you will be required to complete an "Affidavit of No Change". This affidavit must affirm there have been no changes in your firm's circumstances affecting its ability to meet Part 26 size, disadvantage, ownership, and control standards. Supporting documentation relative to your firm's size (gross receipts and number of employees) will be required at that time.

If you wish to expand your status to include another type of business, you must contact the PA UCP for reevaluation prior to undertaking any projects as a DBE in the expanded area.

Supplier firms that wish to act as a regular dealer must be aware that regular dealer credit cannot be given for drop shipments

Certified firms with a "trucking" classification must be aware that certain conditions must be met in order to be considered commercially useful. Foremost, the DBE trucking firm must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals. The DBE trucking firm must itself own and operate at least one fully licensed, insured, and operational truck used on the contract. For a full list of these conditions, consult Part 26.55 (d)(1) through (6) of the aforementioned regulations

In the event of a change in circumstances affecting your ability to meet size, disadvantage, ownership, and control requirements of Part 26 or any material change in the information provided in your application form; you must inform the PA UCP by means of a sworn affidavit by the owners, describing in detail the nature of such changes. You must provide this written "Notice of Change" within 30 days of the occurrence of the change. Failure to do so will be deemed a failure to cooperate. We would also remind you that the PA UCP reserves the right to review your firm at any time to ensure compliance with the program.

Your firm will be included in our updated Directory which will indicate the type of work which your firm has been certified to perform. In order to maintain an accurate Directory, we are requesting that you make the PA UCP aware of any changes in your address, telephone number, or specific geographical area where your firm is willing to perform work.

We are pleased to have you as a Disadvantaged Business Enterprise and wish you success in acquiring work within the DBE program. If you have any questions, please contact **(insert relevant party, etc.)**

The PA UCP, however, acting through _____, has concluded that your firm does not meet the standards for certification as a DBE in relation to _____, as set forth by Title 49, Part 26 of the Code of Federal Regulations.

(Insert portions of the record evidence and the regulatory provisions used to render the decision)

Consequently, you are hereby notified that your firm does not meet the qualifications for certification as a DBE in the area of _____. Therefore, your request for certification is hereby denied. This action does not affect your firm's ability to bid as a non-DBE.

If, after careful review of the Code of Federal Regulations, you still disagree with this determination, you may submit a written request for a hearing with the PA UCP's DBE Certification Appeals Committee. In this request, you may, if you desire, refute any part of the denial; however, you must base any refutation on evidence that has already been made a part of our record. Submission of any new information may void your appeal request and may result in the need for a re-application. Any refutation you may wish to put forth must come with the appeal request, not under separate cover. Please forward any request for a personal appeal accompanied by your written documentation, if applicable, to **(insert the name of the certifying participant)** with 30 days of this letter.

You may, if you so desire, dispense with your state-level appeal right, as described in the preceding paragraph, and appeal directly to the federal level by sending a written appeal request to the US DOT Office of Civil Rights, 1200 New Jersey Avenue, SE W-35, Washington, DC 20590, within 90 days of the date of this letter. You must include information and arguments concerning why the decision should be reversed. For a complete view of how to appeal to US DOT, please be referred to 49 CFR 26.89.

Otherwise your firm and/or any company principals have the opportunity to re-apply for DBE status in this area after a period of six (6) months from the date of this letter.

Should you have any questions regarding the substance of the denial, please contact **(insert relevant party, etc.)**

Sincerely,

(CP Name)
(CP Title)

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Moving Pennsylvania forward and creating economic opportunities for all.

Certifying Participant
Address:
Phone:
Fax:
E-mail:

Date *Revised October 2007*

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
DBE Certification Denial

Dear _____:

The _____, a certifying participant in the Pennsylvania Unified Certification Program (UCP), has reviewed the application submitted by your firm. Upon a thorough review, the UCP has concluded that your firm does not meet the standards for certification as a Disadvantaged Business Enterprise (DBE), as set forth by Title 49, Part 26 of the Code of Federal Regulations.

(Insert portions of the record evidence and the regulatory provisions used to render a decision)

Consequently, you are hereby notified that your firm does not meet the qualifications for certification as a DBE. Therefore, your request for certification is hereby denied. This action does not affect your firm's ability to bid as a non-DBE.

If, after careful review of the Code of Federal Regulations, you still disagree with this determination, you may submit a written request for a hearing with the UCP's DBE Certification Appeals Committee. In this request, you may, if you desire, refute any part of the denial; however, you must base any refutation on evidence that has already been made a part of our record. Submission of any new information may void your appeal request and may result in the need for a re-application. Any refutation you may wish to put forth must come with the appeal request, not under separate cover. Please forward any request for a personal appeal accompanied by your written documentation, if applicable, to **(insert certifying participant's address/information),** within 30 days of the date of this letter.

You may, if you so desire, dispense with your state-level appeal right, as described in the preceding paragraph, and appeal directly to the federal level by sending a written appeal request to the United States Department of Transportation, Departmental Office of Civil Rights, 1200 New Jersey Avenue, SE W-35, Washington, DC 20590, within 90 days of the date of this letter. You must include information and arguments concerning why the decision should be reversed. For a complete view of how to appeal to US DOT, please be referred to 49 CFR 26.89.

Otherwise your firm and/or any company principals have the opportunity to re-apply for DBE status after a period of six (6) months from the date of this letter.

Should you have any questions regarding the substance of the denial, please contact **(insert relevant party, etc.)**

Sincerely,

(CP Name)
(CP Title)

Other Procedures

Notice of Change Affidavit Process

During certification, a DBE is required to submit a Notice of Change Affidavit within 30 days of any change(s) in its circumstances affecting their ability to meet the eligibility standards of 49 CFR 26 regarding business size, personal net worth, disadvantaged status, ownership, or control. This Notice of Change Affidavit requires documentation describing the change(s) in detail. The Notice of Change Affidavit can be found at the paucp.com website or by contacting any certifying participant. The DBE must submit the Notice of Change Affidavit to the originating CP unless requesting a transfer to another CP.

The certifying participant will review the Notice of Change Affidavit, supporting documents, and may perform a supplementary investigation for continued eligibility.

If it is determined that there is no reason to remove the DBE's eligibility, the certifying participant will send a letter of acknowledgement.

If it is determined that there is reasonable cause to believe that the firm is ineligible, the certifying participant will issue an appealable letter initiating the proceeding for removal of eligibility.

The shared database is then updated with the appropriate dates/information.

In addition, failure of a DBE to provide information within the period of time requested will be deemed a failure to cooperate within the meaning of 49 CFR Section 26.109. Failure to cooperate with reasonable requests from the certifying participant constitutes a separate ground for removal of eligibility. The firm will be afforded notice and an opportunity to attend an informal hearing or submit written documentation addressing why it failed to cooperate consistent with 49 CFR Section 26.87

PENNSYLVANIA UNIFIED CERTIFICATION PROGRAM
FOR
DISADVANTAGED BUSINESS ENTERPRISES

NOTICE OF CHANGE AFFIDAVIT

State/Commonwealth of _____)

County of _____) ss.

BEFORE ME, the undersigned authority, in and for the said State/Commonwealth and said County personally appeared _____ who, after being sworn according to law, stated that he or she was authorized to represent _____ and to execute this affidavit on behalf of the said firm and stated, under penalty of perjury that the following statements are true, correct, accurate and complete.

Changes have occurred in circumstances affecting my ability to meet the size, disadvantaged status, ownership, and/or control requirements of 49 CFR Part 23 and/or Part 26 or in material information provided in my last application.

Within the past 30 days changes have occurred to the:

1. Business size and overall gross receipts that cause the firm to exceed Small Business Administration and Part 23 and/or Part 26 criteria? ☐ Yes ☐ No
2. Personal net worth of an individual owner who's status was relied on for certification exceeds $1.32 million? ☐ Yes ☐ No
3. Firm's ownership (including changes in interests of existing owners and the addition or removal of owners)? ☐ Yes ☐ No
4. Officers and/or Directors of the firm? ☐ Yes ☐ No
5. Structure of business (i.e. proprietorship, llc, partnership, corporation)? ☐ Yes ☐ No
6. Out of state firms: Home state certification status? ☐ Yes ☐ No
7. Other:_____ ☐ Yes ☐ No

Attach supporting documents regarding each change(s).

Further, the Affiant does covenant and agrees to provide directly to the Pennsylvania Unified Certification Program complete and accurate information regarding actual work performed on any federally-funded project, the payment therefore, any proposed changes, if any, of the foregoing arrangements, and to permit the Pennsylvania Unified Certification Program to examine the books, records and files of the business.

The Affiant acknowledges that any distortion, false statements, or non-disclosure of information will be deemed to be a material misrepresentation and is subject to prosecution under both Federal and State Law.

(SEAL)

SWORN AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF_____, 20____

_____
(SIGNATURE OF AFFIANT) (DATE)

_____
(PRINTED NAME)

_____
(TITLE)

_____
(COMPANY NAME)

_____
(SIGNATURE OF NOTARY PUBLIC)

My Commission Expires: _____

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Date Revised February 2011

Company Contact Name
Company Name
Company Address

RE: Pennsylvania Unified Certification Program
Notice of Change Affidavit
Certification Number: _____

Dear _____:

The (**Certifying Participant)** acknowledges receipt of your **Notice of Change Affidavit** and supporting documents.

A review of these documents indicates there are no apparent changes which impact your DBE certification. Should this information change, you must inform (**Certifying Participant)**, in writing, within 30 days of the change. Depending on the nature of the change, you may be required to complete another Notice of Change Affidavit.

Please note you are required to submit an Annual Affidavit every year on the anniversary date of your initial certification. (**Certifying Participant)** will send you an affidavit approximately forty-five (45) days prior to that date.

We are pleased to have you as a DBE and wish you success in acquiring work within the DBE program. If you have any questions, please contact (**Certifying Participant contact)** at (**Certifying Participant contact phone number)**.

Sincerely,

(CP Name)
(CP Title

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Date *Revised February 2011*

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Initiation of Proceeding to Remove DBE Eligibility

Dear _____:

The _____, a certifying participant in the Pennsylvania Unified Certification Program (UCP), has reviewed the affidavit submitted on behalf of your firm for continued eligibility. Upon review, the UCP has concluded that your firm does not meet the standards for continued certification as a Disadvantaged Business Enterprise (DBE) as required by Title 49 Part 26 of the Code of Federal Regulations.

(Insert portions of the record evidence and the regulatory provisions used to render a decision)

Consequently, you are hereby notified that your firm does not meet the requirements for continued certification as a DBE.

If, after careful review of the US DOT Rules and Regulations, you still believe your firm should remain certified, you may submit a written request for a hearing with the UCP's DBE Certification Appeals Committee. At this hearing you may respond to the reason(s) set forth in this letter regarding DBE eligibility as well as provide information and arguments concerning why your firm should remain certified. If you do not wish to attend a hearing you may submit a written response to the reason(s) set forth in this letter regarding DBE eligibility. Your written response should contain information and arguments concerning why your firm should remain certified. Please forward any request for a hearing accompanied by your written documentation, if applicable, to **(insert certifying participant contact information),** such that it is received **(count 30 days from date of letter & insert that date.)**

Should you have any questions regarding the substance of this matter, please contact **(insert relevant party, etc.)**

Sincerely,

(CP Name)
(CP Title)

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Moving Pennsylvania forward and creating economic opportunities for all.

Certifying Participant
Address:
Phone:
Fax:
E-mail:

Date **October 2007**

(Firm Name, Address)

Re: Pennsylvania Unified Certification Program
Removal of Eligibility

Dear :

This is to advise you of the Pennsylvania Unified Certification Program's (PA UCP) determination that (name of firm) is no longer eligible to participate in the Disadvantaged Business Enterprise (DBE) Program. This action is being taken in accordance with 49 Code of Federal Regulations, Part 26, Section 26.87, which outlines procedures for removal of a DBE's eligibility.

Consistent with Section 26.87 (d), the PA UCP offered (name of firm) the opportunity submit a written response to our letter dated _____, ____ or request an informal administrative hearing regarding your firm's continued eligibility as a DBE. Since (name of firm) failed to respond to our letter, the PA UCP deemed this to be a failure to cooperate under Section 26.109(c). This Section provides that all participants are required to cooperate fully and promptly and failure to do so can constitute an independent ground for removal of certification. Consequently, (name of firm) is no longer eligible to remain in the DBE Program and we have removed (name of firm) from the PA UCP list of certified DBEs.

(Name of firm) may appeal this determination to the United State Department of Transportation, Departmental Office of Civil Rights, 1200 New Jersey Avenue, SE W-35, Washington, DC 20590, within 90 days of the date of this letter. You must include information and arguments concerning why the decision should be reversed. For a complete view of how to appeal to US DOT, please be referred to 49 CFR 26.89. Please note that during the pendency of your appeal, the PA UCP's disposition remains in effect.

Sincerely,

(CP Name)
(CP Title)

Withdrawal Process

If a firm wishes to withdraw their application, they must do so by submitting a letter to the CP on company letterhead.

Acknowledgment letter from the CP is then sent to the firm indicating they are being withdrawn from the PA UCP database.

The shared database is then updated with the appropriate dates/information.

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Moving Pennsylvania forward and creating economic opportunities for all.

Certifying Participant
Address:
Phone:
Fax:
E-mail:

Date *Revised October 2007*

Company Name
Company Address

RE: Pennsylvania Unified Certification Program
Certification Withdrawal
Certification Number:_____ **[if applicable]**

Dear_____:

This letter will confirm receipt of your letter dated **(insert date of letter)**, in which you have confirmed that you wish to have your DBE firm removed from the PA UCP directory and that you no longer wish to be certified as a DBE under the federal regulation set forth in 49 Code of Federal Regulations Part ___ **(fill in Part 23 or 26 or both if they apply)**.

This letter serves as notification that **(insert firm name)** has been removed from the Pennsylvania Unified Certification Program (PA UCP) as requested.

If this was not the intent of the letter, please contact **(insert contact name and phone number)** immediately. If you wish to seek certification in the future, you may apply through any of the five (5) certifying agencies in Pennsylvania. You may find them listed on the PA UCP website at www.paucp.com. We wish you continuing success in your business endeavors.

Sincerely,

(CP Name)
(CP Title)

Expansion Process

If a firm wishes to expand their certification codes prior to annual affidavit submission, the firm must request the expansion in writing to the originating CP.

The reviewer must complete the “Expansion Pre-interview and Review Format” document and “Expansion Interview and Review Format” document to determine eligibility of the requested expansion classification(s).

The shared database is then updated with the appropriate dates/information.

EXPANSION PRE-INTERVIEW and Review Format
PRE-INTERVIEW and Review Format for Firms Applying to the PA UCP for **EXPANSION** Under 49 CFR Parts 23 and 26

Name of Firm:

Any time more space/explanation is required, so state and attach a lettered comment.

A. What is the additional DBE classification or product (if firm is already a supplier)?

B. Does the resume and/or information on file reflect that the disadvantaged owner has training, a license, experience, etc. with regard to #1? Explain, citing the owner's name.

C. Does item A require special machinery, equipment, instruments, etc.? Explain:

D. Other:

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EXPANSION INTERVIEW and Review Format
INTERVIEW and Review Format for Firms Applying to the PA UCP for **EXPANSION** Under 49 CFR Parts 23 and 26

Name of Firm:

If an item is not applicable or more space/explanation is required, so state and attach a numbered comment with any necessary referenced labeled documentation, keeping in mind this format does not prohibit follow-up or tailor-made questions. *The italicized items require the interviewer's input.*

☐ Interview done ☐ On-site ☐ By Phone ☐ Other

Provide details:

1. What education, credentials, and/or experience do you have to undertake this additional DBE classification or product expansion?

2. What documentation can you offer?

3. What will your role be?

4. What will you delegate and to whom?

5. What decisions can your delegate(s) make on his/her own and what must he/she clear with you first?

6. Is delegated authority revocable? Explain:

7. Do you have the power to hire/fire those to whom authority is delegated? Explain:

8. How have you obtained the special machinery, equipment, instruments, etc. needed?

9. How long has this firm performed this type of work?

10. [If a visit is made] May I see the files to the 3 largest contracts/subcontracts that your firm is either working on or has completed in this new area? *Review these, asking any necessary questions, and report your results here.*

11. How do you handle each new product from acquisition through sale?

12. May I see some documentation on the purchasing end and on the selling end of the new product(s) you would like to supply? *Affix as Attachment ____ and explain what the documentation reveals about the crediting potential.*

13. [If a visit is made] May I see your inventory of this product(s)? *Report results here.*

14. Is the inventory in space the firm owns or leases? May I see the lease and evidence of payment?

15. *If you do any independent verification pertaining to this matter such as contacting outside parties and/or doing a job site visit, state your results here.*

RECOMMENDATION

☐ *Expand into*

☐ *Deny expansion*

☐ *Other*

Explain recommendation:

Interviewer/Reviewer:

Interviewee(s):

Place of Interview:

Date of Interview:

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ANNUAL AFFIDAVIT PROCESS

Annual Affidavit Procedures/ Process

Approximately 60 days prior to the DBE's anniversary date, the DBE will be sent a letter requesting an annual affidavit to be completed and returned to the certifying participant within 30 days. If that timeline passes and nothing is received, a second appealable letter will be sent stating that the PA UCP proposes to remove the firm's eligibility for failure to cooperate with the certification process in accordance with 49 CFR Section 26.109. The letter also states that a timely response (30 days) will stay the PA UCP's decision to remove the firm's eligibility. If there is no response to the second letter, a third letter will be sent stating the DBE's eligibility has been removed for failing to cooperate and this decision may be appealed to US DOT .

In accordance with the regulation, the PA UCP will not treat the applicant as it would a new applicant. The applicant does not bear the burden of proving its eligibility like a new applicant. The certifying participant may not necessarily take all the steps prescribed for certification applicants by 49 CFR. Section 26.83 (c)(1)-(7), e.g. the performance of an on-site visit and job site visit. These visits will be performed any time there is reason to believe that a firm may no longer be eligible to participate in the DBE program.

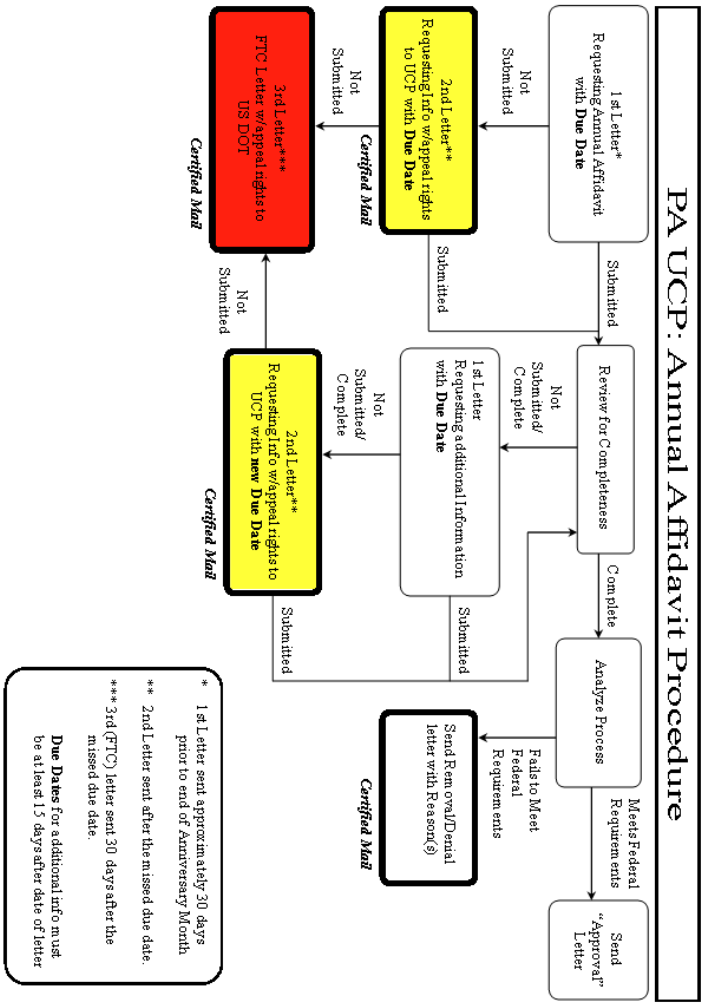
In addition, failure of a DBE to provide information within the period of time requested will be deemed lack of cooperation within the meaning provided in 49 CFR Section 26.109. Failure to cooperate with reasonable requests from the certifying participant constitutes a separate ground for removal of eligibility. The firm will be afforded notice and an opportunity to attend an informal hearing or submit written documentation addressing why it failed to cooperate consistent with 49 CFR Section 26.87.

The certifying participant will conduct a business size analysis, review the Affidavit of Certification and questions asked on the form, other factors that may be relevant, and may perform a supplementary investigation for continued eligibility.

If it is determined that there is no reason to remove the DBE's eligibility, the certifying participant will send a letter of continued eligibility.

If it is determined that there is reasonable cause to believe that the firm is ineligible, the certifying participant will issue a detailed appealable letter initiating the proceeding for removal of eligibility.

The certifying participants will make every attempt to handle annual affidavits in an expeditious manner and ensure that the most active firms are given due consideration in a timely manner.


PA UCP: Annual Affidavit Procedure
1st Letter*
Requesting Annual Affidavit
with Due Date
Not
Submitted
Submitted
2nd Letter**
Requesting Info w/appeal rights
to UCP with Due Date
Certified Mail
Not
Submitted
3rd Letter***
FTC Letter w/appeal rights to
US DOT
Certified Mail
Submitted
Review for Completeness
Not
Submitted/
Complete
1st Letter
Requesting additional information
with Due Date
Not
Submitted/
Complete
2nd Letter**
Requesting Info w/appeal rights to
UCP with new Due Date
Certified Mail
Not
Submitted
Submitted
Complete
Analyze Process
Fails to Meet
Federal
Requirements
Send Removal/Denial
letter with Reason(s)
Certified Mail
Meets Federal
Requirements
Send
"Approval"
Letter
* 1st Letter sent approximately 30 days
prior to end of Anniversary Month
** 2nd Letter sent after the missed due date.
*** 3rd (FTC) letter sent 30 days after the
missed due date.
Due Dates for additional info must
be at least 15 days after date of letter

Unified Certification Program
uCp Pennsylvania
Moving Pennsylvania forward and creating economic opportunities for all.

Certifying Participant
Address:
Phone:
Fax:
E-mail:

DBE ANNUAL AFFIDAVIT

Please complete the following information, sign, notarize and return to the address above <u>along with most recent federal tax return(s) for the DBE firm and any affiliate firms.</u>

Contact person and Title:		Legal name of firm:		
Federal Tax ID:				
Phone #:	Other Phone #:		Fax #:	
E-mail:	(7) Website (*if have one*):			
Street address of firm *(No P.O. Box)*:	City:	County/Parish:	State:	Zip:
Mailing address of firm *(if different)*:	City:	County/Parish:	State:	Zip:

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

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

Number of employees:

Full time:_____ Part time:_____ Temporary:_____ = Total:_____

<u>Out of State Firms</u>

- Is the firm currently certified in your home state? ☐Yes ☐No
  - o If yes, when was the latest on-site conducted? _____
    (please include copy of certification letter/certificate if possible)
  - o If no, when was your firm's DBE status removed? _____
    (please include copy of removal of eligibility letter)

Owners/Shareholders, Officers or Board of Directors

- Since your last submission, have there been any changes to the firm's owners/shareholders, officers or board of directors?

☐Yes ☐No

- Do any of the firm's current owners/shareholders, officers or board of directors perform a management/supervisory function or have ownership in any other firm(s)?

☐Yes ☐No

- Since your last submission, have there been any changes to the disadvantaged owner(s) responsibilities within the firm?

☐Yes ☐No

- Since your last submission, have you or any owners/shareholders sold or transferred any interest in the business?

☐Yes ☐No

Personal Net Worth (PNW)

- Since your last submission, has the disadvantaged owner(s) acquired any new real estate?

☐Yes ☐No

- Since your last submission, have there been changes to the PNW of the disadvantaged owner(s)?

☐Yes ☐No

- Is the PNW of the disadvantaged owner(s) equal to or less than $1,320,000?

☐Yes ☐No

- Since your last submission, have there been any contributions or transfers of assets to/from your firm and to/from any of its owners?

☐Yes ☐No

Trucking Firms

- Since your last submission, has the firm acquired or sold any trucks?

☐Yes ☐No

Business Activities

- Since your last submission, has your firm begun to work in any new areas and/or provided new services or supplies?

☐Yes ☐No

  - If yes, please provide a description and NAICS code(s) below and attach any documentation to support your claim (i.e. contracts, invoices, etc.)

_____
_____
_____
_____

PLEASE NOTE: You cannot submit the affidavit of no change if, this year, there have been any change in circumstances affecting your ability to meet the size, disadvantaged status, ownership, or control requirements of the DBE program or any material change in the information provided in your application form that you have not yet reported to the PA UCP, as required by 49 C.F.R. 26.83(i). If such a change has occurred, you must submit to us immediately a separate notice in the form of an affidavit concerning that change.

AFFIDAVIT OF CERTIFICATION

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

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS ANNUAL AFFIDAVIT IS SUFFICIENT CAUSE FOR 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.

State/Commonwealth of _____)

County of _____) ss.

Before me, the undersigned notary public, this day, personally, appeared _____ to me known, who being duly sworn according to law, deposes the following:

I certify that I, _____, am a socially and economically disadvantaged who is the owner/co-owner of _____ (hereinafter "company"). As such, I acknowledge and agree that any misrepresentations in this annual affidavit 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 affirm that there have been no changes in circumstances affecting the company's ability to meet size, disadvantaged status, ownership, and/or control requirements of Part 26 nor have there been any material changes in the information provided in the company's application form, except for changes about which I have notified the recipient under 49 CFR 26.83(i).

I further affirm that my company continues to meet the Small Business Administration size criteria and the overall gross receipts cap of Part 26.

I further certify that my personal net worth does not exceed $1,320,000.

I further certify that the attached Federal Business tax return for the company and/or affiliate firms, signed _____, 20____ is the company's most recent submission and is a true, correct and complete copy of the original.

I acknowledge that any distortion, false statements, or non-disclosure of information will be deemed to be a material misrepresentation and is subject to prosecution under both Federal and State Law.

(SEAL)

SWORN AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF_____, 20____

_____

(SIGNATURE OF AFFIANT) (DATE)

_____

(PRINTED NAME)

_____

(TITLE)

_____

(COMPANY NAME)

_____

(SIGNATURE OF NOTARY PUBLIC)

My Commission Expires: _____

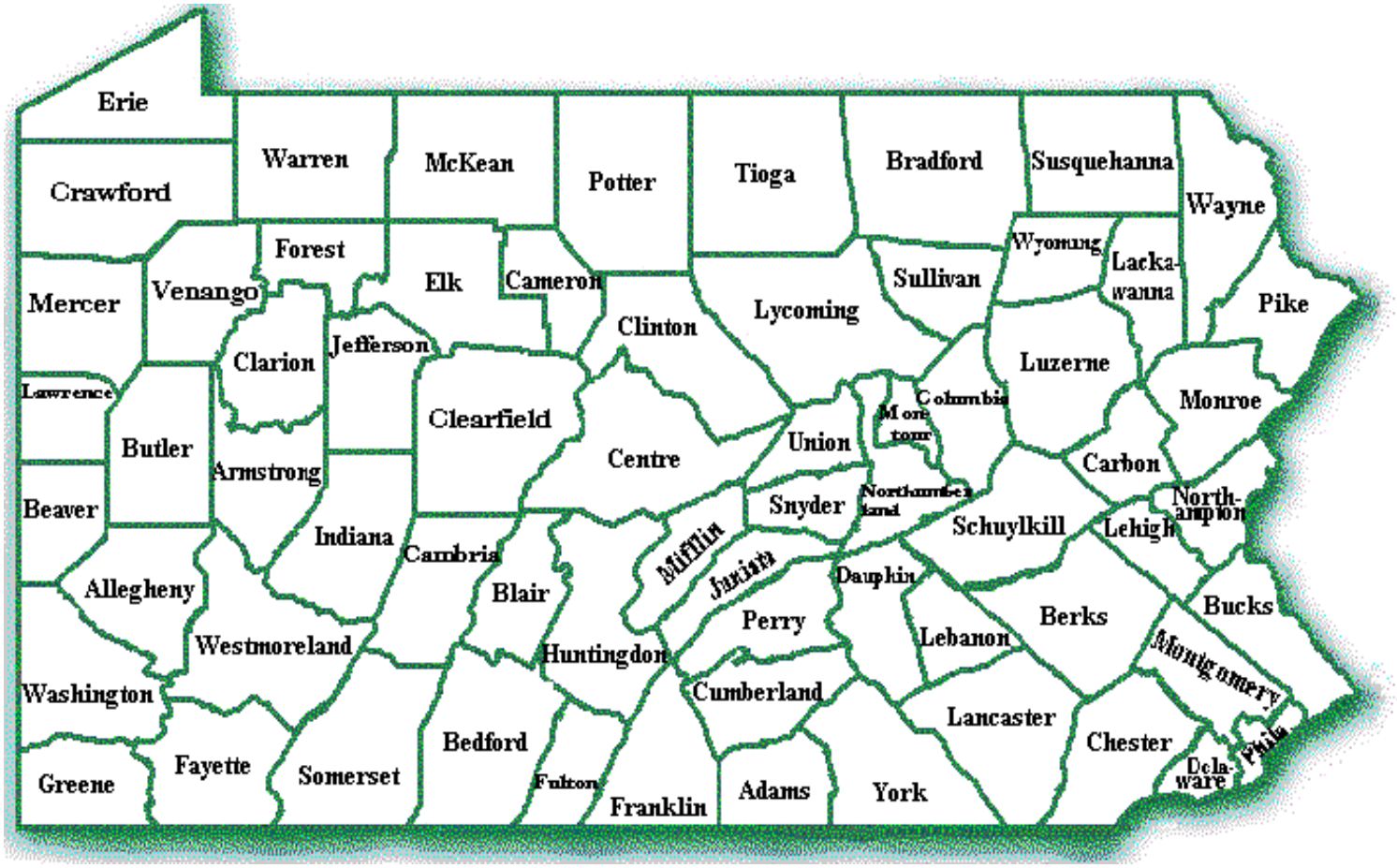
Desired Work Location

Please indicate the County(ies) to denote the geographical area of the Commonwealth where you would consider doing work.

[ ] STATEWIDE

[ ] Adams	[ ] Cambria	[ ] Cumberland	[ ] Huntingdon	[ ] Lycoming	[ ] Philadelphia	[ ] Venango
[ ] Allegheny	[ ] Cameron	[ ] Dauphin	[ ] Indiana	[ ] McKean	[ ] Pike	[ ] Warren
[ ] Armstrong	[ ] Carbon	[ ] Delaware	[ ] Jefferson	[ ] Mercer	[ ] Potter	[ ] Washington
[ ] Beaver	[ ] Centre	[ ] Elk	[ ] Juniata	[ ] Mifflin	[ ] Schuylkill	[ ] Wayne
[ ] Bedford	[ ] Chester	[ ] Erie	[ ] Lackawanna	[ ] Monroe	[ ] Snyder	[ ] Westmoreland
[ ] Berks	[ ] Clarion	[ ] Fayette	[ ] Lancaster	[ ] Montgomery	[ ] Somerset	[ ] Wyoming
[ ] Blair	[ ] Clearfield	[ ] Forest	[ ] Lawrence	[ ] Montour	[ ] Sullivan	[ ] York
[ ] Bradford	[ ] Clinton	[ ] Franklin	[ ] Lebanon	[ ] Northampton	[ ] Susquehanna	
[ ] Bucks	[ ] Columbia	[ ] Fulton	[ ] Lehigh	[ ] Northumber'd	[ ] Tioga	
[ ] Butler	[ ] Crawford	[ ] Greene	[ ] Luzerne	[ ] Perry	[ ] Union	

County Map of Pennsylvania



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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Annual Affidavit Notification – Revised Feb 2011

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Request for Annual Affidavit Information

Dear _____:

This is to inform you that your Pennsylvania Unified Certification Program (PA UCP) Disadvantaged Business Enterprise (DBE) Certification anniversary date is in the month of _____. In order to continue your DBE eligibility, you must submit the attached DBE Annual Affidavit along with the required attachments by **__MM/DD/YYYY__.**

The affidavit must be completed in its entirety. Please be sure to review the DBE Annual Affidavit Supporting Documents Checklist. The required information should be sent to **CP Name and Address**.

Your failure to submit this information by **__MM/DD/YYYY__** will be deemed a failure to cooperate under 49 CFR 26, Section 109(c). Your firm will be afforded the opportunity to appeal this decision in accordance with 49 CFR 26, Section 26.87.

Upon receipt and review of your Annual Affidavit, **CP Name** will notify you regarding your continued eligibility. Should you have any questions regarding this matter, please contact **CP Name and Contact Info**.

Sincerely,

(CP Name, title)

Attachment

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

This Letter Should Be Sent By: "Certified Mail"

Annual Affidavit 2nd notice – Final request for additional info **(February 2011)**
Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Annual Affidavit 2nd request

Dear:

This is a follow-up to our letter dated _____ informing you to submit an "Annual Affidavit" as required by 49 CFR 26, Section 26.83. As of this writing, our records indicate you did not respond to this requirement; therefore, we must deem this a failure to cooperate with the certification process in accordance with Section 26.109(c).

In order to remain certified, you must submit the required information to **(CP name and address)** by **_____.** Your timely response will stay the decision to remove your firm's eligibility for failure to cooperate.

However, your failure to respond to the above will result in your DBE eligibility being removed for failure to cooperate with the certification process. In accordance with Section 26.87, you have the right to appeal the decision. If you choose to appeal this decision to remove your firm's eligibility for failing to cooperate, you must submit a written request for a hearing by **_____.**

Your failure to submit the required information or request a hearing will result in your firm being ineligible to reapply for DBE certification for a period of six (6) months.

Should you have any questions regarding this matter, please contact **(CP name and telephone number)**.

Sincerely,

(CP Name)
(CP Title)

Attachments

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

This Letter Should Be Sent By: "Certified Mail"
Date *Revised October 2007*

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Removal of DBE firm's Eligibility

Dear:

This is to advise you of the Pennsylvania Unified Certification Program's (PA UCP) determination that your firm is no longer eligible to participate in the Disadvantaged Business Enterprise (DBE) program. This action is being taken in accordance with 49 CFR 26, Section 26.87, which outlines procedures for removal of a DBE firm's eligibility.

Prior to taking this action, the PA UCP afforded your firm at least two opportunities to provide information deemed necessary to determine your continued eligibility as a DBE. Since your firm failed to respond to either the informational request or an informal hearing, the PA UCP deemed this to be a failure to cooperate under Section 26.109(c). This Section provides that the failure to respond to requests for information constitutes an independent ground for removal of certification.

Consistent with Section 26.87 of Part 26, the PA UCP offered your firm the opportunity for an informal hearing. Since your firm did not respond, the PA UCP has concluded that your firm is no longer eligible to remain in the DBE program and must be removed from the PA UCP list of certified DBEs. You have the opportunity to reapply for DBE certification after a period of six (6) months from the date of this letter.

You may appeal this determination to the United States Department of Transportation, Departmental Office of Civil Rights, 1200 New Jersey Avenue, SE W-35, Washington, DC 20590, within 90 days of the date of this letter. You must include information and arguments concerning why the decision should be reversed. For a complete view of how to appeal to US DOT, please be referred to 49 CFR 26.89. Please note that during the pendency of your appeal, the PA UCP's disposition remains in effect.

Sincerely,

(CP Name)
(CP Title)

CONTINUED ELIGIBILITY PRE-INTERVIEW and Review Format
PRE-INTERVIEW and Review Format for Firms Applying to the PA UCP for **CONTINUED ELIGIBILITY** Under 49 CFR Parts 23 and 26

Name of Firm:

When going through this format, check off as appropriate. Any time more explanation is required than asked for herein so state and attach a lettered comment with any necessary referenced and labeled documentation.

A. The body of the Recertification Affidavit is complete. ☐

B. All applicable attachments are there. ☐

C. Firm appears to be small based on the receipts of the latest tax return when taken with the 2 previous returns (Attach your calculations if need be.) ☐

Explain:

D. What is the personal net worth (PNW) of the individual(s) making up the disadvantaged ownership? $

(PNW is figured according to 49 CFR 26.67 which excludes interest in applicant firm & equity in primary residence; attach your calculations if need be.)

E. What, if any, changes seem to have occurred in the firm's type of ownership, type of work, structure, operation, loans/investments, and/or documents?

F. What, if any, additional information should be gathered about changes noted in item E?

G. Other:

IF THERE ARE, AT THIS POINT, FINDINGS THAT POINT TO A SITUATION WHERE A THRESHOLD REQUIREMENT(S)* MAY NOT BE MET, DO ANY OTHER NECESSARY WORK TO ESTABLISH THAT, IF NEED BE, AND SUBMIT THIS PRE-INTERVIEW FORMAT AND ACCOMPANYING WORK TO YOUR SUPERVISOR, COVERED BY A MEMO EXPLAINING HOW A DENIAL RECOMMENATION IS IN ORDER.

*Being for profit, small, having at least 51% ownership by disadvantaged people ($1.32M PNW maximum) who are U.S. citizens or permanent residents are threshold requirements. (Keep in mind in regard to size, if on the face of it the firm appears too big, you will have to explore with the applicant any exclusions and/or get more background on number of employees before you can definitively say a firm is not small. Related internal size forms will have to be part of your submission to your supervisor.)

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CONTINUED ELIGIBILITY INTERVIEW and Review Format
INTERVIEW and Review Format for Firms Applying to the PA UCP for **CONTINUED ELIGIBILITY** Under 49 CFR Parts 23 and 26

Name of Firm:

If an item is not applicable or more space/explanation is required, so state and attach a numbered comment with any necessary referenced labeled documentation, keeping in mind this format does not prohibit follow-up or tailor-made questions. *The italicized items require the interviewer's input.*

☐ Interview done ☐ On-site ☐ By Phone ☐ Other

Provide details:

1. *Discuss with and gather from the disadvantaged owner information and documentation about changes which seem to have occurred in the firm's type of ownership, type of work, structure, operation, loans/investments, and/or documents.*[1] *Note results below.*

2. [If a visit is made] May I see the files to the 3 largest contracts/subcontracts that your firm is either working on or has completed? *Review these, asking necessary questions, and report your results here:*

3. *If a job site visit was made, set forth any details here:*

[1] Refer to items E & F of the pre-interview format.

RECOMMENDATION

☐ *Recertify as* _____

☐ *Issue Reasonable Cause letter*

☐ *Other*

Explain recommendation:

_____

_____

_____

_____

_____

_____

Interviewer/Reviewer: _____

*Interviewee(s):*_____

Place of Interview: _____

Date of Interview: _____

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
DBE Certification Continued Eligibility

DBE Certification #
Anniversary Date - Annually, on:

Attention:

The Pennsylvania Department of Transportation (PennDOT), a certifying participant in the Pennsylvania Unified Certification Program (PA UCP), has reviewed your Annual Affidavit as a Disadvantaged Business Enterprise (DBE) and is pleased to inform you that your firm appears to meet the requirements established by the United States Department of Transportation in Title 49, Part 26 of the Code of Federal Regulations. Consequently, your firm can continue as a DBE to participate in the program in the following classification(s) only:

(Insert approved NAICS codes)

DBE certification continues from the date of this letter, but is contingent upon the firm renewing its eligibility annually with our office. You will be notified in advance of your obligation to provide to our office a copy of your renewal documents. These documents are also available online at www.paucp.com. However, the responsibility to assure continued certification is yours. Failure to continue your eligibility will result in immediate action to decertify the firm.

As long as your firm is listed in the PA UCP DBE Directory at www.paucp.com, you are DBE certified in Pennsylvania. In order to maintain an accurate Directory, we are requesting that you make the PA UCP aware of any changes in your address, telephone number or specific geographical area where your firm is willing to perform work. If you wish to expand your status to include another type of business, you must contact the PA UCP for reevaluation prior to undertaking any projects as a DBE in the expanded area.

In the event of a change in circumstances affecting your ability to meet size, disadvantage, ownership, and control requirements of Part 26 or any material change in the information provided in your application form; you must inform the PA UCP by means of a Notice of Change Affidavit describing in detail the nature of such changes. You must submit a Notice of Change Affidavit (also available online) within 30 days of the occurrence of the change. Failure to do so will be deemed a failure to cooperate. We would also remind you that the PA UCP reserves the right to review your firm at any time to ensure compliance with the program.

Supplier firms that wish to act as a regular dealer must be aware that regular dealer credit cannot be given for drop shipments.

Certified firms with a "trucking" classification must be aware that certain conditions must be met in order to be considered commercially useful. Foremost, the DBE trucking firm must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals. The DBE trucking firm must itself own and operate at least one fully licensed, insured, and operational truck used on the contract. For a full list of these conditions, consult Part 26.55 (d)(1) through (6) of the aforementioned regulations.

We are pleased to continue to have you as a Disadvantaged Business Enterprise and wish you continued success in acquiring work within the DBE program. If you have any questions, please contact my office at 717-787-5891 or 1-800-468-4201.

Sincerely,

(CP Name, Title)

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program

Continued Eligibility for _____
DBE Certification # _____ Reassessment: _____ __, ____

Removal of Eligibility for _____

Dear _____:

The _____, a certifying participant in the Pennsylvania Unified Certification Program (PA UCP), has reviewed your request for recertification as a Disadvantaged Business Enterprise (DBE) and is pleased to inform you that your firm appears to meet the requirements established by the United States Department of Transportation in Title 49, Part 26 of the Code of Federal Regulations. Consequently, your firm can continue as a DBE to participate in the program in the following classification(s) only:

Insert – NAICS Code _____

If you wish to expand your status to include another type of business, you must contact the PA UCP for reevaluation prior to undertaking any projects as a DBE in the expanded area.

In the event of a change in circumstances affecting your ability to meet size, disadvantage, ownership, and control requirements of Part 26 or any material change in the information provided; you must inform the PA UCP by means of a sworn affidavit by the owners, describing in detail the nature of such changes. You must provide this written "Notice of Change" within 30 days of the occurrence of the change. Failure to do so will be deemed a failure to cooperate. We would also remind you that the PA UCP reserves the right to review your firm at any time to ensure compliance with the program.

We are pleased to continue to have you as a Disadvantaged Business Enterprise and wish you continued success in acquiring work within the DBE program. If you have any questions, please contact **(insert relevant party, etc).**

The PA UCP, however, acting through _____, has concluded that your firm does not meet the standards for continued eligibility as a DBE in relation to _____, as set forth by Title 49, Part 26 of the Code of Federal Regulations.

(Insert portions of the record evidence and the regulatory provisions used to render the decision)

Consequently, you are hereby notified that your firm does not meet the qualifications for continued certification as a DBE in the area of _____.

If, after careful review of the US DOT Rules and Regulations, you still believe your firm should remain certified in _____, you may submit a written request for a hearing with the PA UCP's DBE Certification Appeals Committee. At this hearing you may respond to the reason(s) set forth in this letter regarding DBE ineligibility as well as provide information and arguments concerning why your firm should remain certified in _____. Please forward any request for a hearing accompanied by your written documentation, if applicable, to **(insert the name of the certifying participant)**, such that it is received by (**insert date – 30 days from date of letter).**

Otherwise your firm and/or any company principals have the opportunity to re-apply for DBE status in the area of _____after a period of six (6) months from the date of this letter.

Your failure to contest the finding of ineligibility for _____ will not jeopardize your firm's DBE status in the area of _____.

Should you have any questions regarding the substance of the ineligibility finding, please contact **(insert relevant party, etc.)**

Sincerely,

(CP Name)
(CP Title)

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

This Letter Should Be Sent By: "Certified Mail"
Reasonable Cause Letter ***Revised October 2007***

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Initiation of Proceeding to Remove DBE Eligibility

Dear _____:

The _____, a certifying participant in the Pennsylvania Unified Certification Program (UCP), has reviewed the application submitted on behalf of your firm for recertification. Upon review, the UCP has concluded that your firm does not meet the standards for continued certification as a Disadvantaged Business Enterprise (DBE) as required by Title 49 Part 26 of the Code of Federal Regulations.

(Insert portions of the record evidence and the regulatory provisions used to render a decision)

Consequently, you are hereby notified that your firm does not meet the qualifications for continued certification as a DBE.

If, after careful review of the US DOT Rules and Regulations, you still believe your firm should remain certified, you may submit a written request for a hearing with the UCP's DBE Certification Appeals Committee. At this hearing you may respond to the reason(s) set forth in this letter regarding DBE eligibility as well as provide information and arguments concerning why your firm should remain certified. If you do not wish to attend a hearing you may submit a written response to the reason(s) set forth in this letter regarding DBE eligibility. Your written response should contain information and arguments concerning why your firm should remain certified. Please forward any request for a hearing accompanied by your written documentation, if applicable, to **(insert certifying participant contact information),** such that it is received **(count 30 days from date of letter & insert that date.)**

Should you have any questions regarding the substance of this matter, please contact **(insert relevant party, etc.)**

Sincerely,

(CP Name, title)

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Certifying Participant
Address:
Phone:
Fax:
E-mail:

Date **October 2007**

DBE did not submit a written response or request for hearing

Re: Pennsylvania Unified Certification Program
Removal of Eligibility

Dear :

This is to advise you of the Pennsylvania Unified Certification Program's (PA UCP) determination that (name of firm) is no longer eligible to participate in the Disadvantaged Business Enterprise (DBE) Program. This action is being taken in accordance with 49 Code of Federal Regulations, Part 26, Section 26.87, which outlines procedures for removal of a DBE's eligibility.

Consistent with Section 26.87 (d), the PA UCP offered (name of firm) the opportunity submit a written response to our letter dated _____, ____ or request an informal administrative hearing regarding your firm's continued eligibility as a DBE. Since (name of firm) failed to respond to our letter, the PA UCP deemed this to be a failure to cooperate under Section 26.109(c). This Section provides that all participants are required to cooperate fully and promptly and failure to do so can constitute an independent ground for removal of certification. Consequently, (name of firm) is no longer eligible to remain in the DBE Program and we have removed (name of firm) from the PA UCP list of certified DBEs.

(Name of firm) may appeal this determination to the United State Department of Transportation, Departmental Office of Civil Rights, 1200 New Jersey Avenue, SE W-35, Washington, DC 20590, within 90 days of the date of this letter. You must include information and arguments concerning why the decision should be reversed. For a complete view of how to appeal to US DOT, please be referred to 49 CFR 26.89. Please note that during the pendency of your appeal, the PA UCP's disposition remains in effect.

Sincerely,

APPEAL PROCESS

Purpose:

The Pennsylvania Unified Certification Program (PA UCP) Disadvantaged Business Enterprise (DBE) Certification Appeals Committee (Committee) entertains appeals concerning the denial of certification and appeals concerning the removal of eligibility by any of its Certifying Participants (CP). In accordance with the certification standards and procedures of 49 Code of Federal Regulations (C.F.R.), Part 23 (Part 23) and 26 (Part 26), the PA UCP affords firms denied certification or facing the removal of eligibility an administrative due process hearing in a manner consistent with state law. The Committee will act on behalf of the entire PA UCP and all PA UCP members will honor its determinations.

Composition:

The Committee is comprised of nine (9) voting members representing each of the nine (9) organizations in the PA UCP Oversight Committee. One of the nine (9) voting members will serve as Chairperson for a two-year term. A two-year term is necessary to ensure continuity of leadership. All Committee voting members will be appointed for a one-year term by their respective organizations. All Voting Members will be responsible for designating an alternate who can attend the scheduled hearing in their absence. Advisers are available to the Committee on an as-needed basis, including a legal adviser on a rotational basis.

Training:

The PA UCP Oversight Committee is responsible for ensuring that proper training and support is provided to the Committee.

Operating Procedures:

Any firm aggrieved by a denial or removal of eligibility decision will be afforded the opportunity to file an appeal with the Committee. However, consistent with institutional guidance an aggrieved firm will be informed that it does not forfeit the right to take an appeal to US DOT if it first elects to appeal to the Committee. The firm will also be informed that the ninety (90) day appeal right to US DOT set forth in Section 26.89(c) does not start to run until a final decision has been rendered by the Committee. A decision will be deemed final when the firm is advised of the determination in a written letter detailing the Committee's findings and the portions of the record evidence that supported each finding. This letter shall provide the address and time frame for taking an appeal to US DOT. Firms that elect to file an appeal with the Committee as the result of an initial denial decision or removal of eligibility will be given thirty (30) calendar days to do so. Appellants must state their intention and reason(s) for the appeal in writing to the CP that issued the denial or recommended removal of eligibility. That CP will be responsible for notifying the Chairperson of the request so that the firm may be

placed on the agenda. The appellant's letter will be acknowledged by a notice from the Committee informing them as to the date, location, and time for the hearing.

The Committee will conduct its regularly scheduled hearings in Harrisburg, Pennsylvania, at the headquarters of the Pennsylvania Department of Transportation or the Pennsylvania Turnpike Commission. Each proceeding will last approximately sixty (60) minutes. In the event that there are extenuating circumstances, the Committee may afford the appellant additional time.

If an appellant is unable to attend the scheduled meeting, he or she must submit a written explanation and justification for his or her inability to attend the meeting. The DBE regulation set forth in 49 CFR Part 26 requires that appeals for removal of eligibility be heard as soon as possible and does not afford the Committee the discretion to continue a proceeding over an extended period of time. In addition, Part 26 also allows an appellant to present information and arguments in writing in lieu of a hearing. Therefore, while the Committee will review and evaluate every request on a case-by-case basis, it will be unable to grant a continuance in the absence of compelling circumstances**.**

During each hearing, a presenter from the CP that made the denial determination or removal of eligibility will make a brief presentation outlining the reasons for a given determination. The presenter will be given up to fifteen (15) minutes to make this presentation. The presenter will originate from the CP that made the determination but will not be able to vote or participate in any deliberations at the conclusion of the proceeding.

Following this, the appellant will be given up to fifteen (15) minutes to present its position. Absent a compelling reason, the Committee will consider all record evidence but will not consider new information provided at the time of the proceeding.

Following both presentations, the Committee members will be given up to fifteen (15) minutes to seek clarification relating to any points addressed in either presentation. The proceeding will then adjourn and the Committee members will be given up to fifteen (15) minutes to deliberate and make a determination as to the firm's eligibility.

Special Procedures for Removal of Eligibility Proceedings:

Consistent with Section 26.87 of Part 26, firms recommended for denial of recertification or subject to removal of eligibility for any reason will be afforded the opportunity to participate in an informal administrative due process hearing. A stenographer will be present and a verbatim transcript will be made. The hearing will be conducted in a similar fashion to the initial denial proceedings with the addition of the stenographer and the transcript. Firms wishing to obtain copies of the transcript will be asked to contact the CP that generated the proceeding. Section 26.87 hearings will be conducted during regularly scheduled hearings. However, a special hearing may be convened on an as-

needed basis and in the event of a conflict of interest involving any Committee members or other circumstances.

A proceeding to remove eligibility may be based upon a written complaint that satisfies the specificity requirements of Part 26. US DOT, a certifying member, or any third party may initiate a proceeding. Consistent with Part 26, the Committee will not accept a general allegation or an anonymous complaint.

Consistent with Section 26.109(b), the Committee will keep the identity of a given complainant confidential at the election of the complainant. If such confidentiality will hinder an investigation or result in a denial of administrative due process to other parties, the Committee will advise the complainant of the need to waive this privilege. Consistent with Section 26.87 of Part 26, the Committee is obligated to ensure that the separation of functions component of an ineligibility proceeding is honored. To this end, every voting member involved in the removal of eligibility proceeding will originate from an office or personnel that did not take part in any action leading to or seeking to implement the removal of eligibility and does not take direction from an office or personnel involved in the initial action that gave rise to the proceeding. Potential conflicts of interest will be anticipated and addressed either by the Committee directly or, upon request by the Committee Chairperson, by the Oversight Committee.

In a Section 26.87 hearing, the firm will be afforded the opportunity to advance arguments against the ineligibility determination and to respond to determinations made by the initiating complainant. Consistent with Section 26.87, a DBE firm will retain its certification status during the pendency of any ineligibility proceeding.

Internal Procedures:

The Committee Chairperson will be responsible for scheduling the hearings and for generating an agenda. The hearing dates will be scheduled in advance. A minimum of two (2) firms should be on the agenda in order to convene a hearing. The starting time of the hearing will be at the discretion of the Chairperson. Appeals must be received at least thirty (30) days prior to the next scheduled hearing in order to be placed on the agenda. The individual presenter will be responsible for generating a background package and for submitting this package to each Committee members no later than ten (10) days prior to the scheduled hearing. This packet will be limited to relevant record evidence and a two-page maximum executive summary.

Committee Dispositions:

Five (5) voting members constitute a quorum. The Committee will meet in an executive session to make a determination following each appeal. Non-legal advisers will be excused from these sessions. The decision to certify or deny will be by a majority vote. In the event of a tie vote, the Chairperson’s vote will dictate the outcome of the appeal.

The Chairperson of the Committee will be responsible for generating a letter relative to all Committee dispositions. In the event that a denial or removal of eligibility is upheld, the firm will be provided with a letter delineating the reasons for the denial or removal of eligibility under Part 26 and relating the portions of the record evidence that gave rise to the determination. The firm will be advised of its right to initiate an appeal with US DOT.

In the event that a firm is granted certification or is adjudged to be qualified to remain in the program, a letter informing the firm of Committee's decision will be sent and also indicate that a follow-up letter will be sent by the certifying participant that currently retains the file. The follow up letter to the firm will include all necessary details relative to DBE certification (e.g. certification number, anniversary date, the type(s) of work the firm can perform in the program, etc.).

The Committee will entertain appeals brought by an initial applicant or a DBE facing a removal of eligibility. In either instance, the provisions of Part 26, Subparts D and E will be applied uniformly by the Committee in making a disposition.

Ineligibility decisions will be based upon the criteria set forth in Part 26, Subparts D and E including changes in the firm's circumstances that render it ineligible; information that was not available at the time of the initial certification; a change in the certification standards since the firm was certified; or a documented finding that the certification was factually erroneous. Following an ineligibility proceeding and decision, the Chairperson of the Committee will generate a written notice of the decision setting forth the reasons for the decision and the portions of the record evidence that gave rise to each and every conclusion. The complainant or the concerned operating administration of US DOT will also be provided with this notice. The Chairperson will also advise the firm of its appeal rights to US DOT once the Committee has made an administratively final determination.

The appellant will be notified in writing of the determination of the Committee within fifteen (15) days following the hearing or proceeding. If the firm receives a favorable determination, a follow-up letter will be sent by the certifying participant that currently retains the file. The follow up letter to the firm will include all necessary details relative to DBE certification (e.g. certification number, anniversary date, the type(s) of work the firm can perform in the program, etc.).

Waiting Period for Reapplication:

Any firm that wishes to reapply to the PA UCP following a denial determination may do so six (6) months after the hearing or proceeding date.

Confidentiality for Applicant Submissions:

The Committee members will make every effort to ensure that all documents containing financial information and findings related to an individual review remain confidential,

including, but not limited to, the individual personal net worth statements and accompanying documentation submitted by prospective or existing DBE firms as well as complainants.

Information for US DOT:

If a firm takes their appeal to US DOT, the CP must provide US DOT with a well organized, indexed, and paginated transcript of the entire administrative record within 20 days of the request.

www.paucp.com

Moving Pennsylvania forward and creating economic opportunities for all.

Appeal chair Agency
Address
Phone
Fax
E-mail

Date

Firm Name, Address

Re: Disposition of Your Initial Application for DBE Certification by the PA DBE Unified Certification Program Appeals Committee

Dear :

This will confirm that the Pennsylvania Disadvantaged Business Enterprise (DBE) Unified Certification Program (PA UCP) Appeals Committee (Committee) entertained your denial of initial DBE certification during an informal hearing conducted on _____. The Committee is pleased to inform you that it has determined that you meet the eligibility standards for certification as a DBE.

In the near future, you will receive information from the PA UCP, acting through the (Certifying Participant), relating to the entry of your firm in the PA UCP DBE Directory and other certification matters.

The Committee wishes you much success in the DBE program.

Very truly yours,

Name, Agency
Chairperson
PA UCP DBE Appeals Committee

www.paucp.com
Moving Pennsylvania forward and creating economic opportunities for all.

Certifying Participant
Address:
Phone:
Fax:
E-mail:

Decertification Letter—Appeal Rights ***Revised October 2007***

Date

(Firm Name, Address)

RE: Pennsylvania Unified Certification Program
Appeal Committee Determination

Dear _____:

Following your administrative due process hearing on _____, the Pennsylvania Unified Certification Program (PA UCP), acting through its Disadvantaged Business Enterprise (DBE) Certification Appeals Committee (Committee), determined that your firm does not meet the standards for continuing DBE certification under the federal regulation set forth in Title 49 Code of Federal Regulations (C.F.R.) Part 26 (Part 26) for the following reasons:

(Insert portions of the record evidence and the regulatory provisions used to render a decision)

In view of the foregoing, the information presented at the appeal, and other information provided by your firm, the Committee concluded that your firm does not qualify for continuing certification in the stated categories discussed above in that it does not qualify as a DBE under Section(s) _____ of Part 26. This determination resulted from a due process hearing that was conducted in a manner consistent with state law as mandated by Section 26.87 of Part 26. Should you wish to appeal this determination, your firm has the right to file an appeal with the United States Department of Transportation within ninety (90) days in the manner outlined in Section 26.89 of Part 26.

The address to which this appeal must be sent, is, as follows:

United States Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Avenue, SE W-35
Washington, D.C. 20590

Sincerely,
(Name, Title)

OVERSIGHT COMMITTEE

The Oversight Committee is comprised of nine (9) voting members which includes:

- Allegheny County Airport Authority
- Allegheny County, Department of Minority, Women, and Disadvantaged Business Enterprise
- Allegheny County, Department of Public Works
- Port Authority of Allegheny County
- Delaware River Port Authority
- Pennsylvania Department of Transportation (PennDOT)
- Pennsylvania Turnpike Commission
- City of Philadelphia
- Southeastern Pennsylvania Transportation Authority (SEPTA)

The Oversight Committee will schedule and conduct meetings (at a minimum of one every quarter) to maintain and ensure the integrity of the PA UCP.

ROLES AND RESPONSIBILITIES OF THE OVERSIGHT COMMITTEE

- Ensure the PA UCP is functioning as designed
- Monitor the public and legal environment for awareness to keep abreast of regulatory changes
- Coordinate and initiate education and training when required
- Ensure continuity of process
- Resolve disputes among the certifying entities
- Ensure end-user customer satisfaction
- Ensure a system of internal controls is in place to provide for reliability and validity of the PA UCP database
- Ensure integrity of the Certification and Appeals Processes
- Ensure the maintenance of the Web site
- Ensure adequate resources and budget for the ongoing operation of the PA UCP
- Provide centralized communication with US DOT
- Develop and maintain the PA UCP strategic plan
- Ensure timely execution of the implementation plan and milestone calendar
- To review, update, and finalize annual budget for the upcoming fiscal/calendar year (Jan. 1 – Dec. 31)

PA DBE Program Brochure is available from www.padbe.com

PA UCP Web Site
Training Manual

Revised:

April 2008

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OVERVIEW

The United States Department of Transportation, under 49 CFR Part 26, mandated that every state establish a Unified Certification Program (UCP). The purpose of the UCP is to provide one-stop shopping for certification by Disadvantaged Business Enterprise (DBE) firms in Pennsylvania. A Pennsylvania UCP Task Force was developed to create the UCP. The Task Force decided to comply with the directive by using mandatory reciprocity among five (5) certifying entities. In an effort to share information among the certifying entities, the Task Force decided to create a single web based application to provide a listing of certified business and their pertinent information (address, phone number, type of business, etc). This document represents the training manual for that web site.

BASIC FEATURES AND FUNTIONALITY

The web site supports the following basic features:

- Provides a public directory listing all certified businesses
- Allows users to access basic and advanced information about certified companies
- Provides online ability to download certain UCP forms
- Supports Ad-hoc querying capabilities (limited for the general public, advanced for internal users from certifying agencies)
- Enables authorized users to enter new applications, maintain them through certification and recertification, denial, and track ongoing status
- Generates reports that can be loaded into Microsoft Excel

In addition, the UCP web site:

- Eliminates duplication of effort by different agencies. Data is entered once, and is available to all agencies.
- Eliminates duplication of effort by DBEs. DBEs that once had to manage separate certifications with state agencies now can manage a single certification with participating state agencies.
- Enables customer self-service. Potential applicants can locate general information regarding the application process themselves, online, on their own schedule. Companies seeking DBEs can perform their own searches on-line. This will also have the positive impact of reducing call volume to each agency.
- Enables each agency to analyze data statewide as opposed to only its own agency. (Ex: how many applications are Pending/Denied statewide at any given time?)

AREAS OF THE WEB SITE

There are two parts of the PA UCP web site: The public side of the web site that is available to the General Public, and the Internal area, which is accessible only to authorized members of the PA UCP organizations

Public Area

The public area is accessed by pointing a web browser that is connected to the Internet to http://www.paucp.com. Visitors to the public area can perform the following actions:

- Search the database of certified companies (members of the public can search for certified companies only that have the Activate to Public checked)
    - Print or Download search results
- Download a pre-generated DBE directory
- View a Terms & User Conditions document
- Learn more about the program
- Learn how to become certified
- View Important News & Events
- View a list of Important Web Links
- View a list of Contact Information (phone numbers and addresses)

Members of the general public cannot:

- Access the internal side of the UCP web site
- Access or search any information about non-certified UCP firms
- Access information relating to certified UCP firms that is only accessible on the Internal area of the web site

Internal Area

The internal area of the PA UCP Web Site is accessed by first pointing a web browser that is connected to the Internet to http://www.paucp.com. Then, an authorized internal user must log in by using an individually assigned User ID and password. Once logged in, a user can perform one of several activities, depending on whether their security level is that of a Secondary User, Primary User, or Administrator.

Secondary Users:

Secondary users are employees of UCP associated agencies that do not directly certify applicants (ex. Allegheny County Airport Authority). These individuals use the web site in a “read-only” mode primarily to search for information about applicants, certified, and denied companies.

Secondary Users can:

- Perform all functions available to the general public

- Access the internal side of the UCP web site through a secure user ID and password
- View information for applicants/certified companies “owned” by other certifying agencies
- Run Reports

Secondary Users cannot:

- Add, Modify, or Change any information

Primary Users:

Primary users are employees of UCP certifying agencies that directly certify applicants (PennDOT as an example). These individuals use the web site for adding new applicants, certifying/denying existing applicants, and modifying existing records.

Primary users can:

- Perform all functions available to the general public
- Access the internal side of the UCP web site through a secure user ID and password
- Add/modify information for applicants or companies “owned” by the primary user’s certifying agency
- View information for applicants or companies “owned” by other certifying agencies
- Run reports

Administrators:

Administrators are designated UCP employees responsible for system administration of the UCP system.

Administrators can:

- Perform all functions available to the general public
- Perform all functions available to Primary Users (but as with Primary Users, Administrators can only add/modify information for applicants or companies “owned” by the administrator’s agency)
- Add/modify/delete user information, including passwords
- Add/modify/delete Links
- Add/modify/delete News and Events

USING THE PUBLIC AREA OF THE WEB SITE

The section of the web site available to the general public can be reached by typing this web address in the browser of a computer connected to the public internet: http://www.paucp.com

A sample of the main welcoming screen is shown below:

From this main page, the general public can:

- Search the database of certified companies
- View a Terms & User Conditions document
- Learn more about the program
- Learn how to become certified
- View Important News & Events
- View a list of Important Web Links
- View a list of Contact Information (phone numbers and addresses)
- Download a pre-generated DBE directory
- View a help page

Search the Database of Certified Participants

1. The user can search the database of currently certified UCP companies by typing in one or more search criteria into the search boxes on the right side of the page.
    a. DBE Firm Name:
        i. Type all or part of the firm name. The system will automatically search for DBE firm names that contain the search text (ex. if you search on “Smith”, it will find “Smith Paving” as well as “Jones & Smith Printing”)
    b. NAICS Code:
        i. Type in the full or partial NAICS code. To look up a searchable list of NAICS codes, click the “View List of Codes” link. A pop-up window showing NAICS codes will display. Use Ctrl-F to search that pop-up window if desired.
    c. Type of Business:
        i. Leave at “All” or select a type of business from the drop down list.
    d. DBE Type:
        i. Leave at “All” or select a type of DBE from the drop down list
    e. Residing County:
        i. Leave at “All” or select a county from the drop down list
2. After all desired search criteria have been entered into the search box, click the “Search” button to perform the search.

3. Next, the Search Results screen will appear (example shown below). The user's search criteria will be displayed, followed by the search results, which may contain no certified companies, one certified company, or several certified companies. As shown, only limited, publicly available information about certified companies is displayed (Name, DBE Type, Service Category, NAICS Code, Work Description, Contact Name, Phone Number, Fax Number, E-mail Address, and Mailing Address).

Search Results

The following businesses match the search criteria you specified. You can click **Download Search Results** to copy a file that contains the results of your search to your local computer.

You searched for the following:

Name = "**Paving**"
NAICS1 = ""
NAICS2 = ""
NAICS3 = ""
Business Type = "**All**"
Class Type = "**DBE**"
County = "**All**"
Work Description = ""

Search Again
Download Search Results
Disclaimer & Guidance

Matching Businesses = 1

CALLAHAN PAVING PRODUCTS, INC.
Class Type: WBE
Service Category: Supplier
NAICS Codes: 42332, 42351, 42512
Description: SUPPLY MATERIALS FOR CONCRETE PAVING AND BRIDGE CONSTRUCTION: JOINT SEALS, BRIDGE BEARINGS, EXPANSION JOINTS, RAILINGS, GEOSYNTHETICS, PIPE PRODUCTS, DRAINAGE STRUCTURES, PRECAST SOUND BARRIERS, TRAFFIC BARRIERS, WALL PANELS, REINFORCED EARTHWALLS

Owner: Terry Callahan
Phone: 2154435040; Fax: 2154435041; Email: terry@callahanpaving.com
Website:
Address: 424 Caradean Drive , Horsham, PA 19044

4. If the user desires to download the search information, they may do so by clicking the "Download Search Results" button. The search results will then be sent to that user's Internet browser as a tab delimited file. You will be prompted as to whether to save the file or open it in a program on your local computer workstation. You should save it to your local workstation with a descriptive name, then open the file using Microsoft Excel.

• Note: Open Excel first, then open your new file from within Excel

View the Terms & Use Conditions Document

To view the Terms & User Conditions document, which is a document stating the approved uses of the information available on the web site, the user clicks on the “View Terms & User Conditions” button on the main page, or any page where the button appears.

Learn More About the Program

To view the “Learn More About the Program Page” the user clicks on the “Learn More About the Program” link from the main page. The Learn More About the Program page will then appear.

Learn How to Become Certified

To view the “Learn How to Become Certified” page, the user clicks on the “Learn How to Become Certified” link from the main page. The Learn How to Become Certified page will then appear.

Download Certification Forms

To download electronic copies of certification forms, the user clicks on the “Download Certification Forms” button on the main page. The user is then taken to a Download Certification Forms page where they can download the appropriate documents depending on their requirements.

View Important News & Events

Specific Important News & Events will be shown on the main page in the left menu bar. To view more details and the full list of News & Events, the user can click on the “More News” link in the left menu bar. The News & Events screen will then appear, showing the full list of news and events.

View Important Web Links

Specific Important web links will be shown on the main page in the left menu bar. To view more details and the full list of web links the user can click on the “More Links” link in the left menu

bar. The Important Web Links screen will then appear, showing the full list of Web Links. The user can click on a listed link and be taken to that web site.

View A List of Agency Contact Information (Phone Numbers and Addresses)

Clicking on the “Contact Us” button in the top menu bar will display a list of PA UCP contact phone numbers and addresses.

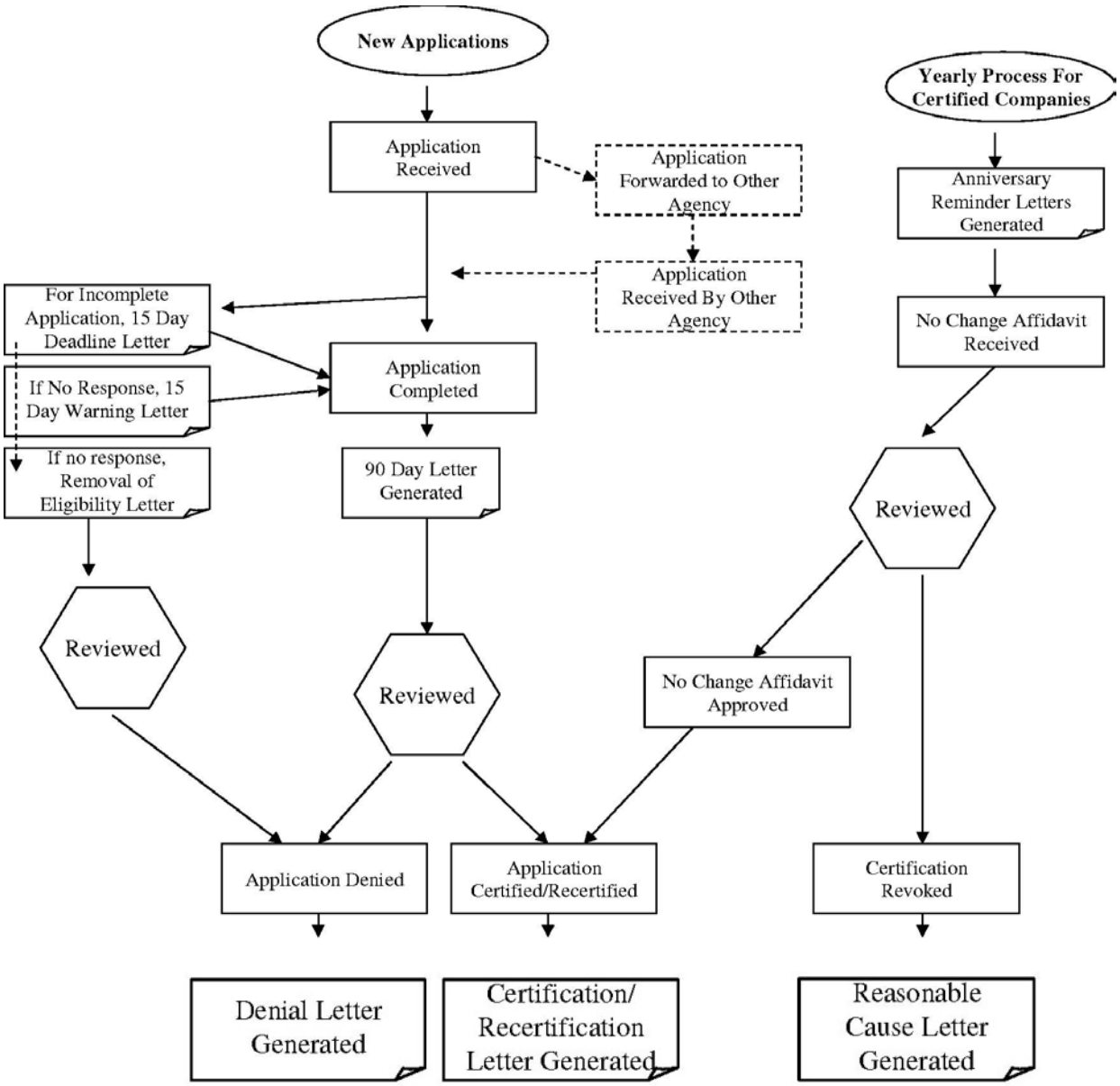
View a Help Page

If the user is on any section of the web site, they can click on the “Help” button on the top menu bar, and a help screen will display.

USING THE INTERNAL AREA OF THE UCP WEB SITE

The internal area of the PA UCP Web Site is accessed by first pointing a web browser that is connected to the Internet to http://www.paucp.com. Then, an authorized internal user must log in by using an individually assigned User ID and password. Once logged in, a user can perform one of several activities, depending on whether their security level is that of a Secondary User, Primary User, or Administrator. These activities are detailed in this document.

The flowchart on this page shows the high level flow of how PA UCP users interact with the system on a daily basis for New Applications and the Yearly review process for certified companies.



ACTIONS AVAILABLE TO ALL INTERNAL USERS

In order to perform the actions available in this section of the manual, you must have an assigned user ID and password.

- If you have the security level of a "Secondary User" you will not be able to update or change any information you see.
- If you have the security level of a "Primary User" or "Administrator" you will be able to change information for companies that your certifying organization "owns".

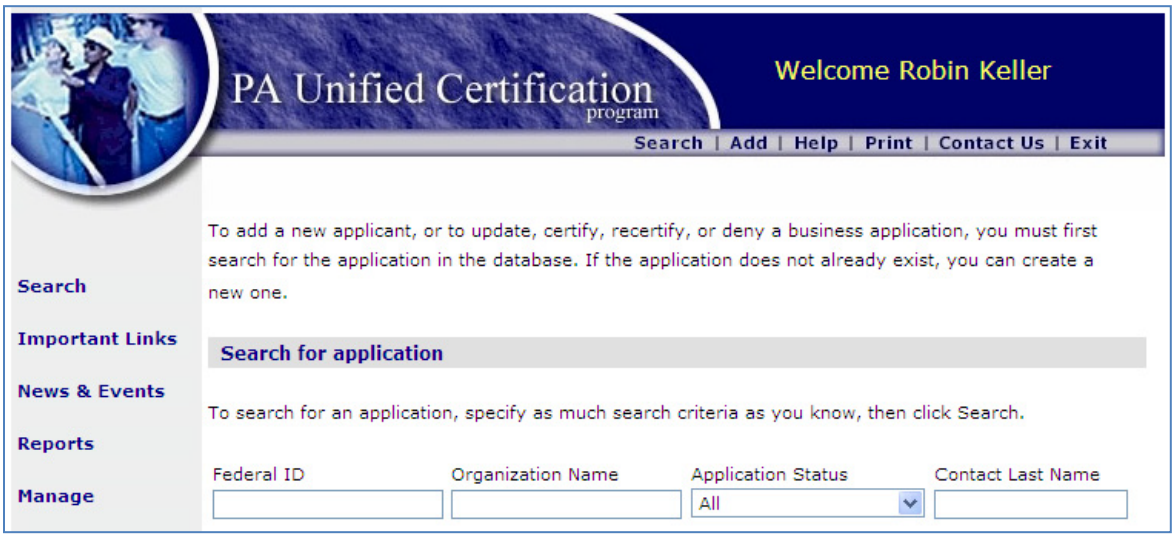
Log Into Internal Area of Website

In order to log into the internal area of the web site:

• A user must first have a PA UCP User ID and password.

1. Navigate to the home page of the PAUCP by typing the web address into your browser: www.paucp.com. The screen will appear as shown below.
2. In the top right corner of the screen, key in your User ID and Password

3. Either hit enter or click the "Log On" button (immediately to the right of the Password field). The internal web page should appear, welcoming you by name, and displaying the internal menu (example shown below).



Log Out of Internal Area of Web Site

Whenever an internal user is done with using the internal area of the PA UCP web site, they should log out of the web site. As a note, after 30 minutes of inactivity a user will automatically be logged off of the system (any unsaved work will be discarded).

In order to log out of the PA UCP Web Site:

- A user must be logged into the Internal Area of the PA UCP Web Site

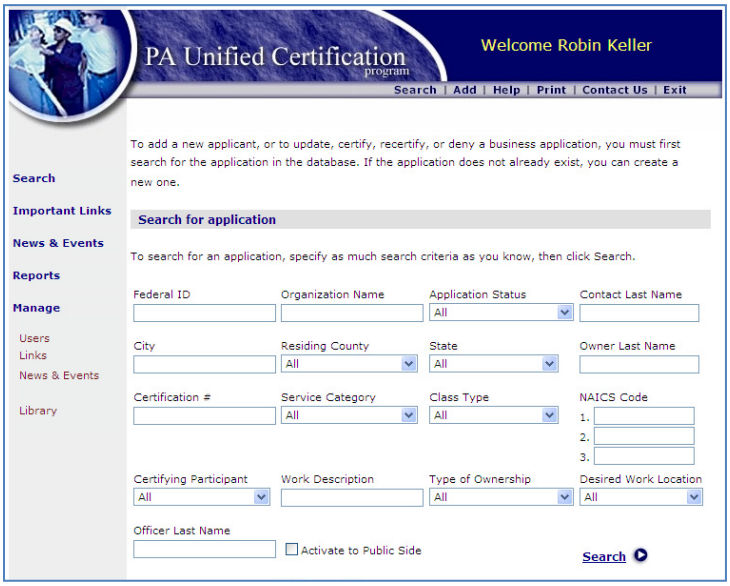
1. On the top menu bar of the PA UCP web site, click on the "Exit" button (shown above)
2. The web site will log you out and return you to the public screen of the web site.

Search for an Applicant of Company

In order to search for an applicant or a certified company:

- You must be logged into the internal side of the web site
- Any user who can log into the internal area of the web site can perform searches (security levels of Secondary User, Primary User, or Administrator)

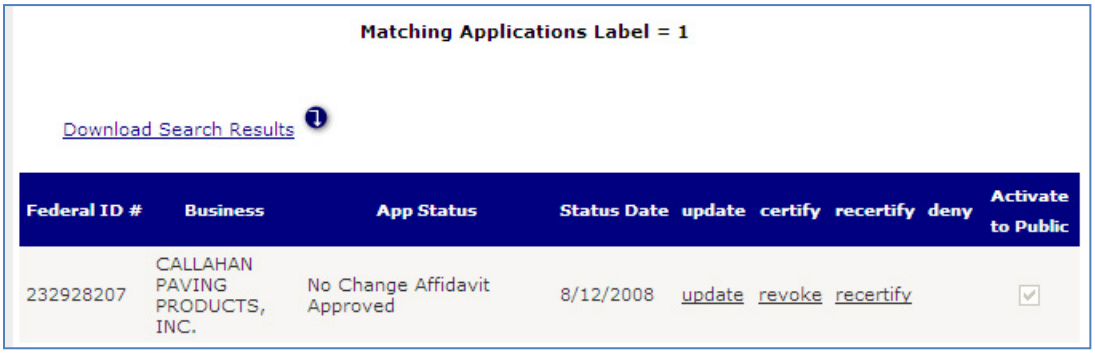
1. If the Search page is not on the screen already, click on the Search button on the menu (on the left). The search page will appear as shown below:



2. On the search page, type in as little or as much search criteria as desired. More information will help narrow the search, but too much information may narrow the search too far. Key in at least one piece of search criteria.

- For text fields (ex. Organization Name, Contact Last Name, City, etc.) the system will automatically perform a wild card search. (For example, keying in just "Paving" into Organizational name would find "Callahan Paving" as well as "Smith Paving" and "Parker and Smith Paving"). For the date fields (example: Application Received, Application Denied), key in a date range by selecting a From date and a To date in the date drop down boxes. If you would like to search for results on a single day, then make the From date and the To date the same.
- The date fields allow searching the current status of any company's record. For example, searching on "Application Received" and a date range will show any applications waiting in a status of Application Received in that date range. If an application was then certified, and the search was repeated, it would no longer show up in that identical search.

3. After keying in desired search criteria, click the "Search" button to perform the search.
4. Upon completion of the search, the "Search Results" page will appear (example shown below). It will show you the search criteria, and any applicants or companies in the database that match the criteria.



Matching Applications Label = 1

Download Search Results

Federal ID #	Business	App Status	Status Date	update	certify	recertify	deny	Activate to Public
232928207	CALLAHAN PAVING PRODUCTS, INC.	No Change Affidavit Approved	8/12/2008	update	revoke	recertify		☑

5. On the search results screen, you can perform one of several actions.

- If you are not a member of the agency that owns the company, you can only view the record. Click the "Review" button to review the record. The company's information will display in a "Review" screen
- If you are a member of the agency that owns the company, you can Update the company's information, activate the record for public viewing, certify/recertify the company, or deny/revoke the certification by clicking the appropriate button in the right of the company's row.
- If you want to download the search information to your local workstation, as a tab delimited file, then click the "Download Search Results" button. You will be prompted as to whether to save the file or open it in a program on your local computer workstation. You should save it to your local workstation with a descriptive name, then open the file using Microsoft Excel.

o Note: Please see Appendix 2 for detailed instructions regarding exporting this information and importing it into Excel. Steps in this appendix must be followed to ensure data is imported correctly into Excel.

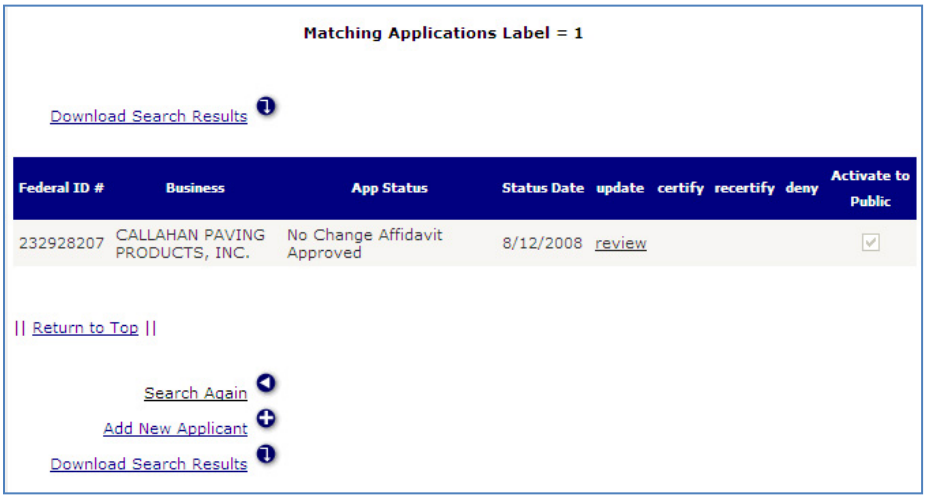
Review Contents of an Application of Company

In order to review contents of an application or company:

- You must be logged into the internal side of the web site
- Any user who can log into the internal area of the web site can perform advanced searches (security levels of Secondary User, Primary User, or Administrator)

You will not be able to change any displayed information unless:

- Your account is configured as a primary user.
- You are part of the organization that currently holds “ownership” of the application or company
    1. Go to the Search screen and locate the company you would like to review.
    2. To the right of the company, click on the “Review” button (note: if you are a Primary User and a member of the “owning” organization, you will see an “Update” button instead of a “Review” button. Click this “Update” button instead.



3. The Review screen will appear (see portion of screen shown below as an example). The information can be viewed only, not edited (unless you are a primary user and a member of the "owning" agency, in which case you will be able to edit the record.

Review

Review Business Information | History | Certifying Organization: **SEPTA**

☑ Activate to Public Side | Certification Number: **10452**

Application Status and Important Dates

Status: No Change Affidavit Approved	Certified:	7/28/2006	Forwarded By UCP:	
	Anniversary:	7/28/2007	Received by UCP:	10/15/2002
	Reassessment Date:	7/31/2009	Denied:	
Deny/Revoke Reason:			No Change Affidavit Received:	7/29/2008
Status Date: 8/12/2008			No Change Affidavit Approved:	8/12/2008

Business Name and Address

Business name: CALLAHAN PAVING PRODUCTS, INC. | Federal ID #: 232928207

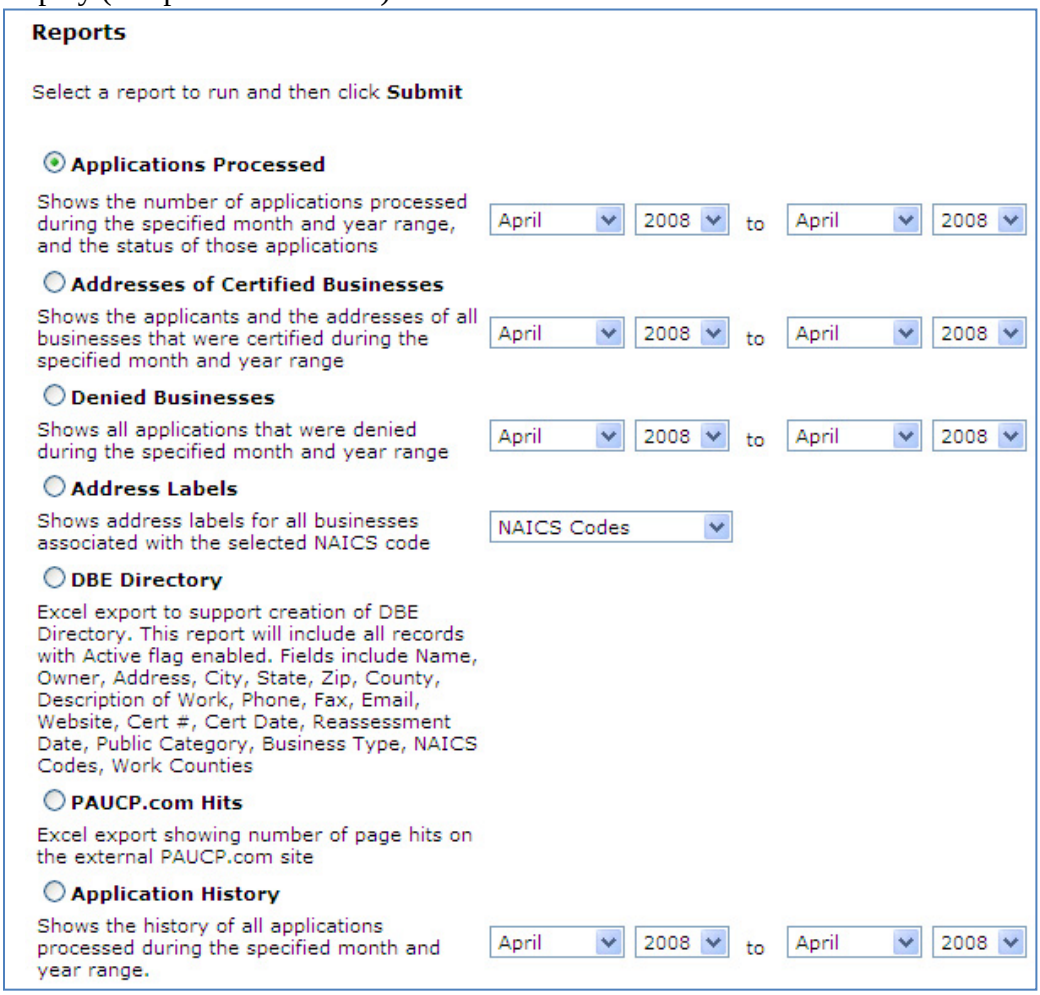
Actual Business Address:	**Mailing Address:**	Contact First Name:
		Terry
Street Address: 424 Caradean Drive	Street Address: 424 Caradean Drive	Contact Middle Initial:

Run Reports

In order to run reports:

- You must be logged into the internal side of the web site
- Any user who can log into the internal area of the web site can run reports (security levels of Secondary User, Primary User, or Administrator)

1. Click on the "Reports" menu item (on the left menu). The reports screen will display (sample shown below):



2. Click the radio button next to the report you would like to run
3. Change the Month and Year in the "From" criteria and the "To" criteria to match the date range you would like to run.
    - The "From" date will start and include information about the first day of the month you select. Example: January 2008 will include information starting with January 1, 2008
    - The "To" date will end and include information for the last day of the month you select. Example: January 2008 will include information ending with January 31, 2008

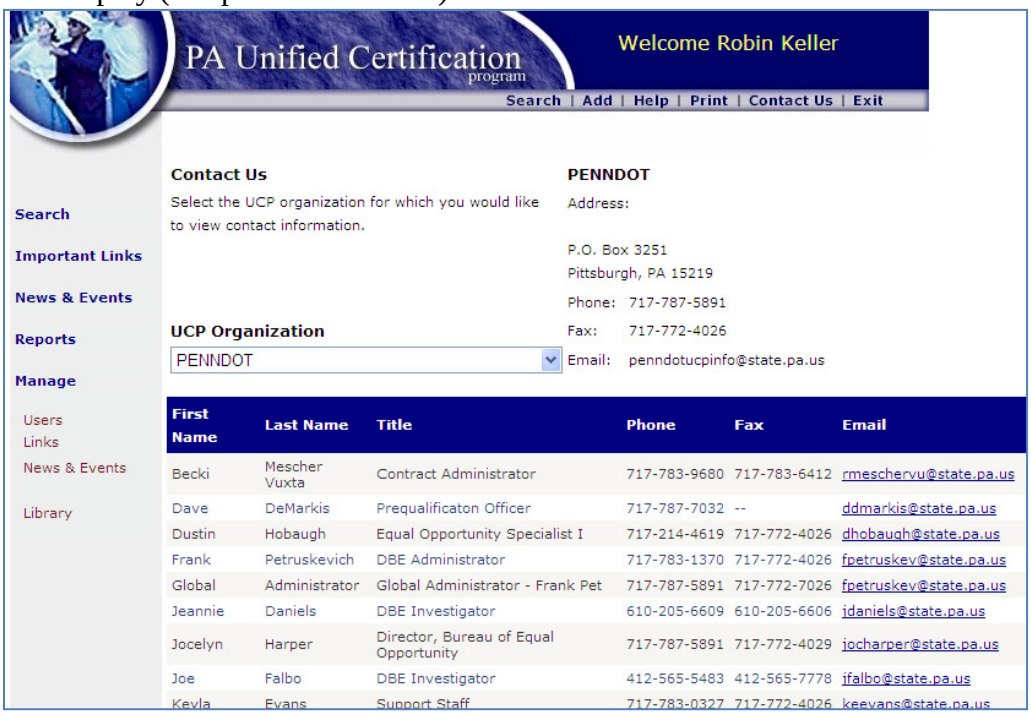
4. Click the “Submit” button to run the report.
5. The report will be delivered to your Internet Browser in a Tab Delimited format. Your browser will ask whether to save the file or open it. You should save the file with a descriptive name, then open it using Microsoft Excel (the data can be utilized in Microsoft Excel, Microsoft Access, or Microsoft Word as desired).

   • Note: Open Excel first, then open your new file from within Excel

View Contact Information

The contact information area allows users of the internal area of the web site to contact other users of the web site at other agencies. In order to view contact information:

- You must be logged into the internal side of the web site
- Any user who can log into the internal area of the web site can access Contact Information (security levels of Secondary User, Primary User, or Administrator)
  1. Click on the “Contact Us” menu item (on the top menu). The Contact Us screen will display (sample shown below):



  2. The screen will display information for each UCP Organization, based on which organization is selected in the drop-down box. To view information for another organization, select that organization from the drop down box.

• Note that the information for each individual is accessed from that person’s account on the PA UCP web site. Only a PA UCP administrator can update this information.

ACTIONS AVAILABLE TO CERTIFYING PARTICIPANTS

In order to perform the actions available in this section of the manual, you must have an assigned user ID and password. You must also have the security level of a Primary User or Administrator

- If you have the security level of a “Secondary User” you will not be able to perform any of the actions in this section
- If you have the security level of a “Primary User” or “Administrator” you will be able to perform the actions in this section. You will also be able to change information for companies that your certifying organization “owns”.

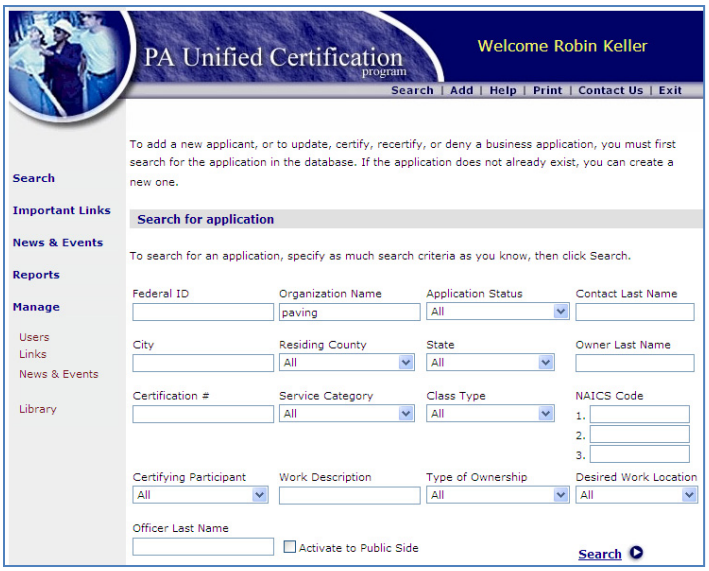
Add A New Applicant

Before adding a new UCP application to the UCP web site, you should first search to make sure the applicant does not have an existing record in the UCP web site (indicating a previous application or duplicate certification).

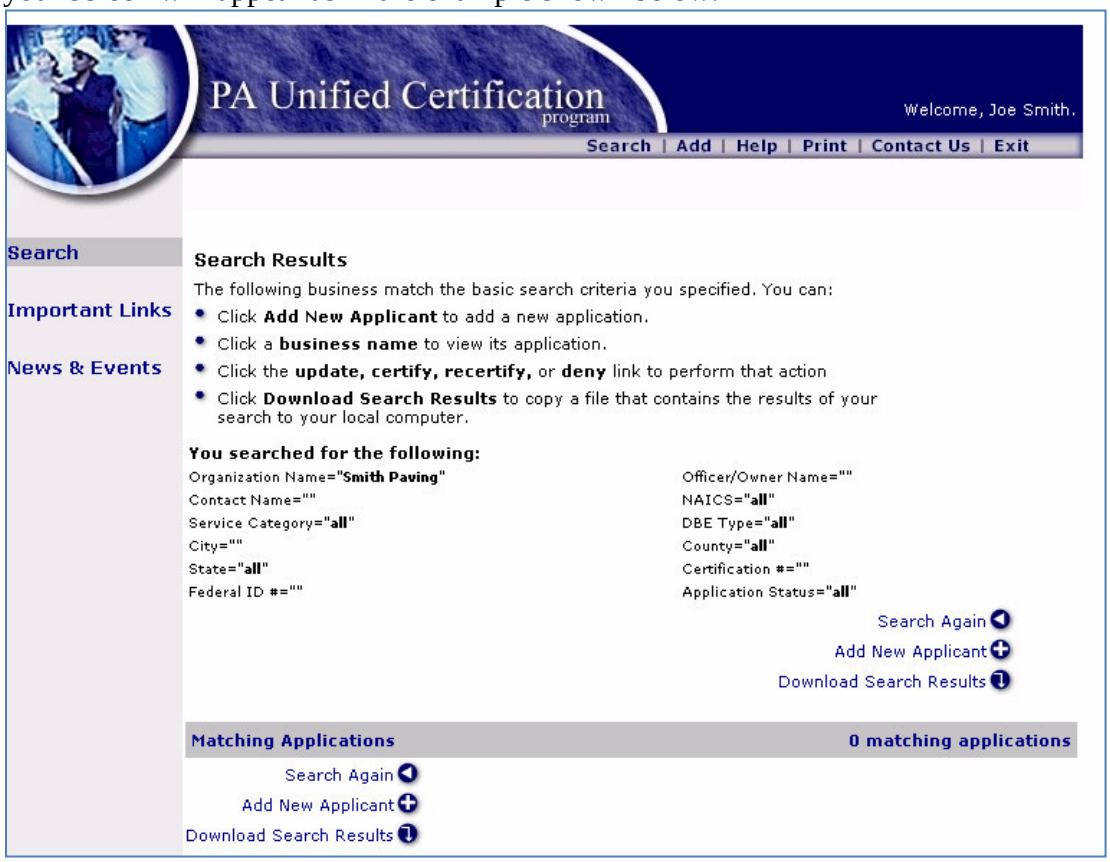
When keying in a new application, you will note that the system only prompts for a bare minimum of information in order to add an application. The rest of the information from the application will be required to be keyed in only if the application is later certified.

In order to add a new UCP application, you must be a primary user or an administrator. As a primary user, you will only be able to add an application for your own agency. If you intend to give this application to another agency, you should either pass the application before entering it in the system, or enter it under your agency, then perform the procedure “Forward Application to Another UCP Agency” (procedure covered elsewhere in this manual).

1. From the internal menu, enter search criteria for the new application, and click the “Search” button. In this example (shown below), we are searching to see if a previous application or certification exists for “paving”. We could also have searched to see if a previous application or certification exists for the Federal ID#.



2. On the search screen; check to see if any results appear. If any results appear, ensure that they do not represent this same company. It is likely that no results will be returned, and your screen will appear as in the example shown below.



3. After you are certain this applicant does not exist in the system, click the "Add New Applicant" button. The Add New Applicant Screen will appear (as shown on the next pages)
    - Note that your agency will default into the record ("Certifying Organization" in the top right corner of screen). The "Application Received" Date will also default into the screen. You can adjust the date if necessary.
4. Fill in all available information into the screen. When complete, click the "Submit" button to save the information. You will be asked "Are you sure you want to Save?" Click OK if you want to proceed, or Click CANCEL if you want to cancel without saving.
5. If you clicked OK, the system will confirm that your applicant was added.

PA Unified Certification program

Welcome Robin Keller

Search | Add | Help | Print | Contact Us | Exit

Search

Important Links

News & Events

Reports

Manage
- Users
- Links
- News & Events
- Library

Add a new applicant

Add the following information for the applicant and then click **Submit**.

Certifying Organization: Allegheny County Airport Authority

Application Status

Status: Application Received

Application Received:

≤	April 2008					≥
Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	1	2	3
4	5	6	7	8	9	10

Business Name and Address

Business Name:

Federal ID:

Actual Business Address:

Street Address:

City:

State: PA

Zip Code:

County:

Mailing Address:

☐ **Same as Business address**

Street Address:

City:

State: PA

Zip Code:

County:

Contact First Name:

Contact Middle Initial:

Contact Last Name:

Phone #: - -

Fax #: - -

Email:

Website: http://

Type of Ownership

Ownership Type:

Established:

Citizenship:

Type of Ownership

Ownership Type: Sole Proprietorship

Established:

Citizenship: ☐

Business Type

☐ Construction ☐ Engineering ☐ Supplier ☐ Other

☐ Consultant ☐ Trucking ☐ Airport Concessionaires

Qualify DBE codes

Male

- ○ B-Black American (Male)
- ○ H-Hispanic American (Male)
- ○ N-Native American (Male)
- ○ P-Asian Pacific American (Male)
- ○ S-Subcontinent Asian American (Male)
- ○ X-Other (Male)

Other:

Female

- ○ BW-Black American (Female)
- ○ HW-Hispanic American (Female)
- ○ NW-Native American (Female)
- ○ PW-Asian Pacific American (Female)
- ○ SW-Subcontinent Asian American (Female)
- ○ CW-Caucasian (Female)

Business Officers, Board of Directors, Shareholders

Officers:

First Name:	Last Name:	Position:	DBE Codes:
			N/A
			N/A
			N/A
			N/A
			N/A

Board of Directors:

First Name:	Last Name:	DBE Codes:
		N/A
		N/A
		N/A
		N/A
		N/A

Current Shareholders:

First Name:	Last Name:	DBE Codes:
		N/A
		N/A
		N/A
		N/A
		N/A

Submit
Cancel

|| Return to Top ||

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Certify Application

In order to certify an application:

- An application must have been previously entered and saved (the status on the search screen will show as “Application Received”).
- You must be logged into the internal part of the web site
- Your account must have the security level of a “Primary User”.
- You must be part of the organization that currently holds “ownership” of the application.
    1. Go to the Search screen and locate the company you would like to certify.
    2. To the right of the company, click on the “Certify” (or “Recertify” if the company was previously certified

Download Search Results

Federal ID #	Business	App Status	Status Date	update	certify	recertify	deny	Activate to Public
251825466	1st Vanguard Mortgage Co., LLC	Application Certified	8/21/2007	update	revoke	recertify		☑
640957468	2 B Connected	Application Received	1/14/2008	update	certify		deny	☐
431986181	3R Consulting	Application Revoked	9/29/2006	update				☐
251863456	3Ts Consultants, Inc.	Application Denied	11/17/2003	update				☐
113189413	4U Services, Inc. d/b/a Stellar Services	No Change Affidavit Approved	11/7/2008	update	revoke	recertify		☑
232702857	503 Corporation	No Change Affidavit Approved	7/12/2007	update	revoke	recertify		☑

    3. The Certify a Business screen will appear (see example below). Type information into each field.
        - The certification date will default to today’s date. This can be adjusted if necessary
        - The certification number is automatically assigned (appears in the Certification Classification section)
        - Look up NAICS codes if necessary by clicking on the “View NAICS Codes” button. A small pop-up window will appear on screen (it make take a few moments to appear). It is searchable by pressing ctrl-F (while holding down the CTRL key, press the F key)
        - In the Desired Work Locations section, check off as many counties as the applicant has indicated on their application.
    4. When the desired information has been keyed in, click the “Submit” button to save the application.
    5. You will be prompted “Are you sure you want to Save? OK or CANCEL”. If you click “OK”, the company’s certification will be saved. If you click “CANCEL, the company’s certification will not be saved.

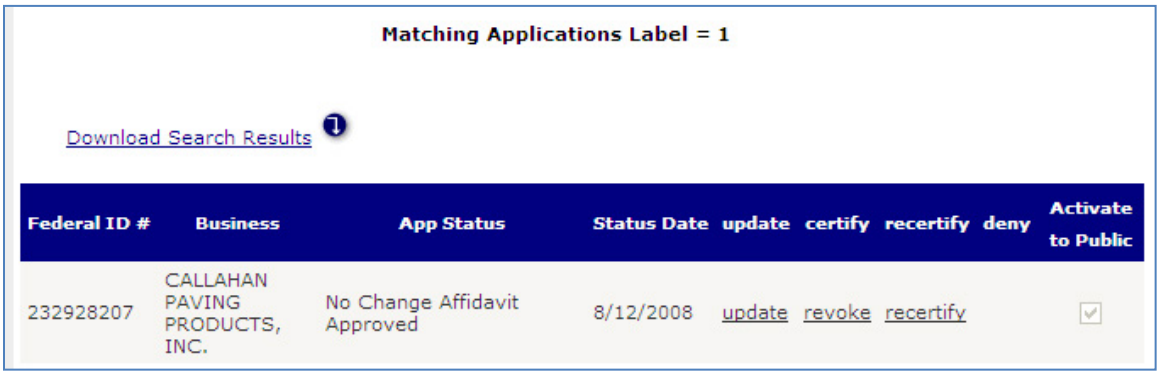
6. If you clicked OK, the system will save the certification, and will display "Certified Successfully"

Update Contents of an Application or Record

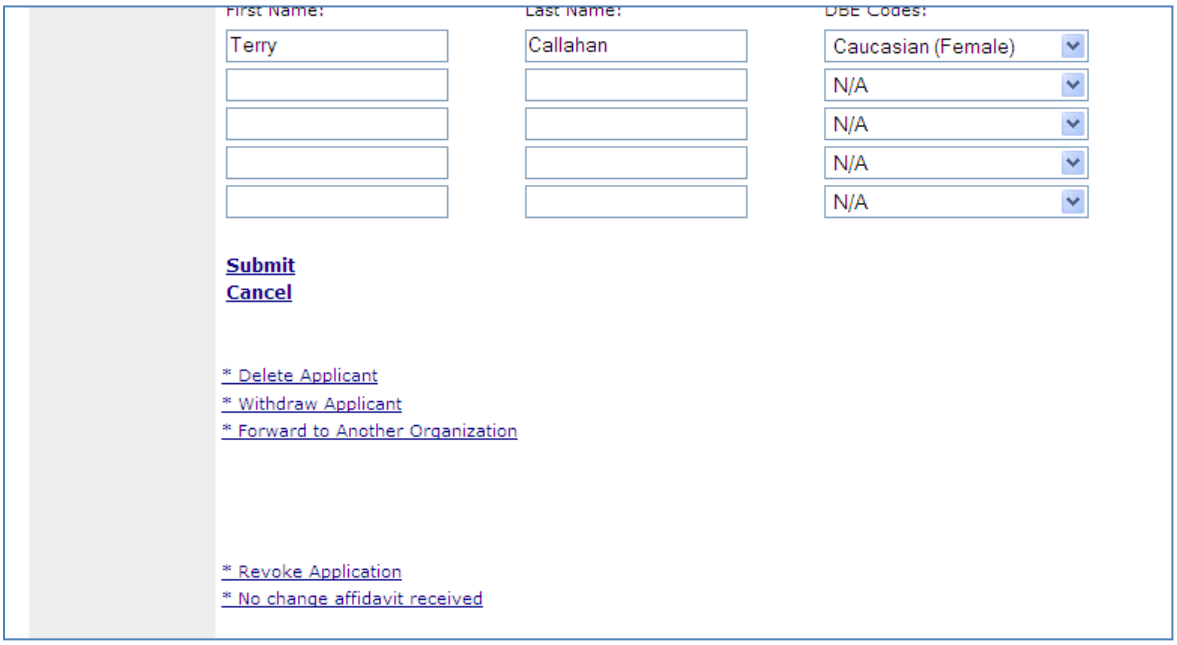
In order to update the contents of an application or a company record:

- You must be logged into the internal part of the web site
- Your account must have the security level of a "Primary User".
- You must be part of the organization that currently holds "ownership" of the application.

1. Go to the Search screen and locate the company you would like to certify.
2. To the right of the company, click on the "Update" button



3. The Update screen will appear (see example below). Update information as desired, then click the "Submit" button to save the changes.



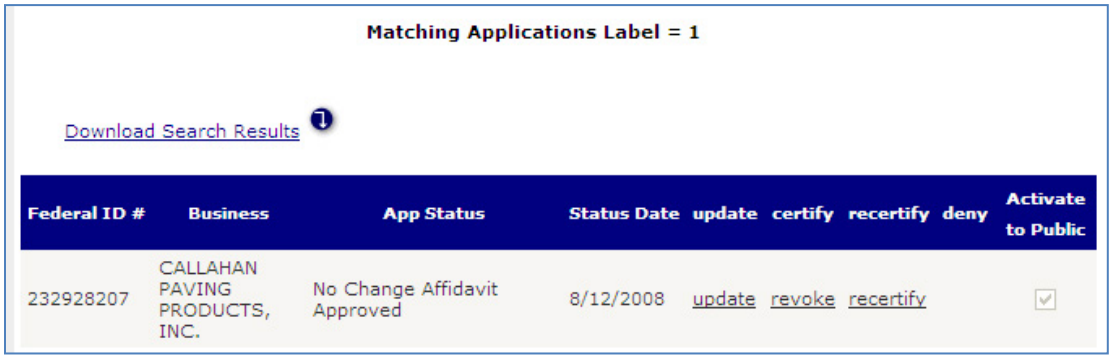
4. The system will respond that the changes were saved.

Revoke a Certification

In order to revoke the certification of a company that is currently certified:

- The company must be currently be certified
- You must be logged into the internal part of the web site
- Your account must have the security level of a “Primary User”
- You must be part of the organization that currently holds “ownership” of the application.

1. Go to the Search screen and locate the company you would like to work with
2. To the right of the company, click on the “Revoke” button

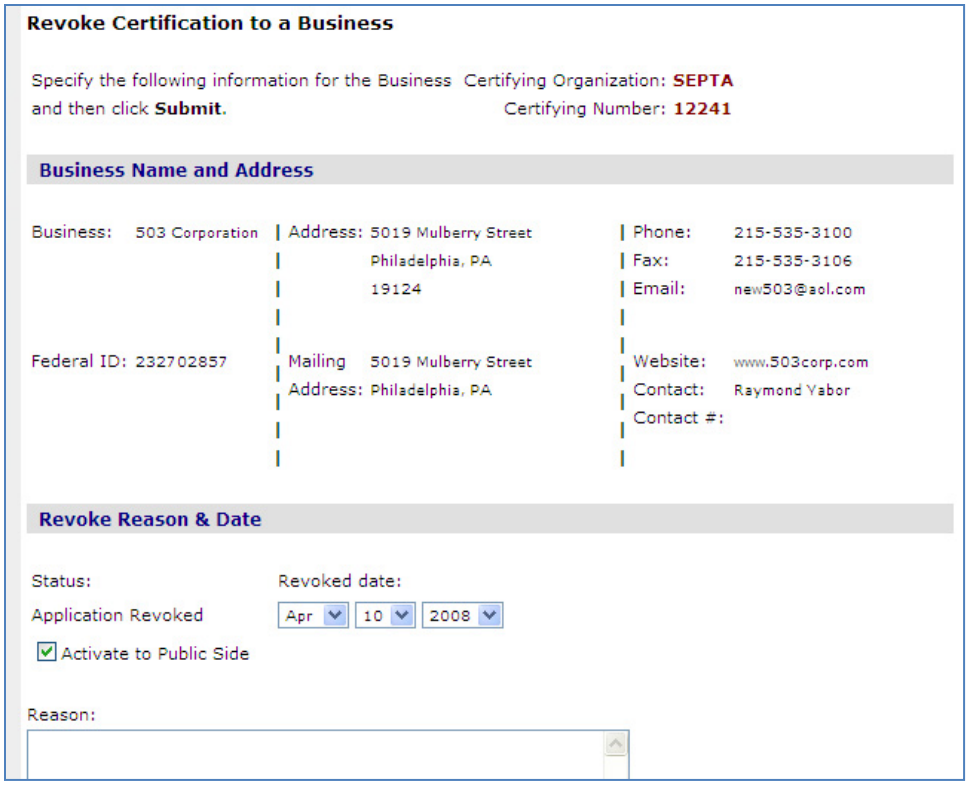


Matching Applications Label = 1

Download Search Results

Federal ID #	Business	App Status	Status Date	update	certify	recertify	deny	Activate to Public
232928207	CALLAHAN PAVING PRODUCTS, INC.	No Change Affidavit Approved	8/12/2008	update	revoke	recertify		

3. The Revoke Certification screen will appear (see below for example).



Revoke Certification to a Business

Specify the following information for the Business and then click **Submit**.

Certifying Organization: **SEPTA**
Certifying Number: **12241**

Business Name and Address

Business: 503 Corporation
Federal ID: 232702857

Address: 5019 Mulberry Street
Philadelphia, PA
19124

Mailing Address: 5019 Mulberry Street
Philadelphia, PA

Phone: 215-535-3100
Fax: 215-535-3106
Email: new503@aol.com

Website: www.503corp.com
Contact: Raymond Yabor
Contact #:

Revoke Reason & Date

Status:
Application Revoked

Revoked date:
Apr 10 2008

☑ Activate to Public Side

Reason:

4. The revoke certification date will default, but can be adjusted if desired.
5. Type in the reason the certification was revoked.
6. Be sure to uncheck the Activate to Public Side checkbox to remove listing from public search.
7. Click Submit when complete. You will be asked “Revoke Certification, Are you Sure?” Click OK to proceed, or CANCEL to exit without saving.
8. If you click OK, the system will confirm that the changes were saved.

Deny an Application

In order to deny an application:

- An application must have been previously entered and saved (the status on the search screen will show as “Application Received”).
- You must be logged into the internal part of the web site
- Your account must have the security level of a “Primary User”.

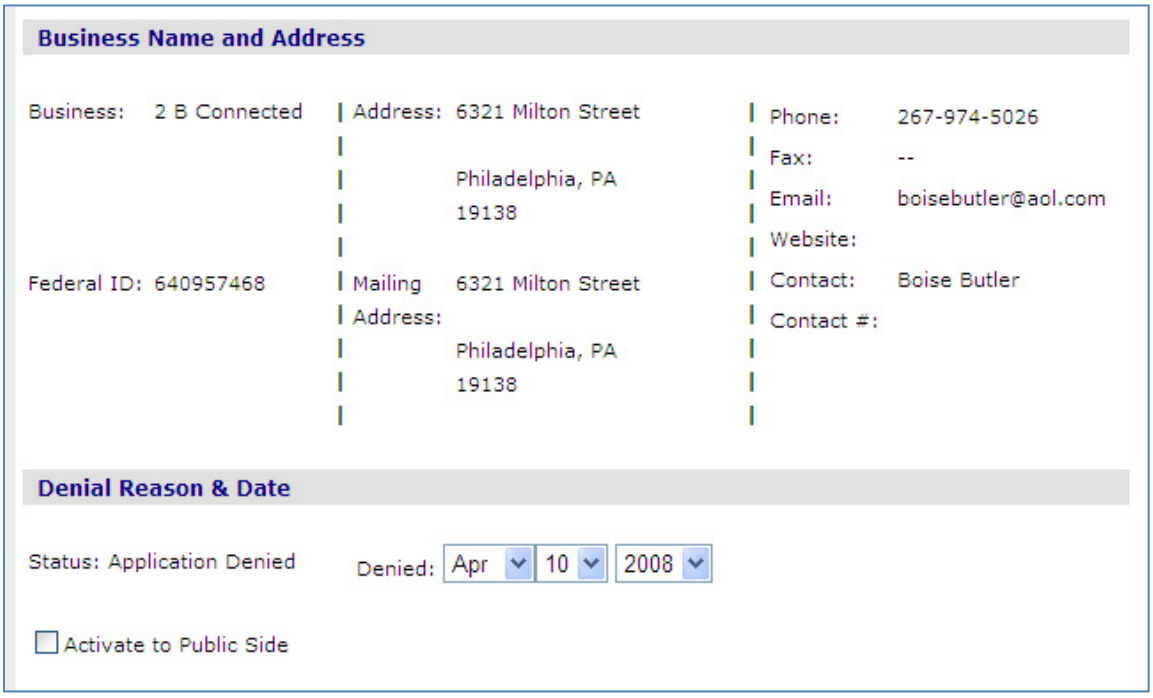
You must be part of the organization that currently holds “ownership” of the application.

1. Go to the Search screen and locate the company you would like to deny.
2. To the right of the company, click on the “Deny” button (if the deny button is not available, the company is either not at a status of “Application Received” or your organization does not have ownership of this application).

Download Search Results

Federal ID #	Business	App Status	Status Date	update	certify	recertify	deny	Activate to Public
251825466	1st Vanguard Mortgage Co., LLC	Application Certified	8/21/2007	update	revoke	recertify		☑
640957468	2 B Connected	Application Received	1/14/2008	update	certify		deny	☐

3. The Deny Certification screen will appear (example shown below).



Business Name and Address

Business: 2 B Connected
Federal ID: 640957468

Address: 6321 Milton Street
Philadelphia, PA
19138

Mailing Address: 6321 Milton Street
Philadelphia, PA
19138

Phone: 267-974-5026
Fax: --
Email: boisebutler@aol.com
Website:
Contact: Boise Butler
Contact #:

Denial Reason & Date

Status: Application Denied

Denied: Apr 10 2008

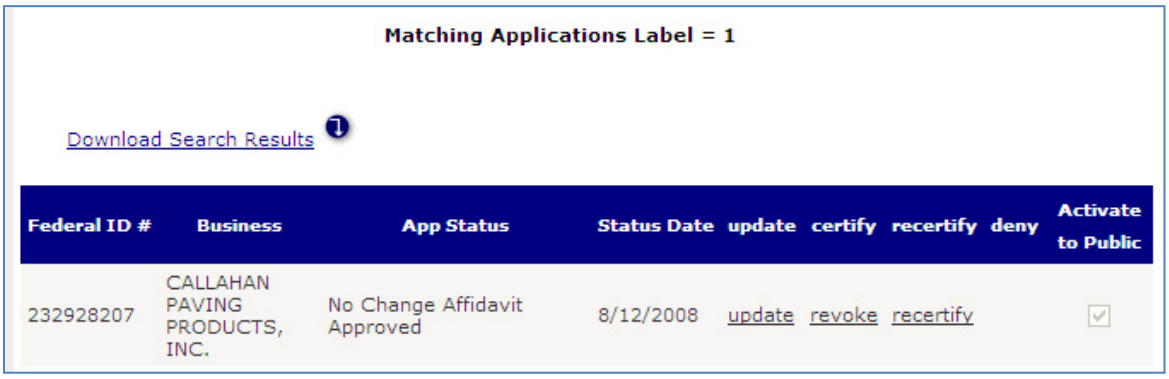
☐ Activate to Public Side

4. The certification denial date will default in as today's date. It can be adjusted if needed.
5. Type a reason for the certification denial into the reason field.
6. Be sure to uncheck the Activate to Public checkbox to remove listing from public search.
7. Click the "Submit" button when complete
8. The system will ask "Deny Certification, Are you Sure?" To proceed, click OK. To cancel the denial, click CANCEL.
9. If you click OK, the system will respond "Changes Saved"

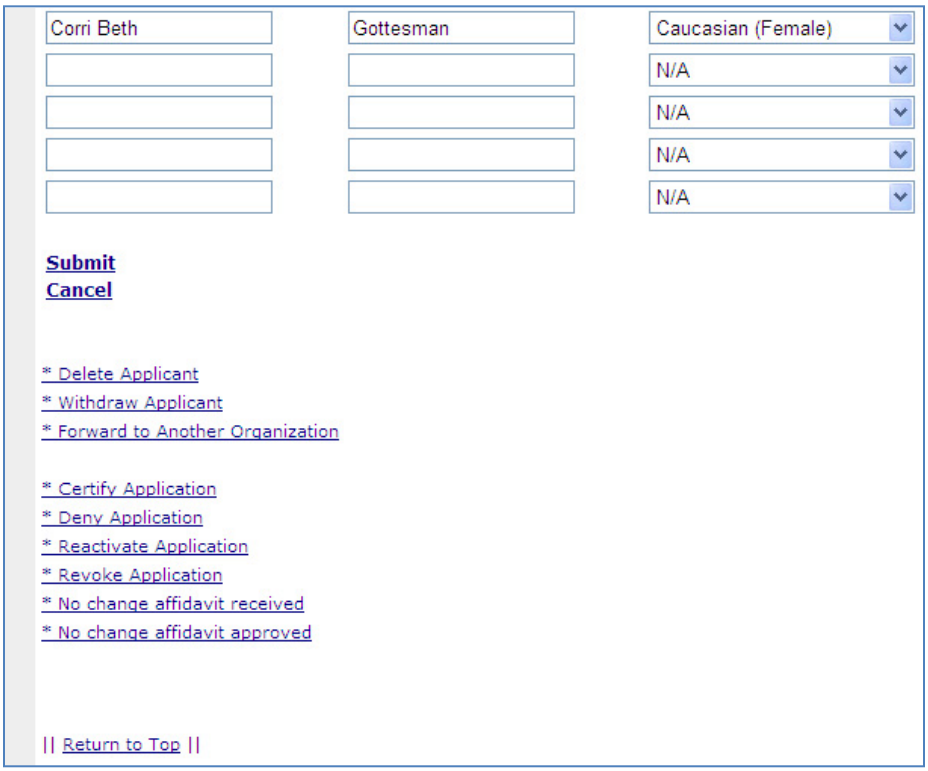
Receive No Change Affidavit

In order to receive a No Change Affidavit for a certified company:

- You must be logged into the internal part of the web site
- Your account must have the security level of a “Primary User”.
- You must be part of the organization that currently holds “ownership” of the application.
    1. Go to the Search screen and locate the company you would like to work with
    2. To the right of the company, click on the “Update” button



3. The Update screen will appear. At the bottom of the screen, click on the button “No Change Affidavit Received” (example of screen shown below),



4. A Pop-up window will appear asking for the date the No Change Affidavit was received. Key the date in as MM/DD/YY (in the same format as the example that appears in the pop-up windows) and click OK.
5. After clicking OK, the system will respond “No Change Affidavit Received”

Approve No Change Affidavit

In order to approve a No Change Affidavit for a certified company:

- A No Change Affidavit must have previously been received for this company (and not yet approved)
- You must be logged into the internal part of the web site
- Your account must have the security level of a "Primary User".
- You must be part of the organization that currently holds "ownership" of the application.
    1. Go to the Search screen and locate the company you would like to work with
    2. To the right of the company, click on the "Update" button

3. The Update screen will appear. At the bottom of the screen, click on the button "No Change Affidavit Approved" (example screen shown below).

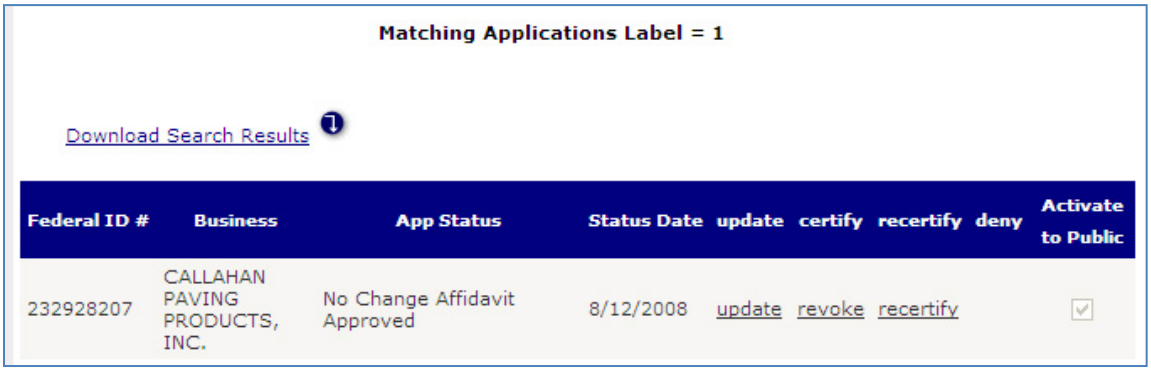
4. A Pop-up window will appear asking for the date the No Change Affidavit was approved. Key the date in as MM/DD/YY (in the same format as the example that appears in the pop-up windows) and click OK.
5. After clicking OK, the system will respond "No Change Affidavit Approved"

Recertify a Previously Certified Company

In order for an existing certification to be extended, it must be recertified.

In order to recertify a previously certified company:

- The company must currently be in a certified status
- You must be logged into the internal part of the web site
- Your account must have the security level of a “Primary User” or “Administrator”.
- You must be part of the organization that currently holds “ownership” of the application.
    1. Go to the Search screen and locate the company you would like to work with
    2. To the right of the company, click on the “Recertify” button



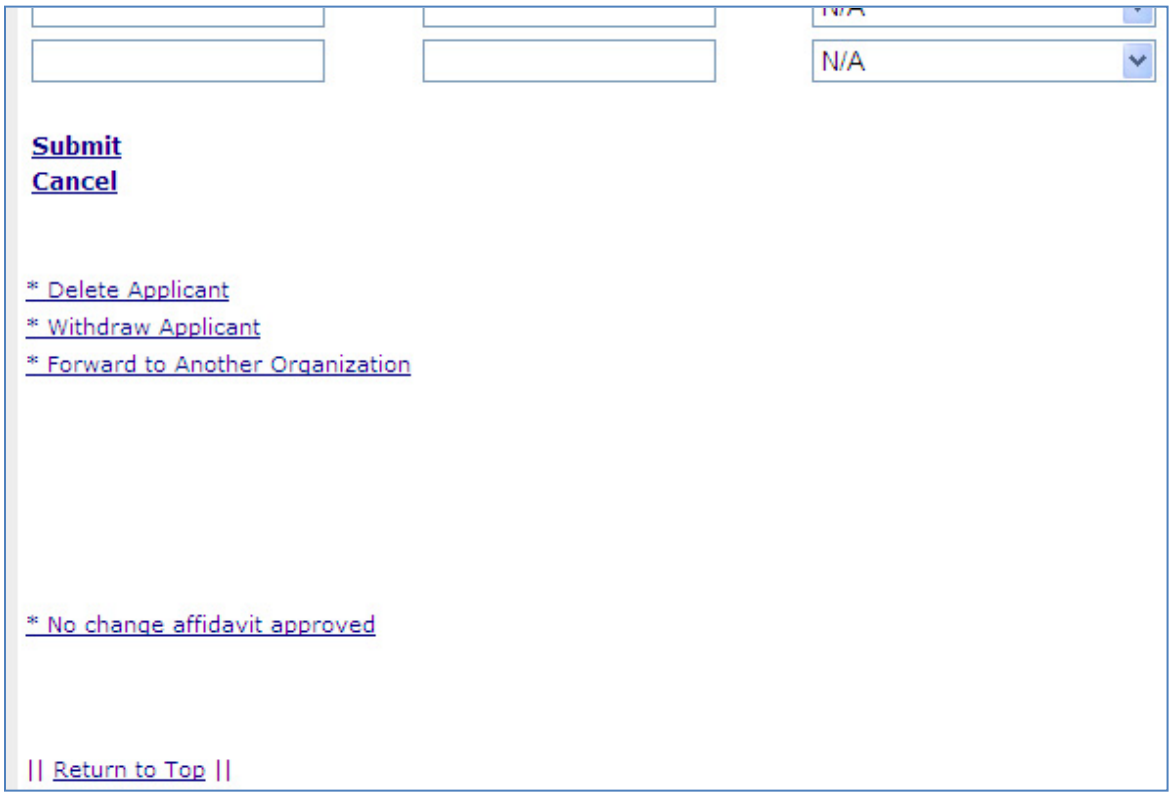
3. The “Certify a Business” screen will appear. Verify that the new certification date, anniversary date, and expiration date are correct. Then click the “Submit” button at the bottom of the page to save the information.

Forward Application to Another UCP Agency

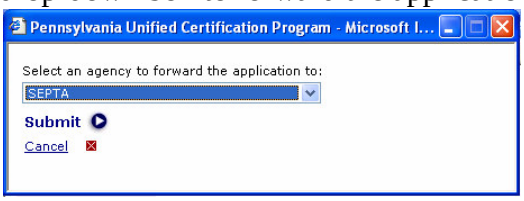
Sometimes it may be necessary to pass “ownership” of an application or company to another certifying UCP organization. This is called forwarding the Application to another UCP agency. In order to be able to forward an Application:

- You must be logged into the internal part of the web site
- Your account must have the security level of a “Primary User”.
- You must be part of the organization that currently holds “ownership” of the application.
- You must know which agency you want to forward the application to.

1. Go to the Search screen and locate the company you would like to work with
2. To the right of the company, click on the “Update” button
3. Scroll to the bottom of the screen and click the “Forward to Another Organization” button.

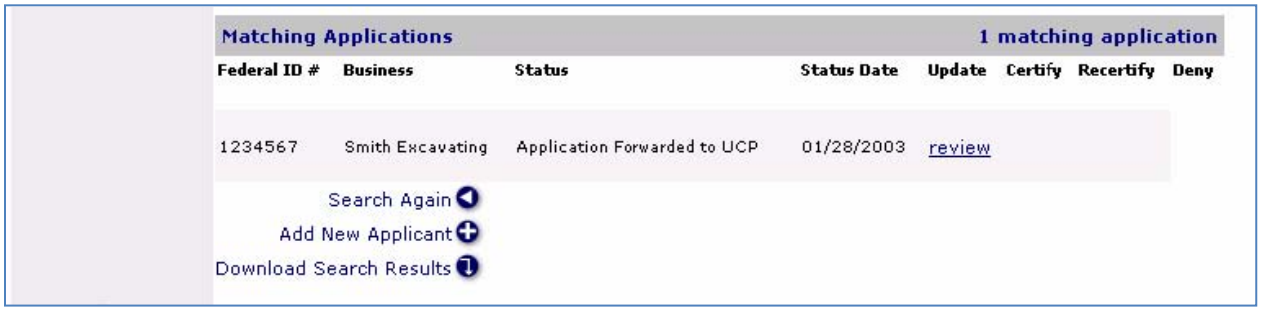


4. The system will display a pop-up window. Select the appropriate agency from the drop-down box to forward the application to. Then click the “Submit” button.



5. The system will respond that the changes were saved successfully.

6. Next, notify a representative at the agency you selected that they will have to log into the system and receive the forwarded application
7. Note that if you search again on the application, the status will show as being forwarded. You will no longer be able to update this application (since it now owned by the other agency) (see example below)



Matching Applications — 1 matching application

Federal ID #	Business	Status	Status Date	Update	Certify	Recertify	Deny
1234567	Smith Excavating	Application Forwarded to UCP	01/28/2003	review			

Search Again
Add New Applicant
Download Search Results

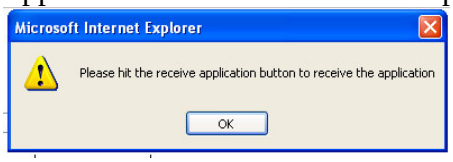
Receive Application From Another UCP Agency

Sometimes it may be necessary to pass “ownership” of an application or company to another certifying UCP organization. This is called forwarding the Application to another UCP agency. If another agency has notified you that an application has been forwarded to your agency, follow this procedure to receive it. Please note that in order to receive a forwarded application:

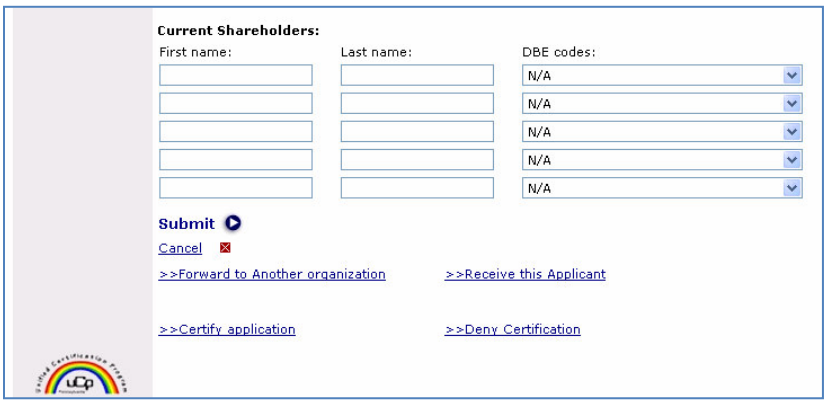
- You must be logged into the internal part of the web site
- Your account must have the security level of a “Primary User”.
- You must be part of the organization that the application was forwarded to

1. Go to the Search screen and locate the company you would like to work with
2. To the right of the company, click on the “Receive” button

3. A pop-up box will appear on the screen stating “Please hit the Receive Application button to receive the application.



4. Click OK on this pop-up box, and the Update Application window will appear.
5. Scroll all the way to the bottom of the page, and click the “Receive Application” button.



6. The system will refresh the screen, which will now show that the status is "Application Received".

ADMINISTRATIVE ACTIVITIES

In order to perform the actions available in this section of the manual, you must have an assigned User ID and Password. You must also have the security level of an Administrator

- If you have the security level of a “Secondary User” or “Primary User” you will not be able to perform any of the actions in this section
- If you have the security level of an “Administrator” you will be able to perform the actions in this section.

MANAGE USERS

Administrators can:

- Add New Users
- Update information about existing users (including changing a password)
- Delete Users from the system.

In order to perform any of these user management functions, you must have the security level of a System Administrator in the PA UCP system.

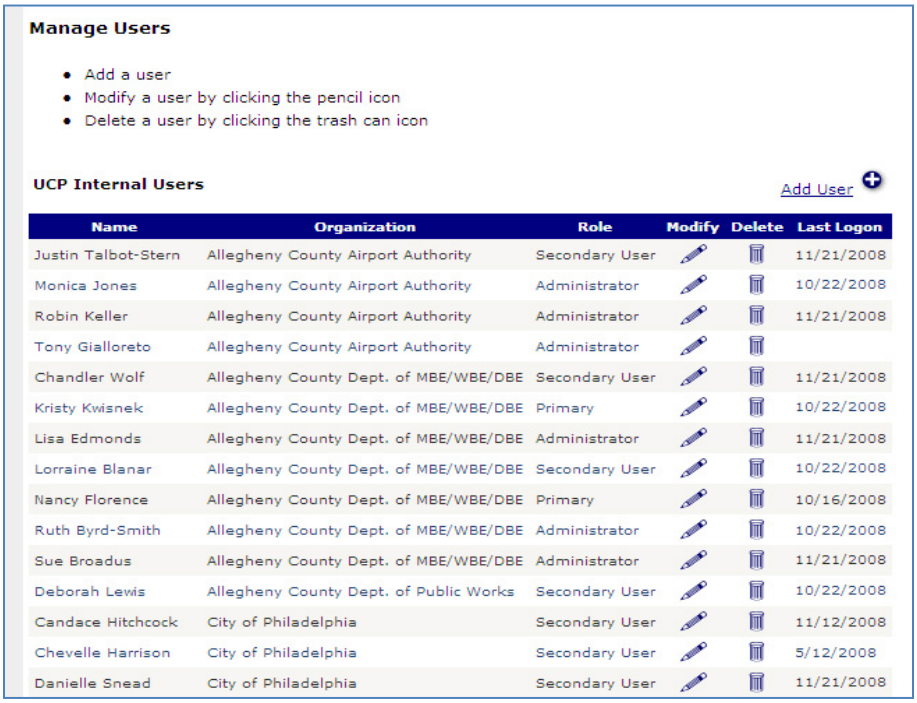
The information on the user management screens is what is used to create the internal "Contact Us" screen. If any information needs to be changed on the internal "Contact Us" screen, it can be updated by updating information about that user.

Add A New User

In order to add a new user to the PA UCP web site, you must be:

- An administrator
- Logged into the Internal part of the web site.

1. On the Manage menu, click on "Users." The Manage Users screen will appear (shown below). Note that if the Manage menu is not available, you do not have the security level of an Administrator.



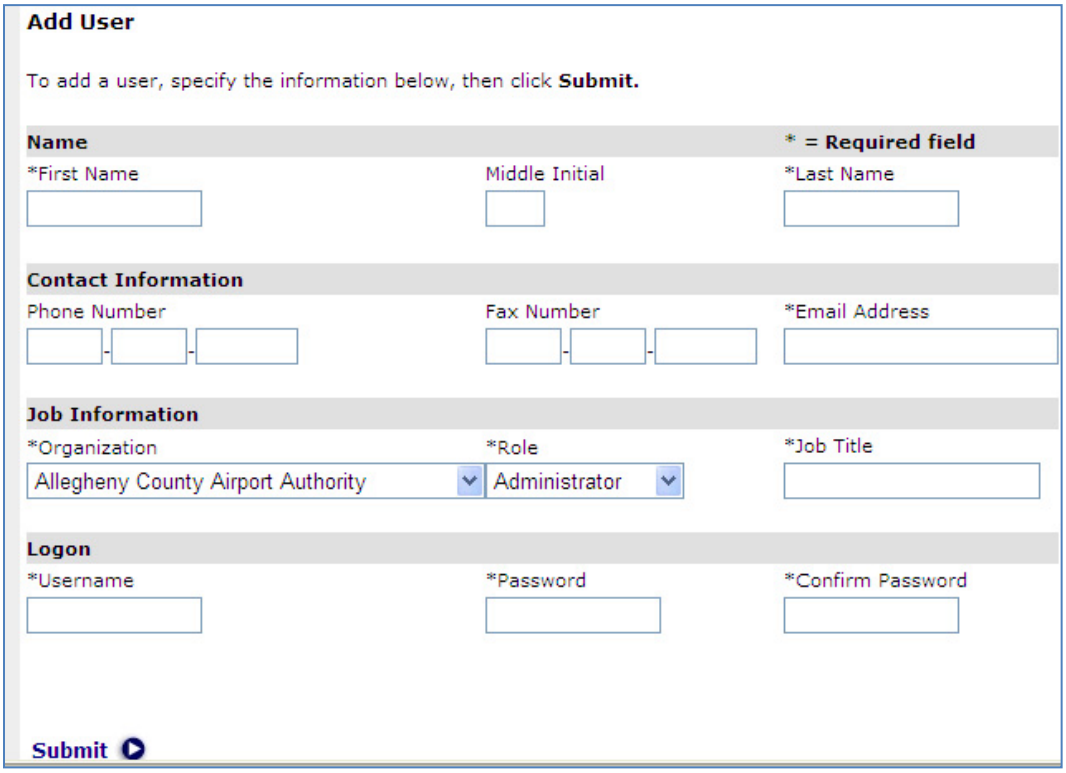
Manage Users

- Add a user
- Modify a user by clicking the pencil icon
- Delete a user by clicking the trash can icon

UCP Internal Users Add User

Name	Organization	Role	Modify	Delete	Last Logon
Justin Talbot-Stern	Allegheny County Airport Authority	Secondary User			11/21/2008
Monica Jones	Allegheny County Airport Authority	Administrator			10/22/2008
Robin Keller	Allegheny County Airport Authority	Administrator			11/21/2008
Tony Gialloreto	Allegheny County Airport Authority	Administrator			
Chandler Wolf	Allegheny County Dept. of MBE/WBE/DBE	Secondary User			11/21/2008
Kristy Kwisnek	Allegheny County Dept. of MBE/WBE/DBE	Primary			10/22/2008
Lisa Edmonds	Allegheny County Dept. of MBE/WBE/DBE	Administrator			11/21/2008
Lorraine Blanar	Allegheny County Dept. of MBE/WBE/DBE	Secondary User			10/22/2008
Nancy Florence	Allegheny County Dept. of MBE/WBE/DBE	Primary			10/16/2008
Ruth Byrd-Smith	Allegheny County Dept. of MBE/WBE/DBE	Administrator			10/22/2008
Sue Broadus	Allegheny County Dept. of MBE/WBE/DBE	Administrator			11/21/2008
Deborah Lewis	Allegheny County Dept. of Public Works	Secondary User			10/22/2008
Candace Hitchcock	City of Philadelphia	Secondary User			11/12/2008
Chevelle Harrison	City of Philadelphia	Secondary User			5/12/2008
Danielle Snead	City of Philadelphia	Secondary User			11/21/2008

2. Next, click on the “Add User” Button. The Add User screen will display as shown.



3. On the Add user screen, fill in the information shown. Fields marked with an asterisk are required fields, and must be filled in. The information filled in on this screen will also show up as part of the internal part of the web site, on the directory that appears when “Contact Us” is clicked.

   For the “Role” field, the following security restrictions are associated with each role:

   - Administrator:
     - Allows user to add/modify users and passwords.
     - Allows user to add/modify/delete Links
     - Allows user to add/modify/delete News & Events
     - Allows user to add/modify letter templates (future functionality)
   - Primary:
     - Allows user to Add/edit applicants and certified companies for their agency
   - Secondary:
     - Allows user view-only access information to applicants and certified companies for any agency.

   For User ID, this is the user ID that the user will key in each time they log on. Every user of the PA UCP web site must have a unique user ID

For Password, the password must be keyed in twice to prevent miskeying. The password will not show up on the screen.

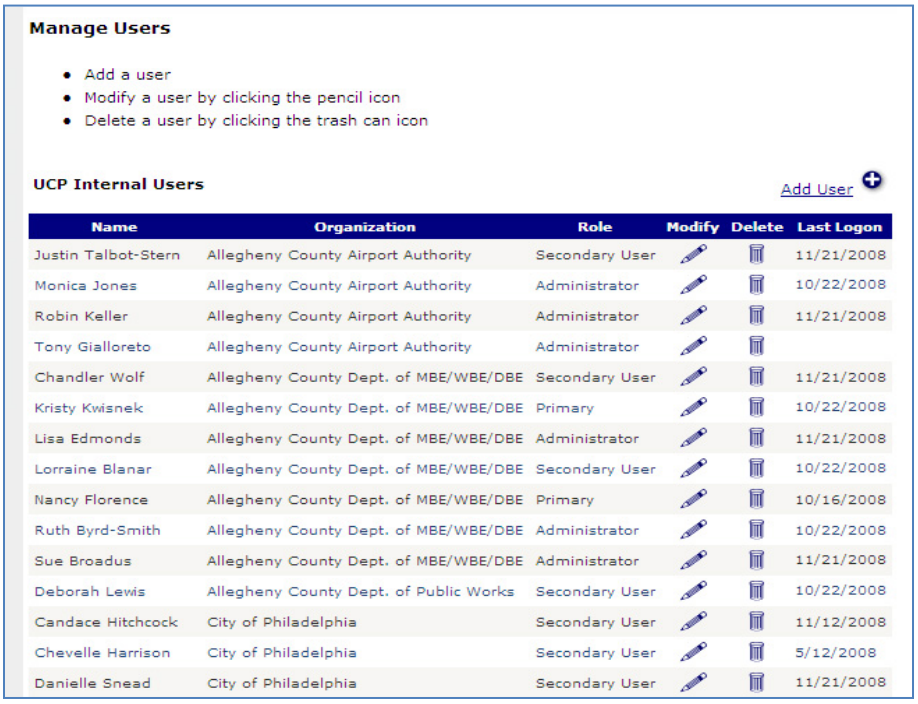
When all desired fields have been completed, click “Submit” to save the new user.

4. Test the new account by logging in as that user. Then notify the user of their User ID and password.

Modify An Existing User's Information

In order to modify an existing user's information (ex. Password, phone number, etc..), you must be:

- An administrator
- Logged into the Internal part of the web site.
    1. On the Manage menu, click on "Users" The Manage Users screen will appear (shown below)



Manage Users

- Add a user
- Modify a user by clicking the pencil icon
- Delete a user by clicking the trash can icon

UCP Internal Users Add User

Name	Organization	Role	Modify	Delete	Last Logon
Justin Talbot-Stern	Allegheny County Airport Authority	Secondary User			11/21/2008
Monica Jones	Allegheny County Airport Authority	Administrator			10/22/2008
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Tony Gialloreto	Allegheny County Airport Authority	Administrator			
Chandler Wolf	Allegheny County Dept. of MBE/WBE/DBE	Secondary User			11/21/2008
Kristy Kwisnek	Allegheny County Dept. of MBE/WBE/DBE	Primary			10/22/2008
Lisa Edmonds	Allegheny County Dept. of MBE/WBE/DBE	Administrator			11/21/2008
Lorraine Blanar	Allegheny County Dept. of MBE/WBE/DBE	Secondary User			10/22/2008
Nancy Florence	Allegheny County Dept. of MBE/WBE/DBE	Primary			10/16/2008
Ruth Byrd-Smith	Allegheny County Dept. of MBE/WBE/DBE	Administrator			10/22/2008
Sue Broadus	Allegheny County Dept. of MBE/WBE/DBE	Administrator			11/21/2008
Deborah Lewis	Allegheny County Dept. of Public Works	Secondary User			10/22/2008
Candace Hitchcock	City of Philadelphia	Secondary User			11/12/2008
Chevelle Harrison	City of Philadelphia	Secondary User			5/12/2008
Danielle Snead	City of Philadelphia	Secondary User			11/21/2008

    2. Click on the "Modify" icon to the right of the user's name you want to modify.
    3. On the Edit User screen, modify information as desired. Fields marked with an asterisk are required fields, and must be filled in. The information filled in on this screen will also show up as part of the internal directory that appears when "Contact Us" is clicked.

       For the "Role" field, the following security restrictions are associated with each role:

       - Administrator:
           - Allows user to add/modify users and passwords.
           - Allows user to add/modify/delete Links
           - Allows user to add/modify/delete News & Events
           - Allows user to add/modify letter templates (future functionality)

- Primary:
    - Allows user to Add/edit applicants and certified companies for their agency
- Secondary:
    - Allows user view-only access information to applicants and certified companies for any agency.

For User ID, this is the user ID that the user will key in each time they log on. Every user of the PA UCP web site must have a unique user ID

For Password, the password must be keyed in twice to prevent miskeying. The password will not show up on the screen.

4. When all desired fields have been completed, click “Submit” to save the updated information.

Delete An Existing User

In order to Delete an existing user you must be:

- An administrator
- Logged into the Internal part of the web site.
    1. On the Manage menu, click on “Users” The Manage Users screen will appear.
    2. Click on the “Delete” icon to the right of the user’s name you want to modify.
    3. The user will be deleted and the screen will update to reflect the deletion

MANAGE LINKS

This set of utilities allows a system administrator to maintain the Important Links listed on the web site (both internally and those available to the general public).

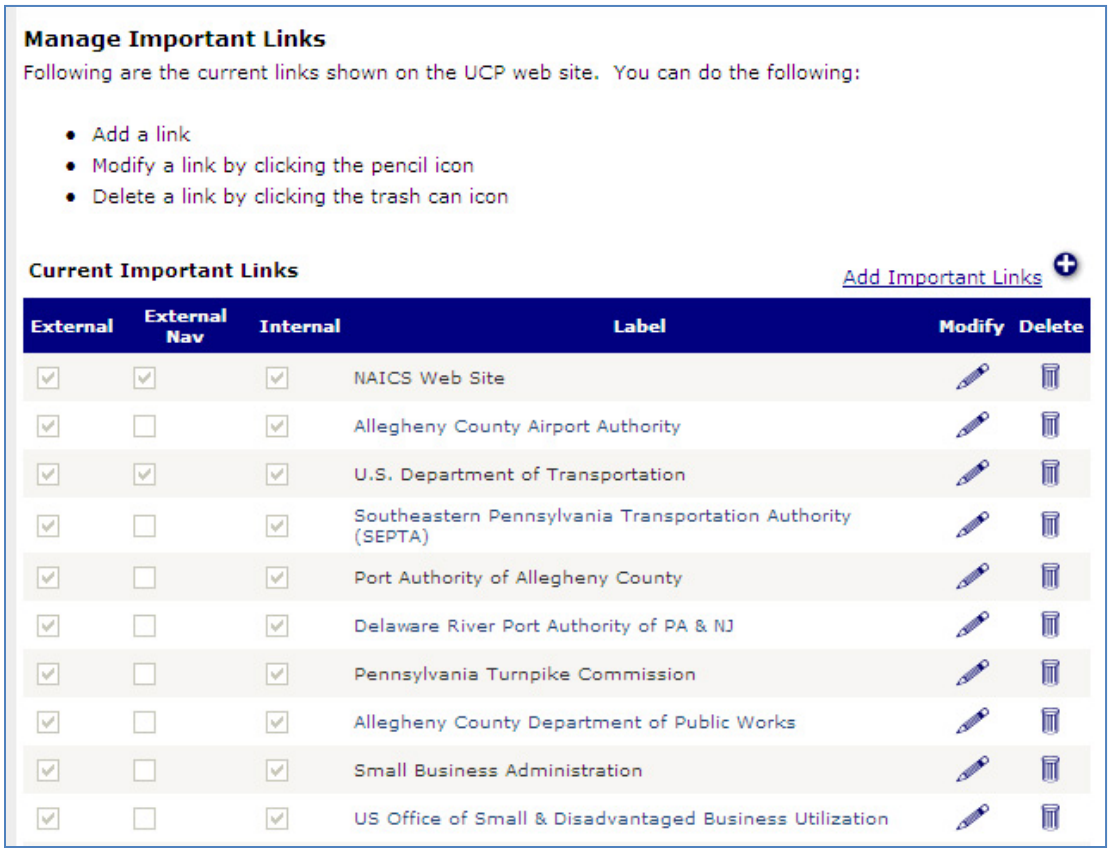
Administrators can:

- Add New Links
- Update information about existing links
- Delete Links from the system.

Add New Links

In order to add new links:

- The user must have the security level of an Administrator
- The user must be logged into the internal area of the web site
    1. On the Manage menu, click on “Links” The Manage Important Links screen will appear (shown below)



Manage Important Links

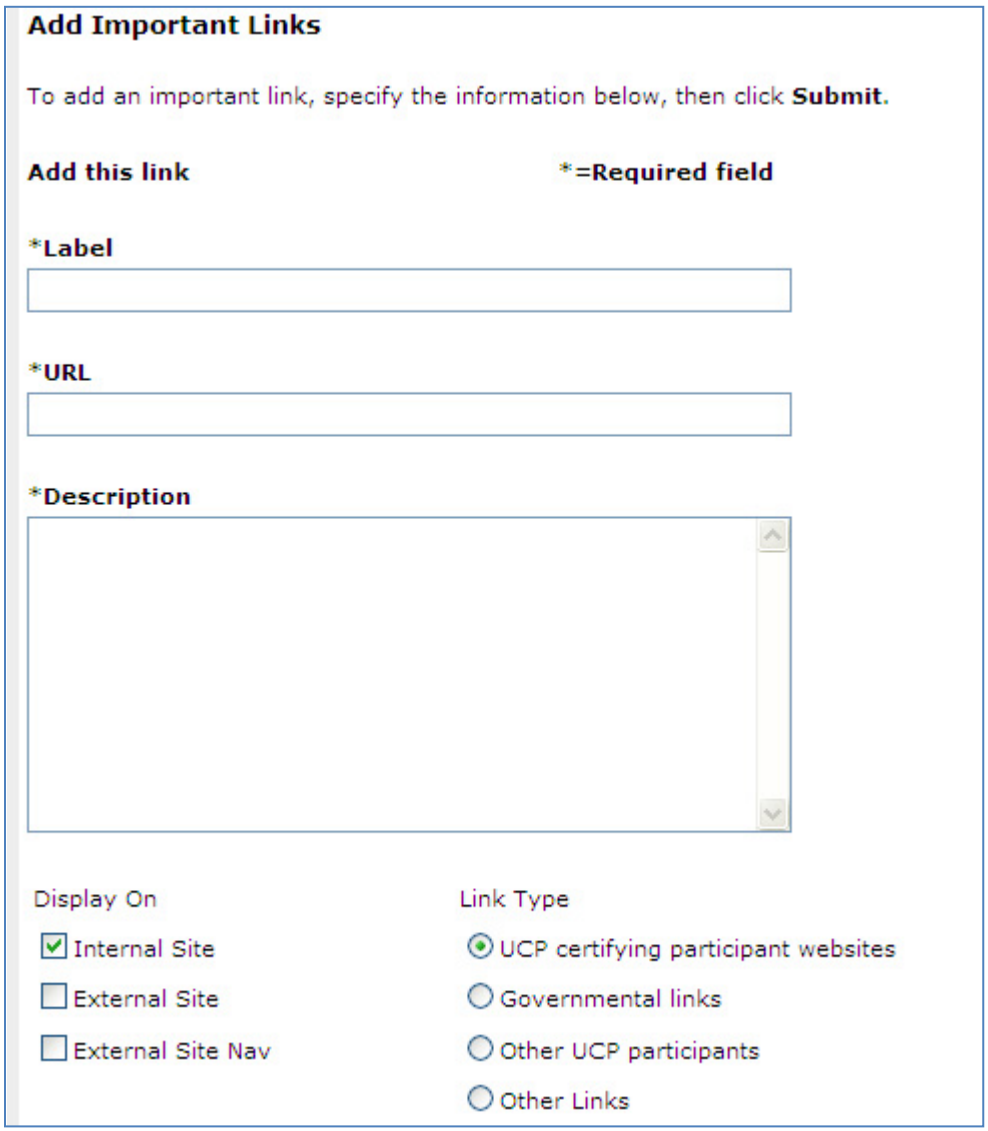
Following are the current links shown on the UCP web site. You can do the following:

- Add a link
- Modify a link by clicking the pencil icon
- Delete a link by clicking the trash can icon

Current Important Links Add Important Links

External	External Nav	Internal	Label	Modify	Delete
✓	✓	✓	NAICS Web Site		
✓		✓	Allegheny County Airport Authority		
✓	✓	✓	U.S. Department of Transportation		
✓		✓	Southeastern Pennsylvania Transportation Authority (SEPTA)		
✓		✓	Port Authority of Allegheny County		
✓		✓	Delaware River Port Authority of PA & NJ		
✓		✓	Pennsylvania Turnpike Commission		
✓		✓	Allegheny County Department of Public Works		
✓		✓	Small Business Administration		
✓		✓	US Office of Small & Disadvantaged Business Utilization		

    2. Click on the “Add Important Links” button



3. Type in the following information:
    - Label: This is the text that the end user will see. It should be a short description of the web link
    - URL: This is the web address needed in order to reach the web site. Example: http://www.paucp.com
    - Description: This is a longer description of what the web link is
    - Display On (check-off one or more selections):

        - Select "Internal Site" to show this link to Internal users (those who have signed in with a user ID and password
        - Select "External Site" to show this link to users who are accessing the public side of the web site
        - Select "External Site Nav" to make this link appear in the menu bar to users who are accessing the public side of the web site. Note

that only a limited number of links should ever have this flag activated at any one time (only a limited number will effectively fit on the home page at once).

- Link Type: Choose one of the link types. This controls which category the link will appear in on-screen

4. When all information has been entered, click the “Submit” button to save the link
5. Click on “Important Links” and check to make sure the link appears as desired in the listing. Click on the link itself to be sure it connects to the specified web address as desired.

Modify Links

In order to modify existing links:

- The user must have the security level of an Administrator
- The user must be logged into the internal area of the web site

1. On the Manage menu, click on “Links” The Manage Important Links screen will appear
2. Click on the “Modify” icon to the right of the link you would like to modify. The Updated Link screen will appear.
3. Update the fields as desired.

    - Label: This is the text that the end user will see. It should be a short description of the web link
    - URL: This is the web address needed in order to reach the web site. Example: http://www.paucp.com
    - Description: This is a longer description of what the web link is
    - Display On (check-off one or more selections):
        - Select “Internal Site” to show this link to Internal users (those who have signed in with a user ID and password
        - Select “External Site” to show this link to users who are accessing the public side of the web site
        - Select “External Site Nav” to make this link appear in the menu bar to users who are accessing the public side of the web site. Note that only a limited number of links should ever have this flag activated at any one time (only a limited number will effectively fit on the home page at once).
    - Link Type: Choose one of the link types. This controls which category the link will appear in on-screen

4. When all information has been updated as desired, click the “Submit” button to save the updates
5. Click on “Important Links” and check to make sure the link appears as desired in the listing. Click on the link itself to be sure it connects to the specified web address as desired.

Delete Links

In order to delete existing links:

- The user must have the security level of an Administrator
- The user must be logged into the internal area of the web site
    1. On the Manage menu, click on “Links” The Manage Important Links screen will appear
    2. Click on the “Delete” icon to the right of the link you would like to remove.
    3. The link will be removed from the list of links – the screen will refresh and the link will no longer display in the list.

MANAGE NEWS AND EVENTS

This set of utilities allows a system administrator to maintain the News and Events listed on the web site (both on the internal side of the web site and the public side of the web site).

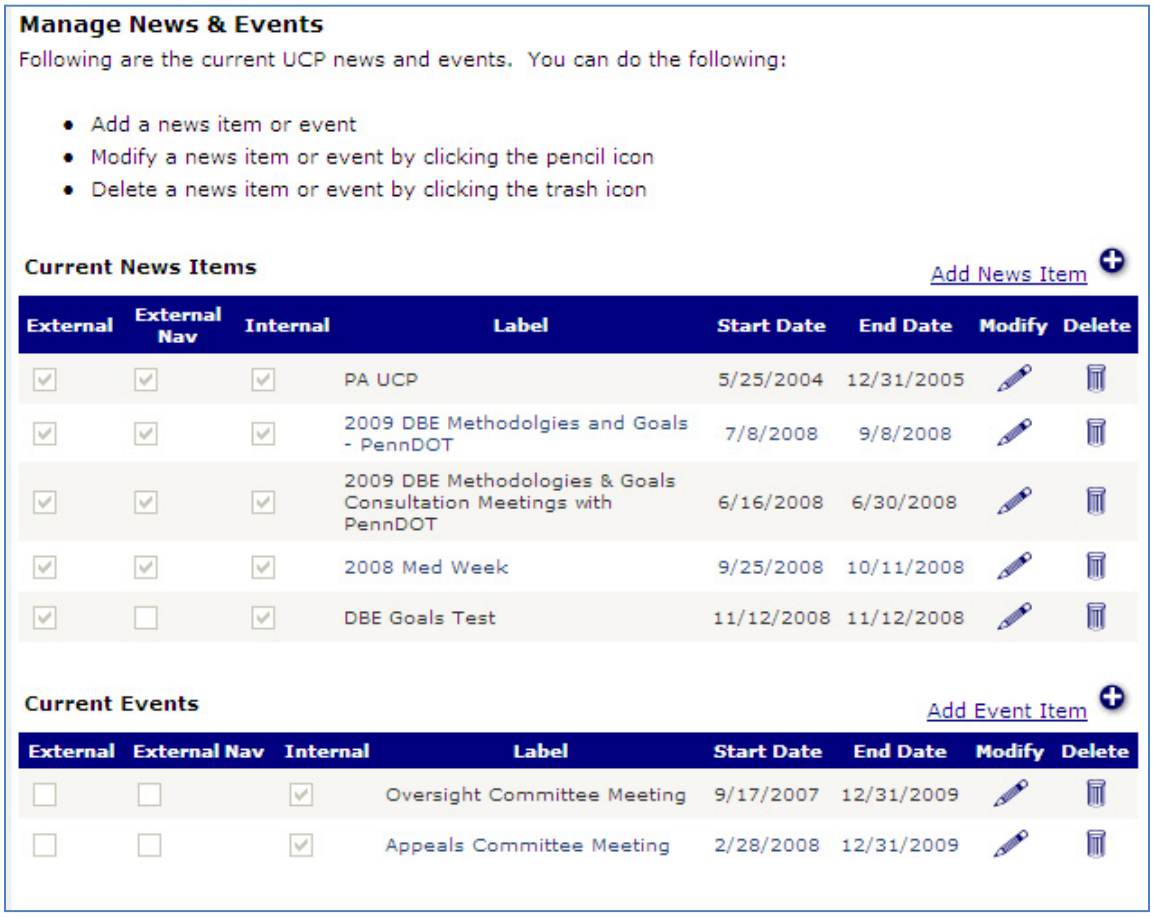
Administrators can:

- Add New News or Events
- Update information about existing News or Events
- Delete existing News or Events from the system.

Add New News or Event Item

In order to add a new News or Event item:

- The user must have the security level of an Administrator
- The user must be logged into the internal area of the web site
    1. On the Manage menu, click on "News and Events" The Manage News & Events screen will appear (shown below)



Manage News & Events

Following are the current UCP news and events. You can do the following:

- Add a news item or event
- Modify a news item or event by clicking the pencil icon
- Delete a news item or event by clicking the trash icon

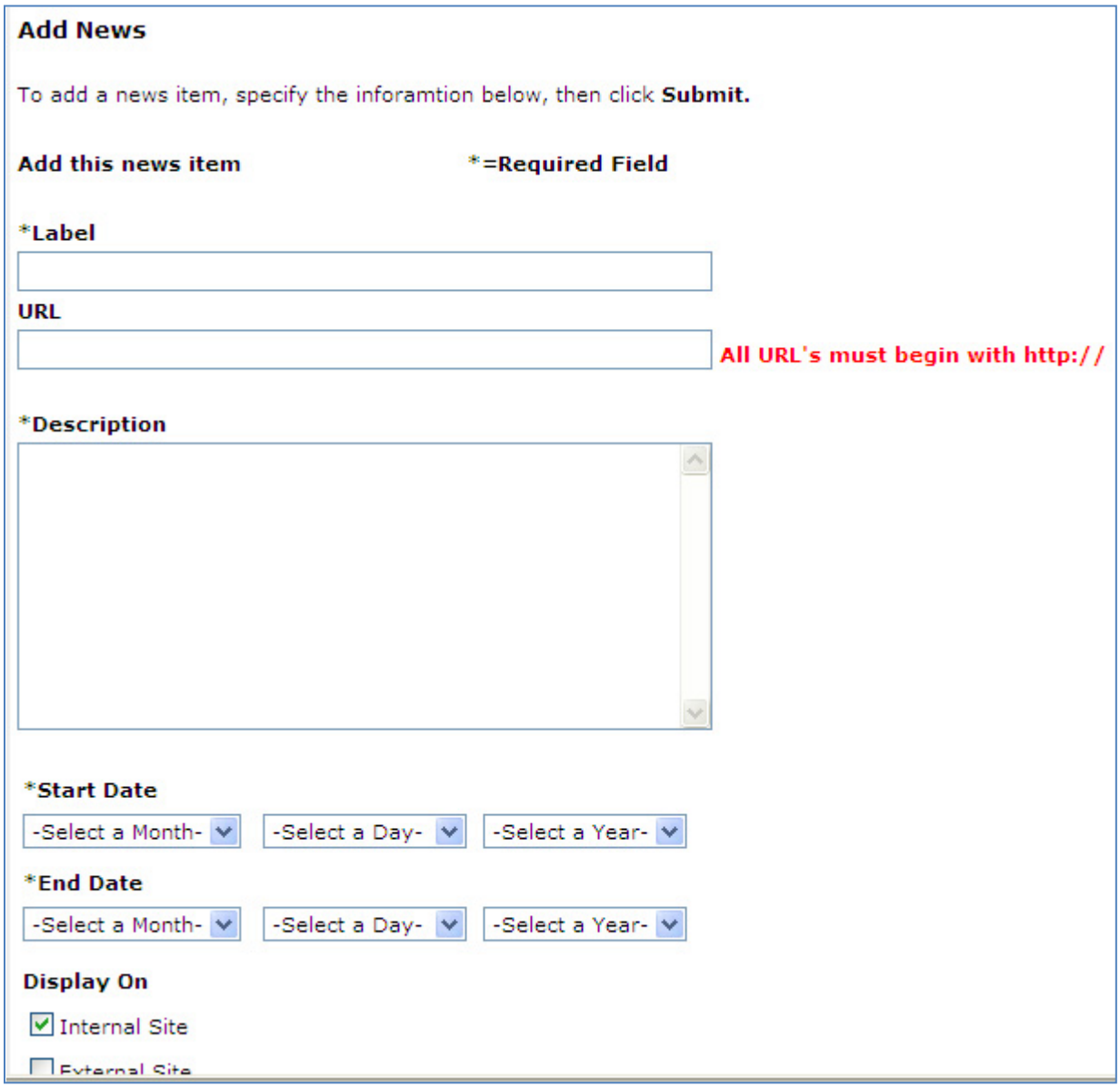
Current News Items Add News Item

External	External Nav	Internal	Label	Start Date	End Date	Modify	Delete
☑	☑	☑	PA UCP	5/25/2004	12/31/2005		
☑	☑	☑	2009 DBE Methodolgies and Goals - PennDOT	7/8/2008	9/8/2008		
☑	☑	☑	2009 DBE Methodologies & Goals Consultation Meetings with PennDOT	6/16/2008	6/30/2008		
☑	☑	☑	2008 Med Week	9/25/2008	10/11/2008		
☑	☐	☑	DBE Goals Test	11/12/2008	11/12/2008		

Current Events Add Event Item

External	External Nav	Internal	Label	Start Date	End Date	Modify	Delete
☐	☐	☑	Oversight Committee Meeting	9/17/2007	12/31/2009		
☐	☐	☑	Appeals Committee Meeting	2/28/2008	12/31/2009		

2. Click on the “Add News Item” button or “Add Event Item” button. The Add screen will appear (as shown below). Note that the Add News Item and Add Event Item screens are nearly identical.



3. Type information into the fields on the screen:
    - Label: This is a short one-line description of the item
    - URL: This is the web site the user should visit for more information if any is available. The user will be able to click on this link. (note: this field is not available if entering information for an Event).
    - Description: This is a longer description of the item
    - Start Date: This is the month, day, and year that the item will start appearing on the web site. Prior to the date, the item will not appear.

- End Date: This is the last month, day, and year that the item will appear on the web site. After this date, the item will no longer appear
- Display On (check-off all that apply):

    - Internal Site: If this is checked, the item will appear to internal users (those signed in with a user ID and password)
    - External Site: If this is checked, the item will appear to external users (members of the general public)
    - External Site Home Page: If this is checked, the item is flagged as having a high priority, and it will appear on the public home page. Note that only a limited number of items should ever have this flag activated at any one time (only a limited number will effectively fit on the home page at once).

4. When complete, click the “Submit” button to save the new entry

Modify Existing News or Event Item

In order to modify an existing News or Event item:

- The user must have the security level of an Administrator
- The user must be logged into the internal area of the web site

1. On the Manage menu, click on “News & Events” The Manage News & Events screen will appear
2. Click on the “Modify” icon to the right of the news item or event you want to modify. The Edit screen will appear.
3. Modify information in the fields on the screen as desired:
    - Label: This is a short one-line description of the item
    - URL: This is the web site the user should visit for more information if any is available. The user will be able to click on this link. (note: this field is not available if entering information for an Event).
    - Description: This is a longer description of the item
    - Start Date: This is the month, day, and year that the item will start appearing on the web site. Prior to the date, the item will not appear.
    - End Date: This is the last month, day, and year that the item will appear on the web site. After this date, the item will no longer appear
    - Display On (check-off all that apply):
        - Internal Site: If this is checked, the item will appear to internal users (those signed in with a user ID and password)
        - External Site: If this is checked, the item will appear to external users (members of the general public)
        - External Site Home Page: If this is checked, the item is flagged as having a high priority, and it will appear on the public home page. Note that only a limited number of items should ever have this flag activated at any one time (only a limited number will effectively fit on the home page at once).
4. When complete, click the “Submit” button to save the updated entry

Delete Existing News or Event Item

In order to delete an existing News or Event item:

- The user must have the security level of an Administrator
- The user must be logged into the internal area of the web site

1. On the Manage menu, click on “News & Events” The Manage News & Events screen will appear.
2. Click on the “Delete” icon to the right of the news item or event you want to remove.
3. The list of News & Events will update to reflect that the News item or Event has been deleted (the deleted item will no longer appear on the screen).