

DBE Certification Workshop



TAPPAN ZEE HUDSON RIVER CROSSING PROJECT

NYS Department of Transportation

April 20, 2012

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 (Port)



Which Agencies Utilize DBEs?

- Subrecipients/grantees utilize the NYSUCP DBE Directory. (*They DO NOT certify DBEs.*)
 - Metropolitan Planning Organizations (MPOs)
 - NYS Thruway Authority
 - Most Airports
 - Some Local Municipalities (counties, cities, etc.)

Who is Eligible for DBE Certification?



Must be a citizen or lawfully admitted permanent resident of the United States.

Socially disadvantaged:

- Black American
- Hispanic American
- Native American
- Asian-Pacific American
- Subcontinent Asian American
- Women **and**
- Additional groups whose members are designated as socially and economically disadvantaged by the Small Business Administration (SBA) at such time as the SBA designation becomes available.

Who Is Eligible for DBE Certification? (con't)



- Economically disadvantaged:
 - Personal Net Worth (PNW) must be less than \$1.32M
 - PNW excludes:
 - Value of primary residence
 - Home equity loan(s) against primary residence
 - Contingent liabilities (e.g., yearly taxes, utility bills etc)
 - Ownership equity in DBE applicant firm

Who is Eligible for DBE Certification? (con't)



- At least 51% of the firm is owned and controlled by socially and economically disadvantaged individual(s).
- Must be a for profit business.
- Must be an active business.
- Must be a small business as defined by SBA.

Small Business Administration Definition



- 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 as follows:
 - \$22.41M for general contractors
 - \$14M for specialty contractors
 - \$14M for engineering firms
- Other various size standards are included but not listed
- <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2007>

(The Secretary of the USDOT periodically adjusts these amounts for inflation.)

What is the DBE Certification Process?



- Applicant must submit application to one of the certifying partners:
www.dot.ny.gov/main/business-center/civil-rights/ucp-directory
- If necessary, additional information or clarification will be requested.
- Applicant must cooperate fully with requests for information relevant to the certification process. Failure or refusal to provide such information is grounds for denial or removal of certification.
- Desk Review of your **completed** certification application, PNW Statement, *and* supporting documentation.

What is the DBE Certification Process? (con't)



- Clock starts after receipt of all **necessary** information. The process can take 90-150 days.
- On-site interview with the socially and economically disadvantaged owner(s) at the firm's place of business.
- Job-site visit if the firm is working in the area at the time of the on-site visit.
- Certification analyst makes an eligibility determination based on application, the supporting documentation, and the on-site report.

What is the DBE Certification Process? (con't)



- The firm is notified via letter of the decision: Certified or Denied.
- If you feel your firm has been wrongly denied, you can appeal the decision to the USDOT Office of Civil Rights.

What Happens after my Firm is Certified?



- Firm is listed in the NYSUCP Directory located at: <http://biznet.nysucp.net/>
- Firm is eligible for NYSDOT's DBE Supportive Services Program (currently under construction).
- Participation will count towards the goal on Federally Aided projects *only*.

NYSUCP DBE Directory



- Includes the following information for each certified firm listed in the Directory:
 - Name of Firm
 - Contact Person
 - Address
 - Telephone Number
 - Fax Number
 - E-mail Address

NYSUCP DBE Directory (con't)



- Type of work performed by the firm with appropriate NAICS, SIC, NYSDOT and other Codes, as well as a description
- Geographic location of the firm [county]
- <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2007>
- <https://www.dot.ny.gov/main/business-center/audit/dbe-certification>

Does Being Certified as a DBE Guarantee Work?



- You must still market your firm to prime contractors/consultants.
- Your firm must be competitive.

What if my Firm is Denied DBE Certification?



- If you feel your firm has been wrongly denied, you may appeal to USDOT, Office of Civil Rights, within 90 days of the date of decision.
- Decision by USDOT is administratively final and not subject to petitions for reconsideration.
- Cannot apply for certification with any NYSUCP certifying agencies once denied. Waiting period of 1 year after denial or appeal to USDOT.

After DBE Certification Approval



- Notify the certifying agency of any changes within 30 days of when the change(s) occurred, including contact information, and provide documentation.
- Keep a copy of your certification application package and supporting documentation.
- Periodically review the approved items of work on the NYSUCP DBE directory to determine if the items requested are still applicable/appropriate.



What Else Should I Know?

- A certifying entity or subrecipient/grantee may have specific paperwork related to subcontracting requirements that you must complete before you can work for them (e.g., prequalification).
- DBE and M/WBE are separate certifications with different requirements. You should apply for both.



Contact Information

New York State Department of Transportation
Contract Audit Bureau
DBE Certification Team
50 Wolf Road, 6th Floor North
Albany, New York 12232
518-457-3180

dbe.cert@dot.state.ny.us

<https://www.dot.ny.gov/main/business-center/civil-rights/general-info/dbe-certification>



*Thank you and
good luck in your
future endeavors!*