

METROPOLITAN WASHINGTON UNIFIED CERTIFICATION PROGRAM STANDARD OPERATING PROCEDURES

INTRODUCTION

The Metropolitan Washington Unified Certification Program (MWUCP) has been approved by the U.S. Department of Transportation (DOT)/Federal Transit Administration and Federal Highway Administration for Implementation. See, Title 49 Part 26 of the Code of Federal Regulations (49 CFR Part 26.81 (a) (4)). Therefore, both entities (the District of Columbia Department of Transportation (DDOT) and the Washington Metropolitan Area Transportation Authority (WMATA)) that constitute the UCP shall undertake the measures and procedures set forth herein below.

MONTHLY MEETINGS

Chairmanship of the meetings shall alternate annually. Monthly meetings shall be held the second (2nd) Thursday of each month with the location of the meetings alternating monthly. Minutes, agendas, attendance sheets, attachments and notes will be the responsibility of the certifying partner chairing the meeting. These documents shall be developed, reproduced and maintained by that certifying partner and shall be available for inspection at the each certifying partner's principal place of business.

AUTHORIZED COMMITTEES

The Voting Committee shall be comprised of officials of WMATA and DDOT. The Committee shall have oversight on all matters involving initial and renewal/re-certifications. Additional responsibilities shall include the review of all reports and records regarding certifications and renewal/re-certifications. The Committee shall review standard certification procedures, maintain a record of approvals and denials of applicant firms, deliberate changes in methodology, determine the necessity for and scope of training, and other related duties. Meeting schedule dates shall be determined by members of the committee and a calendar of approved meeting dates for the year shall be prepared by the certifying partner responsible for chairing the meetings in January for distribution to each Committee member and for distribution to staff.

QUORUM

Membership on the committee shall not exceed five and shall be designated by the DBE Liaison from each certifying partner. Members will serve terms consisting of 12 months, renewable at the end of the calendar year and may be replaced at the discretion of the DBE Liaison from each certifying partner. A quorum shall consist of a simple majority, or three voting Committee members. If, at any scheduled meeting of

the UCP, a quorum can not be attained for purposes of voting to approve or disapprove an application for DBE certification or recertification, the meeting shall be postponed until such time as a quorum is achievable.

DIRECTORY COMMITTEE

An oversight committee shall be charged with determining the conformance of the certifying partners' joint DBE directory with UCP rules and regulations, including listings, publication frequency, distributions and availability. Responsibilities shall also include determining the appearance of the directory, manner of publication and distribution and content matter. Members shall be designated by the DBE Liaison of each certifying partner and will consist of a least one member from each UCP entity.

USE OF DEFINITIONS AND REGULATIONS

All DBE Staff shall utilize 49 CFR, Part 26 as a reference/guide during the certification review and evaluation process of each application.

USE OF APPROVED AGENCY PROGRAM DOCUMENTS

The UCP entities shall continue to use their US DOT approved DBE Program documents and procedures for processing applications, except where inconsistencies or ambiguities in the UCP shall be resolved by giving preference to the following in this order: 49 CFR Part 26, USDOT Directives, the DBE Program as approved by DOT and applicable WMATA/DDOT regulations. The UCP entities shall compare program documents (e.g. evaluation form, on-site visit form, checklist, etc.) and identify procedural differences that may impact final certification decisions. The parties shall develop mutually acceptable standards as necessary.

ANNUAL REPORTING REQUIREMENTS

An Annual Report shall be developed by the certifying partner responsible for chairing the meeting for the prior year. Both certifying partners shall have input into the development of the report. The Report shall track the accomplishments of the UCP for the prior twelve month period and shall be submitted to the FTA, along with a cover letter jointly signed by the DBE Liaison for each certifying partner. All Annual Reports shall be available for inspection at each certifying partners' principal place of business.

INITIAL APPLICATIONS

Applicants must submit a complete (signed and notarized) certification application package (including all required supporting documentation) when applying for certification. The certifying partner (WMATA/DDOT) may, pursuant to 49 CFR § 26, accept an SBA 8(a) Small Business Disadvantaged Business application in lieu of the

MWUCP application, but the application must be accompanied by any requested supporting documentation, including, but not limited to their certification letter, most recent three (3) years Corporate and Personal Tax Returns, any requested NAICS Codes, a current Personal Financial Statement, a current Personal Net Worth Statement, a DBE addendum for Personal Net Worth Statement, along with all required documentation. Additionally, in lieu of a completed UCP application, a copy of the firm's SBA application may be provided by the applicant or forwarded by the SBA, pursuant to 49 CFR § 26, along with all required supporting documentation.

RENEWAL/RE-CERTIFICATION APPLICATIONS

Currently, the MWUCP has a three year certification period. Renewal/Re-certification applications should be submitted within 90 days of the end of the three year period, or be required to re-apply as an "initial " applicant, with all required supporting documentation. Applicants must complete a Recertification Application, submit a "No Change Statement" or Notice of Change" along with any requested supporting documentation (most recent three years corporate and personal tax, a current Personal Financial Statement, and a current Personal Net Worth Statement.

ANNUAL REVIEW OF DBE CERTIFICATION

A certified DBE firm must submit annually, on the anniversary of their DBE certification, a "No Change Affidavit" affirming that there have been no changes in their firm's circumstances affecting its ability to meet size, disadvantaged status, ownership or control in accordance with the requirements of the regulation or a "Notice of Change Statement" any time during the year, of any change(s) in firm's circumstances with supporting documents.

APPLICATION SUBMITTAL AND APPROVAL

The UCP parties shall, use the model certification application provided by the US Department of Transportation and published in the Federal Register, Volume 68, Number 115 (Monday, June 16, 2003) at page 35557. The accompanying instructions shall be used for application completion. In addition, a list of each entity's supplemental (e.g. evaluation, checklist, etc.) documents shall be utilized in order to complete the required information for applicant files.

APPLICATION DISTRIBUTION

Each certifying partner shall refer applicants to their respective websites for downloadable certification forms (WMATA: <http://www.wmata.com> and DDOT: <http://www.dbe.ddot.dc.gov>). Neither certifying partner shall refer applicants to the other certifying partner for the purpose of processing the application, reviewing the merits of the application or establishing whether the applying firm is eligible for certification,

unless both partners agree that assisting each other with application processing would be productive (e.g. Applicant has been approved by both WMATA and DDOT prior to the MWUCP approval, but the WMATA certification expires prior to the DDOT certification. In such a case, WMATA would instruct the certified firm to wait and apply for re-certification through DDOT (thereby acknowledging the furthest expiration date). DDOT would then become the certifying partner to review and process the application for the re-certification on the three year anniversary date. MWUCP certifying partners are not required to process applications for certification if the applicant is not certified by their "home state." Upon a determination that an applicant does not possess home state certification, all application materials shall be returned, along with a standard letter issued by the MWUCP citing 49 CFR § 26.81(d) as the reason for the return.

APPLICATION PROCESSING

Neither certifying partner shall refer its certification applications to another certifying partner for the purpose of processing the application, reviewing the merits of the application or establishing whether the applying firm is eligible for certification, unless both partners agree that assisting each other with application processing would be productive.

All applications being prepared for consideration by either certifying partner should be evaluated and prepared for review by the MWUCP Committee and shall be shared with the Committee Members via electronic e-mail not later than 5:00 p.m., the Friday prior to the scheduled meeting date, or at least three business days prior to a scheduled meeting not falling on the 2nd Thursday of each month. Committee members may then e-mail any questions or concerns prior to the meeting date, thereby allowing time to perform any additional research or obtain any additional documentation necessary to be responsive to the Member's query.

DBE Staff will perform an initial desk audit to ascertain the firm's service expertise and whether the application package is complete with all required documentation, signatures and notary stamps or seals. If the package is incomplete or, if an initial review determines that the applicant is ineligible for participation in the DBE program, the package shall be returned with a cover letter advising the applicant of the reason for the return.

ON-SITE REVIEW

Once the applicant file has been reviewed and evaluated for completeness, the certification staff must either conduct an on-site review with the owner(s) at the principal place of business or obtain a copy of a recent on-site report conducted by the home state certifier.

All on-site visits must be no older than six (6) years old. If the on site visit report is determined to be too dated for purposed of the MWUCP, the DBE staff person may request that a new on-site be performed by the home state certifying agency.

Additionally, on-site visits may be made to a project site if such project is underway at the time of the review and if such additional on-site visit is deemed practicable and necessary by the DBE staff. All on-site reviews must be conducted in accordance with 49 CFR Part 26.83 to substantiate information/documentation contained in the applicant file. Further, if the applicant has submitted an SBA 8(a) application in lieu of the MWUCP application, an on-site report must be obtained by the appropriate DBE certifying entity of the applicant's home state.

INTERNAL MANAGEMENT REVIEW

The DBE Staff will prepare a written evaluation certification determination and recommendation of the applicant's eligibility following completion of the review of all documentation and the on-site review (when applicable). The written determination must be comprehensive to persuade an objective party (management) as to the merits of the recommendation. An application should be reviewed by management prior to submission to the MWUCP for final consideration.

Committee members shall review each evaluation prior to the meeting, present any questions to the responsible DBE Staff person and, upon receipt of the responses, be prepared to vote during the monthly meeting. All committee members must sign each evaluation as evidence of the final disposition of the application. In some cases, and upon a request for additional research, a final disposition may be reached via teleconference of a quorum of Committee members. In such cases, the date and time of the teleconference shall be noted on the evaluation form and the participating Committee members for the certifying partner presenting the application shall have signing proxy for Committee members participating by telephone. A record of any such teleconference dispositions shall be reflected in the meeting minutes as an addendum.

NOTIFICATION/CERTIFICATION LETTERS

Approvals

Each certifying partner shall be responsible for preparing notification/certification letters for each application processed. All certification letters shall be printed on MWUCP letterhead and shall be signed by the appropriate person with signatory authority from the certifying partner. The DDOT letters are normally signed by the Director, Department of Transportation, Chief, Civil Rights Division or designee, while the WMATA letters are normally signed by the DBE Liaison, DBE Manager or designee.

Denials

In the event of a denial of certification, the letter explaining the basis for the denial shall be printed on MWUCP letterhead and shall be signed by the appropriate person with signatory authority from the certifying partner who processed the application. Further, a copy of the denial letter shall be provided to the other certifying partner for inclusion in their files.

PRE-CERTIFICATION

The UCP certifications are all "pre-certifications." Certifications must be made final before the due date for bids or offers on a contract on which the firm seeks to participate as a DBE. Generally, applications shall be processed according to the order in which they are received.

TRAINING

Training programs offered by the UCP shall be available to all entities that comprise the UCP. A refresher-training will be held annually to include the entire DBE Staff. DBE training offered by outside entities (i.e., National Transit Institute) shall be encouraged for all DBE staff for both certifying partners.