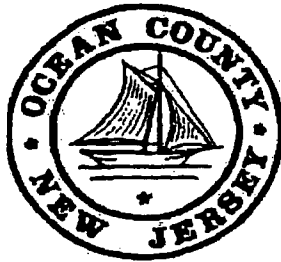


**Ocean County  
Ocean County Airport  
Toms River, NJ**



**Disadvantaged Business Enterprise (DBE) Program**  
**49 CFR Part 26**

Updated: July 2022

## **POLICY STATEMENT**

### **Section 26.1, 26.23 Objectives/Policy Statement**

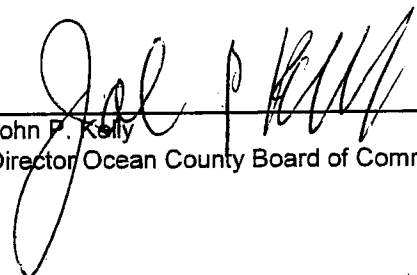
Ocean County, owner of Ocean County Airport, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Ocean County has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Ocean County has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

It is the policy of Ocean County to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also Ocean County policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of DOT- assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. Make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Michael J. Fiure, Director of Management and Budget, has been delegated as the DBE Liaison Officer. In that capacity, Michael J. Fiure is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by Ocean County in its financial assistance agreements with the Department of Transportation.

Ocean County has disseminated this policy statement to the Board of Commissioners and all of the components of our organization. This statement has been distributed to DBE and non- DBE business communities that may perform work on Ocean County DOT-assisted contracts. Copies of this statement are available to DBE and non-DBE business communities that perform work on DOT-assisted contract through contract documents and can be found at <http://www.planning.co.ocean.nj.us/airport/frnHome>.

  
John P. Kelly

Director Ocean County Board of Commissioners

7/27/2022  
Date

## **GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

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

### **Section 26.3 Applicability**

Ocean County is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

### **Section 26.5 Definitions**

Ocean County will use terms in this program that have their meanings defined in Part 26, §26.5.

### **Section 26.7 Non-discrimination Requirements**

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

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

### **Section 26.11 Record Keeping Requirements**

#### **Reporting to DOT**

Ocean County will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to FAA Office of Civil Rights as follows:

Ocean County will transmit to FAA Office of Civil Rights annually, by or before December 1, the information required for the "Uniform Report of DBE Awards or Commitments and Payments", as described in Appendix B to Part 26. Ocean County will similarly report the required information about participating DBE firms. All reporting will be done through the FAA Office of Civil Rights official reporting system, or another format acceptable to FAA Office of Civil Rights as instructed thereby.

### Bidders List

Ocean County will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on Ocean County DOT-assisted contracts, for use in helping to set overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

This information will be collected in the following way(s):

All bidders are required to complete the Bidder's List Collection Form found in **Attachment 3** and submit a copy with their bid proposal.

### Records retention and reporting:

Ocean County will maintain records documenting a firm's compliance with the requirements of this part. These records will be retained in accordance with all applicable record retention requirements of Ocean County financial assistance agreement. Other compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

### **Section 26.13 Federal Financial Assistance Agreement**

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

Assurance: - Each financial assistance agreement Ocean County signs with a DOT operating administration (or a primary recipient) will include the following assurance:

Ocean County 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 Ocean County shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Ocean County 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 Ocean County of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

**Contract Assurance:** Ocean County will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

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

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the contractor from future bidding as non-responsible.

## **ADMINISTRATIVE REQUIREMENTS**

### **Section 26.21      DBE Program Updates**

Ocean County is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FM funds in a federal fiscal year. Ocean County is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and Ocean County is in compliance with it and Part 26. Ocean County will continue to carry out this program until all funds from DOT financial assistance have been expended. Ocean County does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

### **Section 26.23      Policy Statement**

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

### **Section 26.25      DBE Liaison Officer (DBELO)**

The following individual has been designated as the DBE Liaison Officer for Ocean County:

*Michael J. Fiure  
Director of Management and Budget  
County of Ocean  
101 Hooper Ave.  
P.O. Box 2091  
Toms River, NJ 08754-2191  
Phone: 732-929-2099  
MFiure@co.ocean.nj.us*

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that Ocean County complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Director of the Board of Chosen Freeholders concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in **Attachment 2** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of 5 to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes Ocean County's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Director of the Board of Commissioners on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Participates in DBE training seminars.

#### **Section 26.27      DBE Financial Institutions**

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

The Airport has researched the availability of DBE financial institutions in the directory of certified DBE's maintained by the New Jersey Unified Certification Program as well as the website of the Federal Reserve Board identifying minority-owned banks. There currently are no available DBE financial institutions available. We will continue to conduct a search annually.

#### **Section 26.29      Prompt Payment Mechanisms**

Ocean County requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed Pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR §26.29, Ocean County established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 10 days from the prime contractor's receipt of each payment from Ocean County.

Ocean County ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 10 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, Ocean County has selected the following method to comply with this requirement:

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

Additionally, for Federal Aviation Administration (FAA) Recipients include the following:

To implement this measure, Ocean County includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime contract:

The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 10 days after the Contractor has received a partial payment. The Owner must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 10 days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Owner. When the Owner has made an incremental

acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

From the total of the amount determined to be payable on a partial payment, {insert amount of retainage, not to exceed 10 percent} percent of such total amount will be deducted and retained by the Owner until the final payment is made, except as may be provided (at the Contractor's option) in the subsection titled PAYMENT OF WITHHELD FUNDS of this section. The balance {(insert balance)} of the amount payable, less all previous payments, shall be certified for payment. Should the Contractor exercise his/her option, as provided in the subsection titled PAYMENT OF WITHHELD FUNDS of this section, no such percent retainage shall be deducted.

When at least 95 percent of the work has been completed, the Engineer shall, at the Owner's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done.

The Owner may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

#### **Section 26.31      Directory**

Ocean County is a non-certifying member of the New Jersey State Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31. A copy of the link for the State's UCP can be found in **Attachment 4**.

#### **Section 26.33      Over-concentration**

Ocean County has not identified that over-concentration exists in the types of work that DBEs perform.

#### **Section 26.35      Business Development Programs**

Ocean County has not established a Business Development Program.

#### **Section 26.37      Monitoring Responsibilities**



Ocean County implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in Ocean County's DBE program.

Ocean County actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

#### Monitoring Payments to DBEs and Non-DBEs

Ocean County undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

The Airport monitors payments throughout a project. The following is required throughout a project:

- The Monthly Payment Report found in **Attachment 5**, will be submitted on a monthly basis throughout the entirety of the project. A progress payment will not be processed until the report is submitted. The intent of this form is to monitor payments by providing a running tally of actual DBE attainments and compares this to the commitments.
- Each subcontractor, DBE and non-DBE firms, is required to complete the Subcontractor's Prompt Payment Certification, found in **Attachment 6**. A completed copy of this form shall be submitted to the Sponsor's representative, the Prime Contractor and the Contractor you are working for at least 7 days prior to an application for payment. The form is to be submitted with each payment application. Any delay in the submitting the required certification will cause a delay in payments being processed.
- The Disadvantaged Business Enterprise (DBE) Participation Summary Form, found in **Attachment 8**, must be completed and signed by the DBE firm upon completion of the project. A final payment will not be processed without the required form. The intent of this form is to confirm total payments made to DBE firms.

Ocean County requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for Ocean County's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of Ocean County or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

- Ocean County proactively reviews contract payments to subcontractors including DBEs monthly and each time a payment request is submitted. The Prime Contractor will submit the Subcontractors Prompt Payment Certification(s) with each payment request. The airports DBELO or designee will review each invoice breakout against the prime's contract for compliance with the DBE program to confirm the DBE contract amount match the prime's bid submittal. After the review, if there are no discrepancies, the invoice will be processed for payment. The DBELO or designee will document prime contractors payments to DBE Firms. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to Ocean County by the prime contractor.

#### Prompt Payment Dispute Resolution

Ocean County will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

Upon either parties' written request to the DBELO for mediation, the parties shall participate voluntary mediation by selecting a mediator within 10 days of request. Within 30 days of the request, the mediation shall be completed, with or without legal counsel, pursuant to NYS law.

Ocean County has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage *[examples of mechanisms include the following]*:

#### (1) Alternative dispute resolution (ADR)

- o If the subcontractor is unable to resolve payment discrepancies with the prime contractor or is uncomfortable contacting the prime contractor directly regarding the discrepancy, the subcontractor should contact the DBELO to initiate complaint.
- o If the subcontractor is not satisfied with the results from filing a prompt payment complaint with the Airport's DBELO, the subcontract may contact the Project Engineer for final decision.

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

#### Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.

- If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint.
- If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by Ocean County to resolve prompt payment disputes, affected subcontractor may contact the responsible FAA Office of Civil Rights contact.
- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

#### Enforcement Actions for Noncompliance of Participants

Ocean County will provide appropriate means to enforce the requirements of §26.29. These means include:

- *Progress payments for any work performed may be withheld until corrective action is taken.*

Ocean County will actively implement the enforcement actions detailed above.

#### Monitoring Contracts and Work Sites

Ocean County reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by the DBELO or designee. Contracting records are reviewed by the DBELO or designee. Ocean County will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

#### **Section 26.39      Fostering small business participation**

Ocean County has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The small business element is incorporated as **Attachment 9** to this DBE Program. The program elements will be actively implemented to foster small business participation. **Implementation of the small business element is required in order for**

Ocean County to be considered by DOT as implementing this DBE program in good faith.

### **SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING**

#### **Section 26.43      Set-asides or Quotas**

Ocean County does not use quotas in any way in the administration of this DBE program.

#### **Section 26.45      Overall Goals**

Ocean County will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), Ocean County will submit its Overall Three-year DBE Goal to FAA Office of Civil Rights by August 1 of the year in which the goal is due, as required by the schedule established by and posted to the website of FAA Office of Civil Rights.

[https://www.faa.gov/about/office\\_org/headquarters\\_offices/acr/bus\\_ent\\_program](https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program)

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If Ocean County does not anticipate awarding prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However, this DBE Program will remain in effect and Ocean County will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. Ocean County will use *DBE Directory information and Census Bureau Data* as a method to determine the base figure. Ocean County understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past

competitiveness of DBEs on contracts. Ocean County will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the Ocean County market.

In establishing the overall goal, Ocean County will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by Ocean County to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before Ocean County is required to submit the goals to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which Ocean County engaged.

Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, Ocean County will publish a notice announcing the proposed overall goal before submission to the FAA Office of Civil Rights on August 1. The notice will be posted on Ocean County's official internet web site. If the proposed goal changes following review by FAA Office of Civil Rights, the revised goal will be posted on the official internet web site.

The public will also be informed that the proposed overall goal and its rationale are available for inspection during normal business hours at the principal office of Ocean County. This notice will provide that Ocean County and FAA Office of Civil Rights will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. **The public comment period will not extend the August 1 deadline.**

The Overall Three-Year DBE Goal submission to FAA Office of Civil Rights will include a summary of information and comments received, if any, during this public participation process and Ocean County responses.

Ocean County will begin using the overall goal on October 1 of the relevant period, unless other instructions from FM Office of Civil Rights have been received.

#### Project Goals

If permitted or required by the FAA Office of Civil Rights Administrator, an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

#### Prior Operating Administration Concurrence

Ocean County understands that prior FAA Office of Civil Rights concurrence with the overall goal is not required. However, if the FAA Office of Civil Rights review suggests that the overall goal has not been correctly calculated or that the method employed by Ocean County for calculating goals is inadequate, FAA Office of Civil Rights may, after consulting with Ocean County, adjust the overall goal or require that the goal be adjusted by Ocean County. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 10** to this program.

#### **Section 26.47      Failure to meet overall goals**

Ocean County cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless Ocean County fails to administer its DBE program in good faith.

Ocean County understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

Ocean County understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in

order to be regarded by the Department as implementing this DBE Program in good faith:

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

#### **Section 26.51 Means Recipients Use to Meet Overall Goals**

##### **Breakout of Estimated Race-Neutral & Race-Conscious Participation**

Ocean County will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include, but are not limited to the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
2. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
3. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
4. Consider unbundling large contracts to make them more accessible to small businesses when possible;
5. Provide instructions and clarification on bid specifications, general bidding requirements, and procurement policies and procedures; and
6. Discuss the DBE goal and DBE requirements at Pre-bid meetings to encourage prime contractors to solicit DBE firms in subcontracting opportunities.

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 10** to this program.

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

### Contract Goals

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order meet the overall goal.

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

Contract goals will be expressed as a percentage of the Federal share of a DOT-assisted contract.

### **Section 26.53      Good Faith Efforts Procedures in Situations where there are Contract Goals**

#### Demonstration of good faith efforts (pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder that has made good faith efforts to meet the contract goal. The bidder can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

DBELO or designee is responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as Responsive.

Ocean County will ensure that all information is complete and accurate and adequately documents the bidder offers good faith efforts before committing to the performance of the contract by the bidder.



In all solicitations for DOT-assisted contracts for which a contract goal has been established , the following information will be required of every bidder (See Attachment 8):

- ( Award of the contract will be conditioned on meeting the requirements of this section;
- ( All bidders will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:
  - ( The names and addresses of DBE firms that will participate in the contract;
  - ( A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
  - ( The dollar amount of the participation of each DBE firm participating;
  - ( Written documentation of the bidder commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
  - ( Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
  - ( If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
- ( The bidder will be required to present the information stipulated in paragraph (2) of this section:
- ( Under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals, under contract negotiation procedures;

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

#### Administrative reconsideration

Within 7 days of being informed by Ocean County that it is not responsive because it has not documented adequate good faith efforts, a bidder may request administrative reconsideration. Bidder should make this request in writing to the following reconsideration official: Carl W. Block, County Administrator, 101 Hooper Avenue, P.O. Box 2091, Toms River, NJ 08754-2191, (732) 929-2055, [cblock@co.ocean.nj.us](mailto:cblock@co.ocean.nj.us). The reconsideration official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts.

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

Good Faith Efforts procedural requirements (post-solicitation)

The awarded contractor will be required to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of Ocean County. This includes, but is not limited to, instances in which a prime 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 another DBE firm.

Such written consent will be provided only if Ocean County agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) Ocean County determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides Ocean County written notice of its withdrawal;

- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (10) Other documented good cause that Ocean County has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to Ocean County a request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to Ocean County, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise Ocean County and the prime contractor of the reasons, if any, why the DBE objects to the proposed termination of its subcontract and why the prime contractor's action should not be approved. If required in a particular case as a matter of public necessity (e.g., safety), a response period shorter than five days may be provided.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offers in negotiated procurements.

Each prime contract will include a provision stating:

The contractor shall utilize the specific DBEs listed in the contractor's *[bid/solicitation]* response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of Ocean County as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

Ocean County will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If Ocean County requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor. Ocean County shall provide a

written determination to the contractor stating whether or not good faith efforts have been demonstrated.

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

#### **Section 26.55      Counting DBE Participation**

DBE participation will be counted toward overall and contract goals as provided in §26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in §26.870).

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, DBE firms certified with NAICS code 237310 that exceed the business size standard in § 26.65(b) will remain eligible for DBE credit for work in that category as long as they do not exceed the small business size standard for that category, as adjusted by the United States Small Business Administration.

### **SUBPART D-CERTIFICATION STANDARDS**

#### **Section 26.61 - 26.73      Certification Process**

Ocean County is a non-certifying member of the New Jersey Unified Certification Program (UCP). New Jersey UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Certifying New Jersey UCP members make all certification decisions based on the facts as a whole.

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

Division of Civil Rights and Affirmative Action  
Disadvantaged and Small Business Programs Unit  
1035 Parkway Avenue

PO Box 600  
Trenton, NJ 08625-0600  
Phone: (609) 530-3882

The Union Certification Application form and documentation requirements are found in **Attachment 12** to this program.

### **SUBPART E-CERTIFICATION PROCEDURES**

#### **Section 26.81 Unified Certification Programs**

Ocean County is the member of a Unified Certification Program (UCP) administered by New Jersey Unified Certification Program. The UCP will meet all of the requirements of this section. A copy of the signed agreement page of the membership of the UCP between the Airport and the UCP can be found in **Attachment 11**.

### **SUBPART F - COMPLIANCE AND ENFORCEMENT**

#### **Section 26.101 Compliance Procedures Applicable to Ocean County**

Ocean County understands that if it fails to comply with any requirement of this part, Ocean County may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; requirements.

#### **Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation**

Information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law will be safeguarded from disclosure to third parties.

Under N.J.S.A. 47:1A-1 et seq. the New Jersey Open Public Records Act (OPRA), government records, with certain exceptions, are required to be readily accessible to the public for inspection, examination, and copying. While limitations on the public's right of access should be decided in the public's favor, a public agency is required to keep a citizen's personal information from public access when that access would violate the citizen's reasonable expectation of privacy.

Not with standing any provision of Federal state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to DOT in any certification appeal proceeding under §26.89 or to any other state to which the individual's firm has applied for certification under §26.85.

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

Ocean County, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. Ocean County understands that it is in noncompliance with Part 26 if it violates this prohibition.

## **ATTACHMENTS**

- Attachment 1 Regulations: 49 CFR Part 26 or website link
- Attachment 2 Organizational Chart (Section 26.25)
- Attachment 3 Bidder's List Collection Form (Section 26.11 (c))
- Attachment 4 DBE Directory or link to (Section 26.31)
- Attachment 5 Monthly DBE Report (Section 26.29)
- Attachment 6 Subcontractor's Prompt Payment Certification (Section 26.29)
- Attachment 7 DBE Monitoring and Enforcement Mechanisms (Section 26.37)
- Attachment 8 DBE Participation Forms (Section 26.37)
- Attachment 9 Small Business Element Program (Section 26.39)
- Attachment 10 Overall Goal Calculations (Section 26.45); Breakout of Race-Neutral & Race-Conscious Participation (Section 26.51)
- Attachment 11 DBE Certification Application Form (Section 26.61 - 26.73)
- Attachment 12 State's UCP Agreement (Section 26.81)

**ATTACHMENT 1**

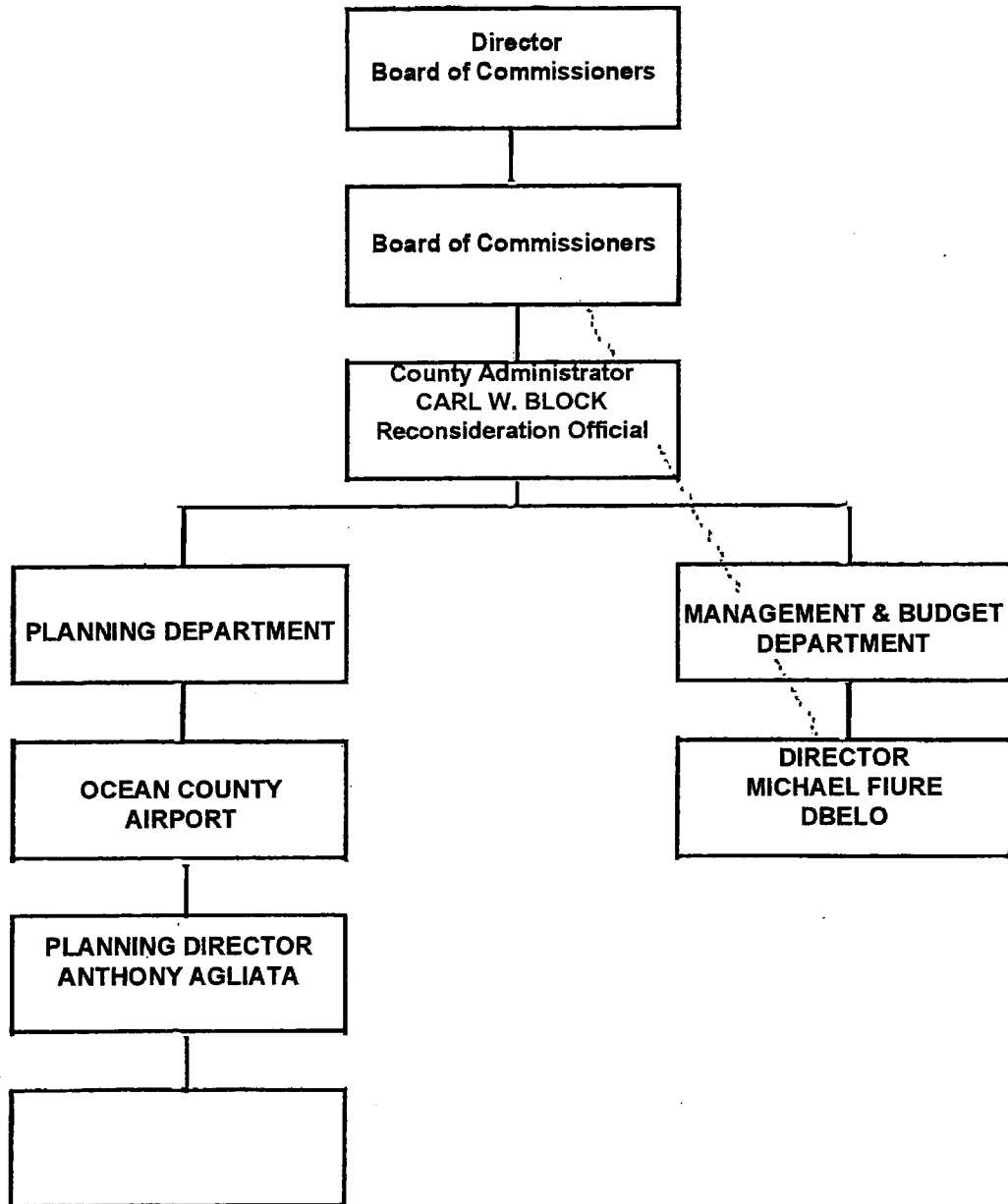
Regulations: 49 CFR Part 26, or link to website

[https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl)



**ATTACHMENT 2**

**Ocean County Organizational Chart**



**ATTACHMENT 3**  
**Bidder's List Collection Form**  
**(Bidder's Information)**

The sponsor is required by CFR Title 49, Subtitle A, Part 26, Subpart A, Section 26.11 to collect the following information from the bidder. As such, it is the responsibility of the bidder to complete the following information as a condition of submitting a proposal for this project. The sponsor will consider incomplete information to be an irregular proposal.

Airport Name: \_\_\_\_\_ AIP No. \_\_\_\_\_

Project Name: \_\_\_\_\_

**Bidder's Information**

Firm Name	Firm Street Address, City, State, Zip Code, Phone No.	DBE / Non DBE Status	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M

(This form must be completed and submitted with the Proposal.)

**(Subcontractor's Information)**

The sponsor is required by CFR Title 49, Subtitle A, Part 26, Subpart A, Section 26.11 to collect the following information from each subcontractor submitting a quote, bid or proposal to the bidder. As such, it is the responsibility of the bidder to complete the following information as a condition of submitting a proposal for this project. The sponsor will consider incomplete information to be an irregular proposal.

Please note that the information requested below must be filled out for each quote received by the bidder, regardless of DBE status. For example, if the bidder requests quotes from three contractors for electrical work, the information requested below must be filled out for the three subcontractors. It is important to note that providing the information does not commit the bidder to using any one of the three subcontractors in the work.

Airport Name: \_\_\_\_\_ AIP No. \_\_\_\_\_

Project Name: \_\_\_\_\_

**Subcontractor's Information**

Firm Name	Firm Street Address, City, State, Zip Code, Phone No.	DBE / Non DBE Status	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M

Firm Name	Firm Street Address, City, State, Zip Code, Phone No.	DBE / Non DBE Status	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M

(Copy this form and submit with your original proposal if more space is needed.)

(This form must be completed and submitted with the Proposal.)

**ATTACHMENT 4**

New Jersey DBE Directory link

[njucp.dbesystem.com](http://njucp.dbesystem.com)

**ATTACHMENT 5**  
**MONTHLY PAYMENT REPORT**

Name of Contractor's Firm: \_\_\_\_\_

Project Name/Location: \_\_\_\_\_

FAA AIP Project No.: \_\_\_\_\_

[illegible]

**\*ALL Subcontractors Must Be Listed -- ONLY DBE Suppliers Must Be Listed**

Date \_\_\_\_\_

## ATTACHMENT 6

### SUBCONTRACTOR'S PROMPT PAYMENT CERTIFICATION

**NOTE:** Each Contractor shall provide a copy of this form to each of their Subcontractors (DBE and non-DBE) that are working on or has worked on this project. This certification applies to all tier Subcontractors. A completed copy of this form shall be submitted to the Sponsor's representative, the Prime Contractor and the Contractor you are working for at least 7 days prior to an application for payment. Any Subcontractor failing to submit a copy of this form shall be cause for the Sponsor's representative to delay the payment application. Reference Section 70-21, Item 12 for information on 49 CFR §26.29 with regard to Prompt Payment.

Should a Subcontractor indicate that they have not received payment for work they performed in which their Contractor has received payment, the Sponsor shall withhold the delinquent amount indicated unless the Contractor received written approval from the Sponsor of the Contractor's written request justifying withholding payment from the Subcontractor.

Project Title: \_\_\_\_\_

Airport Name: \_\_\_\_\_

AIP No.: \_\_\_\_\_

Company Name: \_\_\_\_\_

Company Address: \_\_\_\_\_

\_\_\_\_\_ Contact Phone No.: \_\_\_\_\_

Contractor's Name you subcontract to: \_\_\_\_\_

1. Have you performed work on this project within the last 30 days? Yes \_\_\_ No \_\_\_
2. Has the work you performed within the last 30 days been completed and accepted by the Engineer? Yes \_\_\_ No \_\_\_ Not sure \_\_\_
3. Have you been paid by the contractor you subcontracted with for the work you performed? Yes \_\_\_ No \_\_\_
4. Estimated value of work performed in which you did not receive payment: \$ \_\_\_\_\_
5. Have you completed all work that you are required to perform on this contract? Yes \_\_\_ No \_\_\_

Written Name of Subcontractor's Rep. \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## **ATTACHMENT 7**

### **DBE Monitoring and Enforcement Mechanisms**

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

#### **SUBCHAPTER 8. DEBARMENT, SUSPENSION AND DISQUALIFICATION**

##### **16:44-8.1 Causes for debarment**

(a) In the public interest, the Department may debar person for any of the following causes:

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract;
2. Civil or criminal violation of the Federal Organization Crime Control Act of 1970 or the New Jersey Racketeer Influenced and Corrupt Organizations Act, N.J.S.A. 2C:41-1 et seq., or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity for honesty;
3. Violation of the Federal, State of New Jersey, or any state antitrust statutes, or of the Federal Anti-Kickback Act (18 U.S.C. Â§ 874, 40 U.S.C. Â§ 276b, c);
4. Violation of any of the laws governing the conduct of elections of the Federal government, State of New Jersey, or any state or of its political subdivisions;
5. Violation of the "Law Against Discrimination" (P.L. 1945, c.169, N.J.S.A. 10:5-1 et seq., as supplemented by P.L. 1975, c.127), or of the act banning discrimination in public works employment (N.J.S.A. 10:2-1 et seq.) or of the act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (P.L. 1942, c.114, N.J.S.A. 10:1-10 et seq.);
6. Violations of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor;
7. Violations of any laws governing the conduct of occupations or professions or regulated industries;
8. Violations of any other laws which may bear upon a lack of responsibility or moral integrity;
9. Willful failure to perform in accordance with contract specifications or within contractual time limits;
10. A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred;
11. Violation of contractual or statutory provisions regulating contingent fees;
12. Any other cause affecting responsibility as a State contractor of such serious and compelling nature as may be determined by the Department to warrant debarment, including such conduct as may be prescribed by the laws or contracts enumerated in this paragraph even if such conduct has not been or may not be prosecuted as violations of such laws or contracts; and
13. Debarment or disqualification by any other agency of government.

In the public interest, the Department may debar a vendor for violation of any of the following prohibitions on vendor activities or for breach of any of the following obligations:

1. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-

13b and e, in the Department of Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i, of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.

2. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.
3. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:13D-13g.
4. Any relationship subject to the provisions of (b)3 above shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.
5. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
6. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use his or her official position to secure unwarranted privileges or advantages for the vendor or any other person.
7. The provisions cited in (b)1 through 6 above shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines promulgated by the Executive Commission on Ethical Standards.

The Airport has a number of Contract remedies available to enforce DBE requirements.

- a. Contract Assurance 26.13b \* discrimination by a contractor is considered a material breach of contract and may result in termination of the contract; withholding monthly progress payments; assessing sanctions; liquidated damages; and/or disqualifying the contractor from future bidding as non-responsible.
- b. Breach of Contract – Any violation or breach of terms of the contract may result in the suspension or termination of a contract, the withholding of payments until such time the contractor corrects the breach of contract.
- c. Sanctions for Noncompliance - In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the sponsor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. Cancelling, terminating, or suspending a contract, in whole or in part.

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

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

**ATTACHMENT 8**  
**DBE Participation Forms**

### CONTRACTOR'S DBE PLAN

(Submit this form and attach one DBE Letter of Intent Form for each DBE subcontractor, supplier or manufacturer.)

Airport Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

FAA AIP Project No: \_\_\_\_\_

Total Awarded Contract Amount: \$ \_\_\_\_\_

Name of Bidder's Firm: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Printed name of signer: \_\_\_\_\_

Printed title of signer: \_\_\_\_\_

#### DBE UTILIZATION SUMMARY

	<u>DBE Contract Amount</u>	<u>DBE Value</u>	<u>Contract %</u>
DBE Prime Contractor	\$ _____ x 1.00 =	\$ _____	_____ %
DBE Subcontractors	\$ _____ x 1.00 =	\$ _____	_____ %
DBE Suppliers	\$ _____ x 0.60 =	\$ _____	_____ %
DBE Manufacturers	\$ _____ x 1.00 =	\$ _____	_____ %
* Total Proposed DBE Participation		\$ _____	_____ %
Established DBE Goal		\$ _____	_____ %

\* If the total proposed DBE participation is less than the established DBE goal, Bidder must provide written documentation of the good faith efforts as required by 49 CFR Part 26.

#### Affirmation:

The undersigned hereby assures that the information included herein is true and correct, and that the DBE firm(s) listed on the attached DBE Letter of Intent Forms have agreed to perform a commercially useful function in the work items noted for each firm. The undersigned further understands that no changes to this plan may be made without prior approval from the Civil Rights Staff of the Federal Aviation Administration.

By: \_\_\_\_\_  
(Signature of Bidder's representative) (Title)

## DBE LETTER OF INTENT FORM

(Submit one form for each DBE subcontractor, supplier or manufacturer.)

Project Name/Location: \_\_\_\_\_

FAA AIP Project No: \_\_\_\_\_

Name of Bidder's Firm: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Telephone: \_\_\_\_\_

Certifying Agency: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
(DBE firm shall submit evidence, such as a photocopy, of their certification status)

Classification: ☐ Prime Contractor ☐ Subcontractor ☐ Joint Venture  
☐ Manufacturer ☐ Supplier

Disadvantaged Group (check one):

Black American <input type="checkbox"/>	Hispanic American <input type="checkbox"/>	Native American <input type="checkbox"/>	Subcont. Asian American <input type="checkbox"/>
Male <input type="checkbox"/>	Male <input type="checkbox"/>	Male <input type="checkbox"/>	Male <input type="checkbox"/>
Female <input type="checkbox"/>	Female <input type="checkbox"/>	Female <input type="checkbox"/>	Female <input type="checkbox"/>
Asian Pacific American <input type="checkbox"/>	Non-Minority <input type="checkbox"/>	Other (not of any group listed here) <input type="checkbox"/>	
Male <input type="checkbox"/>	Male <input type="checkbox"/>	Male <input type="checkbox"/>	
Female <input type="checkbox"/>	Female <input type="checkbox"/>	Female <input type="checkbox"/>	

### SUMMARY OF WORK ITEMS

Work Item(s)	Description of Work Item	Estimated Quantity	Total Value

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

### Affirmation:

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

By: \_\_\_\_\_  
(Signature of DBE firm's representative) (Title)

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

**DISADVANTAGED BUSINESS ENTERPRISE  
DBE PARTICIPATION SUMMARY**  
(Submit one form for each DBE Firm.)

**Airport Name** \_\_\_\_\_

**Contractor** Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**DBE Firm** DBE Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**DBE Contact Person** Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**DBE Certification Agency:** \_\_\_\_\_ **Expiration Date:** \_\_\_\_\_

*Each DBE Firm shall submit evidence (such as a photocopy) of their certification status.*

**DBE Commitments/Awards  
-Breakdown By  
Ethnicity & Gender**

- ☐ Black American  
☐ Hispanic American  
☐ Native American  
☐ Subcontinent Asian American

- ☐ Asian-Pacific American  
☐ Non-Minority Women  
☐ Other (i.e. not of any group listed here)

**Classification:**

- ☐ Prime Contractor  
☐ Manufacturer  
☐ Subcontractor

- ☐ Supplier  
☐ Joint Venture

Work items performed by DBE	Description	Quantity	Amount Paid to DBE

The Contractor utilized the above-named DBE Firm for the work items described above.  
The actual participation is as follows:

Total amount paid to DBE Firm: \$ \_\_\_\_\_ Percent of Contractor's total contract: \_\_\_\_\_ %

**Affirmation:**

The above-named DBE Firm affirms that it has performed the work items described above and has been paid the amount stated above.

By: \_\_\_\_\_  
(Signature) (Title)

**ATTACHMENT 9**  
**Small Business Element**



**SMALL BUSINESS ELEMENT**

**49 CFR PART 26.39**

## 49 CFR Part 26.39: FOSTERING SMALL BUSINESS PARTICIPATION

### A. Objective (49 CFR Part 26.39)

In accordance with 49 CFR Part 26.39, the Airport has created an element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. For clarification purposes, 49 CFR Part 26.5 states, "*Small business concern*" means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b)."

In compliance with 49 CFR Part 26.39, Fostering Small Business Participation, the Airport will meet its objectives using a combination of the following methods and strategies:

1. Where feasible, on FAA-assisted contracts, the Airport will establish a race-neutral small business set-aside on prime contracts less than \$250,000. A "set-aside" is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner's gender, race or geographic location.
2. On Prime contracts not having DBE contract goals, we will require prime contractors to provide subcontracting opportunities that small businesses, including DBEs, can reasonably perform, rather than self-performing all of the work.
3. The New Jersey Department of Transportation's Disadvantaged and Small Business Program Units maintain Small Business Enterprise and Emerging Small Business Enterprise Programs. The Airport and Consulting Engineer will encourage prime contractors to utilize the New Jersey Selective Assistance Vendor Information (NJSAVI) to find registered SBE firms. This is a database that identifies businesses that are registered as a SBE and/or certified as an M/WBE with the State of New Jersey. Information regarding this program can be found on <http://www.state.nj.us/transportation/business/civilrights/dbe.shtml>.

The Airport will require that Prime Contractor(s) complete the attached form Entitled *Small Business Participation Plan*.

### B. Definitions

#### 1. Small Business:

A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

#### 2. Disadvantaged Business Enterprise:

A for-profit small business (as defined by the Small Business Administration) —

- 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;
- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) does not exceed the described in 49 CFR Part 26. The current PNW cap is \$1.32 million.

- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE in the State of New York in accordance with 49 CFR 26.

For the purposes of the small business element of the Airport's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be strongly encouraged to seek DBE certification. In addition, minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

#### **C. Certification and Verification Procedures**

The Airport will accept the following certifications for participation in the small business element of the Airport's DBE Program with applicable stipulations:

1. NJ DOT DBE Certification – DBE Certification by the NJ DOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by NJ DOT.
2. NJDOT has established an Emerging Small Business Enterprise (ESBE) certification in order to facilitate competition by small businesses in accordance with 49 CFR Part 26.39. To be eligible for ESBE certification, the firm must be a small business, according to SBA size standards, and be 51% owned, and controlled by one or more economically disadvantaged individuals whose personal net worth does not exceed \$1.32 million. Race, gender, and ethnicity are not considered.
3. SBA (as described in 13 CFR Part 121) – will require the number of employees over the past 12 months and average annual receipts over the past three years using NAICS codes to determine if the business meets the size standards.
4. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of average annual receipts over the past three years.

#### **D. Implementation Schedule**

The Airport will implement this small business element within three months of the FAA's approval of this document describing the element.

#### **E. Assurances**

The Airport makes the following assurances:

1. The DBE Program, including the small business element is not prohibited by law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small business regardless of their location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Aggressive steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

SMALL BUSINESS PARTICIPATION PLAN	
Sponsor's Name:	
Airport Name:	
City, State:	
AIP Number:	
Federal Fiscal Year:	

In accordance with 49 CFR Part 26, §26.39, the following detailed list shall be completed by the Contractor for construction work items and professional services work items to be performed by all subcontractors and suppliers which will be involved in the work that qualify as a Small Business, whether registered as such, or not. The firms listed do not have to be certified DBE firms. This form shall be filled out and submitted to the Sponsor prior to the start of construction.

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

**Small Business Participation Plan  
(cont'd)**

Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

(The Contractor may duplicate this form as necessary if additional space is required.)

The undersigned hereby assures that the information included herein is true and correct to the best of his/her knowledge, and that it is your intent to utilize these small business firm(s) listed for the work items noted.

By: \_\_\_\_\_ (Contractor's Signature)      \_\_\_\_\_ (Title)

\_\_\_\_\_ (Contractor's Printed Name)      \_\_\_\_\_ (Date)

## **Attachment 10**

### **Overall DBE Three-Year Goal Methodology**

**Name of Recipient:** Ocean County Airport

**Goal Period:** FY-2023-2024-2025 – October 1, 2022 through September 30, 2025

<b>DOT-assisted contract amount:</b>	FY-2023	\$	0
	FY-2024	\$	279,000
	FY-20XX	\$	0
	<b>Total</b>		<b>\$279,000</b>

**Overall Three-Year Goal:** 5.1%, to be accomplished through 4.6% RC and .5% RN

**Total dollar amount to be expended on DBEs:** \$14,229

**Describe the Number and Type of Contracts that the airport anticipates awarding:**

Contracts Fiscal Year #1

We do not anticipate awarding any contracts

Contracts Fiscal Year #2

1. Rehabilitate Taxiways A, C, D, E, F, G, H, I and J (D) \$279,000

Contracts Fiscal Year #3

We do not anticipate awarding any contracts.

**Market Area:** The market area is identified as the area in which the substantial majority of the Airport's contractors and subcontractors that seek to do business with the Airport are located and the area in which the Airport spends the substantial majority of its contracting dollars; this must be clearly specified. The market area for Ocean County is Mercer, Monmouth, Gloucester, Atlantic, Hunterdon, Middlesex and Ocean Counties in NJ as well as Philadelphia County PA and Montgomery County in OH.

#### **Step 1. Actual relative availability of DBEs**

The base figure for the relative availability was calculated as follows:

Method: Use DBE Directories New Jersey UCP (dbesystem.com), Pages - Ohio Unified DBE Directory (state.oh.us), PAUCP - DBE Certification Management System (dbesystem.com) and Census Bureau Data from <https://data.census.gov/cedsci/>.

Weighted Availability of DBE firms:

Fiscal Year #1

For FY-2023 we do not anticipate awarding any projects

Fiscal Year #2

For FY-2024, award of the following is anticipated:

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	DBE Directory	DBE (%)	DBE (\$)
Contract 1: Rehabilitate taxiways A, C, D, E, F, G, H, I and J (D)	Engineering, Design	Engineering Services	541330	\$227,700	803	52	6.5%	\$14,745
	Wetland Restoration Planning Services	Wetland Restoration Planning Services	541620	\$1,800	158	1	0.6%	\$11
	Survey	Survey & Mapping	541370	\$18,000	79	11	13.9%	\$2,506
	Geotechnical Testing	Testing Services	541380	\$22,500	121	1	0.8%	\$186
	Compliance w/Pollution, Erosion	Landscaping Services	561730	\$9,000	1894	2	0.1%	\$10
<b>Total Contract</b>				<b>\$279,000</b>			<b>6.3%</b>	<b>\$17,458</b>
<b>Total FY-2024</b>				<b>\$279,000</b>			<b>6.3%</b>	<b>\$17,458</b>

Fiscal Year #3

For FY-2025 we do not anticipate awarding any projects.

The base goal projection after weighting is as follows:

- Total Weighted DBE Availability: \$17,458
- Total for All Trades: \$279,000

Dividing the weighted DBE totals by the total estimate for all trades gives a base DBE availability figure for the projects anticipated during the goal-setting period. This figure is expressed as a percentage and serves as the basis for the three-year overall goal.

Base of DBE Goal: 6.3%

**Step 2: Adjustments to Step 1 base figure**

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what, if any, adjustment to the base figure was needed in order to arrive at the overall goal.

#### Past History Participation

One piece of data used to determine the adjustment to the base figure was the median of historical DBE accomplishments, as follows:

FY	Total Grant \$ Amount	DBE Goals			Accomplishments			Type of work
		RC	RN	Total	RC	RN	Total	
FY 21	\$1,458,080	2.81	0	2.81	3.32	0	3.32	Rehabilitate Apron
FY 20	\$527,400	2.81	0	2.81	3.83	0	3.83	Rehabilitate Apron
FY 19	\$1,180,356	4.6	0	4.6	4.54	.41	4.95	Install Beacons, Wildlife Hazard Assessment, Expand Apron

Arranging this historical data from low to high, (3.32%, 3.83%, 4.95%) the median is 3.83%.

Step 1 Base averaged with historical median:  $(6.3 + 3.83\%)/2 = 5.1\%$

To arrive at an overall goal, the Step 1 base figure was added to the Step 2 adjustment figure and the total was averaged, arriving at an overall goal of 5.1%. Ocean County believes this adjusted goal accurately reflects DBE participation that can be achieved for the type(s) of work being awarded during this three-year period.

Furthermore, there are no applicable disparity studies for the local market area or recent legal case information from the relevant jurisdictions to show evidence of barriers to entry or competitiveness of DBEs in the market area that is sufficient to warrant making an adjustment to the base goal.

#### **Breakout of Estimated "Race and Gender Neutral" (RN) and "Race and Gender Conscious" (RC) Participation.**

Ocean County will meet the maximum feasible portion of the overall goal by using RN means of facilitating DBE participation.

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
2. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
3. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
4. Consider unbundling large contracts to make them more accessible to small businesses when possible;
5. Provide instructions and clarification on bid specifications, general bidding requirements, and procurement policies and procedures; and
6. Discuss the DBE goal and DBE requirements at Pre-bid meetings to encourage



prime contractors to solicit DBE firms in subcontracting opportunities.

Ocean County estimates that in meeting the established overall goal of 5.1%, it will obtain .5% from RN participation and 4.6% through RC measures.

This breakout is based on:

In FY-21, the Ocean County accomplishments exceeded the goal by .5%, which may be construed as evidence of race-neutral participation. Therefore, 0.5% of the 5.1% goal is expected through race-neutral means and the remaining 4.6% is to be obtained by race-conscious measures.

Ocean County will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation [see §26.51(f)] and track and report RN and RC participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal, and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

## PUBLIC PARTICIPATION

### Consultation:

In establishing the overall goal, Ocean County provided for consultation and publication. This process included consultation with minority, women's, and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the County's efforts to establish a level playing field for the participation of DBEs. The consultation included a scheduled, direct, interactive exchange with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and was conducted before the goal methodology was submitted to the operating administration for review. Details of the consultation are as follows.

The consultation engaged in was a *video conference*, which was held on July 6, 2022 at 9:00 a.m.

The following comments were received during the course of the consultation:  
No comments were received.

A notice of the proposed goal was published on the Ocean County official website before the methodology was submitted to the FAA.

If the proposed goal changes following review by the FAA, the revised goal will be posted on Ocean County official website.

Notwithstanding paragraph (f)(4) of §26.45, Ocean County proposed goals will not be implemented until this requirement has been met.

## PUBLIC NOTICE

Ocean County hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 5.1% for FAA-funded contracts/agreements. The proposed goal pertains to federal fiscal years 2023 through 2025. A video conference will be held on July 6, 2022 at 9:00 a.m. for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process. If you would like to participate please contact [lhoward@cscos.com](mailto:lhoward@cscos.com) for log in credentials.

Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

Maggie Hanlon  
Ocean County Planning Department  
732-929-2054  
[mhanlon@co.ocean.nj.us](mailto:mhanlon@co.ocean.nj.us)

AND

Diane L. Gillam  
*DBE/ACDBE Compliance Specialist, Eastern Region*  
*Office of Civil Rights – ACR-4*  
*Federal Aviation Administration*  
305-716-1232.  
[Diane.l.gillam@faa.gov](mailto:Diane.l.gillam@faa.gov)

**ATTACHMENT 11**  
**DBE Certification Application Form**  
*(New form October 2, 2014)*



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

***Roadmap for Applicants***

**1. Should I apply?**

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

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and does not exceed \$23.98 million in gross annual receipts for DBE (\$56.42 million for ACDBEs). (Other size standards apply for ACDBE that are banks/financial institutions, car rental companies, pay telephone firms, and automobile dealers.)

**2. How do I apply?**

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

**3. Where can I send my application?** [INSERT UCP PARTICIPATING MEMBER CONTACT INFORMATION]

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

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

**5. Where can I find more information?**

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

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

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

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



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

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

**Section 1: CERTIFICATION INFORMATION**

**A. Basic Contact Information**

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

**B. Prior/Other Certifications and Applications**

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

**Section 2: GENERAL INFORMATION**

**A. Business profile:**

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

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

**B. Relationships and Dealings with Other Businesses**

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



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

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

### Section 3: MAJORITY OWNER INFORMATION

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

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

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

#### B. Additional Owner Information

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

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

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

### Section 4: CONTROL

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

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



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

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

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

## **C. Inventory: Indicate firm inventory in these categories:**

### **(1) Equipment and Vehicles**

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

### **(2) Office Space**

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

### **(3) Storage Space**

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

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

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

## **E. Financial / Banking Information**

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

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

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

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

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

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

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

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

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

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

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

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

## **AIRPORT CONCESSION (ACDBE) APPLICANTS**

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

## **AFFIDAVIT & SIGNATURE**

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

## Section 1: CERTIFICATION INFORMATION



### A. Basic Contact Information

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

(3) Phone #: ( ) \_\_\_\_\_ - \_\_\_\_\_ (4) Other Phone #: ( ) \_\_\_\_\_ - \_\_\_\_\_ (5) Fax #: ( ) \_\_\_\_\_ - \_\_\_\_\_

(6) E-mail: \_\_\_\_\_ (7) Firm Websites: \_\_\_\_\_

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

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

### B. Prior/Other Certifications and Applications

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

☐ DBE ☐ ACDBE Names of certifying agencies: \_\_\_\_\_

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

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

Date \_\_\_\_/\_\_\_\_/\_\_\_\_ State/UCP Member: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_ State/UCP Member: \_\_\_\_\_

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

(a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? ☐ Yes ☐ No

(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? ☐ Yes ☐ No

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

## Section 2: GENERAL INFORMATION

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

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

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

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

☐ Started new business ☐ Bought existing business ☐ Inherited business ☐ Secured concession  
☐ Merger or consolidation ☐ Other (explain) \_\_\_\_\_





(6) Is your firm "for profit"? ☐ Yes ☐ No →  
Federal Tax ID# \_\_\_\_\_

⊗ STOP! If your firm is NOT for-profit, then you do NOT  
qualify for this program and should not fill out this application.

(7) Type of Legal Business Structure: (check all that apply):

- ☐ Sole Proprietorship      ☐ Limited Liability Partnership  
☐ Partnership      ☐ Corporation  
☐ Limited Liability Company      ☐ Joint Venture (Identify all JV partners \_\_\_\_\_)  
☐ Applying as an ACDBE      ☐ Other, Describe \_\_\_\_\_

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

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

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

#### **B. Relationships and Dealings with Other Businesses**

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

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

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

☐ Yes ☐ No If Yes, explain \_\_\_\_\_

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

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

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



### Section 3: MAJORITY OWNER INFORMATION

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

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

(5) Gender: ☐ Male ☐ Female

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

☐ Black ☐ Hispanic  
☐ Asian Pacific ☐ Native American  
☐ Subcontinent Asian  
☐ Other (specify) \_\_\_\_\_

(7) U.S. Citizenship:

☐ U.S. Citizen  
☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: \_\_\_\_\_

(9) Percentage owned: \_\_\_\_\_ %

Class of stock owned: \_\_\_\_\_

Date acquired: \_\_\_\_\_

(10) Initial investment to acquire ownership interest in firm:	Type	Dollar Value
	Cash	\$
	Real Estate	\$
	Equipment	\$
	Other	\$

Describe how you acquired your business:

☐ Started business myself  
☐ It was a gift from: \_\_\_\_\_  
☐ I bought it from: \_\_\_\_\_  
☐ I inherited it from: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

(Attach documentation substantiating your investment)

### B. Additional Owner Information

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

(2) Does this owner perform a management or supervisory function for any other business? ☐ Yes ☐ No  
If Yes, identify: Name of Business: \_\_\_\_\_ Function/Title: \_\_\_\_\_

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) ☐ Yes ☐ No  
Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

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

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

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No  
(If Yes, you may be asked to provide a copy of the trust instrument).

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



### Section 3: OWNER INFORMATION, Cont'd.

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

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

(4) Home Address (Street and Number): \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
\_\_\_\_\_ - \_\_\_\_\_

(5) Gender: ☐ Male ☐ Female

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

- ☐ Black ☐ Hispanic  
☐ Asian Pacific ☐ Native American  
☐ Subcontinent Asian  
☐ Other (specify) \_\_\_\_\_

(7) U.S. Citizenship:

- ☐ U.S. Citizen  
☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: \_\_\_\_\_

(9) Percentage owned: \_\_\_\_\_ %

Class of stock owned: \_\_\_\_\_

Date acquired: \_\_\_\_\_

(10) Initial investment to acquire ownership interest in firm:	Type	Dollar Value
	Cash	\$
	Real Estate	\$
	Equipment	\$
	Other	\$

Describe how you acquired your business:

- ☐ Started business myself  
☐ It was a gift from: \_\_\_\_\_  
☐ I bought it from: \_\_\_\_\_  
☐ I inherited it from: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

(Attach documentation substantiating your investment)

### B. Additional Owner Information

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

If Yes, identify: Name of Business: \_\_\_\_\_ Function/Title: \_\_\_\_\_

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

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

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

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

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

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

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

## Section 4: CONTROL



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

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

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

☐ Yes ☐ No If Yes, identify for each:

Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Business: \_\_\_\_\_ Function: \_\_\_\_\_

Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Business: \_\_\_\_\_ Function: \_\_\_\_\_

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

☐ Yes ☐ No If Yes, identify for each:

Firm Name: \_\_\_\_\_ Person: \_\_\_\_\_

Nature of Business Relationship: \_\_\_\_\_

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

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

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

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

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

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

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

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

**1. Equipment and Vehicles**

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

**2. Office Space**

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



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

Street Address

Owned or Leased by  
Firm or Owner?

Current Value of Property or Lease

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

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

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_

The following individuals are able to sign checks on this account: \_\_\_\_\_

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_

The following individuals are able to sign checks on this account: \_\_\_\_\_

**Bonding Information:** If you have bonding capacity, identify the firm's bonding aggregate and project limits:

Aggregate limit \$ \_\_\_\_\_ Project limit \$ \_\_\_\_\_

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

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

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

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

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

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



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

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

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

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

**AIRPORT CONCESSION (ACDBE) APPLICANTS ONLY MUST COMPLETE THIS SECTION**

**Identify the following information concerning the ACDBE applicant firm:**

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

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

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



## AFFIDAVIT OF CERTIFICATION

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

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

I \_\_\_\_\_ (full name printed),  
swear or affirm under penalty of law that I am  
\_\_\_\_\_ (title) of the applicant firm

\_\_\_\_\_ and that I  
have read and understood all of the questions in this  
application and that all of the foregoing information and  
statements submitted in this application and its attachments  
and supporting documents are true and correct to the best of  
my knowledge, and that all responses to the questions are full  
and complete, omitting no material information. The responses  
include all material information necessary to fully and  
accurately identify and explain the operations, capabilities and  
pertinent history of the named firm as well as the ownership,  
control, and affiliations thereof.

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

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

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

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

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

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

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

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

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

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

Signature \_\_\_\_\_ (DBE/ACDBE Applicant) \_\_\_\_\_ (Date)

### NOTARY CERTIFICATE





## UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

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

### Required Documents for All Applicants

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

### Partnership or Joint Venture

- ☐ Original and any amended Partnership or Joint Venture Agreements

### Corporation or LLC

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

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

### Optional Documents to Be Provided on Request

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

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

### Suppliers

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

**ATTACHMENT 12**  
**State's UCP Agreement**

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**NEW JERSEY**  
**MEMORANDUM OF UNDERSTANDING**

*for a*  
**DISADVANTAGED BUSINESS  
UNIFIED CERTIFICATION PROGRAM**

**U.S. DEPARTMENT OF TRANSPORTATION PARTNERS**



**PORT AUTHORITY OF NEW YORK/NEW JERSEY  
NEW JERSEY TRANSIT CORPORATION  
NEW JERSEY DEPARTMENT OF TRANSPORTATION**

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# **STATE OF NEW JERSEY**

## **MEMORANDUM OF UNDERSTANDING**

### **UNIFIED CERTIFICATION PROGRAM**

This Memorandum of Understanding (MOU) establishes a Disadvantaged Business Enterprise (DBE) Unified Certification Program (UCP) in the State of New Jersey in accordance with Title 49 Part 26 of the Code of Federal Regulations (49 CFR Part 26). The NJUCP Certifying Partners are the New Jersey Department of Transportation (NJDOT); the Port Authority of New York/New Jersey (PANY/NJ), and New Jersey Transit Corporation (NJT).

#### **Background**

The NJUCP Certifying Partners held numerous meetings to discuss the requirements for developing a UCP. The initial UCP meeting was hosted by the NJDOT on April 7, 2000. Each agency discussed its current procedures, minimum requirements, limitations and the proposed process for program approval. Several critical areas of discussion included 1) the need for continuous staff training and development, 2) the need for an effective and efficient internet-based DBE directory and 3) the need for an effective public outreach and public relations effort.

The Certifying Partners' initial task was to determine how uniform certification would take place. It was decided that a reciprocity arrangement would be the most effective way to accomplish the UCP. The Certifying Partners agreed that the UCP would be the vehicle for achieving reciprocity and that uniform certification would be an ongoing process developed through standard operating procedures and training. Each Certifying Partner is committed to ensuring sufficient resources and expertise in carrying out the requirements of the regulation. The Certifying NJUCP Partners believed that this proposal would allow each partner maintain its respective staff and resources while satisfying the requirements of 49 CFR Part 26.

Once the framework of the NJUCP was established, Non-Certifying Partners were identified and invited to participate in planning meetings as well as helping develop various aspects of the NJUCP either through feedback or committee participation. Non-certifying Partners include: Federal Transit Administration (FTA) grantees, Federal Aviation Administration (FAA) grantees, Metropolitan Planning Organizations (MPOs), and all other sub-recipients of United States Department of Transportation (USDOT) funds. Committees were formed to address the following aspects of the formation and implementation of the NJUCP: Budget Development, Standard Operating Procedures (SOP), Uniform Documents, DBE Directory, Public Outreach and Staff Training.

## Introduction

Each Certifying Partner in New Jersey is required to administer a DBE Certification Program in accordance with 49 CFR Part 26. Section 26.81 of this regulation requires each state to develop a UCP by March 4, 2002. In accordance with Section 26.81 (a)(1), by letter dated March 11, 2002, the New Jersey Department of Transportation, on behalf of the NJUCP, requested an extension of time for submission of its MOU and UCP Program. Since that time, the NJUCP Certifying Partners have continued their discussions and work on the formation of the NJUCP. Since the Port Authority of NY/NJ is signatory to both New York and New Jersey's MOU Agreement, it was discussed and agreed upon by the NJUCP Certifying Partners that the most prudent course of action would be to align both states' processes to facilitate the Port Authority's UCP responsibilities under each state's MOU Agreement and to foster the development of regional reciprocity. Each NJUCP Certifying Partner agrees to commit sufficient resources and expertise to carry out the requirements of 49CFR Part 26.

## Organization

The NJUCP shall establish an Executive Committee consisting of representatives from each of the Certifying Partner agencies, who shall be designated by the signatories to this MOU Agreement. Upon the approval of this Agreement, a designee of NJDOT shall serve as the Interim Chairperson of the NJUCP until full implementation of the Program. Annually thereafter, a Chairperson shall be selected from one of the Certifying NJUCP Partners by rotation alphabetically by agency. Nothing in this Agreement should be construed to contravene the sovereignty of each participant.

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

## Purpose

The objectives of the New Jersey UCP are as follows:

- To follow the certification procedures and standards and the non-discrimination requirements of 49 CFR Part 26.
- To cooperate fully with all oversight, review and monitoring activities of the United States Department of Transportation (USDOT) and its operating administrations.
- To implement USDOT directives and guidance on DBE certification matters.
- To make all certification and decertification decisions on behalf of all NJUCP Partners with respect to participation in the USDOT DBE Program. Certification decisions by the

NJUCP shall be binding on all NJUCP Partners. Certification decisions must be made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE.

- To provide a single DBE certification that will be honored by all NJUCP Partners.
- To maintain a unified DBE directory containing at least the following information for each firm listed: address, phone number and approved NAIC codes. The NJUCP shall make the directory available to the public electronically on the Internet as well as in print. The NJUCP shall update the electronic version of the directory by including additions, deletions and other changes upon notification by the DBE and/or Certifying Partner.

## **Definitions**

### ***Compliance Committee***

A group that reviews a complaint raised by any NJUCP Certifying Partner alleging that another NJUCP Certifying Partner is not in compliance with the requirements of 49 CFR Part 26, Subpart E. The group will consist of the remaining NJUCP Certifying Partner, who will act as the Chairperson of the Compliance Committee, as well as four NJUCP Non-Certifying Partners.

### ***NJUCP Certifying Partner***

A State of New Jersey recipient with a current DBE Program Plan approved by an appropriate USDOT oversight modal agency. A certifying partner can issue or revoke DBE certification.

### ***NJUCP Partner***

All New Jersey State recipients participating in this Memorandum of Understanding, both Certifying and Non-certifying Partners.

### ***Non-Certifying UCP Partner***

A State of New Jersey recipient, sub-recipient or grantee with a current DBE Program Plan approved by an appropriate USDOT oversight modal agency. A Non-Certifying Partner can neither issue nor revoke DBE certification.

### ***Recipient***

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

### ***Sub-recipient***

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

### ***Grantee***

Any public or private entity that has received USDOT assistance.

## **NJUCP PROGRAM DESCRIPTION**

### **Partners' Roles, Responsibilities & Obligations**

All Certifying NJUCP Partners agree to maintain DBE certification application files, conduct site visits, make certification decisions and handle appeals and complaints. The Certifying NJUCP Partners agree to utilize the USDOT Uniform Certification Application.

- All decisions related to eligibility and certification must agree with 49 CFR Part 26.
- The NJUCP Certifying Partners and Non-Certifying Partners must have an approved DBE Program. Additionally, each Certifying Partner must have clearly defined processes and procedures related to the administration of its DBE Program and certification decisions.
- Each NJUCP Certifying Partner must adhere to the processes and procedures as set forth in the Standard Operating Procedures.

### **DBE Directory Management**

Upon approval or denial of a firm for DBE certification by the UCP Certifying Partners, the originating Certifying Partner shall submit the firm's information for inclusion in the electronic database directly to the DBE Database Manager. This information shall include at a minimum:

- Name, Street Address, P.O. Box, City, County, State, Telephone and Fax Number, E-mail address and Federal Tax Identification Number;
- Name, Sex, Ethnicity, Race and Country of Origin of qualifying DBE owner(s);
- Type of work performed by the DBE using the North American Industry Classification System (NAICS) adopted by the SBA on October 1, 2000, as amended;
- Date Business was Established;



- Professional & Other Licenses (type and number);
- Name of NJUCP Certifying Partner;
- Site visit date and name of individual conducting review;
- Certification and Expiration Dates;
- Reason & Date of Denial, when applicable.

The NJUCP Certifying Partners agree that a UCP Database Manager will be designated. The DBE Database Manager shall assume the following responsibilities:

- Input all data and make any corrections, additions and/or deletions upon receipt of information from the Certifying NJUCP Partners;
- Maintain and keep the electronic DBE database current;
- Make the electronic DBE database available to all NJUCP Partners and other interested parties;
- Provide printed copies only of the list of firms that are DBE certified upon request and at a charge to be established; (Third parties should only be provided with a list of DBE certified firms. They should not be provided with information that a firm has been denied certification.)
- Maintain the NJUCP Website.

#### **DBE Directory & Internet Access**

The DBE Directory will be located on the NJUCP website. In accordance with 49 CFR Part 26.31, the DBE Directory will include the following minimum information for each firm:

- Name, address and telephone number of firm;
- Contact person
- Types of work performed by the firm with appropriate six (6) digit NAICS code and description.

The NJUCP DBE Directory may contain additional information, including but not limited to the following:

- Geographic Location of the Firm (i.e., county)
- Website Address of the Firm
- Fax Number & E-Mail Address of the Firm
- Certification and Expiration Dates
- Incentive Program Eligibility

Users will be able to sort by county or type of work, either for a single county or work type and/or multiple counties and work types. There will be links to and from the NJUCP Certifying Partners' respective websites.

### **NJUCP PROGRAM COSTS AND FUNDING**

The cost of creating and establishing the NJUCP website and the electronic DBE Directory will be shared equally among all NJUCP Certifying Partners. Periodically, on-going maintenance costs will be examined and other UCP Partners may also be assessed costs equitably.

### **Training and Resources**

The NJUCP Certifying Partners will conduct ongoing in-service training. The NJUCP Certifying Partners will agree to rotate the duties of planning and conducting training sessions.

### **CERTIFICATION PROCEDURES AND PROCESS**

In addition to the following procedures, the NJUCP will follow all certification procedures and standards of 49 CFR Part 26, and will implement USDOT directives and guidance concerning DBE certification matters. Standard Operating Procedures (SOP) have been developed and will be utilized by all Certifying NJUCP Partners. They may be modified as needed and agreed upon by the Certifying NJ Partners.

- The NJUCP will not accept an application from a firm having its principal place of business outside of New Jersey if the firm is not certified by the UCP in the state in which it maintains its principal place of business.
- The NJUCP will accept an application from the SBA, but will not automatically recognize the DBE certification of a firm certified by the Small Business Administration (SBA).

- The NJUCP will utilize the USDOT approved Uniform Certification Application and other related certification documents to facilitate "one-stop shopping" for applicants.

### **Geographic & Industry Considerations**

The Certifying NJUCP Partner to whom application is made will ascertain the geographical area of the applicant firm and/or its primary work type or industry. The NJUCP Certifying Partners reserve the right to forward applications to the most appropriate Certifying Partner relative to the firm's geographical area and/or primary work type or industry.

### **Quality Assurance (New Certifications)**

The SOP has been created to ensure consistent application of UCP program requirements among the Certifying NJUCP Partners. Uniform documents have been developed for use by the Certifying NJUCP Partners so that consistent information is obtained and used in certification determinations. At a minimum, there will be annual training of certification staff in order to maintain consistency in determinations.

### **Annual Review Process**

DBEs will update their certifications annually using the NJUCP "No Change" Affidavit as required in the SOP. Failure to submit the required documentation may result in certification removal as outlined in 49 CFR Part 26.87 and the SOP. The annual review will be conducted by the responsible certifying NJUCP Partner.

### **Third-Party Challenges**

Provisions exist in the Standard Operating Procedure for the Certifying NJUCP Partners to accept written complaints from a third party alleging the ineligibility of a currently certified firm.

### **Appeals Process and Procedures**

An appeals procedure has been established as part of the NJ SOP for appeals of denial of original certification, denial of certification renewal and decertification that provides due process to the affected firm in accordance with 49 CFR Part 26.

**Denials of Original Certifications:** All appeals shall be made directly to USDOT.

**Decertifications:** All appeals shall be forwarded to the Decertification Hearing Committee pursuant to the SOP.

## **AGENCY COMPLIANCE**

If any NJUCP Certifying Partner has reason to believe that another NJUCP Certifying Partner is not in compliance with the requirements of 49 CFR Part 26, Subpart E, they may make a written complaint to the Executive Committee. The complaint will then be referred to a "Compliance Committee" consisting of the remaining NJUCP Certifying Partner, who will act as the Chairperson of the Compliance Committee, as well as NJUCP non-certifying Partners. The Compliance Committee shall be established pursuant to the SOP.

## **IMPLEMENTATION SCHEDULE**

The Certifying NJUCP Partners will inform the public about the NJUCP by holding public meetings throughout the State immediately upon approval by the USDOT of this MOU Agreement. Notification of the public meetings as well as the NJUCP will occur in a variety of ways, including but not limited to the following: press releases, a notice on the Certifying NJUCP Partners' website, and direct mailings to individual DBE firms, professional associations and community based organizations.

This MOU was submitted to the non-Certifying NJUCP Partners, USDOT modal agencies and the Certifying NJUCP Partners' respective counsels for their review and comment. Changes and revisions were made based on the comments received. The MOU was then re-submitted to all NJUCP Partners for signature.

The following actions will be taken and completed by the Certifying Partners or designees no later than 18 months from the date of USDOT approval of this MOU Agreement:

### **Staff Training**

- Develop and finalize training modules for SOP Manual, eligibility criteria, forms and procedures, on-site review, personal net worth analysis, internet-based system (DBE on-line directory).
- Recruit instructors and determine locations for training workshops.
- Schedule Joint Training Sessions.
- Conduct Initial Training.

### **Unified DBE Directory**

- Develop and complete parameters for Unified DBE Directory.
- Compare UCP Certifying Partners databases.

- Purge duplicate DBE firms.
- Develop common database.
- Develop procedures for electronic submission of DBE firms for inclusion in the Unified DBE Directory.
- Develop and issue press release on public access to online DBE Directory (information will be maintained on NJDOT Website).

### **Transition of Currently Certified DBEs**

Each NJUCP Certifying Partner shall electronically submit its current DBE Directory to the DBE Database Manager for inclusion in NJUCP DBE Directory. Each NJUCP Certifying Partner shall attest to the fact that each DBE firm submitted has been certified under the provisions of 49 CFR Part 26. The NJUCP Certifying Partners shall meet (may be done electronically) to review the currently certified DBE firms and determine the appropriate NJUCP Certifying Partner for future review of each DBE firm. Upon determination of the appropriate NJUCP Certifying Partner, the Partner with custody of the certification file in question shall forward it by Certified Mail, Return Receipt Requested to the designated Certifying Partner who shall then assume custody and responsibility for the file. Firms that were denied certification by one Certifying NJUCP Partner but are certified by another Certifying Partner will undergo further review as follows:

- For each affected firm, the Certifying NJUCP Partners will compare records and submit a summary and recommendation to the other Partners, who will either uphold or overturn the recommendation.
- If the Certifying NJUCP Partners are unable to agree upon a recommendation, the Non Certifying Partners, through the NJUCP Decertification Hearing Committee, will review the records for the affected firm and render a determination.
- The Certifying NJUCP Partners reserve the right to request additional information from the firm in question in order to render a recommendation or determination.
- If a decision is made to de-certify a firm, the de-certification steps outlined in 49 CFR, Part 26.87 and the NJ SOP will be followed.
- The same process will be followed for firms that were decertified by one NJUCP Certifying Partner but continue to be certified with another Certifying Partner. Firms that lost their status with one Certifying NJUCP Partner due to withdrawal of DBE status or application, or failure to respond to requests for information, but continue to be certified with another Certifying Partner, will maintain their certified status with the Certifying Partner until a determination is made.

## CHANGES TO THE MOU

Changes to this MOU Agreement shall require the approval of the NJUCP Certifying Partners.

## REGIONAL UCP


The acceptance of this MOU Agreement by the Port Authority of New York/ New Jersey does not create regional reciprocity between the States of New York and New Jersey. Only those firms originally certified as DBEs by the Port Authority of New York/New Jersey will be included in the NJUCP DBE Directory.

## SUMMARY

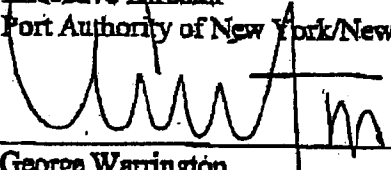
As a result of the requirements set forth in 49 CFR Part 26, we the undersigned, agree to participate in the STATE OF NEW JERSEY'S Unified Certification Program in accordance with the provisions of this MOU and agree to abide by its contents.

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

## NJUCP CERTIFYING PARTNERS

  
\_\_\_\_\_  
Joseph J. Seymour  
Executive Director  
Port Authority of New York/New Jersey

March 19, 2004  
Date

  
\_\_\_\_\_  
George Warrington  
Executive Director  
New Jersey Transit Corporation

3/17/04  
Date

  
\_\_\_\_\_  
John F. Lettiere  
Commissioner  
New Jersey Department of Transportation

March 15, 2004  
Date

