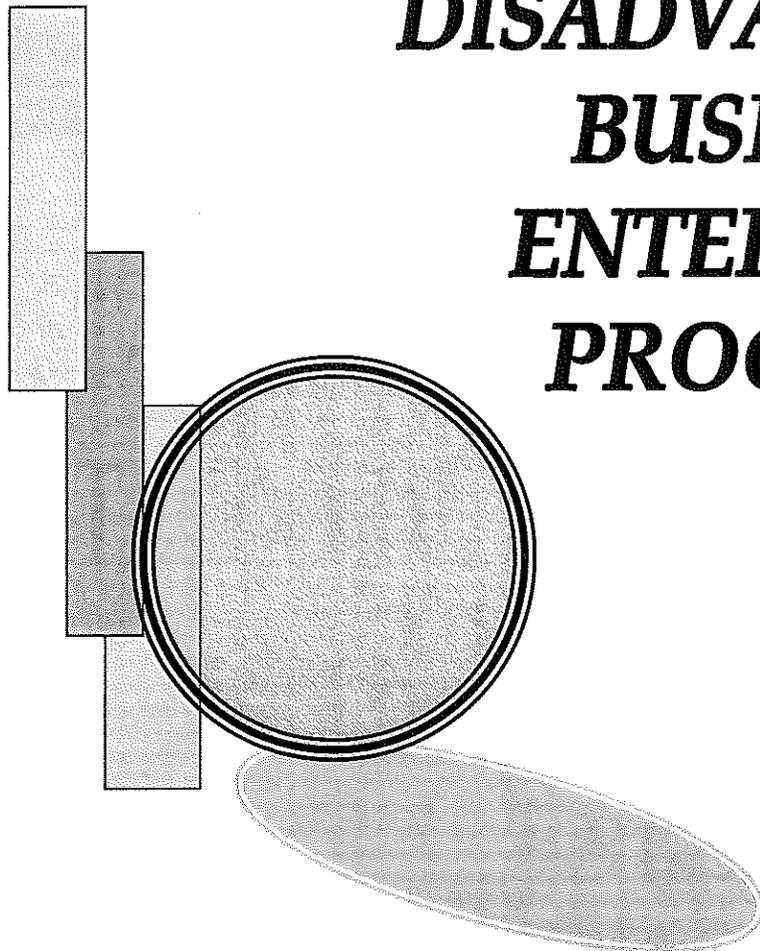


**STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION**

***DISADVANTAGED
BUSINESS
ENTERPRISE
PROGRAM***



**STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION**

Disadvantaged Business Enterprise Program

Rev. 08/19/2013
Rev. 05/07/2013
Rev. 12/01/2012
Rev. 10/01/2012
Rev. 03/08/2012
Rev. 10/05/2010
Rev. 08/08/2007
Rev. 06/12/2006

TABLE OF CONTENTS

Definitions and Terms

Program Policy and Purpose

Authority

Program Responsibilities

Assurance Statements

Contract Administration and Associated Requirements

Good Faith Efforts

DBE Directory

Goal Setting

A)Overall Goal

B)Failure to meet the Overall Goal

C)Project Goals

D)Goal Counting

E)Small Business Participation Program (SBPP)

Supportive Services

DBE Certification

Record Keeping and Reporting

Attachments

DEFINITIONS AND TERMS

Affiliation

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

- 1) One concern controls or has the power to control the other;
or
- 2) A third party or parties controls or has the power to control both; or
- 3) An identity of interest between or among parties exists such that affiliation may be found.

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

Alaska Native

means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence or proof of a minimum blood quantum, any citizen who a Native village or Native group regards as a Alaska Native if their father or mother is regarded as an Alaska Native.

Airport Concession Disadvantaged Business Enterprise (ACDBE)

means a concession that is a for-profit small business concern-

- 1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals who own it.
- 2) Whose management and daily business operations are controlled By one or more of the socially and economically disadvantaged individuals who own it.

Alaska Native Corporation (ANC)

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

Car Dealership

means an establishment primarily engaged in the retail sale of new and/or used automobiles. Car dealerships frequently maintain repair departments and carry stocks of replacement parts, tires,

batteries, and automotive accessories. Such establishments also frequently sell pickup trucks and vans at retail. In the standard industrial classification system, car dealerships are categorized in NAICS code 441110.

Compliance

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

Concession

means one or more of the types of for-profit businesses listed in paragraph (1) or (2) of this definition.

1) A business, located on an airport subject to this part, that is engaged in the sale of consumer goods or services to the public under an agreement with the recipient, another concessionaire, or the owner or lessee of a terminal, if other than the recipient.

2) A business conducting one or more of the following covered activities, even if it does not maintain an office, store, or other business location on an airport subject to this part, as long as the activities take place on the airport: Management contracts and subcontracts, a web-based or other electronic business in a terminal or which passengers can access at the terminal, an advertising business that provides advertising displays or messages to the public on the airport, or a business that provides goods and services to concessionaires.

3) For purposes of this subpart, a business is not considered to be "located on the airport" solely because it picks up and/or delivers customers under a permit, license, or other agreement. For example, providers of taxi, limousine, car rental, or hotel services are not considered to be located on the airport just because they send shuttles onto airport grounds to pick up passengers or drop them off. A business is considered to be "located on the airport," however, if it has an on-airport facility. Such facilities include in the case of a taxi operator, a dispatcher,; in the case of a limousine, a booth selling tickets to the public; in the case of a car rental company, a counter at which its services are sold to the public or a ready return facility; and in the case of a hotel operator, a hotel located anywhere on airport property.

4) any business meeting the definition of concession is covered by this subpart, regardless of the name given to the agreement with the recipient, concessionaire, or airport terminal owner or lessee. A concession may be operated under various types of agreements, including but not limited to the following: i)Leases, ii)Subleases, iii)Permits, iv)Contracts or subcontracts, v)Other instruments or arrangements.

5) The conduct of an aeronautical activity is not considered a concession for purposes of this subpart. Aeronautical activities

include scheduled and non-scheduled air carriers, air taxis, air charters, and air couriers, in their normal passenger or freight carrying capacities; fixed base operators; flight schools; recreational service providers (e.g., sky-diving, parachute jumping, flying guides); and air tour services.

6) Other examples of entities that do not meet the definition of a concession include flight kitchens and in-flight caterers servicing air carriers, government agencies, industrial plants, farm leases, individuals leasing hangar space, custodial and security contracts, telephone and electric service to the airport facility, holding companies, and skycap services under contract with an air carrier or airport.

Concessionaire means a firm that owns and controls a concession or a portion of a concession.

ConnDOT means Connecticut Department of Transportation.

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

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

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

Direct Ownership Arrangement means a joint venture, partnership, sublease, licensee, franchise, other arrangement in which a firm owns and controls a concession.

Disadvantaged Business Enterprise Or DBE means a for-profit small business concern-

- 1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
- 2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract	means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.
DOT/SBA Memorandum of Understanding	refers to the agreement signed on November 23, 1999, between the Department of Transportation (DOT) and the Small Business (SBA) streamlining certification procedures for Participation in SBA's 8(a) Business Development 8(a) BD and Small Disadvantaged Business (SDB) programs, and DOT's Disadvantaged Business Enterprise (DBE) program for small and disadvantaged businesses.
Good Faith Efforts	means efforts to achieve a DBE goal or ACDBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.
Immediate Family Member	means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.
Indian Tribe	means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the Tribe, band, nation, group, or community resides.
Joint Venture	means an association of a DBE or ACDBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE or ACDBE is responsible for distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest. Joint venture entities are not certified as ACDBEs.
Large Hub Primary Airport	means a commercial service airport that has a number of passenger boardings equal to at least one percent of all passenger boardings in the United States.

Management Contract or Subcontract means an agreement with a recipient or another management contractor under which a firm directs or operates one or more business activities, the assets of which are owned, leased, or otherwise controlled by the recipient. The managing agent generally receives, as compensation, a flat fee or a percentage of the gross receipts or profit from the business activity. For purposes of this subpart, the business activity operated or directed by the managing agent must be other than an aeronautical activity, be located at an airport subject to this subpart, and be engaged in the sale of consumer goods or provision of services to the public.

Material Amendment means a significant change to the basic rights or obligations of the parties to a concession agreement. Examples of material amendments include an extension to the term not provided for in the original agreement or a substantial increase in the scope of the concession privilege. Examples of nonmaterial amendments include a change in the name of the concessionaire or a change to the payment due dates.

Medium Hub Primary Airport means a commercial service airport that has a number of passenger boardings equal to at least 0.25 percent of all passenger boardings in the United States but less than one percent of such passenger boardings.

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

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

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

Nonhub Primary Airport means a commercial service airport that has more than 10,000 passenger boardings each year but less than .05 percent of all passenger boardings in the United States.

Operating Administration or OA means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The

"Administrator" of an operating administration includes his or her designees.

Personal Net Worth

means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net Worth does not include: The individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse. The DBE program has a Personal Net Worth cap of \$1,320,000.

Primary Airport

means a commercial service airport that the Secretary determines to have more than 10,000 passengers enplaned annually.

Primary Industry Classification

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

Primary Recipient

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

Principal place Of business

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

Program

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

Race-conscious

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

Race-neutral

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

Recipient	is any entity, public or private, to which DOT financial assistance is extended, whether directly or through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.
SBA certified firm	refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.
Secretary	means the Secretary of Transportation or his/her designee.
Set-aside	means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE or ACDBE firms.
Small Business Administration or SBA	means the United States Small Business Administration.
Small Business Concern	means with respect to firms seeking to participate as ACDBEs, a for profit business that does not exceed the size standards of 49 CFR Part 23.33. means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in 26.65(b).
Small Hub Airport	means a publicly owned commercial service airport that has a number of passenger boardings equal to at least 0.05 percent of all passenger boardings in the United States but less than 0.25 percent of such passenger boardings.
Socially and Economically Disadvantaged individual	means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is- 1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. 2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged: " <i>Black Americans</i> ," which includes persons having origins in any of the Black racial groups of Africa; " <i>Hispanic Americans</i> ," which includes persons of Mexican, Puerto Rican Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race; " <i>Native Americans</i> ," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; " <i>Asian-Pacific Americans</i> ."

Which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong; "*Subcontinent Asian Americans*," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka; "*Women*"; "Other," any additional groups whose members are designated as socially and economically disadvantaged by SBA, at such time as the SBA designation becomes effective.

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

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise.



CONNECTICUT DEPARTMENT OF TRANSPORTATION

POLICY STATEMENT

POLICY NO. F&A-19
September 29, 2010

SUBJECT: Policy on Disadvantaged Business Enterprise Program

The Connecticut Department of Transportation (CTDOT) is committed to the effective implementation of the Disadvantaged Business Enterprise (DBE) Program as defined in Title 49, Code of Federal Regulations (CFR) Part 26. This program will be executed in accordance with the regulations of the United States Department of Transportation (USDOT) as a condition of receiving USDOT funding.

It is the policy of CTDOT to:

- a) Ensure nondiscrimination in the award and administration of USDOT-assisted contracts in CTDOT's highway, transit, and airport financial assistance programs
- b) Create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts
- c) Ensure that the CTDOT DBE Program is narrowly tailored in accordance with applicable law
- d) Ensure that only firms which fully meet this part's eligibility standards are permitted to participate as DBEs
- e) Help remove barriers to the participation of DBEs in USDOT-assisted contracts
- f) Assist in the development of firms that can compete successfully in the marketplace outside the DBE Program

CTDOT will 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. CTDOT shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. CTDOT shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts.

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

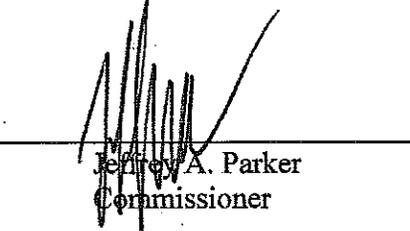
No contractor, subrecipient, or subcontractor shall discriminate on the basis of race, color, national origin, or sex in the performance on any USDOT-assisted contract. Contractors shall carry out the applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements will result in a material breach of the contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.

Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of the agreement. The USDOT 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. The USDOT may refer to the United States Department of Justice, for prosecution under 18 United States Code (USC) 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any USDOT-assisted program or otherwise violates applicable Federal statutes.

The Manager of Contract Compliance has been designated as the DBE Liaison Officer. In that capacity, the Manager of Contract Compliance is responsible for implementing all aspects of the DBE Program.

This DBE Program Policy Statement is distributed to all CTDOT managers and to the DBE and non-DBE business community. The Policy Statement is also available on the CTDOT web site.

(This Policy Statement supersedes Policy Statement No. F&A-19 dated July 20, 2009)



Jeffrey A. Parker
Commissioner

PROGRAM POLICY AND PURPOSE

The Connecticut Department of Transportation (ConnDOT) is committed to the effective implementation of the Disadvantaged Business Enterprise (DBE) Program as defined in Title 49, Code of Federal Regulations (CFR) Part 26 and Part 23 for Airport Concessions. This program will be executed in accordance with the regulations of the United States Department of Transportation (DOT) as a condition of receiving DOT funding.

It is the policy of ConnDOT to:

- a) Ensure nondiscrimination in the award and administration of DOT-assisted contracts in the ConnDOT's highway, transit, and airport financial assistance programs;
- b) Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts and ACDBEs can compete fairly for opportunities for concessions;
- c) To ensure that ConnDOT's DBE and ACDBE programs are narrowly tailored in accordance with applicable law;
- d) Ensure that only firms which fully meet the eligibility standards pursuant to 49 CFR Parts 23 and 26 are permitted to participate as DBEs;
- e) Help remove barriers to the participation of DBEs and ACDBE's in DOT-assisted contracts and opportunities for concessions at our airports; and
- f) Assist the development of firms that can compete successfully in the marketplace outside the DBE Program and provide appropriate flexibility to our airports in establishing and providing opportunities for ACDBEs.

ConnDOT will 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 or concession opportunity. ConnDOT 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 and ACDBE Programs or the requirements of 49 CFR Part 26 and 23. ConnDOT shall take all necessary and reasonable steps under 49 CFR Part 26 and 23 to ensure nondiscrimination in the award and administration of DOT-assisted contracts and concession opportunities.

In administering the DBE and ACDBE Program ConnDOT will not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives

of the DBE and ACDBE programs with respect to individuals of a particular race, color, sex, or national origin.

No contractor, sub recipient, subcontractor or concessionaire shall discriminate on the basis of race, color, national origin, or sex in the performance on any DOT-assisted contract or concession agreement. Contractors shall carry out the applicable requirements of 49 CFR Part 26 and 23 in the award and administration of DOT-assisted contracts or concession opportunities. Failure by the contractor or concessionaire to carry out these requirements will result in a material breach of the contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.

Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of the agreement. The DOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE and ACDBE programs whose conduct is subject to such action. The DOT may refer to the United States Department of Justice, for prosecution under 18 United States Code (USC) 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE or ACDBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

The Manager of Contract Compliance has been designated as the DBE Liaison Officer and ACDBE Liaison Officer. In that capacity, the Manager of Contract Compliance is responsible for implementing all aspects of the DBE and ACDBE Program.

AUTHORITY

This program applies to all financial assistance where ConnDOT expends DOT 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, or Titles I, II, III, V and VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59.

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, or Titles I, II, III, V and VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59.

Airport funds authorized by 49 U.S.C. 47101, et seq.

PROGRAM RESPONSIBILITIES

ConnDOT has designated the following individual as the DBE Liaison Officer:

Debra Goss, Manager of Contract Compliance
2800 Berlin Turnpike
Newington, CT 06131
(860) 594-2169
debra.goss@ct.gov

In that capacity Ms. Goss with other responsible officials is responsible for implementing all aspects of the DBE and ACDBE Programs and ensure compliance with 49 CFR parts 26 and 23. Implementation of the DBE and ACDBE Program is accorded the same priority as compliance with all other legal obligations incurred by the ConnDOT in its financial assistance agreements. The DBE/ACDBE Liaison has direct, independent access to the Commissioner of ConnDOT.

The Office of Contract Compliance (OCC) includes 1 EEO Manager; 1 EEO Specialist 2, 3 EEO Specialist 1; 1- Associate Account Examiner; 1- EEO Assistant; and 1 full-time support person. The Associate Account Manager is assigned to DBE certification full-time and the EEO Specialist 2 spends 70% of her time doing certification and 30% of her time administering the DBE Supportive Services program; the support person spends 75% of her time with DBE related activities including processing the DBE updates. The manager devotes 30% of her time to DBE/ACDBE program activities. The Department has contracted with a consultant to provide DBE supportive services; the program is administered by the OCC. In addition, there are four districts, and each district has an EO Liaison who devotes time to monitoring DBE project goals and monitoring contractor compliance with the DBE project requirements.

The DBE Liaison and staff have the following responsibilities:

- Establish annual DBE and ACDBE Goals.
- Review third party contracts and purchase requisitions for compliance with this program.
- Work with contracting units to establish project goals.
- Maintain the Vendor Profile Data.
- Participate in Pre-construction and Assignment meetings.
- Compile statistical data and other information required by DOT.
- Complete and submit required reports
- Participate in Annual site reviews.
- Certify firms as DBEs and ACDBEs in accordance with the regulations set forth in 49 CFR part 26 and 23 and act as the liaison to the Uniform Certification Process in Connecticut
- Respond to USDOT certification appeals
- Administer the Uniform Certification Process for the State of Connecticut.

- Identify methods to enhance DBE and ACDBE Participation on ConnDOT projects and agreements.
- Administer the DBE Business Development/Supportive Services Program.
- Maintain an updated directory of certified DBE firms.
- Participate in and conduct training seminars and workshops.
- Provide DBEs and ACDBEs with information and assistance in obtaining bonding and insurance.
- Advises the Commissioner on DBE matters and achievement.
- Plans and participates in DBE training seminars.
- Provide outreach to DBEs, ACDBEs and community based organizations to market the DBE Program.
- Review and recommend updates to contract specifications.
- Advise the Screening Committee of ConnDOT's progress in meeting the overall DBE goals.
- Make determinations concerning the attainment of Good Faith Efforts.
- Provide training for agency personnel on DBE and ACDBE requirements and responsibilities.
- Conduct DBE Task Force Meetings.
- Act as an Advocate for the DBE Program.
- Facilitate meetings to resolve conflicts involving DBE firms.

The Office of Construction has developed a Construction Manual which outlines the field monitoring responsibilities for the DBE project goals, including the DBE subcontract approval and monitoring processes.

ASSURANCE STATEMENTS

Each financial assistance agreement ConnDOT signs with a DOT operating administration (or a primary recipient) shall include the following assurance:

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

Each contract that ConnDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) shall 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.

Each concession agreement and management contract shall include the following assurance:

This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR part 23.

**Contract Admin. and
Associated Requirements**

CONTRACT ADMINISTRATION AND ASSOCIATED REQUIREMENTS

Bid and Award Process

ConnDOT's Contracts Section controls the advertising and award, through the public competitive bidding system, of contracts involving the construction of roads, bridges, buildings, transportation-related public works projects, demolition, supply of materials, or other transportation related matters. The Contracts Section is contained within the ConnDOT's Division of Contract Administration, and the latter is contained within the ConnDOT's Bureau of Finance and Administration. The Bureau Chief of the Bureau of Finance and Administration reports directly to the Commissioner. (See Attachment "A")

Prompt Payment

The Contractor 1) shall, within 30 days after any given Contract payment to the Contractor by the State, pay any amounts due any subcontractor, whether for labor performed or materials furnished, when charges for such labor or materials have been included in a payment estimate paid by the State; 2) and shall include in each of its subcontracts a provision requiring each subcontractor to pay any amounts due any of its subcontractors on the Project, whether for labor performed or materials furnished, within 30 days after such subcontractor receives a payment from the Contractor which encompasses labor or materials furnished by such subcontractor for the project.

If the Contractor believes that it has a valid reason for withholding payment for particular work or materials from a subcontractor or supplier, then the Contractor, within 30 days of receiving payment from the State for that work or materials, shall notify the subcontractor or supplier and the Department of its reasons for withholding payment.

Failure to make prompt payments could result in the contractor being found to be not responsible. We do require that an alternative dispute resolution clause be included in all of the contractor's subcontracts. The clause, referenced in Section 1.08.01 of the ConnDOT's Form 816 states that if the parties do not agree on a particular dispute resolution, the dispute shall be resolved under the auspices of the construction arbitration rules set forth by the American Arbitration Association (See Attachment "B"). The Form 816 manual can be obtained for a fee by contacting the ConnDOT Manager of Contracts at (860) 594-3099; or may be obtained at no charge on the ConnDOT web-site: www.ct.gov/dot.

Retainage

Retainage is incorporated by reference in all contracts awarded by the ConnDOT in Section 1.08.01 of Form 816. The contractor shall pay the subcontractor for work performed within thirty (30) days after the contractor receives payment for the work performed by the subcontractor. Also, any retained monies on a subcontractor's work shall be paid to the subcontractor within thirty (30) days after satisfactory completion of all subcontractors' work.

Satisfactory completion is considered accomplished when:

- 1) The subcontractor has fulfilled the contract requirements of both ConnDOT and the subcontract for the subcontracted work, including the completion of any specified material and equipment testing requirement or plant establishment period and the submission of all submittals (i.e.: certified payrolls, material samples and certifications, required state and federal submissions, etc) required by the specifications and ConnDOT, and
- 2) The work done by the subcontractor has been inspected and approved by ConnDOT and the final quantities of the subcontractor's work have been determined and agreed upon.

If the contractor determines that a subcontractor's work is not complete, the contractor shall notify the subcontractor and the Engineer in writing, of the reasons why the subcontractor's work is not complete. This written notification shall be provided to the subcontractor and the Engineer within twenty-one (21) days of the subcontractor's request for release of retainage.

For any dispute regarding release of retainage, the alternate dispute resolution provisions of this article shall apply.

DBE Special Provision

The Contractor shall cooperate with ConnDOT and DOT in implementing the requirements concerning DBE utilization in accordance with 49 CFR Part 26. The Contractor shall also cooperate with ConnDOT and DOT in reviewing the Contractor's activities relating to this provision. This Special Provision is in addition to all other equal opportunity employment requirements of this contract. (See Attachment "C")

Joint Checks

The Contractor shall submit a written request to ConnDOT's Office of Construction prior to entering into a joint check relationship with a DBE firm.

GOOD FAITH EFFORT PROCESS

When ConnDOT has established a DBE contract goal, ConnDOT will award the contract only to the lowest responsible bidder that has made a good faith effort to meet the goal. ConnDOT will determine that a bidder has made good faith efforts if the following occurs:

- 1) The bidder submits pre-award documents confirming that it has obtained enough DBE participation to meet the goal; or
- 2) In the case that the bidder did not succeed in obtaining enough DBE participation; the bidder submits a request for a GFE determination and provides adequate documentation of its efforts to meet the goal. If the bidder does not provide adequate documentation of their efforts, ConnDOT will not award the contract on the basis that the bidder has failed to meet the goal.

Pre and Post Award Good Faith Efforts (GFE)

Pre-Award

If the Contractor cannot show that it will meet the goal through its pre-award commitments, then the Contractor must document GFE towards goal achievement. The Contractor is required to submit the documentation to the unit specified in the Contract specification; typically it is either the Initiating Unit or the Advertising Unit (ex. The Office of Contracts is typically the advertising unit for most construction contracts). The DCC reviews the firms submitted for DBE participation and signs-off that the firms provided are DBE Certified. If it is determined that a shortfall exists, the contractor may request a GFE review. This review is performed by the DCC. The DCC will notify the Office of Contracts or the initiating unit of its determination; if DCC determines that a GFE was not made the contractor may appeal to the Screening Committee.

Typical GFE documentation should include the following information. (Note: The actual Contract specification should be reviewed and followed) (See Attachment "D")

- (1) A statement setting forth in detail which parts, if any, of the Contract were reserved for the Contractor and not available for bid from subcontractors;
- (2) A statement setting forth all parts of the Contract that are likely to be sublet;
- (3) A statement setting forth in detail the efforts made to select subcontracting work in order to likely achieve the stated goal;
- (4) Copies of all letters sent to DBEs;
- (5) A statement listing the dates and DBEs that were contacted by telephone and the result of each contact;
- (6) A statement listing the dates and DBEs that were contacted by means other than telephone and the result of each contact;
- (7) Copies of letters received from DBEs in which they decline to bid;

- (8) A statement setting forth the facts with respect to each DBE bid received and the reason(s) any such bid was declined;
- (9) A statement setting forth the dates that calls were made to the DCC seeking DBE referrals and the result of each such call; and
- (10) Any information of a similar nature relevant to the application.

Please Note -- Approval of pre-award GFE does not relieve the Contractor from its obligation to make additional ongoing GFEs to achieve the DBE goal as subcontracting opportunities arise during actual performance of the Contract work. The Contract record of ongoing GFEs taken should be maintained for future review during the life of the Contract, including and up to the final close out and audit.

Post-award DBE Goal Monitoring

The Administering Unit is responsible for monitoring the goal progress and achievement during the life of the Contract.

At a minimum, the Administering Unit will perform the following functions:

- (1) Collect Data from the Contractor on a periodic basis; not less than quarterly. Data includes, but is not limited to, utilizations, commitments, and actual verified payments made to DBEs on the Contract.
- (2) Analyze the goal achievement as the Contractor submits the Data.
- (3) If during the life of the Contract, a DBE is unable or unwilling to perform the allocated work, the Contractor should be informed of his/her responsibility to make GFEs to curtail a goal shortfall. The Contractor's efforts should be documented appropriately. This documentation should be substantive and verifiable; and provided to the Administering Unit as the efforts occur.
- (4) Coordinate with the DCC during the project's annual review.
- (5) Provide quarterly DBE Data to the DCC, or as requested. Typically, quarterly DBE data should be compiled from each contract into one report for each Bureau or major unit (i.e. Engineering, Construction, Maintenance, etc.).
- (6) Summarize all DBE participation and perform analysis to determine if goal was met. If the goal is not met, the Administering Unit and DCC jointly perform a shortfall analysis.

The DCC receives quarterly DBE data from each Bureau or major unit. The Division utilizes the data to facilitate their global agency-wide monitoring and reporting responsibilities to other State and Federal agencies.

DBE DIRECTORY

ConnDOT maintains a directory of certified DBE firms (See Attachment "E"). The directory lists the firm's name, address, telephone number, and the types of work the firm has been certified to perform as a DBE. The directory is available in hard copy form and on the ConnDOT website www.ct.gov/dot (go to "Doing Business with ConnDOT" then go to "Contractor Resources" then go to "Disadvantaged Business Directory"). The directory is updated on a daily basis.

SMALL BUSINESS PARTICIPATION PROGRAM (SBP Program)

Overview

In 2009, the Connecticut Department of Transportation (CTDOT) created a pilot program called the Small Business Participation Program (SBP Program). The program was designed to provide small businesses with an opportunity to bid as primes. The SBP Program is a race and gender neutral program in which certain projects are set-aside for small business participation.

The DBE program improvement regulations, that became effective on February 28, 2011, require that recipients include in their DBE program, an element to structure contracting requirements to facilitate competition by small business concerns; in addition to taking all reasonable steps to eliminate obstacles to the participation of small business concerns in procurements as prime contractors or subcontractors.

Purpose

The CTDOT proposes to utilize the SBP Program in order to foster small business participation on federal-aid contracts. This program will provide an opportunity for small economically disadvantaged firms to compete and participate as prime contractors or consultants, and will provide firms owned by individuals who may be socially and economically disadvantaged, an opportunity to participate on projects in which their participation has been traditionally underutilized.

Eligibility

(Proof of eligibility is required)

To be eligible to participate as in the SBP Program, the firm must meet the small business definition as defined by 49 CFR 26.65 and meet one of the criteria listed below (each of the programs listed below are race and gender neutral):

1. Current certification as a DBE under the Connecticut UCP prior to the bid date;
2. Current certification in the Connecticut Department of Administrative Services Small Business Enterprise Program (SBE); or
3. Currently certified as a HUBZone Business by U.S. SBA

Fostering Involvement

The program will be monitored to determine its effectiveness in increasing race neutral small business participation on federal aid projects. This program shall be applicable only to projects that are federally-assisted or fully federally funded.

The CTDOT will further enhance this program by:

- Encouraging the CTDOT personnel to identify additional contracting opportunities that can be reserved for small businesses;
- Monitoring the use of the SBP Program on contracts to determine its impact;
- Reserve construction, maintenance, and professional service projects for small businesses and offer assistance to firms with little or no experience of working with the CTDOT as a prime;

- Participate in outreach and matchmaker events to educate small businesses about the program and the available opportunities;
- Include information about the SBP Program on the CTDOT website including eligibility criteria;
- Foster participation by facilitating community partnering events and project information sessions specifically targeted to the small businesses;
- Host a workshop targeted to small businesses to provide training on how to business with CTDOT.

Unbundling

The CTDOT believes that it is currently meeting the objectives on its professional services activities by ensuring that a reasonable number of prime contracts are considered when it is determined that small businesses, including DBEs, can reasonably perform the work. Initial data gathered on participation levels indicates that between August 2010 and May 2012 a total of 10 SBP Program contracts were awarded to consultants totaling \$22.4 million.

For Construction Contracts:

The CTDOT will review contracts under \$500,000 to determine if they are suitable for unbundling for small business participation.

Criteria to be used will include the following:

- 1) Is the size of the contract conducive to small business participation;
- 2) Availability of small businesses to perform the type of work under the contract;
- 3) Will setting the contract aside for small business participation substantially increase the costs;
- 4) Assess the risk – Is the work schedule critical; will there be work-dependencies between contracts; is work easily broken out (design effort), and identifying the overall risk (high, medium, low).

Time Frame

The CTDOT will make revisions to its current program, upon approval, to ensure compliance with 49 CFR 26. The program will be fully implemented by August 1, 2012.

Other

The CTDOT currently reports all race and gender-neutral participation on federal-aid projects by certified DBEs regardless of whether the project has an assigned DBE goal; this includes projects that have an SBP Program requirement.

The determination of eligibility for the program will be a matter of contractor responsibility and will be a condition of award. The CTDOT's electronic bidding process will have no impact on this program.

A joint venture entity would have to qualify as an SBP Program in accordance with eligibility criteria and provide proof.

Sub-recipients will be required to comply with the requirements of this program as applicable.

In order to remain within the confines of 49 CFR Part 26 and the State of Connecticut statutes, any section of this plan dealing with contract clauses, overall or contract goals, certification requirements, size standards, small-business set asides, and awarded selection procedures, shall pertain only to United States Department of Transportation federal-aid contracts.

SMALL BUSINESS PARTICIPATION PROGRAM (SBPP)

Overview

The Department received several complaints regarding the lack of contracting opportunities for DBE firms on consultant based contracts and the difficulties for small business to compete as prime contractors. It was determined that in order to provide additional opportunities for small business consultants and to enhance the Department's race-neutral goal achievement, it would be necessary to develop a program where select opportunities could be offered specifically to small disadvantaged businesses in a race-neutral manner. Firms bidding on work under this program would have to meet the same requirements and standards required of all contractors/consultants and subcontractors/subconsultants performing work for the Department.

Purpose

The Connecticut Department of Transportation proposes to the Small Business Participation Pilot Program (SBPPP) to aid in race-neutral DBE participation on federally-assisted consulting and contracting opportunities. This program will provide an opportunity for Small Economically Disadvantaged firms to compete and participate as prime contractors or consultants; and to provide firms owned by individuals who may be socially and economically disadvantaged an opportunity to participate as subcontractors on the types of projects that DBE firms have been traditionally underutilized. The Department will use this program also as a tool to address areas of overconcentration.

Eligibility

(Proof of eligibility is required)

To be eligible to participate in the SBPPP program firms must be currently certified in one of the following programs and meet the definition of a small business concern pursuant to 49 CFR 26.5:

- Connecticut Department of Transportation Disadvantaged Business Enterprise Program (DBE).
- Connecticut Department of Administrative Services Small/Minority Business Enterprise Program (SBE/MBE).
- United States Small Business Administration's Programs (8(a) program; Small Disadvantaged Business Program (SDB); HUBZone; or a recipient of a United States Small Business Administration Loan (Loan Note documentation required).

Program Terms

The program will be monitored to determine its effectiveness in increasing the race neutral participation. This program shall be applicable only to projects that are federally-assisted or fully federally funded.

SUPPORTIVE SERVICES

Business Opportunities and Work Force Development Center

The ConnDOT's DCC will provide developmental services to eligible certified DBE firms. This program will provide developmental assistance and services to enable DBE firms to operate more competitively and successfully (see Attachment "I").

This program's goal will be to provide DBE firms with the tools necessary to support their ability to eventually graduate from the DBE Program.

We plan to develop supportive assistance in two areas: 1) Business Assessment; and 2) Development Plan Implementation.

Business Assessment Services

The firm will have an assessment done to determine its overall fitness. The assessment will determine deficiencies, weaknesses, strengths and opportunities for improvement. The assessment will also stipulate steps or actions to promote healthy business growth in the form of a Development Plan.

Development Plan Implementation Services

Firms will be provided with a designated number of hours of one-to-one technical assistance to develop this plan. These activities are associated with the implementation activities or actions outlined in the development plan.

The areas of assistance may include, but not be limited to the following:

- Accounting
- Asset and debt management
- Cash flow analysis
- Loan Packaging
- Bond Packaging
- Change orders
- Quality control
- Subcontract Development
- Analysis of ongoing project requirements
- Contract Performance problem resolution
- Interpretation of plans and specifications
- Organization development
- Automated record keeping
- Business plan preparation
- Time management
- Identifying contract opportunities
- Developing marketing strategies
- Manpower allocation
- Managing construction schedule

Business Plans

Firms will be required to complete a Business Plan as a condition of successfully completing the program.

The services are being provided by the Central Connecticut State University's Institute of Technology and Business Development. The program is under the administered of the OCC Manager.

Eligibility for Program Services:

Firms must be DBE certified by ConnDOT and actively working or soliciting work on ConnDOT projects. The DCC will have final approval as to what firms are allowed to participate in the program.

Outreach

ConnDOT holds periodic orientation sessions for newly certified DBE firms to provide them with a general overview of how to do business with ConnDOT.

The OCC has developed partnering relationships with a number of organizations and agencies with similar goals. We have partnered with the Department or Administrative Services Business CONNections, the Office of the Secretary of State, the City of Bridgeport, the City of Stamford; the Metropolitan District Commission and the Greater New England Minority Supplier Development Council.

We have made a concerted effort to reach out to the businesses in communities where small businesses are underutilized. We have spoken with Department of Transportation agencies in other states to determine best practices. We have an executed a MOU with the DAS Business CONNections that will help facilitate SBE Certification for eligible firms. We are encouraging businesses that are seeking to do business or who are doing business with ConnDOT to get certified by DAS if they meet the eligibility standards.

The Manager of the DCC was a part of the Task Force responsible for putting together the scope for the development of a public outreach manual for ConnDOT. The manual has been developed and is in the process of being implemented. The manual incorporates communication strategies to address barriers that may prevent individuals from being able to fully participate in the public participation process. This includes individuals with Limited English Proficiency, individuals with disabilities, and low-income populations.

In the past the DCC has participated in television broadcasts, interviews, expos and workshops to promote the DBE Program.

We have participated in events such as the Construction Expo, the SBA procurement fair; the Small & Minority Business Showcase; the Supplier Diversity Opportunity Expo;

a small business workshop held by the City of Norwalk, evening workshops with the cities of Bridgeport and Stamford, and the National Black MBA Conference.

Over-Concentration

ConnDOT utilizes the DOT approved Business Development Program to address issues of over-concentration to work with firms to identify areas in which they may diversify. ConnDOT will obtain the approval of the concerned DOT operating administration for determinations of over-concentration and measures to address them. When ConnDOT has determined that an over-concentration in a certain type of work is apparent; a recommendation to vary the application of goals is made to the Screening Committee by the DCC. The DCC has advised the Screening Committee to not always assign the same goals to projects because the scopes of work are similar.

The DCC also works with the contracting industry and agency personnel to determine where outreach may be necessary to address areas of underutilization as a method to increase the probability of a diverse pool of ready, willing and able DBE firms.

Set-Asides/Quotas

ConnDOT does not use quotas or set-asides in the administration of its DBE Program.

Budget

ConnDOT prepares and submits a DBE Supportive Services budget to FHWA on an annual basis. This budget outlines what the department plans to spend on supportive services for DBEs for the upcoming year.

DBE CERTIFICATION

Unified Certification Program UCP

In accordance with the requirements outlined in 49 CFR part 26.81, ConnDOT has adopted a UCP. The UCP has been submitted and approved by FHWA and DOT. The Program has been accepted by all DOT recipients in the State of Connecticut.

- 1) The UCP makes all certification decisions on behalf of all DOT recipients in the State of Connecticut with respect to participation in the DOT DBE Program. This certification is binding on all DOT recipients within the state.
- 2) The UCP will provide one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state.
- 3) The UCP will carry out all obligations with respect to certification and nondiscrimination. ConnDOT will use only UCPs that comply with the certification and nondiscrimination requirements of this part.
 - a) All certifications by the UCP shall be pre-certifications; i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE.
 - b) Subject to DOT approval, recipients in two or more states may form a regional UCP. UCPs may enter into written reciprocity agreements with other UCPs. Such an agreement shall outline the specific responsibilities of each participant. A UCP may accept the certification of any other UCP or DOT recipient. (ConnDOT currently does not have a UCP reciprocity agreement with any other state and does not accept the certification of any other UCP or DOT recipient).
 - c) Pending the establishment of UCPs meeting the requirements of this section, you may enter into agreements with other recipients, on a regional or inter-jurisdictional basis, to perform certification functions required by this part. You may also grant reciprocity to other recipient's certification decisions.
 - d) The UCP is not required to process an application for certification from a firm having its principal place of business outside the state if the firm is not certified by the UCP in the state in which it maintains its principal place of business. The "home state" UCP shall share its information and documents concerning the firm with other UCPs that are considering the firm's application.
- 4) The only certification authority in the State of Connecticut is ConnDOT. This function is administered by the ConnDOT Division of Contract Compliance.

- 5) There is one directory of firms certified by the UCP, including those firms from other states certified under the provisions of this section. The directory is available to the public and is required to be available electronically, on the internet, as well as in print. The directory shall be updated on a monthly basis.
- 6) Except as otherwise specified in this section, all provisions of this subpart and subpart D of this part pertaining to recipients also apply to UCPs.
- 7) ConnDOT does not require firms to be pre-qualified to be eligible for DBE Certification.
- 8) ConnDOT will check the DOCR website monthly to determine if firms seeking certification or firms currently certified are on the list. If a firm should show up in the database ConnDOT will promptly request a copy of the decision from the UCP that made the decision. If ConnDOT receives a request we will respond to the UCP within 7 days of the request.

DBE Certification Process

The Connecticut Department of Transportation (ConnDOT) will not release Confidential Business Information under any circumstance without the DBE firm's written consent. The exceptions to this requirement include an appeal to the United States Department of Transportation (DOT), Ineligibility Complaints, Recipient-Initiated Proceedings, DOT Directive to Initiate Proceeding, and a review by the Office of the Inspector General and/or the federal funding agencies. All information that the DCC relies upon when recommending approval and deciding approval is considered to be confidential business information. This includes the Personal Net Worth (PNW)-related personal financial information.

In-State Certification:

1-01 Request For DBE Program Application

- A. Requests are made to the DCC for a DBE Program Application by a prospective applicant (See Attachment "F").
- B. A request may be made by telephone, e-mail, fax, and in person at a DBE-related Workshop.
- C. The DBE Application is available online on ConnDOT's website.
- D. The DBE application has been revised by the DOT and the United Small Business Administration (USSBA), as per the DBE Final Rule, effective July of 2003; the DBE application is now uniform.

1-02 Receipt of Application by Division of Contract Compliance

- A. For new applicants to the DBE Program, the DCC will perform a preliminary review of the application.
 - (1) If the application is found to be incomplete, the DCC will send a letter to the applicant stating the deficient information/documentation and will provide a due date in the letter. The letter and incomplete application will be placed in a holding file. If the applicant does not provide a complete application the DCC will return the incomplete application to the applicant.
 - (2) If the application is found to be complete, a DCC DBE Reviewer will write up a critique and perform the on-site review. A certification meeting will be held to make the final determination.

1-03 Assignment of The DCC DBE Reviewer

- A. The review time period from the assignment of the file to the decision or an eligibility proceeding should not exceed 90 days.
- B. The DCC DBE Reviewer may coordinate with the Office of External Audits regarding the PNW statement and supporting documentation, as needed. Please Note: The PNW cap (\$1,320,000) applies only to individuals and not to firms. A firm, as such, cannot exceed the PNW cap, only the individual owner(s) can. If an individual who is a disadvantaged owner of a certified firm exceeds the PNW standard, then she/he is no longer regarded as economically disadvantaged. In the case of a one-owner firm, this would result in a finding of ineligibility; as the firm would no longer be owned by an economically disadvantaged individual. However, in multiple-owner firms, it may be possible for one owner to lose disadvantaged status by exceeding the PNW cap, but for other disadvantaged owners to continue to own at least 51 percent of the firm and to control it. In such a case, the firm would not be found ineligible.
- C. The DCC DBE Reviewer will schedule an interview and will notify the applicant of the scheduled interview by phone. The DCC Reviewer may ask other ConnDOT personnel to attend the interview in order to confirm an owner's expertise in certain specialized types of work. For out-of-state new applicants and applicants for re-certification, the DCC DBE Reviewer may conduct the interview by telephone; a record of this will be documented in the file.

- D. The DCC DBE Reviewer will conduct an interview and an On-Site review for all new applications for Connecticut based firms.

For out-of-state applicants (interstate certification), the DCC DBE reviewer will request a copy of the firm's Home-State On-Site report. If the applicant is not certified in their Home-State, the application package will be returned to the applicant. The DCC DBE Reviewer will document the receipt of the On-Site report and may request an updated on-site review be performed by the Home-State.

Interstate Certification

- A. Upon receipt of application, DBE Supportive Services will log in the application as received, and will review application to determine:
1. if copy a of the full home-state DBE application has been submitted
 2. if the applicant provided copy of its home state certification notice
 3. if applicant signed "interstate certification affidavit"
 4. if applicant provided copy of most recently dated Personal Financial Statement, along with affidavit affirming veracity and accuracy of applicant's Personal Financial Statement
 5. if applicant provided most recent three years of business tax returns
 6. if applicant provided most recent three years of personal tax returns
 7. if application is complete
 8. Verify the firm's current certification status in the home-state
 9. Within seven days Supportive Services will confirm that interstate applicant is currently certified in home state, via communication with home state, and on U.S. DOT Interstate Directory of Firms Denied.
- B. Within seven days Supportive Services will notify the applicant that the application has been received and notify the applicant of missing or incomplete documents.
- C. Within 7 days, Supportive Services will confirm that interstate applicant is currently certified in home state, via communication with home state, and on the Department of Transportation Office of Civil Rights Ineligibility Determination Online Database (DOCR).
- D. Within 30 days after the application packet is considered complete and the on-site has been received a determination regarding eligibility will be determined.

- E. Eligible firms will be notified within 60 days after ConnDOT receives all required documents that they are eligible and have been added to the UCP Directory of Certified firms.
- F. ConnDOT may perform telephone interviews, in order to obtain information to determine eligibility.
- G. If it is determined that the firm is ineligible, within 60 days a detailed letter will be prepared and sent to the applicant explaining the specific reasons for the denial and offer the applicant an opportunity to respond with regard to the reasons. The firm may respond in writing, request an in person meeting or a teleconference.
- H. A denial recommendation will always advise the applicant that the denial can be appealed to US DOT, within 90 days of the denial letter date, and will provide the address for the applicant to forward his appeal. Note: the denial letter must state the applicable regulations, and be supported by sufficient evidence to justify the denial.
- I. If a meeting is requested it will be scheduled within 30 days of receiving the request. The DBE application reviewer(s) within 30 days of receiving the information or holding the meeting or teleconference will review the applicant's comments and/or additional documentation, and will either uphold the denial recommendation, or reverse it, and notify the applicant of that decision.
- J. If the decision is to uphold the denial, the unit will notify the applicant by letter that the denial stands, as well as the reasons. This final letter must also state that the applicant has 90 days from this letter date to appeal to US DOT, as well as the address to appeal to.
- K. If ConnDOT denies an application, rejects an application of a firm certified in another state, ConnDOT will make the required entry into the DOCR data base.
- L. Any interstate application, which review is not finalized and a decision not rendered within 60 days will be certified.

1-04 Certification Decisions:

- A. Upon completion of the file review by the DDBE Reviewer, the DBE Reviewer will prepare a written critique
- B. The DCC hold a certification team meeting to discuss the DBE applications and the Reviewer's recommendations. For new applicants that have been determined to meet the eligibility criteria, a letter will be prepared indicating their certification approval. For firms that are determined to be ineligible, a certified letter will be sent indicating the reasons for the denial and their right to appeal to USDOT.

For applicants seeking re-certification that are determined to be eligible for approval, a letter will be prepared indicating their continued DBE certification. In the case of an applicant seeking re-certification in which a determination has been made by the Reviewer that the firm is ineligible; an Eligibility Proceeding must be held (please see Section 1-07). The exception being individuals seeking recertification who have Statements of Personal Net Worth that exceed the established guidelines under 49 CFR part 26 and 23 (as applicable). Providing that it is determined that the individual's presumption of economic disadvantage is rebutted.

- C. For firms that are considered non-responsive or who voluntarily withdraw from the program the Eligibility Proceeding will be conducted by the DCC.

1-05 DBE Certification Team Meeting

- A. A DCC Reviewer will present the application at the meeting.
 - (1) In the case of new and recertification applications, the DCC representative will make a presentation at the meeting discussing the criteria for eligibility. The DCC Representative will answer any questions. If necessary the applicant will be contacted by phone to clarify any questions.

Please reference Section 1-07 for re-certification applications being recommended for ineligibility.
 - (2) In the case of a firm requesting to add or remove a NAICS Code(s); a DCC Reviewer will coordinate an interview and if necessary an On-Site review with the DBE firm owner(s). If necessary the Reviewer will coordinate with agency personnel to assist in determining the specialized expertise. If this change in the NAICS Code(s) occurs following certification or re-certification this process will not constitute a re-certification action.

- B. Following all presentations and questions, the DCC will decide to Approve or Deny Certification; or to remit for an eligibility proceeding.
- (1) If the decision is for Denial, the DCC will send a letter to the applicant within 7 business days indicating that the applicant's request for certification was denied and an explanation of the decision to deny. The applicant will also be provided with information on how to appeal the decision to DOT. The effective date of the denial is the expected date the applicant will receive the denial letter.
 - (2) If the decision is for Approval, the DCC will prepare a letter indicating that the applicant has been approved as a DBE. The letter will include the NAICS code(s) for which the DBE has been approved. In addition, the DCC will prepare a certificate that will be signed by the Manager of Contract Compliance and the Director of the Equal Opportunity and Diversity. The DCC will then send the letter and the Certificate to the applicant.
- C. The DCC will keep meeting minutes.
- D. Meeting minutes will be prepared and provided to the DOT upon receipt of a notice of an applicant's appeal to the DOT, and in the case of Ineligibility complaints, Recipient-Initiated Proceedings, DOT Directive to Initiative Proceedings and any review by a federal funding or federal investigative agency transcripts will be maintained. The minutes or transcript sent to the DOT will be accompanied by the entire record relied upon by the DBE Eligibility Panel.
- E. The DCC will update the DBE Directory monthly.

1-06 Removal of A DBE's Eligibility

- A. *Ineligibility Complaints (Third-Party Challenge)*: Any person may file a written complaint alleging that a certified firm is ineligible and may specify the alleged reasons why the firm is ineligible. The DCC is not required to accept a general allegation that a firm is ineligible, or accept an anonymous complaint. The complaint may include any information or arguments supporting the complainant's assertion that the firm is ineligible and should not continue to be certified. Confidentiality of complainants' identities must be protected according to 49 CFR 26.109(b).
- (1) A DCC DBE Reviewer will be assigned to review the complaint. The DCC DBE Reviewer must review the records concerning the DBE

firm, including any material provided by the DBE firm and the complainant, as well as other available information.

- (2) The DCC DBE Reviewer may request additional information from the DBE firm or conduct any other investigation that is deemed necessary.
- (3) If it is determined, based upon this review, that there is reasonable cause to believe that the DBE firm is ineligible, the DCC will provide written *Notice of Preliminary Determination to Remove DBE Certification* by certified mail to the DBE firm recommending the firm be found ineligible to be a DBE. The written notice will set forth the reasons for the proposed finding of ineligibility. In addition, all statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record upon which each reason is based. At this time, the DBE firm will be given an opportunity for an eligibility proceeding (see Section 1-07).
- (4) If it is determined, based upon this review, that there is not reasonable cause to believe that the DBE firm is ineligible, the DCC will provide written *Finding of No Reasonable Cause* to the DBE firm and the complainant of this determination and include the basis for the determination. All statements of reasons on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based. The complaint will then be closed.

B. *Recipient-initiated Proceedings:* The term "*Recipient*" refers to any agency that receives federal funding (e.g., ConnDOT, Transit Districts, Airports, Ports, and Municipalities). If, based upon written notification by the DBE firm of a change in its circumstances or based upon additional information, a DCC DBE Reviewer will be assigned to review the record.

- (1) The DCC DBE Reviewer may determine that there is reasonable cause to find the DBE firm ineligible. If this determination is made, written notice will be provided to the DBE firm indicating that the DCC proposes to find the DBE firm ineligible, and the written notice will include the reasons for the proposed ineligibility determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based. At this time, the DBE firm will be given an opportunity for an eligibility proceeding (see Section 1-07).

- (2) If the DCC DBE Reviewer determines that there is no reasonable cause to find the DBE firm ineligible, the DCC will notify the DBE firm in writing of this determination and will update the DBE firm's record.

C. *DOT Directive to Initiate Proceeding*; The phrase "*Concerned Operating Administration*" applies to any Federal oversight agency (e.g., FHWA, Federal Transit Administration, Federal Aviation Administration). If the concerned operating administration determines that information in the DBE firm's certification record, or other information available to the concerned operating administration, provides reasonable cause that a Connecticut DBE-certified firm does not meet eligibility criteria of 49 CFR Part 26, the concerned operating administration may direct the State of Connecticut to initiate a proceeding to remove the DBE firm's certification. The concerned operating administration must provide to the State of Connecticut and the DBE firm a written notice indicating the reasons for the directive, including any relevant documentation or other information. The ConnDOT must immediately commence and conduct an eligibility proceeding.

1-07 Eligibility Proceeding

The Eligibility Proceeding consists of members of 3 State of Connecticut employees, who have been designated to hear issues concerning eligibility. Individuals designated to participate on the Eligibility Panel shall not have participated in any deliberations or decisions, which may have resulted in the firm being brought to the eligibility proceeding.

- A. The DCC is responsible for issuing the notice to the DBE firm that an eligibility proceeding will be held. When the DCC notifies a firm that there is reasonable cause to remove its DBE eligibility, as provided for in Section 1-06, the DBE firm must be afforded an opportunity for an eligibility proceeding. The DBE Eligibility Panel will provide the forum for the eligibility proceeding. At the eligibility proceeding, the DBE firm may respond to the reasons for the proposal to remove its eligibility in person or in writing; and provide information and arguments supporting their continued certification.
 - (1) The ConnDOT bears the burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards of 49 CFR Part 26.
 - (2) The ConnDOT must maintain a complete record of the proceeding, by any means acceptable under State law for the retention of a verbatim record of an administrative proceeding. The current

practice consists of using the services of a stenographer to provide a transcript to meet this requirement. If there is an appeal to the DOT under 49 CFR 26.89, the ConnDOT must provide a transcript of the proceeding to the DOT and, upon request, to the DBE firm. ConnDOT must retain the original record of the proceeding. ConnDOT may charge the firm only for the cost of copying the record.

- (3) The firm may elect to present information and arguments in writing, without attending a proceeding. In this instance, the ConnDOT bears the same burden of proving, by a preponderance of the evidence, that the DBE firm does not meet the certification standards of 49 CFR part 26, as if a proceeding had been held.

B. *Separation of Functions:* During the eligibility proceeding, the DCC acts as the proponent of the possible removal of eligibility and the DBE Eligibility Panel acts as the decision-making body. The ConnDOT has regulations and administrative procedures in place to ensure that the decision-making body or its members are not involved in the decision to hold an eligibility proceeding or to advocate for the removal of a firm's eligibility.

- (1) The ConnDOT's method of implementing this requirement has been made part of the DBE Program.
- (2) The DBE Eligibility Panel members are knowledgeable about the certification requirements of the ConnDOT's DBE Program and 49 CFR parts 26 and 23 as applicable.
- (3) Prior to the State of Connecticut's UCP being operational, small airports or small transit authorities (i.e., an airport or small transit authority serving an area with less than 250,000 population) are required to meet this requirement only to the extent feasible.

C. *Grounds for Decision:* The ConnDOT will not base a decision to remove eligibility on a reinterpretation or changed opinion of information available to the ConnDOT at the time of its certification of the firm. The ConnDOT may base such a decision only on one or more of the following:

- (1) Changes in the DBE firm's circumstances since the certification of the firm by ConnDOT that render the firm unable to meet the eligibility standards of 49 CFR Part 26 and Part 23 as applicable;
- (2) Information or evidence not available to you at the time the firm was certified;

- (3) Information that was concealed or misrepresented by the firm in previous certification actions by the ConnDOT;
 - (4) A change in the certification standards or requirements of the DOT since the ConnDOT certified the firm; or
 - (5) A documented finding that the ConnDOT determination to certify the firm was factually erroneous.
- D. *Notice of Decision:* Following the decision, the ConnDOT will provide the firm written notice of the decision and the basis for it, including specific references to the evidence in the record that supports each reason for the decision. The notice will inform the firm of the consequences of the decision and of the availability for an appeal to the DOT under 49 CFR 26.89. The ConnDOT will send copies of the notice to the complainant in an ineligibility complaint or the concerned operating administration that had directed the ConnDOT to initiate the proceeding.
- E. *Status of Firm During Proceeding:* A DBE firm remains an eligible DBE during the duration of the ConnDOT's proceeding to remove the DBE firm's eligibility. The DBE firm does not become ineligible until the issuance of the *Notice of Determination to Remove DBE Certification*. When the ConnDOT removes a DBE firm's eligibility, the ConnDOT must take the following actions:
- (1) When a prime contractor has made a commitment to using the ineligible firm or the ConnDOT has made a commitment to using an ineligible DBE prime contractor; when a subcontract or contract has not been executed before the ConnDOT issues the ineligibility notice, the ineligible firm does not count toward the contract goal or overall goal. The ConnDOT must direct the prime contractor to meet the contract goal with an eligible DBE firm or demonstrate to the ConnDOT that the prime contractor has made a good faith effort to do so.
 - (2) If a prime contractor has executed a subcontract with the firm before the ConnDOT has notified the firm of its ineligibility, the prime contractor may continue to use the firm on the contract and may continue to receive credit toward its DBE goal for the firm's work. In this case or in a case where the ConnDOT has let a prime contract to the DBE that was later ruled ineligible, the portion of the contract remaining after the ConnDOT issued the notice of is ineligibility shall not count toward the ConnDOT's overall goal, but may count toward the contract goal.

- (3) *Exception* – If the DBE’s ineligibility is caused solely by its having exceeded the size standard during the performance of the contract, the ConnDOT may continue to count its participation on that contract overall and contract goals only for the work previously approved prior to the firm exceeding the size standard.
- F. *Availability of Appeal:* When the ConnDOT makes an administratively-final removal of a DBE firm’s eligibility under this section, the firm may appeal the removal to the DOT under 49 CFR 26.89.

1-08 Finding of Ineligibility

Ineligibility will occur when; A) A DBE firm exceeds the DOT statutory Gross Receipts Cap (averaged over three years); B) A DBE exceeds the USSBA Size requirement (the NAICS Code); In the instance where a DBE firm is certified in more than one NAICS Code, the DBE firm will only be found ineligible in the NAICS Code(s) for which the firm has exceeded the USSBA Size requirement; C) A DBE owner(s) with the controlling interest in the certified firm exceeds the PNW requirement (see Section 1-03); and/or D) the DBE firm is no longer owned at least 51% and controlled by a socially and economically disadvantaged individual(s).

**If the Statement of Personal Net Worth shows that the applicant’s personal net worth exceeds \$750,000 the individual presumption of economic disadvantage is rebutted; and does not require a Eligibility Proceeding.*

If at any time the DCC becomes aware that a DBE firm has exceeded either the Gross Receipts Cap, or the USSBA Size requirement, the DCC will initiate a review of the DBE firm’s eligibility. The following then apply:

- A. If a DBE firm is recommended for ineligibility and the DBE Eligibility Proceeding approves the recommendation, the Eligibility Panel will prepare a letter indicating that the DBE firm is no longer eligible for the DBE Program and the reason.
- B. Following a firm’s removal of eligibility from the DBE Program, DBE credit may be given for all work performed following the removal of eligibility that had been approved for the firm prior to the firm being found ineligible.

1-9 (Removed)

1-10 Annual Updates

- A. The DCC requires certified DBE firms to provide an Annual Update. The following apply:
- (1) Annually, on or about the anniversary of the initial date of certification, the DCC shall send a transmittal letter and a No Change Affidavit (See Attachment "G") to the DBE firm owner. The DBE firm owner must execute the affidavit, which shall reaffirm the information contained in the original/previous DBE certification application. Also, the affidavit must be notarized. The DBE owners must also include personal and company tax returns (out-of-state firms must also include documentation of a current home-state certification).
 - (2) If Information has changed, the DBE firm owner will provide the new information/documentation along with the affidavit to the DCC.
 - (3) The DCC will review the affidavit and any additional information/documentation provided by the DBE firm owner.
 - (4) If the information has changed and the change is substantive and may affect DBE certification, the DCC will review the information and will make a determination as to the relevance of the new information with respect to the DBE firm's eligibility. If the firm no longer appears to be eligible for the DBE Program, the DCC will request an eligibility proceeding (see Section 1-07) be held to determine if the firm is still eligible to be certified as a DBE.
 - (5) Within 30 days of any change in ownership, control, or management of the business, the DBE firm shall provide documentation to the DCC indicating the change(s). The DCC will review the changes and will either not take action due to the minor nature of the changes or will initiate an eligibility proceeding.

1-11 Appeals to The USDOT

- A. If a DBE applicant is denied certification, the DBE applicant has the right to appeal to the DOT. Upon receipt of the written request from the DOT, the ConnDOT will provide minutes of the DCC meeting, as well as the contents of the file to the DOT.

- B. If a DBE firm is de-certified, that firm is no longer eligible as a DBE firm for credit. The firm has the right to appeal to the DOT. If the firm appeals to the DOT and the DOT upholds the appeal, the ConnDOT will be requested by the DOT to certify the firm. If the DOT denies the appeal, the firm will remain de-certified.

RECORD KEEPING AND REPORTING

ConnDOT will continue to provide data and reports concerning ConnDOT's DBE Program to DOT. ConnDOT will notify DOT of any significant changes to ConnDOT's DBE Program. The Department will submit the "Uniform Report of DBE Awards or Commitments and Payments" by June 1 and December 1 of each year. These reports will be submitted to FHWA and FTA as required under 49 CFR part 26, Appendix B.

ConnDOT will submit to FAA annually the DBE and ACDBE utilization and accomplishments report.

ConnDOT maintains a bidders list which is referred to as the DBE Vendor Profile. ConnDOT updates the bidders list on a constant basis. The DBE Vendor Profile data base consists of all firms that have responded to the Vendor Profile form request. This was mailed to all firms who have performed or may perform work on federally funded projects. The Vendor Profile form (See Attachment "H") is also available on the ConnDOT web-site: www.ct.gov/dot/lib/dot/documents/dforms/vendorprofilesheet.pdf

The Vendor Profile database provides ConnDOT with a universe of firms seeking work on Federally assisted projects, this information is used to assist in the calculation of ConnDOT's overall annual DBE goal. This information includes the firm's name; address; DBE or non-DBE status; age of the firm; range of annual gross receipts; NAICS codes and response activity regarding bid documents and solicitations.

The Vendor Profile sheet requests the following information:

- a) Firm name
- b) Address
- c) DBE or non-DBE status
- d) Firm age
- e) Firm's annual gross receipts (range)
- f) NAICS codes
- g) Bid/Quote/Proposal/RFQ activity

ATTACHMENTS

ATTACHMENTS

Attachment A.....Organization Chart

Attachment B.....Form 816

Attachment C.....DBE Special Provisions

Attachment D.....Good Faith Efforts Requirements

Attachment E.....Sample Page of DBE Directory

Attachment F.....Uniform Certification Application

Attachment G.....DBE Affidavit

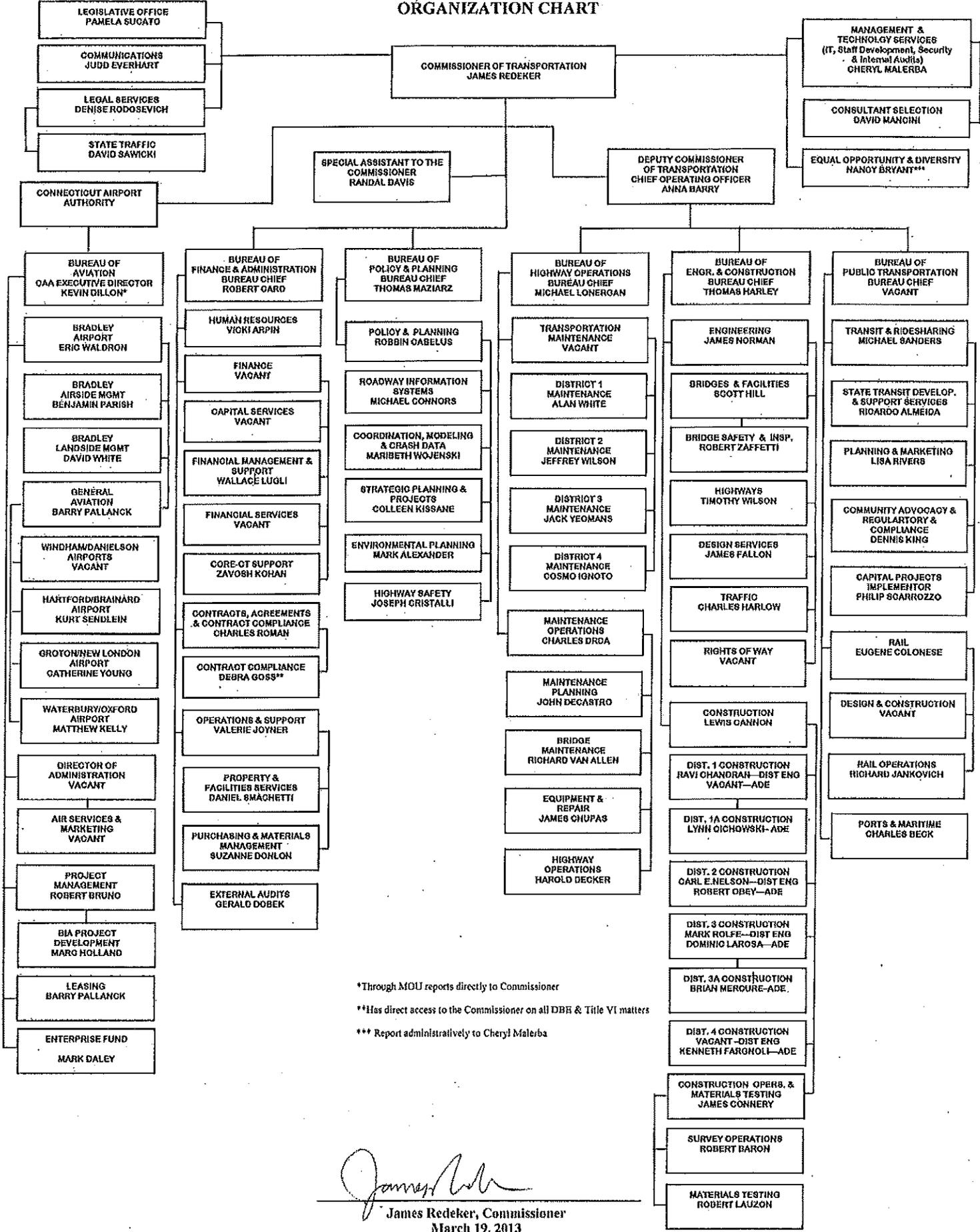
Attachment H.....Vendor Profile Sheet

Attachment I..... Business Opportunities and Workforce Development Center Pilot

Attachment J.....Interstate Certification Affidavit

ATTACHMENT A
ORGANIZATION CHART

**STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION
ORGANIZATION CHART**



*Through MOU reports directly to Commissioner

**Has direct access to the Commissioner on all DBE & Title VI matters

*** Report administratively to Cheryl Malerba

James Redeker
James Redeker, Commissioner
March 19, 2013

ATTACHMENT B

FORM 816

1.03.04

lowest bidder for said extended time, or for any other period of time agreed upon by the Commissioner, bidder and surety.

1.03.04—Requirements of Performance Contract Bond and Payment Bond: See Article 1.02.01.

In conformance with Section 49-41a of the Connecticut General Statutes, as revised, the Contractor (1) shall, within 30 days after any given Contract payment to the Contractor by the State, pay any amounts due any subcontractor, whether for labor performed or materials furnished, when charges for such labor or materials have been included in a payment estimate paid by the State; (2) and shall include in each of its subcontracts a provision requiring each subcontractor to pay any amounts due any of its subcontractors on the Project, whether for labor performed or materials furnished, within 30 days after such subcontractor receives a payment from the Contractor which encompasses labor or materials furnished by such subcontractor for the Project.

If the Contractor believes that it has a valid reason for withholding payment for particular work or materials from a subcontractor or supplier, then the Contractor, within 30 days of receiving payment from the State for that work or materials, shall notify the subcontractor or supplier and the Department of its reasons for withholding payment.

1.03.05—Vacant

1.03.06—Failure to Execute Contract: See Article 1.02.01.

1.03.07—Insurance: Before the Contract is executed, the Contractor must file with the Commissioner a certificate of insurance, executed by an insurance company satisfactory to the Commissioner, on the form provided by the Department, stating that with respect to the Contract, the Contractor carries insurance at least in accordance with the requirements and stipulations listed below. State of Connecticut, Department of Transportation, Form Number CON-32 entitled "CERTIFICATE OF INSURANCE" shall be the only acceptable form to be used by the Contractor as evidence of required insurance coverage. Continuance of the required insurance during the entire term of the Contract

The Contractor and its insurer may not a defense of sovereign immunity in the adjustment or in the defense of any claim or suit brought a Contractor or the State, unless the State, in requests it to do so or consents to its doing Contractor shall assume and pay all costs and premiums and audit charges earned and pay the required insurance.

The State must be named as an additional insurer for the insurance required under paragraphs 2 stipulated below. In the event that the Contract Excess/Umbrella Liability Insurance to meet minimum requirements specified in paragraph 2, 3, c the State shall be named as an additional insurer

1. **Worker's Compensation Insurance:** With respect to all operations the Contractor performs and performed for it by subcontractors, the Contractor shall carry such subcontractor shall carry Compensation Insurance in accordance with requirements of State law. Each such Contractor's Compensation policy shall contain Longshoreman's and Harbor Workers' Act endorsement when work is to be performed over or adjacent navigable water.

2. **Commercial General Liability Insurance:** With respect to the operations it performs and performed for it by subcontractors, the Contractor shall carry commercial liability insurance, Contractual Liability Insurance, which shall coverage of at least \$1,000,000 for each occurrence resulting in damages from (1) bodily injury to persons and/or (2) injury to or destruction of property. Subject to that limit per accident or occurrence the policy shall provide a total or aggregate coverage of at least \$2,000,000 for all pertinent damages arising during the policy period.

3. **Automobile Liability Insurance:** The Contractor shall obtain automobile liability insurance coverage for all motor vehicles, including those borrowed, that are used in connection with the said insurance shall provide coverage of \$1,000,000 for each accident or occurrence resulting in damages from (1) bodily injury to or death of

risks within the United States, unless after disclosure of such ineligibility, such participation is authorized by appropriate federal and State authorities, including the Commissioner.

The Contractor shall not sublet, sell, transfer, assign, or otherwise dispose of the Contract or any portion thereof, or of the work provided for therein, or of its right, title, or interest therein, to any individual or entity without the prior written consent of the Commissioner. No payment will be made for any part of the work sublet, sold, transferred, assigned, or otherwise disposed of by the Contractor, prior to the authorization date given in the written consent of the Commissioner. Such an unauthorized act by the Contractor shall constitute a material breach of the Contract, and the Commissioner may, in such a case, terminate the Contract without further compensation to the Contractor.

1.08.02—Establishment of Construction Field Office: Prior to the start of Project construction, and within 10 calendar days after the signing of the Contract by the parties, the Contractor shall propose in writing to the Engineer a field office location. The proposal shall include the office telephone number to be used, the nearest utility pole number, and the distance from that pole to the proposed field office. The office shall be made acceptable to the Engineer and available for use, including all utility hookups, local permits and inspections, within 30 days of the Engineer's order to establish the office. Such order shall not be deemed the "Notice to Proceed."

1.08.03—Prosecution of Work: The Contractor shall commence construction operations with that part of the Project designated for such commencement in the progress schedule which it has submitted to the Department, unless the Engineer directs the Contractor to commence with a different part of the Project. The work shall be conducted in such manner and with sufficient materials, equipment and labor as are necessary to ensure completion of the Project in accordance with the Contract within the time set forth in the Contract. The Contractor shall notify the Engineer of its intention to commence or re-commence any Project operation at least 48 hours in advance of doing so. The Contractor shall also give the Engineer such advance notice of any intent to discontinue any Project operation, unless emergency conditions make

1.08.12—Final Inspection
1.08.13—Termination of the Contractor's Responsibility

1.08.14—Acceptance of Project

1.08.01—Transfer of Work or Contract: The Contractor shall perform with its own organization Contract work with a value under the Contract of at least 50% of the original total Contract value. If the Contractor sublets, sells, transfers, or otherwise disposes of any part of the Contract work without the Commissioner's prior written consent, the Contractor will not be relieved of any Contractual or other legal responsibility in connection therewith. Such an unauthorized act by the Contractor shall constitute a material breach of the Contract, and the Commissioner may, in such a case, terminate the Contract without further compensation to the Contractor.

The Contractor shall include the following alternative dispute resolution clause in all of its Project subcontracts: "For any dispute arising out of the agreement between the Contractor and a subcontractor, including claims of late payment or non-payment, which cannot be settled within 60 days of the subcontractor submitting a written claim to the Contractor, either party may bring the dispute before an alternative dispute resolution entity for resolution. If the parties do not agree upon a particular dispute resolution entity for that purpose, the dispute shall be resolved under the auspices and construction arbitration rules of the American Arbitration Association, or under the rules of any other alternative dispute resolution entity approved by the Department either generally or for the specific dispute. The Department may not be made a party to formal arbitration regarding such a dispute. These rights and restrictions may not be waived, and if these provisions are not included in the Contractor's subcontracts for the Project, these provisions shall nonetheless be read into them."

The Contractor shall not knowingly enter into any lower-tier transaction on a Department project with any person or entity which, under any federal or state law or regulation, or by voluntary agreement, is currently debarred or disqualified from bidding for construction contracts or participating in construction projects in any ju-

ATTACHMENT C
DBE SPECIAL PROVISIONS

**D.B.E. SUBCONTRACTORS AND MATERIAL SUPPLIERS OR
MANUFACTURERS**

January 2013

I. ABBREVIATIONS AND DEFINITIONS AS USED IN THIS SPECIAL PROVISION

A. *CTDOT* means the Connecticut Department of Transportation.

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

C. *Broker* means a party acting as an agent for others in negotiating Contracts, Agreements, purchases, sales, etc., in return for a fee or commission.

D. *Contract, Agreement or Subcontract* means a legally binding relationship obligating a seller to furnish supplies or services (including but not limited to, construction and professional services) and the buyer to pay for them. For the purposes of this provision, a lease for equipment or products is also considered to be a Contract.

E. *Contractor* means a consultant, second party or any other entity under Contract to do business with CTDOT or, as the context may require, with another Contractor.

F. *Disadvantaged Business Enterprise ("DBE")* means a for profit small business concern:

1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
3. Certified by CTDOT under Title 49 of the Code of Federal Regulations, Part 26, (Title 49 CFR Part 23 of the Code of Federal Regulations for Participation of Disadvantaged Business Enterprise in Airport Concessions)

G. *USDOT-assisted Contract* means any Contract between CTDOT and a Contractor (at any tier) funded in whole or in part with USDOT financial assistance.

H. *Good Faith Efforts ("GFE")* means all necessary and reasonable steps to achieve a DBE goal or other requirement which by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

I. *Small Business Concern* means, with respect to firms seeking to participate as DBEs in USDOT-assisted Contracts, a small business concern as defined pursuant to Section 3 of the Small Business Act and Small Business Administration ("SBA") regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts in 49 CFR Part 26, Section 26.65(b).

J. *Socially and Economically Disadvantaged Individual* means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

1. Any individual who CTDOT finds, on a case-by-case basis, to be a socially and economically disadvantaged individual.
2. Any individuals in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - “Black Americans”, which includes persons having origins in any of the Black racial groups of Africa;
 - “Hispanic Americans”, which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - “Native Americans”, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians.
 - “Asian-Pacific Americans”, which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, or Federated States of Micronesia;
 - “Subcontinent Asian Americans”, which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - Women;
 - Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

K. *Commercially Useful Function (“CUF”)* means the DBE is responsible for the execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved with its own forces and equipment. The DBE must be responsible for procuring, determining quantity, negotiating price, determining quality and paying for all materials (where applicable) associated with their work. The DBE must also perform at least 30% of the total cost of its contract with its own workforce.

II. ADMINISTRATIVE REQUIREMENTS

A. General Requirements

A DBE goal percentage equaling _____ percent (%) of the Contract value has been established for this Contract. This DBE goal percentage will be applied to the final Contract value to ultimately determine the required DBE goal. If additional work is required, DBE firms should be provided the appropriate opportunities to achieve the required DBE goal.

In order to receive credit toward the Contract DBE goal, the firms utilized as DBE subcontractors or suppliers must be certified as DBEs in the type of work to be counted for credit by CTDOT’s Office of Contract Compliance prior to the date of the execution of the subcontract. Neither CTDOT nor the State of Connecticut’s Unified Certification Program (UCP) makes any representation as to any DBE’s technical or financial ability to perform the work. Prime contractors are solely responsible for performing due diligence in hiring DBE subcontractors.

All DBEs shall perform a CUF for the work that is assigned to them. The Contractor shall monitor and ensure that the DBE is in compliance with this requirement. The Connecticut DBE UPC Directory of certified firms can

be found on the CTDOT website <http://www.ct.gov/dot>. The directory lists certified DBE firms with a description of services that they are certified to perform. Only work identified in this listing may be counted towards the project's DBE goal. A DBE firm may request to have services added at any time by contacting CTDOT's Office of Contract Compliance. No credit shall be counted for any DBE firm found not to be performing a CUF.

Once a Contract is awarded, all DBEs that were listed on the pre-award DBE commitment document must be utilized. The Contractor is obligated to provide the value and items of the work originally established in the pre-award documentation to the DBE firms listed in the pre-award documentation. Any modifications to the pre-award commitment must follow the procedure established in Section II-C.

The Contractor shall designate a liaison officer who will administer the Contractor's DBE program. Upon execution of this Contract, the name of the liaison officer shall be furnished in writing to CTDOT's unit administering the Contract, CTDOT's Office of Contract Compliance and CTDOT's Office of Construction ("OOC"). Contact information for the designated liaison officer shall be furnished no later than the scheduled date for the pre-construction meeting.

The Contractor shall submit a bi-monthly report to the appropriate CTDOT unit administering the Contract. This report shall indicate what work has been performed to date, with the dollars paid and percentage of DBE goal completed.

Verified payments made to DBEs shall be included in this bi-monthly report. A sample form is included on the CTDOT website.

In addition, the report shall include:

1. A projected time frame of when the remaining work is to be completed for each DBE.
2. A statement by the Contractor either confirming that the approved DBEs are on schedule to meet the Contract goal, or that the Contractor is actively pursuing a GFE.
3. If retainage is specified in the Contract specifications, then a statement of certification that the subcontractors' retainage is being released in accordance with 1.08.01 (Revised or supplemented).

Failure by the Contractor to provide the required reports may result in CTDOT withholding an amount equal to one percent (1%) of the monthly estimate until the required documentation is received.

The Contractor shall receive DBE credit when a DBE, or any combination of DBEs, perform work under the Contract in accordance with this specification.

Only work actually performed by and/or services provided by DBEs which are certified for such work and/or services, as verified by CTDOT, can be counted toward the DBE goal. Supplies and equipment a DBE purchases or leases from the Contractor or its affiliate cannot be counted toward the goal.

Monitoring of the CUF will occur by CTDOT throughout the life of the project. If it is unclear that the DBE is performing the work specified in its subcontract with the prime Contractor, further review may be required. If it is determined that the DBE is not performing a CUF, then the work performed by that DBE will not be counted towards the DBE goal percentage.

B. Subcontract Requirements

The Contractor shall submit to CTDOT's OOC all requests for subcontractor approvals on the standard CLA-12 forms provided by CTDOT. The dollar amount and items of work identified on the CLA-12 form must, at minimum, equal the dollar value submitted in the pre-award commitment. CLA-12 forms can be found at <http://www.ct.gov/dot/construction> under the "Subcontractor Approval" section. All DBE subcontractors must be identified on the CLA-12 form, regardless of whether they are being utilized to meet a Contract goal percentage. A copy of the legal Contract between the Contractor and the DBE subcontractor/supplier, a copy of the Title VI Contractor Assurances and a copy of the Required Contract Provision for Federal Aid Construction Contracts (Form FHWA-1273) (Federal Highway Administration projects only) must be submitted along with a request for subcontractor approval. These attachments cannot be substituted by reference.

If retainage is specified in the Contract specifications, then the subcontract agreement must contain a prompt payment mechanism that acts in accordance with Article 1.08.01 (Revised or supplemented).

If the Contract specifications do not contain a retainage clause, the Contractor shall not include a retainage clause in any subcontract agreement, and in this case, if a Contractor does include a retainage clause, it shall be deemed unenforceable.

In addition, the following documents are to be included with the CLA-12, if applicable:

- An explanation indicating who will purchase material.
- A statement explaining any method or arrangement for utilization of the Contractor's equipment.

The subcontract must show items of work to be performed, unit prices and, if a partial item, the work involved by all parties. If the subcontract items of work or unit prices are modified, the procedure established in Section II-C must be followed.

Should a DBE subcontractor further sublet items of work assigned to it, only lower tier subcontractors who are certified as a DBE firm will be counted toward the DBE goal. If the lower tier subcontractor is a non-DBE firm, the value of the work performed by that firm will not be counted as credit toward the DBE goal.

The use of joint checks between a DBE firm and the Contractor is acceptable, provided that written approval is received from the OOC prior to the issuance of any joint check. Should it become necessary to issue a joint check between the DBE firm and the Contractor to purchase materials, the DBE firm must be responsible for negotiating the cost, determining the quality and quantity, ordering the material and installing (where applicable), and administering the payment to the supplier. The Contractor should not make payment directly to suppliers.

Each subcontract the Contractor signs with a subcontractor must contain the following assurance:

"The subcontractor/supplier/manufacture 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/subcontractor/supplier/manufacture 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."

C. Modification to Pre-Award Commitment

Contractors may not terminate for convenience any DBE subcontractor or supplier that was listed on the pre-award DBE commitment without prior written approval of the OOC. This includes, but is not limited to, instances

in which a Contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm. Prior to approval, the Contractor must demonstrate to the satisfaction of the OOC, that it has good cause, as found in 49CFR Part 26.53 (f)(3), for termination of the DBE firm.

Before transmitting its request for approval to terminate pre-award DBE firms to the OOC, the Contractor must give written notice to the DBE subcontractor and include a copy to the OOC of its notice to terminate and/or substitute, and the reason for the notice.

The Contractor must provide five (5) days for the affected DBE firm to respond. This affords the DBE firm the opportunity to advise the OOC and the Contractor of any reasons why it objects to the termination of its subcontract and why the OOC should not approve the Contractor's action.

Once the Contract is awarded, should there be any amendments or modifications of the approved pre-award DBE submission other than termination of a DBE firm, the Contractor shall follow the procedure below that best meets the criteria associated with the reason for modification:

1. If the change is due to a scope of work revision or non-routine quantity revision by CTDOT, the Contractor must notify CTDOT's OOC in writing or via electronic mail that their DBE participation on the project may be impacted as soon as they are aware of the change. In this case, a release of work from the DBE firm may not be required; however the Contractor must concurrently notify the DBE firm in writing, and copy the OOC for inclusion in the project DBE file. This does not relieve the Contractor of its obligation to meet the Contract specified DBE goal, or of any other responsibility found in this specification.
2. If the change is due to a factor other than a CTDOT directive, a request for approval in writing or via electronic mail of the modification from the OOC must be submitted, along with an explanation of the change(s), prior to the commencement of work. The Contractor must also obtain a letter of release from the originally named DBE indicating their concurrence with the change, and the reason(s) for their inability to perform the work. In the event a release cannot be obtained, the Contractor must document all efforts made to obtain it.
3. In the event a DBE firm that was listed in the pre-award documents is **unable** or **unwilling** to perform the work assigned, the Contractor shall:
 - Notify the OOC Division Chief immediately and make efforts to obtain a release of work from the firm.
 - Submit documentation that will provide a basis for the change to the OOC for review and approval prior to the implementation of the change.
 - Use the DBE Directory to identify and contact firms certified to perform the type of work that was assigned to the unable or unwilling DBE firm. The Contractor should also contact CTDOT's Office of Contract Compliance for assistance in locating additional DBE firms to the extent needed to meet the contract goal.

Should a DBE subcontractor be terminated or fail to complete work on the Contract for any reason, the Contractor must make a GFE to find another DBE subcontractor to substitute for the original DBE. The DBE replacement shall be given every opportunity to perform at least the same amount of work under the Contract as the original DBE subcontractor.

If the Contractor is unable to find a DBE replacement:

- The Contractor should identify other contracting opportunities and solicit DBE firms in an effort to meet the Contract DBE goal requirement, if necessary, and provide documentation to support a GFE: (Refer to GFE in Section III.)
- The Contractor must demonstrate that the originally named DBE, who is unable or unwilling to perform the work assigned, is in default of its subcontract, or identify other issues that affected the DBE firm's ability to perform the assigned work. **The Contractor's ability to negotiate a more advantageous agreement with another subcontractor is not a valid basis for change.**

III. GOOD FAITH EFFORTS

The DBE goal is **NOT** reduced or waived for projects where the Contractor receives a Pre-Award GFE determination from the Office of Contract Compliance prior to the award of the Contract. It remains the responsibility of the Contractor to make a continuing GFE to achieve the specified Contract DBE goal. The Contractor shall pursue every available opportunity to obtain additional DBE firms and document all efforts made in such attempts.

At the completion of all Contract work, the Contractor shall submit a final report to CTDOT's unit administering the Contract indicating the work done by and the dollars paid to DBEs. Only verified payments made to DBEs performing a CUF will be counted towards the Contract goal.

Goal attainment is based on the total Contract value, which includes all construction orders created during the Contract. If the Contractor does not achieve the specified Contract goal for DBE participation or has not provided the value of work to the DBE firms originally committed to in the pre-award submission, the Contractor shall submit documentation to CTDOT's unit administering the Contract detailing the GFE made during the performance of the Contract to satisfy the goal.

A GFE should consist of the following, where applicable (CTDOT reserves the right to request additional information):

1. A detailed statement of the efforts made to replace an unable or unwilling DBE firm, and a description of any additional subcontracting opportunities that were identified and offered to DBE firms in order to increase the likelihood of achieving the stated goal.
2. A detailed statement, including documentation of the efforts made to contact and solicit bids from certified DBEs, including the names, addresses, and telephone numbers of each DBE firm contacted; the date of contact and a description of the information provided to each DBE regarding the scope of services and anticipated time schedule of work items proposed to be subcontracted and the response from firms contacted.
3. Provide a detailed explanation for each DBE that submitted a subcontract proposal which the Contractor considered to be unacceptable stating the reason(s) for this conclusion.
4. Provide documentation, if any, to support contacts made with CTDOT requesting assistance in satisfying the specified Contract goal.

5. Provide documentation of all other efforts undertaken by the Contractor to meet the defined goal. Additional documentation of efforts made to obtain DBE firms may include but will not be limited to:
 - Negotiations held in good faith with interested DBE firms, not rejecting them without sound reasons.
 - Written notice provided to a reasonable number of specific DBE firms in sufficient time to allow effective participation.
 - Those portions of work that could be performed by readily available DBE firms.

In instances where the Contractor can adequately document or substantiate its GFE and compliance with other DBE Program requirements, the Contractor will have satisfied the DBE requirement and no administrative remedies will be imposed.

IV. PROJECT COMPLETION

At the completion of all Contract work, the Contractor shall:

1. Submit a final report to CTDOT's unit administering the Contract indicating the work done by, and the dollars paid to DBEs.
2. Submit verified payments made to all DBE subcontractors for the work that was completed.
3. Submit documentation detailing any changes to the DBE pre-award subcontractors that have not met the original DBE pre-award commitment, including copies of the Department's approvals of those changes.
4. Retain all records for a period of three (3) years following acceptance by CTDOT of the Contract and those records shall be available at reasonable times and places for inspection by authorized representatives of CTDOT and Federal agencies. If any litigation, claim, or audit is started before the expiration of the three (3) year period, the records shall be retained until all litigation, claims, or audit findings involving the records are resolved.

If the Contractor does not achieve the specified Contract goal for DBE participation in addition to meeting the dollar value committed to the DBE subcontractors identified in the pre-award commitment, the Contractor shall submit documentation to CTDOT's unit administering the Contract detailing the GFE made during the performance of the Contract to satisfy the goal.

V. SHORTFALLS

A. Failure to meet DBE goals

As specified in (II-A) above, attainment of the Contract DBE goal is based on the final Contract value. The Contractor is expected to achieve the amount of DBE participation originally committed to at the time of award; however, additional efforts must be made to provide opportunities to DBE firms in the event a Contract's original value is increased during the life of the Contract.

The Contractor is expected to utilize the DBE subcontractors originally committed in the DBE pre-award documentation for the work and dollar value that was originally assigned.

If a DBE is terminated or is unable or unwilling to complete its work on a Contract, the Contractor shall make a GFE to replace that DBE with another certified DBE to meet the Contract goal.

The Contractor shall immediately notify the OOC of the DBE's inability or unwillingness to perform, and provide reasonable documentation and make efforts to obtain a release of work from the firm.

If the Contractor is unable to find a DBE replacement, then the Contractor should identify other contracting opportunities and solicit DBE firms in an effort to meet the Contract DBE goal requirement, if necessary, and provide documentation to support a GFE.

When a DBE is unable or unwilling to perform, or is terminated for just cause, the Contractor shall make a GFE to find other DBE opportunities to increase DBE participation to the extent necessary to at least satisfy the Contract goal.

For any DBE pre-award subcontractor that has been released appropriately from the project, no remedy will be assessed, provided that the Contractor has met the criteria described in Section II-C.

B. Administrative Remedies for Non-Compliance:

In cases where the Contractor has failed to meet the Contract specified DBE goal or the DBE pre-award commitment, and where no GFE has been demonstrated, then one or more of the following administrative remedies will be applied:

1. A reduction in Contract payments to the Contractor as determined by CTDOT, not to exceed the shortfall amount of the **DBE goal**. The maximum shortfall will be calculated by multiplying the Contract DBE goal (adjusted by any applicable GFE) by the final Contract value, and subtracting any verified final payments made to DBE firms by the Contractor.
2. A reduction in Contract payments to the Contractor determined by CTDOT, not to exceed the shortfall amount of the **pre-award commitment**. The maximum shortfall will be calculated by subtracting any verified final payments made by the Contractor to each DBE subcontractor from the amount originally committed to that subcontractor in the pre-award commitment.
3. A reduction in Contract payments to the Contractor determined by CTDOT for any pre-award DBE subcontractor who has not obtained the dollar value of work identified in the DBE pre-award commitment and has not followed the requirements of Section II-C or for any DBE firm submitted for DBE credit that has not performed a CUF.
4. The Contractor being required to submit a written DBE Program Corrective Action Plan to CTDOT for review and approval, which is aimed at ensuring compliance on future projects.
5. The Contractor being required to attend a Non-Responsibility Meeting on the next contract where it is the apparent low bidder.
6. The Contractor being suspended from bidding on contracts for a period not to exceed six (6) months.

VI. CLASSIFICATIONS OTHER THAN SUBCONTRACTORS

A. Material Manufacturers

Credit for DBE manufacturers is 100% of the value of the manufactured product. A manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the Contractor.

If the Contractor elects to utilize a DBE manufacturer to satisfy a portion of, or the entire specified DBE goal, the Contractor must provide the OOC with:

- Subcontractor Approval Form (CLA-12) indicating the firm designation,
- An executed "Affidavit for the Utilization of Material Suppliers or Manufacturers" (sample attached), and
- Substantiation of payments made to the supplier or manufacturer for materials used on the project.

B. Material Suppliers (Dealers)

Credit for DBE dealers/suppliers is limited to 60% of the value of the material to be supplied, provided such material is obtained from an approved DBE dealer/supplier.

In order for a firm to be considered a regular dealer, the firm must own, operate, or maintain 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. At least one of the following criteria must apply:

- 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 if the person both owns and operates distribution equipment for the products. Any supplementing of the regular dealers' own distribution equipment shall be by long term lease agreement, and not on an ad hoc or contract to contract basis.
- Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph.

If the Contractor elects to utilize a DBE supplier to satisfy a portion or the entire specified DBE goal, the Contractor must provide the OOC with:

- Subcontractor Approval Form (CLA-12) indicating the firm designation,
- An executed "Affidavit for the Utilization of Material Suppliers or Manufacturers" (sample attached), and
- Substantiation of payments made to the supplier or manufacturer for materials used on the project.

C. Brokering

- Brokering of work for DBE firms who have been listed by the Department as certified brokers is allowed. Credit for those firms shall be applied following the procedures in Section VI-D.
- Brokering of work by DBEs who have been approved to perform subcontract work with their own workforce and equipment is not allowed, and is a Contract violation.

- Firms involved in the brokering of work, whether they are DBEs and/or majority firms who engage in willful falsification, distortion or misrepresentation with respect to any facts related to the project shall be referred to the U.S. DOT, Office of the Inspector General for prosecution under Title 18, U.S. Code, Part I, Chapter 47, Section 1020.

D. Non-Manufacturing or Non-Supplier DBE Credit

Contractors may count towards their DBE goals the following expenditures with DBEs that are not manufacturers or suppliers:

- Reasonable fees or commissions charged for providing a bona fide service such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment materials or supplies necessary for the performance of the Contract, provided that the fee or commission is determined by the OOC to be reasonable and consistent with fees customarily allowed for similar services.
- The fees charged only for delivery of materials and supplies required on a job site when the hauler, trucker, or delivery service is a DBE, and not the manufacturer, or regular dealer of the materials and supplies, and provided that the fees are determined by the OOC to be reasonable and not excessive as compared with fees customarily allowed for similar services.
- The fees or commissions charged for providing bonds or insurance specifically required for the performance of the Contract, provided that the fees or commissions are determined by CTDOT to be reasonable and not excessive as compared with fees customarily allowed for similar services.

E. Trucking

While technically still considered a subcontractor, the rules for counting credit for DBE trucking firms are as follows:

- The DBE must own and operate at least one fully licensed, insured, and operational truck used on the Contract.
- The DBE receives credit for the total value of the transportation services it provides on the Contract using trucks it owns, insures and operates using drivers it employs.
- The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Contract.
- The DBE may lease trucks from a non-DBE firm; however the DBE may only receive credit for any fees or commissions received for arranging transportation services provided by the non-DBE firms. Additionally, the DBE firm must demonstrate that they are in full control of the trucking operation for which they are seeking credit.

VII. Suspected DBE Fraud

In appropriate cases, CTDOT will bring to the attention of the USDOT any appearance of false, fraudulent, or dishonest conduct in connection with the DBE program, so that USDOT can take the steps, e.g. referral to the

January 2013

Department of Justice for criminal prosecution, referral to USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules provided in 49 CFR Part 31.

GENERAL

CONNECTICUT DEPARTMENT OF TRANSPORTATION
(OFFICE OF CONSTRUCTION)
BUREAU OF ENGINEERING AND CONSTRUCTION

This affidavit must be completed by the State Contractor's DBE notarized and attached to the contractor's request to utilize a DBE supplier or manufacturer as a credit towards its DBE contract requirements; failure to do so will result in not receiving credit towards the contract DBE requirement

State Contract No.

Federal Aid Project No.

Description of Project

_____, acting in behalf of _____,
Name of person signing Affidavit (DBE person, firm, association or corporation)

which I am the _____ certify and affirm that _____
(Title of Person) (DBE person, firm, association or corporation)

a certified Connecticut Department of Transportation DBE. I further certify and affirm that I have read and understand 49 CFR, Sec. 5.55(e)(2), as the same may be revised.

further certify and affirm that _____ will assume the actual and
(DBE person, firm, association or Corporation)
for the provision of the materials and/or supplies sought by _____.

As a manufacturer, I operate or maintain 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.

As a supplier, I perform a commercially useful function in the supply process. As a regular dealer, I, at a minimum, own and operate the distribution equipment for bulk items. Any supplementing of my distribution equipment shall be by long-term lease agreement, and not on an ad hoc or contract-by-contract basis.

I understand that false statements made herein are punishable by Law (Sec. 53a-157), CGS, as revised).

(Name of Corporation or Firm)

(Signature & Title of Official making the Affidavit)

Subscribed and sworn to before me, this _____ day of _____ 20 _____.

Notary Public (Commissioner of the Superior Court)

My Commission Expires _____

CERTIFICATE OF CORPORATION

I, _____, certify that I am the _____
(Official) (President)

of the Corporation named in the foregoing instrument; that I have been duly authorized to affix the seal of the Corporation to such papers as require the seal; that _____, who signed said instrument on behalf of the Corporation, was then _____ of said Corporation; that said instrument was duly signed for and in behalf of said Corporation by authority of its governing body and is within the scope of its Corporation powers.

(Signature of Person Certifying)

(Date)

ATTACHMENT D
GOOD FAITH EFFORTS
REQUIREMENTS

APPENDIX A TO 49 CFR PART 26 -- GUIDANCE CONCERNING GOOD FAITH EFFORTS

- I. When, as a recipient, you establish a contract goal on a DOT-assisted contract, a bidder must, in order to be responsible and/or responsive, make good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.
- II. In any situation in which you have established a contract goal, part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, it is up to you to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.
- III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.
- IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.
 - A. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
 - B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate,

breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

- C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.
- (2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
- E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
- F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
- G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women

business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

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

DISADVANTAGED BUSINESS ENTERPRISES AS SUBCONTRACTORS AND MATERIAL SUPPLIERS OR MANUFACTURERS

Revised – May 2000

NOTE: Certain of the requirements and procedures stated in this special provision are applicable prior to the award and execution of the contract document.

I. ABBREVIATIONS AND DEFINITIONS AS USED IN THIS SPECIAL PROVISION

- A. "CDOT" means the Connecticut Department of Transportation.
- B. "DOT" means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration ("FHWA"), the Federal Transit Administration ("FTA"), and the Federal Aviation Administration ("FAA").
- C. "Broker" is acting as an agent for others in negotiating contracts, agreements, purchases, sales, etc., in return for a fee or commission.
- D. "Contract," "agreement" or "subcontract" means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For the purposes of this provision a lease for equipment or products is also considered to be a contract.
- E. "Contractor," means consultant, second party or any other entity doing business with CDOT or, as the context may require, with another contractor.
- F. "Disadvantaged Business Enterprise" ("DBE") means a small business concern:
1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock of which is owned by one or more such individuals; and
 2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- G. "DOT-assisted contract" means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees.
- H. "Good Faith Efforts" means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement. Refer to Appendix A of 49

CFR Part 26 – "Guidance Concerning Good Faith Efforts," a copy of which is attached to this provision, for guidance as to what constitutes good faith efforts.

- I. "Small Business Concern" means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to Section 3 of the Small Business Act and Small Business Administration ("SBA") regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts specified in 49 CFR Part 26 Section 26.65(b).
- J. "Socially and Economically Disadvantaged Individuals" means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is—
 1. Any individual who CDOT finds on a case-by-case basis to be a socially and economically disadvantaged individual.
 2. Any individuals in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - i. "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
 - ii. "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - iii. "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - iv. "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - v. "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - vi. Women;
 - vii. Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

II. GENERAL REQUIREMENTS

- A. 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 DOT deems appropriate.
- B. The Contractor shall cooperate with CDOT and DOT in implementing the requirements concerning DBE utilization on this contract in accordance with Title 49 of the Code of Federal Regulations, Part 26 entitled Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs ("49 CFR Part 26") as revised. The Contractor shall also cooperate with CDOT and DOT in reviewing the Contractor's activities relating to this provision. This Special Provision is in addition to all other equal opportunity employment requirements of this Contract.
- C. The Contractor shall designate a liaison officer who will administer the Contractor's DBE program. Upon execution of this contract, the name of the liaison officer shall be furnished to the Division of Contract Compliance of CDOT, in writing.
- D. For the purpose of this Special Provision, DBEs to be used to satisfy the DBE goal must be certified by CDOT's Division of Contract Compliance for the type(s) of work they will perform.
- E. If the Contractor allows work designated for DBE participation required under the terms of this Contract and required under Paragraph III-B to be performed by other than the named DBE organization without concurrence from the Office of Construction, CDOT will not pay the Contractor for the value of the work performed by organizations other than the designated DBE.
- F. At the completion of all Contract work, the Contractor shall submit a final report to CDOT's unit administering the Contract indicating the work done by, and the dollars paid to DBEs. If the Contractor does not achieve the specified Contract goals for DBE participation, the Contractor shall also submit written documentation to the CDOT unit administering the Contract detailing its good faith efforts to satisfy the goal that were made during the performance of the Contract. Documentation is to include but not be limited to the following:
1. A detailed statement of the efforts made to select additional subcontracting opportunities to be performed by DBEs in order to increase the likelihood of achieving the stated goal.
 2. A detailed statement, including documentation of the efforts made to contact and solicit bids with CDOT certified DBEs, including the names, addresses, dates and

telephone numbers of each DBE contacted, and a description of the information provided to each DBE regarding the scope of services and anticipated time schedule of work items proposed to be subcontracted and nature of response from firms contacted.

3. Provide a detailed statement for each DBE that submitted a subcontract proposal, which the Contractor considered not to be acceptable stating the reasons for this conclusion.
 4. Provide documents to support contacts made with CDOT requesting assistance in satisfying the Contract specified goal.
 5. Provide documentation of all other efforts undertaken by the Contractor to meet the defined goal.
- G. Failure of the Contractor at the completion of all Contract work to have at least the specified percentage of this Contract performed by DBEs as required in Paragraph III-B will result in the reduction in Contract payments to the Contractor by an amount determined by multiplying the total Contract value by the specified percentage required in Paragraph III-B and subtracting from that result, the dollar payments for the work actually performed by DBEs. However, in instances where the Contractor can adequately document or substantiate its good faith efforts made to meet the specified percentage to the satisfaction of CDOT, no reduction in payments will be imposed.
- H. All records must be retained for a period of three (3) years following acceptance by CDOT of the Contract and shall be available at reasonable times and places for inspection by authorized representatives of CDOT and Federal agencies. If any litigation, claim, or audit is started before the expiration of the three (3) year period, the records shall be retained until all litigation, claims, or audits findings involving the records are resolved.
- I. Nothing contained herein, is intended to relieve any Contractor or subcontractor or material supplier or manufacturer from compliance with all applicable Federal and State legislation or provisions concerning equal employment opportunity, affirmative action, nondiscrimination and related subjects during the term of this Contract.

III. SPECIFIC REQUIREMENTS:

In order to increase the participation of DBEs, CDOT requires the following:

- A. The Contractor shall assure that certified DBEs will have an opportunity to compete for subcontract work on this Contract, particularly by arranging solicitations, time for the

preparation of proposals for services to be provided so as to facilitate the participation of DBEs regardless if a Contract goal is specified or not.

- B. Contract goal for DBE participation equaling 11 percent of the total Contract value has been established for this Contract. Compliance with this provision may be fulfilled when a DBE or any combination of DBEs perform work under contract in accordance with 49 CFR Part 26 Subpart C Section 26.55, as revised. **Only work actually performed by and/or services provided by DBEs which are certified for such work and/or services can be counted toward the DBE goal. Supplies and equipment a DBE purchases or leases from the prime contractor or its affiliate can not be counted toward the goal.**

If the Contractor does not document commitments, by subcontracting and/or procurement of material and/or services that at least equal the goal, it must document the good faith efforts that outline the steps it took to meet the goal in accordance with VII.

- C. The low bidder shall indicate, in writing on the forms provided by CDOT, to the Manager of Contracts within 14 days after the bid opening, the DBE(s) it will use to achieve the goal indicated in III-B. The submission shall include the name and address of each DBE that will participate in this Contract, a description of the work each will perform, the dollar amount of participation, and the percentage this is of the bid amount. This information shall be signed by the named DBE and the low bidder. The named DBE shall be from a list of certified DBEs available from CDOT. **In addition, the named DBE(s) shall be certified to perform the type of work they will be contracted to do.**
- D. The prime Contractor shall submit to the Manager of Construction Operations all requests for subcontractor approvals on the standard forms provided by CDOT.

If the request for approval is for a DBE subcontractor for the purpose of meeting the Contract DBE goal, a copy of the legal contract between the prime and the DBE subcontractor must be submitted along with the request for subcontractor approval. Any subsequent amendments or modifications of the contract between the prime and the DBE subcontractor must also be submitted to the Manager of Construction Operations with an explanation of the change(s). The contract must show items of work to be performed, unit prices and, if a partial item, the work involved by all parties.

In addition, the following documents are to be attached:

1. An explanation indicating who will purchase material.
2. A statement explaining any method or arrangement for renting equipment. If rental is from a prime, a copy of the Rental Agreement must be submitted.

3. A statement addressing any special arrangements for manpower.
- E. The Contractor is required, should there be a change in a DBE they submitted in III-C, to submit documentation to CDOT's Office of Construction which will substantiate and justify the change, (i.e., documentation to provide a basis for the change for review and approval by CDOT's Office of Construction) prior to the implementation of the change. The Contractor must demonstrate that the originally named DBE is unable to perform in conformity to the scope of service or is unwilling to perform, or is in default of its contract, or is overextended on other jobs. **The Contractor's ability to negotiate a more advantageous agreement with another subcontractor is not a valid basis for change.** Documentation shall include a letter of release from the originally named DBE indicating the reason(s) for the release.
 - F. Contractors subcontracting with DBEs to perform work or services as required by this Special Provision shall not terminate such firms without advising CDOT's Office of Construction in writing, and providing adequate documentation to substantiate the reasons for termination if the DBE has not started or completed the work or the services for which it has been contracted to perform.
 - G. When a DBE is unable or unwilling to perform or is terminated for just cause the contractor shall make good faith efforts to find other DBE opportunities to increase DBE participation to the extent necessary to at least satisfy the goal required by III-B.
 - H. In instances where an alternate DBE is proposed, a revised submission to CDOT's Office of Construction together with the documentation required in III-C, III-D, and III-E, must be made for its review and approval.
 - I. Each quarter after execution of the Contract, the Contractor shall submit a report to CDOT's unit administering the Contract indicating the work done by, and the dollars paid to the DBE for the current quarter and to date.

IV. MATERIAL SUPPLIERS OR MANUFACTURERS

- A. If the Contractor elects to utilize a DBE supplier or manufacturer to satisfy a portion or all of the specified DBE goal, the Contractor must provide the CDOT with:
 1. An executed Affidavit "Connecticut Department of Transportation (Office of Construction) Bureau of Highway" (sample attached), and
 2. Substantiation of payments made to the supplier or manufacturer for materials used on the project.

B. Credit for DBE suppliers is limited to 60% of the value of the material to be supplied, provided such material is obtained from a regular DBE dealer. A regular dealer is a firm that owns, operates, or maintains a store, warehouse or other establishment in which the materials or supplies required for the performance of 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 engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone and petroleum products, need not keep such products in stock if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as material suppliers or manufacturers.

C. Credit for DBE manufacturers is 100% of the value of the manufactured product. A manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the Department of Transportation or contractor.

V. NON-MANUFACTURING OR NON-SUPPLIER DBE CREDIT:

Contractors may count towards its DBE goals the following expenditures with DBEs that are not manufacturers or suppliers:

1. Reasonable fees or commissions charged for providing a bona fide service such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment materials or supplies necessary for the performance of the contract provided that the fee or commission is determined by the CDOT to be reasonable and consistent with fees customarily allowed for similar services.
2. The fees charged for delivery of materials and supplies required on a job site (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is a DBE but is not also the manufacturer of or a regular dealer in the materials and supplies, provided that the fee is determined by the CDOT to be reasonable and not excessive as compared with fees customarily allowed for similar services.
3. The fees or commissions charged for providing bonds or insurance specifically required for the performance of the contract, provided that the fee or commission is determined by the CDOT to be reasonable and not excessive as compared with fees customarily allowed for similar services.

VI. BROKERING

- A. Brokering of work by DBEs who have been approved to perform subcontract work with their own workforce and equipment is not allowed, and is a contract violation.
- B. DBEs involved in the brokering of subcontract work that they were approved to perform may be decertified.
- C. Firms involved in the brokering of work, whether they are DBEs and/or majority firms who engage in willful falsification, distortion or misrepresentation with respect to any facts related to the project shall be referred to the U.S. Department of Transportation's Office of the Inspector General for prosecution under Title 18, U.S. Code, Section 10.20.

VII. REVIEW OF PRE-AWARD GOOD FAITH EFFORTS

- A. If the Contractor does not document pre-award commitments, by subcontracting and/or procurement of material and/or services that at least equal the goal stipulated in III-B, the Contractor must document the good faith efforts that outline the specific steps it took to meet the goal. The Contract will be awarded to the Contractor if its good faith efforts are deemed satisfactory and approved by CDOT. To obtain such an exception, the Contractor must submit an application to CDOT's Manager of Contracts, which documents the specific good faith efforts that were made to meet the DBE goal. Application forms for Review of Pre-Award Good Faith Efforts are available from CDOT's Division of Contract Administration.

The application must include the following documentation:

1. a statement setting forth in detail which parts, if any, of the contract were reserved by the contractor and not available for bid from subcontractors;
2. a statement setting forth all parts of the contract that are likely to be sublet.
3. a statement setting forth in detail the efforts made to select subcontracting work in order to likely achieve the stated goal.
4. copies of all letters sent to DBEs;
5. a statement listing the dates and DBEs that were contacted by telephone and the result of each contact;
6. a statement listing the dates and DBEs that were contacted by other means other than telephone and the result of each contact;
7. copies of letters received from DBEs in which they decline to bid;

8. a statement setting forth the facts with respect to each DBE bid received and the reason(s) any such bid was declined;
9. a statement setting forth the dates that calls were made to CDOT's Division of Contract Compliance seeking DBE referrals and the result of each such call; and
10. any information of a similar nature relevant to the application.

The review of the Contractor's good faith efforts may require an extension of time for award of the Contract. In such a circumstance and in the absence of other reasons not to grant the extension or make the award CDOT will agree to the needed extension(s) of time for the award of the Contract, provided the Contractor and the surety also agree to such extension(s).

- B. Upon receipt of the submission of an application for review of pre-award good faith efforts, CDOT's Manager of Contracts shall submit the documentation to the Division of Contract Compliance who will review the documents and determine if the package is complete and accurate and adequately documents the Contractor's good faith efforts. Within 14 days of receipt of the documentation the Division of Contract Compliance shall notify the Contractor by certified mail of the approval or denial of its good faith efforts.
- C. If the Contractor's application is denied, the Contractor shall have seven (7) days upon receipt of written notification of denial to request administrative reconsideration. The Contractor's request for administrative reconsideration should be sent in writing to: Manager of Contracts, P.O. Box 317546, Newington, CT 06131-7546. The Manager of Contracts will forward the Contractor's reconsideration request to the DBE Screening Committee. The DBE Screening Committee will schedule a meeting within 14 days from receipt of the Contractor's request for administrative reconsideration and advise the Contractor of the date, time and location of the meeting. At this meeting the Contractor will be provided with the opportunity to present written documentation and/or argument concerning the issue of whether it made adequate good faith efforts to meet the goal. Within seven (7) days following the reconsideration meeting, the chairperson of the DBE Screening Committee will send the contractor via certified mail a written decision on its reconsideration request, explaining the basis of finding either for or against the request. **If the reconsideration is denied the Contractor shall indicate in writing to the Manager of Contracts within 14 days of receipt of written notification of denial, the DBEs it will use to achieve the goal indicated in III-B.**
- D. Approval of pre-award good faith efforts does not relieve the Contractor from its obligation to make additional good faith efforts to achieve the DBE goal should contracting opportunities arise during actual performance of the Contract work.

**CONNECTICUT DEPARTMENT OF TRANSPORTATION
(OFFICE OF CONSTRUCTION)
BUREAU OF ENGINEERING AND HIGHWAY OPERATIONS**

This affidavit must be completed by the State Contractor's DBE notarized and attached to the contractor's request to utilize a DBE supplier or manufacturer as a credit towards its DBE contract requirements; failure to do so will result in not receiving credit towards the contract DBE requirement.

State Project No.

Federal Aid Project No.

Description of Project

I, _____, acting in behalf of _____
(Name of person signing Affidavit) (DBE person, firm, association or corporation)
of which I am the _____ certify and affirm that _____

(Title of Person) (DBE person, firm, association or corporation)

is a certified Connecticut Department of Transportation DBE. I further certify and affirm that I have read and understand 49 CFR, Sec. 26.55(e)(2), as the same may be revised.

I further certify and affirm that _____ will assume the actual and
(DBE person, firm, association or Corporation)

for the provision of the materials and/or supplies sought by _____
(State Contractor)

If a manufacturer, I produce goods from raw materials or substantially alter them before resale, or if a supplier, I perform a commercially useful function in the supply process.

I understand that false statements made herein are punishable by Law (Sec. 53a-157), CGS, as revised).

(Name of Corporation or Firm)

(Signature & Title of Official making the Affidavit)

Subscribed and sworn to before me, this _____ day of _____ 20 _____.

Notary Public (Commissioner of the Superior Court)

My Commission Expires

CERTIFICATE OF CORPORATION

I, _____, certify that I am the
(Official)

of the Corporation named in the foregoing instrument; that I have been duly authorized to affix the seal of the Corporation to such papers as require the seal; that _____, who signed said instrument on behalf of the Corporation, was then of said corporation; that said instrument was duly signed for and in behalf of said Corporation by authority of its governing body and is within the scope of its corporation powers.

(Signature of Person Certifying)

(Date)

VOLUNTARY PARTNERING

The Connecticut Department of Transportation (ConnDOT) intends to encourage the foundation of a cohesive partnership with the Contractor and its principal subcontractors on this project. This partnership will be structured to draw on the strengths of each organization to identify and achieve reciprocal goals. The objectives are effective and efficient contract performance and completion within budget, on schedule, and in accordance with plans and specifications.

This partnership will be bilateral in makeup, and participation will be totally voluntary. Any cost associated with effectuating this partnering will be agreed to by both parties and will be shared equally.

To implement this partner initiative, the Contractor and ConnDOT will meet and plan a partnering development seminar/team building workshop. At this planning session arrangements will be made to determine attendees at the workshop, agenda of the workshop, duration and location. Persons required to be in attendance will be the ConnDOT District Engineer and key project personnel, the Contractor's on-site project manager and key supervision personnel of both the prime and principal subcontractors. The project design engineers and key local government personnel will also be required to have Regional/District and Corporate/State level managers on the project team.

Follow-up workshops will be held periodically throughout the duration of the Contract as agreed by the Contractor and ConnDOT.

The establishment of a partnership charter on a project will not change the legal relationship of the parties to the Contract nor relieve either party from any of the terms of the Contract.

ConnDOT and the Contractor will jointly select a facilitator to conduct the partnering workshops. The Contractor will obtain the services of the chosen facilitator and ConnDOT will reimburse the Contractor for fifty percent (50%) of the costs agreed to between ConnDOT and the Contractor.

REQUIREMENTS OF TITLE 49, CODE OF FEDERAL REGULATIONS PART 26

The contractor, subrecipient 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.

Connecticut Department of Transportation Application for Review of Pre-award Good Faith Efforts

Directions: A contractor who is unable to meet the percentage goals set forth in the Special Provisions Disadvantaged Business Enterprises As Subcontractors And Material Suppliers Or Manufacturers – Part III-B shall submit the attached application requesting a review of its good faith efforts to meet the goal.

The Contractor must show that it took all necessary and reasonable steps to achieve the DBE goal which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation. Appendix A of 49 CFR Part 26 - "Guidance Concerning Good Faith Efforts" will be generally but not exclusively, utilized in evaluating good faith efforts. All applications must be in writing, signed and dated and include the following:

1. a statement setting forth in detail which parts, if any, of the contract were reserved by the contractor and not available for bid from subcontractors;
2. a statement setting forth all parts of the contract that are likely to be sublet.
3. a statement setting forth in detail the efforts made to select subcontracting work in order to likely achieve the stated goal.
4. copies of all letters sent to DBEs;
5. a statement listing the dates and DBEs that were contacted by telephone and the result of each contract;
6. a statement listing the dates and DBEs that were contacted by other means other than telephone and the result of each contact;
7. copies of letters received from DBEs in which they decline to bid;
8. a statement setting forth the facts with respect to each DBE bid received and the reason(s) any such bid was declined;
9. a statement setting forth the dates that calls were made to CDOT's Division of Contract Compliance seeking DBE referrals and the result of each such call; and
10. any information of a similar nature relevant to the application.

All applications shall be submitted to the Manager of Contracts. Upon receipt of the submission requesting a review of pre-award good faith efforts, CDOT's Manager of Contracts shall submit the documentation to the Division of Contract Compliance who will review the documents and determine if the package is complete and accurate and adequately documents the Contractor's good faith efforts. Within 14 days of receipt of the documentation the Division of Contract Compliance shall notify the Contractor by certified mail of the approval or denial of its good faith efforts.

If the Contractor's application is denied, the Contractor shall have seven (7) days upon receipt of written notification of denial to request administrative reconsideration. The Contractor's request for administrative reconsideration should be sent in writing to: Manager of Contracts, P.O. Box 317546, Newington, CT 06131-7546. The Manager of Contracts will forward the Contractor's reconsideration request to the DBE Screening Committee. The DBE Screening Committee will schedule a meeting within 14 days from receipt of the Contractor's request for administrative reconsideration and advise the Contractor of the date, time and location of the meeting. At this meeting the Contractor will be provided with the opportunity to present written documentation and/or argument concerning the issue of whether it made adequate good faith efforts to meet the goal. Within seven (7) days following the reconsideration meeting, the chairperson of the DBE Screening Committee will send the contractor via certified mail a written decision on its reconsideration request, explaining the basis of finding either for or against the request. The DBE Screening Committee's decision is final.

Connecticut Department of Transportation

Process and Application for Review of Pre-award Good Faith Efforts

If you, the contractor, is unable to meet the goal set forth in the project special provisions for which you have submitted an apparent low bid, you may request that the Department find that you have made all possible efforts to meet the goal in good faith.

You, as the apparent low bidder, must show that you have taken all reasonable steps to achieve the DBE goal which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation.

Appendix A of 49 CFR Part 26—**Guidance Concerning Good Faith Efforts** will be generally but not exclusively utilized in evaluating good faith effort applications. All applicants must use this form. And include the following:

- 1- Using the items list, identify the item performed in-house and items available to be subcontracted.
- 2- Based on the prices on your proposal identify the percentage of in-house work and work to be sublet for each item.
- 3- Indicate all steps taken to identify DBE firms to match the work to be sublet in step 2.
- 4- List all DBE firms identified.
- 5- All communications between you and the firms identified in Step 4 to show your solicitation and their responses.
- 6- Any information of a similar nature relevant to the application.

All applications must be delivered to the Office of Contracts to the attention of the Post-Bid Unit. Division of Contract Compliance will evaluate the application and you, the apparent low bidder, will be notified of approval, denial, or request for additional documentation.

In cases where the application is denied, the apparent low bidder shall have seven (7) days from the date of notification to request administrative reconsideration or submit additional work to DBE firms to meet the goal.

The request for the administrative reconsideration must be made in writing to:

Manager of Contracts Section
P. O. Box 317546
Newington, CT 06131-7546

This reconsideration request will be forwarded to the DBE Screening Committee and a meeting will be scheduled with the requester. At the meeting the apparent low bidder will have an opportunity to present documentation and/or arguments concerning the issue of whether it made adequate Good Faith Efforts to meet the goal or that the goal was excessive on the project based on subcontracting opportunities.

Within seven (7) days following the reconsideration meeting, the chairperson of the committee will notify you of the decision. The DBE Screening Committee's decision is final.

2- Based on the prices on your proposal identify the percentage of in-house work and work available to be sublet.

In-house Dollar amount: \$

In-house % of total bid: %

Available Dollar amount for sublet: \$

Available Sublet % of total bid: %

For the following three (3) requirements, use attachments.

- 3- Indicate all steps taken to identify DBE firms to match the work to be sublet in step 2.
- 4- List all DBE firms identified and contacted, and include what work was offered.
- 5- All communications between you and the firms identified in Step 4 to show your solicitation and their responses. Include all emails and responses, phone logs with contact name and the date contacted, faxes, mail communications.
- 6- Include any information of a similar nature relevant to the application.

Signature/Print Name

Date

ATTACHMENT E

SAMPLE PAGE OF DBE DIRECTORY



CONNECTICUT
DEPARTMENT OF TRANSPORTATION



1/10/09

Search

Search Results

Search Results

List of companies matching search criteria

[Page Help](#)

Search Criteria: Company Name includes 'a'

Items per Page 25

<< < 1 > >>

230 total companies listed

Company Name	Services	Other Info
A & R Trucking, LLC 66 Joshua Hill Windsor, CT 06095 Contact: Royal, Aubrey Phone: (860) 306-8742 FAX: (860) 298-0880 Email: artrucking2000@yahoo.com	Trucking of Construction Materials.	Ethnicity: BL Gender: M
A & S Construction Services, LLC P.O. Box 135 47 Winchester Street Winsted, CT 06098 Contact: Fracasso, Susan Phone: (860) 379-3028 FAX: (860) 379-7296 Email: a.s@snet.net	Construction Material Site Work and Trucking.	Ethnicity: WH Gender: F
A Best Buy Premium Fuel & Trucking, LLC 155 Hemingway Avenue East Haven, CT 06512 Contact: Tomassini, Nancy Phone: (203) 468-6966 FAX: (203) 467-0859	Broker: Dump Truck Rentals; Diesel & Oil Sales.	Ethnicity: WH Gender: F
A I Engineers, Inc. 919 Middle Street Middletown, CT 06457 Contact: Islam, Abulkhair Phone: (860) 635-7740 FAX: (860) 635-7312 Email: aislam@aiengineers.com	Industrial Building Construction, Commercial and Institutional Building Construction, Water & Sewer Line & Related Structures Construction, Power & Communication Line and Related Structures Construction, Highway, Street and Bridge Construction. WebSite: http://www.aiengineers.com	Ethnicity: A Gender: M
A. Laugeni & Son, Inc. 370 Ardale Street West Haven, CT 06516	Bridge Painting, Lead Abatement, Equipment Sales & Rental, Concrete Coatings, Maintenance & Protection of Traffic.	Ethnicity: WH Gender: F

ATTACHMENT F
UNIFORM CERTIFICATION
APPLICATION

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

UNIFORM CERTIFICATION APPLICATION

ROADMAP FOR APPLICANTS

Should I apply?

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

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

Is there an easier way to apply?

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

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

Where can I find more information?

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

Under Sec. 26.107 of 49 CFR Part 26, dated February 2, 1999, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 49 CFR Part 29, take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.

**INSTRUCTIONS FOR COMPLETING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE)
PROGRAM UNIFORM CERTIFICATION APPLICATION**

NOTE: If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

A. Prior/Other Certifications

Check the appropriate box indicating for which program your firm is currently certified. If you are already certified as a DBE, indicate in the appropriate box the name of the certifying agency that has previously certified your firm, and also indicate whether your firm has undergone an onsite visit. If your firm has already undergone an onsite visit/review, indicate the most recent date of that review and the state UCP that conducted the review.

NOTE: If your firm is currently certified under the SBA's 8(a) and/or SDB programs, you may not have to complete this application. You should contact your state UCP to find out about a streamlined application process for firms that are already certified under the 8(a) and SDB programs.

B. Prior/Other Applications and Privileges

Indicate whether your firm or any of the persons listed has ever withdrawn an application for a DBE program or an SBA 8(a) or SDB program, or whether any have ever been denied certification, decertified, debarred, suspended, or had bidding privileges denied or restricted by any state or local agency or Federal entity. If your answer is yes, indicate the date of such action, identify the name of the agency, and explain fully the nature of the action in the space provided.

Section 2: GENERAL INFORMATION

A. Contact Information

- (1) State the name and title of the person who will serve as your firm's primary contact under this application.
- (2) State the legal name of your firm, as indicated in your firm's Articles of Incorporation.
- (3) Indicate the primary phone number of your firm.
- (4) Indicate a secondary phone number, if any.
- (5) Indicate your firm's fax number, if any.
- (6) Indicate your firm's or your contact person's email address.
- (7) Indicate your firm's website address, if any.
- (8) State the street address of your firm (i.e. the physical location of its offices -- not a post office box address).
- (9) State the mailing address of your firm, if it is different from your firm's street address.

B. Business Profile

- (1) In the box provided, briefly describe the primary business and professional activities in which your firm engages.
- (2) Give the Federal Tax ID number of your firm as provided on your firm's filed tax returns, if you have one. This could also be the Social Security number of the owner of your firm.
- (3) Give the date on which your firm was officially established, as stated in your firm's Articles of Incorporation.

- (4) Give the date on which you and/or each other owner took ownership of the firm.
- (5) Check the appropriate box that describes the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit."

NOTE: If you checked "No," then you do NOT qualify for the DBE program and therefore do not need to complete the rest of this application. The DBE program requires all participating firms be for-profit enterprises.

- (7) Check the appropriate box that describes the legal form of ownership of your firm, as indicated in your firm's Articles of Incorporation. If you checked "Other," briefly explain in the space provided.
- (8) Check the appropriate box that indicates whether your firm has ever existed under different ownership, a different type of ownership, or a different name. If you checked "Yes," specify which and briefly explain the circumstances in the space provided.
- (9) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time and part-time basis.
- (10) Specify the total gross receipts of your firm for each of the past three years, as declared in your firm's filed tax returns.

C. Relationships with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, or any office staff with any other business, organization, or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and briefly explain the nature of the shared facilities or other items in the space provided.
- (2) Check the appropriate box that indicates whether at present, or at any time in the past:
 - (a) your firm has been a subsidiary of any other firm;
 - (b) your firm consisted of a partnership in which one or more of the partners are other firms;
 - (c) your firm has owned any percentage of any other firm; and
 - (d) your firm has had any subsidiaries of its own.
- (3) Check the appropriate box that indicates whether any other firm has ever had an ownership interest in your firm.

- (4) If you answered "Yes" to any of the questions in (2)(a)-(d) or (3), identify the name, address and type of business for each.

D. Immediate Family Member Businesses

Check the appropriate box that indicates whether any of your immediate family members own or manage another company. An "immediate family member" is any person who is your father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law. If you answered "Yes," provide the name of each relative, your relationship to them, the name of the company they own or manage, the type of business, and whether they own or manage the company.

Section 3: OWNERSHIP

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

A. Background Information

- (1) Give the name of the owner.
- (2) State his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) State his/her home (street) address.
- (5) Check the appropriate box that indicates this owner's gender.
- (6) Check the appropriate box that indicates this owner's ethnicity (check all that apply). If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen.
- (8) If this owner is not a U.S. citizen, check the appropriate box that indicates whether this owner is a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner. This, however, does not necessarily disqualify your firm altogether from the DBE program if another owner is a U.S. citizen or lawfully admitted permanent resident and meets the program's other qualifying requirements.

B. Ownership Interest

- (1) State the number of years during which this owner has been an owner of your firm.
- (2) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment.
- (3) State the percentage of total ownership control of your firm that this owner possesses.
- (4) State the familial relationship of this owner to each other owner of your firm.
- (5) Indicate the number, percentage of the total, class, date acquired, and method by which this owner acquired his/her shares of stock in your firm.

- (6) Check the appropriate box that indicates whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's title or function held in that business.

- (7) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business and this owner's title or function held in that business. Briefly describe the nature of the business relationship in the space provided.

C. Disadvantaged Status

NOTE: You only need to complete this section for each owner that is applying for DBE qualification (i.e. for each owner who is claiming to be "socially and economically disadvantaged" and whose ownership interest is to be counted toward the control and 51% ownership requirements of the DBE program)

- (1) Indicate in the space provided the total Personal Net Worth (PNW) of each owner who is applying for DBE qualification. Use the PNW calculator form at the end of this application to compute each owner's PNW.
- (2) Check the appropriate box that indicates whether any trust has ever been created for the benefit of this disadvantaged owner. If you answered "Yes," briefly explain the nature, history, purpose, and current value of the trust(s).

Section 4: CONTROL

A. Identify your firm's Officers and Board of Directors:

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

B. Identify your firm's management personnel (by name, title, ethnicity, and gender) who control your firm in the following areas:

- (1) Making of financial decisions on your firm's behalf, including the acquisition of lines of credit, surety bonds, supplies, etc.;
 - (2) Estimating and bidding, including calculation of cost estimates, bid preparation and submission;
 - (3) Negotiating and contract execution, including participation in any of your firm's negotiations and executing contracts on your firm's behalf;
 - (4) Hiring and/or firing of management personnel, including interviewing and conducting performance evaluations;
 - (5) Field/Production operations supervision, including site supervision, scheduling, project management services, etc.;
 - (6) Office management;
 - (7) Marketing and sales;
 - (8) Purchasing of major equipment;
 - (9) Signing company checks (for any purpose); and
 - (10) Conducting any other financial transactions on your firm's behalf not otherwise listed.
 - (11) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
 - (12) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the name of the person, and the nature of his/her business relationship with that other firm.
- C. Indicate your firm's inventory in the following categories:**
- (1) **Equipment**
State the type, make and model, and current dollar value of each piece of equipment held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm.
 - (2) **Vehicles**
State the type, make and model, and current dollar value of each motor vehicle held and/or used by your firm. Indicate whether each vehicle is either owned or leased by your firm.
 - (3) **Office Space**
State the street address of each office space held and/or used by your firm. Indicate whether your firm owns or leases the office space and the current dollar value of that property or its lease.
 - (4) **Storage Space**
State the street address of each storage space held and/or used by your firm. Indicate whether your firm owns or leases the storage space and the current dollar value of that property or its lease.
- D. Does your firm rely on any other firm for management functions or employee payroll?**
Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered

"Yes," briefly explain the nature of that reliance and the extent to which the other firm carries out such functions.

E. Financial Information

(1) **Banking Information**

- (a) State the name of your firm's bank.
- (b) Give the main phone number of your firm's bank branch.
- (c) Give the address of your firm's bank branch.

(2) **Bonding Information**

- (a) State your firm's Binder Number.
- (b) State the name of your firm's bond agent and/or broker.
- (c) Give your agent's/broker's phone number.
- (d) Give your agent's/broker's address.
- (e) State your firm's bonding limits (in dollars), specifying both the Aggregate and Project Limits.

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

State the name and address of each source, the original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm.

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years:

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

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

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and the license/permit number and issuing State of the license or permit.

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

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

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

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

AFFIDAVIT & SIGNATURE

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

Section 1: CERTIFICATION INFORMATION

A. Prior/Other Certifications

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

B. Prior/Other Applications and Privileges

Has your firm (under any name) or any of its owners, Board of Directors, officers or management personnel, ever withdrawn an application for any of the programs listed above, or ever been denied certification, decertified, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity?
 Yes, on ___ / ___ / ___ No
 If Yes, identify State and name of state, local, or Federal agency and explain the nature of the action:

Section 2: GENERAL INFORMATION

A. Contact Information

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

B. Business Profile

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

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

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

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

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

(10) Specify the gross receipts of the firm for the last 3 years:

Year _____	Total receipts \$ _____
Year _____	Total receipts \$ _____
Year _____	Total receipts \$ _____

C. Relationships with Other Businesses

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

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

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

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

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

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

D. Immediate Family Member Businesses

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

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

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

Section 3: OWNERSHIP

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

A. Background Information

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

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to	<u>Type</u>	<u>Dollar Value</u>
(3) Percentage owned:	acquire ownership	Cash	\$
(4) Familial relationship to other owners:	interest in firm:	Real Estate	\$
		Equipment	\$
		Other	\$
(5) Shares of Stock: <u>Number</u> <u>Percentage</u> <u>Class</u> <u>Date acquired</u> <u>Method Acquired</u>			
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Name of Business: _____ Function/Title: _____			
(7) Does this owner own or work for any other firm(s) that has a relationship with this firm <i>(e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Name of Business: _____ Function/Title: _____ Nature of Business Relationship: _____			

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

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

Section 4: CONTROL

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

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

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

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

(4) Do any of the persons listed (1) and/or (2) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? Yes No

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

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

	Name	Title	Ethnicity	Gender
(1) Financial Decisions <i>(responsibility for acquisition of lines of credit, surety bonding, supplies, etc.)</i>	a.			
	b.			
(2) Estimating and bidding	a.			
	b.			
(3) Negotiating and Contract Execution	a.			
	b.			
(4) Hiring/firing of management personnel	a.			
	b.			
(5) Field/Production Operations Supervisor	a.			
	b.			
(6) Office management	a.			
	b.			
(7) Marketing/Sales	a.			
	b.			
(8) Purchasing of major equipment	a.			
	b.			
(9) Authorized to Sign Company Checks (for any purpose)	a.			
	b.			
(10) Authorized to make Financial Transactions	a.			
	b.			

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

(12) Do any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)?
 Yes No

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

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

(1) Equipment

Type of Equipment	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(2) Vehicles

Type of Vehicle	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(3) Office Space

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

(4) Storage Space

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

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

If Yes, explain:

E. Financial Information

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

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

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

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

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

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

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

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

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

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

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

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

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

All Applicants

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

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

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

Trucking Company

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

Regular Dealer

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

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

AFFIDAVIT OF CERTIFICATION

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

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

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

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

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its 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 or subcontract, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency on an ongoing basis, current, complete and accurate information regarding (1) work performed on the project; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to provide written notice to the recipient agency or Unified Certification Program (UCP) of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, etc.).

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

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

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.

Executed on _____ (Date)

Signature _____
(DBE Applicant)

NOTARY CERTIFICATE

Instructions to Assist in Completing the Personal Financial Statement (SBA Form 413) for the Connecticut Unified Certification Program

Please do not make adjustments to your figures pursuant to U.S. Department of Transportation (U.S. DOT) regulations 49 CFR Part 26. The agency that you apply to will use the information provided on your completed Personal Financial Statement to determine your *Personal Net Worth According to 49 CFR Part 26*. An individual's *Personal Net Worth According to 49 CFR Part 26* includes only his or her own share of assets held 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.

If your *Personal Net Worth According to 49 CFR Part 26* exceeds the \$1.32 million cap and you, individually, or you and other individuals are the majority owners of an applicant firm, the firm is not eligible for DBE certification. If the *Personal Net Worth According to 49 CFR Part 26* 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 the firm no longer qualifies.

General Instructions

- You must fill out all line items on the Personal Financial Statement (SBA Form 413) to the best of your ability.
- On the form, above the *Personal Financial Statement* heading, indicate if financial information is for a "married couple" or "single individual."
- On a separate sheet, identify all property that is not held jointly or as community property, and include values and ownership.
- If necessary, use additional sheet(s) of paper to report all information and details.
- If you have any questions about completing this form, please contact one of the certifying agencies on the Roster of Certifying Agencies.

Specific Instructions

DATE AND CONTACT INFORMATION

Be sure to include the date in the upper right corner of the first page and your contact information.

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 generally should be included.

Cash on hand & in Banks: Enter the total amount of cash on-hand and in bank accounts other than savings.

Savings Accounts: Enter the total amount in all savings accounts.

IRA or other Retirement Account: Enter the total present value of all IRAs and other retirement accounts, including any deferred compensation and pension plans.

Accounts & 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 any.

Life Insurance-Cash Surrender Value Only: Enter the value of any life insurance policies. This amount should be cash surrender value only, not the amount a beneficiary would receive upon your death, also known as face value. A complete description is required in Section 8.

Stocks and Bonds: Enter the current market value of your stocks and bonds. A complete listing and description is required in Section 3.

Real Estate: Enter the current fair market value of **all** real estate owned. A complete listing and description of all real estate owned is required in Section 4. The amount must correspond with the total "Present Market Value" amounts listed in Section 4.

Automobile-Present Value: Enter the current fair market value of all automobiles owned.

Other Personal Property: Enter the current fair market value of all other personal property owned, but not included in the previous entries. A complete description of these assets is required in Section 5.

Other Assets: Enter the current fair market value of all other assets owned, but not included in the previous entries. A complete description of these assets is required in Section 5.

LIABILITIES

Accounts Payable: Enter the total value of all unpaid accounts payable that is your responsibility.

Notes Payable to Bank and Others: Enter the total amount due on all notes payable to banks and others. This should not, however, include any mortgage balances. A complete description of all notes payable to banks and others is required in Section 2.

Installment Account (Auto): Enter amount of the present balance of the debt that you owe for auto installment account. Please be sure to indicate the total monthly payment in the space provided.

Installment Account (Other): Enter amount of the present balance of the debt that you owe for other installment account. Please be sure to indicate the total monthly payment in the space provided. For example, include the balances of all credit card debts in this line.

Loans on Life Insurance: Enter the total value of all loans due on life insurance policies.

Mortgages on Real Estate: Enter the total balance on all mortgages payable on real estate. A complete breakdown of all mortgages on real estate is required in Section 4. The amount must correspond with the total of the mortgage balances amounts listed in Section 4.

Unpaid Taxes: Enter the total amount of all taxes that are currently due, but are unpaid. Contingent tax liabilities or anticipated taxes for current year should not be included. A complete description is required in Section 6.

Other Liabilities: Enter the total value due on all other liabilities not classified in the previous entries. A complete description is required in Section 7.

Net Worth: To compute Net Worth, add all liabilities and put that figure in the Total Liabilities line. Then subtract Total Liabilities from Total Assets to get your Net Worth. To check your figures, add Total Liabilities and Net Worth and the sum must equal Total Assets. If your figures do not match, your form will be returned to you to correct and complete again.

SECTION 1. SOURCE OF INCOME

Salary: Enter the amount of your total annual salary. This includes any salary from the applicant firm and if applicable, any salary from outside employment.

Net Investment Income: Enter the total amount of all investment income (i.e. dividends, interest, etc.).

Real Estate Income: Enter the total amount of all real estate income received from the sale, rental, lease, etc. of real estate held.

Other Income: Enter the total amount of all other income received (i.e. alimony, social security, pension, etc.). Please be sure to describe the source of the other income in the space provided below in this section.

CONTINGENT LIABILITIES

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.

As Endorser or Co-Maker: Enter the total potential liabilities due as a result of being a co-signer for a loan or other commitments.

Legal Claims and Judgments: Enter the potential liabilities due as a result of legal claims from judgments, lawsuits, etc.

Provisions for Federal Income Tax: Enter the total amount of all federal taxes for which you are potentially liable due to an anticipated gain on the pending sale of an asset or other circumstances, such as pending disputes or litigation which could possibly result in a personal tax liability.

Other Special Debt: Enter the total amount due on all remaining potential debts not accounted for.

SECTION 2. NOTES PAYABLE TO BANKS AND OTHERS

Enter the name and address of note holder(s), original balance, current balance, payment amount, frequency, and how secured for each note payable as entered in the "Liabilities" column. Do not include loans for your business or mortgages for your properties.

SECTION 3. STOCKS AND BONDS

Enter the number of shares, names of securities, cost, fair market value, and the date of fair market value for all shares of stock and bonds held. You may attach recent copies of your stock account listings. Do not include stock in your business.

SECTION 4. REAL ESTATE OWNED

Starting with your primary residence (be sure to identify it as your primary residence), enter the type of property, address, date of purchase, original cost, present fair market value, name and address of mortgage holder, mortgage account number, mortgage balance, amount of payment, and status of mortgage for all real estate held. Please ensure that this section contains all real estate owned, including rental properties, vacation properties, commercial properties, etc.

Total "Present Market Value" amounts should correspond with the "Real Estate" amount listed in the "Assets" column. Additionally, total "Mortgage Balance" amounts should correspond with the "Mortgages on Real Estate" amount listed in the "Liabilities" column. Attach additional sheets if needed.

SECTION 5. OTHER PERSONAL PROPERTY AND OTHER ASSETS

Itemize and describe in detail other personal property and other assets owned as listed in the "Assets" column. For other personal property, include boats, trailers, jewelry, furniture, household goods, collectibles, clothing, etc. For other assets, include equity interest in other businesses, trusts, investments, etc.

SECTION 6. UNPAID TAXES

Describe in detail as to the type, to whom payable, when due, amount, and to what property, if any, the tax lien attaches. Please refer to the unpaid taxes listed in the "Liabilities" column. If none, state "NONE." This section should not include the contingent tax liabilities or anticipated taxes owed for the current year. For any unusually large amounts, you must include documentation, such as tax liens, to support the amounts.

SECTION 7. OTHER LIABILITIES

Describe in detail any other liabilities as referenced by the value listed in the "Liabilities" column. If none, state "NONE." For any unusually large amounts, you must include documentation, such as bills, to support the amounts.

SECTION 8. LIFE INSURANCE HELD

Describe all life insurance policies held. Please be sure to include the face amount of the policies, name of insurance company and beneficiaries and cash surrender values of the policies.

EXECUTION OF STATEMENT

Be sure to sign, date, and include your social security number at the end of the statement.



PERSONAL FINANCIAL STATEMENT

U.S. SMALL BUSINESS ADMINISTRATION

As of _____, _____

Complete this form for: (1) each proprietor, or (2) each limited partner who owns 20% or more interest and each general partner, or (3) each stockholder owning 20% or more of voting stock, or (4) any person or entity providing a guaranty on the loan.

Name	Business Phone
Residence Address	Residence Phone
City, State, & Zip Code	
Business Name of Applicant/Borrower	

ASSETS	(Omit Cents)	LIABILITIES	(Omit Cents)
Cash on hand & in Banks	\$ _____	Accounts Payable	\$ _____
Savings Accounts	\$ _____	Notes Payable to Banks and Others	\$ _____
IRA or Other Retirement Account	\$ _____	(Describe in Section 2)	
Accounts & Notes Receivable	\$ _____	Installment Account (Auto)	\$ _____
Life Insurance-Cash Surrender Value Only	\$ _____	Mo. Payments \$ _____	
(Complete Section 8)		Installment Account (Other)	\$ _____
Stocks and Bonds	\$ _____	Mo. Payments \$ _____	
(Describe in Section 3)		Loan on Life Insurance	\$ _____
Real Estate	\$ _____	Mortgages on Real Estate	\$ _____
(Describe in Section 4)		(Describe in Section 4)	
Automobile-Present Value	\$ _____	Unpaid Taxes	\$ _____
Other Personal Property	\$ _____	(Describe in Section 6)	
(Describe in Section 5)		Other Liabilities	\$ _____
Other Assets	\$ _____	(Describe in Section 7)	
(Describe in Section 5)		Total Liabilities	\$ _____
		Net Worth	\$ _____
Total	\$ _____	Total	\$ _____

Section 1. Source of Income	Contingent Liabilities
Salary	As Endorser or Co-Maker
Net Investment Income	Legal Claims & Judgments
Real Estate Income	Provision for Federal Income Tax
Other Income (Describe below)*	Other Special Debt

Description of Other Income in Section 1.

*Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

Section 2. Notes Payable to Banks and Others. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)

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

Section 3. Stocks and Bonds. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed).

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

Section 4. Real Estate Owned. (List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)

	Property A	Property B	Property C
Type of Property			
Address			
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

Section 5. Other Personal Property and Other Assets. (Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and if delinquent, describe delinquency)

Section 6. Unpaid Taxes. (Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)

Section 7. Other Liabilities. (Describe in detail.)

Section 8. Life Insurance Held. (Give face amount and cash surrender value of policies - name of insurance company and beneficiaries)

I authorize SBA/Lender to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness. I certify the above and the statements contained in the attachments are true and accurate as of the stated date(s). These statements are made for the purpose of either obtaining a loan or guaranteeing a loan. I understand FALSE statements may result in forfeiture of benefits and possible prosecution by the U.S. Attorney General (Reference 18 U.S.C. 1001).

Signature: _____ Date: _____ Social Security Number: _____

Signature: _____ Date: _____ Social Security Number: _____

PLEASE NOTE: The estimated average burden hours for the completion of this form is 1.5 hours per response. If you have questions or comments concerning this estimate or any other aspect of this information, please contact Chief, Administrative Branch, U.S. Small Business Administration, Washington, D.C. 20416, and Clearance Officer, Paper Reduction Project (3245-0188), Office of Management and Budget, Washington, D.C. 20503. **PLEASE DO NOT SEND FORMS TO OMB.**

**PERSONAL FINANCIAL STATEMENT
(49 CFR PART 26)**

NOTARY ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

On this _____ day of _____, _____, before me, the undersigned Notary Public, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within Affidavit, and acknowledged that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument, the person(s) executed the instrument.

WITNESS my hand and Official Seal

Signature: _____

Name: _____
(Typed or Printed)

FEDERAL REGULATIONS

DEPARTMENT OF TRANSPORTATION
DBE PROGRAM

Subpart D—Certification Standards

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

- (a) In determining whether to certify a firm as eligible to participate as a DBE, you must apply the standards of this subpart.
- (b) The firm seeking certification has the burden of demonstrating to you, by a preponderance of the evidence, that it meets the requirements of this subpart concerning group membership or individual disadvantage, business size, ownership, and control.
- (c) You must rebuttably presume that members of the designated groups identified in § 26.67(a) are socially and economically disadvantaged. This means they do not have the burden of proving to you that they are socially and economically disadvantaged. In order to obtain the benefit of the rebuttable presumption, individuals must submit a signed, notarized statement that they are a member of one of the groups in § 26.67(a). Applicants do have the obligation to provide you information concerning their economic disadvantage (see § 26.67).
- (d) Individuals who are not presumed to be socially and economically disadvantaged, and individuals concerning whom the presumption of disadvantage has been rebutted, have the burden of proving to you, by a preponderance of the evidence, that they are socially and economically disadvantaged. (See Appendix E of this part.)
- (e) You must make determinations concerning whether individuals and firms have met their burden of demonstrating group membership, ownership, control, and social and economic disadvantage (where disadvantage must be demonstrated on an individual basis) by considering all the facts in the record, viewed as a whole.

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

§ 26.63 What rules govern group membership determinations?

- (a)(1) If, after reviewing the signed notarized statement of membership in a presumptively disadvantaged group (see § 26.61(c)), you have a well founded reason to question the individual's claim of membership in that group, you must require the individual to present additional evidence that he or she is a member of the group.
- (2) You must provide the individual a written explanation of your reasons for questioning his or her group membership and a written request for additional evidence as outlined in paragraph (b) of this section.
- (3) In implementing this section, you must take special care to ensure that you do not impose a disproportionate burden on members of any particular designated group. Imposing a disproportionate burden on members of a particular group could violate § 26.7(b) and/or Title VI of the Civil Rights Act of 1964 and 49 CFR part 21.
- (b) In making such a determination, you must consider whether the person has held himself out to be a member of the group over a long period of time prior to application for certification and whether the person is regarded as a member of the group by the relevant community. You may require the applicant to produce appropriate documentation of group membership.

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

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

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

§ 26.65 What rules govern business size determinations?

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

(b) Even if it meets the requirements of paragraph (a) of this section, a firm is not an eligible DBE in any Federal fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by SBA regulations (see 13 CFR 121.402), over the firm's previous three fiscal years, in excess of \$22.41 million.

(c) The Department adjusts the number in paragraph (b) of this section annually using the Department of Commerce price deflators for purchases by State and local governments as the basis for this adjustment.

[74 FR 15224, Apr. 3, 2009]

§ 26.67 What rules determine social and economic disadvantage?

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

(2)(i) You must require each individual owner of a firm applying to participate as a DBE, whose ownership and control are relied upon for DBE certification to certify that he or she has a personal net worth that does not exceed \$1.32 million.

(ii) You must require each individual who makes this certification to support it with a signed, notarized statement of personal net worth, with appropriate supporting documentation. This statement and documentation must not be unduly lengthy, burdensome, or intrusive.

(iii) In determining an individual's net worth, you must observe the following requirements:

(A) Exclude an individual's ownership interest in the applicant firm;

(B) Exclude the individual's equity in his or her primary residence (except any portion of such equity that is attributable to excessive withdrawals from the applicant firm).

(C) Do not use a contingent liability to reduce an individual's net worth.

(D) With respect to assets held in vested pension plans, Individual Retirement Accounts, 401(k) accounts, or other retirement savings or investment programs in which the assets cannot be distributed to the individual at the present time without significant adverse tax or interest consequences, include only the present value of such assets, less the tax and interest penalties that would accrue if the asset were distributed at the present time.

(iv) Notwithstanding any provision of Federal or state law, you must not release an individual's personal net worth statement nor any documents pertaining to it to any third party without the written consent of the submitter. Provided, that you must transmit this information to DOT in any certification appeal proceeding under section 26.89 of this part or to any other state to which the individual's firm has applied for certification under § 26.85 of this part.

(b) *Rebuttal of presumption of disadvantage.* (1) If the statement of personal net worth that an individual submits under paragraph (a)(2) of this section shows that the individual's personal net worth exceeds \$1.32 million, the individual's presumption of economic disadvantage is rebutted. You are not required to have a proceeding under paragraph (b)(2) of this section in order to rebut the presumption of economic disadvantage in this case.

(2) If you have a reasonable basis to believe that an individual who is a member of one of the designated groups is not, in fact, socially and/or economically disadvantaged you may, at any time, start a proceeding to determine whether the presumption should be regarded as rebutted with respect to that individual. Your proceeding must follow the procedures of § 26.87.

(3) In such a proceeding, you have the burden of demonstrating, by a preponderance of the evidence, that the individual is not socially and economically disadvantaged. You may require the individual to produce information relevant to the determination of his or her disadvantage.

(4) When an individual's presumption of social and/or economic disadvantage has been rebutted, his or her ownership and control of the firm in question cannot be used for purposes of DBE eligibility under this subpart unless and until he or she makes an individual showing of social and/or economic disadvantage. If the basis for rebutting the presumption is a determination that the individual's personal net worth exceeds \$1.32 million, the individual is no longer eligible for participation in the program and cannot regain eligibility by making an individual showing of disadvantage.

(c) [Reserved]

(d) *Individual determinations of social and economic disadvantage.* Firms owned and controlled by individuals who are not presumed to be socially and economically disadvantaged (including individuals whose presumed disadvantage has been rebutted) may apply for DBE certification. You must make a case-by-case determination of whether each individual whose ownership and control are relied upon for DBE certification is socially and economically disadvantaged. In such a proceeding, the applicant firm has the burden of demonstrating to you, by a preponderance of the evidence, that the individuals who own and control it are socially and economically disadvantaged. An individual whose personal net worth exceeds \$1.32 million shall not be deemed to be economically disadvantaged. In making these determinations, use the guidance found in Appendix E of this part. You must require that applicants provide sufficient information to permit determinations under the guidance of Appendix E of this part.

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 68 FR 35554, June 16, 2003; 76 FR 5099, Jan. 28, 2011]

§ 26.69 What rules govern determinations of ownership?

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

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

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

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

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

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

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

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

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

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

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

(1) The owner's expertise must be—

(i) In a specialized field;

(ii) Of outstanding quality;

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

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

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

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

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

(g) You must always deem as held by a socially and economically disadvantaged individual, for purposes of determining ownership, all interests in a business or other assets obtained by the individual—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 26.71 What rules govern determinations concerning control?

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

(b) Only an independent business may be certified as a DBE. An independent business is one the viability of which does not depend on its relationship with another firm or firms.

(1) In determining whether a potential DBE is an independent business, you must scrutinize relationships with non-DBE firms, in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.

(2) You must consider whether present or recent employer/employee relationships between the disadvantaged owner(s) of the potential DBE and non-DBE firms or persons associated with non-DBE firms compromise the independence of the potential DBE firm.

(3) You must examine the firm's relationships with prime contractors to determine whether a pattern of exclusive or primary dealings with a prime contractor compromises the independence of the potential DBE firm.

(4) In considering factors related to the independence of a potential DBE firm, you must consider the consistency of relationships between the potential DBE and non-DBE firms with normal industry practice.

(c) A DBE firm must not be subject to any formal or informal restrictions which limit the customary discretion of the socially and economically disadvantaged owners. There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices (e.g., cumulative voting rights, voting powers attached to different classes of stock, employment contracts, requirements for concurrence by non-disadvantaged partners, conditions precedent or subsequent, executory agreements, voting trusts, restrictions on or assignments of voting rights) that prevent the socially and economically disadvantaged owners, without the cooperation or vote of any non-disadvantaged individual, from making any business decision of the firm. This paragraph does not preclude a spousal co-signature on documents as provided for in § 26.69(j)(2).

(d) The socially and economically disadvantaged owners must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on matters of management, policy and operations.

(1) A disadvantaged owner must hold the highest officer position in the company (e.g., chief executive officer or president).

(2) In a corporation, disadvantaged owners must control the board of directors.

(3) In a partnership, one or more disadvantaged owners must serve as general partners, with control over all partnership decisions.

(e) Individuals who are not socially and economically disadvantaged may be involved in a DBE firm as owners, managers, employees, stockholders, officers, and/or directors. Such individuals must not, however, possess or exercise the power to control the firm, or be disproportionately responsible for the operation of the firm.

(f) The socially and economically disadvantaged owners of the firm may delegate various areas of the management, policymaking, or daily operations of the firm to other participants in the firm, regardless of whether these participants are socially and economically disadvantaged individuals. Such delegations of authority must be revocable, and the socially and economically disadvantaged owners must retain the power to hire and fire any person to whom such authority is delegated. The managerial role of the socially and economically disadvantaged owners in the firm's overall affairs must be such that the recipient can reasonably conclude that the socially and economically disadvantaged owners actually exercise control over the firm's operations, management, and policy.

(g) The socially and economically disadvantaged owners must have an overall understanding of, and managerial and technical competence and experience directly related to, the type of business in which the firm is engaged and the firm's operations. The socially and economically disadvantaged owners are not required to have experience or expertise in every critical area of the firm's operations, or to have greater experience or expertise in a given field than managers or key employees. The socially and economically disadvantaged owners must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to use this information to make independent decisions concerning the firm's daily operations, management, and policymaking. Generally, expertise limited to office management, administration, or bookkeeping functions unrelated to the principal business activities of the firm is insufficient to demonstrate control.

(h) If state or local law requires the persons to have a particular license or other credential in order to own and/or control a certain type of firm, then the socially and economically disadvantaged persons who own and control a potential DBE firm of that type must possess the required license or credential. If state or local law does not require such a person to have such a license or credential to own and/or control a firm, you must not deny certification solely on the ground that the person lacks the license or credential. However, you may take into account the absence of the license or credential as one factor in determining whether the socially and economically disadvantaged owners actually control the firm.

(i)(1) You may consider differences in remuneration between the socially and economically disadvantaged owners and other participants in the firm in determining whether to certify a firm as a DBE. Such consideration shall be in the context of the duties of the persons involved, normal industry practices, the firm's policy and practice concerning reinvestment of income, and any other explanations for the differences proffered by the firm. You may determine that a firm is controlled by its socially and economically disadvantaged owner although that owner's remuneration is lower than that of some other participants in the firm.

(2) In a case where a non-disadvantaged individual formerly controlled the firm, and a socially and economically disadvantaged individual now controls it, you may consider a difference between the remuneration of the former and current controller of the firm as a factor in determining who controls the firm, particularly when the non-disadvantaged individual remains involved with the firm and continues to receive greater compensation than the disadvantaged individual.

(j) In order to be viewed as controlling a firm, a socially and economically disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the individual from devoting sufficient time and attention to the affairs of the firm to control its activities. For example, absentee ownership of a business and part-time work in a full-time firm are not viewed as constituting control. However, an individual could be viewed as controlling a part-time business that operates only on evenings and/or weekends, if the individual controls it all the time it is operating.

(k)(1) A socially and economically disadvantaged individual may control a firm even though one or more of the individual's immediate family members (who themselves are not socially and economically disadvantaged individuals) participate in the firm as a manager, employee, owner, or in another capacity. Except as otherwise provided in this paragraph, you must make a judgment about the control the socially and economically disadvantaged owner exercises vis-a-vis other persons involved in the business as you do in other situations, without regard to whether or not the other persons are immediate family members.

(2) If you cannot determine that the socially and economically disadvantaged owners—as distinct from the family as a whole—control the firm, then the socially and economically disadvantaged owners have failed to carry their burden of proof concerning control, even though they may participate significantly in the firm's activities.

(l) Where a firm was formerly owned and/or controlled by a non-disadvantaged individual (whether or not an immediate family member), ownership and/or control were transferred to a socially and economically disadvantaged individual, and the non-disadvantaged individual remains involved with the firm in any capacity, the disadvantaged individual now owning the firm must demonstrate to you, by clear and convincing evidence, that:

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

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

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

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

(1) The types of work a firm can perform (whether on initial certification or when a new type of work is added) must be described in terms of the most specific available NAICS code for that type of work. If you choose, you may also, in addition to applying the appropriate NAICS code, apply a descriptor from a classification scheme of equivalent detail and specificity. A correct NAICS code is one that describes, as specifically as possible, the principal goods or services which the firm would provide to DOT recipients. Multiple NAICS codes may be assigned where appropriate. Program participants must rely on, and not depart from, the plain meaning of NAICS code descriptions in determining the scope of a firm's certification. If your Directory does not list types of work for any firm in a manner consistent with this paragraph (a)(1), you must update the Directory entry for that firm to meet the requirements of this paragraph (a)(1) by August 28, 2011.

(2) Firms and recipients must check carefully to make sure that the NAICS codes cited in a certification are kept up-to-date and accurately reflect work which the UCP has determined the firm's owners can control. The firm bears the burden of providing detailed company information the certifying agency needs to make an appropriate NAICS code designation.

(3) If a firm believes that there is not a NAICS code that fully or clearly describes the type(s) of work in which it is seeking to be certified as a DBE, the firm may request that the certifying agency, in its certification documentation, supplement the assigned NAICS code(s) with a clear, specific, and detailed narrative description of the type of work in which the firm is certified. A vague, general, or confusing description is not sufficient for this purpose, and recipients should not rely on such a description in determining whether a firm's participation can be counted toward DBE goals.

(4) A certifier is not precluded from changing a certification classification or description if there is a factual basis in the record. However, certifiers must not make after-the-fact statements about the scope of a certification, not supported by evidence in the record of the certification action.

(o) A business operating under a franchise or license agreement may be certified if it meets the standards in this subpart and the franchiser or licensor is not affiliated with the franchisee or licensee. In determining whether affiliation exists, you should generally not consider the restraints relating to standardized quality, advertising, accounting format, and other provisions imposed on the franchisee or licensee by the franchise agreement or license, provided that the franchisee or licensee has the right to profit from its efforts and bears the risk of loss commensurate with ownership. Alternatively, even though a franchisee or licensee may not be controlled by virtue of such provisions in the franchise agreement or license, affiliation could arise through other means, such as common management or excessive restrictions on the sale or transfer of the franchise interest or license.

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

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

§ 26.73 What are other rules affecting certification?

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

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

(b)(1) You must evaluate the eligibility of a firm on the basis of present circumstances. You must not refuse to certify a firm based solely on historical information indicating a lack of ownership or control of the firm by socially and economically disadvantaged individuals at some time in the past, if the firm currently meets the ownership and control standards of this part.

(2) You must not refuse to certify a firm solely on the basis that it is a newly formed firm, has not completed projects or contracts at the time of its application, has not yet realized profits from its activities, or has not demonstrated a potential for success. If the firm meets disadvantaged, size, ownership, and control requirements of this Part, the firm is eligible for certification.

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

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

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

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

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

Example 1: Socially and economically disadvantaged individuals own 100 percent of a holding company, which has a wholly-owned subsidiary. The subsidiary may be certified, if it meets all other requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35555, June 16, 2003; 76 FR 5099, Jan. 28, 2011]



CONNECTICUT DEPARTMENT OF TRANSPORTATION

POLICY STATEMENT

Policy No. F&A-19
July 20, 2009

SUBJECT: Policy on Disadvantaged Business Enterprise Program

The Connecticut Department of Transportation (ConnDOT) is committed to the effective implementation of the Disadvantaged Business Enterprise (DBE) Program as defined in Title 49, Code of Federal Regulations (CFR) Part 26. This program will be executed in accordance with the regulations of the United States Department of Transportation (DOT) as a condition of receiving DOT funding.

It is the policy of ConnDOT to:

- a) Ensure nondiscrimination in the award and administration of DOT-assisted contracts in ConnDOT's highway, transit, and airport financial assistance programs;
- b) Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- c) Ensure that ConnDOT's DBE Program is narrowly tailored in accordance with applicable law;
- d) Ensure that only firms which fully meet this part's eligibility standards are permitted to participate as DBEs;
- e) Help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- f) Assist in the development of firms that can compete successfully in the marketplace outside the DBE Program.

ConnDOT will 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. ConnDOT 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. ConnDOT shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.

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

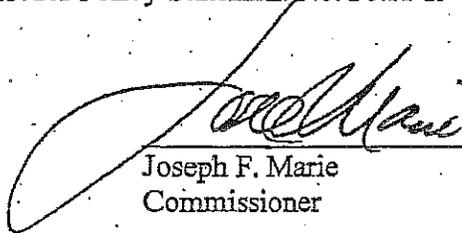
No contractor, subrecipient, or subcontractor shall discriminate on the basis of race, color, national origin, or sex in the performance on any DOT-assisted contract. Contractors shall carry out the applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements will result in a material breach of the contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.

Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of the agreement. The 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. The DOT may refer to the United States Department of Justice, for prosecution under 18 United States Code (USC) 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

The Manager of Contract Compliance has been designated as the DBE Liaison Officer. In that capacity, the Manager of Contract Compliance is responsible for implementing all aspects of the DBE Program.

This DBE Program Policy Statement is distributed to all ConnDOT managers and to the DBE and non-DBE business community. The Policy Statement is also available on the ConnDOT web site.

(This Policy Statement supersedes Policy Statement No. F&A-19 dated April 17, 2006)



Joseph F. Marie
Commissioner

ATTACHMENT G

DBE AFFIDAVIT

Connecticut Department of Transportation
 Disadvantaged Business Enterprises
NO CHANGE AFFIDAVIT

Name of Company: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: () _____ Fax: () _____

Email: _____

I, _____, declare there have been no changes in size, disadvantaged status,
 (DBE Owner)

ownership and/or control, or any material change in the information provided in my last application and any "Notice of Change" in circumstances affecting my ability to meet the certification requirements of 49 CFR Part 26, and my firm continues to meet Small Business Administration business size criteria and the overall gross receipts cap established by Part 26.

Gross Receipts for the past three (3) years:		
Year: _____ (attach most recent Federal tax return)	Year: _____	Year: _____
_____	_____	_____
Gross Receipts \$	Gross Receipts \$	Gross Receipts \$

The number of employees were: Full-time: _____ Part-time: _____ Temporary: _____

The Personal Net Worth for the preceding year of each individual owner who claimed disadvantaged status at the time of certification has not exceeded \$1.32 million.

Further, the Affiant acknowledges that any change in circumstances affecting the company's ability to meet the size, disadvantaged status, ownership, and/or control requirements of Part 26 or any change in the financial condition of said company must be brought to the attention of the Connecticut Department of Transportation within thirty (30) days of the occurrence.

The Affiant acknowledges that any condition, 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)	
(COMPANY NAME)	
(SIGNATURE OF NOTARY PUBLIC)	



PERSONAL FINANCIAL STATEMENT

U.S. SMALL BUSINESS ADMINISTRATION

As of _____, _____

Complete this form for: (1) each proprietor, or (2) each limited partner who owns 20% or more interest and each general partner, or (3) each stockholder owning 20% or more of voting stock, or (4) any person or entity providing a guaranty on the loan.

Name	Business Phone
Residence Address	Residence Phone
City, State, & Zip Code	
Business Name of Applicant	

ASSETS	(Omit Cents)	LIABILITIES	(Omit Cents)
Cash on hand & in Banks.....	\$ _____	Accounts Payable	\$ _____
Savings Accounts.....	\$ _____	Notes Payable to Banks and Others.....	\$ _____
IRA or Other Retirement Account	\$ _____	(Describe in Section 2)	
Accounts & Notes Receivable.....	\$ _____	Installment Account (Auto)	\$ _____
Life Insurance-Cash Surrender Value Only	\$ _____	Mo. Payments \$ _____	
(Complete Section 8)		Installment Account (Other)	\$ _____
Stocks and Bonds	\$ _____	Mo. Payments \$ _____	
(Describe in Section 3)		Loan on Life Insurance	\$ _____
Real Estate.....	\$ _____	Mortgages on Real Estate	\$ _____
(Describe in Section 4)		(Describe in Section 4)	
Automobile-Present Value	\$ _____	Unpaid Taxes	\$ _____
Other Personal Property	\$ _____	(Describe in Section 6)	
(Describe in Section 5)		Other Liabilities	\$ _____
Other Assets	\$ _____	(Describe in Section 7)	
(Describe in Section 5)		Total Liabilities	\$ _____
Total	\$ _____	Net Worth	\$ _____
		Total	\$ _____

Section 1. Source of Income	Contingent Liabilities
Salary.....	\$ _____
Net Investment Income	\$ _____
Real Estate Income	\$ _____
Other Income (Describe below)*	\$ _____
	As Endorser or Co-Maker
	\$ _____
	Legal Claims & Judgments.....
	\$ _____
	Provision for Federal Income Tax.....
	\$ _____
	Other Special Debt
	\$ _____

Description of Other Income in Section 1:

*Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

Section 2. Notes Payable to Banks and Others. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed.)

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

Section 3. Stocks and Bonds. (Use attachments if necessary. Each attachment must be identified as a part of this statement and signed).					
Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

Section 4. Real Estate Owned.	(List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)		
	Property A	Property B	Property C
Type of Property			
Address			
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

Section 5. Other Personal Property and Other Assets. (Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and if delinquent, describe delinquency)

Section 6. Unpaid Taxes. (Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)

Section 7. Other Liabilities. (Describe in detail.)

Section 8. Life Insurance Held. (Give face amount and cash surrender value of policies - name of insurance company and beneficiaries)

I authorize SBA/Lender to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness. I certify the above and the statements contained in the attachments are true and accurate as of the stated date(s). These statements are made for the purpose of either obtaining a loan or guaranteeing a loan. I understand FALSE statements may result in forfeiture of benefits and possible prosecution by the U.S. Attorney General (Reference 18 U.S.C. 1001).

Signature: _____ Date: _____ Social Security Number: _____

Signature: _____ Date: _____ Social Security Number: _____

PLEASE NOTE: The estimated average burden hours for the completion of this form is 1.5 hours per response. If you have questions or comments concerning this estimate or any other aspect of this information, please contact Chief, Administrative Branch, U.S. Small Business Administration, Washington, D.C. 20416, and Clearance Officer, Paper Reduction Project (3245-0188), Office of Management and Budget, Washington, D.C. 20503. PLEASE DO NOT SEND FORMS TO OMB.

Instructions to Assist in Completing the Personal Financial Statement (SBA Form 413) for the Connecticut Unified Certification Program

Please do not make adjustments to your figures pursuant to U.S. Department of Transportation (U.S. DOT) regulations 49 CFR Part 26. The agency that you apply to will use the information provided on your completed Personal Financial Statement to determine your *Personal Net Worth According to 49 CFR Part 26*. An individual's *Personal Net Worth According to 49 CFR Part 26* includes only his or her own share of assets held 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.

If your *Personal Net Worth According to 49 CFR Part 26* exceeds the \$750,000 cap and you, individually, or you and other individuals are the majority owners of an applicant firm, the firm is not eligible for DBE certification. If the *Personal Net Worth According to 49 CFR Part 26* of the majority owner(s) exceeds the \$750,000 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 the firm no longer qualifies.

General Instructions

- You must fill out all line items on the Personal Financial Statement (SBA Form 413) to the best of your ability.
- On the form, above the *Personal Financial Statement* heading, indicate if financial information is for a "married couple" or "single individual."
- On a separate sheet, identify all property that is not held jointly or as community property, and include values and ownership.
- If necessary, use additional sheet(s) of paper to report all information and details.
- If you have any questions about completing this form, please contact one of the certifying agencies on the Roster of Certifying Agencies.

Specific Instructions

DATE AND CONTACT INFORMATION

Be sure to include the date in the upper right corner of the first page and your contact information.

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 generally should be included.

Cash on hand & in Banks: Enter the total amount of cash on-hand and in bank accounts other than savings.

Savings Accounts: Enter the total amount in all savings accounts.

IRA or other Retirement Account: Enter the total present value of all IRAs and other retirement accounts, including any deferred compensation and pension plans.

Accounts & 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 any.

Life Insurance-Cash Surrender Value Only: Enter the value of any life insurance policies. This amount should be cash surrender value only, not the amount a beneficiary would receive upon your death, also known as face value. A complete description is required in Section 8.

Stocks and Bonds: Enter the current market value of your stocks and bonds. A complete listing and description is required in Section 3.

Real Estate: Enter the current fair market value of **all** real estate owned. A complete listing and description of all real estate owned is required in Section 4. The amount must correspond with the total "Present Market Value" amounts listed in Section 4.

Automobile-Present Value: Enter the current fair market value of all automobiles owned.

Other Personal Property: Enter the current fair market value of all other personal property owned, but not included in the previous entries. A complete description of these assets is required in Section 5.

Other Assets: Enter the current fair market value of all other assets owned, but not included in the previous entries. A complete description of these assets is required in Section 5.

LIABILITIES

Accounts Payable: Enter the total value of all unpaid accounts payable that is your responsibility.

Notes Payable to Bank and Others: Enter the total amount due on all notes payable to banks and others. This should not, however, include any mortgage balances. A complete description of all notes payable to banks and others is required in Section 2.

Installment Account (Auto): Enter amount of the present balance of the debt that you owe for auto installment account. Please be sure to indicate the total monthly payment in the space provided.

Installment Account (Other): Enter amount of the present balance of the debt that you owe for other installment account. Please be sure to indicate the total monthly payment in the space provided. For example, include the balances of all credit card debts in this line.

Loans on Life Insurance: Enter the total value of all loans due on life insurance policies.

Mortgages on Real Estate: Enter the total balance on all mortgages payable on real estate. A complete breakdown of all mortgages on real estate is required in Section 4. The amount must correspond with the total of the mortgage balances amounts listed in Section 4.

Unpaid Taxes: Enter the total amount of all taxes that are currently due, but are unpaid. Contingent tax liabilities or anticipated taxes for current year should not be included. A complete description is required in Section 6.

Other Liabilities: Enter the total value due on all other liabilities not classified in the previous entries. A complete description is required in Section 7.

Net Worth: To compute Net Worth, add all liabilities and put that figure in the Total Liabilities line. Then subtract Total Liabilities from Total Assets to get your Net Worth. To check your figures, add Total Liabilities and Net Worth and the sum must equal Total Assets. If your figures do not match, your form will be returned to you to correct and complete again.

SECTION 1. SOURCE OF INCOME

Salary: Enter the amount of your total annual salary. This includes any salary from the applicant firm and if applicable, any salary from outside employment.

Net Investment Income: Enter the total amount of all investment income (i.e. dividends, interest, etc.).

Real Estate Income: Enter the total amount of all real estate income received from the sale, rental, lease, etc. of real estate held.

Other Income: Enter the total amount of all other income received (i.e. alimony, social security, pension, etc.). Please be sure to describe the source of the other income in the space provided below in this section.

CONTINGENT LIABILITIES

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.

As Endorser or Co-Maker: Enter the total potential liabilities due as a result of being a co-signer for a loan or other commitments.

Legal Claims and Judgments: Enter the potential liabilities due as a result of legal claims from judgments, lawsuits, etc.

Provisions for Federal Income Tax: Enter the total amount of all federal taxes for which you are potentially liable due to an anticipated gain on the pending sale of an asset or other circumstances, such as pending disputes or litigation which could possibly result in a personal tax liability.

Other Special Debt: Enter the total amount due on all remaining potential debts not accounted for.

SECTION 2. NOTES PAYABLE TO BANKS AND OTHERS

Enter the name and address of note holder(s), original balance, current balance, payment amount, frequency, and how secured for each note payable as entered in the "Liabilities" column. Do not include loans for your business or mortgages for your properties.

SECTION 3. STOCKS AND BONDS

Enter the number of shares, names of securities, cost, fair market value, and the date of fair market value for all shares of stock and bonds held. You may attach recent copies of your stock account listings. Do not include stock in your business.

SECTION 4. REAL ESTATE OWNED

Starting with your primary residence (be sure to identify it as your primary residence), enter the type of property, address, date of purchase, original cost, present fair market value, name and address of mortgage holder, mortgage account number, mortgage balance, amount of payment, and status of mortgage for all real estate held. Please ensure that this section contains all real estate owned, including rental properties, vacation properties, commercial properties, etc.

Total "Present Market Value" amounts should correspond with the "Real Estate" amount listed in the "Assets" column. Additionally, total "Mortgage Balance" amounts should correspond with the "Mortgages on Real Estate" amount listed in the "Liabilities" column. Attach additional sheets if needed.

SECTION 5. OTHER PERSONAL PROPERTY AND OTHER ASSETS

Itemize and describe in detail other personal property and other assets owned as listed in the "Assets" column. For other personal property, include boats, trailers, jewelry, furniture, household goods, collectibles, clothing, etc. For other assets, include equity interest in other businesses, trusts, investments, etc.

SECTION 6. UNPAID TAXES

Describe in detail as to the type, to whom payable, when due, amount, and to what property, if any, the tax lien attaches. Please refer to the unpaid taxes listed in the "Liabilities" column. If none, state "NONE." This section should not include the contingent tax liabilities or anticipated taxes owed for the current year. For any unusually large amounts, you must include documentation, such as tax liens, to support the amounts.

SECTION 7. OTHER LIABILITIES

Describe in detail any other liabilities as referenced by the value listed in the "Liabilities" column. If none, state "NONE." For any unusually large amounts, you must include documentation, such as bills, to support the amounts.

SECTION 8. LIFE INSURANCE HELD

Describe all life insurance policies held. Please be sure to include the face amount of the policies, name of insurance company and beneficiaries and cash surrender values of the policies.

EXECUTION OF STATEMENT

Be sure to sign, date, and include your social security number at the end of the statement.

**PERSONAL FINANCIAL STATEMENT
(49 CFR PART 26)**

NOTARY ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

On this ____ day of _____, _____, before me, the undersigned Notary Public, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within Affidavit, and acknowledged that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument, the person(s) executed the instrument.

WITNESS my hand and Official Seal

Signature: _____

Name: _____
(Typed or Printed)

ATTACHMENT H
VENDOR PROFILE SHEET

Connecticut Department of Transportation Contractor/Vendor Profile Sheet

Please submit completed form to:

Constance Miano
Connecticut Department of Transportation
Office of Contract Compliance
P.O. Box 317546
Newington, Connecticut 06131-7546

Telephone: (860) 594-2177
Fax: (860) 594-3016

Confidential Information Notice

To the extent permitted by law, the information that you provide will be held in confidence and will not be shared with other firms without your prior written consent.

A. Firm Name: _____

Federal EIN or SSN Number: _____

Primary/Principal Business Address

Street _____

City _____

State _____

Zip Code _____

Mailing Address if different than above

Address (Line 1) _____

Address (Line 2) _____

City _____

State _____

Zip Code _____

Please provide the following information for the contact person for this survey

Name _____

Phone Number _____

Fax Number _____

E-Mail _____

Does your firm have a Web Site? YES _____ or NO _____

If "Yes," what is the URL address? _____

- B. Is your firm registered with the Connecticut Secretary of the State? YES ___ or NO ___
Is your firm certified as a Disadvantaged Business Enterprise ("DBE")? YES ___ or NO ___
If "Yes," by what agency is your firm certified? _____
If "Yes" please list each State that you are certified in: _____

Is your firm certified by the U.S. Small Business Administration as an
8(a) Business Development ("8(a) BD")? YES ___ or NO ___
or
Small Disadvantaged Business ("SDB") ? YES ___ or NO ___

Is your firm certified as a small, woman, minority or disabled owned Business by the Connecticut
Department of Administrative Services (DAS)? YES ___ or NO ___
If "Yes," are you a Small Business ___; Minority Owned Business ___; or a Woman Owned Business ___
In what year did your business start under the current name? _____ (year)

C. Gross Annual Receipts

To maintain eligibility to receive certain Federal funds, the Connecticut Department of Transportation (ConnDOT) is required by the USDOT to keep on file information regarding the annual gross receipts of firms bidding on prime contracts and/or bidding or quoting subcontracts at any tier.

Under the State's Freedom of Information Act, Connecticut General Statutes Chapter 14, Sections 1-200 through 1-241, this information may be subject to disclosure unless it qualifies as a trade secret under Section 1-210(b)(5), which exempts from a disclosure "commercial or financial information given in confidence, not required by statute." Therefore, please answer the following questions concerning your firm's annual gross receipts:

1. Do you consider this information to be sensitive commercial or financial information? YES ___ or No ___
2. Are you submitting this information in confidence? YES ___ or No ___
3. In what category are your firm's annual gross receipts?
____ Less than \$1 Million
____ More than \$1 Million and Less than \$5 Million
____ More than \$5 Million and Less than \$10 Million
____ More than \$10 Million and Less than \$15 Million
____ More than \$15 Million and Less than \$20 Million
____ More than \$20 Million

Please answer the following questions about your firm's business activities:

1. Please enter the North American Industry Classification System (NAICS) code reported on your firm's most current Federal Tax return and any other NAICS codes that best describe your business activities. www.census.gov/epcd/www/naics.html
(required information)
-

2. Within the last year has your firm quoted work or given notice of interest for a local agency (city, town or other political subdivision of the State of Connecticut) construction project whether successful or not? (This can include subcontracting, trucking, bonding services, material quotes and/or professional services regardless of tier) YES ____ or NO ____

3. Within the last two years has your firm quoted work or given notice of interest to ConnDOT or a Prime Contractor or Consultant for a ConnDOT construction project or professional services agreement whether successful or not? This can include subcontracting, trucking, bonding services, material quotes and/or professional services regardless of tier?

If your answer is "No," skip to question #5. YES ____ or NO ____

4. If your answer to question #3 is "Yes," please answer the following:

- a. Approximately how many times in the past year has your firm quoted work, materials, products or services for a ConnDOT project or professional services agreement at any level whether successful or not?

- b. You have quoted work to ConnDOT as? Check all that apply:

Prime - You submit bids, proposals and/or RFQs directly to ConnDOT

1st Tier - You are a subcontractor, consultant; and/or supplier to a Prime

Lower Tier - You are a subcontractor; consultant; and or supplier to a subcontractor

A Contractor: Prime ____ 1st Tier ____ Lower Tier ____

A Consultant: Prime ____ 1st Tier ____ Lower Tier ____

A Supplier: Prime ____ 1st Tier ____ Lower Tier ____

A Manufacturer: Prime ____ 1st Tier ____ Lower Tier ____

Trucking Firm: Prime ____ 1st Tier ____ Lower Tier ____

A Broker: Prime ____ 1st Tier ____ Lower Tier ____

Other (Describe): _____

5. In which area(s) does your firm actively bid to perform work or provide materials, products or services on ConnDOT projects?

Construction _____

Maintenance _____

Procurement _____

Professional and/or Consulting Services _____

Other (Describe): _____

6. Please identify the types of transportation projects on which your firm performs work. (Please check all that apply).

Highway Related

Transit Related

Rail Related

Airport related

7. Please identify the geographic area(s) in Connecticut where your firm can perform work. Check all that apply.

Hartford County

Fairfield County

Litchfield County

Middlesex County

New Haven County

New London County

Tolland County

Windham County

Please identify any firm that provides quotes to your company when your firm bids on ConnDOT construction projects or professional services agreements.

Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____

Fax No.: _____

Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____

Fax No.: _____

Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____

Fax No.: _____

Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____

Fax No.: _____

Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____

Fax No.: _____

Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____

Fax No.: _____

Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____

Fax No.: _____

Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____

Fax No.: _____

Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____

Fax No.: _____

(Please provide additional pages if necessary)

ATTACHMENT I
BUSINESS OPPORTUNITY AND
WORKFORCE DEVELOPMENT

CONNECTICUT DEPARTMENT OF
TRANSPORTATION

DIVISION OF CONTRACT COMPLIANCE

BUSINESS OPPORTUNITY AND

WORKFORCE DEVELOPMENT

CENTER PILOT PROPOSAL

SEPTEMBER 2006

TABLE OF CONTENTS

SCOPE OF WORK.....3-5

PARTNERSHIPS.....5-6

PERFORMANCE GOALS AND MEASURES.....7-10

PROJECT DURATION.....11

REPORTING REQUIREMENTS.....11

FUNDING MECHANISM.....

PROJECT BUDGET AND NARRATIVE JUSTIFICATION.....

MONITORING AND EVALUATION.....

ATTACHMENT A.....

SCOPE OF WORK

Introduction and Overview

The Connecticut Department of Transportation (ConnDOT) is submitting this Proposal in order to continue the expansion of the present Disadvantaged Business Enterprise (DBE) Business Development Program (BDP) and to incorporate the On-The-Job Training (OJT) Program's Workforce Development activities. This addition will enhance the efforts of the heavy and highway contractors (both prime contractors and sub-contractors) towards workforce development. At present, the ConnDOT's Division of Contract Compliance (DCC) has partnered with the Central Connecticut State University's (CCSU) Institute of Technology & Business Development (ITBD) to implement the Phase I of the DBE BDP, which includes a SWOT analysis, Development Plan, and Business Plan for each DBE firm participant. The ConnDOT's DCC is requesting to initiate Phase II of the DBE BDP, which includes establishing a Virtual Incubator at the CCSU ITBD's main campus. Additionally, ConnDOT's DCC will be initiating Phase III (Mentor-Protégé) of the DBE BDP in year two of the Pilot.

The ConnDOT's DCC is committing \$600,000 of SAFETEA-LU Section 5204(e) funds during the two-year term of the Pilot. This commitment will provide the financial investment to convert the present DBE BDP into the Business Opportunity and Workforce Development Center (BOWDC) Pilot as proposed by the FHWA Office of Civil Rights. The ConnDOT's DCC will continue to utilize the services of the CCSU ITBD as a facilitator to establish working relationships with the following: unions, union representative and non-union representative (Connecticut Construction Industries Association [CCIA] and Association of Builders and Contractors [ABC]), prime and sub-contractors (both union and non-union), Federal and State Departments of Labor, and community-based organizations (CBOs). These funds will provide for the continuing workforce development of the State of Connecticut's prime contractors, DBEs, and the ConnDOT employees with OJT Program-related duties.

Assessment of Need

In ConnDOT DCC's previous submission to the FHWA Office of Civil Rights regarding the DBE BDP, the DCC acknowledged the urgent need to work with Connecticut DBE firms to take actions to address their weaknesses and deficiencies in order to develop their businesses. The ConnDOT DCC has a three-year plan to require all present and future DBEs to have an updated Business Plan. Consequently, Phase I of the DBE BDP will provide assistance to the active DBEs by having the CCSU ITBD (through the use of consultants) perform SWOT analyses, and assist the DBEs with their development of Development Plans and Business Plans. Phase II of the DBE BDP is intended to provide a stable environment for any DBEs that have successfully completed Phase I (Business Plan), to address their identified business deficiencies. This will be accomplished by the CCSU ITBD through a *virtual incubator* (available to each eligible DBE for up to twelve months) located at the main campus. The CCSU ITBD will partner with other State Universities, Community Colleges, and CBOs statewide (through MOAs) to provide

satellite locations in the major cities and additional satellite locations statewide. Phase III of the DBE BDP will be available to all DBEs that have completed Phase I (Business Plan) and to all DBEs that already have updated Business Plans. Phase III will be the *Mentor-Protégé* phase, which will be available for each eligible DBE for up to twelve months.

Historically, in the State of Connecticut, the OJT Program has faced a challenge with respect to the great majority of heavy and highway contractors being union contractors. While the percentage of unionized contractors has decreased from 90+% to less than 80% over the last few years, the unions (Laborers, Operating Engineers, and Carpenters) exert an extraordinary influence over the State of Connecticut's heavy and highway contractors. Additionally, the CCIA exerts an extraordinary influence over the contractors (and with the increase of non-union contractors in Connecticut, the ABC). The primary objective of the OJT Program is to advance women and minority participants to journeyman status in the Construction Industry. However, this objective is not achievable without the cooperation and active support of the unions and CCIA. A concerted effort was made in 2002-2003 by the FHWA Division Office and the ConnDOT (with participation from the Federal and State Departments of Labor, CCIA, and ABC) through the creation and execution of a Memorandum of Understanding (MOU). The intent of the MOU was to voluntarily bring all the affected entities to the table and to foster coordination in order to support the contractors in their efforts to create a diverse heavy and highway construction workforce. Because the results of this effort to date have been extremely disappointing, this BOWDC Pilot provides the additional support needed by linking workforce development to enhancing the growth of the DBEs and prime contractors workforces. This is due to the increased funding flexibility of the SAFETEA-LU Section 5204(e).

Identification of Target Client Groups

The BOWDC Pilot greatly increases the number of Target Client Groups. Under the present DBE BDP, the target client group is chiefly the DBEs. By combining the OJT Program's workforce development objective with the DBE BDP, the target client groups expand to include the following: Unions, Contractors, Contractor representatives (CCIA and ABC), CBOs (i.e., Permanent Commission On The Status Of Women, Hispanic Forum, Urban League, etc.), United States Small Business Administration (USSBA), and the Department of Labor. The ConnDOT and CCSU ITBD will have the opportunity to interact with and to foster working partnerships with these groups, thereby greatly leveraging the SAFETEA-LU Section 5204(e) funds and increasing the effectiveness of the BOWDC Pilot through the partnerships with the additional target client groups.

Criteria for Selection

- DBEs: Phase I of the DBE BDP – Approximately 100 of the approximately 300 DBE firms certified in the State of Connecticut are considered to be ready, willing, and able. Therefore, the initial effort of Phase I is to have approximately 100 DBE firms (the ready, willing, and able firms) complete the SWOT analysis,

Development Plan, and Business Plan within three years. Approximately 34 DBE firms have completed Phase I in the first year of the Program. For each year of the BOWDC Pilot, approximately 35 DBE firms will be participating in Phase I. Phase II – Phase II will be a virtual incubator and will have expanded services available to eligible DBE firms for up to twelve months. Those DBE firms that have completed Phase I and those DBE firms that already have an updated Business Plan will be eligible for participation in Phase II. Phase III – Phase III will be a Mentor-Protégé portion of the Program. DBE firms that have completed Phase I and DBE firms that have an updated Business Plan will be eligible for Phase III. The duration for a DBE firm's participation in Phase III is envisioned to also be twelve months. Phase III is scheduled to be initiated in the second year of the BOWDC Pilot.

- OJT: The ConnDOT has committed \$600,000 for the term of the BOWDC Pilot. A Memorandum of Agreement (MOA) will be drafted and each participant in the workforce development portion of the BOWDC will be required to sign the MOA. Therefore, once the interested unions, contractors/subcontractors, contractor representatives, and CBOs have signed the MOA, they will be eligible to participate in the workforce development portion of the BOWDC.

Geographical Area to be served

The ConnDOT DCC has already initiated and the CCSU ITBD is already implementing the DBE BDP statewide. Regarding the OJT Program workforce development portion of the BOWDC Pilot, the CCSU ITBD has connections with the other State Universities and proposes to have satellite Offices at each of the campuses (for a total of four locations). Additionally, CCSU ITBD is actively seeking partnerships with urban CBOs to provide satellite locations in the major cities.

Major Program Elements

DBE Business Development

The 2 year ConnDOT BOWDC program will be comprehensive and will provide business enhancement and services to certified Connecticut Department of Transportation (ConnDOT) Disadvantaged Business Enterprise (DBE) firms who perform work related to Heavy and Highway construction. These services will develop the DBE's self-sufficiency and enhance their competitiveness in the marketplace. The CCSU ITBD will provide services under the Business BOWDC program.

Over the 2-year pilot period, ConnDOT's goal is to enroll 70 underutilized DBEs in the BOWDC.

Upon completion of the program each firm will have a Business Plan.

Program Purpose

The BOWDC will provide developmental services to DBE firms who are ready, willing and able to compete for and perform federal-aid highway contracts. This program will provide developmental assistance and services to enable DBE firms to operate more competitively and successfully.

The program's goal is to provide DBE firms with the tools necessary to support their ability to eventually graduate from the DBE Program.

We provide supportive assistance in two areas: 1) Business Assessment; and 2) Development Plan Implementation.

Eligibility for Program Services:

ConnDOT certified DBE

Actively working or soliciting work on ConnDOT projects related to heavy and highway.

Business Assessment Services

An assessment is done to determine a firm's overall health or condition. The assessment will determine strengths, weakness and other threats as well as identifying deficiencies, and opportunities for improvement. The assessment will also prescribe steps or actions in the form of a Development Plan to promote business growth and development.

Development Plan Implementation Services

The implementation of prescribed steps or actions outlined in the Business Assessment will include the actual delivery of supportive services to address deficient areas. Firms will be provided with a designated number of hours of one-to-one technical assistance to develop and implement this plan.

The areas of assistance may include, but not be limited to the following:

Financial Management Services

- Accounting
- Asset and debt management
- Cash flow analysis
- Loan Packaging
- Bond Packaging
- Project Financing
- Change orders
- Insurance Requirements
- Project Cost Comparison

Construction Management Services

- Quality control
- Subcontract Development
- Analysis of ongoing project requirements
- Contract Performance problem resolution

- Interpretation of plans and specifications
- Preparation of Certified Payrolls
- Managing construction schedule

Operational Management Services

- Organization Development
- Automated Record Keeping
- Business Plan Preparation
- Time Management
- Decision-making practices
- Administrative Operations
- Workforce Development and Training
- Technology

Procurement

- Identifying contract opportunities
- Developing marketing strategies
- Bid and Proposal Preparation
- Manpower allocation
- Equipment needs
- Assessing Subcontractor Requirements
- Managing Work Schedule

Phase II

This phase will implement the Virtual Incubator Model to support the BOWDC participants. Firms would be eligible to participate in the Virtual Incubator upon successfully completing Phase I of the Business Development Program. The incubator will be an office setting within the CCSU/ITBD center. The office will be equipped with two computers, copier, fax machine and phone.

The office would have a full-time Project Manager and a Resource Specialist to provide administrative support and outsourcing needs.

ConnDOT plans to phase in a Mentor Protégé component as part of Phase III which will occur during the 2 year of the BOWDC Pilot.

Part "A" Services

Firms must have successfully completed Phase I of the project, but are deficient in resource capabilities.

The Virtual Incubator office will include the following:

- Outsourcing – hiring, recruiting, shared services
- Staff Meetings – provide conference centers, scheduling of meetings and coordination of appointments

- Resource Materials – a resource library with ConnDOT bid proposals and specifications and RFP's.
- Specifications – technical assistance needs
- Business Services – Faxing, copying and administrative services
- Agreements – location of various legal assistance resources
- Accounting – location of various area accountant resources
- Marketing – use of local advertising firms and web-site design
- Phone Monitoring – answering service
- Informational – helping with questions concerning specific needs

Part "B" Services

The services under this part would supplement additional one-on-one consultation and/or training for firms approved for the Virtual Incubator:

- Marketing training and support
- E-commerce development
- Web-Site design and instruction
- Hiring and recruiting education
- Technical Assistance advise
- Software Construction and implementation
- Procurement systems training

Workforce Development

The BOWDC will enroll 20 participants each year for a total of 40 over the two-year pilot. The enrolled participants will be trained, placed and provided with opportunity for upward mobility in the highway construction trades. The program will partner with the many of the identified partners.

The CCSU/ITBD will work with ConnDOT, construction industry organizations, prime contractors and DBE firms to determine the skills necessary for a successful training program for construction projects. The input from these organizations will be used to assist in the development of the training program and determine the projected workforce needs.

The objective of the program is to provide training resources to recruit, hire and assist highway contractors, including DBEs, with meeting OJT requirements and developing their workforce.

PARTNERSHIPS

BOWDC Pilot Partner and Corresponding Role

- **ConnDOT DCC:** Ms. Debra Goss, Manager of the DCC, is responsible for administering the present DBE BDP. She will also be responsible for administering the BOWDC Pilot.
- **FHWA Division Office:** Mr. Lester G. Finkle II, Realty Officer/Civil Rights Specialist, is responsible for oversight of the DBE and OJT Programs. He has been involved in the initiation of the present DBE BDP and is continuing to be involved in the BOWDC Pilot effort.
- **CCSU ITBD:** The CCSU ITBD is responsible for the implementation of the present DBE BDP. Additionally, it will also be responsible for implementing Phases II & III of the DBE BDP and will act as a facilitator for the OJT workforce development portion of the BOWDC. As the ConnDOT DCC establishes MOAs with clients, the CCSU ITBD will facilitate the partnerships. Also, the CCSU ITBD is presently forming a partnership with the USSBA in addition to the present DBE BDP. This partnership will serve to greatly expand the impact of the BOWDC.
- **Connecticut Secretary of State's Office:** The Secretary of State's Office hosts small minority business showcases statewide and supports business development.
- **Unions:** Connecticut has approximately 80% union contractors. Therefore, it is crucial to partner with the Laborers, the Operating Engineers, and the Carpenters so as to obtain their support and active participation in the BOWDC. As the unions work to diversify their bench memberships, the union contractors/subcontractors will have a direct conduit to fill their OJT commitments.
- **Contractors/Subcontractors:** The contractors/subcontractors are ultimately responsible for providing OJT opportunities to female and minority participants.
- **Contractor/Subcontractor Representatives:** The CCIA represents the heavy & highway unionized firms and the ABC represents the heavy and highway non-unionized firms in the State of Connecticut. These entities not only interact with contractors/subcontractors, but also interact with the unions.
- **Department of Labor:** Since the State Department of Labor (DOL) is the governmental entity responsible for monitoring apprentices and regulates apprenticeship training programs, it is vital to partner with the DOL. Through the apprenticeship programs, the DOL has the ability to influence the actions of the unions and the contractors/subcontractors regarding workforce development. The DOL is also responsible for the female and minority goals associated with the craft requirements on individual projects.

- CBOs: Community-based Organizations are crucial to the success of the BOWDC as they have the direct connections with persons of diversity. Each CBO will have a network to involve positively its' membership on behalf of the BOWDC. Whether the need is for a translator for persons of Limited-English Proficiency or for actual participants in the BOWDC, the CBOs will serve a very necessary role.
- Department of Economic and Community Development (DECD): DECD will act as a link to the DBE Community and to leverage additional financial resources.
- Connecticut Office of Workforce Development: This Office oversees the development of statewide workforce policy, including activities relating to development and maintenance of the workforce "*pipeline*" of educated and skilled workers.
- Banking Utility Partners: TD Bank North – These partners will act as a resource for lending and financial services.
- Chambers of Commerce: The Chambers of Commerce provide programs and services that enhance business opportunities including exposure, referrals, advocacy, networking, and continuing education.
- Connecticut Workforce Boards: These Boards provide employment training activities within five geographic locations statewide and act as referral sources for funding for training.
- Senior Corp. of Retired Executives (SCORE): This organization will provide one-on-one problem solving/counseling assistance. Additionally, SCORE provides workshops and training sessions.
- Money Management International: This firm works provides professional financial guidance, counseling, and debt management assistance.

Anticipated In-Kind Services and/or Funding

ConnDOT's DCC has committed \$600,000 of SAFETEA-LU Section 5204(e) funds to establish the OJT workforce development portion of the BOWDC. Additionally, CCSU ITBD is continuing to establish contacts with other governmental agencies (USSBA, other Connecticut State Universities, etc.), as well as maximizing the private sector contacts that it presently is cultivating. These relationships will continue to leverage the funding already committed and all future funding.

PERFORMANCE GOALS AND MEASURES

SERVICE: BUSINESS MANAGEMENT ASSISTANCE

OBJECTIVE: To provide business management assistance to help DBEs manage their firms to succeed in the transportation industry.

<ul style="list-style-type: none"> • ACTIVITY – Develop a needs assessment on each DBE client (will include a SWOT analysis).
<ul style="list-style-type: none"> • PERFORMANCE MEASURE -- Number of completed needs assessments.
<ul style="list-style-type: none"> • PERFORMANCE GOAL -- By September 30, 2006, 34 DBE firms have developed needs assessments. By September 30, 2007, another 35 DBE firms will have developed needs assessments. By September 30, 2008, an additional 35 DBE firms will have developed needs assessments. During Federal Fiscal Year (FFY) 2009, new DBE firms will be given priority and any present DBE firms that become ready, willing, and able will be given priority as well.
<ul style="list-style-type: none"> • ACTIVITY – Develop a Development Plan on each DBE client.
<ul style="list-style-type: none"> • PERFORMANCE MEASURE -- Number of completed needs assessments.
<ul style="list-style-type: none"> • PERFORMANCE GOAL -- By September 30, 2006, 34 DBE firms have developed Development Plans. By September 30, 2007, another 35 DBE firms will have developed Development Plans. By September 30, 2008, an additional 35 DBE firms will have developed Development Plans. During FFY 2009, new DBE firms will be given priority and any present DBE firms that become ready, willing, and able will be given priority as well.
<ul style="list-style-type: none"> • ACTIVITY – Develop/Update a Business Plan with each DBE client.
<ul style="list-style-type: none"> • PERFORMANCE MEASURE -- Number of completed/updated Business Plans.
<ul style="list-style-type: none"> • PERFORMANCE GOAL -- By September 30, 2006, 34 DBE firms have developed Business Plans. By September 30, 2007, another 35 DBE firms will have developed/updated Business Plans. By September 30, 2008, an additional 35 DBE firms will have developed/updated Business Plans. During FFY 2009, new DBE firms will be given priority and any present DBE firms that become ready, willing, and able will be given priority as well. Please Note: By September 30, 2009, all DBE firms will be required to have current Business Plans.

- **ACTIVITY** -- Initiate a Virtual Incubator which will provide services to address the DBE firm's weaknesses.
- **PERFORMANCE MEASURE** -- Number of firms that utilize the services provided by the Incubator.
- **PERFORMANCE GOAL** -- By September 30, 2007, up to 34 DBE firms will have utilized some/all of the services provided by the Virtual Incubator. By September 30, 2008, up to an additional 35 DBE firms will have utilized some/all of the services provided by the Incubator. By September 30, 2009, up to and additional 35 DBE firms will have utilized some/all of the services provided by the Incubator.

- **ACTIVITY** -- Provide additional Training/Consultation to DBE firms that have current Business Plans (completed Phase I of the BDP).
- **PERFORMANCE MEASURE** -- Number of DBE firms that are provided additional Training/Consultation.
- **PERFORMANCE GOAL** -- By September 30, 2007, 20 DBE firms that have completed Phase I of the BDP will have utilized the additional hours available (20 hours each) for Training/Consultation to address identified weaknesses. By September 30, 2008, 20 additional DBE firms that have completed Phase I of the BDP will have utilized the additional hours available for Training/Consultation to address identified weaknesses. By 9/30/2009, another 20 DBE firms that have completed Phase I of the BDP will have utilized the additional hours available for Training/Consultation to address identified weaknesses.

SERVICE: TECHNICAL ASSISTANCE

OBJECTIVE: Provide technical assistance to develop and improve the capabilities of DBEs in technical skills which are involved in heavy and highway construction/ construction-related services.

- **ACTIVITY** -- Initiate a Mentor-Protégé Program for DBE firms that have completed Phase I of the BDP.
- **PERFORMANCE MEASURE** -- Number of DBE firms that fulfill the Mentor-Protégé Program.
- **PERFORMANCE GOAL** -- By 9/30/2008, up to 34 DBE firms will have fulfilled the requirements of the Mentor-Protégé Program. By 9/30/2009, up to another 35 DBE firms will have fulfilled the requirements of the Mentor-Protégé Program. By 9/30/2010, up to an additional 35 DBE firms will have fulfilled the requirements of the Mentor-Protégé Program.

SERVICE: TRAINING

OBJECTIVE: Develop and conduct specialized training programs to assist DBEs to succeed in the heavy and highway construction industry.

- | |
|---|
| • ACTIVITY -- Identify DBE firms and their training needs. |
| • PERFORMANCE MEASURE -- Maintain a listing of DBE firms and their training needs. |
| • PERFORMANCE GOAL -- Update the listing on an annual basis. |

OBJECTIVE: Develop and conduct specialized training programs to assist DBE firms to succeed in the heavy and highway construction industry.

- | |
|--|
| • ACTIVITY -- Develop and conduct workshops, conferences, orientations, showcases, and other outreach activities to meet the identified needs. |
| • PERFORMANCE MEASURE -- (1) number of relevant training opportunities offered; (2) Number of DBE participant firms attending the training. |
| • PERFORMANCE GOAL -- Annually, the ConnDOT expects to offer at least three training opportunities and have a combined attendance of 150 DBE firms. |

SERVICE: RECRUITMENT

OBJECTIVE: To increase the number of DBE firms available to participate on FHWA DOT-assisted contracts.

- | |
|---|
| • ACTIVITY -- Recruit firms that may be eligible for DBE certification. |
| • PERFORMANCE MEASURE -- Number of firms certified annually. |
| • PERFORMANCE GOAL -- Annually, 25 DBE-eligible firms will be recruited. |

OJT PROGRAM WORKFORCE DEVELOPMENT

OBJECTIVE: To provide OJT-related supportive services (recruitment, counseling, outreach, transportation to work site, job site mentoring, job placement, skill and remedial training, and develop capabilities of prospective trainees) to the workforce of individual DBE firms so as to enhance the development and growth of employee.

PERFORMANCE GOAL: Address the workforce development needs of the DBE firms as identified in Phase I of the DBE BDP.

- | |
|---|
| • ACTIVITY -- Review the needs assessment of each DBE firm conducted in Phase I of the BDP and target available workforce development programs and activities to address identified needs. |
| • PERFORMANCE MEASURE -- (1) Number of DBE firms participating in workforce development programs; (2) Satisfying the workforce development need as identified in the DBE firm's Development Plan (Phase I of the BDP). |

- **ACTIVITY** – Utilize OJT supportive services activities as needed to support a DBE firm’s workforce development.
- **PERFORMANCE MEASURE** -- Number and type of OJT supportive services provided.

- **ACTIVITY** – Utilize OJT supportive services activities to assist prime contractors to provide training regarding workforce diversification and educate the existing workforce to create a skilled and viable work environment.
- **PERFORMANCE MEASURE** -- Number of prime contractors who have partnered with DBE firms and utilized OJT supportive services activities.

OBJECTIVE: Recruit, enroll, and place up to 40 OJT Program participants in the two-year BOWDC Pilot by utilizing each partner to recruit, hire, and train females and minorities and prepare them for careers in heavy and highway construction trades.

- **ACTIVITY** -- Target heavy and highway construction projects adjacent to local communities to partner recruitment activities with unions, CBOs, and other-related organizations.
- **PERFORMANCE MEASURE** – (1) Number and location of partners used as recruitment resources; (2) Number of referrals hired/placed in OJT programs.
- **PERFORMANCE GOAL** – Recruit and place up to 40 participants in the Pilot with a focus on employment and training.

- **ACTIVITY** – Enroll up to 40 OJT participants in the Program (Each firm and/or new participant will sign a MOA detailing the commitments, benefits, and expectations for participating in the Program).
- **PERFORMANCE MEASURE** – (1) Number of new participants committed to participate in the BOWDC Pilot; (2) Number of graduating participants.
- **PERFORMANCE GOAL** – Enroll up to 40 participants.

- **ACTIVITY** – Place up to 40 OJT participants into the workforces of heavy and highway contractors.
- **PERFORMANCE MEASURE** – (1) Number of participants in local training/pre-apprenticeship programs; (2) Number of participants hired by heavy and highway contractors.
- **PERFORMANCE GOAL** – Place up to 40 participants with heavy & highway contractors.

OBJECTIVE: To establish MOAs with prime contractors on federal-aid projects with OJT requirements assigned to the contracts.

- | |
|--|
| <ul style="list-style-type: none">• ACTIVITY – During the two-year Pilot, establish MOAs with participating prime contractors on at least 10 major federal-aid projects assigned training requirements. These MOAs will detail the commitments, benefits, and expectations for participating prime contractors. |
| <ul style="list-style-type: none">• PERFORMANCE MEASURE – 1. Number of prime contractors committed to participate in the BOWDC Pilot; (2) Number of federal-aid projects with OJT requirements; (3) Number of participants hired by participating prime contractors. |
| <ul style="list-style-type: none">• PERFORMANCE GOAL – Establish MOAs with 5 prime contractors. |

PROJECT DURATION

Month/Year of Initiation of Pilot

- DBE Business Development Program: Phase I of the Business Development Program is moving into year two. Phase II (Virtual Incubator) is scheduled to be initiated October of 2006. Phase III (Mentor-Protégé) is scheduled to be initiated October of 2007.
- OJT Program Workforce Development: Initiation of this portion of the BOWDC Pilot is scheduled for second quarter FFY 2007 (January – March, 2007).

Month/Year of Completion of Pilot

- DBE Business Development Program: Once all three phases are implemented, this Program is scheduled to continue indefinitely. The number of DBE firms participating in each phase will depend upon the needs associated with any given FFY.
- OJT Program Workforce Development: This portion of the BOWDC Pilot is scheduled to be completed by March 31, 2009. The exact date will depend upon the exact date of initiation in calendar year 2007. However, this portion of the Pilot will not extend beyond a two-year timeframe.

REPORTING REQUIREMENTS

Type of Required Progress Reports

For the term of the BOWDC CCSU/ITBD will submit to the ConnDOT Project Administrator a written monthly report due on the fifteenth day of each month following the month to be reported. The reports will detail all client-based activities. Each report will contain the following information:

- DBE firms name, addresses and telephone/fax number(s)
 - Number of DBE clients served
 - Number of needs assessments and development plans
 - Number of hours of service provided to each firm and the types of services provided including related technical assistance services
 - Number of completed business plans
 - Listing of DBEs completing the program
 - Number of firms bidding on ConnDOT projects
 - Number of firms successfully bidding of ConnDOT projects
 - MOA Partner activities
 - A summary of accomplishments and problems
-
- Workforce Development enrollee's name, address and telephone/fax number (s)
 - Number of referrals and identification of referral source
 - Number of trainees assessed
 - Number of hours of service provided to each trainee and the types of services provided including related technical assistance services
 - Number of trainees of completing the program
 - Number of trainees placed on heavy and highway construction projects
 - MOA Partner activities
 - A summary of accomplishments and problems

Major Components of Final Report

CCSU/ITBD will prepare and submit to the ConnDOT Project Administrator an annual report 45 days for the date of the completion of the two-year project. The report will identify individual participants and overall accomplishments, including best practices and recommended project improvements. The annual report will include a compilation of the monthly reports.

Quarterly reports will be submitted to FHWA along with copies of the monthly reports.

8/8/2007 1:29 PM

FUNDING MECHANISM

Amount of SAFETEA-LU Section 5204(e) Funds

- \$600,000 over two years (\$300,000 annually during term of Pilot).

Percentage of Federal Funds and State Funds

- Federal Funds = 65% (\$1,130,408)
- State Funds = 35% (\$600,000)

PROJECT BUDGET AND NARRATIVE JUSTIFICATION

FFY 2007

The total budgetary request for the next FFY is **\$555,204.00**. This is itemized as follows:

- **Phase I (Year 2)** Total = \$306,000.00. This amount will allow an additional 35 DBE firms to complete Phase I and have a Development Plan and Business Plan as end products.
- **Phase II (Year 1)** Total = \$222,404.00. This is a proposed expansion of the present DBE Business Development Program. **Phase II (Virtual Incubator)** is intended to have two parts: Services (**Part A**) and Training/Consulting (**Part B**) --
 - Phase II, Part A (Services)** will be available for all DBE firms that complete **Phase I** (Development Plan and Business Plan). As of September, 2006, 34 DBE firms have completed **Phase I**. These 34 firms are now eligible for the services provided under **Phase II, Part A** for a period of 12 months.
 - Phase II, Part B (Training/Consulting)** is intended to allow approximately ½ of the DBE firms that have completed **Phase I** (20 DBE firms) to have 20 additional hours of personalized consultation and training. The anticipation is that approximately ½ of the DBE firms that complete **Phase I** will require more intensive consultation and training. Therefore, we anticipate 20 firms using 20 hours each under **Phase II, Part B**.
- **Annual Budget For Other DBE Supportive Services (Administered by ConnDOT)** Total = \$26,800.00. This amount will include DBE Workshops, Conferences, Orientations, Showcases, and other Outreach Activities.

FFY 2008

The total budgetary request for the FFY 2008 is **\$575,204.00**.

This is itemized as follows:

- **Phase I (Year 3)** Total = \$306,000.00. This amount will allow an additional 35 DBE firms to complete Phase I and have a Development Plan and Business Plan as end products.
- **Phase II (Year 2)** Total = \$222,404.00. This is a proposed extension of the present DBE Business Development Program. **Phase II** is intended to have two parts: Services (**Part A**) and Training/Consulting (**Part B**) --

Phase II, Part A (Services) will be available for all DBE firms that complete **Phase I** (Development Plan and Business Plan). As we expect approximately 35 additional DBE firms will have completed **Phase I** by the end of FFY 2007 (September 2007), these 35 firms will be able to avail themselves of the services provided under **Phase II, Part A** for a period of 12 months.

Phase II, Part B (Training/Consulting) is intended to allow approximately ½ of the DBE firms that have completed **Phase I** (20 DBE firms) to have 20 additional hours of personalized consultation and training. The anticipation is that approximately ½ of the 35 DBE firms that complete **Phase I** will require more intensive consultation and training. Therefore, we anticipate 20 firms using 20 hours each under **Phase II, Part B**.

- **Phase III (Mentor-Protégé Proposal, Year 1)** Total = \$20,000.00. We do not expect all DBE firms to utilize this phase; however, we have inquired within the industry and have been informed that this amount will allow approximately 40 – 50 DBE firms to complete **Phase III**. Once **Phase III** is implemented, the minimum requirement for a DBE firm to enter into this phase will be to have completed **Phase I**.
- **Annual Budget For Other DBE Supportive Services (Administered by ConnDOT)** Total = \$26,800.00. This amount will include DBE Workshops, Conferences, Orientations, Showcases, and other Outreach Activities.

For future years, the number of DBE firms completing **Phase I** is estimated to decrease to approximately 30 firms each year until all presently certified firms have completed **Phase I**. The push to have approximately 105 firms complete **Phase I** in three years (35 firms per year) is due to the fact that just under ½ of the State of Connecticut's over 300 DBE firms are considered to be ready, willing, and able. Once these ready, willing, and able firms have completed **Phase I**, **Phase I** will be scaled back to finish the rest of the certified firms over a longer period and to keep current with the new firms as each new firm becomes DBE certified. In the future, ConnDOT intends to require all new firms to have an up-to-date Business Plan.

Once all presently DBE – certified firms have completed **Phase I**, it will be kept ready only for new DBE firms on an as needed basis. The focus will shift to **Phase II** and especially **Phase III** as more firms enter into these phases.

MONITORING AND EVALUATION

(should we include what Colorado has FHWA Div. and Civil Rights Office)
ConnDOT shall monitor the BOWDC on an ongoing basis. ConnDOT shall monitor to ensure that the purpose, the intent and the spirit of the BOWDC is being fully executed.

- ConnDOT will conduct progress meetings and site visits
- ConnDOT will survey DBE firms
- ConnDOT will interview participants in the workforce development and pre-apprenticeship programs
- ConnDOT will require and review evaluation forms for training and technical assistance services

ConnDOT will routinely contact DBE firms and program partners. The CCSU/ITBD project manager will be responsible for monitoring and evaluating partners.

The FHWA Headquarters Office of Civil Rights (HCR) may conduct an audit, investigation, or make an on-site visit at any time without notice. All documents, papers and records pertinent to the BOWDC will be made available to FHWA.

This project may be terminated upon request by FHWA, if it is not meeting the goals and objectives of the BOWDC Pilot.

49 CFR § 26.85, INTERSTATE CERTIFICATION

ConnDOT chooses to review all out-of-state applications as provided in § 26.85(c). The following applies with respect to any firm that is currently certified in its home state and wishes to become certified by the ConnDOT DBE Program. All such firms:

- (1) Must provide to ConnDOT a complete copy of your home state application form, all supporting documents and any other information related to your firm's certification that you have submitted to your home state or any other state. This includes affidavits of no change and any notices of changes that you have submitted to your home state, as well as any correspondence you have had with your home state UCP or any other recipient concerning your application or status as a DBE firm.
- (2) Must provide to ConnDOT any notices or correspondence from states other than your home state relating to your status as an applicant or certified DBE in those states. If you have been denied certification or were decertified in another state, or are subject to a decertification action there, you must inform ConnDOT of this fact and provide all documentation concerning this action to ConnDOT.
- (3) Must submit the below affidavit sworn to by all of the firm's owners before a person who is authorized by State law to administer oaths or an unsworn declaration executed under penalty of perjury of the laws of the United States.
- (4) If you have filed a certification appeal with USDOT, you must inform ConnDOT of the fact and provide your letter of appeal and USDOT's response to ConnDOT.

AFFIDAVIT OF CERTIFICATION FOR OUT-OF-STATE APPLICANTS

This form must be signed and sworn to by each owner of the applicant firm. Use additional forms if necessary.

ANY MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION OR AFFIDAVIT 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 _____ (print full name), declare under penalty of law that I have submitted all of the information required by 49 CFR 26.85(c). This information is complete and, in the case of the requirements of § 26.85(c)(1), is identical to the information which served as the basis for my home state certification. Further, I declare under penalty of perjury that all facts in my most recent on-site report remain true and correct.

Executed _____
(Date)

NOTARY CERTIFICATE

Signature _____
(Applicant Owner)

