

**DISADVANTAGED BUSINESS ENTERPRISE PLAN
and
SMALL BUSINESS PLAN
BERLIN REGIONAL AIRPORT
MILAN, NEW HAMPSHIRE**

FY 2018 - 2020

Prepared:
July 28, 2017



Prepared by:
HEB Engineers, Inc.

City of Berlin
Berlin Regional Airport
DBE Program

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

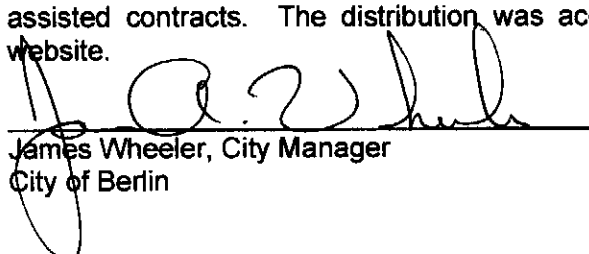
The *City of Berlin* owner of Berlin Regional Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The City of Berlin has received Federal financial assistance from the Department of Transportation,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

It is the policy of the City of Berlin to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

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

The Airport Manager has been delegated as the DBE Liaison Officer. In that capacity, the Airport Manager 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 the City of Berlin in its financial assistance agreements with the Department of Transportation.

The City of Berlin has disseminated this policy statement to the DBE Liaison Officer, the Berlin Regional Airport, and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. The distribution was accomplished by posting the Notice on the City's website.


James Wheeler, City Manager
City of Berlin

7/31/17
Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

The City of Berlin is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The City of Berlin will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

The City of Berlin will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the City of Berlin 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: 26.11

(b) You must continue to provide data about your DBE Program to the Department as directed by DOT operating administrations.

We will report DBE participation to DOT/FAA as follows:

We will transmit to FAA annually on December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form, found in Appendix B to this part. We will also report the DBE contractor firm information either on the FAA DBE Contractor’s Form or other similar format.

Bidders List: 26.11(c)

The City of Berlin 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 our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information using the form submitted as Attachment 4. This form, and a contract clause requiring this information, will be included in the bid documents and collected from contractors at the time of the bid.

Section 26.13 Federal Financial Assistance Agreement

The City of Berlin has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a) - Each financial assistance agreement the City of Berlin signs with a DOT operating administration (or a primary recipient) will include the following assurance:

The City of Berlin 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 City of Berlin shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The City of Berlin's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of Berlin 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: 26.13b – The City of Berlin will ensure that the following clause is included in each contract we sign 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 City of Berlin 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.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The City of Berlin 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 FAA funds in a federal fiscal year. We are not eligible to receive DOT financial assistance unless DOT has approved our DBE program and we are in compliance with it and this part. We will continue to carry out our program until all funds from DOT financial assistance have been expended. We will submit an updated goal every three years, on August 1, if we plan to award contracts exceeding \$250,000 in FAA funds in that upcoming three-year period.

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)

See Attachment 2 for information regarding the current DBE Liaison Officer.

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Berlin complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the City Manager of the City of Berlin concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 3 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. 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. Helping to ensure 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 the City of Berlin's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the City on DBE matters and achievement.
9. Chairs the DBE Advisory Committee (if committee is necessary).
10. Determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars (if required).
13. Acts as liaison to the Uniform Certification Process in New Hampshire.
14. Maintains the agency's updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of the City of Berlin 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 if available.

The City of Berlin has not identified any financial institutions owned and controlled by socially and economically disadvantaged individuals in New Hampshire, despite a diligent search of current minority owned business listed by the Federal Reserve, as well as a search of New Hampshire financial institutions.

Section 26.29 Prompt Payment Mechanisms

The City of Berlin will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the City of Berlin. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the City of Berlin. This clause applies to both DBE and non-DBE subcontractors.

Section 26.31 Directory

The City of Berlin uses the NHDOT DBE directory, which identifies all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. The Unified Certification Program (USP) revised the Directory annually by minimum standards. The NHDOT makes the Directory available through their website index at <http://www.nh.gov/dot/org/administration/ofc/index.htm>. The Directory may be found in Attachment 5.

Section 26.33 Over-concentration

The City of Berlin has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The City of Berlin has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The City of Berlin will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 6 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. If race conscious goals are utilized, we will also implement a monitoring and enforcement mechanism to help ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g. payment is actually made to DBE firms), including a means of comparing the attainments to commitments. This will be accomplished by including compliance clause in bid documents and requesting that support documents be submitted at the time of bid and when requesting payment.

4. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The City of Berlin does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The City of Berlin will annually establish overall DBE goals if we anticipate that we will award prime contracts exceeding \$250,000 in FAA funds in a federal fiscal year in accordance with the two-step process as specified in 49 CFR Part 26.45. If the City of Berlin does not anticipate awarding more than \$250,000 in FAA funds in prime contracts within the Federal fiscal year, we will not develop an overall goal; however, the existing DBE program will remain in effect and the City of Berlin will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step is to determine the relative availability of DBEs in the market area, “base figure”. The second step is to adjust 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 based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 7.

The City of Berlin will submit its overall goal on August 1 of every third year unless interim changes require earlier reporting. In establishing overall goals, the City of Berlin will consult with minority, women’s and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport’s efforts to establish a level playing field for the participation of DBEs and other small businesses.

The City of Berlin will publish a notice of the proposed overall goals and inform the public that the City of Berlin and FAA will accept comments on the goals for 45 days from the date of notice. The notice will inform the public that the proposed goal and its rationale for inspection during normal business hours at the Airport Manager’s office, which is located at 800 East Side River Road in Milan, NH. The documentation will be available for 30 days following the date of the notice. The notice will be issued in general circulation media, trade publications, websites, and available minority-focused media. Normally, the City of Berlin will issue the notice by June 1 of the reporting period. The notice will include where the proposal may be reviewed and addresses to which comments may be sent (including offices and websites).

The City of Berlin will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from DOT. If the City of Berlin establishes a goal on a project basis, the City of Berlin will begin using the goal by the time of the first solicitation for a FAA-assisted contract of the project.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 7. This section of the program will be updated every three years or when the goal calculation is updated.

At this time, there is no evidence of discrimination or non-discrimination at the Berlin Regional Airport.

Section 26.51(d-g) Contract Goals

The City of Berlin will use contract goals to meet any portion of the overall goal that the City of Berlin does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applied, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal 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).

We will express our contract goals as a percentage of the total amount of a FAA-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26 Attachment 1.

The DEBLO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as *responsive*.

The City of Berlin will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

The City of Berlin treats bidders'/offerors' compliance with good faith effort requirements as a matter of responsiveness, whereby all bidders submit DBE information at the time of bid.

Each solicitation for which a contract goal has been established will require all bidders/offerors to submit the following information at the time of the bid:

- (i) The names and addresses of DBE firms that will participate in the contract;
- (ii) A description of the work that each DBE will perform.
- (iii) The dollar amount of the participation of each DBE firm participating;
- (iv) Written and signed documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
- (v) Written and signed 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.
- (vi) If the contract goal is not met, evidence of good faith efforts.

Good faith effort determinations will not be made on projects using race neutral means.

Administrative reconsideration (26.53(d))

Within 4 business days of being informed by City of Berlin that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

City Manager
City of Berlin
168 Main Street
Berlin, NH 03570

Phone: (603) 752-7532
Fax: (603) 752-8550

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror 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/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. We will send the bidder/offeror 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 procedures in situations when there are contract goals (26.53(f)(g))

If race conscious means are used, the City of Berlin 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, to the extent necessary to meet the contract goal. The City of Berlin will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the City of Berlin will require the prime contractor to obtain approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will 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.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the City of Berlin to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 0.6% as determined in the goal calculation Attachment 7 has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm 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; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; and (5) 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; (6) if the contract goal is not met, evidence of good faith efforts.

The Forms 02 and 05, found in Attachment 8, will be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both non-construction and construction contracts for which a contract goal has been established.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract 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.

If the 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, we will not count the firm's participation toward any DBE goals, except as provided for in 26.87(j).

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City of Berlin 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. We will make our certification decisions based on the facts as a whole.

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

David Cloutier, DBE Coordinator
NHDOT – Office of Federal Compliance/DBE
7 Hazen Drive
PO Box 483
Concord, NH 03302
Phone: (603) 271-6612
Fax: (603) 271-8048
Email: david.cloutier@dot.state.nh.us

Additional information may be found at <http://nh.gov/dot>. The website provides an overview of NHDOT's DBE program and includes links to requirements and the DBE application at http://www.nh.gov/dot/org/administration/ofc/dbe_overview.htm.

Internet addresses to NHDOT's certification application forms and documentation requirements are found in Attachment 9.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The City of Berlin is the member of a Unified Certification Program (UCP) administered by NHDOT. The UCP will meet all of the requirements of this section. See Attachment 10, which is a copy of signed agreement page of the membership of the UCP between the City of Berlin and the UCP.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Applicable citations from NHRSA 91-A may be found at <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-VI-91-A.htm>.

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

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).

The City of Berlin 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. If we violate this prohibition, we are in noncompliance with this part.

City of Berlin
Berlin Regional Airport
DBE Program
Small Business Participation Supplement

POLICY STATEMENT

Section 26.39 Fostering Small Business Participation

The *City of Berlin* owner of Berlin Regional 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).” 13 CFR 121.402 defines “What size standards are applicable to Federal Government Contracting Programs?”

In compliance with this policy, the City of Berlin’s DBE Program will utilize some or all the following strategies in each FAA-assisted project:

1. Establishing a race-neutral small business set aside for prime contracts under a stated amount, depending on the amount of grant funding awarded during the goal reporting period (e.g., \$1 million).
2. In multi-year design-build contracts or other large contracts (e.g., for “megaprojects”) requiring bidders on the prime contract to specify elements of the contract of specific subcontracts that are of a size that small businesses, included DBEs, can reasonably perform.
3. On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, included DBEs, can reasonably perform, rather than self performing all of the work involved.
4. Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or businesses, including DBEs, to complete for and perform prime contracts.
5. Meeting the portion of your overall goal that your project to meet through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, included DBEs, can reasonably perform.

In order to actively implement the City of Berlin’s program elements to foster small business participation and to comply with the requirement of good faith implementation of our DBE program, the City of Berlin will require that the Prime Contractor(s) for Construction Work Items and for Professional Services Work Items complete the forms located in Attachment 11 of this DBE program.

The City of Berlin has disseminated this policy statement to the DBE Liaison Officer, the Berlin Regional Airport, and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. The distribution was accomplished through printed media and via email communications.

ATTACHMENTS

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<u>Attachment 3:</u>	Organizational Chart
<u>Attachment 4:</u>	Bidder's List Collection Form
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<u>Attachment 6:</u>	Monitoring and Enforcement Mechanisms
<u>Attachment 7:</u>	Overall Goal Calculation Methodology and Calculations
<u>Attachment 8:</u>	Proposed DBE and Small Business Participation Forms and Letter of Intent
<u>Attachment 9:</u>	NHDOT DBE Program Overview and UCP Certification Application Form
<u>Attachment 10:</u>	Signed UCP Agreement Form
<u>Attachment 11:</u>	Small Business Participation Forms

ATTACHMENT 1

Regulations: CFR Title 49 Part 26

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR data is current as of July 21, 2017

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Title 49: Transportation

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

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- [Appendix G to Part 26—Personal Net Worth Statement](#)

AUTHORITY: 23 U.S.C. 304 and 324; 42 U.S.C. 2000d, *et seq.* ; 49 U.S.C. 47107, 47113, 47123; Sec. 1101(b), Pub. L. 105-178, 112 Stat. 107, 113.

SOURCE: 64 FR 5126, Feb. 2, 1999, unless otherwise noted.

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Subpart A—General

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§26.1 What are the objectives of this part?

This part seeks to achieve several objectives:

- (a) To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- (b) To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- (c) To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;
- (d) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
- (e) To help remove barriers to the participation of DBEs in DOT-assisted contracts;
- (f) To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients.
- (g) To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
- (h) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

[64 FR 5126, Feb. 2, 1999, as amended at 79 FR 59592, Oct. 2, 2014]

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§26.3 To whom does this part apply?

- (a) If you are a recipient of any of the following types of funds, this part applies to you:

(1) Federal-aid highway funds authorized under Titles I (other than Part B) and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, or Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178, 112 Stat. 107. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; and Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405.

(2) Federal transit funds authorized by Titles I, III, V and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the TEA-21, Pub. L. 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; and Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405.

(3) Airport funds authorized by 49 U.S.C. 47101, *et seq.*

(b) [Reserved]

(c) If you are letting a contract, and that contract is to be performed entirely outside the United States, its territories and possessions, Puerto Rico, Guam, or the Northern Marianas Islands, this part does not apply to the contract.

(d) If you are letting a contract in which DOT financial assistance does not participate, this part does not apply to the contract.

[64 FR 5126, Feb. 2, 1999, as amended at 79 FR 59592, Oct. 2, 2014]

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§26.5 What do the terms used in this part mean?

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

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

(i) One concern controls or has the power to control the other; or

(ii) A third party or parties controls or has the power to control both; or

(iii) An identity of interest between or among parties exists such that affiliation may be found.

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

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

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

Assets mean all the property of a person available for paying debts or for distribution, including one's respective share of jointly held assets. This includes, but is not limited to, cash on hand and in banks, savings accounts, IRA or other retirement accounts, accounts receivable, life insurance, stocks and bonds, real estate, and personal property.

Business, business concern or business enterprise means an entity organized for profit with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials, or labor.

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

Contingent Liability means a liability that depends on the occurrence of a future and uncertain event. This includes, but is not limited to, guaranty for debts owed by the applicant concern, legal claims and judgments, and provisions for federal income tax.

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

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

Days mean calendar days. In computing any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where the recipient's offices are closed for all or part of the last day, the period extends to the next day on which the agency is open.

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

Disadvantaged business enterprise or *DBE* means a for-profit small business concern—

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Home state means the state in which a DBE firm or applicant for DBE certification maintains its principal place of business.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, and domestic partner and civil unions recognized under State law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Liabilities mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

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

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

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

Operating Administration or *OA* means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary industry classification means the most current North American Industry Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the North American Industry Classification Manual—United States, which is available on the Internet at the U.S. Census Bureau Web site: <http://www.census.gov/eos/www/naics/>.

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

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

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

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

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, *race-neutral* includes gender-neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or *SBA* means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

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).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

(i) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

(ii) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(iii) "Native Americans," which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;

(iv) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(v) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

(vi) Women;

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

(3) Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

Spouse means a married person, including a person in a domestic partnership or a civil union recognized under State law.

Transit vehicle manufacturer means any manufacturer whose primary business purpose is to manufacture vehicles specifically built for public mass transportation. Such vehicles include, but are not limited to: Buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Producers of vehicles that receive post-production alterations or retrofitting to be used for public transportation purposes (e.g., so-called cutaway vehicles, vans customized for service to people with disabilities) are also considered transit vehicle manufacturers. Businesses that manufacture, mass-produce, or distribute vehicles solely for personal use and for sale "off the lot" are not considered transit vehicle manufacturers.

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

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., 'You must do XYZ' means that recipients must do XYZ).

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 68 FR 35553, June 16, 2003; 76 FR 5096, Jan. 28, 2011; 79 FR 59592, Oct. 2, 2014]

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§26.7 What discriminatory actions are forbidden?

(a) You must 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 this part on the basis of race, color, sex, or national origin.

(b) In administering your DBE program, you must 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 program with respect to individuals of a particular race, color, sex, or national origin.

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§26.9 How does the Department issue guidance and interpretations under this part?

(a) Only guidance and interpretations (including interpretations set forth in certification appeal decisions) consistent with this part 26 and issued after March 4, 1999 express the official positions and views of the Department of Transportation or any of its operating administrations.

(b) The Secretary of Transportation, Office of the Secretary of Transportation, FHWA, FTA, and FAA may issue written interpretations of or written guidance concerning this part. Written interpretations and guidance are valid, and express the official positions and views of the Department of Transportation or any of its operating administrations, only if they are issued over the signature of the Secretary of Transportation or if they contain the following statement:

The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 CFR part 26.

[72 FR 15617, Apr. 2, 2007]

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§26.11 What records do recipients keep and report?

(a) You must transmit the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to this part, at the intervals stated on the form.

(b) You must continue to provide data about your DBE program to the Department as directed by DOT operating administrations.

(c) You must create and maintain a bidders list.

(1) The purpose of this list is to provide you as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on your Federally-assisted contracts for use in helping you set your overall goals.

(2) You must obtain the following information about DBE and non-DBE contractors and subcontractors who seek to work on your Federally-assisted contracts:

(i) Firm name;

(ii) Firm address;

(iii) Firm's status as a DBE or non-DBE;

(iv) Age of the firm; and

(v) The annual gross receipts of the firm. You may obtain this information by asking each firm to indicate into what gross receipts bracket they fit (e.g., less than \$500,000; \$500,000-\$1 million; \$1-2 million; \$2-5 million; etc.) rather than requesting an exact figure from the firm.

(3) You may acquire the information for your bidders list in a variety of ways. For example, you can collect the data from all bidders, before or after the bid due date. You can conduct a survey that will result in statistically sound estimate of the universe of DBE and non-DBE contractors and subcontractors who seek to work on your Federally-assisted contracts. You may combine different data collection approaches (e.g., collect name and address information from all bidders, while conducting a survey with respect to age and gross receipts information).

(d) You must maintain records documenting a firm's compliance with the requirements of this part. At a minimum, you must keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records must be retained in accordance with applicable record retention requirements for the recipient's financial assistance agreement. Other certification or compliance related records must be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the recipient's financial assistance agreement, whichever is longer.

(e) The State department of transportation in each UCP established pursuant to §26.81 of this part must report to the Department of Transportation's Office of Civil Rights, by January 1, 2015, and each year thereafter, the percentage and location in the State of certified DBE firms in the UCP Directory controlled by the following:

(1) Women;

(2) Socially and economically disadvantaged individuals (other than women); and

(3) Individuals who are women and are otherwise socially and economically disadvantaged individuals.

[64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 76 FR 5096, Jan. 28, 2011; 79 FR 59593, Oct. 2, 2014]

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§26.13 What assurances must recipients and contractors make?

(a) Each financial assistance agreement you sign with a DOT operating administration (or a primary recipient) must include the following assurance: The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under

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.).

(b) Each contract you sign with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, 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.

[79 FR 59593, Oct. 2, 2014]

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§26.15 How can recipients apply for exemptions or waivers?

(a) You can apply for an exemption from any provision of this part. To apply, you must request the exemption in writing from the Office of the Secretary of Transportation, FHWA, FTA, or FAA. The Secretary will grant the request only if it documents special or exceptional circumstances, not likely to be generally applicable, and not contemplated in connection with the rulemaking that established this part, that make your compliance with a specific provision of this part impractical. You must agree to take any steps that the Department specifies to comply with the intent of the provision from which an exemption is granted. The Secretary will issue a written response to all exemption requests.

(b) You can apply for a waiver of any provision of Subpart B or C of this part including, but not limited to, any provisions regarding administrative requirements, overall goals, contract goals or good faith efforts. Program waivers are for the purpose of authorizing you to operate a DBE program that achieves the objectives of this part by means that may differ from one or more of the requirements of Subpart B or C of this part. To receive a program waiver, you must follow these procedures:

(1) You must apply through the concerned operating administration. The application must include a specific program proposal and address how you will meet the criteria of paragraph (b)(2) of this section. Before submitting your application, you must have had public participation in developing your proposal, including consultation with the DBE community and at least one public hearing. Your application must include a summary of the public participation process and the information gathered through it.

(2) Your application must show that—

(i) There is a reasonable basis to conclude that you could achieve a level of DBE participation consistent with the objectives of this part using different or innovative means other than those that are provided in subpart B or C of this part;

(ii) Conditions in your jurisdiction are appropriate for implementing the proposal;

(iii) Your proposal would prevent discrimination against any individual or group in access to contracting opportunities or other benefits of the program; and

(iv) Your proposal is consistent with applicable law and program requirements of the concerned operating administration's financial assistance program.

(3) The Secretary has the authority to approve your application. If the Secretary grants your application, you may administer your DBE program as provided in your proposal, subject to the following conditions:

(i) DBE eligibility is determined as provided in subparts D and E of this part, and DBE participation is counted as provided in §26.49;

(ii) Your level of DBE participation continues to be consistent with the objectives of this part;

(iii) There is a reasonable limitation on the duration of your modified program; and

(iv) Any other conditions the Secretary makes on the grant of the waiver.

(4) The Secretary may end a program waiver at any time and require you to comply with this part's provisions. The Secretary may also extend the waiver, if he or she determines that all requirements of paragraphs (b)(2) and (3) of this section continue to be met. Any such extension shall be for no longer than period originally set for the duration of the program.

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Subpart B—Administrative Requirements for DBE Programs for Federally-Assisted Contracting

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§26.21 Who must have a DBE program?

(a) If you are in one of these categories and let DOT-assisted contracts, you must have a DBE program meeting the requirements of this part:

(1) All FHWA primary recipients receiving funds authorized by a statute to which this part applies;

(2) FTA recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$250,000 in FTA funds in a Federal fiscal year;

(3) FAA recipients receiving grants for airport planning or development who will award prime contracts the cumulative total value of which exceeds \$250,000 in FAA funds in a Federal fiscal year.

(b)(1) You must submit a DBE program conforming to this part by August 31, 1999 to the concerned operating administration (OA). Once the OA has approved your program, the approval counts for all of your DOT-assisted programs (except that goals are reviewed by the particular operating administration that provides funding for your DOT-assisted contracts).

(2) You do not have to submit regular updates of your DBE programs, as long as you remain in compliance. However, you must submit significant changes in the program for approval.

(c) You are not eligible to receive DOT financial assistance unless DOT has approved your DBE program and you are in compliance with it and this part. You must continue to carry out your program until all funds from DOT financial assistance have been expended.

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 65 FR 68951, Nov. 15, 2000; 79 FR 59593, Oct. 2, 2014]

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§26.23 What is the requirement for a policy statement?

You must issue a signed and dated policy statement that expresses your commitment to your DBE program, states its objectives, and outlines responsibilities for its implementation. You must circulate the statement throughout your organization and to the DBE and non-DBE business communities that perform work on your DOT-assisted contracts.

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§26.25 What is the requirement for a liaison officer?

You must have a DBE liaison officer, who shall have direct, independent access to your Chief Executive Officer concerning DBE program matters. The liaison officer shall be responsible for implementing all aspects of your DBE program. You must also have adequate staff to administer the program in compliance with this part.

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§26.27 What efforts must recipients make concerning DBE financial institutions?

You must thoroughly investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in your community and make reasonable efforts to use these institutions. You must also encourage prime contractors to use such institutions.

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§26.29 What prompt payment mechanisms must recipients have?

- (a) You must establish, as part of your DBE program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment you make to the prime contractor.
- (b) You must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. You must use one of the following methods to comply with this requirement:
- (1) You may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors.
 - (2) You may decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.
 - (3) 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.
- (c) For purposes of this section, 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 recipient. When a recipient 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.
- (d) Your DBE program must provide appropriate means to enforce the requirements of this section. These means may include appropriate penalties for failure to comply, the terms and conditions of which you set. Your program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with your prior written approval.
- (e) You may also establish, as part of your DBE program, any of the following additional mechanisms to ensure prompt payment:
- (1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. You may specify the nature of such mechanisms.
 - (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.
 - (3) Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

[68 FR 35553, June 16, 2003]

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§26.31 What information must you include in your DBE directory?

- (a) In the directory required under §26.81(g) of this Part, you must list all firms eligible to participate as DBEs in your program. In the listing for each firm, you must include its address, phone number, and the types of work the firm has been certified to perform as a DBE.
- (b) You must list each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. You must make any changes to your current directory entries necessary to meet the requirement of this paragraph (a) by August 26, 2011.

[76 FR 5096, Jan. 28, 2011]

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§26.33 What steps must a recipient take to address overconcentration of DBEs in certain types of work?

(a) If you determine that DBE firms are so overconcentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work, you must devise appropriate measures to address this overconcentration.

(b) These measures may include the use of incentives, technical assistance, business development programs, mentor-protégé programs, and other appropriate measures designed to assist DBEs in performing work outside of the specific field in which you have determined that non-DBEs are unduly burdened. You may also consider varying your use of contract goals, to the extent consistent with §26.51, to ensure that non-DBEs are not unfairly prevented from competing for subcontracts.

(c) You must obtain the approval of the concerned DOT operating administration for your determination of overconcentration and the measures you devise to address it. Once approved, the measures become part of your DBE program.

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§26.35 What role do business development and mentor-protégé programs have in the DBE program?

(a) You may or, if an operating administration directs you to, you must establish a DBE business development program (BDP) to assist firms in gaining the ability to compete successfully in the marketplace outside the DBE program. You may require a DBE firm, as a condition of receiving assistance through the BDP, to agree to terminate its participation in the DBE program after a certain time has passed or certain objectives have been reached. See Appendix C of this part for guidance on administering BDP programs.

(b) As part of a BDP or separately, you may establish a “mentor-protégé” program, in which another DBE or non-DBE firm is the principal source of business development assistance to a DBE firm.

(1) Only firms you have certified as DBEs before they are proposed for participation in a mentor-protégé program are eligible to participate in the mentor-protégé program.

(2) During the course of the mentor-protégé relationship, you must:

(i) Not award DBE credit to a non-DBE mentor firm for using its own protégé firm for more than one half of its goal on any contract let by the recipient; and

(ii) Not award DBE credit to a non-DBE mentor firm for using its own protégé firm for more than every other contract performed by the protégé firm.

(3) For purposes of making determinations of business size under this part, you must not treat protégé firms as affiliates of mentor firms, when both firms are participating under an approved mentor-protégé program. See Appendix D of this part for guidance concerning the operation of mentor-protégé programs.

(c) Your BDPs and mentor-protégé programs must be approved by the concerned operating administration before you implement them. Once approved, they become part of your DBE program.

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§26.37 What are a recipient's responsibilities for monitoring the performance of other program participants?

(a) You must implement appropriate mechanisms to ensure compliance with the part's requirements by all program participants (e.g., applying legal and contract remedies available under Federal, state and local law). You must set forth these mechanisms in your DBE program.

(b) Your DBE program must also include a monitoring and enforcement mechanism 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. This mechanism must include a written certification that you have reviewed contracting records and monitored work sites in your state for this purpose. The monitoring to which this paragraph refers may be conducted in conjunction with monitoring of contract performance for other purposes (e.g., close-out reviews for a contract).

(c) This mechanism must provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. In your reports of DBE participation to the Department, you must display both commitments and attainments.

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§26.39 Fostering small business participation.

(a) Your DBE program must include 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.

(b) This element must be submitted to the appropriate DOT operating administration for approval as a part of your DBE program by February 28, 2012. As part of this program element you may include, but are not limited to, the following strategies:

(1) Establishing a race-neutral small business set-aside for prime contracts under a stated amount (e.g., \$1 million).

(2) In multi-year design-build contracts or other large contracts (e.g., for “megaprojects”) requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.

(3) On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.

(4) Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.

(5) To meet the portion of your overall goal you project to meet through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

(c) You must actively implement your program elements to foster small business participation. Doing so is a requirement of good faith implementation of your DBE program.

[76 FR 5097, Jan. 28, 2011]

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Subpart C—Goals, Good Faith Efforts, and Counting

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§26.41 What is the role of the statutory 10 percent goal in this program?

(a) The statutes authorizing this program provide that, except to the extent the Secretary determines otherwise, not less than 10 percent of the authorized funds are to be expended with DBEs.

(b) This 10 percent goal is an aspirational goal at the national level, which the Department uses as a tool in evaluating and monitoring DBEs' opportunities to participate in DOT-assisted contracts.

(c) The national 10 percent goal does not authorize or require recipients to set overall or contract goals at the 10 percent level, or any other particular level, or to take any special administrative steps if their goals are above or below 10 percent.

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§26.43 Can recipients use set-asides or quotas as part of this program?

(a) You are not permitted to use quotas for DBEs on DOT-assisted contracts subject to this part.

(b) You may not set-aside contracts for DBEs on DOT-assisted contracts subject to this part, except that, in limited and extreme circumstances, you may use set-asides when no other method could be reasonably expected to redress egregious instances of discrimination.

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§26.45 How do recipients set overall goals?

(a)(1) Except as provided in paragraph (a)(2) of this section, you must set an overall goal for DBE participation in your DOT-assisted contracts.

(2) If you are a FTA or FAA recipient who reasonably anticipates awarding (excluding transit vehicle purchases) \$250,000 or less in FTA or FAA funds in prime contracts in a Federal fiscal year, you are not required to develop overall goals for FTA or FAA respectively for that fiscal year. However, if you have an existing DBE program, it must remain in effect and you must seek to fulfill the objectives outlined in §26.1.

(b) Your overall goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on your DOT-assisted contracts (hereafter, the "relative availability of DBEs"). The goal must reflect your determination of the level of DBE participation you would expect absent the effects of discrimination. You cannot simply rely on either the 10 percent national goal, your previous overall goal or past DBE participation rates in your program without reference to the relative availability of DBEs in your market.

(c) *Step 1.* You must begin your goal setting process by determining a base figure for the relative availability of DBEs. The following are examples of approaches that you may take toward determining a base figure. These examples are provided as a starting point for your goal setting process. Any percentage figure derived from one of these examples should be considered a basis from which you begin when examining all evidence available in your jurisdiction. These examples are not intended as an exhaustive list. Other methods or combinations of methods to determine a base figure may be used, subject to approval by the concerned operating administration.

(1) *Use DBE Directories and Census Bureau Data.* Determine the number of ready, willing and able DBEs in your market from your DBE directory. Using the Census Bureau's County Business Pattern (CBP) data base, determine the number of all ready, willing and able businesses available in your market that perform work in the same NAICS codes. (Information about the CBP data base may be obtained from the Census Bureau at their web site, www.census.gov/epcd/cbp/view/cbpview.html.) Divide the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in your market.

(2) *Use a bidders list.* Determine the number of DBEs that have bid or quoted (successful and unsuccessful) on your DOT-assisted prime contracts or subcontracts in the past three years. Determine the number of all businesses that have bid or quoted (successful and unsuccessful) on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number of all businesses to derive a base figure for the relative availability of DBEs in your market. When using this approach, you must establish a mechanism (documented in your goal submission) to directly capture data on DBE and non-DBE prime and subcontractors that submitted bids or quotes on your DOT-assisted contracts.

(3) *Use data from a disparity study.* Use a percentage figure derived from data in a valid, applicable disparity study.

(4) *Use the goal of another DOT recipient.* If another DOT recipient in the same, or substantially similar, market has set an overall goal in compliance with this rule, you may use that goal as a base figure for your goal.

(5) *Alternative methods.* Except as otherwise provided in this paragraph, you may use other methods to determine a base figure for your overall goal. Any methodology you choose must 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 your market. The exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of paragraph (c)(2) of this section, is not an acceptable alternative means of determining the availability of DBEs.

(d) *Step 2.* Once you have calculated a base figure, you must examine all of the evidence available in your jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at your overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

(1) There are many types of evidence that must be considered when adjusting the base figure. These include:

(i) The current capacity of DBEs to perform work in your DOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years;

(ii) Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure; and

(iii) If your base figure is the goal of another recipient, you must adjust it for differences in your local market and your contracting program.

(2) If available, you must consider evidence from related fields that affect the opportunities for DBEs to form, grow and compete. These include, but are not limited to:

(i) Statistical disparities in the ability of DBEs to get the financing, bonding and insurance required to participate in your program;

(ii) Data on employment, self-employment, education, training and union apprenticeship programs, to the extent you can relate it to the opportunities for DBEs to perform in your program.

(3) If you attempt to make an adjustment to your base figure to account for the continuing effects of past discrimination (often called the “but for” factor) or the effects of an ongoing DBE program, the adjustment must be based on demonstrable evidence that is logically and directly related to the effect for which the adjustment is sought.

(e) Once you have determined a percentage figure in accordance with paragraphs (c) and (d) of this section, you should express your overall goal as follows:

(1) If you are an FHWA recipient, as a percentage of all Federal-aid highway funds you will expend in FHWA-assisted contracts in the forthcoming three fiscal years.

(2) If you are an FTA or FAA recipient, as a percentage of all FT or FAA funds (exclusive of FTA funds to be used for the purchase of transit vehicles) that you will expend in FTA or FAA-assisted contracts in the three forthcoming fiscal years.

(3) In appropriate cases, the FHWA, FTA or FAA Administrator may permit or require you to express your overall goal 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.

(i) A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals.

(ii) A project goal covers the entire length of the project to which it applies.

(iii) The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal.

(iv) The funds for the project to which the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

(f)(1)(i) If you set your overall goal on a fiscal year basis, you must submit it to the applicable DOT operating administration by August 1 at three-year intervals, based on a schedule established by the FHWA, FTA, or FAA, as applicable, and posted on that agency's Web site.

(ii) You may adjust your three-year overall goal during the three-year period to which it applies, in order to reflect changed circumstances. You must submit such an adjustment to the concerned operating administration for review and approval.

(iii) The operating administration may direct you to undertake a review of your goal if necessary to ensure that the goal continues to fit your circumstances appropriately.

(iv) While you are required to submit an overall goal to FHWA, FTA, or FAA only every three years, the overall goal and the provisions of Sec. 26.47(c) apply to each year during that three-year period.

(v) You may make, for informational purposes, projections of your expected DBE achievements during each of the three years covered by your overall goal. However, it is the overall goal itself, and not these informational projections, to which the provisions of section 26.47(c) of this part apply.

(2) If you are a recipient and set your overall goal on a project or grant basis as provided in paragraph (e)(3) of this section, you must submit the goal for review at a time determined by the FHWA, FTA or FAA Administrator, as applicable.

(3) You must include with your overall goal submission a description of the methodology you used to establish the goal, including your base figure and the evidence with which it was calculated, and the adjustments you made to the base figure and the evidence you relied on for the adjustments. You should also include a summary listing of the relevant available evidence in your jurisdiction and, where applicable, an explanation of why you did not use that evidence to adjust your base figure. You must also include your projection of the portions of the overall goal you expect to meet through race-neutral and race-conscious measures, respectively (see 26.51(c)).

(4) You are not required to obtain prior operating administration concurrence with your overall goal. However, if the operating administration's review suggests that your overall goal has not been correctly calculated or that your method for calculating goals is inadequate, the operating administration may, after consulting with you, adjust your overall goal or require that you do so. The adjusted overall goal is binding on you. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the operating administration will be guided by goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.9.

(5) If you need additional time to collect data or take other steps to develop an approach to setting overall goals, you may request the approval of the concerned operating administration for an interim goal and/or goal-setting mechanism. Such a mechanism must:

(i) Reflect the relative availability of DBEs in your local market to the maximum extent feasible given the data available to you; and

(ii) Avoid imposing undue burdens on non-DBEs.

(6) Timely submission and operating administration approval of your overall goal is a condition of eligibility for DOT financial assistance.

(7) If you fail to establish and implement goals as provided in this section, you are not in compliance with this part. If you establish and implement goals in a way different from that provided in this part, you are not in compliance with this part. If you fail to comply with this requirement, you are not eligible to receive DOT financial assistance.

(g)(1) In establishing an overall goal, you must provide for consultation and publication. This includes:

(i) 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 your efforts to establish a level playing field for the participation of DBEs. The consultation must 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 must occur before you are required to submit your methodology to the operating administration for review pursuant to paragraph (f) of this section. You must document in your goal submission the consultation process you engaged in. Notwithstanding paragraph (f)(4) of this section, you may not implement your proposed goal until you have complied with this requirement.

(ii) A published notice announcing your proposed overall goal before submission to the operating administration on August 1st. The notice must be posted on your official Internet Web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal must be posted on your official Internet Web site.

(2) At your discretion, you may inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at your principal office and for a 30-day comment period. Notice of the comment period must include addresses to which comments may be sent. The public comment period will not extend the August 1st deadline set in paragraph (f) of this section.

(h) Your overall goals must provide for participation by all certified DBEs and must not be subdivided into group-specific goals.

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 65 FR 68951, Nov. 15, 2000; 68 FR 35553, June 16, 2003; 75 FR 5536, Feb. 3, 2010; 76 FR 5097, Jan. 28, 2011; 79 FR 59593, Oct. 2, 2014]

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§26.47 Can recipients be penalized for failing to meet overall goals?

(a) You cannot be penalized, or treated by the Department as being in noncompliance with this rule, because your DBE participation falls short of your overall goal, unless you have failed to administer your program in good faith.

(b) If you do not have an approved DBE program or overall goal, or if you fail to implement your program in good faith, you are in noncompliance with this part.

(c) If the awards and commitments shown on your 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, you must do the following in order to be regarded by the Department as implementing your DBE program in good faith:

(1) Analyze in detail the reasons for the difference between the overall goal and your awards and commitments in that fiscal year;

(2) Establish specific steps and milestones to correct the problems you have identified in your analysis and to enable you to meet fully your goal for the new fiscal year;

(3)(i) If you are a state highway agency; one of the 50 largest transit authorities as determined by the FTA; or an Operational Evolution Partnership Plan airport or other airport designated by the FAA, you must submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (c)(1) and (2) of this section to the appropriate operating administration for approval. If the operating administration approves the report, you will be regarded as complying with the requirements of this section for the remainder of the fiscal year.

(ii) As a transit authority or airport not meeting the criteria of paragraph (c)(3)(i) of this section, you must retain analysis and corrective actions in your records for three years and make it available to FTA or FAA on request for their review.

(4) FHWA, FTA, or FAA may impose conditions on the recipient as part of its approval of the recipient's analysis and corrective actions including, but not limited to, modifications to your overall goal methodology, changes in your race-conscious/race-neutral split, or the introduction of additional race-neutral or race-conscious measures.

(5) You may be regarded as being in noncompliance with this Part, and therefore subject to the remedies in §26.103 or §26.105 of this part and other applicable regulations, for failing to implement your DBE program in good faith if any of the following things occur:

(i) You do not submit your analysis and corrective actions to FHWA, FTA, or FAA in a timely manner as required under paragraph (c)(3) of this section;

(ii) FHWA, FTA, or FAA disapproves your analysis or corrective actions; or

(iii) You do not fully implement the corrective actions to which you have committed or conditions that FHWA, FTA, or FAA has imposed following review of your analysis and corrective actions.

(d) If, as recipient, your Uniform Report of DBE Awards or Commitments and Payments or other information coming to the attention of FTA, FHWA, or FAA, demonstrates that current trends make it unlikely that you will achieve DBE awards and commitments that would be necessary to allow you to meet your overall goal at the end of the fiscal year, FHWA, FTA, or FAA, as applicable, may require you to make further good faith efforts, such as by modifying your race-conscious/race-neutral split or introducing additional race-neutral or race-conscious measures for the remainder of the fiscal year.

[64 FR 5126, Feb. 2, 1999, as amended at 76 FR 5098, Jan. 28, 2011]

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§26.49 How are overall goals established for transit vehicle manufacturers?

(a) If you are an FTA recipient, you must require in your DBE program that each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the requirements of this section. You do not include FTA assistance used in transit vehicle procurements in the base amount from which your overall goal is calculated.

(1) Only those transit vehicle manufacturers listed on FTA's certified list of Transit Vehicle Manufacturers, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved, at the time of solicitation are eligible to bid.

(2) A TVM's failure to implement the DBE Program in the manner as prescribed in this section and throughout 49 CFR part 26 will be deemed as non-compliance, which will result in removal from FTA's certified TVMs list, resulting in that manufacturer becoming ineligible to bid.

(3) FTA recipient's failure to comply with the requirements set forth in paragraph (a) of this section may result in formal enforcement action or appropriate sanction as determined by FTA (e.g., FTA declining to participate in the vehicle procurement).

(4) FTA recipients are required to submit within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement.

(b) If you are a transit vehicle manufacturer, you must establish and submit for FTA's approval an annual overall percentage goal.

(1) In setting your overall goal, you should be guided, to the extent applicable, by the principles underlying §26.45. The base from which you calculate this goal is the amount of FTA financial assistance included in transit vehicle contracts you will bid on during the fiscal year in question, less the portion(s) attributable to the manufacturing process performed entirely by the transit vehicle manufacturer's own forces.

(i) You must consider and include in your base figure all domestic contracting opportunities made available to non-DBE firms; and

(ii) You must exclude from this base figure funds attributable to work performed outside the United States and its territories, possessions, and commonwealths.

(iii) In establishing an overall goal, the transit vehicle manufacturer must provide for public participation. This includes consultation with interested parties consistent with §26.45(g).

(2) The requirements of this part with respect to submission and approval of overall goals apply to you as they do to recipients.

(c) Transit vehicle manufacturers awarded must comply with the reporting requirements of §26.11 of this part including the requirement to submit the Uniform Report of Awards or Commitments and Payments, in order to remain eligible to bid on FTA assisted transit vehicle procurements.

(d) Transit vehicle manufacturers must implement all other applicable requirements of this part, except those relating to UCPs and DBE certification procedures.

(e) If you are an FHWA or FAA recipient, you may, with FHWA or FAA approval, use the procedures of this section with respect to procurements of vehicles or specialized equipment. If you choose to do so, then the manufacturers of this equipment must meet the same requirements (including goal approval by FHWA or FAA) as transit vehicle manufacturers must meet in FTA-assisted procurements.

(f) As a recipient you may, with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of complying through the procedures of this section.

[79 FR 59594, Oct. 2, 2014]

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§26.51 What means do recipients use to meet overall goals?

(a) You must meet the maximum feasible portion of your 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.

(b) 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 of this part.

(2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);

(3) Providing technical assistance and other services;

(4) 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);

(5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;

(6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

(7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;

(8) Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and

(9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

(c) Each time you submit your overall goal for review by the concerned operating administration, you must also submit your projection of the portion of the goal that you expect to meet through race-neutral means and your basis for that projection. This projection is subject to approval by the concerned operating administration, in conjunction with its review of your overall goal.

(d) You must establish contract goals to meet any portion of your overall goal you do not project being able to meet using race-neutral means.

(e) The following provisions apply to the use of contract goals:

(1) You may use contract goals only on those DOT-assisted contracts that have subcontracting possibilities.

(2) You are not required to set a contract goal on every DOT-assisted contract. You are not required to set each contract goal at the same percentage level as the overall goal. The goal for a specific contract may be higher or lower than that percentage level of the overall goal, depending on such factors as the type of work involved, the location of the work, and the availability of DBEs for the work of the particular contract. However, over the period covered by your overall goal, you must set contract goals so that they will cumulatively result in meeting any portion of your overall goal you do not project being able to meet through the use of race-neutral means.

(3) Operating administration approval of each contract goal is not necessarily required. However, operating administrations may review and approve or disapprove any contract goal you establish.

(4) Your contract goals must provide for participation by all certified DBEs and must not be subdivided into group-specific goals.

(f) To ensure that your DBE program continues to be narrowly tailored to overcome the effects of discrimination, you must adjust your use of contract goals as follows:

(1) If your approved projection under paragraph (c) of this section estimates that you can meet your entire overall goal for a given year through race-neutral means, you must implement your program without setting contract goals during that year, unless it becomes necessary in order to meet your overall goal.

Example to paragraph (f)(1): Your overall goal for Year 1 is 12 percent. You estimate that you can obtain 12 percent or more DBE participation through the use of race-neutral measures, without any use of contract goals. In this case, you do not set any contract goals for the contracts that will be performed in Year 1. However, if part way through Year 1, your DBE awards or commitments are not at a level that would permit you to achieve your overall goal for Year 1, you could begin setting race-conscious DBE contract goals during the remainder of the year as part of your obligation to implement your program in good faith.

(2) If, during the course of any year in which you are using contract goals, you determine that you will exceed your overall goal, you must reduce or eliminate the use of contract goals to the extent necessary to ensure that the use of contract goals does not result in exceeding the overall goal. If you determine that you will fall short of your overall goal, then you must make appropriate modifications in your use of race-neutral and/or race-conscious measures to allow you to meet the overall goal.

Example to paragraph (f)(2): In Year II, your overall goal is 12 percent. You have estimated that you can obtain 5 percent DBE participation through use of race-neutral measures. You therefore plan to obtain the remaining 7 percent participation through use of DBE goals. By September, you have already obtained 11 percent DBE participation for the year. For contracts let during the remainder of the year, you use contract goals only to the extent necessary to obtain an additional one percent DBE participation. However, if you determine in September that your participation for the year is likely to be only 8 percent total, then you would increase your use of race-neutral and/or race-conscious means during the remainder of the year in order to achieve your overall goal.

(3) If the DBE participation you have obtained by race-neutral means alone meets or exceeds your overall goals for two consecutive years, you are not required to make a projection of the amount of your goal you can meet using such means in the next year. You do not set contract goals on any contracts in the next year. You continue using only race-neutral means to meet your overall goals unless and until you do not meet your overall goal for a year.

Example to paragraph (f)(3): Your overall goal for Years I and Year II is 10 percent. The DBE participation you obtain through race-neutral measures alone is 10 percent or more in each year. (For this purpose, it does not matter whether you obtained additional DBE participation through using contract goals in these years.) In Year III and following years, you do not need to make a projection under paragraph (c) of this section of the portion of your overall goal you expect to meet using race-neutral means. You simply use race-neutral means to achieve your overall goals. However, if in Year VI your DBE participation falls short of your overall goal, then you must make a paragraph (c) projection for Year VII and, if necessary, resume use of contract goals in that year.

(4) If you obtain DBE participation that exceeds your overall goal in two consecutive years through the use of contract goals (*i.e.*, not through the use of race-neutral means alone), you must reduce your use of contract goals proportionately in the following year.

Example to paragraph (f)(4): In Years I and II, your overall goal is 12 percent, and you obtain 14 and 16 percent DBE participation, respectively. You have exceeded your goals over the two-year period by an average of 25 percent. In Year III, your overall goal is again 12 percent, and your paragraph (c) projection estimates that you will obtain 4 percent DBE participation through race-neutral means and 8 percent through contract goals. You then reduce the contract goal projection by 25 percent (*i.e.*, from 8 to 6 percent) and set contract goals accordingly during the year. If in Year III you obtain 11 percent participation, you do not use this contract goal adjustment mechanism for Year IV, because there have not been two *consecutive* years of exceeding overall goals.

(g) In any year in which you project meeting part of your goal through race-neutral means and the remainder through contract goals, you must maintain data separately on DBE achievements in those contracts with and without contract goals, respectively. You must report this data to the concerned operating administration as provided in §26.11.

[64 FR 5126, Feb. 2, 1999, as amended at 76 FR 5098, Jan. 28, 2011; 79 FR 59595, Oct. 2, 2014]

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§26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?

(a) When you have established a DBE contract goal, you must award the contract only to a bidder/offeror who makes good faith efforts to meet it. You must determine that a bidder/offeror has made good faith efforts if the bidder/offeror does either of the following things:

(1) Documents that it has obtained enough DBE participation to meet the goal; or

(2) Documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so. If the bidder/offeror does document adequate good faith efforts, you must not deny award of the contract on the basis that the bidder/offeror failed to meet the goal. See Appendix A of this part for guidance in determining the adequacy of a bidder/offeror's good faith efforts.

(b) In your solicitations for DOT-assisted contracts for which a contract goal has been established, you must require the following:

(1) Award of the contract will be conditioned on meeting the requirements of this section;

(2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (b)(3) of this section:

(i) The names and addresses of DBE firms that will participate in the contract;

(ii) 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;

(iii) The dollar amount of the participation of each DBE firm participating;

(iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and

(v) 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.

(vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of this part). 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

(3)(i) At your discretion, the bidder/offeror must present the information required by paragraph (b)(2) of this section—

(A) Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures; or

(B) No later than 7 days after bid opening as a matter of responsibility. The 7 days shall be reduced to 5 days beginning January 1, 2017.

(ii) Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror 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 (b)(2) of this section before the final selection for the contract is made by the recipient.

(c) You must make sure all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing yourself to the performance of the contract by the bidder/offeror.

(d) If you determine that the apparent successful bidder/offeror has failed to meet the requirements of paragraph (a) of this section, you must, before awarding the contract, provide the bidder/offeror an opportunity for administrative reconsideration.

(1) As part of this reconsideration, the bidder/offeror must 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.

(2) Your decision on reconsideration must be made by an official who did not take part in the original determination that the bidder/offeror failed to meet the goal or make adequate good faith efforts to do so.

(3) The bidder/offeror must have the opportunity to meet in person with your reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so.

(4) You must send the bidder/offeror 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.

(5) The result of the reconsideration process is not administratively appealable to the Department of Transportation.

(e) In a "design-build" or "turnkey" contracting situation, in which the recipient lets a master contract to a contractor, who in turn lets subsequent subcontracts for the work of the project, a recipient may establish a goal for the project. The master contractor then establishes contract goals, as appropriate, for the subcontracts it lets. Recipients must maintain oversight of the master contractor's activities to ensure that they are conducted consistent with the requirements of this part.

(f)(1)(i) You must require that a prime contractor not terminate a DBE subcontractor listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm) without your prior written consent. 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 with another DBE firm.

(ii) You must include in each prime contract a provision stating:

(A) That the contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains your written consent as provided in this paragraph (f); and

(B) That, unless your consent is provided under this paragraph (f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

(2) You may provide such written consent only if you agree, for reasons stated in your concurrence document, that the prime contractor has good cause to terminate the DBE firm.

(3) For purposes of this paragraph, good cause includes the following circumstances:

(i) The listed DBE subcontractor fails or refuses to execute a written contract;

(ii) 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;

(iii) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements.

(iv) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;

(v) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215 and 1,200 or applicable state law;

(vii) You have determined that the listed DBE subcontractor is not a responsible contractor;

(vi) The listed DBE subcontractor voluntarily withdraws from the project and provides to you written notice of its withdrawal;

(vii) The listed DBE is ineligible to receive DBE credit for the type of work required;

(viii) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;

(ix) Other documented good cause that you determine 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.

(4) Before transmitting to you its 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 you, of its intent to request to terminate and/or substitute, and the reason for the request.

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

(6) In addition to post-award terminations, the provisions of this section apply to preaward deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

(g) When a DBE subcontractor is terminated as provided in paragraph (f) of this section, or fails to complete its work on the contract for any reason, you must require the prime contractor to make good faith efforts to find another DBE subcontractor to substitute for the original 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 you established for the procurement. The good faith efforts shall be documented by the contractor. If the recipient requests documentation 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, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

(h) You must include in each prime contract the contract clause required by §26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section you deem appropriate if the prime contractor fails to comply with the requirements of this section.

(i) You must apply the requirements of this section to DBE bidders/offerors for prime contracts. In determining whether a DBE bidder/offeror for a prime contract has met a contract goal, you count the work the DBE has committed to performing with its own forces as well as the work that it has committed to be performed by DBE subcontractors and DBE suppliers.

(j) You must require the contractor awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this part's provisions.

[64 FR 5126, Feb. 2, 1999, as amended at 76 FR 5098, Jan. 28, 2011; 79 FR 59595, Oct. 2, 2014]

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§26.55 How is DBE participation counted toward goals?

(a) When a DBE participates in a contract, you count only the value of the work actually performed by the DBE toward DBE goals.

(1) Count the entire amount of that portion of a construction contract (or other contract not covered by paragraph (a) (2) of this section) that is performed by the DBE's own forces. Include the cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate).

(2) Count the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a DOT-assisted contract, toward DBE goals, provided you determine the fee to be reasonable and not excessive as compared with fees customarily allowed for similar services.

(3) When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals.

(b) When a DBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces toward DBE goals.

(c) Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.

(1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

(2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, you must examine similar transactions, particularly those in which DBEs do not participate.

(3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, you must presume that it is not performing a commercially useful function.

(4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (c)(3) of this section, the DBE may present evidence to rebut this presumption. You may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

(5) Your decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to DOT.

(d) Use the following factors in determining whether a DBE trucking company is performing a commercially useful function:

(1) The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.

(2) The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.

(3) The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.

(4) The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.

(5) The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE that leases trucks equipped with drivers from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE leased trucks equipped with drivers not to exceed the value of transportation services on the contract provided by DBE-owned trucks or leased trucks with DBE employee drivers. Additional participation by non-DBE owned trucks equipped with drivers receives credit only for the fee or commission it receives as a result of the lease arrangement. If a recipient chooses this approach, it must obtain written consent from the appropriate DOT operating administration.

Example to paragraph (d)(5): DBE Firm X uses two of its own trucks on a contract. It leases two trucks from DBE Firm Y and six trucks equipped with drivers from non-DBE Firm Z. DBE credit would be awarded for the total value of transportation services provided by Firm X and Firm Y, and may also be awarded for the total value of transportation services provided by four of the six trucks provided by Firm Z. In all, full credit would be allowed for the participation of eight trucks. DBE credit could be awarded only for the fees or commissions pertaining to the remaining trucks Firm X receives as a result of the lease with Firm Z.

(6) The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE truck leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services.

Example to paragraph (d)(6): DBE Firm X uses two of its own trucks on a contract. It leases two additional trucks from non-DBE Firm Z. Firm X uses its own employees to drive the trucks leased from Firm Z. DBE credit would be awarded for the total value of the transportation services provided by all four trucks.

(7) For purposes of this paragraph (d), a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

(e) Count expenditures with DBEs for materials or supplies toward DBE goals as provided in the following:

(1)(i) If the materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies toward DBE goals.

(ii) For purposes of this paragraph (e)(1), a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

(2)(i) If the materials or supplies are purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE goals.

(ii) For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

(A) To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

(B) A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided in this paragraph (e)(2)(ii) if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.

(C) Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph (e)(2).

(3) With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward DBE goals, provided you determine the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves toward DBE goals, however.

(4) You must determine the amount of credit awarded to a firm for the provisions of materials and supplies (e.g., whether a firm is acting as a regular dealer or a transaction expeditor) on a contract-by-contract basis.

(f) 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, do not count the firm's participation toward any DBE goals, except as provided for in §26.87(i)).

(g) Do not count the dollar value of work performed under a contract with a firm after it has ceased to be certified toward your overall goal.

(h) Do not count the participation of a DBE subcontractor 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.

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Subpart D—Certification Standards

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

(a) In determining whether to certify a firm as eligible to participate as a DBE, you must apply the standards of this subpart.

(b) The firm seeking certification has the burden of demonstrating to you, by a preponderance of the evidence, that it meets the requirements of this subpart concerning group membership or individual disadvantage, business size, ownership, and control.

(c) You must rebuttably presume that members of the designated groups identified in §26.67(a) are socially and economically disadvantaged. This means they do not have the burden of proving to you that they are socially and economically disadvantaged. In order to obtain the benefit of the rebuttable presumption, individuals must submit a signed, notarized statement that they are a member of one of the groups in §26.67(a). Applicants do have the obligation to provide you information concerning their economic disadvantage (see §26.67).

(d) Individuals who are not presumed to be socially and economically disadvantaged, and individuals concerning whom the presumption of disadvantage has been rebutted, have the burden of proving to you, by a preponderance of the evidence, that they are socially and economically disadvantaged. (See Appendix E of this part.)

(e) You must make determinations concerning whether individuals and firms have met their burden of demonstrating group membership, ownership, control, and social and economic disadvantage (where disadvantage must be demonstrated on an individual basis) by considering all the facts in the record, viewed as a whole.

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

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§26.63 What rules govern group membership determinations?

(a)(1) If, after reviewing the signed notarized statement of membership in a presumptively disadvantaged group (see §26.61(c)), you have a well founded reason to question the individual's claim of membership in that group, you must require the individual to present additional evidence that he or she is a member of the group.

(2) You must provide the individual a written explanation of your reasons for questioning his or her group membership and a written request for additional evidence as outlined in paragraph (b) of this section.

(3) In implementing this section, you must take special care to ensure that you do not impose a disproportionate burden on members of any particular designated group. Imposing a disproportionate burden on members of a particular group could violate §26.7(b) and/or Title VI of the Civil Rights Act of 1964 and 49 CFR part 21.

(b) In making such a determination, you must consider whether the person has held himself out to be a member of the group over a long period of time prior to application for certification and whether the person is regarded as a member of the group by the relevant community. You may require the applicant to produce appropriate documentation of group membership.

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

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

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

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§26.65 What rules govern business size determinations?

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

(b) Even if it meets the requirements of paragraph (a) of this section, a firm is not an eligible DBE in any Federal fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by SBA regulations (see 13 CFR 121.402), over the firm's previous three fiscal years, in excess of \$23.98 million.

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

[74 FR 15224, Apr. 3, 2009, as amended at 79 FR 59596, Oct. 2, 2014]

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§26.67 What rules determine social and economic disadvantage?

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

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

(ii) You must require each individual who makes this certification to support it with a signed, notarized statement of personal net worth, with appropriate supporting documentation. To meet this requirement, you must use the DOT personal net worth form provided in appendix G to this part without change or revision. Where necessary to accurately determine an individual's personal net worth, you may, on a case-by-case basis, require additional financial information from the owner of an applicant firm (e.g., information concerning the assets of the owner's spouse, where needed to clarify whether assets have been transferred to the spouse or when the owner's spouse is involved in the operation of the company). Requests for additional information shall not be unduly burdensome or intrusive.

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

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

(B) Exclude the individual's equity in his or her primary residence (except any portion of such equity that is attributable to excessive withdrawals from the applicant firm). The equity is the market value of the residence less any mortgages and home equity loan balances. Recipients must ensure that home equity loan balances are included in the equity calculation and not as a separate liability on the individual's personal net worth form. Exclusions for net worth purposes are not exclusions for asset valuation or access to capital and credit purposes.

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

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

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

(b) *Rebuttal of presumption of disadvantage.* (1) An individual's presumption of economic disadvantage may be rebutted in two ways.

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

Example to paragraph (b)(1)(i): An individual with very high assets and significant liabilities may, in accounting terms, have a PNW of less than \$1.32 million. However, the person's assets collectively (e.g., high income level, a very expensive house, a yacht, extensive real or personal property holdings) may lead a reasonable person to conclude that he or she is not economically disadvantaged. The recipient may rebut the individual's presumption of economic disadvantage under these circumstances, as provided in this section, even though the individual's PNW is less than \$1.32 million.

(ii)(A) If the statement of personal net worth and supporting documentation that an individual submits under paragraph (a)(2) of this section demonstrates that the individual is able to accumulate substantial wealth, the individual's presumption of economic disadvantage is rebutted. In making this determination, as a certifying agency, you may consider factors that include, but are not limited to, the following:

(1) Whether the average adjusted gross income of the owner over the most recent three year period exceeds \$350,000;

(2) Whether the income was unusual and not likely to occur in the future;

(3) Whether the earnings were offset by losses;

(4) Whether the income was reinvested in the firm or used to pay taxes arising in the normal course of operations by the firm;

(5) Other evidence that income is not indicative of lack of economic disadvantage; and

(6) Whether the total fair market value of the owner's assets exceed \$6 million.

(B) You must have a proceeding under paragraph (b)(2) of this section in order to rebut the presumption of economic disadvantage in this case.

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

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

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

(c) *Transfers within two years.* (1) Except as set forth in paragraph (c)(2) of this section, recipients must attribute to an individual claiming disadvantaged status any assets which that individual has transferred to an immediate family member, to a trust a beneficiary of which is an immediate family member, or to the applicant firm for less than fair market value, within two years prior to a concern's application for participation in the DBE program or within two years of recipient's review of the firm's annual affidavit, unless the individual claiming disadvantaged status can demonstrate that the transfer is to or on behalf of an immediate family member for that individual's education, medical expenses, or some other form of essential support.

(2) Recipients must not attribute to an individual claiming disadvantaged status any assets transferred by that individual to an immediate family member that are consistent with the customary recognition of special occasions, such as birthdays, graduations, anniversaries, and retirements.

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

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§26.69 What rules govern determinations of ownership?

(a) In determining whether the socially and economically disadvantaged participants in a firm own the firm, you must consider all the facts in the record viewed as a whole, including the origin of all assets and how and when they were used in obtaining the firm. All transactions for the establishment and ownership (or transfer of ownership) must be in the normal course of business, reflecting commercial and arms-length practices.

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

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

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

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

(c)(1) The firm's ownership by socially and economically disadvantaged individuals, including their contribution of capital or expertise to acquire their ownership interests, must be real, substantial, and continuing, going beyond pro forma ownership of the firm as reflected in ownership documents. Proof of contribution of capital should be submitted at the time of the application. When the contribution of capital is through a loan, there must be documentation of the value of assets used as collateral for the loan.

(2) Insufficient contributions include a promise to contribute capital, an unsecured note payable to the firm or an owner who is not a disadvantaged individual, mere participation in a firm's activities as an employee, or capitalization not commensurate with the value for the firm.

(3) The disadvantaged owners must enjoy the customary incidents of ownership, and share in the risks and be entitled to the profits and loss commensurate with their ownership interests, as demonstrated by the substance, not merely the form, of arrangements. Any terms or practices that give a non-disadvantaged individual or firm a priority or superior right to a firm's profits, compared to the disadvantaged owner(s), are grounds for denial.

(4) Debt instruments from financial institutions or other organizations that lend funds in the normal course of their business do not render a firm ineligible, even if the debtor's ownership interest is security for the loan.

Examples to paragraph (c): (i) An individual pays \$100 to acquire a majority interest in a firm worth \$1 million. The individual's contribution to capital would not be viewed as substantial.

(ii) A 51% disadvantaged owner and a non-disadvantaged 49% owner contribute \$100 and \$10,000, respectively, to acquire a firm grossing \$1 million. This may be indicative of a pro forma arrangement that does not meet the requirements of (c)(1).

(iii) The disadvantaged owner of a DBE applicant firm spends \$250 to file articles of incorporation and obtains a \$100,000 loan, but makes only nominal or sporadic payments to repay the loan. This type of contribution is not of a continuing nature.

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

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

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

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

normal course of their business do not render a firm ineligible, even if the debtor's ownership interest is security for the loan.

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

(1) The owner's expertise must be—

(i) In a specialized field;

(ii) Of outstanding quality;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[64 FR 5126, Feb. 2, 1999, as amended at 79 FR 59597, Oct. 2, 2014]

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§26.71 What rules govern determinations concerning control?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[64 FR 5126, Feb. 2, 1999, as amended at 76 FR 5099, Jan. 28, 2011; 79 FR 59597, Oct. 2, 2014]

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§26.73 What are other rules affecting certification?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) You must not require a DBE firm to be prequalified as a condition for certification.

(h) A firm that is owned by an Indian tribe or Native Hawaiian organization, rather than by Indians or Native Hawaiians as individuals, may be eligible for certification. Such a firm must meet the size standards of §26.65. Such a firm must be controlled by socially and economically disadvantaged individuals, as provided in §26.71.

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

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

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

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

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

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

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

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35555, June 16, 2003; 76 FR 5099, Jan. 28, 2011; 79 FR 59598, Oct. 2, 2014]

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Subpart E—Certification Procedures

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§26.81 What are the requirements for Unified Certification Programs?

(a) You and all other DOT recipients in your state must participate in a Unified Certification Program (UCP).

(1) Within three years of March 4, 1999, you and the other recipients in your state must sign an agreement establishing the UCP for that state and submit the agreement to the Secretary for approval. The Secretary may, on the basis of extenuating circumstances shown by the recipients in the state, extend this deadline for no more than one additional year.

(2) The agreement must provide for the establishment of a UCP meeting all the requirements of this section. The agreement must specify that the UCP will follow all certification procedures and standards of this part, on the same basis as recipients; that the UCP shall cooperate fully with oversight, review, and monitoring activities of DOT and its operating administrations; and that the UCP shall implement DOT directives and guidance concerning certification matters. The agreement shall also commit recipients to ensuring that the UCP has sufficient resources and expertise to carry out the requirements of this part. The agreement shall include an implementation schedule ensuring that the UCP is fully operational no later than 18 months following the approval of the agreement by the Secretary.

(3) Subject to approval by the Secretary, the UCP in each state may take any form acceptable to the recipients in that state.

(4) The Secretary shall review the UCP and approve it, disapprove it, or remand it to the recipients in the state for revisions. A complete agreement which is not disapproved or remanded within 180 days of its receipt is deemed to be accepted.

(5) If you and the other recipients in your state fail to meet the deadlines set forth in this paragraph (a), you shall have the opportunity to make an explanation to the Secretary why a deadline could not be met and why meeting the deadline was beyond your control. If you fail to make such an explanation, or the explanation does not justify the failure to meet the

deadline, the Secretary shall direct you to complete the required action by a date certain. If you and the other recipients fail to carry out this direction in a timely manner, you are collectively in noncompliance with this part.

(b) The UCP shall make all certification decisions on behalf of all DOT recipients in the state with respect to participation in the DOT DBE Program.

(1) Certification decisions by the UCP shall be binding on all DOT recipients within the state.

(2) The UCP shall provide "one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state.

(3) All obligations of recipients with respect to certification and nondiscrimination must be carried out by UCPs, and recipients may use only UCPs that comply with the certification and nondiscrimination requirements of this part.

(c) All certifications by UCPs shall be pre-certifications; i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE.

(d) A UCP is not required to process an application for certification from a firm having its principal place of business outside the state if the firm is not certified by the UCP in the state in which it maintains its principal place of business. The "home state" UCP shall share its information and documents concerning the firm with other UCPs that are considering the firm's application.

(e) Subject to DOT approval as provided in this section, the recipients in two or more states may form a regional UCP. UCPs may also enter into written reciprocity agreements with other UCPs. Such an agreement shall outline the specific responsibilities of each participant. A UCP may accept the certification of any other UCP or DOT recipient.

(f) Pending the establishment of UCPs meeting the requirements of this section, you may enter into agreements with other recipients, on a regional or inter-jurisdictional basis, to perform certification functions required by this part. You may also grant reciprocity to other recipient's certification decisions.

(g) Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this part), the information required by §26.31. The UCP shall make the directory available to the public electronically, on the internet, as well as in print. The UCP shall update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made and shall revise the print version of the Directory at least once a year.

(h) Except as otherwise specified in this section, all provisions of this subpart and subpart D of this part pertaining to recipients also apply to UCPs.

[64 FR 5126, Feb. 2, 1999, as amended at 76 FR 5100, Jan. 28, 2011]

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§26.83 What procedures do recipients follow in making certification decisions?

(a) You must ensure that only firms certified as eligible DBEs under this section participate as DBEs in your program.

(b) You must determine the eligibility of firms as DBEs consistent with the standards of subpart D of this part. When a UCP is formed, the UCP must meet all the requirements of subpart D of this part and this subpart that recipients are required to meet.

(c)(1) You must take all the following steps in determining whether a DBE firm meets the standards of subpart D of this part:

(i) Perform an on-site visit to the firm's principal place of business. You must interview the principal officers and review their résumés and/or work histories. You may interview key personnel of the firm if necessary. You must also perform an on-site visit to job sites if there are such sites on which the firm is working at the time of the eligibility investigation in your jurisdiction or local area. You may rely upon the site visit report of any other recipient with respect to a firm applying for certification;

(ii) Analyze documentation related to the legal structure, ownership, and control of the applicant firm. This includes, but is not limited to, Articles of Incorporation/Organization; corporate by-laws or operating agreements; organizational, annual and board/member meeting records; stock ledgers and certificates; and State-issued Certificates of Good Standing

(iii) Analyze the bonding and financial capacity of the firm; lease and loan agreements; bank account signature cards;

(iv) Determine the work history of the firm, including contracts it has received, work it has completed; and payroll records;

(v) Obtain a statement from the firm of the type of work it prefers to perform as part of the DBE program and its preferred locations for performing the work, if any.

(vi) Obtain or compile a list of the equipment owned by or available to the firm and the licenses the firm and its key personnel possess to perform the work it seeks to do as part of the DBE program;

(vii) Obtain complete Federal income tax returns (or requests for extensions) filed by the firm, its affiliates, and the socially and economically disadvantaged owners for the last 3 years. A complete return includes all forms, schedules, and statements filed with the Internal Revenue Service.

(viii) Require potential DBEs to complete and submit an appropriate application form, except as otherwise provided in §26.85 of this part.

(2) You must use the application form provided in Appendix F to this part without change or revision. However, you may provide in your DBE program, with the written approval of the concerned operating administration, for supplementing the form by requesting specified additional information not inconsistent with this part.

(3) You must make sure that the applicant attests to the accuracy and truthfulness of the information on the application form. This shall be done either in the form of an affidavit sworn to by the applicant before a person who is authorized by State law to administer oaths or in the form of an unsworn declaration executed under penalty of perjury of the laws of the United States.

(4) You must review all information on the form prior to making a decision about the eligibility of the firm. You may request clarification of information contained in the application at any time in the application process.

(d) When another recipient, in connection with its consideration of the eligibility of a firm, makes a written request for certification information you have obtained about that firm (e.g., including application materials or the report of a site visit, if you have made one to the firm), you must promptly make the information available to the other recipient.

(e) [Reserved]

(f) Subject to the approval of the concerned operating administration as part of your DBE program, you may impose a reasonable application fee for certification. Fee waivers shall be made in appropriate cases.

(g) You must safeguard from disclosure to unauthorized persons information gathered as part of the certification process that may reasonably be regarded as proprietary or other confidential business information, consistent with applicable Federal, state, and local law.

(h)(1) Once you have certified a DBE, it shall remain certified until and unless you have removed its certification, in whole or in part, through the procedures of §26.87 of this part, except as provided in §26.67(b)(1) of this part.

(2) You may not require DBEs to reapply for certification or undergo a recertification process. However, you may conduct a certification review of a certified DBE firm, including a new on-site review, if appropriate in light of changed circumstances (e.g., of the kind requiring notice under paragraph (i) of this section or relating to suspension of certification under §26.88), a complaint, or other information concerning the firm's eligibility. If information comes to your attention that leads you to question the firm's eligibility, you may conduct an on-site review on an unannounced basis, at the firm's offices and job sites.

(i) If you are a DBE, you must inform the recipient or UCP in writing of any change in circumstances affecting your ability to meet size, disadvantaged status, ownership, or control requirements of this part or any material change in the information provided in your application form.

(1) Changes in management responsibility among members of a limited liability company are covered by this requirement.

(2) You must attach supporting documentation describing in detail the nature of such changes.

(3) The notice must take the form of an affidavit sworn to by the applicant before a person who is authorized by state law to administer oaths or of an unsworn declaration executed under penalty of perjury of the laws of the United States. You must provide the written notification within 30 days of the occurrence of the change. If you fail to make timely notification of such a change, you will be deemed to have failed to cooperate under §26.109(c).

(j) If you are a DBE, you must provide to the recipient, every year on the anniversary of the date of your certification, an affidavit sworn to by the firm's owners before a person who is authorized by State law to administer oaths or an unsworn declaration executed under penalty of perjury of the laws of the United States. This affidavit must affirm that there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership, or control requirements of this part or any material changes in the information provided in its application form, except for changes about which you have notified the recipient under paragraph (i) of this section. The affidavit shall specifically affirm that your firm continues to meet SBA business size criteria and the overall gross receipts cap of this part, documenting this affirmation with supporting documentation of your firm's size and gross receipts (e.g., submission of Federal tax returns). If you fail to provide this affidavit in a timely manner, you will be deemed to have failed to cooperate under §26.109(c).

(k) If you are a recipient, you must make decisions on applications for certification within 90 days of receiving from the applicant firm all information required under this part. You may extend this time period once, for no more than an additional 60 days, upon written notice to the firm, explaining fully and specifically the reasons for the extension. You may establish a different time frame in your DBE program, upon a showing that this time frame is not feasible, and subject to the approval of the concerned operating administration. Your failure to make a decision by the applicable deadline under this paragraph is deemed a constructive denial of the application, on the basis of which the firm may appeal to DOT under §26.89.

(l) As a recipient or UCP, you must advise each applicant within 30 days from your receipt of the application whether the application is complete and suitable for evaluation and, if not, what additional information or action is required.

(m) Except as otherwise provided in this paragraph, if an applicant for DBE certification withdraws its application before you have issued a decision on the application, the applicant can resubmit the application at any time. As a recipient or UCP, you may not apply the waiting period provided under §26.86(c) of this part before allowing the applicant to resubmit its application. However, you may place the reapplication at the "end of the line," behind other applications that have been made since the firm's previous application was withdrawn. You may also apply the waiting period provided under §26.86(c) of this part to a firm that has established a pattern of frequently withdrawing applications before you make a decision.

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35555, June 16, 2003; 76 FR 5100, Jan. 28, 2011; 79 FR 59598, Oct. 2, 2014]

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§26.85 Interstate certification.

(a) This section applies with respect to any firm that is currently certified in its home state.

(b) When a firm currently certified in its home state ("State A") applies to another State ("State B") for DBE certification, State B may, at its discretion, accept State A's certification and certify the firm, without further procedures.

(1) To obtain certification in this manner, the firm must provide to State B a copy of its certification notice from State A.

(2) Before certifying the firm, State B must confirm that the firm has a current valid certification from State A. State B can do so by reviewing State A's electronic directory or obtaining written confirmation from State A.

(c) In any situation in which State B chooses not to accept State A's certification of a firm as provided in paragraph (b) of this section, as the applicant firm you must provide the information in paragraphs (c)(1) through (4) of this section to State B.

(1) You must provide to State B a complete copy of the application form, all supporting documents, and any other information you have submitted to State A or any other state related to your firm's certification. This includes affidavits of no change (see §26.83(j)) and any notices of changes (see §26.83(i)) that you have submitted to State A, as well as any correspondence you have had with State A's UCP or any other recipient concerning your application or status as a DBE firm.

(2) You must also provide to State B any notices or correspondence from states other than State A relating to your status as an applicant or certified DBE in those states. For example, if you have been denied certification or decertified in State C, or subject to a decertification action there, you must inform State B of this fact and provide all documentation concerning this action to State B.

(3) If you have filed a certification appeal with DOT (see §26.89), you must inform State B of the fact and provide your letter of appeal and DOT's response to State B.

(4) You must submit an affidavit sworn to by the firm's owners before a person who is authorized by State law to administer oaths or an unsworn declaration executed under penalty of perjury of the laws of the United States.

(i) This affidavit must affirm that you have submitted all the information required by 49 CFR 26.85(c) and the information is complete and, in the case of the information required by §26.85(c)(1), is an identical copy of the information submitted to State A.

(ii) If the on-site report from State A supporting your certification in State A is more than three years old, as of the date of your application to State B, State B may require that your affidavit also affirm that the facts in the on-site report remain true and correct.

(d) As State B, when you receive from an applicant firm all the information required by paragraph (c) of this section, you must take the following actions:

(1) Within seven days contact State A and request a copy of the site visit review report for the firm (see §26.83(c)(1)), any updates to the site visit review, and any evaluation of the firm based on the site visit. As State A, you must transmit this information to State B within seven days of receiving the request. A pattern by State B of not making such requests in a timely manner or by "State A" or any other State of not complying with such requests in a timely manner is noncompliance with this Part.

(2) Determine whether there is good cause to believe that State A's certification of the firm is erroneous or should not apply in your State. Reasons for making such a determination may include the following:

(i) Evidence that State A's certification was obtained by fraud;

(ii) New information, not available to State A at the time of its certification, showing that the firm does not meet all eligibility criteria;

(iii) State A's certification was factually erroneous or was inconsistent with the requirements of this part;

(iv) The State law of State B requires a result different from that of the State law of State A.

(v) The information provided by the applicant firm did not meet the requirements of paragraph (c) of this section.

(3) If, as State B, unless you have determined that there is good cause to believe that State A's certification is erroneous or should not apply in your State, you must, no later than 60 days from the date on which you received from the applicant firm all the information required by paragraph (c) of this section, send to the applicant firm a notice that it is certified and place the firm on your directory of certified firms.

(4) If, as State B, you have determined that there is good cause to believe that State A's certification is erroneous or should not apply in your State, you must, no later than 60 days from the date on which you received from the applicant firm all the information required by paragraph (c) of this section, send to the applicant firm a notice stating the reasons for your determination.

(i) This notice must state with particularity the specific reasons why State B believes that the firm does not meet the requirements of this Part for DBE eligibility and must offer the firm an opportunity to respond to State B with respect to these reasons.

(ii) The firm may elect to respond in writing, to request an in-person meeting with State B's decision maker to discuss State B's objections to the firm's eligibility, or both. If the firm requests a meeting, as State B you must schedule the meeting to take place within 30 days of receiving the firm's request.

(iii) The firm bears the burden of demonstrating, by a preponderance of evidence, that it meets the requirements of this Part with respect to the particularized issues raised by State B's notice. The firm is not otherwise responsible for further demonstrating its eligibility to State B.

(iv) The decision maker for State B must be an individual who is thoroughly familiar with the provisions of this Part concerning certification.

(v) State B must issue a written decision within 30 days of the receipt of the written response from the firm or the meeting with the decision maker, whichever is later.

(vi) The firm's application for certification is stayed pending the outcome of this process.

(vii) A decision under this paragraph (d)(4) may be appealed to the Departmental Office of Civil Rights under §26.89 of this part.

(e) As State B, if you have not received from State A a copy of the site visit review report by a date 14 days after you have made a timely request for it, you may hold action required by paragraphs (d)(2) through (4) of this section in abeyance pending receipt of the site visit review report. In this event, you must, no later than 30 days from the date on which you received from an applicant firm all the information required by paragraph (c) of this section, notify the firm in writing of the delay in the process and the reason for it.

(f)(1) As a UCP, when you deny a firm's application, reject the application of a firm certified in State A or any other State in which the firm is certified, through the procedures of paragraph (d)(4) of this section, or decertify a firm, in whole or in part, you must make an entry in the Department of Transportation Office of Civil Rights' (DOCR's) Ineligibility Determination Online Database. You must enter the following information:

- (i) The name of the firm;
- (ii) The name(s) of the firm's owner(s);
- (iii) The type and date of the action;
- (iv) The reason for the action.

(2) As a UCP, you must check the DOCR Web site at least once every month to determine whether any firm that is applying to you for certification or that you have already certified is on the list.

(3) For any such firm that is on the list, you must promptly request a copy of the listed decision from the UCP that made it. As the UCP receiving such a request, you must provide a copy of the decision to the requesting UCP within 7 days of receiving the request. As the UCP receiving the decision, you must then consider the information in the decision in determining what, if any, action to take with respect to the certified DBE firm or applicant.

(g) You must implement the requirements of this section beginning January 1, 2012.

[76 FR 5100, Jan. 28, 2011]

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§26.86 What rules govern recipients' denials of initial requests for certification?

(a) When you deny a request by a firm, which is not currently certified with you, to be certified as a DBE, you must provide the firm a written explanation of the reasons for the denial, specifically referencing the evidence in the record that supports each reason for the denial. All documents and other information on which the denial is based must be made available to the applicant, on request.

(b) [Reserved]

(c) When a firm is denied certification, you must establish a time period of no more than twelve months that must elapse before the firm may reapply to the recipient for certification. You may provide, in your DBE program, subject to approval by the concerned operating administration, a shorter waiting period for reapplication. The time period for reapplication begins to run on the date the explanation required by paragraph (a) of this section is received by the firm. An applicant's appeal of your decision to the Department pursuant to §26.89 does not extend this period.

(d) When you make an administratively final denial of certification concerning a firm, the firm may appeal the denial to the Department under §26.89.

[64 FR 5126, Feb. 2, 1999. Redesignated and amended at 68 FR 35555, June 16, 2003; 79 FR 59598, Oct. 2, 2014]

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§26.87 What procedures does a recipient use to remove a DBE's eligibility?

(a) *Ineligibility complaints.* (1) Any person may file with you a written complaint alleging that a currently-certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. You are not required to accept a general allegation that a firm is ineligible or an anonymous complaint. The complaint may include any information or arguments supporting the complainant's assertion that the firm is ineligible and should not continue to be certified. Confidentiality of complainants' identities must be protected as provided in §26.109(b).

(2) You must review your records concerning the firm, any material provided by the firm and the complainant, and other available information. You may request additional information from the firm or conduct any other investigation that you deem necessary.

(3) If you determine, based on this review, that there is reasonable cause to believe that the firm is ineligible, you must provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. If you determine that such reasonable cause does not exist, you must notify the complainant and the firm in writing of this determination and the reasons for it. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based.

(b) *Recipient-initiated proceedings.* If, based on notification by the firm of a change in its circumstances or other information that comes to your attention, you determine that there is reasonable cause to believe that a currently certified firm is ineligible, you must provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based.

(c) *DOT directive to initiate proceeding.* (1) If the concerned operating administration determines that information in your certification records, or other information available to the concerned operating administration, provides reasonable cause to believe that a firm you certified does not meet the eligibility criteria of this part, the concerned operating administration may direct you to initiate a proceeding to remove the firm's certification.

(2) The concerned operating administration must provide you and the firm a notice setting forth the reasons for the directive, including any relevant documentation or other information.

(3) You must immediately commence and prosecute a proceeding to remove eligibility as provided by paragraph (b) of this section.

(d) *Hearing.* When you notify a firm that there is reasonable cause to remove its eligibility, as provided in paragraph (a), (b), or (c) of this section, you must give the firm an opportunity for an informal hearing, at which the firm may respond to the reasons for the proposal to remove its eligibility in person and provide information and arguments concerning why it should remain certified.

(1) In such a proceeding, you bear the burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards of this part.

(2) You must maintain a complete record of the hearing, by any means acceptable under state law for the retention of a verbatim record of an administrative hearing. If there is an appeal to DOT under §26.89, you must provide a transcript of the hearing to DOT and, on request, to the firm. You must retain the original record of the hearing. You may charge the firm only for the cost of copying the record.

(3) The firm may elect to present information and arguments in writing, without going to a hearing. In such a situation, you bear the same burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards, as you would during a hearing.

(e) *Separation of functions.* You must ensure that the decision in a proceeding to remove a firm's eligibility is made by an office and personnel that did not take part in actions leading to or seeking to implement the proposal to remove the firm's eligibility and are not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions.

(1) Your method of implementing this requirement must be made part of your DBE program.

(2) The decisionmaker must be an individual who is knowledgeable about the certification requirements of your DBE program and this part.

(3) Before a UCP is operational in its state, a small airport or small transit authority (*i.e.*, an airport or transit authority serving an area with less than 250,000 population) is required to meet this requirement only to the extent feasible.

(f) *Grounds for decision.* You may base a decision to remove a firm's eligibility only on one or more of the following grounds:

(1) Changes in the firm's circumstances since the certification of the firm by the recipient that render the firm unable to meet the eligibility standards of this part;

(2) Information or evidence not available to you at the time the firm was certified;

(3) Information relevant to eligibility that has been concealed or misrepresented by the firm;

(4) A change in the certification standards or requirements of the Department since you certified the firm;

(5) Your decision to certify the firm was clearly erroneous;

(6) The firm has failed to cooperate with you (see §26.109(c));

(7) The firm has exhibited a pattern of conduct indicating its involvement in attempts to subvert the intent or requirements of the DBE program (see §26.73(a)(2)); or

(8) The firm has been suspended or debarred for conduct related to the DBE program. The notice required by paragraph (g) of this section must include a copy of the suspension or debarment action. A decision to remove a firm for this reason shall not be subject to the hearing procedures in paragraph (d) of this section.

(g) *Notice of decision.* Following your decision, you must provide the firm written notice of the decision and the reasons for it, including specific references to the evidence in the record that supports each reason for the decision. The notice must inform the firm of the consequences of your decision and of the availability of an appeal to the Department of Transportation under §26.89. You must send copies of the notice to the complainant in an ineligibility complaint or the concerned operating administration that had directed you to initiate the proceeding. Provided that, when sending such a notice to a complainant other than a DOT operating administration, you must not include information reasonably construed as confidential business information without the written consent of the firm that submitted the information.

(h) [Reserved]

(i) *Status of firm during proceeding.* (1) A firm remains an eligible DBE during the pendency of your proceeding to remove its eligibility.

(2) The firm does not become ineligible until the issuance of the notice provided for in paragraph (g) of this section.

(j) *Effects of removal of eligibility.* When you remove a firm's eligibility, you must take the following action:

(1) When a prime contractor has made a commitment to using the ineligible firm, or you have made a commitment to using a DBE prime contractor, but a subcontract or contract has not been executed before you issue the decertification notice provided for in paragraph (g) of this section, the ineligible firm does not count toward the contract goal or overall goal. You must direct the prime contractor to meet the contract goal with an eligible DBE firm or demonstrate to you that it has made a good faith effort to do so.

(2) If a prime contractor has executed a subcontract with the firm before you have notified the firm of its ineligibility, the prime contractor may continue to use the firm on the contract and may continue to receive credit toward its DBE goal for the firm's work. In this case, or in a case where you have let a prime contract to the DBE that was later ruled ineligible, the portion of the ineligible firm's performance of the contract remaining after you issued the notice of its ineligibility shall not count toward your overall goal, but may count toward the contract goal.

(3) *Exception:* If the DBE's ineligibility is caused solely by its having exceeded the size standard during the performance of the contract, you may continue to count its participation on that contract toward overall and contract goals.

(k) *Availability of appeal.* When you make an administratively final removal of a firm's eligibility under this section, the firm may appeal the removal to the Department under §26.89.

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35556, June 16, 2003; 76 FR 5101, Jan. 28, 2011; 79 FR 59599, Oct. 2, 2014]

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§26.88 Summary suspension of certification.

(a) A recipient shall immediately suspend a DBE's certification without adhering to the requirements in §26.87(d) of this part when an individual owner whose ownership and control of the firm are necessary to the firm's certification dies or is incarcerated.

(b)(1) A recipient may immediately suspend a DBE's certification without adhering to the requirements in §26.87(d) when there is adequate evidence to believe that there has been a material change in circumstances that may affect the eligibility of the DBE firm to remain certified, or when the DBE fails to notify the recipient or UCP in writing of any material change in circumstances as required by §26.83(i) of this part or fails to timely file an affidavit of no change under §26.83(j).

(2) In determining the adequacy of the evidence to issue a suspension under paragraph (b)(1) of this section, the recipient shall consider all relevant factors, including how much information is available, the credibility of the information and allegations given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result.

(c) The concerned operating administration may direct the recipient to take action pursuant to paragraph (a) or (b) this section if it determines that information available to it is sufficient to warrant immediate suspension.

(d) When a firm is suspended pursuant to paragraph (a) or (b) of this section, the recipient shall immediately notify the DBE of the suspension by certified mail, return receipt requested, to the last known address of the owner(s) of the DBE.

(e) Suspension is a temporary status of ineligibility pending an expedited show cause hearing/proceeding under §26.87 of this part to determine whether the DBE is eligible to participate in the program and consequently should be removed. The suspension takes effect when the DBE receives, or is deemed to have received, the Notice of Suspension.

(f) While suspended, the DBE may not be considered to meet a contract goal on a new contract, and any work it does on a contract received during the suspension shall not be counted toward a recipient's overall goal. The DBE may continue to perform under an existing contract executed before the DBE received a Notice of Suspension and may be counted toward the contract goal during the period of suspension as long as the DBE is performing a commercially useful function under the existing contract.

(g) Following receipt of the Notice of Suspension, if the DBE believes it is no longer eligible, it may voluntarily withdraw from the program, in which case no further action is required. If the DBE believes that its eligibility should be reinstated, it must provide to the recipient information demonstrating that the firm is eligible notwithstanding its changed circumstances. Within 30 days of receiving this information, the recipient must either lift the suspension and reinstate the firm's certification or commence a decertification action under §26.87 of this part. If the recipient commences a decertification proceeding, the suspension remains in effect during the proceeding.

(h) The decision to immediately suspend a DBE under paragraph (a) or (b) of this section is not appealable to the US Department of Transportation. The failure of a recipient to either lift the suspension and reinstate the firm or commence a decertification proceeding, as required by paragraph (g) of this section, is appealable to the U.S. Department of Transportation under §26.89 of this part, as a constructive decertification.

[79 FR 59599, Oct. 2, 2014]

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§26.89 What is the process for certification appeals to the Department of Transportation?

(a)(1) If you are a firm that is denied certification or whose eligibility is removed by a recipient, including SBA-certified firms, you may make an administrative appeal to the Department.

(2) If you are a complainant in an ineligibility complaint to a recipient (including the concerned operating administration in the circumstances provided in §26.87(c)), you may appeal to the Department if the recipient does not find reasonable cause to propose removing the firm's eligibility or, following a removal of eligibility proceeding, determines that the firm is eligible.

(3) Send appeals to the following address: U.S. Department of Transportation, Departmental Office of Civil Rights, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

(b) Pending the Department's decision in the matter, the recipient's decision remains in effect. The Department does not stay the effect of the recipient's decision while it is considering an appeal.

(c) If you want to file an appeal, you must send a letter to the Department within 90 days of the date of the recipient's final decision, including information and setting forth a full and specific statement as to why the decision is erroneous, what significant fact that the recipient failed to consider, or what provisions of this Part the recipient did not properly apply. The Department may accept an appeal filed later than 90 days after the date of the decision if the Department determines that there was good cause for the late filing of the appeal or in the interest of justice.

(d) When it receives an appeal, the Department requests a copy of the recipient's complete administrative record in the matter. If you are the recipient, you must provide the administrative record, including a hearing transcript, within 20 days of the Department's request. The Department may extend this time period on the basis of a recipient's showing of good cause. To facilitate the Department's review of a recipient's decision, you must ensure that such administrative records are well organized, indexed, and paginated. Records that do not comport with these requirements are not acceptable and will be returned to you to be corrected immediately. If an appeal is brought concerning one recipient's certification decision concerning a firm, and that recipient relied on the decision and/or administrative record of another recipient, this requirement applies to both recipients involved.

(e) The Department makes its decision based solely on the entire administrative record as supplemented by the appeal. The Department does not make a de novo review of the matter and does not conduct a hearing. The Department

may also supplement the administrative record by adding relevant information made available by the DOT Office of Inspector General; Federal, State, or local law enforcement authorities; officials of a DOT operating administration or other appropriate DOT office; a recipient; or a firm or other private party.

(f) As a recipient, when you provide supplementary information to the Department, you shall also make this information available to the firm and any third-party complainant involved, consistent with Federal or applicable state laws concerning freedom of information and privacy. The Department makes available, on request by the firm and any third-party complainant involved, any supplementary information it receives from any source.

(1) The Department affirms your decision unless it determines, based on the entire administrative record, that your decision is unsupported by substantial evidence or inconsistent with the substantive or procedural provisions of this part concerning certification.

(2) If the Department determines, after reviewing the entire administrative record, that your decision was unsupported by substantial evidence or inconsistent with the substantive or procedural provisions of this part concerning certification, the Department reverses your decision and directs you to certify the firm or remove its eligibility, as appropriate. You must take the action directed by the Department's decision immediately upon receiving written notice of it.

(3) The Department is not required to reverse your decision if the Department determines that a procedural error did not result in fundamental unfairness to the appellant or substantially prejudice the opportunity of the appellant to present its case.

(4) If it appears that the record is incomplete or unclear with respect to matters likely to have a significant impact on the outcome of the case, the Department may remand the record to you with instructions seeking clarification or augmentation of the record before making a finding. The Department may also remand a case to you for further proceedings consistent with Department instructions concerning the proper application of the provisions of this part.

(5) The Department does not uphold your decision based on grounds not specified in your decision.

(6) The Department's decision is based on the status and circumstances of the firm as of the date of the decision being appealed.

(7) The Department provides written notice of its decision to you, the firm, and the complainant in an ineligibility complaint. A copy of the notice is also sent to any other recipient whose administrative record or decision has been involved in the proceeding (see paragraph (d) of this section). The Department will also notify the SBA in writing when DOT takes an action on an appeal that results in or confirms a loss of eligibility to any SBA-certified firm. The notice includes the reasons for the Department's decision, including specific references to the evidence in the record that supports each reason for the decision.

(8) The Department's policy is to make its decision within 180 days of receiving the complete administrative record. If the Department does not make its decision within this period, the Department provides written notice to concerned parties, including a statement of the reason for the delay and a date by which the appeal decision will be made.

(g) All decisions under this section are administratively final, and are not subject to petitions for reconsideration.

[64 FR 5126, Feb. 2, 1999, as amended at 65 FR 68951, Nov. 15, 2000; 68 FR 35556, June 16, 2003; 73 FR 33329, June 12, 2008; 79 FR 59599, Oct. 2, 2014]

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§26.91 What actions do recipients take following DOT certification appeal decisions?

(a) If you are the recipient from whose action an appeal under §26.89 is taken, the decision is binding. It is not binding on other recipients.

(b) If you are a recipient to which a DOT determination under §26.89 is applicable, you must take the following action:

(1) If the Department determines that you erroneously certified a firm, you must remove the firm's eligibility on receipt of the determination, without further proceedings on your part. Effective on the date of your receipt of the Department's determination, the consequences of a removal of eligibility set forth in §26.87(i) take effect.

(2) If the Department determines that you erroneously failed to find reasonable cause to remove the firm's eligibility, you must expeditiously commence a proceeding to determine whether the firm's eligibility should be removed, as provided in §26.87.

(3) If the Department determines that you erroneously declined to certify or removed the eligibility of the firm, you must certify the firm, effective on the date of your receipt of the written notice of Department's determination.

(4) If the Department determines that you erroneously determined that the presumption of social and economic disadvantage either should or should not be deemed rebutted, you must take appropriate corrective action as determined by the Department.

(5) If the Department affirms your determination, no further action is necessary.

(c) Where DOT has upheld your denial of certification to or removal of eligibility from a firm, or directed the removal of a firm's eligibility, other recipients with whom the firm is certified may commence a proceeding to remove the firm's eligibility under §26.87. Such recipients must not remove the firm's eligibility absent such a proceeding. Where DOT has reversed your denial of certification to or removal of eligibility from a firm, other recipients must take the DOT action into account in any certification action involving the firm. However, other recipients are not required to certify the firm based on the DOT decision.

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Subpart F—Compliance and Enforcement

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§26.101 What compliance procedures apply to recipients?

(a) If you fail to comply with any requirement of this part, you 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 FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

(b) As provided in statute, you will not be subject to compliance actions or sanctions for failing to carry out any requirement of this part because you have been prevented from complying because a Federal court has issued a final order in which the court found that the requirement is unconstitutional.

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§26.103 What enforcement actions apply in FHWA and FTA programs?

The provisions of this section apply to enforcement actions under FHWA and FTA programs:

(a) *Noncompliance complaints.* Any person who believes that a recipient has failed to comply with its obligations under this part may file a written complaint with the concerned operating administration's Office of Civil Rights. If you want to file a complaint, you must do so no later than 180 days after the date of the alleged violation or the date on which you learned of a continuing course of conduct in violation of this part. In response to your written request, the Office of Civil Rights may extend the time for filing in the interest of justice, specifying in writing the reason for so doing. The Office of Civil Rights may protect the confidentiality of your identity as provided in §26.109(b). Complaints under this part are limited to allegations of violation of the provisions of this part.

(b) *Compliance reviews.* The concerned operating administration may review the recipient's compliance with this part at any time, including reviews of paperwork and on-site reviews, as appropriate. The Office of Civil Rights may direct the operating administration to initiate a compliance review based on complaints received.

(c) *Reasonable cause notice.* If it appears, from the investigation of a complaint or the results of a compliance review, that you, as a recipient, are in noncompliance with this part, the appropriate DOT office promptly sends you, return receipt requested, a written notice advising you that there is reasonable cause to find you in noncompliance. The notice states the reasons for this finding and directs you to reply within 30 days concerning whether you wish to begin conciliation.

(d) *Conciliation.* (1) If you request conciliation, the appropriate DOT office shall pursue conciliation for at least 30, but not more than 120, days from the date of your request. The appropriate DOT office may extend the conciliation period for up to 30 days for good cause, consistent with applicable statutes.

(2) If you and the appropriate DOT office sign a conciliation agreement, then the matter is regarded as closed and you are regarded as being in compliance. The conciliation agreement sets forth the measures you have taken or will take to ensure compliance. While a conciliation agreement is in effect, you remain eligible for FHWA or FTA financial assistance.

(3) The concerned operating administration shall monitor your implementation of the conciliation agreement and ensure that its terms are complied with. If you fail to carry out the terms of a conciliation agreement, you are in noncompliance.

(4) If you do not request conciliation, or a conciliation agreement is not signed within the time provided in paragraph (d)(1) of this section, then enforcement proceedings begin.

(e) *Enforcement actions.* (1) Enforcement actions are taken as provided in this subpart.

(2) Applicable findings in enforcement proceedings are binding on all DOT offices.

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§26.105 What enforcement actions apply in FAA programs?

(a) Compliance with all requirements of this part by airport sponsors and other recipients of FAA financial assistance is enforced through the procedures of Title 49 of the United States Code, including 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

(b) The provisions of §26.103(b) and this section apply to enforcement actions in FAA programs.

(c) Any person who knows of a violation of this part by a recipient of FAA funds may file a complaint under 14 CFR part 16 with the Federal Aviation Administration Office of Chief Counsel.

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§26.107 What enforcement actions apply to firms participating in the DBE program?

(a) If you are a firm that does not meet the eligibility criteria of subpart D of this part and that attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department may initiate suspension or debarment proceedings against you under 2 CFR parts 180 and 1200.

(b) If you are a firm that, in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, the Department may initiate suspension or debarment proceedings against you under 2 CFR parts 180 and 1200.

(c) In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the concerned operating administration may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude the Department from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.

(d) The Department may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under 49 CFR part 31.

(e) The Department may refer to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

[64 FR 5126, Feb. 2, 1999, as amended at 76 FR 5101, Jan. 28, 2011]

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§26.109 What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?

(a) *Availability of records.* (1) In responding to requests for information concerning any aspect of the DBE program, the Department complies with provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Department may make available to the public any information concerning the DBE program release of which is not prohibited by Federal law.

(2) Notwithstanding any provision of Federal or state law, you must not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, you must transmit this information to DOT in any certification appeal proceeding under §26.89 of this part or to any other state to which the individual's firm has applied for certification under §26.85 of this part.

(b) *Confidentiality of information on complainants.* Notwithstanding the provisions of paragraph (a) of this section, the identity of complainants shall be kept confidential, at their election. If such confidentiality will hinder the investigation, proceeding or hearing, or result in a denial of appropriate administrative due process to other parties, the complainant must be advised for the purpose of waiving the privilege. Complainants are advised that, in some circumstances, failure to waive the privilege may result in the closure of the investigation or dismissal of the proceeding or hearing. FAA follows the procedures of 14 CFR part 16 with respect to confidentiality of information in complaints.

(c) *Cooperation.* 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).

(d) *Intimidation and retaliation.* If you are a recipient, contractor, or any other participant in the program, you must 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. If you violate this prohibition, you are in noncompliance with this part.

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35556, June 16, 2003; 76 FR 5101, Jan. 28, 2011]

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Appendix A to Part 26—Guidance Concerning Good Faith Efforts

I. When, as a recipient, you establish a contract goal on a DOT-assisted contract for procuring construction, equipment, services, or any other purpose, a bidder must, in order to be responsible and/or responsive, make sufficient good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

II. In any situation in which you have established a contract goal, Part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, you have the responsibility to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made, based on the regulations and the guidance in this Appendix.

The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call. Determinations should not be made using quantitative formulas.

III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (*i.e.*, obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.

IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. (1) Conducting market research to identify small business contractors and suppliers and soliciting through all reasonable and available means the interest of all certified DBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events, advertising and/or written notices, posting of Notices of Sources Sought and/or Requests for Proposals, written notices or emails to all DBEs listed in the State's directory of transportation firms that specialize in the areas of work desired (as noted in the DBE directory) and which are located in the area or surrounding areas of the project.

(2) The bidder should solicit this interest as early in the acquisition process as practicable to allow the DBEs to respond to the solicitation and submit a timely offer for the subcontract. The bidder should determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their offer for the subcontract.

D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. (1) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.

(2) A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

V. In determining whether a bidder has made good faith efforts, it is essential to scrutinize its documented efforts. At a minimum, you must review the performance of other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts. As provided in §26.53(b)(2)(vi), you must also require the contractor to submit 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 to review whether DBE prices were substantially higher; and contact the DBEs listed on a contractor's solicitation to inquire as to whether they were contacted by the prime. Pro forma mailings to DBEs requesting bids are not alone sufficient to satisfy good faith efforts under the rule.

VI. A promise to use DBEs after contract award is not considered to be responsive to the contract solicitation or to constitute good faith efforts.

[79 FR 59600, Oct. 2, 2014]

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Appendix B to Part 26—Uniform Report of DBE Awards or Commitments and Payments Form

INSTRUCTIONS FOR COMPLETING THE UNIFORM REPORT OF DBE AWARDS/COMMITMENTS AND PAYMENTS

Recipients of Department of Transportation (DOT) funds are expected to keep accurate data regarding the contracting opportunities available to firms paid for with DOT dollars. Failure to submit contracting data relative to the DBE program will result in noncompliance with Part 26. All dollar values listed on this form should represent the DOT share attributable to the Operating Administration (OA): Federal Highway Administration (FHWA), Federal Aviation Administration (FAA) or Federal Transit Administration (FTA) to which this report will be submitted.

1. Indicate the DOT (OA) that provides your Federal financial assistance. If assistance comes from more than one OA, use separate reporting forms for each OA. If you are an FTA recipient, indicate your Vendor Number in the space provided.
2. If you are an FAA recipient, indicate the relevant AIP Numbers covered by this report. If you are an FTA recipient, indicate the Grant/Project numbers covered by this report. If more than ten attach a separate sheet.
3. Specify the Federal fiscal year (*i.e.*, October 1-September 30) in which the covered reporting period falls.
4. State the date of submission of this report.
5. Check the appropriate box that indicates the reporting period that the data provided in this report covers. For FHWA and FTA recipients, if this report is due June 1, data should cover October 1-March 31. If this report is due December 1, data should cover April 1-September 30. If the report is due to the FAA, data should cover the entire year.
6. Provide the name and address of the recipient.
7. State your overall DBE goal(s) established for the Federal fiscal year of the report being submitted to and approved by the relevant OA. Your overall goal is to be reported as well as the breakdown for specific Race Conscious and Race Neutral projections (both of which include gender-conscious/neutral projections). The Race Conscious projection should be based on measures that focus on and provide benefits only for DBEs. The use of contract goals is a primary example of a race conscious measure. The Race Neutral projection should include measures that, while benefiting DBEs, are not solely focused on DBE firms. For example, a small business outreach program, technical assistance, and prompt payment clauses can assist a wide variety of businesses in addition to helping DBE firms.

Section A: Awards and Commitments Made During This Period

The amounts in items 8(A)-10(I) should include all types of prime contracts awarded and all types of subcontracts awarded or committed, including: professional or consultant services, construction, purchase of materials or supplies, lease or purchase of equipment and any other types of services. All dollar amounts are to reflect only the Federal share of such contracts and should be rounded to the nearest dollar.

Line 8: Prime contracts awarded this period: The items on this line should correspond to the contracts directly between the recipient and a supply or service contractor, with no intermediaries between the two.

8(A). Provide the *total dollar amount* for all prime contracts assisted with DOT funds and awarded during this reporting period. This value should include the entire Federal share of the contracts without removing any amounts associated with resulting subcontracts.

8(B). Provide the *total number* of all prime contracts assisted with DOT funds and awarded during this reporting period.

8(C). From the total dollar amount awarded in item 8(A), provide the *dollar amount* awarded in prime contracts to certified DBE firms during this reporting period. This amount should not include the amounts sub contracted to other firms.

8(D). From the total number of prime contracts awarded in item 8(B), specify the *number* of prime contracts awarded to certified DBE firms during this reporting period.

8(E&F). This field is closed for data entry. Except for the very rare case of DBE-set asides permitted under 49 CFR part 26, all prime contracts awarded to DBES are regarded as race-neutral.

8(G). From the total dollar amount awarded in item 8(C), provide the *dollar amount* awarded to certified DBEs through the use of Race Neutral methods. See the definition of Race Neutral in item 7 and the explanation in item 8 of project types to include.

8(H). From the total number of prime contracts awarded in 8(D), specify the *number* awarded to DBEs through Race Neutral methods.

8(I). Of all prime contracts awarded this reporting period, calculate the *percentage* going to DBEs. Divide the dollar amount in item 8(C) by the dollar amount in item 8(A) to derive this percentage. Round percentage to the nearest tenth.

Line 9: Subcontracts awarded/committed this period: Items 9(A)-9(I) are derived in the same way as items 8(A)-8(I), except that these calculations should be based on subcontracts rather than prime contracts. Unlike prime contracts, which may only be awarded, subcontracts may be either awarded or committed.

9(A). If filling out the form for general reporting, provide the total dollar amount of subcontracts assisted with DOT funds awarded or committed during this period. This value should be a subset of the total dollars awarded in prime contracts in 8(A), and therefore should never be greater than the amount awarded in prime contracts. If filling out the form for project reporting, provide the total dollar amount of subcontracts assisted with DOT funds awarded or committed during this period. This value should be a subset of the total dollars awarded or previously in prime contracts in 8(A). The sum of all subcontract amounts in consecutive periods should never exceed the sum of all prime contract amounts awarded in those periods.

9(B). Provide the total number of all sub contracts assisted with DOT funds that were awarded or committed during this reporting period.

9(C). From the total dollar amount of sub contracts awarded/committed this period in item 9(A), provide the total dollar amount awarded in sub contracts to DBEs.

9(D). From the total number of sub contracts awarded or committed in item 9(B), specify the number of sub contracts awarded or committed to DBEs.

9(E). From the total dollar amount of sub contracts awarded or committed to DBEs this period, provide the amount in dollars to DBEs using Race Conscious measures.

9(F). From the total number of sub contracts awarded or committed to DBEs this period, provide the number of sub contracts awarded or committed to DBEs using Race Conscious measures.

9(G). From the total dollar amount of sub contracts awarded/committed to DBEs this period, provide the amount in dollars to DBEs using Race Neutral measures.

9(H). From the total number of sub contracts awarded/committed to DBEs this period, provide the number of sub contracts awarded to DBEs using Race Neutral measures.

9(I). Of all subcontracts awarded this reporting period, calculate the *percentage* going to DBEs. Divide the dollar amount in item 9(C) by the dollar amount in item 9(A) to derive this percentage. Round percentage to the nearest tenth.

Line 10: Total contracts awarded or committed this period. These fields should be used to show the total dollar value and number of contracts awarded to DBEs and to calculate the overall percentage of dollars awarded to DBEs.

10(A)-10(B). These fields are unavailable for data entry.

10(C-H). Combine the total values listed on the prime contracts line (Line 8) with the corresponding values on the subcontracts line (Line 9).

10(I). Of all contracts awarded this reporting period, calculate the *percentage* going to DBEs. Divide the total dollars awarded to DBEs in item 10(C) by the dollar amount in item 8(A) to derive this percentage. Round percentage to the nearest tenth.

Section B: Breakdown by Ethnicity & Gender of Contracts Awarded to DBEs This Period

11-17. Further breakdown the contracting activity with DBE involvement. The Total Dollar Amount to DBEs in 17(C) should equal the Total Dollar Amount to DBEs in 10(C). Likewise the total number of contracts to DBEs in 17(F) should

equal the Total Number of Contracts to DBEs in 10(D).

Line 16: The "Non-Minority" category is reserved for any firms whose owners are not members of the presumptively disadvantaged groups already listed, but who are either "women" OR eligible for the DBE program on an individual basis. All DBE firms must be certified by the Unified Certification Program to be counted in this report.

Section C: Payments on Ongoing Contracts

Line 18(A-E). Submit information on contracts that are currently in progress. All dollar amounts are to reflect only the Federal share of such contracts, and should be rounded to the nearest dollar.

18(A). Provide the total dollar amount paid to all firms performing work on contracts.

18(B). Provide the total number of contracts where work was performed during the reporting period.

18(C). From the total number of contracts provided in 18(A) provide the total number of contracts that are currently being performed by DBE firms for which payments have been made.

18(D). From the total dollar amount paid to all firms in 18(A), provide the total dollar value paid to DBE firms currently performing work during this period.

18(E). Provide the total number of DBE firms that received payment during this reporting period. For example, while 3 contracts may be active during this period, one DBE firm may be providing supplies or services on all three contracts. This field should only list the number of DBE firms performing work.

18(F). Of all payments made during this period, calculate the percentage going to DBEs. Divide the total dollar value to DBEs in item 18(D) by the total dollars of all payments in 18(B). Round percentage to the nearest tenth.

Section D: Actual Payments on Contracts Completed This Reporting Period

This section should provide information only on contracts that are closed during this period. All dollar amounts are to reflect the entire Federal share of such contracts, and should be rounded to the nearest dollar.

19(A). Provide the total number of contracts completed during this reporting period that used Race Conscious measures. Race Conscious contracts are those with contract goals or another race conscious measure.

19(B). Provide the total dollar value of prime contracts completed this reporting period that had race conscious measures.

19(C). From the total dollar value of prime contracts completed this period in 19(B), provide the total dollar amount of dollars awarded or committed to DBE firms in order to meet the contract goals. This applies only to Race Conscious contracts.

19(D). Provide the actual total DBE participation in dollars on the race conscious contracts completed this reporting period.

19(E). Of all the contracts completed this reporting period using Race Conscious measures, calculate the percentage of DBE participation. Divide the total dollar amount to DBEs in item 19(D) by the total dollar value provided in 19(B) to derive this percentage. Round to the nearest tenth.

20(A)-20(E). Items 21(A)-21(E) are derived in the same manner as items 19(A)-19(E), except these figures should be based on contracts completed using Race Neutral measures.

20(C). This field is closed.

21(A)-21(D). Calculate the totals for each column by adding the race conscious and neutral figures provided in each row above.

21(C). This field is closed.

21(E). Calculate the overall percentage of dollars to DBEs on completed contracts. Divide the Total DBE participation dollar value in 21(D) by the Total Dollar Value of Contracts Completed in 21(B) to derive this percentage. Round to the nearest tenth.

23. Name of the Authorized Representative preparing this form.

24. Signature of the Authorized Representative.

25. Phone number of the Authorized Representative.

****Submit your completed report to your Regional or Division Office.**

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[79 FR 59601, Oct. 2, 2014]

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Appendix C to Part 26—DBE Business Development Program Guidelines

The purpose of this program element is to further the development of DBEs, including but not limited to assisting them to move into non-traditional areas of work and/or compete in the marketplace outside the DBE program, via the provision of training and assistance from the recipient.

(A) Each firm that participates in a recipient's business development program (BDP) program is subject to a program term determined by the recipient. The term should consist of two stages; a developmental stage and a transitional stage.

(B) In order for a firm to remain eligible for program participation, it must continue to meet all eligibility criteria contained in part 26.

(C) By no later than 6 months of program entry, the participant should develop and submit to the recipient a comprehensive business plan setting forth the participant's business targets, objectives and goals. The participant will not be eligible for program benefits until such business plan is submitted and approved by the recipient. The approved business plan will constitute the participant's short and long term goals and the strategy for developmental growth to the point of economic viability in non-traditional areas of work and/or work outside the DBE program.

(D) The business plan should contain at least the following:

(1) An analysis of market potential, competitive environment and other business analyses estimating the program participant's prospects for profitable operation during the term of program participation and after graduation from the program.

(2) An analysis of the firm's strengths and weaknesses, with particular attention paid to the means of correcting any financial, managerial, technical, or labor conditions which could impede the participant from receiving contracts other than those in traditional areas of DBE participation.

(3) Specific targets, objectives, and goals for the business development of the participant during the next two years, utilizing the results of the analysis conducted pursuant to paragraphs (C) and (D)(1) of this appendix;

(4) Estimates of contract awards from the DBE program and from other sources which are needed to meet the objectives and goals for the years covered by the business plan; and

(5) Such other information as the recipient may require.

(E) Each participant should annually review its currently approved business plan with the recipient and modify the plan as may be appropriate to account for any changes in the firm's structure and redefined needs. The currently approved plan should be considered the applicable plan for all program purposes until the recipient approves in writing a modified plan. The recipient should establish an anniversary date for review of the participant's business plan and contract forecasts.

(F) Each participant should annually forecast in writing its need for contract awards for the next program year and the succeeding program year during the review of its business plan conducted under paragraph (E) of this appendix. Such forecast should be included in the participant's business plan. The forecast should include:

(1) The aggregate dollar value of contracts to be sought under the DBE program, reflecting compliance with the business plan;

(2) The aggregate dollar value of contracts to be sought in areas other than traditional areas of DBE participation;

(3) The types of contract opportunities being sought, based on the firm's primary line of business; and

(4) Such other information as may be requested by the recipient to aid in providing effective business development assistance to the participant.

(G) Program participation is divided into two stages; (1) a developmental stage and (2) a transitional stage. The developmental stage is designed to assist participants to overcome their social and economic disadvantage by providing such assistance as may be necessary and appropriate to enable them to access relevant markets and strengthen their financial and managerial skills. The transitional stage of program participation follows the developmental stage and is designed to assist participants to overcome, insofar as practical, their social and economic disadvantage and to prepare the participant for leaving the program.

(H) The length of service in the program term should not be a pre-set time frame for either the developmental or transitional stages but should be figured on the number of years considered necessary in normal progression of achieving the firm's established goals and objectives. The setting of such time could be factored on such items as, but not limited to, the number of contracts, aggregate amount of the contract received, years in business, growth potential, etc.

(I) Beginning in the first year of the transitional stage of program participation, each participant should annually submit for inclusion in its business plan a transition management plan outlining specific steps to promote profitable business operations in areas other than traditional areas of DBE participation after graduation from the program. The transition management plan should be submitted to the recipient at the same time other modifications are submitted pursuant to the annual review under paragraph (E) of this section. The plan should set forth the same information as required under paragraph (F) of steps the participant will take to continue its business development after the expiration of its program term.

(J) When a participant is recognized as successfully completing the program by substantially achieving the targets, objectives and goals set forth in its program term, and has demonstrated the ability to compete in the marketplace, its further participation within the program may be determined by the recipient.

(K) In determining whether a concern has substantially achieved the goals and objectives of its business plan, the following factors, among others, should be considered by the recipient:

(1) Profitability;

(2) Sales, including improved ratio of non-traditional contracts to traditional-type contracts;

(3) Net worth, financial ratios, working capital, capitalization, access to credit and capital;

(4) Ability to obtain bonding;

(5) A positive comparison of the DBE's business and financial profile with profiles of non-DBE businesses in the same area or similar business category; and

(6) Good management capacity and capability.

(L) Upon determination by the recipient that the participant should be graduated from the developmental program, the recipient should notify the participant in writing of its intent to graduate the firm in a letter of notification. The letter of notification should set forth findings, based on the facts, for every material issue relating to the basis of the program graduation with specific reasons for each finding. The letter of notification should also provide the participant 45 days from the date of service of the letter to submit in writing information that would explain why the proposed basis of graduation is not warranted.

(M) Participation of a DBE firm in the program may be discontinued by the recipient prior to expiration of the firm's program term for good cause due to the failure of the firm to engage in business practices that will promote its competitiveness within a reasonable period of time as evidenced by, among other indicators, a pattern of inadequate performance or unjustified delinquent performance. Also, the recipient can discontinue the participation of a firm that does not actively pursue and bid on contracts, and a firm that, without justification, regularly fails to respond to solicitations in the type of work it is qualified for and in the geographical areas where it has indicated availability under its approved business plan. The recipient should take such action if over a 2-year period a DBE firm exhibits such a pattern.

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Appendix D to Part 26—Mentor-Protégé Program Guidelines

(A) The purpose of this program element is to further the development of DBEs, including but not limited to assisting them to move into non-traditional areas of work and/or compete in the marketplace outside the DBE program, via the provision of training and assistance from other firms. To operate a mentor-protégé program, a recipient must obtain the approval of the concerned operating administration.

(B)(1) Any mentor-protégé relationship shall be based on a written development plan, approved by the recipient, which clearly sets forth the objectives of the parties and their respective roles, the duration of the arrangement and the services and resources to be provided by the mentor to the protégé. The formal mentor-protégé agreement may set a fee schedule to cover the direct and indirect cost for such services rendered by the mentor for specific training and assistance to the protégé through the life of the agreement. Services provided by the mentor may be reimbursable under the FTA, FHWA, and FAA programs.

(2) To be eligible for reimbursement, the mentor's services provided and associated costs must be directly attributable and properly allowable to specific individual contracts. The recipient may establish a line item for the mentor to quote the portion of the fee schedule expected to be provided during the life of the contract. The amount claimed shall be verified by the recipient and paid on an incremental basis representing the time the protégé is working on the contract. The total individual contract figures accumulated over the life of the agreement shall not exceed the amount stipulated in the original mentor/protégé agreement.

(C) DBEs involved in a mentor-protégé agreement must be independent business entities which meet the requirements for certification as defined in subpart D of this part. A protégé firm must be certified *before* it begins participation in a mentor-protégé arrangement. If the recipient chooses to recognize mentor/protégé agreements, it should establish formal general program guidelines. These guidelines must be submitted to the operating administration for approval prior to the recipient executing an individual contractor/ subcontractor mentor-protégé agreement.

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Appendix E to Part 26—Individual Determinations of Social and Economic Disadvantage

The following guidance is adapted, with minor modifications, from SBA regulations concerning social and economic disadvantage determinations (see 13 CFR 124.103(c) and 124.104).

SOCIAL DISADVANTAGE

I. Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities. Social disadvantage must stem from circumstances beyond their control. Evidence of individual social disadvantage must include the following elements:

(A) At least one objective distinguishing feature that has contributed to social disadvantage, such as race, ethnic origin, gender, disability, long-term residence in an environment isolated from the mainstream of American society, or other similar causes not common to individuals who are not socially disadvantaged;

(B) Personal experiences of substantial and chronic social disadvantage in American society, not in other countries; and

(C) Negative impact on entry into or advancement in the business world because of the disadvantage. Recipients will consider any relevant evidence in assessing this element. In every case, however, recipients will consider education, employment and business history, where applicable, to see if the totality of circumstances shows disadvantage in entering into or advancing in the business world.

(1) *Education.* Recipients will consider such factors as denial of equal access to institutions of higher education and vocational training, exclusion from social and professional association with students or teachers, denial of educational honors rightfully earned, and social patterns or pressures which discouraged the individual from pursuing a professional or business education.

(2) *Employment.* Recipients will consider such factors as unequal treatment in hiring, promotions and other aspects of professional advancement, pay and fringe benefits, and other terms and conditions of employment; retaliatory or discriminatory behavior by an employer or labor union; and social patterns or pressures which have channeled the individual into non-professional or non-business fields.

(3) *Business history.* The recipient will consider such factors as unequal access to credit or capital, acquisition of credit or capital under commercially unfavorable circumstances, unequal treatment in opportunities for government contracts or other work, unequal treatment by potential customers and business associates, and exclusion from business or professional organizations.

II. With respect to paragraph I.(A) of this appendix, the Department notes that people with disabilities have disproportionately low incomes and high rates of unemployment. Many physical and attitudinal barriers remain to their full participation in education, employment, and business opportunities available to the general public. The Americans with Disabilities Act (ADA) was passed in recognition of the discrimination faced by people with disabilities. It is plausible that many individuals with disabilities—especially persons with severe disabilities (e.g., significant mobility, vision, or hearing impairments)—may be socially and economically disadvantaged.

III. Under the laws concerning social and economic disadvantage, people with disabilities are not a group presumed to be disadvantaged. Nevertheless, recipients should look carefully at individual showings of disadvantage by individuals with disabilities, making a case-by-case judgment about whether such an individual meets the criteria of this appendix. As public entities subject to Title II of the ADA, recipients must also ensure their DBE programs are accessible to individuals with disabilities. For example, physical barriers or the lack of application and information materials in accessible formats cannot be permitted to thwart the access of potential applicants to the certification process or other services made available to DBEs and applicants.

ECONOMIC DISADVANTAGE

(A) *General.* Economically disadvantaged individuals are socially disadvantaged individuals whose 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 disadvantaged.

(B) *Submission of narrative and financial information.* (1) Each individual claiming economic disadvantage must describe the conditions which are the basis for the claim in a narrative statement, and must submit personal financial information.

(2) [Reserved]

(C) *Factors to be considered.* In considering diminished capital and credit opportunities, recipients will examine factors relating to the personal financial condition of any individual claiming disadvantaged status, including personal income for the past two years (including bonuses and the value of company stock given in lieu of cash), personal net worth, and the fair market value of all assets, whether encumbered or not. Recipients will also consider the financial condition of the applicant compared to the financial profiles of small businesses in the same primary industry classification, or, if not available, in similar lines of business, which are not owned and controlled by socially and economically disadvantaged individuals in evaluating the individual's access to credit and capital. The financial profiles that recipients will compare include total assets, net sales, pre-tax profit, sales/working capital ratio, and net worth.

(D) *Transfers within two years.* (1) Except as set forth in paragraph (D)(2) of this appendix, recipients will attribute to an individual claiming disadvantaged status any assets which that individual has transferred to an immediate family member, or to a trust, a beneficiary of which is an immediate family member, for less than fair market value, within two years prior to a concern's application for participation in the DBE program, unless the individual claiming disadvantaged status can demonstrate that the transfer is to or on behalf of an immediate family member for that individual's education, medical expenses, or some other form of essential support.

(2) Recipients will not attribute to an individual claiming disadvantaged status any assets transferred by that individual to an immediate family member that are consistent with the customary recognition of special occasions, such as birthdays, graduations, anniversaries, and retirements.


(3) In determining an individual's access to capital and credit, recipients may consider any assets that the individual transferred within such two-year period described by paragraph (D)(1) of this appendix that are not considered in evaluating the individual's assets and net worth (e.g., transfers to charities).

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35559, June 16, 2003]

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Appendix F to Part 26—Uniform Certification Application Form

Appendix F


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 (\$52.47 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 Act (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 23.5 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. 236.107, dated February 7, 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 C.F.R. 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.

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**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 counsel 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 address, 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 program, 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, SDB, 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 delayed, 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 appended 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 space 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 firms' 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

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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 in 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 any other firm.
- (4) 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)-(e), 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 date of stock ownership.
- (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 investments. 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(s) 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 box indicating 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 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 resumes 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 person 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 local 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 property 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 that 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 delisted 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) _____

U.S. DOT Uniform DBE / ACDBE Certification Application • Page 5 of 15

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

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): _____

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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).

	Majority Owner (51% or more)				Minority Owner (49% or less)			
	Name	Title	Percent Owned		Name	Title	Percent Owned	
Sets policy for company direction/scope of operations	A	F	S	N	A	F	S	N
Building and estimating	A	F	S	N	A	F	S	N
Major purchasing decisions	A	F	S	N	A	F	S	N
Marketing and sales	A	F	S	N	A	F	S	N
Supervises field operations	A	F	S	N	A	F	S	N
Attends bid openings and lettings	A	F	S	N	A	F	S	N
Performs office management (billing, accounts receivable/payable, etc.)	A	F	S	N	A	F	S	N
Hires and fires management staff	A	F	S	N	A	F	S	N
Hire and fire field staff or crew	A	F	S	N	A	F	S	N
Designates profits spending or investment	A	F	S	N	A	F	S	N
Obligates business by contract/credit	A	F	S	N	A	F	S	N
Purchase equipment	A	F	S	N	A	F	S	N
Signs business checks	A	F	S	N	A	F	S	N

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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:

Concession Space	Address/ Location at Airport	Value of Property or Lease	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 concession

Name of Concession	Location	Type of Concession	Start Date of Concession

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AFFIDAVIT OF CERTIFICATION	
<i>This form must be signed and notarized for each owner upon which disadvantaged status is relied.</i>	
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.	
<p>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.</p> <p>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.</p> <p>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 place(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.</p> <p>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.</p> <p>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.).</p>	<p>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 instituting action under federal and/or state law concerning false statement, fraud or other applicable offenses.</p> <p>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):</p> <p><input type="checkbox"/> Female <input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Other (specify) _____</p> <p>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.</p> <p>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.</p> <p>I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.</p> <p>Signature _____ (DBE/ACDBE Applicant) Date _____</p> <p>NOTARY CERTIFICATE</p>

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UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST	
<p>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.</p>	
<u>Required Documents for All Applicants</u>	
<ul style="list-style-type: none"><input type="checkbox"/> Resumes (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm<input type="checkbox"/> Personal Net Worth Statement for each socially and economically disadvantaged owners comprising 51% or more of the ownership percentage of the applicant firm.<input type="checkbox"/> Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner<input type="checkbox"/> Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 3 years.<input type="checkbox"/> Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks)<input type="checkbox"/> Signed loan and security agreements, and bonding forms<input type="checkbox"/> List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.<input type="checkbox"/> Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm<input type="checkbox"/> Licenses, license renewal forms, permits, and haul authority forms<input type="checkbox"/> Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership signed leases<input type="checkbox"/> Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years<input type="checkbox"/> 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.<input type="checkbox"/> Bank authorization and signature cards<input type="checkbox"/> Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm<input type="checkbox"/> List of all employees, job titles, and dates of employment.<input type="checkbox"/> Proof of warehouse/storage facility ownership or lease arrangements	<ul style="list-style-type: none"><input type="checkbox"/> Corporate by-laws and any amendments<input type="checkbox"/> Corporate bank resolution and bank signature cards<input type="checkbox"/> Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)
<u>Optional Documents to Be Provided on Request</u>	
<p>The UCP to which you are applying may require the submission of the following documents. If requested to provide these documents, you must supply them with your application or at the on-site visit.</p>	
<ul style="list-style-type: none"><input type="checkbox"/> Proof of citizenship<input type="checkbox"/> Insurance agreements for each truck owned or operated by your firm<input type="checkbox"/> Audited financial statements (if available)<input type="checkbox"/> Personal Federal Tax returns for the past 3 years, if applicable, for other disadvantaged owners of the firm.<input type="checkbox"/> Trust agreements held by any owner claiming disadvantaged status<input type="checkbox"/> Year-end balance sheets and income statements for the past 3 years (or life of firm, if less than three years)	<u>Suppliers</u> <ul style="list-style-type: none"><input type="checkbox"/> List of product lines carried and list of distribution equipment owned and/or leased
<u>Partnership or Joint Venture</u>	
<input type="checkbox"/> Original and any amended Partnership or Joint Venture Agreements	
<u>Corporation or LLC</u>	
<input type="checkbox"/> Official Articles of Incorporation (signed by the state official)	
<input type="checkbox"/> Both sides of all corporate stock certificates and your firm's stock transfer ledger	
<input type="checkbox"/> Shareholders' Agreement(s)	
<input type="checkbox"/> Minutes of all stockholders and board of directors meetings	
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[79 FR 59603, Oct. 2, 2014]

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Appendix G to Part 26—Personal Net Worth Statement

Section 6. Other Personal Property and Assets (Use attachments as necessary)				
Type of Property or Asset	Total Present Value	Amount of Liability (Balance)	Is this asset insured?	Lien or Note amount and Terms of Payment
Automobiles and Vehicles (including recreation vehicles, motorcycles, boats, etc.) include personally owned vehicles that are leased or rented to businesses or other individuals.				
Household Goods / Jewelry				
Other (List)				
Accounts and Notes Receivables				
Section 7. Value of Other Business Investments, Other Businesses Owned (excluding applicant firm) Sole Proprietorships, General Partners, Joint Ventures, Limited Liability Companies, Closely-held and Public Traded Corporations				
Section 8. Other Liabilities and Unpaid Taxes (Describe)				
Section 9. Transfer of Assets: Have you within 2 years of this personal net worth statement, transferred assets to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust? Yes / No: If yes, describe				
I declare under penalty of perjury that the information provided in this personal net worth statement and supporting documents is complete, true and correct. I certify that no assets have been transferred to any beneficiary for less than fair market value in the last two years. 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 this personal net worth statement, and I authorize such agency to contact any entity named in the application or this personal financial statement, including the names (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 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.				
<p align="center">NOTARY CERTIFICATE: (Insert applicable state acknowledgment, affirmation, or oath)</p> <p>Signature (DBE/ACDBE Owner) _____ Date _____</p>				
<p><small>In collecting the information requested by this form, the Department of Transportation complies with Federal Freedom of Information and Privacy Act (5 U.S.C. 552 and 552a) provisions. 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 Disadvantaged Business Enterprise (DBE) Program or Airport Concessionaire DBE Programs as defined in 49 C.F.R. Parts 23 and 25. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).</small></p>				

U.S. DOT Personal Net Worth Statement for DBE/ACDBE Program Eligibility • Page 3 of 5

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General Instructions for Completing the Personal Net Worth Statement for DBE/ACDBE Program Eligibility

Please do not make adjustments to your figures pursuant to U.S. DOT regulations 49 C.F.R. Parts 23 and 26. The agency that you apply to will use the information provided on your completed Personal Net Worth (PNW) Statement to determine whether you meet the economic disadvantage requirements of 49 C.F.R. Parts 23 and 26. If there are discrepancies or questions regarding your form, it may be returned to you to correct and complete again.

An individual's personal net worth according to 49 C.F.R. Parts 23 and 26 includes only his or her own share of assets held separately, jointly, or as community property with the individual's spouse and excludes the following:

- Individual's ownership interest in the applicant firm;
- Individual's equity in his or her primary residence;
- Tax and interest penalties that would accrue if retirement savings or investments (e.g., pension plans, Individual Retirement Accounts, 401(k) accounts, etc.) were distributed at the present time.

Indicate on the form, if any items are jointly owned. If the personal net worth of the majority owner(s) of the firm exceeds \$1.32 million, as defined by 49 C.F.R. Parts 23 and 26, the firm is not eligible for DBE or ACDBE certification. If the personal net worth of the majority owner(s) exceeds the \$1.32 million cap at any time after your firm is certified, the firm is no longer eligible for certification. Should that occur, it is your responsibility to contact your certifying agency in writing to advise that your firm no longer qualifies as a DBE or ACDBE. You must fill out all line items on the Personal Net Worth Statement.

If necessary, use additional sheets of paper to report all information and details. If you have any questions about completing this form, please contact one of the UCP certifying agencies.

Assets

All assets must be reported at their current fair market values as of the date of your statement. *Asset's extended value for real estate, for example, is not acceptable.* Assets held in a trust should be included.

Cash and Cash Equivalents: On page 1, enter the total amount of cash or cash equivalents in bank accounts including checking, savings, money market, certificates of deposit held domestic or foreign. Provide copies of the bank statements.

Retirement Accounts, IRA, 401(k)s, 403(b)s, Pensions: On page 1, enter the full value minus tax and interest penalties that would apply if assets were distributed as of the date of the form. Describe the number of shares, name of securities, cost market value, date of quotation, and total value in section 3 on page 2.

Brokerage and Custodial Accounts, Stocks, Bonds, Retirement Accounts: Report total value on page 1, and on page 2, section 3, enter the name of the security, brokerage account, retirement account, etc.; the cost; market value of the asset; the date of quotation; and total value as of the date of the PNW statement.

Assets Held in Trust: Enter the total value of the assets held in trust on page 1, and provide the names of beneficiaries and trustees, and other information in Section 6 on page 3.

Loans to Shareholders and Other Receivables not listed: Enter amounts loaned to you from your firm, from any other business entity in which you hold an ownership interest, and other receivables not listed above. Complete Section 6 on page 3.

Real Estate: The total value of real estate including your primary residence should be listed on page 1. In section 4 on page 2, please list your primary residence in column 1, including the address, method of acquisition, date of acquired, names of deed, purchase price, present fair market value, source of market valuation, names of all mortgage holders, mortgage account number and balance, equity line of credit balance, and amount of payment. List this information for all real estate held. Please ensure that this section contains all real estate owned, including rental properties, vacation properties, commercial properties, personal property leased or rented for business purposes, farm properties and any other income producing properties, etc. Attach additional sheets if needed.

Life Insurance: On page 1, enter the cash surrender value of this asset. In section 5 on page 2, enter the name of the insurance company, the face value of the policy, cash surrender value, beneficiary names, and loans on the policy.

Other Personal Property and Assets: Enter the total value of personal property and assets you own on page 1. Personal property includes motor vehicles, boats, trailers, jewelry, firearms, household goods, collectibles, clothing, and personally owned vehicles that are leased or rented to businesses or other individuals. In section 6 on page 3, list these assets and enter the present value, the balance of any liabilities, whether the asset is insured, and lien or note information and terms of payments. For accounts and notes receivable, enter the total value of all monies owed to you personally, if any. This should include shareholder loans to the applicant firm, if those exist. If the asset is insured, you may be asked to provide a copy of the policy. You may also be asked to provide a copy of any liens or notes on the property.

Other Business Interests Other than Applicant Firm: On page 1, enter the total value of your other business investments (excluding the applicant firm). In section 7 on page 3, enter information concerning the businesses you

U.S. DOT Personal Net Worth Statement for DBE/ACDBE Program Eligibility • Page 4 of 5

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hold an ownership interest in, such as sole proprietorships, partnerships, joint ventures, corporations, or limited liability corporations (other than the applicant firm). Do not reduce the value of these entries by any loans from the outside firm to the DBE/ACDBE applicant business.

Liabilities

Mortgages on Real Estate: Enter the total balance on all mortgages payable on real estate on page 1.

Loans on Life Insurance: Enter the total value of all loans due on life insurance policies on page 1, and complete section 5 on page 2.

Notes & Accounts Payable to Bank and Others: On page 1, section 2, enter details concerning any liability, including name of noteholders, original and current balances, payment terms, and security/collateral information. The entries should include automobile installment accounts. This should not, however, include any mortgage balances as this information is captured in section 4. Do not include loans for your business or mortgages for your properties in this section. You may be asked to submit copy of note/security agreement, and the most recent account statement.

Other Liabilities: On page 1, enter the total value due on all other liabilities not listed in the previous entries. In section 8, page 3, report the name of the individual obligated, names of co-signers, description of the liability, the name of the entity owed, the date of the obligation, payment amounts and terms. Note: Do not include contingent liabilities in this section. Contingent liabilities are liabilities that belong to you only if an event(s) should occur. For example, if you

have co-signed on a relative's loan, but you are not responsible for the debt until your relative defaults, that is a contingent liability. Contingent liabilities do not count toward your net worth until they become actual liabilities.

Unpaid Taxes: Enter the total amount of all taxes that are currently due, but are unpaid on page 1, and complete section 8 on page 3. Contingent tax liabilities or anticipated taxes for current year should not be included. Describe in detail the name of the individual obligated, names of co-signers, the type of unpaid tax, to whom the tax is payable, due date, amount, and to what property, if any, the tax lien attaches. If none, state "NONE." You must include documentation, such as tax liens, to support the amounts.

Transfers of Assets:

Transfers of Assets: If you checked the box indicating yes on page 3 in this category, provide details on all asset transfers (within 2 years of the date of this personal net worth statement) to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust. Include a description of the asset; names of individuals on the deed, title, note or other instrument indicating ownership rights; the names of individuals receiving the assets and their relation to the transferor; the date of the transfer; and the value or consideration received. Submit documentation requested on the form related to the transfer.

Affidavit

Be sure to sign and date the statement. The Personal Net Worth Statement must be notarized.

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ATTACHMENT 2

DBE Liaison Officer Information

Berlin Regional Airport DBE Liaison Officer

Name: Marcel Leveille
Title: Airport Manager
Address: 800 East Side River Road
Milan, NH 03588
Telephone: (603) 449-2168

ATTACHMENT 3

Organizational Chart

Berlin Regional Airport Organizational Chart



ATTACHMENT 4

Bidder's List Collection Form

**PRIME CONTRACTOR
DBE / SMALL BUSINESS REPORTING INFORMATION FORM**

(To be filled out by the bidder and submitted with their bid package)

Project Name: _____
Airport: _____
AIP Number: _____

Prime Contractor Information

Company Name: _____
Contact Person: _____
Address 1: _____
Address 2: _____
Address 3: _____
City / Town: _____
State: _____
Zip Code: _____
Phone: _____
Fax: _____
E-Mail: _____
NAICS Code: _____

DBE Status:	<input type="checkbox"/> Non-DBE <input type="checkbox"/> Certified DBE (Check one)
Small Business Status:	<input type="checkbox"/> Non-Small Business <input type="checkbox"/> Small Business (Check one)

If Prime Contractor is a DBE or a Small Business, complete the following section:

States you are DBE Certified in:	(If not a DBE leave blank)
Age of Firm:	_____ Years
Type of DBE: (Check one if firm is a DBE)	<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other:
Annual Gross Receipts: (Check one)	<input type="checkbox"/> less than \$500,000 (Check one) <input type="checkbox"/> \$500,000 to \$999,999 <input type="checkbox"/> \$1,000,000 to \$1,999,999 <input type="checkbox"/> \$2,000,000 to \$4,999,999 <input type="checkbox"/> \$5,000,000 to \$9,999,999 <input type="checkbox"/> \$10,000,000 to \$13,999,999 <input type="checkbox"/> \$14,000,000 to \$16,600,000 <input type="checkbox"/> more than \$16,000,000

**SUBCONTRACTOR / SUPPLIER
DBE / SMALL BUSINESS REPORTING INFORMATION FORM**

(To be filled out by the Subcontractor / Supplier and submitted with the bid package and the Request for Consent to Sublet package)

Project Name: _____
Airport: _____
AIP Number: _____

Subcontractor / Supplier Information

Company Name: _____
Contact Person: _____
Address 1: _____
Address 2: _____
Address 3: _____
City / Town: _____
State: _____
Zip Code: _____
Phone: _____
Fax: _____
E-Mail: _____
NAICS Code: _____

DBE Status:	<input type="checkbox"/> Non-DBE <input type="checkbox"/> Certified DBE (Check one)
Small Business Status:	<input type="checkbox"/> Non-Small Business <input type="checkbox"/> Small Business (Check one)

If Subcontractor / Supplier is a DBE or a Small Business, complete the following section:

States you are DBE Certified in:	(If not a DBE leave blank)
Age of Firm:	_____ Years
Type of DBE: (Check one if firm is a DBE)	<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other:
Annual Gross Receipts:	<input type="checkbox"/> less than \$500,000 (Check one) <input type="checkbox"/> \$500,000 to \$999,999 <input type="checkbox"/> \$1,000,000 to \$1,999,999 <input type="checkbox"/> \$2,000,000 to \$4,999,999 <input type="checkbox"/> \$5,000,000 to \$9,999,999 <input type="checkbox"/> \$10,000,000 to \$13,999,999 <input type="checkbox"/> \$14,000,000 to \$16,600,000 <input type="checkbox"/> more than \$16,000,000

ATTACHMENT 5

NHDOT DBE Directory

110TECHNOLOGY, LLC**MWBE****Contact:** JENNIFER DUFRESNE**Address:** 27 TECHNOLOGY WAY
NASHUA NH 03060**Tel:** 603 886 2800**Fax:** 603 886 2890**e-mail:** jend@110technology.com**web site:** www.110technology.com**Certified for work in the following areas:**

Primary NAICS Code(s): 423430

Additional NAICS code(s) 999012

Description and/or type of work DBE is certified to perform:

Computer hardware and software related sales and maintenance. Certified as an ACDBE for internal airport concessionaire advertising.

3ME TECHNICAL SERVICES, INC.**MBE****Contact:** GERARD DAVIS**Address:** 85 NORTH MAIN STREET
NEWTON NH 03885**Tel:** 978 804 2364**Fax:****e-mail:** useit_03858@yahoo.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Building trade work, welding, metal fabrication; Satellite and telecommunications testing and wiring.

A & E FLOORING, INC**WBE****Contact:** GUILD HILL**Address:** 59 LONDONDERRY TNP
HOOKSETT NH 03106**Tel:** 603 625 1266**Fax:** 603 644 1838**e-mail:****web site:** www.aeflooring.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238330

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Flooring, ceramic tile, hardwood, wood laminates, epoxy flooring, carpet, vinyl and mats

A. LAUGENI & SON, INC.**WBE****Contact:** JOYCE LAUGENI**Address:** 370 ARDALE ST PO BOX 26034
WEST HAVEN CT 06516**Tel:** 203 934 5302**Fax:** 203 934 0562**e-mail:** a_laugeni_son@sbcglobal.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 238320, 228310

Additional NAICS code(s) 228310

Description and/or type of work DBE is certified to perform:

Abatement services, containment, Blasting, Bridge inspection, Bridge painting, Traffic equipment rental and sales.

A.I.W., INC.**WBE****Contact:** KRISTA GATES**Address:** 4502 OLD WINTER GARDEN ROA
ORLANDO FL 32811**Tel:** 407 521 4576**Fax:** 407 445 4603**e-mail:** krista@aiwonline.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 425120, 425999, 423430, 423610, 532412

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Procurement and resellers to the government and prime contractors

A.R. PLANTE LAND CLEARING & EXCAVATION, LLC.**WBE****Contact:** KATELYNN MORSE**Address:** 25 SUNRISE DRIVE
BRIDGEWATER MA 02324**Tel:** 508 930 2631**Fax:****e-mail:** kate@arplante.com**web site:** www.arplante.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238910

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Land Clearing, Grading, Excavation, Demolition, On-site Material Processing and
Non-Agricultural Site Work.**A-1 COMPLIANCE & TESTING PROGRAMS, LLC.****WBE****Contact:** CHRISTINE COVER**Address:** 12 PARSONS WAY
KINGSTON NH 03848**Tel:** 603 642 5324**Fax:** 603 642 5513**e-mail:** service@a1drugcompliance.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541690

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Compliance oversight and training for transportation related businesses on
federal and state drug and alcohol regulations. Provides drug and alcohol testing
services.**ABATOR INFORMATION SERVICES, INC.****WBE****Contact:** JOANNE PETERSON**Address:** PO BOX 82549
PITTSBURGH PA 15219**Tel:** 412 271 5922**Fax:** 412 271 5833**e-mail:** joanne@abator.com**web site:** www.abator.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541511, 541512, 541513, 541519, 541611, 611420

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:IT programming and software design, computer hardware/software consulting
and integration network and information management, software installs and
disaster recovery, computer training, language/software, general management
consulting and staffing.

ABLE TO SUPPLY, INC.**WBE****Contact:** LYNN WILDER**Address:** PO BOX 1112
WHITE RIVER JCT VT 05001**Tel:** 802 291 0916**Fax:****e-mail:** abletosupplyinc@comcast.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 423410

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Specializing in survey equipment and supplies, compaction equipment, trench boxes and shoring, diamond blades, street signs, roll-up signs, safety equipment including rescue and retrieval and safety clothing.

ABSOLUTE RENEWABLE ENERGY**WBE****Contact:** KATIE WIENSLAW**Address:** 154 BROAD ST. SUITE 1524
NASHUA NH 03063**Tel:** 603 465 2512**Fax:** 603 579 3621**e-mail:** k.wienslaw@absoluterenewable.com**web site:** absoluterenewable.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238210, 541990

Additional NAICS code(s) 238910

Description and/or type of work DBE is certified to perform:

Solar development and solar electrical construction.

ABSOLUTE RESOURCE ASSOCIATES**WBE****Contact:** SUE SYLVESTER**Address:** 124 HERITAGE AVENUE, UNIT 16
PORTSMOUTH NH 03801**Tel:** 603 436 2001**Fax:** 603 430 2100**e-mail:** sues@absoluteresourceassociates.com**web site:** www.absoluteresourceassociates.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541380

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Environmental testing services include drinkwater testing, hazardous waste testing, wastewater testing, soil/sediment testing and indoor air quality assessments/testing. www.airqualitycounts.org**ACAD24/ A - NuSIGN****MBE****Contact:** MELVIN MAYO**Address:** 1523 MAPLE STREET PO BOX 31
HARTFORD VT 05047**Tel:** 802 698 7635**Fax:****e-mail:** mlmayo24vt@yahoo.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541340, 339950

Additional NAICS code(s) 541430

Description and/or type of work DBE is certified to perform:

CADD Drafting Services for architectural, structural, civil, environmental. A-Nu Sign interior and exterior signage, ADA signs, project and construction signs, banners and vehicle lettering.

ACCURATE STAFFING, LLC**WBE****Contact:** ANGELA ROBERGE**Address:** PO BOX 234
MONT VERNON NH 03057**Tel:** 603 673 1083**Fax:** 603 321 1596**e-mail:** angela@accuratenh.com**web site:** www.accuratenh.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Staffing agency for manufacturing and engineering. Temporary, temporary to permanent and permanent.

ACE DETECTIVE & SECURITY AGENCY, INC.**WBE****Contact:** Linda Morrow**Address:** 11 BELLEGARDE AVENUE
LEWISTON ME 04240**Tel:** 207 784 2890**Fax:** 207 786 4261**e-mail:** rber679451@aol.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 561611

Additional NAICS code(s) 238990

Description and/or type of work DBE is certified to perform:

Flagging and traffic control.

ACORN RECORDING SOLUTIONS, INC.**WBE****Contact:** KATHLEEN REDLUND**Address:** 4 KEEZER LANE
NEWTON NH 03858**Tel:** 603 378 0303**Fax:** 603 378 0472**e-mail:** kredlund@acornrecording.com**web site:** www.acornrecording.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Sales and service of digital recorders for telephone and radio.

AD ROSSI - NICOM (DBA AD ROSSI CORP)**WBE****Contact:** ROBIN NICHOLSON**Address:** 123 RED BARN ROAD
DANVILLE VT 05828**Tel:** 802 751 8420**Fax:** 802 751 8422**e-mail:** rnicholson@nicomcoatings.com**web site:** www.vttennis.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Bridge asphaltic joints, bridge deck membrane, epoxy coatings, bridge rail, bridge waterproofing.

ADVANCED DESIGN CONSTRUCTION, INC**WBE****Contact:** BOB ALLEN**Address:** 16 INDUSTRIAL WAY
ATKINSON NH 03811**Tel:** 603 329 9515**Fax:** 603 329 9517**e-mail:** theresaaallen@adcnhmechanical.com**web site:** www.adcnhmechanical.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Millwright, welding and fabrication; Mechanical installation of conveyor systems, turbines and generators, precision leveling and alignment, material handling services, tooling and trucking, water & wastewater treatment.

ADVANCED ENGINEERING DESIGN, INC**MBE****Contact:** GAIL BLAIZE**Address:** 6525 BELCREST ROAD, SUITE 52
HYATTSVILLE MD 20782**Tel:** 301 683 2112**Fax:** 240 465 0653**e-mail:** gblaize@aedworld.com**web site:** www.aedworld.com**Certified for work in the following areas:**

Primary NAICS Code(s): 236220, 541330

Additional NAICS code(s) 541370, 541512, 541611, 811212

Description and/or type of work DBE is certified to perform:

Construction management and engineering; Information technology and telecommunications.

ADVANCED SECURITY SERVICES, INC**WBE****Contact:** PAULA MARINO**Address:** 95 PLAISTOW RD SUITE 211
PLAISTOW NH 03865**Tel:** 603 382 1300**Fax:** 603 382 0030**e-mail:****web site:** www.advancedsecurityservices.net**Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Flagging and traffic control; Guard services; Investigations. Please contact Mark Marino at: mark.l.marino@advancedsecurityservices.net

ADVANCED TECHNOLOGIES INTEGRATION, INC**MBE****Contact:** LENNY HUIE**Address:** 7301 OHMS LANE SUITE 500
MINNEAPOLIS MN 55439**Tel:** 952 345 1868**Fax:** 952 345 1871**e-mail:** lhuie@aticonsulting.com**web site:** www.atico.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541511, 541512

Additional NAICS code(s) 541513, 541519

Description and/or type of work DBE is certified to perform:

Information technology, computer programming, software services.

AEROTECH CORPORATION**DBE****Contact:** RUTH E. FAGAN**Address:** 365 SMITH STREET SUITE 1
PROVIDENCE RI 02908**Tel:** 401 351 0600**Fax:** 401 351 6755**e-mail:** ref@aerotechcorp.com**web site:** www.aerotechcorp.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541922

Additional NAICS code(s) 541370

Description and/or type of work DBE is certified to perform:

CADD Drafting, survey, arial photography, photogrammetry, topographic mapping.

AIR HUB, LLC.**WBE****Contact:** TERRI SCIARRO**Address:** PO BOX 2535
MT. PLEASANT SC 29465**Tel:** 843 343 3618**Fax:** 888 203 2456**e-mail:** tfs@airhubllc.com**web site:** www.airhubllc.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541330, 541380, 541620

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Environmental consulting, air dispersion modeling, highway noise impact assessment, airport noise study, storm water pollution prevention plans, spill prevention control and counter measure, environmental consulting.

ALBANESE BROTHERS, INC.**WBE****Contact:** MARCELLA ALBANESE**Address:** PO BOX 518
DRACUT MA 01826**Tel:** 978 454 8850**Fax:** 978 458 8710**e-mail:** marcella@albanesebros.com**web site:** www.albanesebros.com**Certified for work in the following areas:**

Primary NAICS Code(s): 236220, 237110, 237310

Additional NAICS code(s) 237990, 425120

Description and/or type of work DBE is certified to perform:

Excavation and installation of water/sewer pipes, road and general construction, site work, paving, building of pump stations, construction equipment rental with or w/out operator, project management & consulting. Broker of supplies/materials/equipment.

ALLIED GIS, INC**WBE****Contact:** GAIL MORRISON**Address:** PO BOX 242942
ANCHORAGE AK 99524**Tel:** 907 333 2750**Fax:** 907 333 2751**e-mail:** gmorrison@alliedgis.com**web site:** www.alliedgis.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541360, 541370

Additional NAICS code(s) 541512, 541990

Description and/or type of work DBE is certified to perform:

Mapping, surveying, aerial photography, database design, internet, photogrammetry, hydrographic surveying.

ALPINE SYSTEMS, INC.

WBE

Contact: KATHLEEN CONE
Address: 1029 DEAN HILL ROAD
KILLINGTON VT 05751
Tel: 802 422 3008
Fax: 802 422 3204
e-mail: kccone@alpinesy.com
web site: www.alpinesystemsinc.com

Certified for work in the following areas:

Primary NAICS Code(s): 334119
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Provider of public information systems displays.

ALRAN BOOKS, LLC.

WBE

Contact: ALISON WEBER
Address: 9 TOWNSEND ROAD
HARRISVILLE NH 03450
Tel: 603 827 3245
Fax: 603 827 3575
e-mail: alranbooks@gmail.com
web site: www.alranbooks.com

Certified for work in the following areas:

Primary NAICS Code(s): 424920
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Book, Periodical and Newspaper Merchant Wholesaler.

ALTERNATE TRANSIT ADVERTISING, INC

WBE

Contact: JANE CUTTER
Address: 295 BAYSIDE ROAD
GREENLAND NH 03840
Tel: 603 436 0008
Fax: 603 766 0287
e-mail: janecutter@atatransit.com
web site: www.atatransit.com

Certified for work in the following areas:

Primary NAICS Code(s): 541613
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Marketing services, advertising and marketing brochures, newsletters,
promotional pieces; Transit advertising sales for public transportation systems;
Coordinator of outdoor sign printing and vehicle advertising wraps

AMERICAN ELECTRICAL CONSTRUCTION, INC.

WBE

Contact: PODIELSKY
Address: 180 SOUTH MEADOW RD., UNIT
PLYMOUTH MA 02360
Tel: 508 747 5600
Fax: 508 747 5601
e-mail: dpodielsky@americanelectricalconstruction.com
web site: www.americanelectricalconstruction.com

Certified for work in the following areas:

Primary NAICS Code(s): 238210
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Electrical contracting, site lighting.

AMERICAN GREEN BUILDING SERVICES, INC.**DBE****Contact:** JUSTIN SANTOS**Address:** PO BOX 365558
HYDE PARK MA 02136**Tel:** 781 461 2500**Fax:** 781 461 1234**e-mail:** jsantos@agbservicesinc.com**web site:** www.agbservicesinc.com**Certified for work in the following areas:**

Primary NAICS Code(s): 561720, 561730, 561740, 561790, 238330

Additional NAICS code(s) 238160, 237310, 238320, 238140, 424690

Description and/or type of work DBE is certified to perform:Total Facility Maintenance & Janitorial Services Including: Floor Finishing and
Cleaning, Floor Maintenance and Replacement, Marble, Granite and Metal
Maintenance; Commercial and Residential Project Management and Construction
Services.**AMETHYST ENVIRONMENTAL, LTD****WBE****Contact:** KAREN LONG**Address:** 22 LEE HILL ROAD
LEE NH 03861**Tel:** 603 659 4442**Fax:** 603 659 4442**e-mail:** amethyst@sprintmail.com**web site:** www.amethystenvironmental.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541620, 541690

Additional NAICS code(s) 541990

Description and/or type of work DBE is certified to perform:

Safety and health consulting; Sewer line and water line rehabilitation.

AMRO ENVIRONMENTAL LABORATORIES CORP**WBE****Contact:** NANCY STEWART**Address:** 111 HERRICK STREET
MERRIMACK NH 03054**Tel:** 603 424 2022**Fax:** 603 429 8496**e-mail:** nancy@amrolabs.com**web site:** www.amrolabs.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541380

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Environmental laboratory testing.

ANNSEAL, INC**WBE****Contact:** NANCY O'BRIEN**Address:** PO BOX 615
BIBLE SCHOOL PARK NY 13737**Tel:** 607 797 3737**Fax:** 607 797 2877**e-mail:** nobrien@annseal.com**web site:** www.annseal.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238910, 238310, 423390, 423320

Additional NAICS code(s) 423990, 532412

Description and/or type of work DBE is certified to perform:

Crack filling, joint repair, sawcut & seal; Flagging and traffic control.

ANVIL STEEL ENGINEERING, INC.**MBE****Contact:** LAMONT DAVIS**Address:** 256 PROSPECT HILL STREET
TAUNTON MA 02780**Tel:** 617 799 1614**Fax:****e-mail:** anvilengineeringinc@gmail.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 237310, 237990

Additional NAICS code(s) 238120, 238190

Description and/or type of work DBE is certified to perform:

Stair, Guardrail and Handrail Installation; Rebar Installation and Post Tensioning; Bridgework - Installation and Repair, Welding - Structural, Non-structural, Tube Bracing and Heavy Equipment; Pre-cast Constructing; Pre-engineering Building and Erection.

A-PLUS WELDING & ENGINEERING, INC.**DBE****Contact:** EDWARD JORDAN**Address:** 366 WALNUT AVE.
ROXBURY MA 02119**Tel:** 857 389 6243**Fax:** 617 652 8300**e-mail:** weldboston54@gmail.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 237990, 238120, 238190, 423390

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Structural Steel Erection, Miscellaneous Steel, Rebar & Mesh & Post Tensioning Installations; Welding Services and Metal Installation including: Stair & Railing, Marine Construction Welding & Repair; Procurement of Structural Steel & Rebar & Mesh.

APPLIED INSULATION CONCEPTS, LLC.**WBE****Contact:** LEAH BRIDGES**Address:** 95 PLAISTOW RD. SUITE 212
PLAISTOW NH 03865**Tel:** 603 303 7764**Fax:****e-mail:** appliedlib@gmail.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 238310

Additional NAICS code(s) 238990

Description and/or type of work DBE is certified to perform:

Mechanical insulation contractor for HVAC and other systems.

ARCHEOLOGICAL AND HISTORICAL SERVICES, INC.**WBE****Contact:** MARY HARPER**Address:** PO BOX 543
STORRS CT 06268**Tel:** 860 429 2142**Fax:** 860 429 9454**e-mail:** mharper@ahs-inc.biz**web site:** www.ahs-inc.biz**Certified for work in the following areas:**

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Archeological & historical consulting; Preservation planning.

ARMAND LEMIRE CO, INC**WBE****Contact:** DIANE BAINES**Address:** 7 DARTMOUTH ST PO BOX 16454
HOOKSETT NH 03106**Tel:** 603 625 5233**Fax:** 603 625 5679**e-mail:****web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 238220

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

New construction, renovations and tenant fit-ups; HVAC, plumbing.

ARMAND RESOURCE GROUP, INC**MBE****Contact:** GREGORY JENIFER**Address:** 300 FRANK W. BURR BOULEVARD
TEANECK NJ 07666**Tel:** 201 357 8725**Fax:** 201 357 8727**e-mail:** armandresourcegroup@msn.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541611, 541618

Additional NAICS code(s) 541990

Description and/or type of work DBE is certified to perform:

D/M/WBE Program design and implementation services, business development and technical assistance services, outreach/recruitment/public participation and community relations services, workforce/labor/ contract compliance monitoring and reporting services

ARORA ENGINEERS, INC.**DBE****Contact:** MANIK ARORA**Address:** 61 WILMINGTON-WEST CHESTER
CHADDS FORD PA 19317**Tel:** 610 459 7900**Fax:** 610 459 7950**e-mail:** marora@aroraengineers.com**web site:** www.aroraengineers.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541330, 541370, 541512, 236220

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Construction management services for airport building construction; Engineering services; Surveying and mapping (except geophysical) services; Computer system design services.

ATLANTIC BRIDGE AND ENGINEERING, INC.**WBE****Contact:** VICTORIA KOLENDA**Address:** 191 ELM STREET, ROOM 7, BOX 10
SALISBURY MA 01952**Tel:** 978 465 4337**Fax:** 978 465 4088**e-mail:** vkolenda@atlanticbr.com**web site:** www.atlanticbr.com**Certified for work in the following areas:**

Primary NAICS Code(s): 237310

Additional NAICS code(s) 332312

Description and/or type of work DBE is certified to perform:

Bridge construction, elevated highway construction, bridge repairs; Miscellaneous and ornamental iron work; Fabrication of simple bridge steel, structural steel for buildings, major bridge with fracture critical endorsement.

AXTELL'S PAVEMENT SOLUTIONS, LLC.**WBE****Contact:** RENEE AXTELL**Address:** 261 CAREY ROAD
SCOTT TOWNSHIP NH 18433**Tel:** 570 840 4168**Fax:** 570 254 8140**e-mail:** apsinc41@gmail.com**web site:** www.aps44.com**Certified for work in the following areas:**

Primary NAICS Code(s): 237310, 238990

Additional NAICS code(s) 488119

Description and/or type of work DBE is certified to perform:Street and Bridge Construction; All Other Specialty Trade Constructor; Other
Airport Operations (Specifically: Airport Runway Maintenance Services)**AYER ELECTRIC, LLC****MBE****Contact:** DAVID AYER**Address:** P.O. BOX 874
DURHAM NH 03824**Tel:** 603 868 6446**Fax:** 603 868 7290**e-mail:** ayerelectricllc@metrocast.net**web site:** www.ayerelectric.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238210

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Electrical contractor, highway lighting, pull boxes, light bases and site lighting.

B&B OFFSET PRINTING COMPANY**WBE****Contact:** MICHELLE ROBBINS**Address:** 331 HIGH ST
SOMERSWORTH NH 03878**Tel:** 603 692 2839**Fax:** 603 692 2838**e-mail:** michelle@bbprintco.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 424110

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Specializing in all your printing, copying and advertising speciality needs.

B&I TRANSPORTATION CONSULTING, LLC**WBE****Contact:** SANDRA BUSHUE**Address:** 1100 GLEBE ROAD, SUITE 1010
ARLINGTON VA 22201**Tel:** 703 244 4434**Fax:** 703 224 8001**e-mail:** sandy.bushue@gmail.com**web site:** www.banditransportation.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541614

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Transportation planning, specializing in consulting and technical support for
intermodal transportation industry.

BABBS ENGINEERING CONSULTANTS, LLC

DBE

Contact: TORRIS BABBS

Address: 500 OLD BREMEN RD SUITE 121
CARROLLTON GA 30117

Tel: 678 890 2338

Fax: 888 835 6707

e-mail: tbabbs@babbsengrg.com

web site: babbsengrg.com

Certified for work in the following areas:

Primary NAICS Code(s): 541330

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Engineering services; Road design; Construction management.

BAKER STEEL DETAILING

WBE

Contact: MS. CHRISTINE BAKER

Address: 169 BROWNELL STREET
FALL RIVER MA 02720

Tel: 508 591 0805

Fax:

e-mail: info@bakerdetailing.com

web site: www.bakerdetailing.com

Certified for work in the following areas:

Primary NAICS Code(s): 541330

Additional NAICS code(s) 541340, 425120

Description and/or type of work DBE is certified to perform:

Project management, procurement, contract documents; Steel estimating, steel detailing, drafting.

BAKER/WOHL ARCHITECTS, INC

WBE

Contact: MARGARET E GARET WOHL

Address: 132 LINCOLN STREET #4
BOSTON MA 02111

Tel: 617 350 7420

Fax: 617 350 5383

e-mail: gwohl@baker-wohl.com

web site: www.baker-wohl.com

Certified for work in the following areas:

Primary NAICS Code(s): 541310

Additional NAICS code(s) 541611

Description and/or type of work DBE is certified to perform:

Interior design; LEED; Feasibility studies; Building and site design; Construction administration services; Architecture and urban design.

BARBA & WHEELLOCK

WBE

Contact: NANCY BARBA

Address: 500 CONGRESS STREET
PORTLAND ME 04101

Tel: 207 772 3667

Fax: 207 772 2722

e-mail: cwheelock@barbawheelock.com

web site: www.barbawheelock.com

Certified for work in the following areas:

Primary NAICS Code(s): 541310

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Architectural, Historical, Environmental, Programming, Recordation of Existing Conditions, As-Built Documentation, Building Condition Assesments, National Park Service and NHDHR Permitting and Approvals, FCC 620/621 Forms.

BASELINE SUPPLY, LLC**WBE****Contact:** TRACEY MEENTS**Address:** 65 TURNBERRY DRIVE
MONROE TOWNSHIP NJ 08831**Tel:** 732 835 2080**Fax:** 888 398 2080**e-mail:** baselinesupply@gmail.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 423310, 423320, 423330

Additional NAICS code(s) 423390, 423610, 423840

Description and/or type of work DBE is certified to perform:

Supplier of building and construction materials.

BEAR CREEK ENVIRONMENTAL**WBE****Contact:** MARY NEALON**Address:** 297 EAST BEAR SWAMP ROAD
MIDDLESEX VT 05602**Tel:** 802 223 5140**Fax:** 802 229 4410**e-mail:** mary@bearcreekenvironmental.com**web site:** bearcreekenvironmental.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541620

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Environmental, erosion control, biomonitoring, water quality monitoring, stream
geomorphic assessments, GIS analysis, environmental impact statements,
natural channel design, stream habitat assesments and design services**BENCHMARK OFFICE SYSTEMS, INC****WBE****Contact:** MICHELLE MCMANUS**Address:** 75 GILCREAST RD., SUITE 311
LONDONDERRY NH 03053**Tel:** 603 890 2474**Fax:** 603 890 2436**e-mail:** mmcmamus@benchmark-office.com**web site:** www.benchmark-office.com**Certified for work in the following areas:**

Primary NAICS Code(s): 424110

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Office equipment, copiers, copier supplies & service; Printer & fax supplies &
service; Scanning services; Computer support, IT support and print
management.**BERKSHIRE CONCRETE CUTTING, LLC****WBE****Contact:** KATHLEEN GOVOTSKI**Address:** 10 HARMONY HILL ROAD
NEW HARTFORD CT 06057**Tel:** 860 489 3388**Fax:** 860 626 1316**e-mail:** kathy@berkshirecompanies.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Sawcutting and core drilling of concrete and asphalt

BERKSHIRE CONCRETE CUTTING, LLC**WBE**

Contact: KATHLEEN GOVOTSKI
Address: 3595 WINSTEAD ROAD
TORRINGTON CT 06790
Tel: 860 489 3388
Fax: 860 626 1316
e-mail: kathy@berkshirecompanies.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 238990
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Sawcutting and Core Drilling of Concrete & Asphalt

BERKSHIRE INDUSTRIAL SERVICES, LLC**WBE**

Contact: KATHLEEN GOVOTSKI
Address: 3595 WINSTEAD ROAD
TORRINGTON CT 06790
Tel: 860 796 0933
Fax: 860 626 1316
e-mail: kathy@berkshirecompanies.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 562998, 238910
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Hydro Excavation; Pipe Cleaning; Video Pipe Inspection; Catch Basin & Hydrodynamic Separator Cleaning; Vacuum and Air Knife Excavation; Wet Well & Grid Separator Cleaning; Water Blasting; Pressure Washing and Confined Space Entry.

BIOENGINEERING GROUP, INC**WBE**

Contact: WENDI GOLDSMITH
Address: 18 COMMERCIAL STREET
SALEM MA 01970
Tel: 978 740 0096
Fax: 978 740 0097
e-mail:
web site: www.bioengineering.com

Certified for work in the following areas:

Primary NAICS Code(s): 541690
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Architectural, environmental, geophysical surveying and mapping services, surveying and mapping services, environmental consulting, other scientific and technical services.

BJ MOSELY, LLC.**MBE**

Contact: WAYNE MOSELY
Address: P.O. BOX 237
BOWIE MD 20719
Tel: 240 232 6554
Fax: 240 235 9565
e-mail: wayne@bjmosely.com
web site: www.bjmosely.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 236220
Additional NAICS code(s) NAICS CODE 524291

Description and/or type of work DBE is certified to perform:

Provides construction cost estimating for commercial and institutional building construction. Provides loss control consulting, insurance claims adjusting.

BLACK BEAR LADDER, INC**WBE**

Contact: KATHLEEN CORDTS
Address: 515 PLEASANT STREET
LEWISTON ME 04240
Tel: 207 782 2322
Fax: 207 782 2002
e-mail: kathyc@blackbearladder.com
web site: blackbearladder.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 424990
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Safety Equipment- Harnesses (Fall Protection) Guardrails, Vests, Signs, Traffic
Cones, Hard Hats, Gloves, Ladders, Scaffolding, Truck & Van Racks & Boxes,
Jobsite Boxes, Life Vests, Gas Cans.

BLACK ROCK PAVING, INC**MBE**

Contact: VICTOR MONIZ
Address: 100 ZION HILL RD, PO BOX 1718
SALEM NH 03079
Tel: 603 898 1967
Fax: 603 898 1968
e-mail: blackrock1994@aol.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 238990
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Roadway, sidewalk and parking lot paving.

BLUE DIAMOND INDUSTRIES, LLC.**WBE**

Contact:
Address: 3399 TATES CREEK ROAD, SUITE
LEXINGTON KY 40502
Tel: 859 224 0415
Fax: 859 224 0543
e-mail: sherri@bdiky.com
web site: www.bdiky.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 326122
Additional NAICS code(s) NAICS CODE 326199

Description and/or type of work DBE is certified to perform:

Manufacturing of plastic pipe or conduit used to store/protect fiber, power and
communication cable underground.

BLUE SKY NATURAL GAS & PETROLEUM, INC.**WBE**

Contact: LESLIE MATHEWS
Address: 99 CHARLOTTE DRIVE
EAST GREENWICH RI 02818
Tel: 401 944 4328
Fax: 401 884 8758
e-mail: blueskynaturalgas@gmail.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 454311
Additional NAICS code(s) NAICS CODE 454312

Description and/or type of work DBE is certified to perform:

Distributor of Natural Gas, Petroleum and Oil.

BLYTHE VISUAL, LLC**WBE****Contact:** EMILY MOYNIHAN**Address:** 266 EASTVIEW CIRCLE
WILLISTON VT 05495**Tel:** 802 735 2562**Fax:****e-mail:** emily@blythevisual.com**web site:** www.blythevisual.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 512191

Additional NAICS code(s) NAICS CODE 541611

Description and/or type of work DBE is certified to perform:

Digital media and 3D Visualizations

BORE TECH, LLC.**WBE****Contact:** KATHY FENOFF**Address:** 1569 BREEZY HILL, RD. 1569 BREE
ST. JOHNSBURY VT 05819**Tel:** 802 748 6555**Fax:** 802 748 6822**e-mail:** estimating@borettechllc.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 238910

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Directional Drilling Services

BOSTON BRIDGE & STEEL, INC.**WBE****Contact:** SUSAN BURM**Address:** 256 MARGINAL WAY
EAST BOSTON MA 02128**Tel:** 617 569 8373**Fax:** 617 567 0974**e-mail:** sburm@bostonbridgesteel.com**web site:** www.bostonbridgesteel.com**Certified for work in the following areas:**

Primary NAICS Code(s): 332312

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Structural Steel Fabricator

BOSTON BRIDGE SERVICES, INC.**WBE****Contact:** LISA DUFFY**Address:** 144 HAMPSHIRE ROAD
METHUEN MA 01844**Tel:** 339 234 1195**Fax:** 978 655 1150**e-mail:** lisaduffy@bostonbridgeservices.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238120

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Bridge Erection and Repair - Steel and Concrete; Steel Fabrication, Welding, Bolting, Riveting, Cutting, Demolition; Underpinning, False Work, Shoring, Jacking, Rigging and Moving; Rebar Installation and Repair; Deck Installation and Repair; Misc. Metals

BRONNER GROUP, LLC**WBE****Contact:** GILA BRONNER**Address:** 120 NORTH LASALLE STREET Sui
CHICAGO IL 60602**Tel:** 312 759 5101**Fax:** 312 759 5110**e-mail:** gbronner@bronnergroupp.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541211, 541611

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Accounting and Auditing Assurance; Management Consulting Services.

BROOKSTONE BUILDERS, INC**WBE****Contact:** PAULA SCALES**Address:** 600 HARVEY ROAD
MANCHESTER NH 03103**Tel:** 603 641 9455**Fax:** 603 641 9477**e-mail:** paula.scales@brookbuild.com**web site:** www.brookbuild.com**Certified for work in the following areas:**

Primary NAICS Code(s): 236210

Additional NAICS code(s) 236220

Description and/or type of work DBE is certified to perform:Construction Management; Industrial and Commercial Building Construction;
Building Trade Work, Carpentry.**BROWN & MEYERS, INC****WBE****Contact:** KATE MEYERS**Address:** 536 WASHINGTON AVENUE
PORTLAND ME 04103**Tel:** 207 772 6732**Fax:** 207 772 9872**e-mail:** kmeyers@brownmeyers.com**web site:** www.brownmeyers.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 519910

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Court Reporting; Medical and Legal Transcription; Document Scanning; Records
Management Solutions**BRYANT ASSOCIATES, INC****MBE****Contact:** JEFFREY C. BRYANT, PE**Address:** 90 CANAL ST. SUITE 301
BOSTON MA 02114**Tel:** 617 248 0300**Fax:** 617 248 0212**e-mail:** JCBRYANT@bryant-engrs.com**web site:** www.bryant-engrs.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 236220

Additional NAICS code(s) NAICS CODE 237110

Description and/or type of work DBE is certified to perform:

Site Development, Marine Engineering and water/wastewater

BRYANT PAVING, LLC**WBE****Contact:** LESLIE BRYANT**Address:** PO Box 1456 147 MAIN STREET
MEREDITH NH 03253**Tel:** 603 279 1499**Fax:** 603 279 0074**e-mail:** lbryant@bryantpaving.com**web site:** www.bryantpaving.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Paving contractor for roadway, driveway, sidewalks and parking lots; Materials hauling;

BUXTON DRAFTING SERVICES**WBE****Contact:** LORI BUXTON**Address:** 1 Hickory Lane
Essex Junction VT 05452**Tel:** 802 864 1833**Fax:** 802 864 6568**e-mail:** lori@buxtondrafting.com**web site:** www.buxtondrafting.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541340

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

CADD Drafting for all areas of Engineering and Architecture, Residential Home Design and 3D Renderings. Drafting for Structural, Civil, Mechanical and Architectural using AutoCad, Microstation and Chief Architect software platforms.

C & C CONSULTING ENGINEERS, LLC**MBE****Contact:** PO-SHANG CHEN**Address:** 214 LINCOLN STREET
BOSTON MA 02134**Tel:** 617 254 6930**Fax:** 617 254 7631**e-mail:** p.chen@cccellc.com**web site:** www.cccellc.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**CAMB ENGINEERING****WBE****Contact:** CELINE BILODEAU**Address:** 165 LUCAS ROAD
MANCHESTER NH 03109**Tel:** 603 641 4046**Fax:****e-mail:** c.bilodeau@cambeng.com**web site:** www.cambeng.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541330

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Engineering consulting services.

CAPRIOLI PAINTING, INC**WBE**

Contact: LORRIANNE CAPRIOLI
Address: 20 BEECH STREET EXTENSION
NEWMARKET NH 03857
Tel: 603 659 2788
Fax: 603 659 2389
e-mail: lorraine@capriolipainting.com
web site: www.capriolipainting.com

Certified for work in the following areas:

Primary NAICS Code(s): 238320
Additional NAICS code(s) 238990

Description and/or type of work DBE is certified to perform:

Painting contractor; Epoxy floor coatings.

CARON PIPE JACKING, INC**WBE**

Contact: JACQUELINE MALS
Address: 77 WILLOW BROOK DRIVE
BERLIN CT 06037
Tel: 860 828 0050
Fax: 860 828 9568
e-mail: jackiemals@yahoo.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 238910
Additional NAICS code(s) NAICS CODE 238990

Description and/or type of work DBE is certified to perform:

Underground Construction

CARVALHO ELECTRIC, LLC**DBE**

Contact: JOHN CARVALHO
Address: 9 CANDLESTICK LANE
SANDOWN NH 03873
Tel: 603 300 7754
Fax: 603 218 6373
e-mail: john@carvalhoelectric.com
web site: www.carvalhoelectric.com

Certified for work in the following areas:

Primary NAICS Code(s): 238210
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Provider of electrical contracting services for commercial, industrial and residential.

CASCO BAY ENGINEERING**WBE**

Contact: CAROLYN C. BIRD
Address: 424 FORE ST
PORTLAND ME 04101
Tel: 207 842 2800
Fax: 207 842 2828
e-mail: carolynb@cascobayengineering.com
web site: www.cascobayengineering.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541330
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Load Rating & Fatigue Analysis of Bridges; Building Inspection

CCS PRESENTATION SYSTEMS

WBE

Contact: CHERYL GAMST

Address: 132 NORTHEASTERN BLVD.
NASHUA NH 03062

Tel: 978 256 2001

Fax: 978 256 2002

e-mail: cheryl@ccsnewengland.com

web site: ccsnewengland.com

Certified for work in the following areas:

Primary NAICS Code(s): 423410

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Audio Visual System Design, Installation, Sales, Service and Training.

CENTER FOR HEALTH, ENERGY & THE ENVIRONMENT, LLC

WBE

Contact: MARYALICE FISCHER

Address: PO BOX 424
STRAFFORD NH 03884

Tel: 603 664 5097

Fax: 603 664 5109

e-mail: CHEE@metrocast.net

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541620

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Environmental consulting services, project environmental & regulatory compliance, permitting-wetlands, NPDES, tanks; Training, audits & due diligence, site assessment, regulatory compliance, SPCC, ICP, BMP, health and safety plans.

CERTIFIED CONNECTIONS, INC

DBE

Contact: JARROD GOMES

Address: 330 TACOMA STREET, UNIT 2A
WORCESTER MA 01605

Tel: 508 353 4849

Fax: 978 733 1126

e-mail: cconnectionsinc@yahoo.com

web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 423610

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Supplier of Telecommunications Products including: Wire and Cable, Connectivity, Fiber Optics, Cable Assemblies, Wire Management, Racks & Cabinets, Fire Alarm, Security Products and Electrical Products

CHARLES GEORGE COMPANIES, INC

WBE

Contact: KAREN GEORGE

Address: PO BOX 857
LONDONDERRY NH 03053

Tel: 800 720 3034

Fax: 603 425 2980

e-mail: kgeorge@charlesgeorgecompanies.com

web site: www.charlesgeorgecompanies.com

Certified for work in the following areas:

Primary NAICS Code(s): 484220

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Solid waste disposal and recycling; Transportation and freight hauling services

CITY POINT PARTNERS, LLC**WBE****Contact:** COLLEEN MOORE**Address:** 11 ELKINS STREET SUITE 470
BOSTON MA 02127**Tel:** 617 315 7832**Fax:** 617 752 4480**e-mail:** cmoore@citypointpartners.com**web site:** www.citypointpartners.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 237110

Additional NAICS code(s) NAICS CODE 237310

Description and/or type of work DBE is certified to perform:**CLARO COMMUNICATIONS, LLC****WBE****Contact:** SONIA JAVIER OBINGER**Address:** 156 ODELL ROAD
SANDOWN NH 03873**Tel:** 617 680 4478**Fax:****e-mail:** sonia@beclaro.com**web site:** beclaro.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541613

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Marketing and communication services.

COACH CRAFTERS, INC.**WBE****Contact:** ANNE WOLF**Address:** 27530 COUNTY RD. 561
TAVARES FL 32778**Tel:** 800 334 2871**Fax:** 612 545 0807**e-mail:** anne@coachcrafters.com**web site:** www.coachcrafters.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 336211

Additional NAICS code(s) NAICS CODE 811121

Description and/or type of work DBE is certified to perform:

Motor Vehicle Body Manufacturing; Automotive Body, Paint and Interior Repair and Maintenance.

COASTAL ENVIRONMENTAL GROUP, LLC**WBE****Contact:** NANCY PESKINSKI**Address:** PO BOX 975
NEW LONDON NH 03257**Tel:** 603 526 2319**Fax:** 603 526 2449**e-mail:** nancyp@coastalenvgroup.com**web site:** www.coastalenvgroup.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Platform installation for bridge work; Installation of sheeting, covering and netting on pipe scaffold.

COASTAL LANDSCAPING, LLC**WBE****Contact:** LYN STEVENS**Address:** PO BOX 388
HAMPTON FALLS NH 03844**Tel:** 603 929 0866**Fax:** 603 929 0431**e-mail:** coastallandscaping@mac.com**web site:** www.coastallandscaping.net**Certified for work in the following areas:**

Primary NAICS Code(s): 238910

Additional NAICS code(s) 238990

Description and/or type of work DBE is certified to perform:

Landscaping, hydroseeding, sod, plantings and blown bark mulch; Stone walls and retaining walls.

COMPLETE ERRAND, THE**WBE****Contact:** LYNN SUDLOW**Address:** 33 FLOYD AVENUE, #7
WEST LEBANON NH 03784**Tel:** 603 298 6129**Fax:** 603 298 5290**e-mail:** lynn.sudlow@completeerrand.com**web site:** www.completeerrand.com**Certified for work in the following areas:**

Primary NAICS Code(s): 812990

Additional NAICS code(s) 711320

Description and/or type of work DBE is certified to perform:

Personal administrative and business assistant services; performs delivery services, handling of special projects, event planning and coordination.

COMPREHENSIVE ENVIRONMENTAL INC.**WBE****Contact:** EILEEN PANNETIER**Address:** 21 DEPOT STREET
MERRIMACK NH 03054**Tel:** 603 424 8444**Fax:** 603 424 8441**e-mail:** epannetier@ceiengineers.com**web site:** www.ceiengineers.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541330

Additional NAICS code(s) 541620

Description and/or type of work DBE is certified to perform:

Civil and environmental engineering, hazardous waste remediation, fish/wildlife passage design, stormwater design, utility coordination, water supply protection, SPCC & ICP, facility audits, site assessments, regulatory compliance, NPDES, microstation.

CONCORD ENGINEERING GROUP, INC.**MBE****Contact:** BABAR M. KHAN**Address:** 23 OSGOOD STREET
WINDHAM NH 03087**Tel:** 603 647 4581**Fax:** 603 251 5806**e-mail:** bkhan@concordengineeringgroup.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541330

Additional NAICS code(s) 541620

Description and/or type of work DBE is certified to perform:

Engineering and environmental consulting services, civil support services, road design, ROW, erosion control, drainage, hydraulics, survey and mapping.

CONLEY ASSOCIATES

WBE

Contact: JENNIFER CONLEY

Address: 40 WARREN ST. #346 3rd FLOOR
BOSTON MA 02129

Tel: 617 742 5111

Fax: 617 742 5333

e-mail: jconley@conleyassociates.com

web site: www.ConleyAssociates.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

CONOVER + GOULD STRATEGY GROUP

WBE

Contact: HEATHER CONOVER

Address: 69 MILK STREET SUITE 101
WESTBOROUGH MA 01581

Tel: 866 411 7321

Fax: 866 533 9885

e-mail: hconover@conoverandcompany.com

web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541613

Additional NAICS code(s) NAICS CODE 541820

Description and/or type of work DBE is certified to perform:

Community and Public Relations

CONSTRUCTION MATERIALS TESTING, INC

WBE

Contact: SUSAN F DEAN

Address: 88 SOUTH WHITEFIELD RD
WHITEFIELD NH 03598

Tel: 603 837 9332

Fax: 603 837 9335

e-mail: warden@ncia.net

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Material testing services.

CONTROLLED SYSTEMS HVAC, INC

WBE

Contact: KATHY FERGUSON

Address: 50A NORTHWESTERN DR. #1
SALEM NH 03079

Tel: 603 870 9050

Fax: 603 870 8191

e-mail: controlledsystems.comcast.net

web site: www.controlled-systems.com

Certified for work in the following areas:

Primary NAICS Code(s): 238220

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

HVAC & Radiant heat sales, service, installation, maintenance and design.

CORBO CONSTRUCTION, INC**MBE****Contact:** MARCOS CORBO**Address:** 35 CLUBHOUSE DRIVE
LEOMINSTER MA 01453**Tel:** 978 534 6859**Fax:** 978 539 6746**e-mail:** tacconstru9@aol.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 237990

Additional NAICS code(s) NAICS CODE 238910

Description and/or type of work DBE is certified to perform:**COURT ONE CORPORATION****WBE****Contact:** STACEY COMARTOS**Address:** 1159 LANCE ROAD, SUITE B
NORFOLK VA 23502**Tel:** 757 466 0123**Fax:** 757 466 3615**e-mail:****web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**CREDERE ASSOCIATES, LLC****WBE****Contact:** THERESA PATTEN**Address:** 222 ST JOHN STREET SUITE 314
PORTLAND ME 04102**Tel:** 207 828 1272**Fax:** 207 774 6907**e-mail:** tpatten@crederellc.com**web site:** www.crederellc.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541611

Additional NAICS code(s) NAICS CODE 541620

Description and/or type of work DBE is certified to perform:**CROSS CULTURAL COMMUNICATION SYSTEMS, INC.****WBE****Contact:** ZARITA ARAUJO-LANE**Address:** PO BOX 2308
WOBURN MA 01888**Tel:** 781 729 3736**Fax:** 781 729 1217**e-mail:** zaraujo_lane@embracingculture.com**web site:** www.cccsorg.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 611710

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Provide Cross Cultural Communication Issues Through Translation, Interpreting
and Diversity Training

CRYSTALVISION, INC**WBE****Contact:** DEBORAH BREWER**Address:** 15 RYE STREET SUITE 200
PORTSMOUTH NH 03801**Tel:** 603 433 9559**Fax:** 603 433 9546**e-mail:** db@cvwp.com**web site:** www.cvwp.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541511

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Web site design & development, customized web application development,
secure areas, e-commerce, hosting, email marketing, search engine optimization.**CUSTOM COPPER AND SLATE, LTD****WBE****Contact:** SHARON GREEN**Address:** PO BOX 662
MEDFIELD MA 02052**Tel:** 508 242 9971**Fax:** 508 242 9972**e-mail:** customcopperandslate@comcast.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238160

Additional NAICS code(s) NAICS CODE 332323

Description and/or type of work DBE is certified to perform:Roofing contractor providing commercial and residential roofing; architectural
sheet metal and fabrication**CWS FENCE & GUARDRAIL CO****WBE****Contact:** LORRAINE SLITER**Address:** 261 FRANKLIN HWY
ANDOVER NH 03216**Tel:** 603 735 5465**Fax:** 603 735 5547**e-mail:** lorrie@cwsfence.com**web site:** www.cwsfence.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Highway construction guardrail and bridgerail.

D. WILSON CONSULTING GROUP, LLC**MWBE****Contact:** DEIRDRE KYLE**Address:** 14816 AMELIA VIEW DR
JACKSONVILLE FL 32226**Tel:** 904 757 9300**Fax:** 904 652 2677**e-mail:** ddkyle@dwilsongroup.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541161

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

DBE program management and disparity studies

D.L. KING & ASSOCIATES, INC**WBE****Contact:** DONNA KING**Address:** 27 TANGLEWOOD DRIVE
NASHUA NH 03062**Tel:** 603 883 5880**Fax:** 603 883 5061**e-mail:** dlking03031@aol.com**web site:** `www.dlking-ass.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541620

Additional NAICS code(s) 238990

Description and/or type of work DBE is certified to perform:

General contracting, construction management; Environmental consulting and remediation, soil abatement.

DATASERV, INC.**MBE****Contact:** ANIL POTLURI**Address:** 1 TARA BLVD., SUITE 102
NASHUA NH 03060**Tel:** 603 821 6392**Fax:** 866 703 9670**e-mail:** kumar@dataserv.com**web site:** www.dataserveinc.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541511

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Information Technology Consulting and Computer Software Development

DBU CONSTRUCTION**WBE****Contact:** JESSICA TOWNE**Address:** PO BOX 984
EPSOM NH 03234**Tel:** 603 736 9100**Fax:** 603 736 9101**e-mail:** jtowne@dbu-construction.com**web site:** www.dbuconstruction.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Directional drilling services.

DESTEFANO ARCHITECTS, PLLC**WBE****Contact:** LISA DESTEFANO**Address:** 23 HIGH STREET
PORTSMOUTH NH 03801**Tel:** 603 431 8701**Fax:** 603 422 8707**e-mail:** ebreed@destefanoarchitects.com**web site:** www.destefanoarchitects.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541310

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Architectural services; CADD drafting.

DIAGNOSISONE, INC**MBE**

Contact: MANSOOR KHAN
Address: 61 SPIT BROOK ROAD
NASHUA NH 03060
Tel: 603 897 1884
Fax: 603 897 1885
e-mail: m_khan@diagnosisone.com
web site: www.diagnosisone.com

Certified for work in the following areas:

Primary NAICS Code(s): 541511
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Software development and related services

DIANA'S CADD SERVICE, LLC**WBE**

Contact: DIANA BURGESS
Address: PO BOX 1010
BUXTON ME 04093
Tel: 207 615 4517
Fax:
e-mail: dianascadd@gmail.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541340
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

CADD Drafting Services

DRIVE ENGINEERING CORPORATION**DBE**

Contact:
Address: 768 PARK ROAD
LANSDALE PA 19446
Tel: 215 699 2905
Fax: 888 544 0270
e-mail: mario@driveengineering.com
web site: www.driveengineering.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541330
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Intelligent Transportation Systems (ITS) Planning and Design;
Telecommunications Design

DWC DESIGNS, INC.**WBE**

Contact: DONNA MITHEN
Address: 6 STABLE ROAD HUDSON
NH 03051
Tel: 603 880 4562
Fax: 603 880 4455
e-mail: dwcdesigns@hotmail.com
web site: dwcdesignsinc.com

Certified for work in the following areas:

Primary NAICS Code(s): 239390
Additional NAICS code(s) 337920

Description and/or type of work DBE is certified to perform:

Furnish and Install Window Treatments and Closet Organizers, Manufacturer
of Blinds and Shades.

E. ANN POOLE, ECOLOGICAL & ENVIRONMENTAL CONSULTANCY

WBE

Contact: E. ANN POOLE

Address: PO BOX 890, 741 BEARD ROAD
HILLSBOROUGH NH 03244

Tel: 603 478 1178

Fax: 603 478 1178

e-mail: eann@gsinet.net

web site: www.eannpoole.com

Certified for work in the following areas:

Primary NAICS Code(s): 541620

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Environmental consulting, permitting, wetlands, planning and land use analysis, conservation planning, endangered species survey, habitat evaluations, impact analyses, natural community characterizations, restoration/enhancement, vegetative stabilization.

EDM CONSTRUCTION, INC.

WBE

Contact: JACQUELYN MAGILL

Address: 125 EAST MAIN STREET
MERRIMAC MA 01860

Tel: 978 346 9898

Fax: 978 346 9833

e-mail: jmagill@edmconstruction.net

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 238120, 238190

Additional NAICS code(s) 238350

Description and/or type of work DBE is certified to perform:

Specialty Contractor Providing Structural Framework, Structural Steel, Precast Concrete including PBU's and Post Tensioning; All Types of Welding; Misc. Metals and Ornamental Iron; Managerial Services for Iron Work; Form Work, Rough and Finish Carpentry.

EDUCATORS 4 EDUCATION, LLC.

MBE

Contact: ANTHONY SINGLETON

Address: 527 PRIMOS AVE.
FOLCROFT PA 19032

Tel: 215 792 3171

Fax:

e-mail: asingleton@educators4education.org

web site: educators4education.org

Certified for work in the following areas:

Primary NAICS Code(s): 611710

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Educational Support Services

EGGLESTON ENVIRONMENTAL

WBE

Contact: LISA D. EGGLESTON

Address: 55 OLD COACH ROAD
SUDBURY MA 01776

Tel: 508 259 1137

Fax: 866 820 7840

e-mail: lisa@egglestonenvironmental.com

web site: www.egglestonenvironmental.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541161

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

EIV TECHNICAL SERVICES

WBE

Contact: JACQUELINE DAGESSE

Address: 93 S MAIN ST
WATERBURY VT 05676

Tel: 802 244 7453

Fax: 802 244 7492

e-mail: jdagesse@eivtech.com

web site: www.eivtech.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541620

Additional NAICS code(s) NAICS CODE 541630

Description and/or type of work DBE is certified to perform:

EL WATERMAN, INC

WBE

Contact: LYLA WATERMAN-ABACHERLI

Address: 29A Chestnut Street
Foxboro MA 02035

Tel: 774 215 5673

Fax: 774 215 5647

e-mail: elwaterman@gmail.com

web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 423720

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Supplier to the construction industry

ELECTRICAL INSTALLATIONS, INC

WBE

Contact: DARLENE M FRITZ

Address: 397 WHITTIER HWY
MOULTONBORO NH 03254

Tel: 603 253 4525

Fax: 603 253 6284

e-mail: darlene.fritz@eii-hq.com

web site: www.eii-hq.com

Certified for work in the following areas:

Primary NAICS Code(s): 238210

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Design-build and industrial electrical contracting; Scada and automation, industrial control panels, instrumentation and control systems, radio telemetry, PLC programming,

ELITE PARKING SERVICES OF AMERICA, INC

DBE

Contact: DANE GREY

Address: 76 SOUTH LAURA ST. SUITE 202
JACKSONVILLE FL 32202

Tel: 904 297 4437

Fax: 904 352 6286

e-mail: dbel@eliteparkingofamerica.com

web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 485310

Additional NAICS code(s) NAICS CODE 485991

Description and/or type of work DBE is certified to perform:

Parking management, valet parking and transportation services

ELITE PROFESSIONALS, LLC**WBE****Contact:** DANIELLE WANSE**Address:** 5174 S. UNIVERSITY DRIVE
DAVIE FL 33328**Tel:** 954 680 6416**Fax:****e-mail:****web site:****Certified for work in the following areas:**

Primary NAICS Code(s):

Additional NAICS code(s) NAICS CODE 561320

Description and/or type of work DBE is certified to perform:Contract Services/Installation of Fair Collection Equipment; Security Systems
for Mass Transit Systems - (example; GPS, APC, AVL)**ELLANA, INC.****WBE****Contact:** ELLA BEREZNITSKY**Address:** 32 BROADWAY STREET SUITE 80
NEW YORK NY 10004**Tel:** 212 971 0936**Fax:** 212 361 6169**e-mail:** ebereznitsky@ellana.net**web site:** www.ellana.net**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541611

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Administrative Management And General Management Consulting Services,
Construction Cost Estimating And Professional Training For Cost Estimating
And Construction Management**ENVIROTECH ASSOCIATES, INC****WBE****Contact:** HELENA M HOLLAUER**Address:** 390 MIDDLE ROAD
FALMOUTH ME 04105**Tel:** 207 671 1851**Fax:** 207 829 2120**e-mail:** hhollauer@yahoo.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Petroleum remediation; and environmental site assessments

EOC SOLUTIONS, LLC**WBE****Contact:** DIANE TOUZIN**Address:** 117 APPLE BROOK WAY
MANCHESTER NH 03109**Tel:** 603 552 5823**Fax:** 603 552 5827**e-mail:** dtouzin@eocsolutions.com**web site:** www.eocsolutions.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Design, maintenance, inspection and installations for the following: Firestopping,
smoke and fire dampers, life safety code analysis and surveys, medical
gases/vacuum, medical engineering and energy efficient lighting

EOLAS ENVIRONMENTAL, LLC.**WBE****Contact:** KIMBERLY CLARKE**Address:** PO BOX 499
NEW HARTFORD CT 06057**Tel:** 860 238 4199**Fax:****e-mail:** kmclarke@eolasenvironmental.com**web site:** www.eolasenvironmental.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541620

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Site investigation & remediation planning; environmental health & safety consulting; environmental impact studies & assessments; soil and groundwater sampling & monitoring; asbestos & lead paint inspections.

ESSENTIAL DATA CORPORATION**WBE****Contact:** ANTOINETTE ALLOCCA**Address:** 585 VILLA AVENUE
FAIRFIELD CT 06825**Tel:** 203 359 1400**Fax:****e-mail:****web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**EVELYN HILL, LLC.****WBE****Contact:** ANDREA MAHER**Address:** 28 DEER STREET, SUITE 101A
PORTSMOUTH NH 03801**Tel:** 603 319 6191**Fax:****e-mail:** evelynhill@mail.com**web site:** Evelyn-Hill@mail.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541410

Additional NAICS code(s) 453220, 453998

Description and/or type of work DBE is certified to perform:

Interior Design Firm Specializing in Residential Interior Design Working With Furniture, Fabric, Accessories, Sewing Workrooms and Art Companies. Retail Store Location in Portsmouth, NH.

F.G. BRIGGS, JR., CPA PROFESSIONAL ASSOCIATION**WBE****Contact:** ABBY DAWSON**Address:** 98 SALMON STREET
MANCHESTER NH 03104**Tel:** 603 668 1340**Fax:** 603 668 6751**e-mail:** abby@fgbriggsjr CPA.com**web site:** www.fgbriggsjr CPA.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541211

Additional NAICS code(s) 541213, 541219

Description and/or type of work DBE is certified to perform:

Certified Public Accounting firm, tax preparation services, other accounting services.

FAST FORMLINERS, INC**MBE****Contact:** KEVIN PANGILINAN**Address:** 1005 MILLER DRIVE
ST. CLAIR MO 63077**Tel:** 636 322 0080**Fax:** 636 322 0083**e-mail:** kevinpangilinan@sbcglobal.net**web site:** www.fastformliners.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 327390

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Concrete formliner manufacturer

FEDERAL FLOOR, INC.**WBE****Contact:** CAROLE A. SOUZA**Address:** 39 JEREMY HILL RD
PELHAM NH 03076**Tel:** 603 635 3836**Fax:** 603 635 3836**e-mail:** ffipelhamnh@myfairpoint.net**web site:** www.federalfloor.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238330

Additional NAICS code(s) NAICS CODE 238340

Description and/or type of work DBE is certified to perform:Epoxy; Urethane; Resurfacing; In the floor logo design; Concrete restoration;
Concrete staining; VCT; Ceramic/Stone Tile; Hardwood and Carpet**FEDERAL PROGRAM INTEGRATORS, LLC****DBE****Contact:** TIMOTHY LOVE**Address:** 12 WABANAKI WAY
INDIAN ISLAND ME 04468**Tel:** 207 817 7364**Fax:** 207 817 7368**e-mail:** steven.holmes@pine-online.com**web site:** fedintegrators.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s) NAICS CODE 541618

Description and/or type of work DBE is certified to perform:**FENNICK McCREDIE ARCHITECTURE, LTD.****WBE****Contact:****Address:** 70 FRANKLIN STREET, 2ND FLOOR
BOSTON MA 02110**Tel:** 617 350 7900**Fax:** 617 350 0051**e-mail:** dfennick@fmarchitecture.com**web site:** fmarchitecture.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541310

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Complete Architectural Design Services

FERREIRA'S, INC**WBE****Contact:** MARY JO GLYNN**Address:** 323 WEIRS ROAD
GILFORD NH 03249**Tel:** 603 366 4648**Fax:** 978 256 2389**e-mail:** maryjo@ferreiratowing.net**web site:** www.ferreiratowing.net**Certified for work in the following areas:**

Primary NAICS Code(s): 488410, 488490

Additional NAICS code(s) 488999, 811111, 238990

Description and/or type of work DBE is certified to perform:Towing, trucking, heavy hauling, low bed, landoll, dump trailer services, fleet maintenance, and specialized transport of construction and heavy equipment.
Traffic control services.**FIBER OPTIC SPLICING & TESTING, INC.****WBE****Contact:** PAULA ROCCA**Address:** 80 NEW SALEM STREET
WAKEFIELD MA 01880**Tel:** 978 771 9153**Fax:****e-mail:** procca@fiberopticst.com**web site:** www.fiberopticst.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238210

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

All Business Related To Fiber Optics, Including But Not Limited To Fiber Optic Installation, Splicing And Testing.

FILLION'S LANDSCAPING, INC**WBE****Contact:** ANGELA FILLION**Address:** 111 CARVER STREET
GRANBY MA 01033**Tel:** 413 467 2662**Fax:** 413 467 7210**e-mail:** fillion111@comcast.net**web site:** www.fillionslandscaping.com**Certified for work in the following areas:**

Primary NAICS Code(s): Hydroseeding

Additional NAICS code(s) Sodding

Description and/or type of work DBE is certified to perform:**FINE POINT BUSINESS SERVICES, LLC****WBE****Contact:** PATRICIA MORRIS**Address:** 13 PENNYROYAL COURT
YARMOUTH ME 04096**Tel:** 207 232 3224**Fax:****e-mail:** plmorris@maine.rr.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 561410

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Providing document review, proof-reading, technical editing, executive personal support, and field survey support services

FITZGERALD & HALLIDAY, INC**WBE**

Contact: KEN LIVINGSTON
Address: 416 ASYLUM ST.
HARTFORD CT 06103
Tel: 860 247 7200
Fax: 860 247 7206
e-mail: klivingston@fhiplan.com
web site: www.fhiplan.com

Certified for work in the following areas:

Primary NAICS Code(s): 541330, 541370, 541620
Additional NAICS code(s) 541614, 541640, 541910

Description and/or type of work DBE is certified to perform:**FLETCH'S SANDBLASTING & PAINTING, INC****WBE**

Contact: CHERYL FLETCHER
Address: 36 BEEDE ROAD
EPPING NH 03042
Tel: 603 679 3400
Fax: 603 679 3465
e-mail: fletchssandblasting@hotmail.com
web site: www.fletchssandblasting.com

Certified for work in the following areas:

Primary NAICS Code(s): 238990
Additional NAICS code(s) 238320

Description and/or type of work DBE is certified to perform:

Shotblasting and sandblasting; Bridge painting, structural painting, truck and trailer painting; Lead abatement services, QP1, QP2, and QP3 Certified; Demolition services.

FMC CADD ENGINEERING**DBE**

Contact: STEVEN S ANDREWS
Address: 141 PREBLE ST
PORTLAND ME 04103
Tel: 207 878 8511
Fax: 207 878 8515
e-mail: steve@fmccadd.com
web site: www.fmccadd.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541340
Additional NAICS code(s) NAICS CODE 323111

Description and/or type of work DBE is certified to perform:

Rendering & Animation, Video Editing, Plan Room

FOUNDATION ARMOR, LLC.**WBE**

Contact: TANYA SCHIFONE
Address: 472 AMHERST ST. #14
NASHUA NH 03063
Tel: 866 306 0246
Fax:
e-mail: info@foundationarmor.com
web site: www.foundationarmor.com

Certified for work in the following areas:

Primary NAICS Code(s): 325510
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Manufacturer of Water Repellent Sealers, Hardners and Cpatings for Concrete, Brick, Pavers and Masonry.

FREEDOM CAD SERVICES, INC.**WBE****Contact:** LAUREN M. PRIMMER**Address:** 20 COTTON ROAD STE 201
NASHUA NH 03063**Tel:** 603 860 1198**Fax:** 603 864 1301**e-mail:** lauren.primmer@freedomcad.com**web site:** www.freedomcad.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541519

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Design of PCB layout, signal integrity and engineering services.

FSM DRAWINGS, LLC**DBE****Contact:** PATRICK DOHERTY**Address:** 27 LOWELL STREET SUITE 503
MANCHESTER NH 03101**Tel:** 603 836 5660**Fax:** 603 836 5661**e-mail:** patrick@fsmdrawings.com**web site:** www.fsmdrawings.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541340, 541330, 541310

Additional NAICS code(s) 541350, 541370

Description and/or type of work DBE is certified to perform:

Drafting and drafting support services, CADD drafting; Civil support services, data/ field collection to A/E and construction industries, noise & air analysis, site inspection, topographic.

GALLERY, LLC**WBE****Contact:** RENEE CASEY**Address:** 4 RAYMOND AVENUE
SALEM NH 03079**Tel:** 603 893 1523**Fax:** 603 893 8408**e-mail:** renee.casey@galleryllc.com**web site:** www.galleryllc.com**Certified for work in the following areas:**

Primary NAICS Code(s): 561990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Direct mail marketing, database purchasing and maintenance, letter shop, printing, digital print and fulfillment

GENOA INTERNATIONAL**WBE****Contact:** PAMELA KAHN**Address:** 1 SUGAR CREEK CENTER BLVD. SU
SUGAR LAND TX 77478**Tel:** 281 313 0120**Fax:** 281 313 0122**e-mail:** pkahn@genoaint.com**web site:** www.genoaint.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 424690

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Provides Specialty Chemicals, Lubricants and Fluids to the Oil and Gas, Energy, Petrochemical and Municipal Industries

GEOLOGIC-EARTH EXPLORATION, INC**WBE**

Contact: DEBORAH Q AREY
Address: 7 SHERWOOD DRIVE
NORFOLK MA 02056
Tel: 508 384 4434
Fax: 508 384 4452
e-mail: deb@geologicinc.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 238910
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Provide labor and equipment to perform excavation and drilling for environmental and geotechnical projects.

GLOBAL ADVANCED TECHNOLOGY, INC.**WBE**

Contact: SHIRLEY YOUNG
Address: 24 LADDS WAY JAMES LANDING
SCITUATE MA 02066
Tel: 781 545 3546
Fax: 866 545 3531
e-mail: Shirley@GATIs.com
web site: www.GATIs.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541990
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Automatic target recognition and target tracking technology. Electronic and computer engineering services; including computer supplies. Compliance IT independent verification and validation. Plus energy audit, fixture retrofit & energy rebate.

GLOBAL MARINE CONSTRUCTION SUPPLY, INC**WBE**

Contact: YONA JIMENEZ
Address: 55 LUMBER ROAD SUITE 125
ROSLYN NY 11576
Tel: 516 484 2900
Fax: 516 484 2950
e-mail:
web site: www.gmcs.us.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 423390
Additional NAICS code(s) NAICS CODE 423840

Description and/or type of work DBE is certified to perform:

Marine and material supplier for the construction industry

GM2 ASSOCIATES, INC**MBE**

Contact: MADAN M GUPTA
Address: 115 GLASTONBURY BLVD
GLASTONBURY CT 06033
Tel: 860 659 1416
Fax: 860 657 2926
e-mail: madan.gupta@gm2inc.com
web site: www.gm2inc.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541330
Additional NAICS code(s) NAICS CODE 541370

Description and/or type of work DBE is certified to perform:

Scour, Structure designing; highway facility design; and building and parking design

GRANITE COMMERCIAL REAL ESTATE, LLC**MWBE****Contact:** MEGAN PRIETO**Address:** 170 SOUTH RIVER RD. BUILDING
BEDFORD NH 03110**Tel:** 603 669 2770**Fax:** 603 584 0431**e-mail:** mprieto@granitecre.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 531210, 531390

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Real estate services including; sales, leasing, advisory and real estate development.

GRANITE STATE COLLISION CENTER, INC.**WBE****Contact:** ANN GUILLEMETTE**Address:** 71 SINCLAIR AVE.
MANCHESTER NH 03103**Tel:** 603 624 7799**Fax:** 603 624 2255**e-mail:** granitestatecc@aol.com**web site:** www.granitestatecc.com**Certified for work in the following areas:**

Primary NAICS Code(s): 811111

Additional NAICS code(s) 811121, 811198

Description and/or type of work DBE is certified to perform:

Automotive repair & maintenance, autobody collision repair, paint and interior repair and maintenance.

GREEN CAB COMPANY 1, INC**WBE****Contact:** NATALIE AVILA**Address:** 1 NASHUA ROAD UNIT 26
LONDONDERRY NH 03038**Tel:** 603 235 9490**Fax:** 603 432 7860**e-mail:** natalie@greencabnh.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 485310

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Airport and local transportation taxi services.

GREEN INTERNATIONAL AFFILIATES INC**MBE****Contact:** KO ISHIKURA**Address:** 239 LITTLETON ROAD SUITE 3
WESTFORD MA 01886**Tel:** 978 923 0400**Fax:** 978 923 0404**e-mail:** ko@greenintl.com**web site:** www.greenintl.com**Certified for work in the following areas:**

Primary NAICS Code(s):

Additional NAICS code(s) Sewer Lines

Description and/or type of work DBE is certified to perform:

GREEN SEAL ENVIRONMENTAL

MWBE

Contact: JOHN BLAISDELL

Address: 114 STATE ROAD B-1
SAGAMORE BEACH MA 02562

Tel: 508 888 6034

Fax: 508 888 1506

e-mail: christie@gseenv.com

web site: www.gseenv.com

Certified for work in the following areas:

Primary NAICS Code(s): 541620

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Solid waste planning, design and permitting

HADFIELD ASSOCIATES, LLC

WBE

Contact: SHELLY HADFIELD

Address: PO BOX 114
MERIDEN NH 03770

Tel: 603 469 3584

Fax:

e-mail: hadfieldassociates@comcast.net

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541611, 541618

Additional NAICS code(s) 561990

Description and/or type of work DBE is certified to perform:

Federal and state labor compliance oversight, david bacon wage rate and DBE program compliance, grant writing, grant administration, planning & community development.

HAGER GEOSCIENCE, INC

WBE

Contact: JUTTA L HAGER, Ph.D.

Address: 596 MAIN STREET
WOBBURN MA 01801

Tel: 781 935 8111

Fax: 781 935 2717

e-mail: jhager@hagergeoscience.com

web site: www.hagergeoscience.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541360

Additional NAICS code(s) NAICS CODE 541620

Description and/or type of work DBE is certified to perform:

Surface & Borhole investigations is support of challenging engineering, construction & environmental projects.

HAGER-RICHTER GEOSCIENCE, INC

WBE

Contact: DOROTHY RICHTER, P.G.

Address: 8 INDUSTRIAL WAY - D10
SALEM NH 03079

Tel: 603 893 9944

Fax: 603 893 8313

e-mail: dorothy.richter@hager-richter.com

web site: www.hager-richter.com

Certified for work in the following areas:

Primary NAICS Code(s): 541360

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Surface and borehole geophysical services in support of construction, environmental and engineering projects.

HALI BECKMAN LTD**WBE****Contact:** HALI BECKMAN**Address:** 23 BROWN ST SUITE 206
WICKFORD RI 02852**Tel:** 401 294 1684**Fax:** 401 294 1660**e-mail:** halibeckman@halibeckman.com**web site:** www.halibeckman.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541320

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**HAMPTON CONCRETE, INC****WBE****Contact:** LISA BROWN-KUCHARSKI**Address:** 1 LAFAYETTE ROAD
HAMPTON NH 03842**Tel:** 603 926 3534**Fax:** 703 773 2370**e-mail:** lisahci@aol.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 238110

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Poured concrete foundations for residential and commercial buildings. Concrete work.

HARRIS MILLER MILLER & HANSON, INC. d/b/a: HMMH**WBE****Contact:** MARY ELLEN EAGAN**Address:** 77 SOUTH BEDFORD STREET
BURLINGTON MA 01803**Tel:** 781 229 0707**Fax:** 781 229 7939**e-mail:** meagan@hmmh.com**web site:** www.hmmh.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541620, 541690, 541990, 541712, 5541611

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Environmental and Capacity Planning including Noise Vibration Control, Program Management, Air Quality Analysis, Airport and Airspace Planning and Climate and Energy Solutions.

HARTLEY MARINE SERVICES, INC.**WBE****Contact:** KELSY HARTLEY**Address:** 106 OCEAN POINT ROAD
BOOTHBAY HARBOR ME 04538**Tel:** 207 633 3120**Fax:** 207 633 7320**e-mail:** hmsinc@ghi.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 483000

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Tugboat Towing and Tugboat Services, Ship Docking, Dry Bulk Transportation and Dredging.

HELEN WATTS ENGINEERING

WBE

Contact: HELEN WATTS

Address: 455 LITCHFIELD ROAD
BOWDOIN ME 04287

Tel: 207 522 9366

Fax: 207 666 3920

e-mail: hcwatts@ghi.net

web site: helenwattsengineering07@tripod.com

Certified for work in the following areas:

Primary NAICS Code(s): Historical

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Provide structural design, review, repair and maintenance planning, management and inspection, SPRAT level 1 rope access technician for inspections at height.

HIGHDATA SOFTWARE CORP

MBE

Contact: SENRAJ SOUNDARARAJAN

Address: 2 KEEWAYDIN DRIVE
SALEM NH 03079

Tel: 603 890 1251

Fax: 603 890 1276

e-mail: lsoundar@highdata.com

web site: www.highdata.com

Certified for work in the following areas:

Primary NAICS Code(s): 541511

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

IT consulting and IT contract staffing; Software development services, computer programming.

HILL WARD CONSULTANTS

WBE

Contact: NANCY HILL WARD

Address: 4 MICMAC LANE
WINDHAM ME 04062

Tel: 207 892 4483

Fax: 207 892 4483

e-mail: nhillward@roadrunner.com

web site:

Certified for work in the following areas:

Primary NAICS Code(s): Proofreading

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Aviation services consulting with an emphasis on aviation security, research/writing/editing/technical writing, public affairs and public relations.

HOFSTETTER CONSULTING SERVICES, LLC

WBE

Contact: SUSAN HOFSTETTER

Address: 3245 E. WASHINGTON ROAD
WASHINGTON NH 03280

Tel: 603 495 0096

Fax: 603 495 0096

e-mail: shofstet@gsinet.net

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541611

Additional NAICS code(s) 541614

Description and/or type of work DBE is certified to perform:

Toll collection system consulting; Administrative management and general management consulting services; Process, physical distribution and logistics consulting services.

HOLDEN ENGINEERING & SURVEYING, INC.**WBE****Contact:** DONNA HOLDEN**Address:** PO BOX 480
CONCORD NH 03302**Tel:** 603 472 2078**Fax:** 603 472 2464**e-mail:** dholden@holdenengineering.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541330

Additional NAICS code(s) 541370

Description and/or type of work DBE is certified to perform:Civil engineering services including retail, commercial, residential and industrial;
Structural and transportation engineering including bridges, sidewalks, TOPO &
ALTA surveys, GPS and wetland surveys.**HOWARD SUPPLY COMPANY****DBE****Contact:** MELTON HOWARD**Address:** 29 LINCOLN STREET
NORTH WEYMOUTH MA 02191**Tel:** 781 812 3010**Fax:** 781 337 6148**e-mail:** melton.howard@comcast.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 423610

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Broker of electrical supplies for all construction

HUNTER IDEANET, LLC**MWBE****Contact:** LAURA BOUCHER**Address:** 4 HUNTER DRIVE
EPPING NH 03042**Tel:** 603 895 4022**Fax:** 603 895 4022**e-mail:** info@hunterideanet.com**web site:** www.hunterideanet.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Manufacturing inventions and patents.

HWK CONSULTING, LLC.**WBE****Contact:** HOPE KENEFICK**Address:** 305 HEMLOCK LANE
BARRINGTON NH 03825**Tel:** 603 664 9920**Fax:****e-mail:** hopewk@comcast.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541611, 541612

Additional NAICS code(s) 541618

Description and/or type of work DBE is certified to perform:Provides consulting services in areas of strategic planning, program evaluation
and communications to healthcare, public health and social services clients.

INDEPENDENT ARCHAEOLOGICAL CONSULTING, LLC

WBE

Contact: KATHLEEN WHEELER

Address: 97 MORNING STREET
PORTSMOUTH NH 03801

Tel: 603 430 2970

Fax: 603 430 2971

e-mail: infor@iac-llc.net

web site: www.iac-llc.net

Certified for work in the following areas:

Primary NAICS Code(s): 541310

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Archeological consulting services.

INFORMATION TECHNOLOGY CONSULTING COMPANY

MBE

Contact: LESLIE PETERSON

Address: 5310 LEXINGTON WOODS LANE
JOHNS CREEK GA 30005

Tel: 404 273 0142

Fax:

e-mail: les@itc2.net

web site: www.itc2.net

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541511

Additional NAICS code(s) NAICS CODE 541512

Description and/or type of work DBE is certified to perform:

Provides information technology & communications consulting & staffing functions to industry & government clients.

INNOVATIVE RESOURCE GROUP

WBE

Contact: JOANNE MASELLI-IRVING

Address: 300 ANDOVER STREET SUITE 33
PEABODY MA 01960

Tel: 781 224 3400

Fax: 781 224 3454

e-mail: jirving@innovativeresource.com

web site: www.innovativeresource.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 424110

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Single source for commercial printing. Promotional products and Corporate apparel: stationery packages, brochures, business forms, direct mail, annual reports, newsletters.

INTEGRATED PROJECT CONTROLS, LLC.

DBE

Contact: MAURICE TOUZARD

Address: 2923 23RD STREET SOUTH
ARLINGTON VA 22206

Tel: 703 798 8414

Fax:

e-mail: estimating@integratedprojectcontrols.co

web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541690

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Construction Cost Consulting

INTEGRON LLC**MBE****Contact:** STEVEN NEGRON**Address:** 71 SPIT BROOK ROAD SUITE 410
NASHUA NH 03060**Tel:** 603 888 0516**Fax:** 866 779 7952**e-mail:** steven.negron@integron.net**web site:** www.integron.net**Certified for work in the following areas:**

Primary NAICS Code(s): 541990

Additional NAICS code(s) 541618

Description and/or type of work DBE is certified to perform:

Engineering consulting; Program management and acquisition management consulting services.

INTERPORT TOWING & TRANSPORTATION, INC**WBE****Contact:** LUCINDA SMITH**Address:** PO BOX 30
SOUTHPORT ME 04576**Tel:** 207 633 4268**Fax:** 207 633 4401**e-mail:** interport@roadrunner.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 483110

Additional NAICS code(s) NAICS CODE 483212

Description and/or type of work DBE is certified to perform:

Dredge assistance, crew boat and safety boat services

IRON LADY ENTERPRISES, INC.**WBE****Contact:** DIANNA MONTAGUE**Address:** 1943 POPLAR ST.
PHILADELPHIA PA 19130**Tel:** 267 973 8626**Fax:** 208 475 9792**e-mail:** dianna.montague@ironladyenterprises.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238120

Additional NAICS code(s) NAICS CODE 238190

Description and/or type of work DBE is certified to perform:

Iron work, welding, general contracting, structural reinforcement, rigging, rod setting, bridge building and roadway structures; supplier of rebar materials.

IVESIA SOLUTIONS, INC.**MBE****Contact:** SENRAJ SOUNDAR**Address:** 2 KEEWAYDIN DRIVE
SALEM NH 03079**Tel:** 603 890 1010**Fax:** 603 890 1276**e-mail:** lsoundar@ivesia.com**web site:** www.ivesia.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541511

Additional NAICS code(s) 541690

Description and/or type of work DBE is certified to perform:

IT consulting and contract staffing; Software outsourcing & custom software development; Web and wireless enabling existing application; Platform conversion/re-engineering, fixed cost and timeline with quick turnaround.

J & S CONCRETE PUMPING AND GROUTING, INC**WBE**

Contact: JULIE GUARINO
Address: 71 ADAMS POND ROAD
DERRY NH 03038

Tel: 603 432 8017
Fax: 603 432 8017
e-mail: jscon@comcast.net
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 238140
Additional NAICS code(s) 238910

Description and/or type of work DBE is certified to perform:

Concrete work including shotcrete, pressure grouting and crack repair.

J. TROPEANO, INC.**WBE**

Contact: LOUISA TANNER
Address: 1780 OSGOOD STREET
NORTH ANDOVER MA 01845

Tel: 978 689 2745
Fax: 978 683 2801
e-mail: ltanner@jtropeano.com
web site: www.jtropeano.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 237310
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

General contractor for heavy highway construction including water, sewer, drainage, reclamation and road reconstruction.

JACOBSEN/DANIELS ASSOCIATES LLC**MBE**

Contact: DARRYL H DANIELS
Address: 121 PEARL STREET
YPSILANTI MI 48197

Tel: 734 961 3200
Fax: 734 961 3204
e-mail: darryl@jacobsendaniels.com
web site: www.jacobsendaniels.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541618
Additional NAICS code(s) NAICS CODE 541330

Description and/or type of work DBE is certified to perform:

Firm specializes in planning and implementation in the areas of strategic planning community outreach programming and capital improvement

JCB COLBY, INC**WBE**

Contact: JEAN IRIANA COLBY
Address: PO BOX 123
LUNENBURG VT 05906

Tel: 802 892 7795
Fax: 802 892 1143
e-mail: jcolby@sau36.org
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 237321
Additional NAICS code(s) NAICS CODE 238140

Description and/or type of work DBE is certified to perform:

JUTRAS SIGNS INC**WBE****Contact:** CATHY CHAMPAGNE**Address:** 30 HARVEY ROAD
BEDFORD NH 03110**Tel:** 603 622 2341**Fax:** 603 668 6571**e-mail:** cchampagne@jutrassigns.com**web site:** www.jutrassigns.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

All types of signs (interior & exterior), flags, flagpoles, banners, electronic message centers; Support activities for sign installation including concrete work, electrical, excavation, metal fabrication and sign structures; Street and highway lighting.

KATHLEEN V. DONOHOE, CPA**WBE****Contact:** KATHLEEN DONOHOE**Address:** 74 GRANITE VALLEY
CONTOOCOOK NH 03229**Tel:** 603 746 3502**Fax:** 603 746 6526**e-mail:** teamdonohoe@comcast.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541219

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Accounting, bookkeeping, taxes and financial analysis.

KB ENVIRONMENTAL SCIENCES INC**WBE****Contact:** L CARROLL FOWLER**Address:** 9500 KOGER BLVD SUITE 211
ST. PETERSBURG FL 33702**Tel:** 727 578 5152**Fax:** 727 578 5210**e-mail:** cfowler@kbenv.com**web site:** www.kbenv.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541618

Additional NAICS code(s) NAICS CODE 541620

Description and/or type of work DBE is certified to perform:**KEL SUSTAINABILITY GROUP, LLC.****WBE****Contact:** KIMBERLY GODDU**Address:** 36 EVANS CIRCLE
KEENE NH 03431**Tel:** 603 475 2401**Fax:****e-mail:** kim@kelsustainability.com**web site:** www.kelsustainability.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541620

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Environmental Consulting Services. Planning.

KEVILLE ENTERPRISES, INC**WBE****Contact:** BERNADETTE CARROLL**Address:** 475 SCHOOL STREET SUITE 11
MARSHFIELD MA 02050**Tel:** 781 837 3884**Fax:** 781 837 4091**e-mail:** ckeville@keville.com**web site:** www.keville.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 237110

Additional NAICS code(s) NAICS CODE 237130

Description and/or type of work DBE is certified to perform:**KFH GROUP, INC****WBE****Contact:** SUE KNAPP**Address:** 4920 ELM STREET SUITE 350
BETHESDA MD 20814**Tel:** 301 951 8660**Fax:** 301 951 0026**e-mail:** sknapp@kfhgroup.com**web site:** www.KFHGroup.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541611

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**KM CHNG ENVIRONMENTAL, INC****MBE****Contact:** JOAN KIMBALL**Address:** 400 TRADECENTER SUITE 5900
WOBURN MA 01801**Tel:** 781 272 4060**Fax:** 781 272 8867**e-mail:** jkimball@kmchnng.com**web site:** www.kmchnng.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s) NAICS CODE 541620

Description and/or type of work DBE is certified to perform:**KMS ACTUARIES, LLC.****WBE****Contact:** LINDA BOURNIVAL**Address:** 814 ELM STREET, SUITE 204
MANCHESTER NH 03101**Tel:** 603 792 9494**Fax:****e-mail:** linda@kmsactuaries.com**web site:** kmsactuaries.com**Certified for work in the following areas:**

Primary NAICS Code(s): 524298

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Actuarial Services

KNAPICK, LLC.**WBE****Contact:** STEPHANIE KNAPICK**Address:** 4975 IRELAND LANE
WEST LINN OR 97068**Tel:** 413 896 5512**Fax:** 503 657 2299**e-mail:** s.knapick.llc@gmail.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541611, 541614

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Administrative Management Consulting Services; Process, Physical Distribution,
and Logistics Consulting Services; Transportation Management Consulting
Services.**KT&T DISTRIBUTORS, INC.****MBE****Contact:** KEVIN PORTER**Address:** 472 AMHERST STREET SUITE 12
NASHUA NH 03063**Tel:** 603 809 6638**Fax:** 603 386 6289**e-mail:** anthony@kttddistributors.com**web site:** www.kttddistributors.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238990, 423610, 423720, 423930

Additional NAICS code(s) 561210, 562111, 423990

Description and/or type of work DBE is certified to perform:Supplier/Distributor/Broker for industrial products to include construction,
electrical, plumbing & heating, solar and energy efficient; Installation of energy
efficient lights, fixtures, control systems and products; Recyclable materials.**KWH ENTERPRISES, LLC****DBE****Contact:** KERMIT HUA**Address:** 277 RESERVOIR AVENUE SUITE 1
MERIDEN CT 06451**Tel:** 203 807 5482**Fax:** 203 440 0788**e-mail:** kermith.hua@kwaenterprise.com**web site:** www.kwhenterprise.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Engineering Consulting, Transportation Planning, Corridor Studies, Traffic
Impact Analysis, Traffic Signal Design, Roadway Design, Parking Studies,
Pedestrian & Bicycle Facility Planning and Design, Rail & Transit Studies,
Airport Planning and GIS.**LAMB-STAR ENGINEERING, L.P.****DBE****Contact:** JOHN LAMB**Address:** 5700 WEST PLANO PARKWAY SU
PLANO TX 75093**Tel:** 214 440 3680**Fax:** 214 440 3601**e-mail:** john.lamb@lamb-star.com**web site:** www.lamb-star.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s) NAICS CODE 541370

Description and/or type of work DBE is certified to perform:Inspection Of Highway Lighting, Sign Structures and Traffic Signal Poles.
Design Build and Alternative Project Delivery Consulting

LAUCLAN, LLC**WBE****Contact:** KATHLEEN LAUCLAN**Address:** 1 HAMPTON RD. SUITE 104/105
EXETER NH 03843**Tel:** 603 601 6673**Fax:****e-mail:** klauchlan@lauchlanx.com**web site:** www.lauchlanx.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541613

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Full service marketing solutions for the technology sector.

LEADING EDGE DESIGN GROUP, INC.**DBE****Contact:** TODD BOUCHER**Address:** 86 CHOSEN VALE LN. STE 201
ENFIELD NH 03748**Tel:** 603 632 4507**Fax:** 603 632 4559**e-mail:** tmb@ledesigngroup.com**web site:** www.ledesigngroup.com**Certified for work in the following areas:**

Primary NAICS Code(s): 236220, 541512, 541330, 541490

Additional NAICS code(s) 238210, 541350, 541618, 541690

Description and/or type of work DBE is certified to perform:Engineering, design and construction related to information technology,
communication technology, data centers and LED lighting projects.**LEC ENVIRONMENTAL CONSULTANTS, INC****WBE****Contact:** ANN MARTON**Address:** 348 LOWELL STREET SUITE 206
WAKEFIELD MA 01880**Tel:** 508 568 5357**Fax:** 508 568 5358**e-mail:** amarton@lecenvironmental.com**web site:** www.lecenvironmental.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541620

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Wetland delineation; Wildlife habitat assessments; Soil surveys; Rare plant,
animal and vernal pool survey; Coastal erosion and shoreline protection,
restoration and replacement design, marine assessments; Benthic surveys;
Permitting.**LEDGE LIGHT TECHNOLOGIES INC****MBE****Contact:** OLORUNFEMI O. BAJOMO**Address:** 88D HOWARD STREET
NEW LONDON CT 06320**Tel:** 860 444 0138**Fax:** 860 444 0274**e-mail:** fbajomo@ledgelight.com**web site:** www.ledgelight.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541512

Additional NAICS code(s) NAICS CODE 541519

Description and/or type of work DBE is certified to perform:

LEETRON VISION, LLC**DBE**

Contact: TERRY LEE
Address: 37 VICTORIAN LANE
CONCORD NH 03301
Tel: 603 369 2785
Fax:
e-mail: leetronvision@gmail.com
web site: www.leetronvision.com

Certified for work in the following areas:

Primary NAICS Code(s): 334519
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Innovative mobile retroreflectivity measurement system for the evaluation of pavement marking. Leetron Vision provides pavement marking retroreflectivity data collection and evaluation services to state transportation agencies. Retroreflectivity analysis.

LESLIE & COMPANY**WBE**

Contact: LESLIE ALTOBELLI
Address: 15 ROCKINGCHAIR LANE
ATKINSON NH 03811
Tel: 603 362 9583
Fax: 603 218 7137
e-mail: leslie@leslieandcompany.com
web site: www.leslieandcompany.com

Certified for work in the following areas:

Primary NAICS Code(s): 323111, 561499
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Print management of print projects including catalogs, packaging, user guides, identity, fulfillment & mailing.

LESLIE SAUNDERS INSURANCE AGENCY**WBE**

Contact: LESLIE SAUNDERS
Address: 1535 N. DALE MABRY SUITE 101
LUTZ FL 33548
Tel: 813 949 8964
Fax: 813 949 9655
e-mail: dbes@lesliesaunders.com
web site: www.lesliesaunders.com

Certified for work in the following areas:

Primary NAICS Code(s): 524210, 524298
Additional NAICS code(s) 488190, 541613, 611430

Description and/or type of work DBE is certified to perform:

Certified ACDBE, Provider of Insurance and Benefits; Human Resource Training.

LIBERTY OVERHEAD DOOR**WBE**

Contact: MELISSA WHITTAKER
Address: 4 GRANT ST
TILTON NH 03276
Tel: 603 286 8708
Fax: 603 286 8708
e-mail: libertydoornh@aol.com
web site: www.libertydoor.com

Certified for work in the following areas:

Primary NAICS Code(s): 238290
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Sales, service and installation of residential and commercial overhead doors and motors.

LIN ASSOCIATES INC**MBE****Contact:** ROBERT S. T. LIE**Address:** 2001 BEACON ST STE 310
BRIGHTON MA 02135**Tel:** 617 566 4216**Fax:** 617 566 6038**e-mail:** rlie@linboston.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541310

Additional NAICS code(s) NAICS CODE 541330

Description and/or type of work DBE is certified to perform:

Roadway/highway & building site design, drainage & utilities. Rehabilitation & design of culverts; Building evaluations, rehab & new. Public safety, environment & education, commercial & housing facilities.

LISA MAY, FOODSERVICE DESIGN, LLC.**WBE****Contact:** LISA C MAY**Address:** 4 ASHBROOK ROAD
EXETER NH 03833**Tel:** 603 969 0009**Fax:****e-mail:** lmaydesign@comcast.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541410

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Foodservice design, architectural, space planning, CAD + 3D design, CADD drafting.

LITTLE RIVER SURVEY CO, LLC**WBE****Contact:** PATRICIA S KULES, L.S.**Address:** PO BOX 1208
STOWE VT 05672**Tel:** 802 253 8214**Fax:** 802 253 2269**e-mail:** tricia@littleriversurveyvt.com**web site:** www.littleriversurveyvt.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s) NAICS CODE 541340

Description and/or type of work DBE is certified to perform:

Large document copies and large document scanning

LJ ELECTRIC, INC.**WBE****Contact:** LINDA RAFFERTY**Address:** 1980 TURNPIKE STREET, BLDG 1
NORTH ANDOVER MA 01845**Tel:** 781 820 4771**Fax:** 603 730 5162**e-mail:** ljelectricsupply@gmail.com**web site:** ljelectricsupply.com**Certified for work in the following areas:**

Primary NAICS Code(s): 423610

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Electrical & Lighting Supplies

LMA, INC**WBE****Contact:** SHERRI MALOUF**Address:** 98 SPIT BROOK RD SUITE 201
NASHUA NH 03062**Tel:** 603 897 1200**Fax:** 603 897 1300**e-mail:** sherri@LMA.TO**web site:** www.LMA.TO**Certified for work in the following areas:**

Primary NAICS Code(s): 541611

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Management training and consulting services.

LONGHOUSE INVENTORY SOLUTIONS, LLC**WBE****Contact:** JAMI JONES**Address:** PO BOX 1212
CLAREMORE OK 74018**Tel:** 918 342 3127**Fax:** 918 342 2453**e-mail:** jami@longhouseinventorysolutions.com**web site:** www.longhouseinventorysolutions.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 423990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Airport Concessionaire: Dictributor of Child Safety Seats; Supplier of Car
Seat Storage Bags, Vinyl Tags, Security Loops, Dapple Cleaner, Locking Clips;
Distributor of Specialty Sign Bases and Trolley Frames; Distributor of Security
Key Drops**LOZANO BASKIN AND ASSOCIATES, INC.****DBE****Contact:** EDUARDO LOZANO**Address:** 205 MOUNT AUBURN STREET
WATERTOWN MA 02472**Tel:** 617 923 6344**Fax:****e-mail:** e.lozano@lozano-baskin.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541310

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

City and Regional Planning

LPO MARKETING COMMUNICATIONS, LLC**WBE****Contact:** LAURIE P. OTA**Address:** 39 NORWOOD ROAD
SALEM NH 03079**Tel:** 603 893 7378**Fax:** 603 893 7378**e-mail:** lauriepota@comcast.net**web site:** www.lpomarketing.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541613

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Public relations, marketing communications, publications, advertising and other
consulting services; Event planning and promotion; Brochures, annual reports,
press releases and marketing support.

M.J. OUELLETTE & DAUGHTERS INC.**WBE****Contact:** KATHY OUELLETTE**Address:** PO BOX 34
CARIBOU ME 04736**Tel:** 207 492 7011**Fax:** 207 493 3077**e-mail:** mknh@maine.rr.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): Water lines

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Sells and installs culverts and piping

MAESTRI CONSULTANTS, INC.**WBE****Contact:** SUSAN ANDERSON**Address:** 282 MAIN STREET SUITE 1
SALEM NH 03079**Tel:** 603 362 8368**Fax:** 866 371 1237**e-mail:** sa@maestriconsultants.com**web site:** www.maestriconsultants.com**Certified for work in the following areas:**

Primary NAICS Code(s): 517919

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

IP Voice communications training and consulting; Communications, IT consulting.

MAINE REBAR SERVICES, INC**WBE****Contact:** ERNESTINE M WOODBURY**Address:** PO BOX 2003
WINDHAM ME 04062**Tel:** 207 892 2851**Fax:** 207 893 0088**e-mail:** Mainerebar@msn.com**web site:** www.mainerebarservices.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238120

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Supply and install reinforcing steel

MAINE TRAFFIC RESOURCES**WBE****Contact:** DIANE W MORABITO**Address:** 25 VINE STREET
GARDINER ME 04345**Tel:** 207 582 5252**Fax:** 207 582 1677**e-mail:** diane@mainetrafficresources.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541340

Additional NAICS code(s) NAICS CODE 541690

Description and/or type of work DBE is certified to perform:

MAINEWORKS, LLC.**WBE**

Contact: Ms. Margo Walsh
Address: PO BOX 66825
FALMOUTH ME 04105
Tel: 207 650 9179
Fax:
e-mail: margo.maineworks@gmail.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s):
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**MARKINGS, INC****WBE**

Contact: MONIQUE SOUZA
Address: 30 RIVERSIDE DRIVE
PEMBROKE MA 02359
Tel: 781 826 5171
Fax: 781 826 1121
e-mail: monique@markingsinc.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 238990
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**MARY A. LYNCH****WBE**

Contact: MARY A. LYNCH
Address: 5719 OVERRIDGE DRIVE
ARLINGTON TX 76107
Tel: 817 478 3308
Fax:
e-mail: malynch315@aol.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541611, 541613, 541618
Additional NAICS code(s) 488119 and 488190

Description and/or type of work DBE is certified to perform:

Aviation Planning & Analysis; Air Travel Demand Forecasting; Air Service
Analysis; Airport Operations Analysis.

MATRIX NEW WORLD ENGINEERING, INC.**WBE**

Contact: JAYNE WARNE
Address: 26 COLUMBIA TURNPIKE
FLORHAM PARK NJ 07932
Tel: 973 240 1800
Fax: 973 240 1818
e-mail: mfedor@matrixnewworld.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 562910
Additional NAICS code(s) NAICS CODE 541360

Description and/or type of work DBE is certified to perform:

Site Remediation Consulting Services, Engineering Services.

McINTIRE BUSINESS PRODUCTS, INC**WBE****Contact:** CYNTHIA CHRISTIE**Address:** 128 K HALL STREET
CONCORD NH 03301**Tel:** 603 225 3400**Fax:** 603 225 4014**e-mail:** cyndi@mbp-inc.com**web site:** www.mbp-inc.com**Certified for work in the following areas:**

Primary NAICS Code(s): 423420

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Reseller of office products, equipment, furniture and supplies. Specializing in
binding, laminating, paper handling, shredders and branding imaging products.
Also services equipment.**MEDEIROS HYDROSEEDING & LANDSCAPING CONSTRUCTION****MBE****Contact:** BRADFORD MEDEIROS**Address:** 149 BUMSTEAD ROAD
MONSON MA 01057**Tel:** 413 267 4050**Fax:** 413 267 5679**e-mail:** med-hydro@comcast.net**web site:** mederioshydroseeding.com**Certified for work in the following areas:**

Primary NAICS Code(s): 561730

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Hydroseeding, Landscape Construction and Planting.

MICHELLE ROBINSON DESIGN**WBE****Contact:** MICHELLE ROBINSON**Address:** PO BOX 2234
LEANDER TX 78641**Tel:** 267 767 9644**Fax:** 717 964 1327**e-mail:** mrarchitects@gmail.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541310

Additional NAICS code(s) NAICS CODE 541611

Description and/or type of work DBE is certified to perform:**MKIND, INC.****WBE****Contact:** DIANE KIND**Address:** 150 DOW STREET, TOWER FOUR
MANCHESTER NH 03101**Tel:** 603 629 9995**Fax:** 603 629 9996**e-mail:** diane@jaymil.com**web site:** www.jaymil.com**Certified for work in the following areas:**

Primary NAICS Code(s): 423420

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Office Equipment Merchant Wholesalers; Ergonomic Office Equipment,
Furniture and Accessories; Pre-installation Audit and Post-installation Training.

M-O-N LANDSCAPING INC.**DBE****Contact:** FERNANDO SOUSA**Address:** 678 STATE ROAD, PO BOX 70220
NORTH DARTMOUTH MA 02747**Tel:** 508 679 3994**Fax:** 508 679 0390**e-mail:** fernando@monlandscaping.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238910

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:re-classified as NAICS 238910, site preparation contractors raising SBA DBE
limit to \$14,000,000, 6/11/2009**MONOKO, LLC****WBE****Contact:** KERI MONOKO**Address:** 1037 PENINSULA AVENUE
TARPON SPRINGS FL 34689**Tel:** 727 940 3244**Fax:** 727 279 8795**e-mail:** monokollc@aol.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 238320

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Bridge Painting

MONTGOMERY CONSULTING GROUP, INC.**WBE****Contact:****Address:** 501 S. NEW YORK AVENUE SUITE
WINTER PARK FL 32789**Tel:** 407 539 7030**Fax:** 407 539 7035**e-mail:** monty.gettys@mcgi-us.com**web site:** www.mcgi-us.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541618

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Planning, Environmental & Engineering Services For Transportation, Aviation &
Infrastructure Projects.**MORRIS COMMUNICATIONS****WBE****Contact:** CAROL MORRIS**Address:** 12 HIGH TIDE ROAD
KENNEBUNKPORT ME 04046**Tel:** 207 329 6502**Fax:****e-mail:** cmorris@morriscomm.net**web site:** www.morriscomm.net**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541820

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

MRS AIRFIELD LIGHTS & SUPPLIES, LLC**WBE**

Contact: MICHELE SCHINDEWOLF
Address: 706-1 OLD SHORE ROAD
FORKED RIVER NJ 08731
Tel: 609 259 5720
Fax: 609 259 2512
e-mail: debbie@mrselectricalsupplies.com
web site: www.mrselectricalsupplies.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 423610
Additional NAICS code(s) NAICS CODE 425120

Description and/or type of work DBE is certified to perform:

Sales of airfield lighting supplies; runway and taxiway light beacons, obstruction, approach lighting, windcones, transformers, regulators, control/monitoring equipment, lamps guidance signs, runway closures and safety supplies for airfields

MS. PIPE, LLC**WBE**

Contact: KIMBERLY A. CADORETTE
Address: PO BOX 1295
SOUTH WINDSOR CT 06074
Tel: 860 644 7070
Fax: 860 644 7373
e-mail: kim@mspipellc.com
web site: www.mspipellc.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 423390
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Manufacturer Representative of Valves, Pipe, Fittings, Accessories and Services for the Construction Industry; DBE Credit for Fees Only.

NATCOM, INC**MBE**

Contact: SHALIN PATEL
Address: 5 TSIENNETO ROAD SUITE 86
DERRY NH 03038
Tel: 781 405 2529
Fax: 781 207 0073
e-mail: shalin_patel@natcom.cc
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541340, 541519, 541690
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Control systems for water/sewer stations, tunnel ventilation, factory and building automation; Provider of custom programming services for automation and communication systems. CADD drafting, HVAC, technical editing, system documentation support.

NATURESOURCE COMMUNICATIONS**WBE**

Contact: MICHELE L. TREMBLAY
Address: PO BOX 3019
PENACOOK NH 03303
Tel: 603 796 2615
Fax: 603 796 2600
e-mail: MLT@naturesource.net
web site: naturesource.net

Certified for work in the following areas:

Primary NAICS Code(s): 541620, 541618
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Environmental services specializing in water quality monitoring and plan design, watershed, planning and land use analysis; Communications services, organization management, planning, events, marketing services.

NEW ENGLAND ENVIROSTRATEGIES, INC.

WBE

Contact: MURIEL ROBINETTE

Address: ONE TREMONT ST.
CONCORD NH 03301

Tel: 603 856 8815

Fax: 603 856 8816

e-mail:

web site: www.neenvirostrategies.com

Certified for work in the following areas:

Primary NAICS Code(s): 541620

Additional NAICS code(s) 541990

Description and/or type of work DBE is certified to perform:

Environmental investigation, assessment and remediation; Corridor evaluation, geotechnical, borings and GIS services; Water supply investigations and permitting.

NEW FORM BUILDING SYSTEMS INC.

WBE

Contact: MICHELLE ATHERTON

Address: 90 HERITAGE PARK RD SUITE 2
BUCKSPORT ME 04416

Tel: 207 469 2711

Fax: 207 469 3567

e-mail: matherton@newformbuilding.com

web site: www.newformsupply.com

Certified for work in the following areas:

Primary NAICS Code(s): 238120

Additional NAICS code(s) 423320, 423330, 423390, 423720

Description and/or type of work DBE is certified to perform:

Sales and distribution of precast concrete products, waterproofing and drainage products, pipe, erosion control, highway and bridge products, steel products, concrete accessories, insulating concrete form, and geotextils and earth stabilization.

NEWBAMA STEEL, INC.

WBE

Contact: ANGELINE KINNON

Address: PO BOX 1108
PLAISTOW NH 03865

Tel: 603 382 2261

Fax: 603 382 4103

e-mail: alkinnon@comcast.net

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 238120

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Structural steel erection, metal fabrication, welding, fencing.

NEWEARTH ECOLOGICAL CONSULTING, LLC

WBE

Contact: STACIE GROVE

Address: 169 WATSON MILL ROAD
SACO ME 04072

Tel: 207 286 3259

Fax:

e-mail: kbloomer@newearthecological.com

web site: www.newearthecological.com

Certified for work in the following areas:

Primary NAICS Code(s): Technical Writing

Additional NAICS code(s) ROW Services

Description and/or type of work DBE is certified to perform:

Environmental inspections and monitoring, biological studies, rare species assessments, vernal pool assessments, habitat evaluations.

NEWPORT COMPUTER SERVICES, INC

MBE

Contact: SHIVA NANDA
Address: 32 INNOVATION DRIVE
ROCHESTER NH 03867
Tel: 603 926 4300
Fax: 603 332 9089
e-mail: shiva@newportcomputers.com
web site: www.newportcomputers.com

Certified for work in the following areas:

Primary NAICS Code(s): 423430
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Computer products, services and resale; Provides asset recovery services and compliant disposal for end-of -lease, end-of -life, and excess IT assets;
Reseller of used computer parts and peripherals.

NICOM COATINGS CORPORATION

WBE

Contact: ROBIN C NICHOLSON
Address: 140 INDUSTRIAL LANE
BERLIN VT 05641
Tel: 802 229 5261
Fax: 802 229 5222
e-mail: rnicholson@nicomcoatings.com
web site: www.nicomcoatings.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 237310
Additional NAICS code(s) NAICS CODE 234110

Description and/or type of work DBE is certified to perform:

Torch applied bridge membrane and bridge rail.

NL CONSTRUCTION, INC

WBE

Contact: JOAN LUPA
Address: 545 WEST STREET
LUDLOW MA 01056
Tel: 413 589 9883
Fax: 413 589 9736
e-mail: ewa@nlconstruction.com
web site: www.nlconstruction.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 236116
Additional NAICS code(s) NAICS CODE 236220

Description and/or type of work DBE is certified to perform:

NOBIS ENGINEERING, INC

DBE

Contact: KEN KOORNNEEF
Address: 18 CHENELL DRIVE
CONCORD NH 03301
Tel: 603 224 4182
Fax: 603 224 2507
e-mail: infor@nobiseng.com
web site: www.nobiseng.com

Certified for work in the following areas:

Primary NAICS Code(s): 562910
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Environmental remediation services including site assessment, site inspection, testing, remedial investigation, feasibility studies, remedial design, containment and action, removal of contaminated material, site close out; Wetlands, permitting.

NORPINE LANDSCAPING, INC.**WBE****Contact:** ELIZABETH A. LISTOWICH**Address:** 153 SALEM ROAD
KINGFIELD ME 04947**Tel:** 207 265 2430**Fax:** 207 265 2431**e-mail:** norpine@roadrunner.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**NORTH AMERICAN EQUIPMENT UPFITTERS, INC****WBE****Contact:** JANET DUNICAN**Address:** 6 SUTTON CIRCLE
HOOKSETT NH 03106**Tel:** 603 624 6288**Fax:** 603 624 6289**e-mail:** mdunican@naeuinc.com**web site:** www.naeuinc.com**Certified for work in the following areas:**

Primary NAICS Code(s): 423810

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Specializing in mounting ariel lift equipment for telephone, cable and power industry. Utility bucket truck builds, transfers, road service and repairs throughout New England and NY. Boom trucks, Versalift, Fire trucks, fleet trucks.

NORTH STAR PAINTING CO., INC.**WBE****Contact:** IRENE N KALOURIS**Address:** 3526 MCCARTNEY ROAD
YOUNGSTOWN OH 44505**Tel:** 330 743 2333**Fax:** 330 743 3434**e-mail:** kalouris@neo.rr.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238320

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Abrasive Blasting of steel structures and painting. Cleaning and sealing of concrete structures

NORTH WOODS ECOLOGICAL CONSULTING, LLC.**WBE****Contact:** APRIL MOULAERT**Address:** 36 WESTMINSTER DRIVE
BURLINGTON VT 05408**Tel:** 802 864 2989**Fax:****e-mail:** april.moulaert@gmail.com**web site:** www.northwoodsecological.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541620

Additional NAICS code(s) NAICS CODE 541690

Description and/or type of work DBE is certified to perform:

NORTHEAST CIVIL SOLUTIONS, INC**MBE****Contact:** JIM FISHER**Address:** 153 US ROUTE 1
SCARBOROUGH ME 04074**Tel:** 207 883 1000**Fax:** 207 883 1001**e-mail:** jim.fisher@northeastcivilsolutions.com**web site:** www.northeastcivilsolutions.com**Certified for work in the following areas:**

Primary NAICS Code(s): Planning/Land Use Anal.

Additional NAICS code(s) Road Design

Description and/or type of work DBE is certified to perform:

As an SDVO Small Business, we specialize in roadway, parking area, and bridge design; stormwater management and bank stabilization design, boundary and topographic surveying, wetlands delineation; federal, state and municipal permitting.

NORTHEAST DIVING SERVICES, INC**WBE****Contact:** EVA LONGOBARDI**Address:** 28 WEST NARRAGANSETT AVE
NEWPORT RI 02840**Tel:** 401 841 0446**Fax:** 401 846 7407**e-mail:** eva@northeastdiving.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Marine construction, commercial diving, ship repair and husbandry.
Underwater cutting/burning/welding**NORTHSTAR HYDRO INC.****WBE****Contact:** ELLEN K O'BRIEN**Address:** 8 GO WAY
WINTHROP ME 04364**Tel:** 207 377 8043**Fax:** 207 377 8043**e-mail:** ekobrien@fairpoint.net**web site:** www.Northstarhydro.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541620

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Hydrology, hydraulics, specialized civil engineering services, roadways, bridges, and dams.

NOVAREST, INC.**WBE****Contact:** DONNA NOVAK**Address:** 156 W.CALLE GUIJA SUITE 200
SAHUARITA AZ 85629**Tel:** 520 908 7246**Fax:** 772 673 0318**e-mail:** donna.novak@novarest.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541618

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Actuarial Services

O.G.I.H. ENTERPRISES, INC.

DBE

Contact: BENNY NESBITT, JR.

Address: 201 17TH STREET N.W. SUITE #3
ATLANTA GA 30363

Tel: 404 478 7852

Fax: 866 374 1575

e-mail: b.nesbitt@ogih-enterprises.com

web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 425120

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Distributor/wholesaler of gloves and protective clothing, medical & safety gloves, work gloves of every type. Protective & safety clothing, traffic vests, Hi-Vis apparel, rain gear, welding apparel & accessories, coveralls, work boots, lab coats.

OAK SQUARE RESOURCES LLC

WBE

Contact: SUSAN BREGMAN

Address: PO BOX 35471
BRIGHTON MA 02135

Tel: 617 783 8630

Fax: 617 783 8631

e-mail: susan@oaksquareresources.com

web site: www.oaksquareresources.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541614

Additional NAICS code(s) NAICS CODE 711510

Description and/or type of work DBE is certified to perform:

Transit planning; market research; program evaluation; policy analysis; web design and development.

OCEAN STATE SIGNAL CO.

WBE

Contact: LISA RUTHERFORD

Address: 27 THURBER BOULEVARD
SMITHFIELD RI 02917

Tel: 401 231 6780

Fax: 401 231 4390

e-mail: lrutherford@oceanstatesignal.com

web site: www.oceanstatesignal.com

Certified for work in the following areas:

Primary NAICS Code(s): 334290

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Supplier of Traffic Signal Equipment

O'DONNELL LINE CONSTRUCTION CO., INC.

WBE

Contact: ANITA O'DONNELL

Address: 212 CANDIA RD.
CHESTER NH 03036

Tel: 603 887 2084

Fax: 603 887 2085

e-mail: odonnell-line@mindspring.com

web site: www.odonnell-line.com

Certified for work in the following areas:

Primary NAICS Code(s): 237130

Additional NAICS code(s) 238210

Description and/or type of work DBE is certified to perform:

High voltage overhead and underground line construction, maintenance and repair; Area and sports lighting installation and maintenance. Electrical.

OFFICE INTERIORS LIMITED**WBE****Contact:** MARIA KRAUSE**Address:** 85 WASHINGTON STREET
DOVER NH 03820**Tel:** 603 749 6200**Fax:** 603 743 3098**e-mail:** info@officeinteriorsltd.com**web site:** www.officeinteriorsltd.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541410

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Commercial interior design, space planning and contract furnishing. Office equipment.

ONE STOP COMPUTER AND SURPLUS SERVICES**MBE****Contact:** STEPHEN CHEN**Address:** 6 ALAN CIRCLE
LONDONDERRY NH 03053**Tel:** 603 425 0081**Fax:** 603 845 3636**e-mail:** onestopcomputer@aol.com**web site:** www.onestopcomputer.net**Certified for work in the following areas:**

Primary NAICS Code(s): 423430

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

National surplus sales of consumer goods, industrial goods, used medical equipment and scrap, off-lease and trade-in removal by ISO 9002 asset management company. Exporter of used computers, automobiles, trucks and industrial equipment.

OPTIMUM ANALYTICAL & CONSULTING, LLC.**WBE****Contact:** JAMIE NOEL**Address:** 0 SUITE 201
SALEM NH 03079**Tel:** 603 458 5247**Fax:** 603 458 5278**e-mail:** jamie.noel@optimumanalytical.com**web site:** optimumanalytical.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541380

Additional NAICS code(s) 541620

Description and/or type of work DBE is certified to perform:

Environmental & industrial hygiene laboratory; Asbestos and hazardous material testing; Environmental noise and air analysis.

ORW LANDSCAPE ARCHITECTS AND PLANNERS**WBE****Contact:** CAROLYN RADISCH**Address:** PO BOX 65
WHITE RIVER JUNCTION VT 050**Tel:** 802 359 4070**Fax:****e-mail:** info@orw.biz**web site:** www.orw.biz**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541320

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

OVERLAND ENGINEERING, LLC**DBE**

Contact: CHENGJUN PENG
Address: 3359 KEENLAND RD.
MARIETTA GA 30062
Tel: 770 906 7869
Fax:
e-mail: overland01@bellsouth.net
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541330
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Underground Utility TV Inspection

P & R EXCAVATING SERVICE INC**WBE**

Contact: MARILYN CRANE
Address: 172 MAIN STREET
LANCASTER NH 03584
Tel: 603 788 3770
Fax: 603 788 3858
e-mail: ptmc21@myfairpoint.net
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 238910, 238990
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Site preparation work, clearing & grubbing, cofferdam, culverts, drainage, excavation, trucking; Repair of manholes and catch basins; Installation of sewer lines, water lines, fire hydrants and sidewalks; Water pressure testing.

PATHWAYS CONSULTING, LLC**WBE**

Contact: VICKI GOODRICH
Address: 240 MECHANIC STREET STE 100
LEBANON NH 03766
Tel: 603 448 2200
Fax: 603 448 1221
e-mail: vicki.goodrich@pathwaysconsult.com
web site: www.pathwaysconsult.com

Certified for work in the following areas:

Primary NAICS Code(s): 541320, 541330
Additional NAICS code(s) 541370

Description and/or type of work DBE is certified to perform:

Planning, civil & environmental engineering services; Environmental, wetlands, stormwater management, erosion control, drainage design; Road and bridge design, architectural, geotechnical, survey, photogrammetry, site inspection.

PBS ENGINEERING & ASSOCIATES PC**DBE**

Contact: DARIO SARAVIA
Address: 2012 HOBART AVE
BRONX NY 10461
Tel: 609 903 2840
Fax:
e-mail: dario.saravia@pbsengineering.net
web site: pbsengineering.net

Certified for work in the following areas:

Primary NAICS Code(s):
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Electrical Engineering, Project Management, Quality Assurance, Quality Control, Construction Management, Inspection, Intelligent Transportation Systems.

PDP ASSOCIATES, INC.

DBE

Contact: PRAHLAD D. PANT
Address: PO BOX 81549
ATLANTA GA 30366
Tel: 770 451 5186
Fax: 404 850 8652
e-mail: pant@pdpassociates.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541330
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Smart Work Zone Systems, Intelligent Work Zone Systems.

PEARL MARKETING & DESIGN, LLC.

WBE

Contact: AMANDA SCHNECK
Address: 174 MAIN STREET, SUITE 13
NASHUA NH 03060
Tel: 603 732 9070
Fax: 603 732 9070
e-mail: info@pearlmarketingdesign.com
web site: pearlmarketingdesign.com

Certified for work in the following areas:

Primary NAICS Code(s): 541613
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Marketing Consulting Services including, but not limited to, logo and website design, video production, social media and email marketing campaigns, and one-on-one group marketing training.

PEMCCO, INC.

DBE

Contact: PRESCOTT SHERROD
Address: PO BOX 8981
VIRGINIA BEACH VA 23450
Tel: 757 437 8862
Fax: 757 437 8835
e-mail: maria.edwards@pemcco.com
web site: www.pemcco.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541512
Additional NAICS code(s) NAICS CODE 541513

Description and/or type of work DBE is certified to perform:

Transportation Systems, ITS Design, Traffic Management Center Maintenance and Operations.

PERMA TREAT OF ILLINOIS, INC.

WBE

Contact: SARA BOND
Address: 602 N. CARBON STREET
MARION IL 62959
Tel: 618 997 5646
Fax: 618 993 8680
e-mail: sara@permatreatlumber.com
web site: www.permatreatlumber.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 321114
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Supplier of Treated Wood Products including Utility Poles, Railroad Ties, DOT Blocks and Posts, Bridge Timbers, MSDS, SDS.

PLANNING 4 PLACES, LLC.**WBE****Contact:** KATHERINE EMBER LEVY**Address:** 1574 VALENCIA ROAD
NISKAYUNA NY 12309**Tel:** 518 280 2040**Fax:** 518 557 0250**e-mail:** kember@planning4places.com**web site:** www.planning4places.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541320

Additional NAICS code(s) NAICS CODE 541611

Description and/or type of work DBE is certified to perform:Landscape Architectural Services; Administrative Management and General
Management Consulting Services; Community Participation, Public Relations,
Outreach; Urban Planning & Forecasting.**POWERHOUSE CONSULTING****WBE****Contact:** LESLIE WALCH**Address:** 360 RTE 101 SUITE 6
BEDFORD NH 03110**Tel:** 603 472 6616**Fax:** 603 472 8139**e-mail:** lwalch@powerhouse.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 517919

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Telecommunications and call center management consulting. IT consulting.

POWERSKILLS FOR LIFE, LLC**WBE****Contact:** PATRICIA STAGNO**Address:** PO BOX 278
GOFFSTOWN NH 03045**Tel:** 603 475 8348**Fax:****e-mail:** patty@ps4l.biz**web site:** www.powerskillsforlife.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Safety, training and consulting services for medium to high power voltage. SOP
writing, inspections, audits and course development. OSHA and NFPA 70E
electrical compliance training, site inspection.**PRESERVATION COMPANY****WBE****Contact:** LYNNE EMERSON MONROE**Address:** 5 HOBBS ROAD
KENSINGTON NH 03833**Tel:** 603 778 1799**Fax:** 603 778 1960**e-mail:** preservationcompany@comcast.net**web site:** www.preservationcompany.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541620, 541690

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Environmental and historical consulting services.

PROGRESSIVE INDUSTRIES, INC.

WBE

Contact: KERRA O'DONNELL

Address: 2733 N. PULASKI AVE
CHICAGO IL 60631

Tel: 773 763 9566

Fax: 773 763 9587

e-mail: vodonnell@progressivepii.com

web site: www.progressivepii.com

Certified for work in the following areas:

Primary NAICS Code(s): Office Supplies

Additional NAICS code(s) NAICS CODE 423450

Description and/or type of work DBE is certified to perform:

Wholesale trade agent and supplier.

PROMATECH, INC

WBE

Contact: CARRIE STREAHLE

Address: 302 NEW JERSEY AVE
RIVERSIDE NJ 08075

Tel: 856 461 3663

Fax: 856 461 3996

e-mail: cstreahle@promatechinc.com

web site: www.promatechinc.com

Certified for work in the following areas:

Primary NAICS Code(s):

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Cost estimating

PRO-TAPE SPECIALTIES

WBE

Contact: JEAN HARTSELL

Address: 125 HUNTING ROAD
AUBURN NH 03032

Tel: 603 483 2478

Fax: 603 483 2798

e-mail: ProTape@comcast.net

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 238310

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Drywall taping contractor.

PRZEKAZA DESIGN ASSOCIATES

WBE

Contact: CATHERINE PRZEKAZA

Address: 27 EVERGREEN DRIVE
GOFFSTOWN NH 03045

Tel: 603 497 4673

Fax: 603 497 4673

e-mail: catherine.przekaza@gmail.com

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541330

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Space planning, facility layout and design services for new construction and renovations; CADD drafting, technical writing and civil support services.

PYRAMID STEEL SERVICE, INC

WBE

Contact: JOANN KUTSCHMAN

Address: 1209 CENTER ROAD
LYNDEBOROUGH NH 03082

Tel: 603 654 7877

Fax: 603 654 7877

e-mail: joannpk@tds.net

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 238120

Additional NAICS code(s) 238990

Description and/or type of work DBE is certified to perform:

Reinforcing steel placement, wire mesh placement.

QUALITY FIRST SERVICE, LLC

WBE

Contact: ROSEMARY CULLEN

Address: 8 OTIS AVENUE
SALEM NH 03079

Tel: 603 893 3222

Fax: 603 898 6298

e-mail: rcullen@qfsllc.net

web site: www.qfsllc.net

Certified for work in the following areas:

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Telecommunications, engineering, installation and intergration

QUALITY GLASS, INC.

WBE

Contact: Debra Ann St. Hilaire

Address: 969 LISBON STREET
LEWISTON ME 04240

Tel: 207 777 7727

Fax:

e-mail: qualityglassinc@yahoo.com

web site: qualityglassme.com

Certified for work in the following areas:

Primary NAICS Code(s):

Additional NAICS code(s) NAICS CODE 332618

Description and/or type of work DBE is certified to perform:

Everything related to glass, i.e. Specialkty Glass, Auto Glass, Mirrors

QUANTUM CONSTRUCTION CONSULTANTS, LLC

WBE

Contact: LISA MARTIN

Address: 27 LOCKE ROAD
CONCORD NH 03301

Tel: 603 224 0859

Fax: 603 224 3625

e-mail: Lmartin@quantum-cc.com

web site: www.quantum-cc.com

Certified for work in the following areas:

Primary NAICS Code(s): 541330, 541350

Additional NAICS code(s) 541490

Description and/or type of work DBE is certified to perform:

Bridge and building design and inspection; Civil and structural engineering, hydraulics, drainage, road design; Construction management;

QUEST CORPORATION OF AMERICA, INC.**WBE****Contact:** SHARLENE LAIRSCEY**Address:** 3837 NORTHDAL BLVD SUITE #
TAMPA FL 33624**Tel:** 813 926 2942**Fax:** 813 926 2962**e-mail:** corporate@qcausa.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541611

Additional NAICS code(s) NAICS CODE 541820

Description and/or type of work DBE is certified to perform:

Full service communications firm that specializes in marketing, advertising, public relations, public information, airport surveys, graphic design, and website design and maintenance.

QUINN CABLE TECHNOLOGY**WBE****Contact:** ALICE CUCHETTI**Address:** 58 FAIRVIEW STREET
MANCHESTER NH 03102**Tel:** 603 668 7007**Fax:** 603 668 9333**e-mail:** quinnccable@comcast.net**web site:** www.quinnccable.com**Certified for work in the following areas:**

Primary NAICS Code(s): 423430

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Wholesaler of technology products, bridges, routers & network security; Bulk copper & fiber cable & connectors, fiber & copper patch cables & assemblies; Distribution racks, patch panels, jacks, cable management, wall plates, surface boxes, etc.

R.O.U. CONSTRUCTION, INC.**MBE****Contact:** ALFREDO GARCIA**Address:** 46 DUCK MILL ROAD
FITCHBURG MA 01420**Tel:** 978 466 6668**Fax:** 978 466 6669**e-mail:** rouconstruction@gmail.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): Sewer Lines

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**RADAR SOLUTIONS INTERNATIONAL, INC.****WBE****Contact:** DORIA KUTRUBES**Address:** 51 RIVERVIEW AVENUE
WALTHAM MA 02453**Tel:** 781 891 4492**Fax:** 781 736 0004**e-mail:** doria@radar-solutions.com**web site:** www.radar-solutions.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541620

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Geophysical Services Including Non-destructive Testing of Soils, Bridges, Decks and Other Structures; Environmental Consultant for Industry and Government

RADIANT ELECTRIC, LLC.**WBE**

Contact: TARA SAXTON
Address: 34 OLD BYE ROAD
RAYMOND NH 03077
Tel: 603 244 2257
Fax: 877 265 2257
e-mail: info@radiantelectric.net
web site: www.radiantelectric.net

Certified for work in the following areas:

Primary NAICS Code(s): 238210
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Electrical contractor for residential, commercial and industrial firms.

RAILROAD INDUSTRIES, INC.**DBE**

Contact: GARY HUNTER
Address: 1575 DELUCCHI LANE SUITE 210
RENO NV 89502
Tel: 775 329 4855
Fax: 775 329 4844
e-mail: reg@railroadindustries.com
web site: www.railroadindustries

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541618
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Full Service Consulting Firm for Rail Transportation, Planning, Managements,
Operations, Equipment, Marketing, Financial Analysis and Expert Witness.

RAKS CORP, LLC.**DBE**

Contact: ROMEO ALI
Address: PO BOX 18612
HATTIESBURG MS 39404
Tel: 601 261 0820
Fax: 601 255 1373
e-mail: aliinmiss@aol.com
web site: www.raks.com

Certified for work in the following areas:

Primary NAICS Code(s): 238220
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Plumbing, Heating and Air-Conditioning Contractors.

RAUL V. BRAVO AND ASSOCIATES, INC.**MBE**

Contact: CHERYL METCALFE
Address: 1889 PRESTON WHITE DRIVE SU
RESTON VA 20191
Tel: 703 326 9092
Fax: 703 326 9096
e-mail: cherylmetcalfe@rvba.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 237990
Additional NAICS code(s) NAICS CODE 488210

Description and/or type of work DBE is certified to perform:

REBARS & MESH, INC.**WBE**

Contact: KATE GRADY
Address: 111 AVCO ROAD
HAVERHILL MA 01835
Tel: 978 374 2244
Fax: 978 372 0831
e-mail: kgrady@rebarsandmesh.com
web site: www.rebarsandmesh.com

Certified for work in the following areas:

Primary NAICS Code(s): 332312
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Full service rebar fabricator and wire mesh distributor.

REGINA VILLA ASSOCIATES, INC.**WBE**

Contact: REGINA VILLA
Address: 51 FRANKLIN STREET 4TH FLOOR
BOSTON MA 02110
Tel: 617 357 5772
Fax: 617 357 8361
e-mail: kbarrett@reginavilla.com
web site: www.reginavilla.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541910
Additional NAICS code(s) NAICS CODE 541922

Description and/or type of work DBE is certified to perform:**REGIS STEEL CORP****DBE**

Contact: DON MUIRHEAD
Address: 14 WOOD ROAD UNIT #7
BRAINTREE MA 02184
Tel: 781 356 8884
Fax:
e-mail:
web site:

Certified for work in the following areas:

Primary NAICS Code(s): Concrete Work
Additional NAICS code(s) Rebar

Description and/or type of work DBE is certified to perform:**RELIABLE JANITORIAL AND CLEANING SERVICES, INC.****DBE**

Contact: JOSE MORENO
Address: 7 LOREN ROAD
SALEM NH 03079
Tel: 781 324 0910
Fax: 603 898 4484
e-mail:
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 561720
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Janitorial Services for Public, Private, Corporations and Individuals.

RENO ENERGY CONSULTING SERVICES, LLC.

WBE

Contact: MAUREEN RENO

Address: 19 HOPE HILL ROAD
DERRY NH 03038

Tel: 603 391 6308

Fax:

e-mail: renoenergyconsulting@gmail.com

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541614, 541618, 541620

Additional NAICS code(s) 541618

Description and/or type of work DBE is certified to perform:

Energy, Economics and Regulatory Consulting Firm

RICHARDSON ELECTRICAL CO, INC.

WBE

Contact: LINDA RICHARDSON

Address: 17 BATCHELDER RD, PO BOX 1330
SEABROOK NH 03874

Tel: 603 474 3900

Fax: 603 474 8810

e-mail: lrichardson@richardsonelectrical.us

web site: www.richardsonelectrical.us

Certified for work in the following areas:

Primary NAICS Code(s): 238210

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Electrical contractor, temporary power systems, emergency power systems, data/communication wiring, instrument systems, system control & data acquisition systems, pumping systems & controls, bridge & pier corrosion protection, power distrib. & generators.

RL CONTROLS, LLC

WBE

Contact: LENA WALSH

Address: 10-V GILL STREET
WOBBURN MA 01801

Tel: 781 932 3349

Fax:

e-mail: lena@rlcontrols.com

web site: www.rlcontrols.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541380

Additional NAICS code(s) NAICS CODE 541614

Description and/or type of work DBE is certified to perform:

Support most recent to most antiquated in electronic technologies; Reverse engineer proprietary or obsolete systems and design functional test systems; Develop QA procedures; Component level electronic repairs; "Thru hole" and surface mount SMT boards

RLS & ASSOCIATES, INC

WBE

Contact: ROBBIE SARLES

Address: 3131 S. DIXIE HWY STE 545
DAYTON OH 45439

Tel: 937 299 5007

Fax: 937 299 1055

e-mail: rls@rlsandassoc.com

web site: www.rlsandassoc.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541618

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Provides transportation management and operations consulting services to transportation providers throughout the United States.

ROSENGREN LANDSCAPING, INC.**WBE**

Contact:
Address: 4 LAMBERT RD
FREEPORT ME 04032
Tel: 207 865 3860
Fax: 207 865 1964
e-mail: prosen1@comcast.net
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 561730
Additional NAICS code(s) NAICS CODE 238140

Description and/or type of work DBE is certified to perform:

Landscape Plantings, Wetland Plantings (all supply and install) Fiber and Hay
Mulch, Stonework, Trees, Shrubs, Perennials and Ground Covers, Bark Mulch
and Seedlings, Selective Clearing.

ROSE'S COMMERCIAL CLEANING**WBE**

Contact: KIM ROBITAILLE
Address: 478 SABBATTUS STREET
LEWISTON ME 04240
Tel: 207 786 4052
Fax: 207 786 2326
e-mail: rosescleaning@rosescommercialcleaning.co
web site: www.rosescommercialcleaning.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 561720
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**RSE ASSOCIATES, INC.****DBE**

Contact: RICHMOND SO
Address: 63 PLEASANT ST. SUITE 200
WATERTOWN MA 02472
Tel: 617 926 9300
Fax: 617 926 9301
e-mail: richmond.so@richmondso.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): Historical
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**SAAM ARCHITECTURE, LLC.****WBE**

Contact: DIANA NICKLAUS
Address: 655 SUMMER STREET
BOSTON MA 02210
Tel: 617 275 4453
Fax:
e-mail: diana@saam-arch.com
web site: saam-arch.com

Certified for work in the following areas:

Primary NAICS Code(s): 541310, 541410, 541320
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Architecture Design, Interior Design and Urban Planning.

SAFETY SOLUTION CONSULTANTS, INC.**MBE****Contact:** MILTON JACOBS**Address:** PO BOX 512
EAST GRANBY CT 06026**Tel:** 860 653 3580**Fax:** 860 653 3590**e-mail:** mjacobs@safety-solution.com**web site:** www.safety-solution.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541620, 541690

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Provider of OSHA Compliance, Safety & Health Consulting, Safety Plan Development, Construction Site Safety Service and Safety Training.

SAFEWAY TRAINING AND TRANSPORTATION SERVICES, INC.**WBE****Contact:** JOYCE KORN**Address:** PO BOX 308
NEWTON JUNCTION NH 03859**Tel:** 603 382 0600**Fax:** 603 382 5839**e-mail:** bkorn@safewaytrans.com**web site:** www.safewaytrans.com**Certified for work in the following areas:**

Primary NAICS Code(s): 485410

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Passenger transportation services, charter bus transportation, wheelchair user transportation, senior citizen transportation, disabled persons transportation; Transportation related training services.

SAK ENVIRONMENTAL, LLC**WBE****Contact:** MAUREEN SAKAKEENY**Address:** 231 SUTTON STREET, SUITE 2G
NORTH ANDOVER MA 01045**Tel:** 978 688 7804**Fax:** 978 688 7801**e-mail:** msakakeeny@sakenvironmental.com**web site:** www.sakenvironmental.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s) NAICS CODE 541620

Description and/or type of work DBE is certified to perform:

Engineers and Environmental Consultants, Hazardous Materials and Licensed Site Professional Services, Construction Compliance Inspections and Support, Site Assessment and Remediation, Permitting, Compliance, Emergency Spill Response, PE LEED AP Services.

SAMSON DUCLAIR HVAC, INC.**DBE****Contact:** SAMSON DUCLAIR**Address:** 31 MERRICK ROAD
RAYMOND NH 03077**Tel:** 603 895 4729**Fax:** 603 895 2191**e-mail:** samson@samsonduclairhvac.com**web site:** samsonduclairhvac.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238220

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

HVAC contractor, geothermal, radiant heat, solar thermal water heating.

SARIAN COMPANY, INC**WBE****Contact:** Marisa Picone-Devine**Address:** 8 JAN SEBASTIAN DRIVE UNIT
SANDWICH MA 02563**Tel:** 508 888 7262**Fax:** 508 888 8313**e-mail:** mdevine@sarianco.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 221310

Additional NAICS code(s) NAICS CODE 238990

Description and/or type of work DBE is certified to perform:Water, Wastewater Consult & Serv; Project Mgmt; Certified Drinking Water
Operator Services; Cross Connection Surveys & Device Testing; Leak Detection;
Pressure Testing/ Chlorination Of Water Mains; Hydrant Maint; Residential
Observ Serv; Clerk of works**SAVANT CONSULTING, INC.****DBE****Contact:** PAUL JONES**Address:** 12 SANTA CATRINA
RANCHO SANTA MARGARITA CA**Tel:** 949 682 5298**Fax:****e-mail:** prjones05@gmail.com**web site:** www.thinklikeasavant.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541511

Additional NAICS code(s) NAICS CODE 541512

Description and/or type of work DBE is certified to perform:

IT Consulting Services

SCA TECHNICA, INC**MBE****Contact:** DAVID MUROTAKE**Address:** 17 PORT CHESTER DRIVE
NASHUA NH 03060**Tel:** 603 321 6536**Fax:** 603 222 2395**e-mail:** dmurotak@scatechnica.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Design, develop, integrate software defined radio (SDR) components and
systems; Provide training and consulting services for SDR; Develop system
requirements and threat analysis for high assurance software defined radio
systems.**SCHONEWALD ENGINEERING ASSOCIATES, INC****WBE****Contact:** ISABEL SCHONEWALD**Address:** 129 MIDDLE ROAD
CUMBERLAND ME 04021**Tel:** 207 829 5226**Fax:** 207 272 9879**e-mail:** be@schonewaldengineering.com**web site:** www.schonewaldengineering.com**Certified for work in the following areas:**

Primary NAICS Code(s):

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Geotechnical instrumentation: design, installation, monitoring, reporting; Soft
soil issues; Ground/soil improvement; Stormwater and solid waste permitting;
Construction QC/QA, OSHA HAZWOPER trained; Geoenvironmental
experience/background.

SCOTT ELECTRONICS, INC

WBE

Contact: JACKIE METZEMAEKERS
Address: 33 NORTHWESTERN DRIVE
SALEM NH 03079
Tel: 603 893 2845
Fax: 603 894 5420
e-mail: cindyg@scottelec.com
web site: www.scottelec.com

Certified for work in the following areas:

Primary NAICS Code(s): 541990
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Contract assembly manufacturing of cables, harness assemblies, fiber optics
and electromechanical assemblies.

SEACOAST ASPHALT SERVICES, INC

WBE

Contact: JENNIFER L NICOLAI
Address: 987 MAIN STREET PO BOX 98
HATFIELD MA 01038
Tel: 413 773 9247
Fax: 413 247 0232
e-mail: jenn.nicolai@gmail.com
web site: www.seacoastasphalt.com

Certified for work in the following areas:

Primary NAICS Code(s): 423320
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Regular Dealer Who Procures and Delivers Asphalt Products and/or a Broker
Transport Hauler of Asphalt Products.

SEACOAST MASONRY SUPPLY

WBE

Contact: SARA MAHONEY
Address: 60 MINNESOTA AVENUE
WARWICK RI 02888
Tel: 401 736 0011
Fax: 401 736 8886
e-mail:
web site: www.seacoastmasonry.com

Certified for work in the following areas:

Primary NAICS Code(s):
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Supplier of bricks, architectural block, flashing, insulation, wire, cleaning
products, and masonry/concrete accessories

SECURANCE, LLC

MBE

Contact: PAUL ASHE
Address: 6922 W. LINEBAUGH AVE. # 101
TAMPA FL 33625
Tel: 877 578 0215
Fax: 813 960 4946
e-mail: contactus@securanceconsulting.com
web site: www.securanceconsulting.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541618
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Securance is a professional services firm that delivers IT Consulting, IT
Auditing and Compliance Services

SEIFERT GRAPHICS, INC.**WBE**

Contact: KAREN SEIFERT
Address: 6133 JUDD ROAD
ORISKANY NY 13424
Tel: 315 736 2744
Fax: 315 736 6602
e-mail: karen@seifertgraphics.com
web site: seiferttransitgraphics.com

Certified for work in the following areas:

Primary NAICS Code(s): 541430
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Graphic Design Services - Manufacture of Graphics including Vinyl Graphics, Striping, Decals, Anodized Aluminum Plates, Digitally Printed Graphics, Safety Marking Products, etc.

SHADLEY ASSOCIATES PC**WBE**

Contact: PAMELA SHADLEY
Address: 1730 MASSACHUSETTS AVENUE
LEXINGTON MA 02421
Tel: 781 652 8809
Fax: 781 862 2687
e-mail: pshadley@shadleyassociates.com
web site: www.shadleyassociates.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541320
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**SILVERTECH, INC.****MBE**

Contact: TESSA MUNSON
Address: 196 BRIDGE STREET
MANCHESTER NH 03104
Tel: 603 669 6600
Fax: 603 669 2067
e-mail: tessa.munson@silverttech.com
web site: www.silverttech.com

Certified for work in the following areas:

Primary NAICS Code(s): 541511, 541613
Additional NAICS code(s) 541519

Description and/or type of work DBE is certified to perform:

Digital agency providing strategy, branding, conversion optimization, digital marketing, design and web development services.

SIR LINES-A-LOT**DBE**

Contact: CHIP HENRY, GM
Address: 11 COMMON LANE
MADISON NH 03849
Tel: 603 356 5593
Fax: 866 788 9924
e-mail: sales@linestripe.com
web site: www.linestripe.com

Certified for work in the following areas:

Primary NAICS Code(s): 238990
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Pavement markings, airport markings and runway layout, parking lot striping and layout, roadway striping; Sealcoating; Crack filling; Sawcut & seal.

SITUATION MANAGEMENT SYSTEMS, INC**WBE****Contact:** SHERRI MALOUF**Address:** 98 SPIT BROOK RD SUITE 201
NASHUA NH 03062**Tel:** 603 897 1200**Fax:** 603 897 1300**e-mail:** smalouf@smsinc.com**web site:** www.smsinc.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541611

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Management and leadership development training programs, specializing in
influence, negotiation, conflict resolution and managing change.**SMART ATI CONSTRUCTION****WBE****Contact:** LORI SMART**Address:** 16 WHITEHALL ROAD, SUITE 2
ROCHESTER NH 03867**Tel:** 603 330 3533**Fax:** 603 332 5282**e-mail:** lori@smartati.com**web site:** www.smartaticonstruction.com**Certified for work in the following areas:**

Primary NAICS Code(s): 236210, 236220

Additional NAICS code(s) 238310, 238320, 238650, 239990

Description and/or type of work DBE is certified to perform:Prime Contractor Commercial Construction: Design Build, Additions,
Interior/Exterior Renovations, Mechanical, Parking Lots; Self-
Performing/Subcontracting Services: Drywall, Painting, Carpentry and more;
Qualified Federal Government Contractor; Bonded.**SOEDER ASSOCIATES, LLC****WBE****Contact:** LISA P SOEDER**Address:** 241 ASYLUM ST, SUITE 700
HARTFORD CT 06103**Tel:** 860 246 1600**Fax:** 860 246 1700**e-mail:** lsoeder@soeder-associates.com**web site:** www.soeder-associates.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541110

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:Legal services: bond, special tax and trustee counsel services in municipal and
corporate finance transaction**SPOTLIGHT COMMUNICATIONS, INC.****WBE****Contact:** TOMEKA FARRINGTON**Address:** 60 STATE STREET SUITE 700
BOSTON MA 02109**Tel:** 617 423 0040**Fax:** 617 507 6137**e-mail:** tomeeka@spotlightcommunications.net**web site:** spotlightcommunications.net**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541820

Additional NAICS code(s) NAICS CODE 541613

Description and/or type of work DBE is certified to perform:Full Service Public Relations, Marketing Communications and Event Planning
Services.

STACEY DEPASQUALE ENGINEERING, INC**WBE**

Contact: STACEY DEPASQUALE, PE
Address: 354 MERRIMACK ST SUITE 200
LAWRENCE MA 01843

Tel: 978 975 0500
Fax: 978 975 0550
e-mail: Sdepasquale@sde.com
web site: www.sde-inc.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541611
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Civil and Environmental Engineering and Consulting Services

STACY MOORE & ASSOCIATES**A**

Contact: STACY MOORE
Address: 837 STATE STREET
PORTSMOUTH NH 03801

Tel: 603 682 6361
Fax: 603 436 1984
e-mail: stacy@smafood.com
web site: www.smafood.com

Certified for work in the following areas:

Primary NAICS Code(s): 541611, 541613 and 722513
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

ACDBE Food service management consulting and marketing services.

STAY SAFE TRAFFIC PRODUCTS, INC**WBE**

Contact: CATHERINE SCHOENENBERGER
Address: 38 LOWELL ROAD
WESTFORD MA 01886

Tel: 978 692 2114
Fax: 978 692 7900
e-mail: Staysafetraffic@aol.com
web site: www.staysafetraffic.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 423990
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Temporary Traffic Control (TCC), Safety Equipment and Apparel for Work Zone, Brackets, Posts, Pavement Markings, and Connecting Hardware

STEPHANIE LAHAR AND ASSOCIATES, LLC**WBE**

Contact: STEPHANIE LAHAR
Address: 17 STATE STREET
MONTPELIER VT 05602

Tel: 802 223 2485
Fax:
e-mail: sal@stephanielahar.com
web site: www.stephanielahar.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541611
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Strategic Planning and Collaborative Decision-Making Processes

STEPHENS ASSOCIATES CONSULTING ENGINEERS, LLC**WBE****Contact:** BETHEL STEPHENS**Address:** 60 NORTHRUP DRIVE
BRENTWOOD NH 03833**Tel:** 603 772 1417**Fax:** 603 772 1418**e-mail:** bahstephens@stephensengineers.com**web site:** www.stephensengineers.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Engineering services including: Hydrology, geotechnical, structural, seismic consulting and hydraulics.

STILES COMPANY, INC**WBE****Contact:** SANDRA STILES**Address:** 922 PLEASANT STREET
NORWOOD MA 02062**Tel:** 781 769 2400**Fax:** 781 769 8222**e-mail:** sandy@stilesco.com**web site:** www.stilesco.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 423610

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

SUPPLY CITY, TOWNS AND CONTRACTORS WITH WATER WORKS MATERIALS AND WATER METERS. INCLUDING PIPE FOR WATER/SEWER LINES, DRAINAGE, IRRIGATION, SEPTIC, ELECTRICAL, HYDRANTS

STONEHILL ENVIRONMENTAL, INC**WBE****Contact:** ELISSA H STONE**Address:** 600 STATE STREET SUITE 2
PORTSMOUTH NH 03801**Tel:** 603 433 1935**Fax:** 603 433 1942**e-mail:** estone@stonehillenvironmental.com**web site:** www.stonehillenvironmental.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541620

Additional NAICS code(s) 541690

Description and/or type of work DBE is certified to perform:

Environmental; Remediation; Hazardous materials; Environmental due diligence; Underground/aboveground tank audit/upgrade/closure; Investigation and cleanup of contaminant impacted soils and groundwater; Health and safety plan preparation.

STRATEGIC TIRE SOLUTIONS, LLC**MBE****Contact:** MICHELLE CHAPMAN**Address:** 25 WOODS LAKE ROAD STE 321
GREENVILLE SC 29607**Tel:** 864 242 6221**Fax:** 864 242 4232**e-mail:** Mchapman@strategictire.com**web site:** www.strategictire.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 441320

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Tire distributor

STUDIOVERDE LANDSCAPE ARCHITECTURE + DESIGN

WBE

Contact: LISA COWAN

Address: 102 TUTTLE ROAD
CUMBERLAND ME 04021

Tel: 207 829 3600

Fax: 207 829 1290

e-mail: info@studioverdelandscape.com

web site: www.studioverdelandscape.com

Certified for work in the following areas:

Primary NAICS Code(s):

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Landscape Architecture site restoration consulting services specializing in public projects (state and federal scale exp). LEED expertise, ecological restoration, sustainable landscape methodologies.

SULLIVAN CREATIVE SERVICES LTD

WBE

Contact: PAMELA SULLIVAN

Address: 6 C HILLS AVENUE
CONCORD NH 03301

Tel: 603 228 0836

Fax: 603 228 0839

e-mail: pam@sullivancreative.com

web site: www.sullivancreative.com

Certified for work in the following areas:

Primary NAICS Code(s): 541613

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Graphic design, advertising and marketing services.

SUSANNE SMITH MEYER LANDSCAPE ARCHITECT

WBE

Contact: SUSANNE SMITH MEYER

Address: 14 SHAWMUT STREET
CONCORD NH 03301

Tel: 603 226 3313

Fax: 603 226 3313

e-mail: ssmla@comcast.net

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541320

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Landscape architecture; Site planning; Planting plans. Licensed in MA, ME, NH, RI and VT.

SYSTEMS IN SYNC

WBE

Contact: MARTY JACOBS

Address: 360 CALDWELL ROAD
EAST THETFORD VT 05043

Tel: 802 785 2611

Fax: 802 785 3151

e-mail: marty@systemsinsync.com

web site: www.systemsinsync.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 541611

Additional NAICS code(s) NAICS CODE 541612

Description and/or type of work DBE is certified to perform:

Strategic Planning, Leadership Development, Change Management and Community Engagement Facilitator.

TAC CONSTRUCTION, INC**MBE****Contact:** MARCOS CORBO**Address:** PO BOX 912
LEOMINSTER MA 01453**Tel:** 978 534 6859**Fax:** 978 534 6746**e-mail:** tacconstru@aol.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 2237310

Additional NAICS code(s) NAICS CODE 238990

Description and/or type of work DBE is certified to perform:

Adjustments MH's & CB's

TANGO CONSTRUCTION, INC.**DBE****Contact:** GRECCO ALONSO**Address:** 134 CRAWFORD STREET
FITCHBURG MA 01420**Tel:** 978 345 2510**Fax:** 978 345 2410**e-mail:** greccoalonso@gmail.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s):

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Construction Services; Paving; Catch Basin & Manhole Adjustment; Curbing

TCS OF AMERICA ENTERPRISES, LLC**MWBE****Contact:** MELANIE LEVESQUE**Address:** 2 MCDANIELS DRIVE
BROOKLINE NH 03033**Tel:** 888 423 7820**Fax:** 815 464 8847**e-mail:** melanie.levesque@tcsofamerica.com**web site:** www.tcsofamerica.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541611, 541614

Additional NAICS code(s) 541618

Description and/or type of work DBE is certified to perform:Telecom Consulting Services; Management Consulting Services; Process and
Project Management Consulting Services.**TERRANOVA ENVIRONMENTAL****WBE****Contact:** MINDI MESMER**Address:** 291 WASHINGTON ROAD
RYE NH 03870**Tel:** 603 498 8847**Fax:****e-mail:** info@terranovaenv.com**web site:** www.terranovaenv.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541620

Additional NAICS code(s) 562910

Description and/or type of work DBE is certified to perform:25 years experience in hazardous waste site investigation, site remediation,
health and safety training and environmental engineering. Small and large scale
projects under a variety of regulatory programs including RCRA, CERCLA and
superfund programs.

TFE RESOURCES, LTD

WBE

Contact: RICHARD SWARTZ
Address: 1012 PEACOCK LANE
CHERRY HILL NJ 08003
Tel: 856 627 7330
Fax: 856 772 3839
e-mail: gcohen@tferesources.com
web site: www.tferesources.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 532490
Additional NAICS code(s) NAICS CODE 562998

Description and/or type of work DBE is certified to perform:

Provides HR & Educational consulting & training. As well as consulting & flow measurement services to municipal water and sewer authorities & agencies.

THE NIA CORPORATION

WBE

Contact: ROSA OWENS
Address: PO BOX 15646
CHESAPEAKE VA 23328
Tel: 757 724 1296
Fax: 757 410 0067
e-mail: hudson@theniacorp.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 453220, 811192
Additional NAICS code(s) ACDBE

Description and/or type of work DBE is certified to perform:

ACDBE; Gift Shops; Automotive Detailing Services (Cleaning and Polishing)

THOMAS BARRIERS, LLC

WBE

Contact: HELEN GRILLI
Address: 660 GROVE STREET
FRAMINGHAM MA 01701
Tel: 508 272 4004
Fax: 508 877 1415
e-mail: elaine@thomasbarriers.com
web site: www.thomasbarriers.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 531411
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Provides The Rental and Leasing of Steel Barriers for Traffic Control Purposes and Perimeter Protection Services.

TITO MASONRY & CONSTRUCTION

DBE

Contact: TITO DRICE
Address: 1909 CONGRESS STREET
PORTLAND ME 04102
Tel: 207 899 1839
Fax: 866 899 4904
e-mail:
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 238140
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Masonry work, hardscape restoration

TJI ELECTRICAL CONTRACTORS, INC**WBE****Contact:** MARYANNE SKOTIS**Address:** 10 WHIDDEN LANE
LITHCFIELD NH 03052**Tel:** 603 890 3300**Fax:** 603 890 6683**e-mail:** mskotis@comcast.net**web site:** www.tjielectrical.com**Certified for work in the following areas:**

Primary NAICS Code(s): 238210

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Electrical contracting services.

TOM SAWYER COMPANY**WBE****Contact:** CAROLYN SAWYER**Address:** PO BOX 12551
COLUMBIA SC 29211**Tel:** 803 252 8773**Fax:** 803 252 9760**e-mail:** carolyn@tomsawyercompany.com**web site:** www.tomsawyercompany.com**Certified for work in the following areas:**

Primary NAICS Code(s): Public Participation

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:**TOOLE DESIGN GROUP, LLC****WBE****Contact:** JENNIFER TOOLE**Address:** 8484 GEORGIA AVENUE SUITE 8
SILVER SPRING MD 20910**Tel:** 301 927 1900**Fax:** 301 927 2800**e-mail:** compliance@tooledesign.com**web site:** www.tooledesign.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s) NAICS CODE 541990

Description and/or type of work DBE is certified to perform:

Multimodal transportation planning and design consulting - specializing in bicycle and pedestrian services

TOTAL MECHANICAL SERVICES**MBE****Contact:** DARIN YEE**Address:** 8 NATALIE WAY
PLYMOUTH MA 02360**Tel:** 508 746 1183**Fax:** 508 958 7000**e-mail:** info@totalmech.net**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): Site Lighting

Additional NAICS code(s) Water lines

Description and/or type of work DBE is certified to perform:

TRAFINFO COMMUNICATIONS, INC**MBE****Contact:** SUDHIR MURTHY**Address:** 10 TOWER OFFICE PARK SUITE 3
WOBURN MA 01801**Tel:** 781 710 5380**Fax:****e-mail:** smurthy@trafinfo.com**web site:** www.trafinfo.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541330

Additional NAICS code(s) NAICS CODE 541512

Description and/or type of work DBE is certified to perform:Wireless data transmitters, internet-based telemetry products and services,
and transportation consulting services.**TRANSACTION ASSOCIATES, INC****WBE****Contact:** CYNTHIA FRENE**Address:** 5 WHEELING AVE UNIT B
WOBURN MA 01801**Tel:** 781 895 1100**Fax:** 781 895 1122**e-mail:** cfrene@transactionassoc.com**web site:** www.transactionassoc.com**Certified for work in the following areas:**

Primary NAICS Code(s):

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Transportation services (shuttles)

TRANSLUCENT WALL SYSTEMS, LLC**WBE****Contact:** ERIN BEACH**Address:** 133 US ROUTE 4 #8
ENFIELD NH 03748**Tel:** 603 632 7977**Fax:** 603 632 3554**e-mail:** erin@murphyandassociates.org**web site:** murphyandassociates.org**Certified for work in the following areas:**

Primary NAICS Code(s): 238990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Install translucent building systems and windows.

TRIANGLE AERIAL SURVEYS, INC.**DBE****Contact:** ALVARO BOLIVAR**Address:** 7718 SIX FORKS RD SUITE 200
RALEIGH NC 27615**Tel:** 919 787 8654**Fax:** 919 787 7690**e-mail:** al@triaerial.com**web site:** www.triangle-aerial-surveys.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 541370

Additional NAICS code(s) NAICS CODE 251360

Description and/or type of work DBE is certified to perform:

GIS

TRUSLOW RESOURCE CONSULTING, LLC**WBE****Contact:** DANNA TRUSLOW**Address:** 454 COURT STREET SUITE 304
PORTSMOUTH NH 03801**Tel:** 603 766 6670**Fax:****e-mail:** danna@truslowrc.com**web site:** www.truslowrc.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541620

Additional NAICS code(s) 541990

Description and/or type of work DBE is certified to perform:

Environmental consultant, Planning and land use analysis, Stormwater management, Geology, Hydrogeology, Hydrology, Stream Restoration and Fluvial Geomorphology; Technical writing and public participation.

TURNSTONE CORPORATION**WBE****Contact:** STACY CLARK**Address:** 51 FRANKLIN STREET
MILFORD NH 03055**Tel:** 603 249 9300**Fax:** 603 673 6138**e-mail:** sclark@turnstonecorp.com**web site:****Certified for work in the following areas:**

Primary NAICS Code(s): 236220, 541990

Additional NAICS code(s) NAICS CODE 238140

Description and/or type of work DBE is certified to perform:

General contracting, Construction management, Masonry work.

TVC SYSTEMS, INC.**WBE****Contact:** LINDA TYRING**Address:** 284 CONSTITUTION AVE
PORTSMOUTH NH 03801**Tel:** 603 431 5251**Fax:** 603 431 8909**e-mail:** linda@tvcsystems.com**web site:** www.tvcsystems.com**Certified for work in the following areas:**

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Industrial control systems integration, Automation, Industrial control panels, UL 508A Panel shop, Balance of plant control systems programming. CADD Drafting, Software services, System documents support, Computer products, Construction management.

TYLER COMMUNICATION & ASSOCIATES, LLC**DBE****Contact:** TONY TYLER**Address:** PO BOX 14366
ATLANTA GA 30324**Tel:** 404 923 0038**Fax:****e-mail:** tony.tyler@tylercommunication.com**web site:** www.tylercommunication.com**Certified for work in the following areas:**

Primary NAICS Code(s): NAICS CODE 561110

Additional NAICS code(s) NAICS CODE 561990

Description and/or type of work DBE is certified to perform:

Professional Development Training

U.S. ESSENTIAL SUPPLY AND SERVICES, LLC.

MWBE

Contact: DAWN TEIXEIRA
Address: 2836 LOCUST STREET
ST. LOUIS MO 63103
Tel: 314 713 2449
Fax: 314 336 1332
e-mail:
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 423320, 423330, 423450 and 423710.
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Quality supplier of safety gear, safety equipment, small tools, consumables and construction materials.

U.S. PROFESSIONAL SERVICES, INC.

WBE

Contact: KILEY CARLTON
Address: 70 FEDERAL STREET, SUITE 301
BOSTON MA 02110
Tel: 866 464 4738
Fax: 617 259 1957
e-mail: kcarlton@usproservices.net
web site: www.usproservices.net

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 561320
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Recruitment and Placement of Temporary Personnel to Industry, Government Agencies and Utilities

UNIQUE SYSTEMS SKILLS, LLC

DBE

Contact: SANTOSH SALVI
Address: 30 CONCORD STREET, UNIT 6
NASHUA NH 03064
Tel: 603 821 2403
Fax: 603 821 2404
e-mail: santosh@systemskill.net
web site: www.systemsskills.net

Certified for work in the following areas:

Primary NAICS Code(s): 561311, 561312
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

IT Recruiters to Provide Placement of Programmers, Analysts and DBA's on Short-term or Permanent Assignments to Corporations and Government Agencies.

UNITED WALLS SYSTEMS, LLC

MBE

Contact: SANTIAGO FERNANDEZ
Address: 59 MERRIAM AVENUE
LEOMINSTER MA 01453
Tel: 978 840 6460
Fax: 978 401 4701
e-mail: unitedwalls@hotmail.com
web site:

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 238310
Additional NAICS code(s) NAICS CODE 238990

Description and/or type of work DBE is certified to perform:

Drywall, plastering, paneling, rough framing, lead abatement and highway maintenance

UNIVERSAL SOFTWARE CORPORATION

MBE

Contact: KISHORE DESHPANDE

Address: 20 INDUSTRIAL PARK DRIVE
NASHUA NH 03062

Tel: 603 689 2600

Fax: 603 598 0851

e-mail: kishored@universal-sw.com

web site: www.universal-sw.com

Certified for work in the following areas:

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Software consulting services.

VERNANCE, LLC.

WBE

Contact: PEDRO MARCANO

Address: 51 MASSACHUSETTS AVE.
WALPOLE MA 02081

Tel: 936 647 3376

Fax:

e-mail: somwba2@tainotech.com

web site: vernance.com

Certified for work in the following areas:

Primary NAICS Code(s): 541511, 541512, 541513, 541519

Additional NAICS code(s) 541690, 541211

Description and/or type of work DBE is certified to perform:

Information Security, Compliance, Governance and Risk Mitigation-Related
Consulting and Implementation Services.

VHG LABS, INC

WBE

Contact: SUSAN J EVANS NORRIS

Address: 276 ABBY ROAD
MANCHESTER NH 03103

Tel: 603 622 7660

Fax: 603 622 5180

e-mail: sue@vhglabs.com

web site: www.vhglabs.com

Certified for work in the following areas:

Primary NAICS Code(s): 541990

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Materials testing servcies, Chemical Analysis and Calibration Standards.
Analytical Laboratory Supplies and Services.

VISIONS WINDOW TINTING, LLC

WBE

Contact: JUDITH HARLOW

Address: 54 CHECKERBERRY RD
EAST HAMPSTEAD NH 03826

Tel: 603 378 0788

Fax: 603 378 0789

e-mail: jharlow@visionswindowtinting.com

web site: www.visionswindowtinting.com

Certified for work in the following areas:

Primary NAICS Code(s): 238150

Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Sales/installation of solar control window films, security films, decorative films
and anti-graffiti films.

WATER ENERGY DISTRIBUTORS, INC

WBE

Contact: CHRISTINA ORIO
Address: 2 STARWOOD DRIVE
HAMPSTEAD NH 03841
Tel: 603 329 8122
Fax: 603 329 0285
e-mail: chris@northeastgeo.com
web site: www.northeastgeo.com

Certified for work in the following areas:

Primary NAICS Code(s): 238220
Additional NAICS code(s) 238990

Description and/or type of work DBE is certified to perform:

Geotechnical, design consulting, distribution, installation and training for geothermal heating and cooling equipment.

WOLCOTT CONSTRUCTION, INC

MBE

Contact: WILLIAM HURST (CEO)
Address: 309 SAWTOOTH ROAD
GILMANTON NH 03237
Tel: 603 267 9400
Fax: 603 267 9045
e-mail: wolcott@wolcott.us
web site:

Certified for work in the following areas:

Primary NAICS Code(s): 238910, 238990
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Paving contractor, trucking services.

WOODBURN & COMPANY LANDSCAPE ARCHITECTURE, LLC

WBE

Contact: ROBERTA WOODBURN
Address: 103 KENT PLACE
NEWMARKET NH 03857
Tel: 603 659 5949
Fax: 603 659 5939
e-mail: robbi@woodburnandcompany.com
web site: woodburnandcompany.com

Certified for work in the following areas:

Primary NAICS Code(s): 541320
Additional NAICS code(s)

Description and/or type of work DBE is certified to perform:

Landscape architecture services.

WORKSAFE TRAFFIC CONTROL INDUSTRIES, INC

WBE

Contact: LORENA R LAPRADE
Address: 115 INDUSTRIAL LN-BERLIN
BARRE VT 05641
Tel: 802 223 6154
Fax: 802 229 1848
e-mail: lorena@worksafetci.com
web site: www.worksafetci.com

Certified for work in the following areas:

Primary NAICS Code(s): NAICS CODE 238990
Additional NAICS code(s) NAICS CODE 488490

Description and/or type of work DBE is certified to perform:

Manuf signs, sales/rentals of traffic control devices and equip. indcluding message boards, arrowboards, truck mounted attenuators, and ITS solutions & systems

XPERTTECH, INC**WBE**

Contact: SUCHITA PATEL, EXEC HR ASS **Certified for work in the following areas:**

Address: 400 WEST CUMMINGS PARK SUI
WOBURN MA 01801

Primary NAICS Code(s): NAICS CODE 541990

Additional NAICS code(s)

Tel: 781 995 0811

Fax: 978 405 5040

e-mail:

web site: EXPERTTECH.COM

Description and/or type of work DBE is certified to perform:

ZORN CONSULTING, LLC.**WBE**

Contact: JENNIFER ZORN

Address: 1380 ELWYN ROAD
PORTSMOUTH NH 03801

Tel: 603 501 0982

Fax: 603

e-mail: jennifer@zornconsulting.com

web site:

Certified for work in the following areas:

Primary NAICS Code(s): 541620

Additional NAICS code(s) 541990

Description and/or type of work DBE is certified to perform:

Environmental consulting services, planning and land use analysis, public participation, socio-economic studies, technical writing.

ATTACHMENT 6

Monitoring and Enforcement Mechanisms

Monitoring and Enforcement Mechanisms

The City of Berlin, Berlin Regional Airport has available several remedies to enforce the DBE requirements contained in its contracts, including but not limited to the following:

1. Breach of Contract action, pursuant to the terms in the General Provisions of the Contract:

Default and termination of contract. The Contractor shall be considered in default of his or her contract and such default will be considered as cause for the Owner to terminate the Contract for any of the following reasons if the Contractor:

- a. Fails to begin the work under the contract within the time specified in the Notice to Proceed, or
 - b. Fails to perform the work or fails to provide sufficient workers, equipment and/or materials to assure completion of work in accordance with the terms of the contract, or
 - c. Performs the work unsuitably or neglects or refuses to remove materials or to perform anew such work as may be rejected as unacceptable and unsuitable, or
 - d. Discontinues the execution of the work, or
 - e. Fails to resume work which has been discontinued within a reasonable time after notice to do so, or
 - f. Becomes insolvent or is declared bankrupt, or commits any act of bankruptcy or insolvency, or
 - g. Allows any final judgment to stand against the Contractor unsatisfied for a period of 10 days, or
 - h. Makes an assignment for the benefit of creditors, or
 - i. For any other cause whatsoever, fails to carry on the work in an acceptable manner.
2. Breach of Contract action, pursuant to New Hampshire's law entitled "Regulations of Business Practices for Consumer Protection" and is commonly known as the Consumer Protection Act. (See RSA 358-A, which is available at <http://www.gencourt.state.nh.us>).
 3. Does not fully comply with Federal Contract Provisions as contained in Section SGP.
 4. Does not fully comply with US DOT Disadvantaged Business Enterprise Program as outlined in 49 CFR Part 26.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, 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 7

Overall Goal Calculation Methodology and Calculations

Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: City of Berlin (owner of Berlin Regional Airport)

Goal Period: Fiscal Years 2018, 2019, 2020 (October 1, 2017 through September 30, 2020)

FAA-assisted contract amount:	FY-2018	\$300,000.00
	FY-2019	\$ 0.00
	FY-2020	\$300,000.00
	Total	\$600,000.00

Overall Three-Year Goal: 0.6%, to be accomplished through 0% RC and 100% RN

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

Contracts Fiscal Year 2018

1. Runway/Taxiway Improvements, Obstruction Removal, and Evaluation of Airfield Signage

Contracts Fiscal Year 2019

1. None.

Contracts Fiscal Year 2020

1. New Avgas Fuel Farm

Market Area:

The Berlin Regional Airport defines its market area as the State of New Hampshire. The contracting community that the Airport works with is relatively small and primarily New Hampshire-based. Although out-of-state firms do bid and subcontract on projects, because of the high mobility costs and capacity, many out-of-state firms with closer proximity to the Boston market are less likely to mobilize to Berlin, New Hampshire to work on construction projects. New Hampshire is also the area in which the Berlin Regional Airport spends all of its contracting dollars.

Determination of Market Area:

- a. Substantial majority: at least 75% of the contractors and subcontractors come from this area.
- b. Substantial majority: at least 75% of the contracting dollars will be spent in this area.

Step 1. 26.45(c) Actual relative availability of DBE's

Determine the base figure for the relative availability of DBEs. The base figure for the relative availability was calculated as follows:

FY 2018 Runway/Taxiway Improvements, Obstruction Removal, and Evaluation of Airfield Signage

NAICS	Type of Work	Total DBE's	Total All Firms
327320	Concrete Material Provider	0	19
541330	Engineering & Management Services	18	362
541380	Materials Testing (Soils Investigation) Subconsultant	4	39
561730	Hydroseeding/Seeding	2	872
541370	Surveyor (Land Subconsultant)	10	59
237310	Highway, Street, and Bridge Construction	9	73
541330	Electrical Engineering Subconsultant	1	362
238210	Electrical Contractor (Electrical Installation)	10	506
Total		54 (2%)	2,365

FY 2020 New Avgas Fuel Farm

NAICS	Type of Work	Total DBE's	Total All Firms
541330	Engineering & Management Services	18	362
541380	Materials Testing (Soils Investigation) Subconsultant	4	39
561730	Hydroseeding/Seeding	2	872
541370	Surveyor (Land Subconsultant)	10	59
237310	Unclassified Excavation	9	73
238990	Specialty Contractor (Fuel Tank Installation)	1	156
541330	Electrical Engineering Subconsultant	1	362
238210	Electrical Contractor (Electrical Installation)	10	506
Total		55 (2%)	2,429

Divide the total number of DBE's by the total number of All Firms = base figure for each contract.

FY 2018 Base figure = 2% of all firms ready, willing and able.

FY 2020 Base figure = 2% of all firms ready, willing and able.

The data source or demonstrable evidence used to derive the numerator was: New Hampshire Certified DBE Directory – July 2017 (with adjustments for specific discipline)

The data source or demonstrable evidence used to derive the denominator was: United States Census Bureau's County Business Pattern Database for the state of New Hampshire – April 2017.

Step 2. 26.45(d):

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

An examination of the anticipated contracts for each fiscal year, the availability of the DBE firms by trade classification and the volume of work performed by DBE firms over previous years.

Past History Participation

<i>FY</i>	<i>DBE Goals</i>			<i>Accomplishments</i>		
	<i>RC</i>	<i>RN</i>	<i>Total</i>	<i>RC</i>	<i>RN</i>	<i>Total</i>
<i>FY 13</i>	0%	2%	2%	0%	5%	5%
<i>FY 14</i>	0%	2%	2%	0%	0%	0%
<i>FY 15</i>	0%	2%	2%	0%	0%	0%
<i>FY 16</i>	0%	0.3%	0.3%	0%	0%	0%

Based on previous historical projects and the availability of the DBEs suited for this project, it is assumed that a goal of 2% is unattainable. Therefore, to be more realistic the base figure was divided by two for the anticipated projects in Years 1 and 3.

Due to the limited number of projects anticipated during this Three-Year Plan, our proposed three-year goal will be reflected as the average of the three years:

Year 1: 1%

Year 2: 0%

Year 3: 1%

Three-Year Average: 0.6%

Further, there are no applicable disparity studies for the local market area or recent legal case information available from the State of New Hampshire Department of Transportation office to show any evidence of barriers to entry or competitiveness.

Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation.
26.51(b) (1-4)

The recipient will meet the maximum feasible portion of its 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 facilitates DBE, and other small businesses, participation;
2. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
3. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
4. Assist DBE's and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media

The Berlin Regional Airport estimates that in meeting its overall goal of 0.6%, it will obtain 100% from Race Neutral participation and 0% through Race Conscious measures. The goal of 0.6% for FYs 2018 – 2020 will be achieved entirely through race and gender neutral means. It is anticipated that Contract goals will not be necessary for additional attainment.

The Recipient will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation (see Section 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.

Small Business Goals

The Berlin Regional Airport will calculate a RN Small Business Goal by multiplying the DBE goal by two. Due to the prevalence of small businesses in the Airport's market area, this appears to be an achievable goal. All Prime Consultants and Prime Contractors will be required to meet this goal or demonstrate that they made a good faith effort as described in 49 CFR part 26.

PUBLIC PARTICIPATION

Public Notice: Section 26.45(g)(2).

The Berlin Regional Airport will post legal notice on the City of Berlin website.

PUBLIC NOTICE
City of Berlin – Berlin Regional Airport
Disadvantaged Business Enterprise (DBE) Plan

A 0.6% DBE overall utilization goal and a 1.2% for Small Business participation goal for federally funded airport improvement projects at the Berlin Regional Airport has been established for federal fiscal years 2018, 2019, and 2020 per the requirements of 49 CFR Part 26. The methodology used to derive these goals will be available for review at the Berlin Regional Airport Office, 800 East Side River Road, Milan, NH 03588 for 30 days following the publication of this notice. Comments on the DBE goal will be accepted for 30 days from the date of this notice and can be sent to Marcel Leveille, Airport Manager at the address listed above or to the Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803.

All firms, DBE and non-DBE, small-businesses and non-small businesses are invited to contact the Berlin Regional Airport for information regarding bidding opportunities on federally-funded airport improvement projects.

Contract Goals

The recipient will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using RN means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the recipient's overall goal that is not projected to be met through the use of RN means.

The recipient will establish contract goals only on those FAA-assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of DBE's to perform the particular type of work).

We will express our contract goals as a percentage of the total amount of a FAA-assisted contract.

ATTACHMENT 8

Proposed DBE and Small Business Participation Forms
and Letter of Intent

FEDERAL AVIATION ADMINISTRATION

**PROPOSED DISADVANTAGED BUSINESS ENTERPRISE (DBE)
AND SMALL BUSINESS UTILIZATION
RACE-NEUTRAL PROJECTS**

The undersigned Bidder/Offeror has made a good faith effort to make subcontracting and supplier opportunities available to all firms including, but not limited to, DBE's and small businesses as defined in 49 CFR 26. As a result of these efforts:

- The Bidder/Offeror is committed to a minimum of _____% **DBE** utilization on this Contract.
- The Bidder/Offeror is committed to a minimum of _____% **Small Business** utilization on this Contract (Include Small Businesses that are also DBE's in this percentage as well as Small Businesses that are not DBE's).

Name of Bidder/Offeror's firm: _____

AIP No.: _____

By: _____
Signature Title

DBE / Small Business Subcontractor / Supplier

Name of Firm: _____

☐ DBE ☐ Small Business (Check One)

Proposed Work: _____
(Be brief, i.e. electrical or excavation)

Dollar Amount of Work: _____

☐ Letter of Intent attached

(Attach additional sheets as needed for additional firms)

FEDERAL AVIATION ADMINISTRATION

**PROPOSED DISADVANTAGED BUSINESS ENTERPRISE (DBE)
AND SMALL BUSINESS UTILIZATION
RACE-NEUTRAL PROJECTS**

DBE / Small Business Subcontractor / Supplier

Name of Firm: _____

☐ DBE ☐ Small Business (Check One)

Proposed Work: _____
(Be brief, i.e. electrical or excavation)

Dollar Amount of Work: _____

☐ Letter of Intent attached

DBE / Small Business Subcontractor / Supplier

Name of Firm: _____

☐ DBE ☐ Small Business (Check One)

Proposed Work: _____
(Be brief, i.e. electrical or excavation)

Dollar Amount of Work: _____

☐ Letter of Intent attached

DBE / Small Business Subcontractor / Supplier

Name of Firm: _____

☐ DBE ☐ Small Business (Check One)

Proposed Work: _____
(Be brief, i.e. electrical or excavation)

Dollar Amount of Work: _____

☐ Letter of Intent attached

(Attach additional sheets as needed for additional firms)

SUBCONTRACTOR / SUPPLIER
DISADVANTAGED BUSINESS ENTERPRISE (DBE) AND
SMALL BUSINESS
LETTER OF INTENT

(To be filled out by the Contractor and the Subcontractor / Supplier and submitted within
24 hours of the bid opening by the three lowest bidders)

Project Name: _____

Airport: _____

AIP Number: _____

Prime Contractor

Company Name: _____

Subcontractor / Supplier Contractor

Company Name: _____

DBE Status:	<input type="checkbox"/> Non-DBE <input type="checkbox"/> Certified DBE (Check one)
Small Business Status:	<input type="checkbox"/> Non-Small Business <input type="checkbox"/> Small Business (Check one)

(Check Here) ☐ **HEB Form 03 or 04 is attached (required)**

1. The undersigned DBE or Small Business firm intends to perform work in connection with the above referenced project as:

(Check One)

☐ an individual ☐ a partnership ☐ a corporation

☐ a joint venture with _____

☐ other _____

(Attach other sheets if necessary)

2. The undersigned affirms that they are a duly authorized official representing the proposed Disadvantaged Business Enterprise and affirms that its certification has not expired nor been revoked (Attach a copy of certification letter)
3. If the bidder is awarded the Contract, the undersigned intend to enter into a Subcontract to perform the work described on the following sheet for the prices indicated.

LETTER OF INTENT/SCHEDULE OF PARTICIPATION

(Attach Additional Sheets if Needed)

Contract Item No.	Description of Work To Be Performed by DBE / Small Business Contractor / Subcontractor / Supplier	Estimated Quantity	Unit Price	Item Subtotal
Total Amount Credited to DBE / Small Business:				
Total Project Bid Amount:				
Percent of DBE / Small Business:				

The undersigned certifies that they will enter into a formal agreement upon execution of the Contract for the above referenced project and for the estimated dollar value as stated above, pursuant to all conditions noted in the attached Contract Documents, swearing and affirming under the pains and penalties of perjury, that the foregoing information and appropriate attachments are true to the best of their knowledge. If the Bidder/Offeror does not receive award of the Contract, any and all representatives in this Letter of Intent and Affirmation shall be null and void.

NAME OF SUBCONTRACTOR / SUPPLIER:

AUTHORIZED SIGNATURE:

PRINTED NAME AND TITLE:

DATE:

NAME OF PRIME CONTRACTOR:

AUTHORIZED SIGNATURE:

PRINTED NAME AND TITLE:

DATE:

Note: If the Prime Contractor is a DBE or Small Business, the Prime Contractor should fill out and submit a copy of this form listing themselves as the Prime Contractor and the Subcontractor / Supplier.

ATTACHMENT 9

NHDOT DBE Program Overview and UCP Certification
Application Form

[Administration](#) > [Office of Federal Compliance](#) > [DBE](#) > Overview

The Disadvantaged Business Enterprise (DBE) Program is primarily funded by the United States Department of Transportation and administered by the New Hampshire Department of Transportation (NHDOT).

The DBE Program was created to:

- Ensure nondiscrimination in the award and administration of Federally assisted contracts.
- Create a level playing field on which DBEs can compete for Federally assisted contracts.
- Help remove barriers that affect participation of DBEs in Federally assisted contracts; and
- Assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

The Benefits

The DBE Program provides companies with substantial benefits. Some of these benefits include:

DBE firms will be listed in the State DBE directory that is available online to Prime Contractors and Consultants at www.nh.gov/dot. The DBE Directory is referenced in all NHDOT proposals of advertised Federally assisted projects.

DBEs have access to a list of work items typically subcontracted by Prime Contractors and Consultants. The DBE Coordinator can assist DBEs with identifying work opportunities and provide contact information and introductions to Prime contractors.

DBEs receive information regarding upcoming NHDOT and Municipal projects and the Prime Contractors/Consultants that have shown interest in them.

Requirements

In order to qualify as a DBE, all companies must meet these five requirements:

The owner must be a member of a socially and economically disadvantaged group. This means owners who are citizens of the United States, or who are lawfully admitted permanent residents, and are: Black, Hispanic, Native Americans, Asian-Pacific Islanders, Subcontinent Asians, or women regardless of race.

The business must be owned, at least 51%, by one or more individuals who are considered members of a socially and economically disadvantaged group.

The disadvantaged owner(s) must control the company's management and daily operations.

A disadvantaged owner(s) personal net worth cannot exceed \$1,320,000 (excluding ownership interest in the firm and the equity in his/her primary residence).

The company must meet the Small Business Administration's Size Standard requirements. Visit www.sba.gov/content/small-business-size-standards for more information.

The DBE Certification Process

New Hampshire based businesses seeking DBE certification may apply as follows:

Please complete and submit the [DBE Certification Application](#), [Personal Net Worth Statement](#), and be sure to include all required documentation as detailed in the Uniform Certification Application Supporting Documents Checklist. (included in the application)

Once a complete application and all the required supporting documentation has been received, the New Hampshire Department of Transportation will arrange an "on-site evaluation" of the company.

If the application is approved, the company will be certified by the New Hampshire Department of Transportation and added to the certified NH DBE directory.

The DBE Annual Renewal Process

Once certified, all DBEs must submit the following information prior to the anniversary date noted on their DBE certification letter.

Annual [Affidavit Of No Change](#)

Signed and dated copies of the firm's, and all of its affiliates, Federal tax return(s) for the most recently filed tax year.

A current copy of the firm's "home state" DBE certification letter (out of state firms only)

Please scan and email this information to david.cloutier@dot.nh.gov or send by mail to: NH Department of Transportation, Office of Federal Compliance/DBE, 7 Hazen Drive PO Box 483, Concord NH, 03302-0483.

Interstate DBE Certification Process

Firms must be currently certified as a DBE in their home state in order to apply for certification in New Hampshire. To apply for New Hampshire DBE certification, please provide the following:

A completed [Request For Interstate DBE Certification](#)

A copy of the firm's current "home state" DBE certification letter

Please scan and email this information to david.cloutier@dot.nh.gov or send by mail to: NH Department of Transportation, Office of Federal Compliance/DBE, 7 Hazen Drive PO Box 483, Concord NH, 03302-0483.

The NHDOT reserves the right to request additional information from the applicant to assist with DBE certification. The NHDOT is the sole DBE certifying agency for the State of New Hampshire. Please direct any questions to NHDOT DBE Coordinator David Cloutier at 603-271-6612 or via email at david.cloutier@dot.nh.gov

DBE Program Regulation

[Part 26](#) - Participation by Disadvantaged Business Enterprise in Department of Transportation Financial Assistance Programs.

New Hampshire Department of Transportation
PO Box 483 | 7 Hazen Drive | Concord, NH | 03302-0483
Tel: 603.271-3734 | Fax: 603.271.3914



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 (\$52.47 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 Department, 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 → **⊗ STOP!** If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.
Federal Tax ID# _____

(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.

(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:	Percent Owned:		Name:	Title:	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"/>

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

A = Always S = Seldom F = Frequently N = Never	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. _____	_____	_____	_____



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

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

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

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

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 10

Signed UCP Agreement Form



DISADVANTAGED BUSINESS ENTERPRISE PROGRAM Unified Certification Program Agreement

Reference: Subpart E of 49 CFR part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

Background: With the publication of DBE Program in the Federal Register on February 8th, 1999, The U.S Department of Transportation (USDOT) established new standards for the implementation of the Disadvantaged Enterprise Program. These new procedures required that each State Highway Agency establish a Unified Certification Program (UCP) by March 4th, 2002.

The establishment of a UCP will recognize current procedures as the "approved" standard for DBE certification. As with past certification procedures, the UCP will not place undue burden on the NHDOT or its operating administrations.


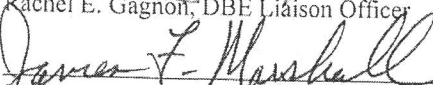
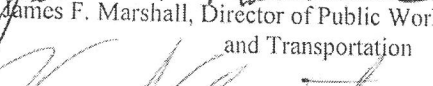

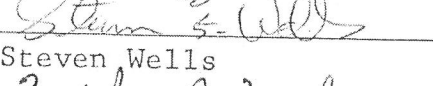

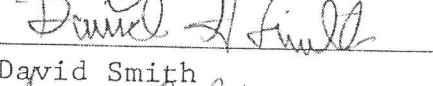
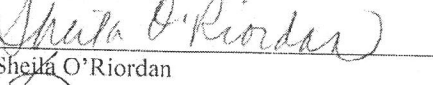
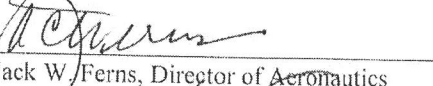
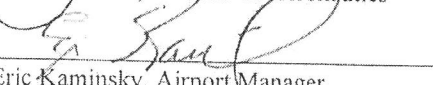
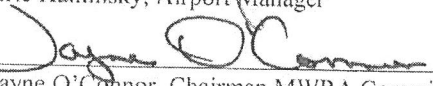
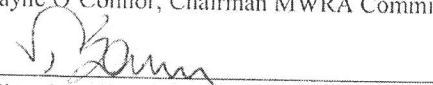

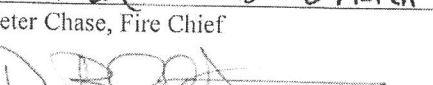
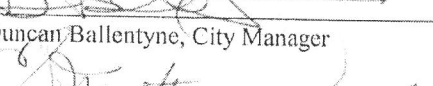
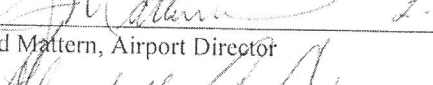


Intent: The intent of the UCP is to establish standard procedures and make certification decisions on behalf of all USDOT recipients in the state with respect to the DBE program.

Terms: This agreement acknowledges the NHDOT's DBE Liaison Officer as the certifying official for all DBE program applicants. In this capacity, the DBE Liaison Officer will make all certification decisions on behalf of the NHDOT and its recipients and cooperate fully with oversight, review, and monitoring activities of the same. Additionally, the NHDOT's DBE Liaison Officer will ensure that all program recipients' EEO obligations are met.

In recognition of the Unified Certification Program, we, the signatories herein, dually agree to the terms set forth by this agreement and the mutual objectives listed below:

1. All USDOT recipients will participate in the UCP.
2. The NHDOT DBE Liaison Officer shall manage the UCP and make all DBE certification decisions on behalf of the NHDOT and its recipients.
3. All certifications shall be considered contract pre-certifications.
4. The UCP is not required to process an application for certification from a firm having its principal place of business outside the state, if the firm is not certified by the UCP in the state which it maintains as the principal place of business.
5. The NHDOT DBE Liaison Officer will maintain a unified DBE Directory for all firms certified under the auspices of the UCP, to be posted and available to the public electronically on the NHDOT website and in print.

SIGNATORIES

 Rachel E. Gagnon, DBE Liaison Officer	3/4/02 Date	NH Department of Transportation Labor Compliance Office (FHWA)
 James F. Marshall, Director of Public Works and Transportation	2/28/02 Date	NH Department of Transportation Bureau of Rail & Transit (Transit)
 Van Chesnut	3/5/02 Date	Advanced Transit, Inc. (Transit)
 Steven Wells	2/22/02 Date	COAST (Transit)
 Micky McIver	2-19-02 Date	Community Action Program Belknap-Merrimack Counties (Transit)
 David Smith	2/22/02 Date	Manchester Transit Authority (Transit)
 Sheila O'Riordan	2/27/02 Date	City of Nashua (Transit)
 Jack W. Ferns, Director of Aeronautics	2/28/02 Date	NH Department of Transportation Bureau of Aeronautics (Aviation)
 Eric Kaminsky, Airport Manager	2/10/02 Date	Berlin Municipal Airport (Aviation)
 Jayne O'Connor, Chairman MWRA Commission	2/12/02 Date	Mount Washington Regional Airport (Aviation)
 Timothy J. Edwards, Airport Manager	 Date	Lebanon Regional Airport (Aviation)
 Michael Minella ^{FOR} PETER CHASE Peter Chase, Fire Chief	2-27-02 Date	Claremont Regional Airport (Aviation)
 Duncan Ballentyne, City Manager	3-4-02 Date	Concord Regional Airport (Aviation)
 Ed Mattern, Airport Director	2-27-02 Date	Dillant-Hopkins Airport (Keene) (Aviation)
 Elizabeth Cepaitis, Chairman	 Date	Boirefield Airport (Nashua) (Aviation)
 Kevin A. Dillion, Airport Manager	2/21/2002 Date	Manchester Airport (Aviation)
 George Meyer	2/28/02 Date	Pease Development Authority (Aviation)
 Mark Fraser, Chairman	2/26/02 Date	Laconia Regional Airport (Aviation)

ATTACHMENT 11

Small Business Participation Forms

**PRIME CONTRACTOR
DBE / SMALL BUSINESS REPORTING INFORMATION FORM**

(To be filled out by the bidder and submitted with their bid package)

Project Name: _____
Airport: _____
AIP Number: _____

Prime Contractor Information

Company Name: _____
Contact Person: _____
Address 1: _____
Address 2: _____
Address 3: _____
City / Town: _____
State: _____
Zip Code: _____
Phone: _____
Fax: _____
E-Mail: _____
NAICS Code: _____

DBE Status:	<input type="checkbox"/> Non-DBE <input type="checkbox"/> Certified DBE (Check one)
Small Business Status:	<input type="checkbox"/> Non-Small Business <input type="checkbox"/> Small Business (Check one)

If Prime Contractor is a DBE or a Small Business, complete the following section:

States you are DBE Certified in:	(If not a DBE leave blank)
Age of Firm:	_____ Years
Type of DBE: (Check one if firm is a DBE)	<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other:
Annual Gross Receipts: (Check one)	<input type="checkbox"/> less than \$500,000 (Check one) <input type="checkbox"/> \$500,000 to \$999,999 <input type="checkbox"/> \$1,000,000 to \$1,999,999 <input type="checkbox"/> \$2,000,000 to \$4,999,999 <input type="checkbox"/> \$5,000,000 to \$9,999,999 <input type="checkbox"/> \$10,000,000 to \$13,999,999 <input type="checkbox"/> \$14,000,000 to \$16,600,000 <input type="checkbox"/> more than \$16,000,000