

DBE Certification Workshop

Tappan Zee Bridge Project



NYS UNIFIED CERTIFICATION PROGRAM (NYSUCP)

Program Components

- One-Stop Shopping for Applicants
- Reciprocity Among Certifying Agencies
- One Electronic DBE Directory
- Certification Decisions Accepted by All USDOT Funded Agencies in NYS
- Regulatory Requirements – 49 CFR Part 26



Benefits of the NYSUCP

- **Firms:** Apply only once. Increased marketability due to single unified directory
- **Prime Contractors/Consultants:** Larger pool of DBEs to select from
- **USDOT Recipients:** Larger pool of DBEs to work with
- **Certifying Agencies:** Eliminate duplication of efforts



Which Agencies Certify DBEs in the NYSUCP?

- Metropolitan Transportation Authority (**MTA**)
- New York State Department of Transportation (**NYSDOT**)
- Niagara Frontier Transportation Authority (**NFTA**)
- Port Authority of New York & New Jersey (**PANYNJ**)



Which Agencies in New York State Utilize DBEs?

USDOT subrecipients/grantees utilize the NYSUCP DBE Directory, including:

- Metropolitan Planning Organizations (MPOs)
- NYS Thruway Authority
- NYC DOT
- Most Airports
- Some Local Municipalities



WHAT IS DBE CERTIFICATION?

- Disadvantaged Business Enterprise (DBE) certification is a determination by a Certifying Agency, in accordance with federal regulations, that a firm is at least 51% owned and controlled by individuals who are U.S. citizens or permanent residents and are **both** socially and economically disadvantaged.



Who is Eligible for DBE Certification?

A citizen or lawfully admitted permanent resident of the United States who is both socially and economically disadvantaged.

Socially Disadvantaged (Presumptive Groups)

- Black Americans
- Hispanic Americans
- Native Americans
- Asian–Pacific Americans
- Subcontinent Asian Americans
- Women
- Individual case-by-case determination



Who is Eligible for DBE Certification?

Economically Disadvantaged:

- Personal Net Worth (PNW) must be less than \$1.32 Million
- PNW excludes:
 - Equity in Primary Residence
 - Mortgage on Primary Residence
 - Ownership interest in Applicant Business



Who is Eligible for DBE Certification?

- At least 51% of the applicant firm must be owned **and** controlled by socially and economically disadvantaged individual(s)
- Must be a for-profit business
- Must be a small business concern, as defined by the Small Business Administration (SBA), in accordance with 13 CFR Part 121



What is a Small Business Concern?

- SBA defines a small business concern as one that is independently owned and operated, is organized for profit, and is not dominant in its field.
- A small business concern cannot exceed the size standard for its industry.
- A firm's size standard is determined by the number of employees or by its average annual receipts over the previous 3 fiscal years.



What is a Small Business Concern?

- For purposes of DBE certification, no firm can have average annual receipts over the previous 3 fiscal years that exceed \$22.41 million, notwithstanding the firm's industry size standard.
- Examples of Industry Size Standards:
 - \$14M - Specialty Contractors
 - \$14M - Engineering firms
 - \$33.5M- Construction Management
 - 500 employees - Manufacturing firms



DBE Certification Review Process

- Submit application to one of the NYSUCP Certifying Partners
- Additional documentation or clarification will be requested by agency, if necessary
- Applicant must cooperate fully with requests for information relevant to the certification process. Failure or refusal to provide such information is grounds for denial of DBE certification
- 90-day clock established by USDOT starts after receipt of complete application.



DBE Certification Review Process

- Desk review of the completed application, PNW Statement and supporting documentation
- ERM with qualifying owners.(MTA only)
- On-site review at applicant's place of business
- Job site review if firm is working in local area
- DBE eligibility determination made after analysis of applicant's compliance with USDOT certification eligibility criteria
- Notification by mail of eligibility determination



What if a Firm is Denied DBE Certification?

- Appeal to the USDOT, Office of Civil Rights, within 90 days of date of decision.
- Decision by USDOT is administratively final
- Firm cannot apply for certification with other NYSUCP certifying agencies
- Firm cannot re-apply for DBE certification until 1 year after denial determination



What Happens after Firm is Certified?

- Firm is listed in the NYSUCP Directory located at <http://www.nysucp.net/>
- New Firm Orientation (MTA)
- Firm will be invited to participate in various industry-specific and general forums presented by MTA and other transportation entities
- Firm's participation will count toward the goals on Federally Funded projects **only**



NYSUCP DBE Directory

- Includes the following information for each certified firm listed in the Directory:
 - Name of Firm
 - Contact Person
 - Address, Telephone and Fax Numbers
 - Email Address
 - Description of services provided with appropriate NAICS and SIC codes



Does being Certified as a DBE Guarantee Work?

- No!
- Must still market firm to prime contractors and consultants:
 - Apply for Agency Bidder's Lists
 - Attend pre-bid/pre-proposal conferences
 - Visit websites for open solicitations and obtain lists of plan holders
 - Attend Agency Networking Events/Forums
- Firm must be competitive



Other Things You Should Know

- Must notify the certifying agency, in writing, of any changes within 30 days of when the change occurred, including ownership, address, contact information, etc.
- Keep a copy of your certification application package and supporting documentation for future reference and for Interstate Certification applications



Other Things You Should Know

- Periodically review the approved items of work to determine if the items are still applicable
- M/WBE and DBE are separate certifications with different requirements. You are encouraged to apply for both.



NYSUCP Contact Information

Metropolitan Transportation Authority (MTA)

Department of Diversity and Civil Rights

2 Broadway- 16th Floor

New York, NY 10004

(646)252-1378

New York Department of Transportation (NYSDOT)

Contract Audit Bureau - DBE Certification Team

50 Wolf Road – 6th Floor North

Albany, NY 12232

(518) 457-3180



NYSUCP Contact Information

Port Authority of New York and New Jersey (PANYNJ)

233 Park Avenue South – 4th Floor

New York, NY 10003

(212) 435-7808

Niagara Transportation Authority (NFTA)

Equal Employment Opportunity/Diversity Development Department

181 Ellicott Street

Buffalo, NY 14203

(716) 855-7486

