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