



WASHINGTON
METROPOLITAN AREA
TRANSIT AUTHORITY

SMALL BUSINESS PROGRAMS OFFICE

POLICIES AND PROCEDURES MANUAL



March 2019

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



BACKGROUND

The Metro system is a \$40 billion asset that is vital to the operational and economic health of the National Capital Region. Charged with serving a population of approximately 4 million people within a 1,500-square mile jurisdiction, the Washington Metropolitan Area Transit Authority (WMATA) is responsible for 91 Metrorail stations and 117 miles of track, along with managing 1,500 buses 24 hours a day, seven days a week.

As WMATA aims to rebuild, reform, and improve regional transit, the Small Business Program Office (SBPO) continues to administer three small business certification programs that encourage participation in WMATA's contracting opportunities: Disadvantaged Business Enterprise (DBE) Program, Small Business Enterprise (SBE) Program, and Small Business Local Preference Program (SBLPP).

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1. POLICY STATEMENT

The Washington Metropolitan Area Transit Authority (WMATA), as a recipient of federal financial assistance from the Federal Transit Authority (FTA), has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the United States Department of Transportation (DOT), Title 49 of the Code of Federal Regulations Part 26 - *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs* (49 CFR Part 26). As a condition of receiving FTA funding, WMATA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of WMATA that DBEs have an equal opportunity to receive and participate in federally-assisted contracts. WMATA also ensures that no contractors or vendors are discriminated against on the basis of race, color, national origin, sex or any other unlawful basis in the award and performance of contracts and subcontracts. It is also our policy:

- To ensure nondiscrimination in the award and administration of federally-assisted contracts;
- To create an equitable environment wherein DBEs compete fairly for federally-assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in federally-assisted contracts; and
- To assist the development of firms that can compete on an equal footing in the market place outside the DBE Program.

The Director of WMATA's Small Business Program Office (SBPO) or designee has been delegated as the DBE Liaison Officer (DBELO). The Director of SBPO is responsible for implementing all aspects of the DBE Program.

The requirements of the DBE Program are accorded the same priority as compliance with all other legal obligations incurred by WMATA in its financial assistance agreements with DOT. This policy shall be disseminated to the Board of Directors and Executive Officers of WMATA. WMATA shall make its DBE Program Plan available to the public through its website.

WMATA recognizes that the achievement of its DBE Program will significantly contribute to the economic and social progress of WMATA's Transit Zone. Thus, WMATA will make every effort to ensure the ongoing success of its DBE Program.

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2. DOCUMENT PURPOSE

Committed to enabling small businesses owned and controlled by socially and economically disadvantaged individuals to compete for federally-funded contracts, WMATA has produced this SBPO Policies and Procedures Manual. This Manual is a means to ensuring correct implementation and execution of policies and procedures consistent with the requirements of 49 CFR Part 26.

This Manual contains applicable definitions and acronyms, delineates roles and responsibilities of SBPO personnel and relevant Agency stakeholders, outlines key Agency policies and procedures, and provides tables, figures, and process flows for WMATA management and staff reference.

3. DEFINITIONS

Definitions to terms and tools that are incorporated throughout this SBPO Policies and Procedures Manual are provided in Table 3:1 below.

Table 3:1 Definitions

#	TERM	DEFINITION
1	Assurance	Declaration of intent by the recipient of DOT funds to correctly implement 49 CFR Part 26; or contractual provision affirming prime contractor and subcontractor's adherence to the requirements of 49 CFR Part 26
2	Bidder	Business that responds to a WMATA solicitation for products, materials or labor
3	Business	Entity organized for profit, 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

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#	TERM	DEFINITION
4	Chief Procurement Officer	WMATA executive that is responsible for developing, issuing and enforcing procurement procedures to implement WMATA procurement policies
5	Compliance	Correct implementation of 49 CFR Part 26 by the recipient of DOT funds; or a bidder that has been deemed by WMATA to have met the requirements of 49 CFR Part 26
6	Contract	A mutually binding legal relationship in which the seller furnishes supplies or services (including construction) and the buyer pays for them. It includes all types of commitments that obligate the Authority to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications.
7	Contract Administrator	A contract administrator is a WMATA employee within the Office of Procurement and Materials (PMRT) who is responsible for the management of contracts, including approval and any necessary changes that may be needed over the course of the contract.
8	Contracting Officer	The “Contracting Officer” is the Authority’s Chief Procurement Officer or such persons(s) or positions as shall be designated in writing by the Chief Procurement Officer to act in her behalf. Wherever the term “Contracting Officer” shall appear in this document, the term also includes her designee(s).

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#	TERM	DEFINITION
9	Contracting Officer Technical Representative	A COTR is a representative of the Contracting Officer responsible to and appointed by the Chief Procurement Officer. The COTR performs those contract administration functions specifically delegated in writing by the Contracting Officer. COTRs have no contractual authority and cannot enter into contractual agreements.
10	Contractor	Any individual or other legal entity that directly or indirectly (e.g., through an affiliate), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, an Authority contract, including a contract for carriage or commercial bills of lading, or a subcontract under a contract.
11	Day	Unless stated otherwise, means calendar days. In computing any period of time described in this Manual, 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 WMATA offices are closed for all or part of the last day, the period extends to the next day on which the agency is open
12	Debarment	An action taken by the DCUCP exclude a contractor from contracting or subcontracting for Metro for a reasonable period of time. A debarment may be based on convictions, civil judgments or fact-based cases involving transportation crimes, as well as other causes. Debarment includes all divisions or other organizational elements of the contractor, unless the debarment decision is limited by its terms to specific divisions, organizational elements or commodities. Debarment is imposed for a set period of time and is decided on a case-by-case basis.
13	Denial	Action precluding certification in the Disadvantage Business Enterprise and Small Business Enterprise Programs for failure to meet the eligibility standards

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#	TERM	DEFINITION
14	Disadvantaged Business Enterprise	A for-profit small business concern that has been certified by the Authority to be at least 51% owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51% of the stock is owned by one or more individuals, and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
15	Disadvantaged Business Enterprise Directory	Complete listing of all contractors certified by the Metropolitan Washington Unified Certification Program, which is available to the public electronically (via web) and in-print
16	District of Columbia Unified Certification Program	Undertaking between WMATA and the District Department of Transportation to serve as Certifying Partners or Parties responsible for governing programs created pursuant to 49 CFR Parts 23 and 26

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#	TERM	DEFINITION
17	Good Faith Efforts	The “Good Faith Efforts” requirement means that when requesting a waiver, the bidder/offeror must demonstrate that it took all necessary and reasonable steps to achieve the DBE Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if those steps were not fully successful. Whether a bidder/offeror that requests a waiver made adequate good faith efforts will be determined by considering the quality, quantity, and intensity of the different kinds of efforts that the bidder/offeror has made. The efforts employed by the bidder/offeror should be those that one could reasonably expect a bidder/offeror to take if the bidder/offeror 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. The determination concerning the sufficiency of the bidder's/offeror's good faith efforts is a judgment call; meeting quantitative formulas is not required
18	Home State	State in which a DBE firm or applicant for DBE certification maintains its principal place of business
19	Independence	Circumstances in which DBE applicant is not dependent on the relationship of another firm or person in such a way as to compromise its control
20	Joint Venture	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

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#	TERM	DEFINITION
21	Manufacturer	Business 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 contract
22	North American Industry Classification System Code	Classification associated with the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the United States business economy
23	No Change Affidavit	Form to be submitted by the DBE indicating that there has been no material change in the business' circumstances relative to the requirements of 49 CFR Part 26
24	Noncompliance	Failure to correctly implement the requirements of 49 CFR Part 26 by the recipient of DOT funds; or a failure by the bidder to meet the requirements of 49 CFR Part 26
25	Notice Regarding Change	Form to be submitted by the DBE indicating that there has been a change(s) to: (1) personal net worth; (2) size standard; (3) disadvantaged status; (4) ownership; or (5) control
26	Oversight Committee	Component of the DCUCP, which is authorized to oversee all matters involving denials, suspensions and de-certifications on behalf of the DCUCP
27	PeopleSoft Contract Lifecycle Management System	Software application (database) utilized by WMATA to house and maintain DBE applicant information, as well as serve as the system of record for the Small Business Program Office

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#	TERM	DEFINITION
28	Personal Net Worth	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. The dollar of personal net worth is 1.32 million excluding the owner's personal residence.
29	Preponderance of the evidence	Standard of proof that leads to the conclusion that the fact at issue is probably truer than not
30	Procurement Review Committee	Procurement Review Committee is a group consisting of the Chief Procurement Officer or designee, the DBE Liaison or designee, the Procurement Manager, the Contract Manager, the Contract Administrator, and a representative from the Program Office to review future procurement for the purpose of establishing a DBE Goal, or an SBE set-a-side.
31	Race-conscious	Measure or program that is focused specifically on assisting only DBEs, including women-owned DBEs
32	Race-neutral	Measure or program that is, or can be, used to assist all small businesses. For WMATA procurements, it includes the gender-neutrality.
33	Recipient	Any entity, public or private, to which DOT financial assistance is extended whether directly or through another recipient, through the program of Federal Aviation Administration, Federal Highway Administration, Federal Transit Administration, or who has applied for such assistance.

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#	TERM	DEFINITION
34	Regular Dealer	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 and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business
35	Set Aside	Contracting practice restricting eligibility for the competitive award of a contract solely to eligible SBE firms
36	Socially and Economically Disadvantaged Individual	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 member of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control
37	Suspension	An action taken by a CO or the CPRO to temporarily disqualify a contractor from Metro contracting and subcontracting pending a debarment hearing. A suspension may be based on convictions, civil judgments or fact-based cases involving transportation crimes.
38	Transit Vehicle Manufacturer	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, 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

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#	TERM	DEFINITION
39	Vendor	A business that is either presently working, has worked or could work on a WMATA contract or subcontract.

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4. ACRONYMS

Acronyms utilized to shorten terms referenced throughout this SBPO Policies and Procedures Manual are identified in Table 4:1 below.

Table 4:1 Acronyms

#	ACRONYM	TERM
1	ACDBE	Airport Concessions Disadvantaged Business Enterprise
2	CA	Contract Administrator
3	CFR	Code of Federal Regulations
4	CLM	Contract Lifecycle Management System
5	CO	Contracting Officer
6	COTR	Contracting Officer Technical Representative
7	COUN	Office of the General Counsel
8	CPRO	Chief Procurement Officer
9	DBE	Disadvantaged Business Enterprise
10	MSBP	Manager, Small Business Programs
11	DCUCP	District of Columbia Unified Certification Program
12	DDOT	District Department of Transportation
13	DOT	United States Department of Transportation
14	FFY	Federal Fiscal Year
15	FHWA	Federal Highway Administration
16	FTA	Federal Transit Administration
17	MARC	Management Audits Risk and Compliance
18	MDOT	Maryland Department of Transportation
19	NAICS	North American Industry Classification System
20	OC	Oversight Committee
21	OIG	Office of Inspector General
22	PDF	Portable Document Format
23	PNW	Personal Net Worth
24	PPM	Procurement Procedure Manual
25	PRC	Procurement Review Committee
26	PRMT	Office of Procurement and Materials
27	RC	Race Conscious
28	RN	Race Neutral
29	RWA	Ready, Willing, And Able
30	SBA	Small Business Administration
31	SBAN	Small Business Analyst

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#	ACRONYM	TERM
32	SBE	Small Business Enterprise
33	SBLPP	Small Business Local Preference Program
34	SBPO	Small Business Program Office
35	SSBA	Sr. Small Business Auditor
36	TVM	Transit Vehicle Manufacturer
37	U.S.	United States
38	WMATA	Washington Metropolitan Area Transit Authority

5. ROLES AND RESPONSIBILITIES

An overview of the roles and responsibilities for positions and entities associated with the policies and procedures included in this SBPO Policies and Procedures Manual are outlined in Table 5:1 below. All delegated responsibilities shall be set forth in writing.

Table 5:1 Roles and Responsibilities

#	ROLE	RESPONSIBILITIES
1	Chief Procurement Officer	<ul style="list-style-type: none"> • Oversee all WMATA procurement programs and personnel • Develop, review, analyze, and enforce all WMATA procurement policies, to include ensuring policies are consistent with 49 CFR Part 26 and the WMATA Procurement Procedures Manual (PPM). • Establish a system to select, recommend, appoint, and delegate contracting authority • Ensure the proper retention of all DBE certification and all other relevant contract documents
2	Contract Administrator	<ul style="list-style-type: none"> • Administer assigned WMATA contracts • Assemble all relevant contract records for procurement • Support SBPO activities, where appropriate

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#	ROLE	RESPONSIBILITIES
3	Contracting Officer	<ul style="list-style-type: none">• Develop solicitations which include DBE goal and related requirements• Issue solicitations for bid (to include DBE and/or SBE eligible bidders)• Obtain DBE and/or SBE documentation with the bid or proposal• Deliver relevant bid or proposal information to SBPO for review• Submit DBE goal, SBE set aside, and/or compliance questions and requests to SBPO• Administer assigned WMATA contracts

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4	Manager, Small Business Programs	<ul style="list-style-type: none"> • Manages, through subordinate staff, the coordination of the pre-bid conferences, project site tours, pre-award survey boards, and other appropriate meetings to address, and explain, and ensure applicable contractor compliance with SBPO requirements. Analyzes bids/ proposals submitted to ensure compliance with SBPO participation goals and responsiveness to bidding/proposal documentation requirements. Monitors post award contract payments, contract goal attainments, and other relevant contract compliance issues. • Co-Chairs the Procurement Review Committee (PRC) meetings. The PRC evaluates WMATA federally eligible contracts (Equipment, Supply, Services, and Construction) for DBE Goal attainment. The PRC also recommends contracts for the SBE or SBLPP program. • Develops strategic solutions to mitigate potential compliance problems on major contracts. Advises prime contractors, subcontractors, and DBE/SBE contractors on a wide range of contract issues and complex contract negotiations. • Conducts desk audits, visits field locations, and independently investigates the validity of complaints and the degree to which contract execution is implemented on an on-going basis. Prepares reports on inquiries, investigations, and inspections. • Conducts site visits to prime contractor work areas to ensure compliance with provisions of contracts as well as site visits, as appropriate, of firms applying for DBE/SBE/SBLPP firm certification. • Develops, implements, administers, monitors, executes, and evaluates policies and procedures for District of Columbia Unified Certification Program (DCUCP) to ensure that small business enterprises meet the eligibility requirements in accordance with 49 CFR Part 26 to participate in WMATA's SBPO Programs. • Prepares comprehensive written evaluations of applicants compliance with DBE/SBE/SBLPP certification eligibility criteria and makes recommendations to grant or deny certification. Also, reviews written evaluations of SBE applicants and grants or denies SBE certification.
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#	ROLE	RESPONSIBILITIES
		<ul style="list-style-type: none">Plans, organizes, supervises, reviews and evaluates workload activities of subordinate staff. Handles all personnel and labor matters for the department. Monitors and recommends training and professional development. Motivates and influences others to achieve job and department objectives.Provides guidance, informal training to staff and reviews their certification and contract compliance actions, to include developing and maintaining the internal SBPO program operation standards, which are instruction and guidelines provided through procedures, manuals, and policies in the SBPO.

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#	ROLE	RESPONSIBILITIES
5	Sr. Small Business Auditor	<ul style="list-style-type: none"> • Drafts written report that are factual, objective, and in conformance with professional standards. • Prepares audit reports which present findings, cite applicable regulations, identify causative situations, and recommend corrective actions. • Reviews previous audit reports and the provisions of a standard audit plan for the program area. • Arranges meetings at the audit site, explains the purpose for the audit, procedures, and answers questions. • Independently reviews management processes, regulations, guidance, and systems. • Independently reviews the reliability and usefulness of data and information collected by the Small Business Auditor maybe used by the OIG, WMATA Management or appropriate law enforcement organization to act as is required by the terms of the contract, policy or law. • Prepares charts, tables, graphs, and other exhibits to aid in the presentation of audit findings. • Reviews functional and program manuals to gain knowledge of the audit subjects under evaluation. • Performs audits/inspections of varying degrees of complexity. Researches and synthesizes laws, regulation, and procedures. Identifies and assesses inherent risks and controls. • Prepares work papers ensuring documentation is in accordance with office policies and professional audit standards as required by GAO's Government Auditing Standards. • Maintains effective relationships when representing the office always uphold professional standards of conduct. • Keep supervisors informed on the progress of analysis efforts, identifies problems, and presents viable solutions. • Evaluates management responses from audited/evaluated programs areas to determine compliance with recommendations. Performs follow up activities to ensure acceptable management compliance.

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#	ROLE	RESPONSIBILITIES
6	Performance Analyst	<ul style="list-style-type: none">• Collects and analyzes data to establish data quality and reliability. Formulates data gathering protocols for recording, evaluating, and reporting. Analyzes data gathered and develops solutions or alternative methods of collecting data.• Assists in aggregating and interpreting performance data.• Effectively summarizes quantitative and qualitative analyses into formats appropriate for a range of audiences. Reconfigures existing reports as necessary.• Collects data to support changes to existing policies and procedures as needed.

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7	Director of Small Business Programs	<ul style="list-style-type: none"> • Oversee all WMATA procurement programs and personnel • Develop and implement all small business program policies and procedures • Assign activities and monitor small business program-related performance • Initiate any small business program enforcement actions • The Director of the Small Business Programs also serves as the DBELO. This section should therefore include the following responsibilities listed in our DBE Program Plan. <p>The DBE Liaison Officer is responsible for overseeing the development, implementation, and monitoring of the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:</p> <ul style="list-style-type: none"> • Gathers and reports statistical data and other information required by USDOT. • Reviews third party contracts and purchase requisitions for compliance with the DBE program. • Works with all departments to set overall goals. • Ensures that bid notices and requests for proposals are available to DBEs in a timely manner. • Identifies federally-funded contracts and procurements so that DBE goals are included in solicitations and monitors results. • Analyzes WMATA's progress toward goal attainment and identifies ways to improve progress. • Participates in pre-bid meetings. • Advises the General Manager/CEO on DBE matters and achievement. • During bid/proposal review, participates with legal counsel and project directors to determine contractor compliance with good-faith efforts. • Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance. • Plans and participates in DBE training seminars. • Certifies DBEs according to the criteria set by USDOT and acts as liaison to the Unified Certification Program in the Metropolitan Washington area.
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#	ROLE	RESPONSIBILITIES
		<ul style="list-style-type: none"> Provides outreach to DBEs and community organizations to advise them of opportunities. Maintains WMATA's updated directory on certified DBEs.
8	General Counsel	<ul style="list-style-type: none"> Provide legal counsel regarding procurement matters within WMATA, particularly those roles involved in the procurement process. Assign an attorney from the Office of General Counsel for each WMATA procurement. Review and approve WMATA procurement policies and procedures, and ensure they are consistent with all applicable laws and regulations and effectively fulfill the needs and purposes of WMATA. Ensure appropriate legal review at all appropriate steps of all procurements. Determine whether the DBE program is in compliance with the 49 CFR Part 26. Review all PARP requests for information on companies certified as a DBE or SBE by the UCP.
9	Management Audits Risk and Compliance	<ul style="list-style-type: none"> Audit WMATA DBE Program. Verify and validate WMATA compliance with 49 CFR Part 26.
10	Oversight Committee	<ul style="list-style-type: none"> Review DBE certification procedures. Maintain records of the applicant firm. Deliberate and issue final determinations regarding the denial, suspension, or the decertification of DBE firms on behalf of District of Columbia Unified Certification Program.
11	Procurement Review Committee	<ul style="list-style-type: none"> Establish contract goals when WMATA determines that it cannot meet its overall triennial DBE goal through race-neutral measures Support development of solutions that address potential contract issues

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#	ROLE	RESPONSIBILITIES
12	Small Business Analyst	<ul style="list-style-type: none"> • Ensure vendor outreach and communication • Support certification compliance activities, to include monitoring and evaluation • Report all potential issues to Director of SBPO to include pertinent findings and recommendations • Responsible for overseeing and monitoring the input of information into the PeopleSoft CLM System • Prepare monthly reports on prompt payment compliance • Generate the semi-annual Unified Report of DBE Awards or Commitments
13	Director of the Small Business Program Office	<ul style="list-style-type: none"> • Manage, review, and coordinate small business programs within WMATA • Develop, review, and communicate small business program requirements to firms that seek to or currently conduct business with WMATA • Ensure WMATA compliance with all policies, procedures, and applicable regulations for small business programs

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6. GENERAL REQUIREMENTS

The following subsections detail the General Requirements that the Small Business Program Office (SBPO) shall reference in the administration of all three WMATA small business certification programs: Disadvantaged Business Enterprise (DBE) Program, and Small Business Enterprise (SBE) Program, and Small Business Local Preference Program (SBLPP).

6.1 Regulatory Applicability

The following matrix maps the regulatory applicability of SBPO policies and procedures to the effective (as of March 7, 2018) Subparts of Title 49 of the Code of Federal Regulations, Part 26: *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs* (49 CFR Part 26), as of March 7, 2018.

Table 6:1 Regulatory Applicability Matrix

SUBPART SECTION	SUBPART SECTION #	CFR SUBPART TITLE	SECTION TITLE	MANUAL CITATION
Subpart A	26.1	General	What are the objectives of this part?	§2
	26.3		To whom does this part apply?	§6
	26.5		What do the terms used in this part mean?	§3
	26.7		What discriminatory actions are forbidden?	§6.2.1
	26.9		How does the Department issue guidance and interpretations under this part?	§6.5
	26.11		What records do recipients keep and report?	§6.3.2
	26.13		What assurances must recipients and contractors make?	§6.2
	26.15		How can recipients apply for exemptions or waivers?	N/A

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SUBPART SECTION	SUBPART SECTION #	CFR SUBPART TITLE	SECTION TITLE	MANUAL CITATION
Subpart B	26.21	Administrative Requirements for DBE Programs for Federally-Assisted Contracting	Who must have a DBE program?	§10
	26.23		What is the requirement for a policy statement?	§1
	26.25		What is the requirement for a liaison officer?	§1 §5
	26.27		What efforts must recipients make concerning DBE financial institutions?	§7.1.2
	26.29		What prompt payment mechanisms must recipients have?	§8.3.2 §10.1 §10.2.3
	26.31		What information must you include in your DBE directory?	§7.2.2 §11.1.3
	26.33		What steps must a recipient take to address overconcentration of DBEs in certain types of work?	§11.2.2.1
	26.35		What role do business development and mentor-protégé programs have in the DBE program?	N/A
	26.37		What are a recipient's responsibilities for monitoring the performance of other program participants?	§8.1.2 §10.2.3
Subpart C	26.39	Goals, Good Faith Efforts, and Counting	Fostering small business participation.	§10.1.2 §11.2.1
	26.41		What is the role of the statutory 10 percent goal in this program?	§8.1.1
	26.43		Can recipients use set-asides or quotas as part of this program?	§11

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SUBPART SECTION	SUBPART SECTION #	CFR SUBPART TITLE	SECTION TITLE	MANUAL CITATION
Subpart C	26.45	Goals, Good Faith Efforts, and Counting	How do recipients set overall goals?	§8.1
	26.47		Can recipients be penalized for failing to meet overall goals?	§8.3.2
	26.49		How are overall goals established for transit vehicle manufacturers?	§8.2.1
	26.51		What means do recipients use to meet overall goals?	§8.3.3 §11.2.3
	26.53		What are the good faith efforts procedures recipients follow in situations where there are contract goals?	§8.1.1 §9.2 §9.2.2
	26.55		How is DBE participation counted toward goals?	§8.1.2 §8.3.3
Subpart D	26.61	Certification Standards	How are burdens of proof allocated in the certification process?	§7.6.2
	26.63		What rules govern group membership determinations?	§7.5.1
	26.65		What rules govern business size determinations?	§7.1.2.1
	26.67		What rules determine social and economic disadvantage?	§7.1.2.2
	26.69		What rules govern determinations of ownership?	§7.1.2.2
	26.71		What rules govern determinations concerning control?	§7.1.3.2
	26.73		What are other rules affecting certification?	§7.6.2.1
Subpart E	26.81	Certification Procedures	What are the requirements for Unified Certification Programs?	§7.5.1

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SUBPART SECTION	SUBPART SECTION #	CFR SUBPART TITLE	SECTION TITLE	MANUAL CITATION
Subpart E	26.83	Certification Procedures	What procedures do recipients follow in making certification decisions?	§7.1.2.1
	26.85		Interstate certification.	§7.3.2
	26.86		What rules govern recipients' denials of initial requests for certification?	§7.7.1
	26.87		What procedures does a recipient use to remove a DBE's eligibility?	§7.6.1
	26.88		Summary suspension of certification.	§7.6.1
	26.89		What is the process for certification appeals to the DOT?	§7.6.2
	26.91		What actions do recipients take following DOT certification appeal decisions?	§7.7.2
Subpart F	26.101	Compliance and Enforcement	What compliance procedures apply to recipients?	§10
	26.103		What enforcement actions apply in FHWA and FTA programs?	§10.2.1.2
	26.105		What enforcement actions apply in FAA programs?	N/A
	26.107		What enforcement actions apply to firms participating in the DBE program?	§7.6 §10.2
	26.109		What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?	§6.3.3

*Cells marked N/A indicate non-applicability, as those Subpart Sections do not directly apply to the policies and procedures set forth in this Manual.

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6.2 Assurances

Pursuant to 49 CFR Part 26, WMATA has agreed to the assurances outlined below, with respect to all applicable small business programs administered by the agency.

6.3 Non-Discrimination

In accordance with 49 CFR Part 26.13(a), WMATA assures that the agency will 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.

Additionally, WMATA assures that the agency will take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. In satisfaction of these assurances, WMATA shall include contractual provisions to the same effect, as described below in Section 7.1 (Certification Intake).

In accordance with 49 CFR Part 26.7(b), WMATA assures that in administering the WMATA DBE Program, the agency 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 program with respect to individuals of a particular race, color, sex, or national origin.

6.4 Cooperation

In accordance with 49 CFR Part 26.109(c), WMATA assures that all participants in WMATA's DBE Program, to include, but not limited to, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals, will cooperate fully and promptly with DOT and/or WMATA compliance reviews, certification reviews, investigations, and other requests for information.

6.5 Intimidation and Retaliation

In accordance with 49 CFR Part 26.109(d), WMATA assures that the agency and all contractors, or any other participants in the DBE 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 49 CFR Part 26 or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to 49 CFR Part 26.

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6.6 Records Retention

In accordance with 49 CFR Part 26.11(d), WMATA will maintain records documenting a firm's compliance with WMATA's DBE Program. At a minimum, WMATA PRMT and SBPO shall jointly ensure maintenance of the complete application package for each certified firm and all affidavits of no-change, change notices, and onsite reviews. The Chief Procurement Officer (CPRO) shall ensure the following.

1) Certification Records;

(a) For all DBEs certified by WMATA: the CPRO, or designee, is responsible for maintaining all certification records for four years from the date the firm no longer exists or is no longer a DBE, whichever comes first;

(b) For all firms denied initial certification: the CPRO, or designee, is responsible for maintaining all application records for four years from the date the DCUCP issues the denial;

(2) Substitution Requests;

(a) The CPRO, or designee, is responsible for maintaining all records related to substitution requests for four (4) years from the date that the contract has been closed.

6.7 System of Record

The system of record for all WMATA DBE Program records is the PeopleSoft Contracts Lifecycle Management (CLM) System. The specific resources allocated and procedural steps to be implemented with regard to use of the CLM System for WMATA records retention purposes are detailed in the applicable procedures stated in this Manual.

Procedure

To gain access to the PeopleSoft CLM System, all users must complete either of the procedures stated below:

1. For reference purposes, please see the steps provided below indicating how **Applicants** can gain access to the CLM System:

A. The applicant must Apply for Certification by entering their *User ID* in the

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Username field and Password in the *Password* field.

B. Click *Sign In*.

C. Navigate to: Manage Events and Place Bids > My Certification page > Add a New Value. For detailed instructions, please refer to the [user guide](#).

An image of the CLM System's login screen for Applicants appears on the next page.

Guide 6.1 CLM Login Screen

The image shows two screenshots of the WMATA Supplier Portal. The top screenshot is an email titled 'WMATA Supplier Portal Registration' with a 'Do not reply' header. It informs the user that their registration is complete and provides instructions on how to reset their temporary password. A red arrow points to a link labeled 'Complete WMATA Certification'. The bottom screenshot is the 'Login' page, which prompts the user to 'Login here as an existing User.' It features input fields for 'User ID' and 'Password', both of which are highlighted with a red rectangular box. Below these fields is a 'Sign In' button. Additional text indicates that 'User ID and Password are case sensitive' and provides links for 'New User' registration and 'forgot my password'.

2. The steps provided below indicate how **WMATA personnel** can gain access to the CLM System:

A. Login to CLM System via the Oracle PeopleSoft Enterprise and type the *Username* in the *User ID* field and the password in the *Password* field; and

B. Click *Sign In*.

An image of the CLM System's login screen for WMATA personnel appears on the next page.

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Guide 6.2 WMATA Personnel Login Screen

The image shows a screenshot of the Oracle PeopleSoft Enterprise login screen. At the top, the Oracle logo is displayed in red, followed by 'PEOPLESOFT ENTERPRISE' in black. The login form is divided into two main sections. On the left, there is a 'User ID' field containing 'DBE_TEAM' and a 'Password' field with masked characters and a 'Sign In' button. Below these fields is a link for 'Set Trace Flags'. On the right, there is a 'Select a Language' section with a list of languages including English, Español, Dansk, Deutsch, Français, Français du Canada, Italiano, Magyar, Nederlands, Norsk, Polski, Português, Română, Suomi, Svenska, Türkçe, Čeština, 日本語, 한국어, Pycckий, 繁體中文, 简体中文, and UK English. At the bottom left, there is a small copyright notice: 'Copyright © 2000, 2013, Oracle and/or its affiliates. All rights reserved. Oracle and Java are registered trademarks of Oracle and/or its affiliates. Other names may be trademarks of their respective owners. Intel and Intel Xeon are trademarks or registered trademarks of Intel Corporation. All SPARC trademarks are used under license and are trademarks or registered trademarks of SPARC International, Inc. AMD, Opteron, the AMD logo, and the AMD Opteron logo are trademarks or registered trademarks of Advanced Micro Devices. UNIX is a registered trademark of The Open Group.'

6.8 Availability of Records

1. In accordance with 49 CFR Part 26.109(a)(1), WMATA will ensure that in responding to DOT requests for information concerning any aspect of the WMATA DBE Program will comply with the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). WMATA acknowledges that DOT may make available to the public any information concerning the WMATA DBE Program when release of the information is not prohibited by Federal law. The DBELO is the official records custodian.
2. WMATA, in the regular course of its business, receives from outside sources and generates, through its employees, significant quantities of records on a variety of topics. Some of the records, if released, could benefit selectively or could cause personal or economic harm to members of the public, other organizations, WMATA employees, or the interests of WMATA. It is the policy of the Washington Metropolitan Area Transit Authority (WMATA) to make official public records, including electronic records, available to the public for inspection and copying to the greatest extent possible unless exempted from disclosure by a Policy Instruction 9.3/0, Public Access to Records Policy. WMATA will

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interpret and apply this Policy consistent with the federal Freedom of Information Act (FOIA), 5 U.S.C. § 552, and federal practice, including when determining whether to waive exemptions.

3. Processing of Requests. All requests for information shall be made in writing to the PARP Administrator in the Office of General. Within twenty (20) working days of receipt of the request, the PARP Administrator shall determine whether to comply with such request and shall immediately notify the Requester of the Decision in accordance with section 7.9 of Policy Instruction 9.3.0.
4. In unusual circumstances, the time limits prescribed above may be extended by written notice to the person making such request setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten (10) working days, except as provided in clause (b) of this subsection.
5. If the request cannot be processed within thirty (30) working days, as allowed in clause (a), WMATA shall provide the Requester the opportunity to limit the scope of the request so that it may be processed within the thirty (30) day time limit or an opportunity to arrange with WMATA an alternative time frame for processing the request or a modified request. Refusal by the Requester to reasonably modify the request or arrange such an alternative time frame shall be considered a factor in determining whether exceptional circumstances exist for purposes of subsection 9.3.5 of Policy Instruction 9.3.0.
6. The DBELO, with the advice and consent of the CPRO, serves as the Records Custodian for maintaining and securing all records pertaining to the DBE program and is responsible for the following:
 - A. Assuring that records are maintained/preserved in accordance with the office's Records Retention Schedule and the WMAT's Records Management Policy;
 - B. Searching for and/or retrieving records in their respective office or independent offices;
 - C. Forwarding any requested records to the Office of General Counsel for review;
 - D. Providing a recommendation regarding redactions or withholding records;

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- E. Verifying that the records released, and recommendations are accurate and complete;
- F. Recording all Direct Costs associated with responding to each request and;
- G. Providing that the Office's frequently-requested records and records that the office determines are of public interest and will be frequently requested, with exempt information redacted, to the Office of Marketing for placement on WMATA's internet website.

6.8.1 Confidentiality of Information

1. It is the policy of WMATA to protect the privacy of individuals who are the subjects of records maintained by WMATA in Systems of Records, by generally preventing the disclosure of records without the permission of the person who is the subject of the record and by providing individuals: access to their information contained in WMATA Systems of Records; an accounting of disclosures; and an opportunity to request amendment of those records. WMATA will interpret and apply this Policy consistent with the federal Privacy Act, 5 U.S.C. section 552(a), and federal practice.
2. WMATA 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, 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.
3. In accordance with 49 CFR Part 26.11(c), and as detailed below in Section 7.3.2 (DBE Directory) and Section 11.1.3 (SBE Directory), WMATA will publish pertinent DBE and SBE participant information via a DBE Directory and SBE Directory, respectively, to facilitate contractor identification and selection of DBE and SBE firms.
4. 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

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hearing. FAA follows the procedures of 14 CFR part 16 with respect to confidentiality of information in complaints.

5. In the event of litigation, in accordance with 49 CFR Part 26.109(b), WMATA assures that the identity of complainants shall be kept confidential, at their election, unless such confidentiality will hinder the investigation, proceeding or hearing, or result in a denial of appropriate administrative due process to other parties.

6.9 Reporting

Pursuant to 49 CFR Part 26, WMATA will prepare and submit reports, such as the Uniform Report of DBE Awards or Commitments and Payments and the DBE Triennial Goal (*see Appendix 20*), to the appropriate DOT Operating Administration, to include the Federal Transit Authority (FTA), in an accurate and timely fashion.

Pursuant to 49 CFR Part 26.11(a), WMATA will transmit the Uniform Report of DBE Awards or Commitments and Payments to FTA with accurate data regarding WMATA contracting opportunities available to firms paid for with DOT dollars on a semi-annual basis.

Procedure

In fulfilling any reporting requirements set forth in 49 CFR Part 26:

1. The Director of the SBPO/DBELO or their designee shall compile pertinent data maintained via CLM to generate the respective report on behalf of the agency. This information shall be collected 30 calendar days from the date the report is due to FTA. The information shall include but not limited to: awards and commitments; breakdown by ethnicity and gender; payment on ongoing contracts; and actual payments on contracts completed this reporting period.
2. The Chief Procurement Officer (CPRO), within five (5) days of receipt, will review and approve the information requested. After approval by the CPRO, the DBELO shall insure that the approved information is uploaded into the FTA website.

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7. CERTIFICATION

The following subsections sets forth the Small Business Program Office (SBPO) procedures that comport with 49 CFR Part 26, Subparts D and E, regarding Certification Standards and Certification Procedures, respectively. To see the entire process from end-to-end, refer to the Overall Certification Process Flow in Appendix 2.

7.1 Certification Intake

7.1.1 Application Submission

The following procedures sets forth the steps employed by WMATA to intake and process Disadvantaged Business Enterprise Certification Applications.

1. A firm is required to file an on-line application for DBE certification with the DCUCP at www.WMATA.com:
2. Click on Business;
3. Click on Small & Disadvantage Business Programs
4. Applying for a new DBE/ SBE certification is a two-step process:
 - A. **Register:** As a supplier, register using [WMATA's Supplier Portal](#). A temporary password will be sent to the email provided during registration.
 - B. **Apply for Certification:** Sign-In using your User Id and Password into [WMATA's Supplier Portal](#). Navigate to: Manage Events and Place Bids > My Certification page > Add a New Value. For detailed instructions, see the [user guide](#).
 - C. If an applicant has issues applying for certification, the firm send an email to DBEHotline@wmata.com for further assistance.

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Guide 7.1.1: File Attachment Screen

A screenshot of a web application interface. At the top is a blue header with the 'metro' logo and navigation links: Home, Worklist, MultiChannel Console, Add to Favorites, and Sign out. Below the header is a breadcrumb trail: Favorites > Main Menu > WMATA CLM > Socio-Economic Program > Socio-Economic Prog Workbench. The main content area is titled 'Comments and Attachments'. It contains two sections: 'Comments' and 'Add Documents'. The 'Comments' section has a text box containing 'ABC Maintenance, LLC DBE application approved'. The 'Add Documents' section has a table with columns 'Attached File', 'Description', 'Attach', and 'View'. One row is visible with 'Upload_attachment.docx' and 'Approval document'. At the bottom are 'OK' and 'Cancel' buttons.

1. Click the *Eligibility Requirements Responses* link.
2. To proceed, the applicant must have selected “yes” for each of their answers (*see* Guide 7.2.1.).

Guide

7.2.1.: DBE Eligibility Requirements Responses Screen

A screenshot of a web application interface showing the 'Socio-Economic Program' section. The main content area is titled 'Eligibility Requirements' and contains a list of questions with radio button options for 'Yes' and 'No'. The questions are: 'Is your firm organized as a for-profit business?', 'Is your firm at least 51% owned by socially and economically disadvantaged individual(s) who also controls it?', 'Are firm's disadvantaged owner(s) U.S. citizens or lawfully admitted permanent residents of the U.S.?', 'Does your firm meet the Small Business Administration's (SBA) size standard and does not exceed \$23.98 million in gross annual receipts for DBE?', 'Is your firm's (including all affiliates) average gross receipts over the previous three fiscal years less than \$23.98 million?', 'Is the owner(s) personal net worth less than \$1.32 million?', 'Are you prepared and able to provide all requested supporting documentation, such as the most recent company tax return, organizational documents, applicable licenses, insurance certificates, owner & key management resumes, proof of identification, and required affidavits?', 'Is your firm located in the District of Columbia, State of Maryland, or Commonwealth of Virginia?', and 'Is the owner(s) a U.S. citizen or lawfully admitted permanent'. The 'Yes' option is selected for all questions. At the bottom are navigation arrows.

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3. On the [Socio-Economic Certification Management](#) page, click the [Address & Contact](#) link
4. The [Address and Contact](#) screen will appear.
5. Enter the address (**Note:** P.O. Box addresses are **not** acceptable.)
6. Click [Return](#)
7. The firm must be required to answer yes to all of the preliminary questions. If the firm answers no to any question, it will not be allowed to go forward with the application process.
8. The applicant must download the application, the personal net worth forms and a documents checklist. These forms must be completed, notarized and uploaded to the WMATA website.
9. The document checklist will help the firm locate the items it needs to submit to WMATA with its completed application. If the firm fails to submit the required documents, its application may be delayed and/or denied. Firms already certified as a DBE do not have to complete this form but are required to submit the official certification letter from its home state UCP.

7.1.2 Application Assignment

Procedure: Application Assignment

Once a firm submits a [Uniform Certification Program Application](#), through the [WMATA Supplier Portal](#), it is the responsibility of the Small Business Analyst (SBAN) monitor the Small Business dash board on a daily basis to determine if any new applications have been received and conduct a preliminary review of the application materials, as follows:

1. Login to the CLM System (where the Menu page appears).
2. Click the [Main Menu Dropdown Arrow](#).
3. Hover the mouse over the [WMATA CLM](#) option.
4. Hover the mouse over the [Socio-Economic Program](#) option.

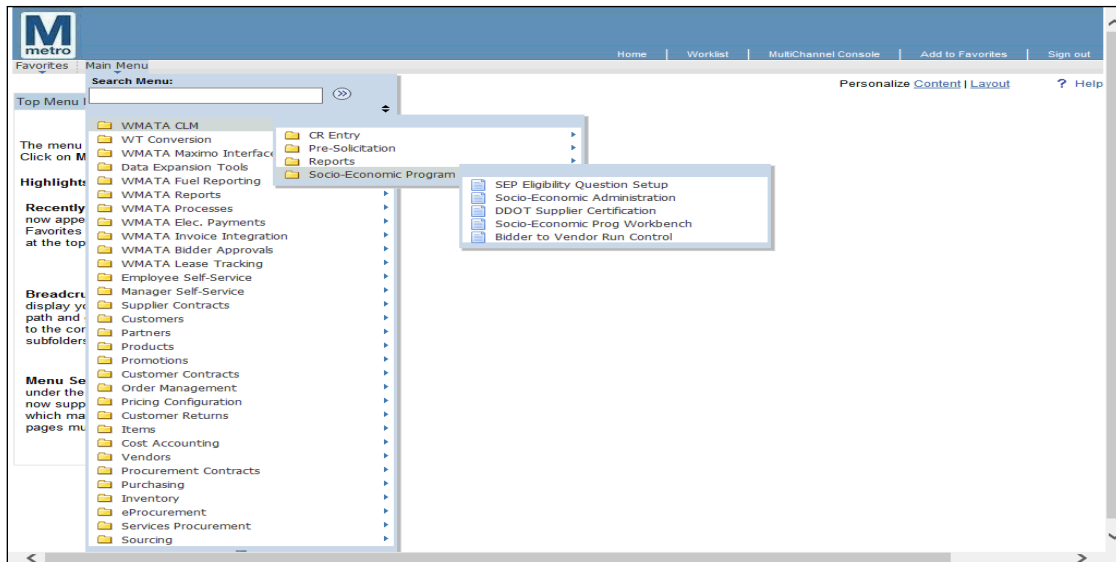
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5. Hover the mouse over the *Socio-Economic Program Workbench* option.
6. Click *Socio-Economic Progress Workbench*.

An image of the Socio-Economic Workbench Screen appears on the next page.

Guide 7.3 Socio-Economic Workbench Screen



7. The Search Criteria Page will appear.
8. In the Date Filters Section: enter the date range in the *Application Date* fields.

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Guide 7.4 Applicant Date Entry Screen

A screenshot of the 'Socio-Economic Program Workbench' search criteria screen. The page has a blue header with the WMATA logo and navigation links like 'Home', 'Worklist', and 'MultiChannel Console'. Below the header, there's a breadcrumb trail: 'Main Menu > WMATA CLM > Socio-Economic Program > Socio-Economic Prog Workbench'. The main content area is titled 'Search Criteria' and contains several input fields organized in a grid. Fields include 'TIN:', 'Bidder Type:', 'Name:' (with a dropdown menu showing 'ABC Maintenance'), 'Supplier ID:', 'State:', 'Transaction Type:', 'Certification Type:', 'Application Status:', 'Certification Status:', 'City:', 'Approved By:', 'Certification ID:', 'Specialist:', 'NAICS Code:', and 'Postal Code:'. Below these fields is a 'Date Filters' section with 'Application Date:' and 'Review Date:' (both with 'to' and 'from' date pickers) and an 'Approve Date:' field. At the bottom of the search criteria section are 'Search' and 'Clear' buttons. A red arrow points to the 'State:' field.

9. Click *Search*.

10. The Search Results section appears containing the following fields:

- | | |
|-----------------------|---------------------|
| A. ID | F. Bidder Type |
| B. TIN | G. Applied for |
| C. Name | H. Application Date |
| D. Application Status | I. Approve Date |
| E. Transaction Type | J. Specialist |

11. Click the *ID* link of a DBE company with the application Status of New.

12. The Socio-Economic Management Page will appear.

13. Enter a Small Business Analyst's Name in the *Specialist* field (see Guide 7.5 below).

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Guide 7.5 Assignee's Name Entry Screen

A screenshot of the 'Socio-Economic Certification Management' web application. The interface includes a top navigation bar with links like 'Home', 'Worklist', and 'MultiChannel Console'. The main content area is titled 'Socio-Economic Certification Management' and contains a 'Certification Application' form. The form includes fields for 'SetID' (SHARE), 'Application Number' (0000001426), 'Application Status' (New), 'Name' (ABC Maintenance Corporation, LLC), 'Supplier ID' (0008836), 'Application Date' (03/04/2016), 'Specialist' (a search box), and 'TIN' (201603041). There are checkboxes for 'Applied For' (DBE, SBE, SBLPP) and a question 'Is this a valid DDOT DBE certified firm?' with 'Yes' and 'No' radio buttons. Below the form is a 'Supplier Supporting Documents' section with a 'DDOT Certification Information' sub-section containing 'Are you DDOT DBE Certified?' (Yes/No radio buttons) and 'Certification Number' and 'Certificate Approval Date' fields. There are also sections for 'Eligibility Requirements Responses' (Comments) and 'Supplier Documents' (Attached File: Upload_attachment.docx, Description: SEP application document). The bottom of the screen shows a 'Certification Type' section with a radio button for 'Activity Log'.

The SBAN will review the new applications on a daily basis to determine if the requisite documents and information has been uploaded into the system.

7.1.3 Application Review Process

Procedure: Application Evaluation

Following the selection, the assigned **SBAN** shall perform the following steps to process a DBE application in the CLM system:

1. Login to the CLM system (*see Guide 7.4*).
2. On the Search Criteria Page, enter the *Company Name* in the Name field.
3. Click *Search*.

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4. Then, the Search Results screen will appear.
5. Click the **ID** associated with the DBE Business as follows:
 - A. The **Name** column should have the name of the DBE company and the assigned SBAN;
 - B. The **Applied For** column should have “**DBE**”;
 - C. The **Application Status** column should display “**New**”; and
 - D. The **Specialist Name** that is assigned to the SBAN processing the application.

Guide 7.6 Search Results Screen

The screenshot shows the 'Socio-Economic Program Workbench' interface. It includes search criteria fields (TIN, Bidder Type, Name, Supplier ID, State, Transaction Type, Certification Type, Application Status, Certification Status, City, Approved By, Certification ID, Specialist, NAICS Code, Postal Code) and date filters (Application Date, Review Date, Approve Date). Below these is a 'Search' button and a 'Clear' button. The search results table is displayed below, with columns: ID, TIN, Name, Application Status, Transaction Type, Bidder Type, Applied For, Application Date, Approve Date, and Specialist. A red arrow points to the 'Applied For' column in the table.

ID	TIN	Name	Application Status	Transaction Type	Bidder Type	Applied For	Application Date	Approve Date	Specialist
0008836	201603041	ABC Maintenance Corporation, LLC	New	New	Bidder	DBE	03/04/2016		
0008836	201603041	ABC Maintenance Corporation, LLC	New	New	Bidder	SBE	03/04/2016		
0008836	201603041	ABC Maintenance Corporation, LLC	New	New	Bidder	SBLPP	03/04/2016		

6. Then, the **Socio- Economic Certification Management** page will appear.
7. While staying logged into PeopleSoft CLM, on the Socio- Economic Certification Management page; open a web browser and go to the Transportation.gov website.
8. Ensure that the firm is **not** in the [Decertified DBE, Denials, and DE Appeals Decisions Database](#).
9. Review the documents submitted by the firm to verify that the information contained therein that they meet the standards of 49 CFR Part 26 by confirming that:

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- A.** The firm is setup as a for-profit business;
 - B.** The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it and their personal net worth does not exceed \$1.32 million dollars;
 - C.** The disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S; and
 - D.** The firm meets the Small Business Administration's (SBA) size standard and does not exceed \$23.98 million in gross annual receipts. Refer to 49 CFR Part 26.65 for details regarding SBA rules that govern small business size determinations.
- 10.** Verification means ensuring that the firm has completed the application and submitted all required documents in the Supporting Documents Checklist (*see* Appendix 1) and the documents listed below. An application cannot be processed until all required documentation is provided:
 - A.** DBE Certification Application;
 - B.** Personal Federal tax returns for the past three (3) years, if applicable, for each disadvantaged owner; and
 - C.** Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past three (3) years.
- 11.** Review and analyze the documentation once the firm has satisfied the requirements set forth in steps 8 thru 10 (stated above) and in section 7.1.4.
- 12.** In accordance with 49 CFR Part 26.83, each applicant shall be advised in writing within thirty (30) days from receipt of the application whether the application is complete and suitable for evaluation and, if not, what additional information or action is required.
- 13.** If the application is incomplete or required documentation is missing, send an initial email to the firm requesting the missing information within ten (10) business days.
 - A.** Cite the missing documents and information in the email and request for them to be provided back.

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- B. Click the [Comments & Attachments](#) link (see Guide 7.7) and annotate in the [Comments Box](#) (see Guide 7.8) that an email requesting missing documentation has been sent to the applicant and cite the date the email was sent.

Guide 7.7: Comments and Attachments Link

A screenshot of the WMATA Socio-Economic Certification Management web application. The page title is 'Socio-Economic Certification Management'. It displays application details for 'ABC Maintenance Corporation, LLC' with application number 0000001426 and date 03/04/2016. A red arrow points to the 'Comments & Attachments' link in the 'Applied For' section. Below this, there are sections for 'Supplier Supporting Documents' (including 'DDOT Certification Information' with 'Are you DDOT DBE Certified?' set to 'No'), 'Comments' (with a text area for 'Enter bidder's SEP application comments here'), 'Supplier Documents' (showing an attached file 'Upload_attachment.docx'), and 'Certification Type' (set to 'Activity Log'). The interface includes a top navigation bar with links like 'Home', 'Worklist', and 'MultiChannel Console', and a left sidebar with 'Favorites' and 'Main Menu'.

An image of the Comments Box appears on the next page.

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Guide 7.8: Comments Box

A screenshot of the WMATA Socio-Economic Program Workbench web application. The page has a blue header with the WMATA logo and navigation links. The main content area is titled 'Comments and Attachments'. It contains two sections: 'Comments' and 'Add Documents'. The 'Comments' section has a text input field with a red arrow pointing to it from a red callout box that says 'Enter comments here'. The 'Add Documents' section has a table with columns for 'Attached File', 'Description', 'Attach', and 'View'. There are 'Attach' and 'View' buttons in the table, and 'OK' and 'Cancel' buttons at the bottom of the section.

14. Following the first ten (10) business days, if the missing information is not submitted, send a second email notifying the firm that this is the second request for missing information, and it must be received within the next ten (10) business days or the application will be terminated.

15. Following the second ten (10) business day notice, if the missing information was not submitted, send the firm a Cancellation Letter due to their failure to submit all documents requested in the application. If application packet is now complete, proceed to the document assessment procedure below.

7.1.4 Documentation Review

Procedure: Documentation Assessment

Through the document assessment process, the SBAN shall review the following documents, within thirty (30) days of receipt, in their entirety, as well as, identify any incomplete or conflicting information or areas of concern that require further clarification from the firm during the onsite review process (*see* Section 7.2.):

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1. DBE Certification Application

This document contains four (4) sections and an Affidavit of Certification.

The DBE Certification Application shall be validated, as follows:

Section 1: Certification Information

- A. Firms applying for certification must be located in the District of Columbia;
- B. A firm located outside of the District of Columbia must be certified as a DBE in its home state before applying to the DCUCP, refer to Section 7.4.2 (Interstate Certification).
- C. Ensure all contact information, especially the physical address, is included and complete.

Section 2: General Information

- A. Compare the business profile and NAICS Codes with the resumes to ensure the firm is capable to perform the type of work they intend to complete upon certification.

Section 3: Majority Owner Information

- A. Refer to 49 CFR Part 26.69 for detailed rules that govern determination of ownership.
- B. Check that the Majority Owner has a least 51% of the ownership and is disadvantaged.
- C. Analyze all of the information in Sections 2 and 3 with particular attention to any conflicts of interests due to the owners' relationships with other firms.

Section 4: Control

- A. Refer to 49 CFR Part 26.71 for detailed rules that govern determinations regarding control.

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- B.** When determining whether a firm is socially and economically disadvantaged, along with whether the owner controls the subject firm, all facts must be considered.
- 5.** Check that the firm is an independent business and the firm's viability does not depend on its relationship with another firm or firms.
 - A.** When determining the firm's independence, relationships with non-DBE firms must be scrutinized, in such areas as personnel, facilities, equipment, financial and/or bonding support, and other areas.
 - B.** 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 compromises the independence of the potential DBE firm;
 - C.** 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;
 - D.** With regard to factors related to the independence of a potential DBE firm, compare the consistency of relationships between the potential DBE and non-DBE firm with normal industry practice.

6. Affidavit of Certification

- A.** Verify that each owner upon which disadvantaged status is relied has signed the Affidavit.
- B.** Confirm that the Affidavits have been notarized.

7. DBE Personal Net Worth (PNW) Statement

- A.** Refer to 49 CFR Part 26.67 for rules that determine economic disadvantage and the requirements that must be observed in determining an individual's net worth.
- B.** Ensure that a PNW Statement is submitted for each individual owner, along with any supporting documentation.

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8. Resumes

- A.** Verify that the firm has provided resumes for all owners, officers, and key personnel and analyze the resumes to ensure they include places of employment with corresponding dates.
- B.** Ensure the work experience provided is appropriate for the type(s) of work the firm seeks to perform in DOT-assisted contracts, including the primary industry classification of the applicant.

9. Personal Tax Returns

- A.** Verify that the firm has provided personal tax returns for the last three (3) years for all owners.
- B.** Analyze the returns to ensure the owners do not exceed \$1.32 million personal net worth limits.

10. Federal Tax Returns

- A.** Verify that the firm has provided federal tax returns for the last three (3) years, if applicable, for the firm seeking DBE Certification.
- B.** Analyze the returns to ensure the firm has not had average annual gross receipts, as defined by Small Business Administration (SBA) regulations, pursuant to 49 CFR Part 26.65, over the firm's previous three (3) FFYs, in excess of \$23.98 million.

11. Should the documents submitted be incomplete or incorrect, another email request should be sent to the firm, as set forth in steps 14 and 15 stated above.

12. Should the documents and information be correct and accurate,

- A.** Save all documents in portable document format (PDF) on the computer's local drive;
- B.** Then, upload the documents into the CLM System.

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- A. On the *Comments & Attachments* page (see Guide 7.7), click *Attach* within the *Add Documents* section;
 - B. Browse for the PDF file(s) saved on the computer's local drive;
 - C. Select the correct file(s);
 - D. Click *Open file*,
 - E. The file name will appear in the file attachment screen; and
 - F. Click *Attach* (see Guide 7.7) and the files will be uploaded.
- 13.** If the firm does not meet the criteria for certification such as the size standard or the Personal Net Worth is in excess of \$1.32 million, the SBAN shall prepare a memorandum to the Director setting forth in detail why the firm's application should be denied.
- A. The Director shall forward to the Oversight Committee of the DCUCP the recommendation for the denial of certification within 20 days.
 - B. The Oversight Committee will review the recommendation and render a decision whether to approve or deny the recommendation within 20 days after receipt.
 - C. If the recommendation is approved, the SBAN shall prepare a letter for the signature of the Director to the firm explaining the reasons for the denial of certification and the appeal process available to the applicant 5 days after the decision of the Oversight Committee.
- 14.** Once the SBAN has reviewed and uploaded the file(s), within five (5) days, the SBAN shall draft and electronically submit a succinct report to the Director of the SBPO with a recommendation to schedule an onsite review.
- The report should inform the Director of the SBPO of any concerns or areas that require further clarification during the onsite review.
- A. For reference, a copy of the DBE Evaluation Report is included in Appendix 4. Follow the steps on the next page to attach and transmit the report.

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- B.** Following submission, the SBAN shall ensure that the report is archived via upload to the CLM System.

7.2 Onsite Review

The second phase of the WMATA DBE Certification Intake Process entails conducting an onsite review for firms located in the District of Columbia only, which is a formal interview conducted to verify a DBE applicant's location, personnel and operations, and is used to substantiate or clarify information and documentation contained in the applicant file as well as, to review business and financial records. To see the entire process from end-to-end, refer to the Onsite Review Process Flow in Appendix 3.

In satisfaction of DBE Certification Standards (49 CFR Part 26, Subpart E), WMATA must conduct an interview with the principal officers of the applicant firm at:

- 1.** At the firm's principal place of business during a certification review;
- 2.** At a job site during a certification review, when there are such sites on which the firm is working at the time of the eligibility investigation [*see* 49 CFR Part 26.83(c)(1)(i)]; and

The following procedures, which are consistent with 49 CFR Part 26.83, describe how the onsite review for WMATA DBE Certification for firms located in the District of Columbia only is conducted, and how it is recorded in the CLM System.

7.2.1 Onsite Interview Process

Procedure: Onsite Interview

For all DBE Certifications within thirty (30) days of receipt of the application, by the SBAN, a determination should be made by the Manager if a second person should accompany SBAN for security reasons to the onsite review steps detailed below.

- 1.** For DC Home State Certification, the assigned SBAN (primary Onsite Reviewer) must:
 - A.** Schedule the first onsite review by calling the firm to setup an appointment for the review to occur at the job site (or principal place of business, when applicable) during the firm's working hours.

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- B.** Request another SBPO resource to serve as the secondary Onsite Reviewer to assist with conducting the Onsite Review.
- 2.** The Onsite Review Team conducts the interview, as follows:
 - A.** After a verification has been made that the application is complete, meet with the Owner to review the applicant's case file and/or request that the firm provide any missing documentation that was not submitted through the WMATA Supplier Portal.
 - B.** Assess control of the firm, as described in Section 7.1.4.(A)(IV) (Control).
 - C.** Perform a site walkthrough to assess personnel, facility, and equipment.
 - D.** Interview principal officers and key personnel (if necessary) of the firm.
 - E.** Ensure all components of the Onsite Reviewer Checklist (detailed in the next procedure) and the DBE Evaluation Report (Appendix 4) have been covered.

7.2.2 Onsite Review Checklist

Procedure: Onsite Review Checklist

Information and documentation to be reviewed and/or verified by the primary Onsite Reviewer (assigned SBAN) are detailed below.

- 1.** The firm's business size, which must be a small business as defined by the Small Business Administration (SBA).
- 2.** The firm's average annual gross receipts over a three (3) year period, which should not exceed \$23.98 million.
- 3.** The majority owner, who must own 51% and be socially disadvantaged, as a member of one of these groupings, as defined in 49 CFR Part 26.5:
 - A.** African American;
 - B.** Hispanic American;
 - C.** Native American;

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- D.** Asian-Pacific American;
 - E.** Subcontinent Asian American;
 - F.** Women; or
 - G.** Others certified as disadvantaged.
- 4.** The majority owner, who must own 51% and be economically disadvantaged.
 - 5.** The majority owner's Personal Net Worth (PNW), which must not be over \$1.32 million, excluding the value of their personal home.
 - 6.** Control, which must be established in satisfaction of 49 CFR Part 26.71, whereby:
 - A.** The disadvantaged owner must be actively involved in all aspects of the business and make decisions on daily operations; and
 - B.** The disadvantaged owner must be able to make decisions on the future or destiny of the business.
 - 7.** Financial data, which must be reviewed and analyzed, to include, at minimum:
 - A.** Company Financial Statement;
 - B.** Licenses to do business;
 - C.** Prior three (3) years of federal tax returns;
 - D.** Resumes of all owners, officers, and key personnel of the applicant firm); and
 - E.** Third-party agreements.

The following information, if applicable, should be received and reviewed prior to the formal interview; however, the SBAN should not delay scheduling or completing the on-site inspection pending receipt of documents the 90-day review period begins when a determination is made that the application is complete:

- 8.** Cash receipts and disbursements.

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- A.** Check for entries in the cash receipts journal, which disclose initial capital contributions.
 - B.** Verify operational expenditures in the cash disbursements journal. Note any questionable/exceptional/unusual entries and the frequency or consistency of such expenditures.
 - C.** Note payments to and from shareholders, directors, officers and key employees in the cash disbursements journal.
 - D.** Note payments to similar businesses for possible broker activity or evidence of conduit activity.
 - E.** Cross reference cash disbursements with cancelled checks.
- 9.** Bank statements and cancelled checks.
 - A.** Verify initial capitalization of firm with the first bank statement, if available.
 - B.** Verify and document signature authority and consistency in which DBE owner versus non-DBE owner(s)/offices sign checks.
 - C.** Verify payments to shareholders, key employees and consultants.
 - D.** Pay particular attention to the “memo” section of checks.
 - E.** Determine if there are any additional checking accounts not disclosed prior to the Review; and if so, note the authorized signatories.
 - F.** Cross reference payment to and from clients, suppliers, consultants, etc.
- 10.** Payroll.
 - A.** Determine who is on the firm’s payroll.
 - B.** Determine if the owner is receiving compensation in accordance with his/her ownership interest.
 - C.** Determine who receives bonus payments and amounts.

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- D.** Compare W-2's and 1099's to payroll register, to extent possible, for key employees.
 - E.** Pay attention to any "memo" notations on any payroll checks.
- 11. Invoices and receipts.**
 - A.** Check telephone bills to determine if they are addressed to the DBE firm.
 - B.** Review invoices to substantiate method and source of payment.
 - C.** Check invoices for suggestion of brokering activity or reliance on non-DBE firms.
 - D.** Examine invoices for resolution of regular dealer issues (freight charges).
- 12. Contract files.**
 - A.** Determine who executes contracts on behalf of the firm.
 - B.** Verify the services provided by the applicant firm and the terms and conditions of the provision of their services.
 - C.** Verify consistency in which the firm does business with a particular firm and whether any issues of dependency exist.
- 13. Inventory and equipment.**
 - A.** Identify nature and use of equipment possessed by the firm.
 - B.** Verify ownership of equipment with invoices.
 - C.** If equipment is leased, review equipment lease agreements for intended use of the equipment, and the term of the lease.
 - D.** Identify inventory maintained by firm.
 - E.** Determine whether lack of inventory suggests broker or conduit activity.
 - F.** If regular dealer, verify inventory, warehouse facility, transportation equipment, etc.

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G. Determine if the firm's name is on vehicles (trucks).

14. Bonding and insurance

- A.** Determine who is guaranteeing/ financing bonding.
- B.** Determine if the bond is commensurate with size of the firm.
- C.** Confirm insurance documents are in the name of the firm.
- D.** Verify the types of insurance maintained by the firm.
- E.** Confirm if the firm carries Key Man Insurance, which is life insurance on a key person in business, who is covered under the insurance, and who is listed as the beneficiary (should be owner-business).

15. Corporate kit or business organization documents.

- A.** Cross reference documents in corporate kit with original submission.
- B.** Revise minutes and entries for voting, control, attendance, etc.

16. Corporate kit or business organization documents.

- A.** Review stock transfer ledger.
- B.** Review cancelled/voided stock certificates and note reasons for cancellations.
- C.** Review non-issued stock certificates to determine if there is numerical continuity.
- D.** Verify corporate seal.
- E.** Review By-Laws for revisions since original submission of documents.

17. Employment agreement.

- A.** Determine the existence of any Employment Agreements for owner(s) or key personnel.

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- B.** Review terms of Employment Agreements or possible conflict with qualifying owner's ability to control operations of firm.

18. Physical characteristics of office/building location.

- A.** Determine if the firm has identifying signs outside or inside of the building/office.
- B.** Determine if DBE owner has own office.
- C.** Request a tour of facilities and observe equipment on premises.
- D.** Ask questions regarding operation of equipment.
- E.** Determine if office space shared with other companies, and if so, the nature of the business of the other companies.
- F.** Determine if equipment, supplies, etc. are shared with other companies, and If facilities and/or equipment are shared, verify the arrangement for sharing.
- G.** Determine if owner(s) are operating other related or unrelated businesses from the location. If so, identify the business and its owners.

19. Familial-marital relationships between owners and employees that are pertinent to ownership and control of the company.

7.3 Certification Determination

The following procedures detail the steps for development and submission of the DBE Evaluation Report (*see* Appendix 4), as well as, the subsequent review and issuance of a determination.

7.3.1 Evaluation Development and Review

Procedure: Evaluation Report Development and Review

Once the applicant's file has been evaluated, as described in Section 7.1.3. (Application Evaluation), and all documentation received and reviewed, as described in Section 7.1.4. (Documentation Review), and within five (5) days of completing the onsite review, as described

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in Section 7.2 (Onsite Review), the SBAN shall:

- 1.** Draft a DBE Evaluation Report (*see* Appendix 4), which:
Compiles information and findings obtained from any of the following sources:
 - A.** Documentation review and analysis;
 - B.** Interviews; and;
 - C.** Observations.
- 2.** Indicates any additions incorporated into the applicant's Certification File;
- 3.** Includes a recommendation for certification **if** no issues were discovered with the firm; or
- 4.** Details notations to the report which identify problems that were discovered which may impede completion of the review or may provide cause to deny certification.
- 5.** Submit the completed DBE Evaluation Report to the Director of the SBPO for review and await direction:
- 6.** The Director shall have 5 days to review and concur with the recommendation to approve certification:
 - A.** Send the firm a Certification Approval Letter (*see* Appendix 8);
 - B.** Update the *Comments Box* in the CLM System; and
 - C.** Upload the Certification Approval Letter into the CLM System.
- 7.** Should the DBELO not concur with the recommendation to approve certification **or** concurs with the recommendation not to approve certification without receipt of additional documentation or information:
 - A.** Send a request to the firm for the additional documentation or information;

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- B.** Request and schedule another onsite review, if necessary; and
 - C.** Annotate any requests in the *Comments Box* in the CLM System (*see* Guide 7.8).
 - D.** Upon receipt of any responsive materials or completion of a follow-up onsite review, repeat the applicable steps associated with conducting an onsite review and/or developing a DBE Evaluation Report.
- 8.** If the application can't be evaluated within the 90-day time frame, the DBELO 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.

7.3.2 Disadvantaged Business Enterprise Directory

Once the applicant has been sent a Certification Approval Letter (*see* Appendix 8), they are deemed to be a DCUCP DBE Program participant. To facilitate participation of these DBEs in WMATA contracts, the agency has established a DBE Directory pursuant to 49 CFR 26.81(g). This electronic directory will be updated as soon as changes to a certification such as the addition of a new NAICS code or the addition of a new certified DBE. The following procedures outline steps for ensuring the agency maintains an accurate and up-to-date DBE Directory and corresponding Bidder's List.

Procedure: Directory Maintenance and Usage

The SBPO shall assign resources, as needed, to ensure the DBE Directory is updated on a daily and contains all eligible DBE participants.

- 1.** The Director of the SBPO or their designee shall ensure that the following firm-related information is incorporated in the Directory, and that firms are instructed to promptly report any changes to this information via DBEHotline@wmata.com:
 - A.** Name;
 - B.** Address;
 - C.** Telephone number;
 - D.** Email address; and
 - E.** Point of Contact.

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2. Additionally, the Director of the SBPO or their designee shall ensure that the following categories are reflected within the Directory:
 - A. Name of Company;
 - B. State of Company;
 - C. Federal Employer Identification Number (FEIN);
 - D. Dun & Bradstreet Number; and
 - E. NAICS Codes.
3. The Director of the SBPO or their designee shall ensure that the DBE Directory is made available on the [WMATA Small Business Programs Office website](#).
4. The Contracting Officer (CO) shall be responsible for ensuring the Bidders List, required under 49 Part 26.11(c), is maintained in the CLM System which consists of all firms bidding on prime contracts, as well as subcontracts.

The Bidders List must include the firm's:

 - A. Name;
 - B. Address;
 - C. DBE/non-DBE status;
 - D. Age; and
 - E. Annual gross receipts.
5. To ensure the Bidders List contains all eligible DBE participants, the DBELO or their designee shall on a monthly basis cross-reference the Bidders List generated by the CO against WMATA's daily updated DBE Directory.

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7.4 Certification by Jurisdiction

The following procedures outline the steps for initiating a DBE Certification Evaluation for firms based on their jurisdiction.

7.4.1 Home State Certification

The following procedures identify the previously described steps involved that must be executed when evaluating a firm's application for a Home State DBE Certification.

Procedure: Execution of Home State Certification Applications

In accordance with 49 CFR Part 26.5, an application shall be deemed Home State if the firm maintains their principal place of business within the District of Columbia. Firms in MD or VA would be required to be certified in their home state before applying to be certified by the DC UCP.

- 1.** The Small Business Analyst (SBAN) when processing the applications for DBE certification must do the following:
 - A.** Follow the procedures for evaluation of the applications set forth in Section 7.1.3. (Application Evaluation);
 - B.** Follow the procedures for documentation review set forth in Section 7.1.4 (Documentation Review);
 - C.** Follow the procedures for the conduct of an Onsite Interview set forth in Section 7.2.1 (Onsite Interview) and utilizing the Onsite Review Checklist outlined in Section 7.2.2 (Onsite Review Checklist).
 - D.** Complete the procedures for drafting and submission of the DBE Evaluation Report, as described in Section 7.3.1 (Evaluation Report Development and Review), which will include a recommendation for approval, if appropriate.
- 2.** If the DBELO's agrees with the SBAN's recommendation for approval, the applicant's file for Home State DBE Certification shall be deemed approved and finalized with a Home State Certification Letter sent to the firm within five (5) business days by the SBAN.

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7.4.2 Interstate Certification

The following procedures provide an overview on how to evaluate applications from out-of-state jurisdictions that are currently certified in their home state. To see the entire process from end-to-end, refer to Interstate Certification Process Flow in Appendix 6.

Procedure: Evaluation of Interstate Certification Applications

Firms which have obtained DBE certification with their own home state Unified Certification Program (UCP) may apply for DBE certification with the District of Columbia Unified Certification Program (DCUCP). The applicant firm must apply on-line by following the procedures set forth I in Guide 7.1.1 and submit a copy of the home state letter of certification which should include: DBE identification number; NAICS Codes authorized to use; and date of certification. If the firm indicates that is not certified in its home state by, failing to submit a certification letter, its application will not be processed pursuant to 49 CFR 26.82(d).

The DBELO or their designee may:

1. In accordance with 49 CFR Part 26.85(b), acting on behalf of DCUCP, may accept the applicant's Home State certification and certify the subject firm without further procedures.
2. Prior to certifying the out-of-state firm pursuant to this specific regulatory provision, the Director of the SBPO or their designee must confirm that the firm has a current and valid certification from their Home State.
3. The SBAN shall confirm the applicant's Home State certification is current and valid by reviewing the applicant's Home State electronic directory or by obtaining written confirmation from the applicant's Home State;
4. Capture a screenshot of the firm's Home State Certification;
5. Save the screenshot to the computer's local drive;
6. Verify that the NAICS codes are consistent; and

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7. Upload the verified information from their Home State into the CLM System, as described in Section 7.1.4(12)(B).
8. Complete the procedures for development and submission of the DBE Evaluation Report, as described in Section 7.3.1 (Evaluation Report Development and Review), to include a recommendation for approval, when appropriate.
 - A. Should the Director of the SBPO or their designee concur with the recommendation for approval stated within the DBE Evaluation Report (*see* Appendix 4), annotate the **Comments Box** (*see* Guide 7.8) in the CLM System to reflect that the applicant firm has been approved for Interstate Certification.
 - B. A copy of the Affidavit of Certification for Out-of-State Applicants is provided in Appendix 7.
 - C. In any situation in which WMATA chooses not to accept an out-of-state jurisdiction's certification of a firm, the applicant firm must provide the information stated in paragraphs (c)(1) through (4) of 49 CFR Part 26.85 to WMATA.

7.5 Certification Status Verification

The following procedures give an overview of the requirements for the annual submittal of the DBE No Change Affidavit Form (*see* Appendix 10), in accordance with 49 CFR Part 26.83(j). To see the entire process from end-to-end, refer to Certification Status Verification Process Flow in Appendix 9.

7.5.1 Certification Eligibility Status Overview

To verify a firm's continued DBE eligibility status on an annual basis, DOT requires a sworn declaration known as the DBE No Change Affidavit Form, which notifies WMATA that no changes occurred that may affect the firm's DBE certification eligibility. Submission of this information is required to maintain DBE certification with the District of Columbia Unified Certification Program (DCUCP).

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Procedure: Certification Eligibility

Every year, on the anniversary of the date of the firm's certification, the assigned Small Business Analyst (SBAN) shall:

1. Review and analyze the DBE firm's annual status information, as the firm is required to inform WMATA in-writing of any change in circumstances affecting their ability to meet size, disadvantaged status, ownership or control requirements of 49 CFR Part 26, or any material change in the information provided in the firm's application. If a change(s) occurs that affects the ability of the firm to remain certified as a DBE, the SBAN must inform the firm of their obligation to immediately submit a separate notice to the FTA regarding the change(s).
2. The firm shall also submit a copy of their personal and business income taxes for the previous year.
3. The SBAN must review and analyze the mandatory package that the DBE must provide, consisting of, either a:

A. DBE Annual No Change Affidavit

- I. Attestation that there has been no change in the firm's circumstances regarding the WMATA DBE Program's requirements; or

B. DBE Notice Regarding Change

Statement detailing any changes to the following:

- PNW;
- Size Standard;
- Disadvantaged Status;
- Ownership; or
- Control.

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- The firm is required to notify WMATA within 30 days of the change. If they did not, the firm has failed to cooperate pursuant to 49 CFR 26.109(c).
 - The SBAN must review the form to ensure that notification was sent within the 30-day time frame.
4. Review all of the firm's signed Federal Business Tax Returns for the past year and all schedules and forms referenced within the tax return, which must be submitted to the WMATA DBE Program; and
 5. If appropriate, review executed Federal Individual Tax Returns (e.g., Sole Proprietor, S-Corp or Managing Member LLC firm's that file business taxes via individual returns) for the past year, as well as, all schedules and forms referenced within in the tax returns, which must be submitted to the WMATA DBE Program.

7.5.2 Certification Status Verification

The following procedures outline the process for initiating an annual Change/No Change review, as well as, for recording the status verification documentation and any relevant changes via the CLM System.

Procedure: Certification Status Verification

To appropriately verify the firm's Certification Status, the SBAN shall:

1. Send an email notification to the DBE firm requesting submission of the DBE Annual No Change Affidavit (*see* Appendix 10) thirty (30) days prior to the anniversary of the firm's certification, which is the deadline for the DBE Annual No Change Affidavit.
2. Utilize the steps outlined in Section 7.1.3(13) to communicate with the firm via the CLM System.
3. Adhere to the ten (10) day windows associated with receiving and following-up on missing documents and information.
4. Annotate in the Comments Box of the CLM System to indicate that the letter has been sent (*see* Guide 7.8).
5. Review the DBE package and Notice Regarding Change (*see* Appendix 11) or Affidavit of No Change (*see* Appendix 10) that was submitted through the WMATA Supplier

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Portal, pursuant to the procedures set forth in Section 7.5.1 (Certification Eligibility Status Overview).

6. Upload the entire package with supporting documents into the CLM System by the date of the company's certification anniversary.

Note: Failure of the DBE firm to renew their certification on or before the annual date of their certification anniversary, may subject the firm to decertification hearings as described in Section 7.6.3 (Decertification and Debarment) and in accordance with 49 CFR 26.109.

7. Ensure the firm is not listed in the Decertification, Denials, and DBE Appeals Database, as described in Section 7.1.3 (Application Evaluation).
8. Even if there is no record of the firm in the Decertification, Denials, and DBE Appeals Database, initiate the removal of eligibility **if** the DBE firm's change has affected their certification status.
9. As described in Section 7.6.1 (Removal of Eligibility), the following changes may qualify as a material change and shall result in removal of the DBE firm's certification status with the DCUCP:
 - A. Increase in their PNW that exceeds the limit;
 - B. Size Standard is outside of the parameters of their NAICS code(s);
 - C. No longer qualify for disadvantaged status; or
 - D. Ownership of the firm has changed.

If the DBE firm's certification eligibility be deemed in jeopardy of removal, the DBELO shall notify the firm in writing that it is entitled to an opportunity for an informal hearing before removal the firm's eligibility. If, after the hearing, the UCP decides to remove eligibility, t the DBE firm may opt to file an appeal, as described in Section 7.7.2. (Appeals of Certification Enforcement).

10. Once the firm's DBE certification status has been verified, create a No Change Certification Letter (*see* Appendix 12) via the CLM System, as shown in Guide 7.9.

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Guide 7.9 Creating a Letter in CLM

The screenshot shows the WMATA CLM system interface. The top navigation bar includes links for Home, Worklist, MultiChannel Console, Add to Favorites, and Sign out. The breadcrumb trail indicates the user is in the Socio-Economic Program > Socio-Economic Prog Workbench. The main form displays application details for ABC Maintenance Corporation, LLC, with Supplier ID 0008836 and Application Date 03/04/2016. The 'Applied For' section shows checkboxes for DBE, SBE, and SBLPP, all of which are checked. Below this, there are tabs for 'Comments & Attachments', 'Associated NAICS Code', 'Address & Contact', and 'Additional Information'. The 'Supplier Supporting Documents' section is expanded, showing 'DDOT Certification Information' with fields for 'Are you DDOT DBE Certified?' (Yes/No), 'Certification Number', and 'Certificate Approval Date'. There is also a 'Comments' section for entering bidder's SEP application comments. At the bottom, the 'Certification Type' section shows a table with columns for Date, Certification Type, Certification Status, Brief Description, Certification Number, and Approval Date. A red arrow points to the 'Create Letter' button in this section.

7.6 Certification Denials

The following subsections detail the governance structure for denial of a firm's DBE certification application, as well as, outlines the steps for initiating and executing a denial. To see the entire process from end-to-end, refer to Certification Denials Process Flow in Appendix 13.

7.6.1 Oversight Committee Overview

In accordance with 49 CFR Part 26.81, WMATA and its jurisdictional partners have established the District of Columbia Certification Program (DCUCP). As part of the DCUCP, a group of appointed individuals, known as the Oversight Committee (OC), have been charged with overseeing all matters involving denials, suspensions, removals of eligibility, and de-certification of vendors.

1. Among the primary duties of the OC, include
 - A. Review of standard certification procedures,

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- B.** Conduct hearings on suspensions, removals of eligibility, and de-certification of vendors; and
 - C.** Deliberation and issuance of final DCUCP decisions regarding the denial, suspension, or the decertification of a DBE firm.
 - 2.** The general framework for the OC is as follows:
 - A.** Comprised of a minimum of five (5) appointed members;
 - B.** Quorum is achieved by simply majority; and
 - C.** Meetings occur each month with the location and time of meetings to be determined by the Chairperson, who also:
 - 3.** Appoints one of the standing members to guide its affairs and ensure adherence to all applicable regulations, policies and/or established procedures;
 - 4.** Serves for a one-year period and shall not serve consecutive terms;
 - 5.** Alternate positions between the standing members each year;
 - 6.** Maintains a record of minutes, agendas, attendance sheets, handouts and attachments and notes; and
 - 7.** Distributes all prior meeting minutes to each Committee member prior to the next scheduled meeting.

7.6.2 Denial-Related Processes

Procedure: Oversight Committee Decisions

In consideration of the findings and recommendations produced by the SBPO through completion of the Application Evaluation and Onsite Review processes, as described in Sections 7.1.3 and 7.2, respectively.

When the Director of the SBPO, deems it necessary, the District Department of Transportation (DDOT) DBE Liaison Officer shall be contacted to coordinate and convene a DCUCP OC meeting:

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When convened, the OC, acting on behalf of the DCUCP, shall:

1. Render a decision within ninety (30) business days of receiving all the information on the applicant case file, such as any reports generated by SBPO, letters received, and/or responsive materials produced by the applicant; and/or
2. Deny a DBE certification based on the failure to meet the following required criteria.
 - A. Socially and Economically Disadvantaged;**
Failure to indicate or verify that the owner is a member of a socioeconomically disadvantaged class, such as African American, Sub-continent Asian American, Hispanic-American, Asian Pacific, Native American and women.
 - B. Ownership**
The owner of the firm espousing ethnicity fails to prove ownership of at least 51% of the DBE firm.
 - C. Control**
The DBE applicant fails to prove independence, as it is dependent on the relationship with another firm or firms.
 - D. Size**
The applicant exceeds the size standards for small business set forth in 49 CFR 26.65.
 - E. Inadequate Documentation**
Firm fails to produce the required documentation to support that it meets the certification standards.

Procedure: Denial of Firm's Application

If a firm does not submit all the required documents or information, the DBELO shall send a letter/email and giving it and 30 days to respond by. After the 30-day time period, the applicant to be considered non-responsive. The application will be denied based on non-responsiveness. When an applicant fails to submit sufficient information and/or documentation, the Director of the SBPO or their designee, shall perform the following actions to deny the firm's application:

1. Through the Socio-Economic Page, in the Certification Type Box, the assigned SBAN, shall:

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- A. Enter the current date in the *Date* field.
- B. Select DBE in the *Certification Type Dropdown* menu.
- C. Select Cancel from the *Certification Status Dropdown* menu (see Guide 7.10).
- D. Click *Save Application*.
- E. Annotate that the application has been denied for failure to submit sufficient information and/or all of the required documentation *Comments Box* (see Guide 7.8).

Guide 7.10 Certification Status Dropdown Menu

The screenshot shows the WMATA Metro application system interface. At the top, there's a navigation bar with the Metro logo and links like Home, Worklist, MultiChannel Console, Add to Favorites, and Sign out. Below this is a breadcrumb trail: Favorites > Main Menu > WMATA CLM > Socio-Economic Program > Socio-Economic Prog Workbench. The main form area contains several sections: 'Name' (ABC Maintenance Corporation, LLC), 'Supplier ID' (0008836), 'Application Date' (03/04/2016), 'Specialist' (empty), 'TIN' (201603041), and 'Demographic Information' (link). There are checkboxes for 'Applied For' (DBE, SBE, SBLPP) and a link for 'Comments & Attachments'. A question 'Is this a valid DDOT DBE certified firm?' has radio buttons for 'Yes' and 'No'. Below this is a 'Supplier Supporting Documents' section with a 'DDOT Certification Information' sub-section containing 'Are you DDOT DBE Certified?' (radio buttons for Yes and No) and fields for 'Certification Number' and 'Certificate Approval Date'. There's also an 'Eligibility Requirements Responses' section with a 'Comments' box. A 'Supplier Documents' section shows an attached file 'Upload_attachment.docx' with a description 'SEP application document' and a 'View' button. At the bottom, there's a 'Certification Type' section with a table. The table has columns for 'Date', 'Certification Type', 'Certification Status', 'Brief Description', and 'Certification Number'. The 'Date' is 03/04/2016, 'Certification Type' is DBE, and 'Certification Status' is open to a dropdown menu showing options: Approved, Awaiting, Cancel, Decertify, Deny, and InProgress. There are buttons for 'Save Application', 'Cancel Application', and 'Return to Search'.

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7.6.3 Post-Denial Requirements

Once the final denial to the DBE Certification Program has been rendered by the OC, on behalf of the DCUCP, the following requirements are to be addressed by WMATA.

1. If the applicant files an appeal to the denial of DBE certification, pursuant to 49 CFR Part 26.89, WMATA will fulfill the procedures described in Section 7.8.1 (Appeals of Denials).
2. Upon a firm's denial from the DBE certification program, the Director of the SBPO or their designee must provide a written Denial Letter pursuant to 49 CFR 26.86, which:
 1. Notifies the firm of the denial determination;
 2. Provides an explanation of the reason(s) for the denial;
 3. References evidence in the records that support each reason for the denial; and
 4. Informs the applicant that 12 months must elapse before the firm may reapply to the DBE Program for certification pursuant to 26.86(c).
3. Upon request by the applicant, SBPO must make all records and other information related to the denial available to the applicant firm.

7.7 Certification Enforcement

The following subsections detail the procedures implemented to execute actions, such as suspension, decertification and debarment, in accordance with the Certification Standards set forth in 49 CFR Part 26, Subpart E.

Procedure: Complaint Intake

In instances when a written complaint, which may include information or arguments that supports their assertion, is filed by any person alleging that a currently certified DBE firm is ineligible, the SBAN must:

1. Decide whether a general or anonymous complaint should be accepted by WMATA.

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2. Ensure that the complainant's identities are protected, as provided by 49 CFR Part 26.109(b).
3. Review the records regarding the firm under the complaint, as well as, any other material from the complaint, firm, or other available source.
4. If it is deemed necessary, investigate to gather further information needed for decision-making to move forward on the decertification and debarment process.
5. If during the review, it is determined that no reasonable cause for decertification or debarment exists, a written notice should be provided to both the firm and the complainant of the determination and the reason for the decision.

Valid reasons for decisions are:

- A. If DOT determines information either in WMATA's possession or their own possession provides reasonable cause to believe that a firm's certification does not meet eligibility standards; or
 - B. When DOT provides WMATA and the accused firm a written notice with the reasons for the directive regarding the ineligibility, DOT must also include any relevant documentation and other pertinent information;
6. Determine, based on the review, that there is reasonable cause to believe the firm in question needs to be decertified or debarred, and
 7. Provide written notice (*see* Decertification Notice in Appendix 16) to the firm when reasonable cause is established, which should inform the DBE firm of the plan to propose decertification or debarment and must include each reason for the proposed decertification or debarment, along with the specific evidence related to each reason.

7.7.1 Removal of Eligibility

The following procedures, which are consistent with 49 CFR Part 26.87, identify the circumstances necessitating consideration of removal and the actions to be performed to effectuate removal of a DBE's eligibility. To see the entire process from end-to-end, refer to Removal of Eligibility Process Flow in Appendix 14.

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Procedure: Circumstances Necessitating Consideration of Removal

The following procedures indicate various circumstances that necessitate consideration of removal of a DBE's eligibility, consistent with 49 CFR Part 26.87, along with the actions to be performed by the SBPO.

1. The OC shall consider removal of a DBE's eligibility under the following circumstances and shall proceed as directed beneath each circumstance and submit in writing to the UCP for approval or denial:

Ineligibility Complaint Filed

Occurs when an anonymous person, or any person, files a written complaint, alleging that a currently certified firm is ineligible and has specified the alleged reasons why the firm is ineligible. The confidentiality of the complainant's identity will be maintained pursuant to 26.109 (b).

2. Review the complaint within ten (30) days of receipt to reach a determination as to eligibility;
 - A. If there is supporting evidence that the currently certified firm is ineligible, draft a notice detailing the reasons for the proposed determination and provide it to the firm explaining the proposed reasons for ineligibility (Note: the statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on what each reason is based upon);
 - B. If there is no supporting evidence that the currently certified firm is ineligible, the DBELO or designee shall prepare a memorandum to the UCP setting forth the facts and a copy shall be maintained in the CLM system,
3. Afford the DBE firm ten (10) days to reply;
 - A. Review the records concerning the firm, any material provided by the firm and the complainant, and other available information; and
 - B. If there is reasonable cause that the firm is ineligible, the UCP must provide notice to the firm and provide opportunity for an informal hearing.

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WMATA-Initiated Proceedings

Occurs when a DBE firm notifies WMATA of a change in its circumstances or additional information comes to bear that may disqualify a firm's eligibility.

- A.** Determine if there is reasonable cause to believe that a currently certified firm is ineligible.
- B.** Draft a notice detailing the reasons for the proposed determination and provide it to the firm explaining the decertification process.

DOT Directive to Initiate Proceedings

Occurs when DOT has determined that information in the firm's certification records, or other information available to the DOT, provides reasonable cause to believe that a certified firm no longer meets the DBE eligibility criteria, DOT may direct the UCP to initiate a proceeding to remove the firm's certification and the following must take place.

- 1.** Review notice from DOT setting forth the reasons for the directive, including any relevant documentation or other information;
- 2.** Ensure all relevant WMATA officials are informed; and
- 3.** Begin the informal hearing process in subsection D.

Hearings

Occurs when a firm is notified that there is reasonable cause to remove its eligibility, as WMATA must provide the firm an opportunity for an informal hearing, to be held within 30 (days of WMATA's notification to the firm, at which the firm may respond to the reasons for the proposal to remove its eligibility in-person or in-writing, and provide information and arguments concerning why it should remain certified.

- 1.** Afford the DBE firm ten (10) days to reply;
- 2.** Notify the firm of the hearing within 30 days of determining that a hearing shall occur;

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3. Bear the burden of proof;
4. In such a proceeding, WMATA, and the Oversight Committee must bear the burden of proving, by a preponderance of the evidence, that the firm does not meet the Certification Standards set forth in 49 CFR Part 26;
5. Should the firm elect to present information and arguments in writing, without going to a hearing, WMATA continues to bear the same burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards;
6. Maintain a complete record of the hearing, by any means acceptable under state law for the retention of a verbatim record of the administrative hearing;
7. Provide a transcript of the hearing to DOT **if** there is an appeal to DOT, pursuant to 49 CFR Part 26.89, and, upon request, to the firm;
8. Retain the original record of the hearing and charge the firm only for the cost of copying the record;
9. Archive all hearing documentation that is received via upload into the CLM System.

7.7.2 Hearing Guidelines for Removal of Eligibility

The following guidelines give context to the process for and consequences of removal of a DBE's eligibility.

Guidelines: Status of Firm During Proceeding

1. The firm in-question remains an eligible DBE during the pendency of the informal hearing to remove its eligibility; and
2. The firm does not become ineligible until the formal issuance of the Notice of Decision.

Guidelines: Separation of Functions

1. DCUCP must ensure the Separation of Functions, whereby:
 - A. The decision to remove a firm's eligibility is made by personnel that did not take part in actions leading to or seeking to implement the proposal to remove the

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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.

- B.** The decision maker must be an individual who is knowledgeable about the certification requirements of the DCUCP and 49 CFR Part 26.

Guidelines: Grounds for Decision

- 1.** OC of the DCUCP must ensure that the decision to remove a firm's eligibility is only based on one (1) or more of the following grounds:
 - A.** Changes in the firm's circumstances since the certification of the firm by WMATA that renders the firm unable to meet the eligibility standards set forth in 49 CFR Part 26.
 - B.** Information or evidence not available at the time the firm was certified;
 - C.** Information relevant to eligibility that has been concealed or misrepresented by the firm;
 - D.** Change in the certification standards or requirements since the firm was certified;
 - E.** Decision to certify the firm was clearly erroneous;
 - F.** Firm failed to cooperate, in accordance with 49 CFR Part 26.109(c);
 - G.** Firm exhibited a pattern of conduct indicating its involvement in attempts to subvert the intent or requirements of the DBE program, as described in 49 CFR Part 26.73(a)(2); or
 - H.** Firm has been suspended or debarred for conduct related to the DBE program. The notice required by 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 this section.
- 2.** The only circumstance in which WMATA may remove the eligibility of a certified DBE firm without an informal hearing, as required under 49 Part 26.87, occurs when the DBE firm does not dispute the PNW of an owner that exceeds the maximum allowable dollar amount.

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7.7.3 Consequences of Removal of Eligibility

Procedure: Notice of Decision

Following a decision being rendered by the DCUCP regarding removal of eligibility, the Director of the SBPO or their designee must:

1. 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 the decision and the availability of an appeal to DOT, pursuant to 49 CFR Part 26.89.
2. Send copies of the notice to the complainant or DOT Operating Administration that directed WMATA to initiate the proceeding;
 - Provided that, when sending such a notice to a complainant other than a DOT Operating Administration, WMATA ensures not to include information reasonably construed as confidential business information without the written consent of the firm that submitted the information.

Procedures: Effects of Removal of Eligibility

In proceeding with removal of a firm's DBE eligibility, the following actions must occur:

The DBELO or their designee must:

1. Ensure that the ineligible firm does not count toward the contract goal or overall goal when a prime contractor has made a commitment to using an ineligible DBE firm, but the DBE firm's subcontract has not been executed prior to the issuance of the ineligibility notice.
2. Direct the prime contractor to meet the contract goal with an eligible DBE firm or demonstrate that it has made a good faith effort to do so, which should also be communicated within five (5) days of the decision.
3. Allow the prime contractor to continue to use the firm on the contract and to continue to receive credit toward its DBE goal for the firm's work, if the prime contractor has executed a subcontract with the ineligible DBE firm prior to the firm being notified of its

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ineligibility.

- A. The portion of the ineligible firm's performance of the contract remaining after the notice was issued shall not count toward the overall goal, but it may count toward the contract goal.
- B. If, however, the DBE's ineligibility is caused solely by it having exceeded the size standard during the performance of the contract, its participation on that contract may continue to count toward overall and contract goals.

Procedure: Recordation of Removal- Related Records

The following procedures outline the steps required for the SBAN to archive records related to the removal of a DBE's eligibility via the CLM System.

1. Follow the steps for Login (*see* Guide 6.2).
2. On the *Search Criteria Page*, enter the *Company Name* in the *Name* field.
3. Click *Search*.
4. The *Search Results* screen will appear.
5. Select the company in-question.
6. Upload supporting documentation from claims of alleged ineligibility.
7. Select *Attach*.
8. Annotate the status of the decision from DCUCP throughout the process in the *Comments Box*. (*see* Guide 7.8).
9. Click *Save*.

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7.7.4 Guidelines for Suspension of Certification

The following guidelines, which are consistent with 49 CFR Part 26.88, define the parameters of a DBE Suspension of Certification action. To see the entire process from end-to-end, refer to Suspension Process Flow in Appendix 15.

1. The DBE shall be notified by WMATA of the suspension via certified mail or return receipt requested.
2. Suspension is a temporary state until the show cause hearing; wherein, the DBE firm may provide evidence that supports its eligibility.
3. Suspension is effective once the notice is received by the DBE firm.
4. During the time of suspension, the DBE will not be considered to meet a new contract goal or WMATA's overall goal.
5. WMATA may count the suspended DBE firm's current contract towards the existing contract goals.
6. The DBE firm may withdraw from the program if it believes there is enough evidence of its ineligibility.
7. DCUCP must lift the suspension or conduct an informal hearing within thirty (30) days of receiving the DBE rebuttal information.
8. At the informal hearing the DBE firm will have the opportunity to provide information demonstrating that it is eligible to be a DBE.
9. Immediate suspension, which **cannot** be appealed to DOT, shall be initiated, without adhering to the requirements in 49 CFR part 26.87(d), in the following instances:
 - A. Owner dies or is incarcerated;
 - B. Material change in eligibility is discovered;
 - C. DBE fails to notify WMATA of changes that would affect its eligibility; and
 - D. DBE fails to file the Annual DBE No Change Affidavit Form (*see* Appendix 10).

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10. The DBE firm is permitted to appeal to DOT, if WMATA fails to either lift the suspension or start an informal hearing, as described in Section 7.7.5 (Decertification).

Procedure: Suspension of Certification Record Keeping

The DBELO must ensure the performance the following actions via the CLM System to ensure up-to-date and accurate WMATA records.

1. On the [Search Criteria](#) Page, enter the Company Name in the [Name](#) field.
2. Click [Search](#).
3. The [Search Results](#) screen will appear.;
4. Upload supporting documentation from claims of alleged Suspension of Certification;
5. Select [Attach](#)
6. The DBE Analyst annotates the status of the decision from DOT throughout the process in the [Comments Box](#) (see Guide 7.8)
7. Click [Save](#).

[7.7.5 Decertification](#)

The following procedures detail the steps for DBE Decertification, along with presenting associated guidance for processing a decertification via the CLM System.

Generally, a participating DBE firm's certification comes into question, when one of the following three situations described in Section 7.7.1 (Removal of Eligibility): Ineligibility Complaint Filed; WMATA-Initiated Proceedings; or DOT Directive to Initiate Proceeding.

Procedure: Informal Hearing

When a firm is notified of the intent to decertify or debar them from the DBE certification program, the firm must be provided an opportunity for an informal hearing.

1. Through the hearing, the firm may respond to the reasons for decertification or debarment explained in the notice.

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2. The firm may also provide information to supporting their basis for remaining a DBE-certified firm.
3. In the proceedings, the DBE office bears the burden of proving by the preponderance of evidence that the firm does not meet the certification standards.
4. The SBPO must keep complete records of the hearing by any means acceptable under state law for the retention of a verbatim record of the hearing.
 - A. If there is an appeal by the firm to DOT, pursuant to 49 CFR Part 26.89, the Director of the SBPO or their designee must provide a transcript of the hearing to DOT and the firm.
 - B. The original records of the hearing must be retained by WMATA and the firm may only be charged for the cost of copying the records.
5. The firm may elect to respond in writing, without going to a hearing, whereby, the SBPO maintains the burden of proving by the preponderance of the evidence that the firm does not meet the certification standards.

Upon the conclusion of the hearing or written response from the firm,

1. WMATA shall await the information relating to DCUCP's final decision on decertification or debarment.
2. Following the decision, the Director of the SBPO or their designee must provide the firm written notice of the decision and the reasons for it, including references to the evidence in the records that support the decision, as well as, inform firm of the consequences of the decision and the ability of an appeal to the Department of Transportation under 49 CFR Part 26.89.
3. To view all DBE Denials, Decertification and Removal of DBE Appeals Decisions, please reference the DOT website at <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/denials-appeals>.

Procedure: Recordation of Decertification

Once a decision is made to decertify or debar a firm, the SBAN must perform the following actions via the CLM System:

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1. On the *Search Criteria Page*, enter the *Company Name* in the *Name* field.
2. Click *Search*.
3. The *Search Results* screen appears.
4. Upload supporting documentation from claims that the firm should be decertified.
5. Select *Attach*.
6. Annotate the status of the decision from DOT throughout the process in the *Comments Box* (see Guide 7.8).
7. Click *Save*
8. Through the Socio-economic Page, in the *Certification Type Box*:
9. Enter the current *Date* in the date field.
10. Select DBE in the *Certification Type Dropdown* menu.
11. Select *Decertify* from the *Certification Status Dropdown* menu (see Guide 7.10).
12. Click *Save Application*.
13. Annotate that the application has been decertified in the *Comments Box*.

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Guide 7.11 Decertification Screen

Name: ABC Maintenance Corporation, LLC **Supplier ID:** 0008836 **Application Date:** 03/04/2016

Specialist: **TIN:** 201603041 [Demographic Information](#)

Applied For: ☒ DBE ☒ SBE ☒ SBLPP [Comments & Attachments](#) [Associated NAICS Code](#) [Address & Contact](#) [Additional Information](#)

Is this a valid DDOT DBE certified firm? ☐ Yes ☐ No

Supplier Supporting Documents

DDOT Certification Information

Are you DDOT DBE Certified? ☐ Yes ☒ No

Certification Number: Certificate Approval Date:

[Eligibility Requirements Responses](#)

Comments Find | View All First 1 of 1 Last

Enter bidder's SEP application comments here

Supplier Documents Find | View All First 1 of 1 Last

Attached File	Description	View
Upload_attachment.docx	SEP application document	View

Certification Type Find | View All First 1 of 1 Last

☒ Activity Log

*Date	*Certification Type	*Certification Status	Brief Description	Certification Number
03/04/2016	DBE	Approved Awaiting Cancel Decertify Deny InProgress		

[Save Application](#) [Cancel Application](#) [Return to Search](#)

7.8 Appeals of Denials and Enforcement Actions

The following subsections detail the procedures utilized for Appeals of Denials and Appeals for Certification Enforcement actions. To see the entire process from end-to-end, refer to Appeals Process Flow in Appendix 17.

7.8.1 Appeals of Denials

Pursuant to 49 CFR Part 26.86(d), applicants have the right to appeal an administratively final denial of DBE certification.

1. An applicant who has been denied certification, may appeal the decision to DOT by sending an appeal notice to the Office of Civil Rights (*see* Section 7.8.1(5) for the address).

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2. The applicant's appeal must be made within ninety (90) days of the date of WMATA's final decision for denial. An appeal may be accepted later than ninety (90) days if there is good cause pursuant to 49 CFR Part 26.89.
3. The decision of DCUCP remains in effect, until a decision is rendered by DOT in the matter. DOT does not stay the effect of the DCUCP's decision while considering an appeal.
4. Appeal will contain, at a minimum, information and arguments why the decision should be reversed, a copy of the underlying notice, and any additional information deemed important for the appeal.
5. The appealing DBE firm must submit a written letter to DOT requesting an appeal within 90 days of WMATA's final decision of Removal of Eligibility or decertification.

All appeals are to be sent to the following address:

US Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Ave, SE.
Washington, DC 20590-0001

6. When the written letter is received, DOT will request a copy of WMATA's complete administrative record on the firm, which must be done within twenty (20) days of receiving DOT's request.
7. WMATA must make available any additional materials to accompany the administrative record to DOT, the firm in-question, and any third-party complainant involved.
8. Should DOT find evidence that the documentation WMATA provided is unsupported, WMATA will be directed in-writing to certify or remove eligibility as necessary.
9. DOT will not reverse WMATA's decision if it determines a procedural error did not result in fundamental unfairness to the appealing firm.
10. DOT bases its decision on the status of the firm as of the date of the decision being appealed.
11. DOT will provide written notice of their final decision within one-hundred and eighty

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(180) calendar days of receiving the complete administrative record from WMATA.

12. Once DOT makes a final decision, that decision is not subject to reconsideration.

13. DOT appeals are maintained in the [DOT Decertified DBEs, Denials, and Appeals Database](#).

14. WMATA's actions after the certification appeal decision should be adhered to as indicated in 49 CFR part 26.91.

Procedure: Documentation Requirements for Appeals of Denials

The following procedures must be followed for Appeals of Denials, in accordance with 49 CFR Part 26.89:

1. When DOT receives an appeal from the DBE firm, the UCP must provide the administrative record, including a hearing transcript, within twenty (20) days of DOT's request. The UCP must make this information available to the firm and any third-party complainant involved. See 26.89(f)
 - A. The time period may be extended by DOT on the basis of WMATA's DBE Program showing good cause for an extension request of time to provide documentation.
2. To facilitate DOT's review of WMATA's decision, the DBELO or their designee must ensure that such administrative records are well organized, indexed, and paginated.
 - A. Records that do not comport with these requirements are not acceptable to DOT and will be returned to the SBPO. If this occurs, the SBPO must make the corrections immediately.
 - B. When an appeal occurs and WMATA has relied on the decision and/or administrative record of another recipient (out-of-state jurisdiction or entity), this requirement applies to both recipients involved.
3. DOT will send written notice of its decision within 180 days of receiving the administrative record. If DOT affirms, WMATA's determination(s), no further action is necessary.

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4. DOT will send written notice of its decision within 180 days of receiving the administrative record.
5. A copy of the notice will be uploaded into CLM as a part of the permanent record. A procedure for uploading that notice into CLM.

Procedure: Recordation of Decertification

Once a decision is made to decertify, the DBELO must ensure the performance the following actions via the CLM System:

1. On the *Search Criteria Page*, enter the *Company Name* in the *Name* field.
2. Click *Search*.
3. The *Search Results* screen appears.
4. Upload supporting documentation from claims that the firm should be decertified.
5. Select *Attach*.
6. Annotate the status of the decision from DOT throughout the process in the *Comments Box* (see Guide 7.8).
7. Click *Save*.
8. Through the Socio-economic Page, in the *Certification Type Box*:
9. Enter the current *Date* in the date field.
10. Select DBE in the *Certification Type Dropdown* menu.
11. Select *Decertify* from the *Certification Status Dropdown* menu (see Guide 7.10).
12. Click *Save Application*.
13. Annotate that the application has been decertified in the *Comments Box*.

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Procedure: Archival of Appeals-Related Records

The following procedure outlines the steps required for the SBAN to archive records related to the appeals of certification enforcement actions via the CLM System.

1. Follow the steps for Login (*see* Guide 6.2).
2. On the *Search Criteria Page*, enter the *Company Name* in the *Name* field.
3. Click *Search*.
4. The *Search Results* screen will appear.
5. Select the company in-question.
6. Upload supporting documentation from related to the appeal(s).
7. Select *Attach*.
8. Annotate the status of the decision from DOT throughout the process in the *Comments Box*. (*see* Guide 7.8).
9. Click *Save*.

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8. GOAL SETTING

In accordance with 49 CFR Part 26.45(g) WMATA is required to seek consultation on goal settings. Under 49 CFR Part 26.45(a)(2) WMATA is further required to develop overall goals that track DBE contract participation, to include transit vehicle manufacturers (TVMs) goals, and overall agency DBE participation goals.

8.1 Contract Goal Setting

The following subsections provide guidelines and procedures that encapsulate how WMATA develops, establishes, and counts DBE contract goals, in accordance with 49 CFR Part 26.49 and 26.55, respectively. For a detail process flow, see Appendix 18.

8.1.1 Contract Goals and Factors

Guidelines: Contract Goal Considerations

When establishing DBE contract goals, WMATA shall first consider the following factors:

1. Type or scope of work to be solicited;
2. Sub-contractible opportunities within the contract;
3. Assignment of contract NAICS code(s) to be solicited;
4. Availability of DBEs that perform the type of work involved in the contract; and
5. Number of overall subcontractors available to WMATA.

8.1.2 Pre-Award Approach

In addressing the above-stated factors, WMATA utilizes several pre-award procedures to refine contract needs and incorporate DBE goals into the solicitation.

Procedure: Contract Goal Due Diligence

As stated in Chapter 2 of the PPM, and in accordance with 49 CFR Part 26.51, goals on DBE contracts should only set contract goals when we believe that we can't meet our overall triennial DBE goal through race-neutral means.

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Prior to ascertaining the appropriate goal for each contract, the Director of the SBPO or their designee shall perform the following due diligence, as follows:

1. Review and analyze historical contract data to determine any applicable past DBE goal percentage(s);
2. Examine the needs for goods and services across all Departments within WMATA and identify whether there are firms listed in the DBE Directory that are available to work on the planned contract;
 - A. Should the contract need involve safety-related concerns, such as the selling of chemical, repair to the structure of a building, or selling of tires, the Safety Department shall be contacted to determine any special requirements.
3. Collaborate with an assigned CA from PRMT on the development of the solicitation packet prior to presentation at the Procurement Review Committee (PRC); and
4. Leverage the PRC, whose roles are outlined in Section 9.1.1 (Procurement Review Committee), to review the solicitation, establish the DBE contract goal, and help identify whether there are any DBEs listed in the DBE Directory with the relevant NAICS codes.

Procedure: Contract Goal Setting

1. Following the PRC Meeting, the Director of the SBPO or their designee shall utilize the PRC's guidance to draft and issue a report to the Procurement Manager, which contains a synopsis of the PRC meeting.
2. The CA shall send a Goal Setting Worksheet (*see* Appendix 18) to the SBPO for further evaluation and approval.
3. Once approved by the Director of the SBPO, the worksheet and all pertinent solicitation materials shall be sent by the CA to COUN for a legal sufficiency review.
 - A. Should the solicitation be deemed legally insufficient, COUN shall provide a memorandum to the CA advising on the areas of deficiency to be addressed prior to resubmission;
 - B. Once COUN reviews and approves the solicitation for legal sufficiency, the contract DBE goal shall be considered formally established

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4. Thereafter, the solicitation shall be issued by the CA to the public via the WMATA website and/or another comparable website.
5. For Task Order contracts, the goal can be set at the task level, which means goals will be set by WMATA on individual task orders.

8.1.3 Contract Goal Monitoring

Procedure: Goal Monitoring

In accordance with 49 CFR Part 26.37, WMATA is responsible for monitoring the prime contractor's compliance with DBE contract goals subsequent to contract award. To complete this undertaking, WMATA utilizes the following resource allocations and designated goal-oriented roles:

The Small Business Auditor shall be responsible for:

1. Ensuring the DBE firms identified as prime contractors have subcontractors performing the work, as stated in the subcontract;
2. Maintaining a current tabulation to track DBE contract goal attainment by reviewing and monitoring project documents and accounting records, such as:
 - A. Business structure documents; and
 - B. Payroll records.
3. Obtaining a statement of regarding preferred type of work and locations for performing the work.

The CA shall be responsible for:

1. Verifying that DBE firms are being paid accurately pursuant the subcontract agreement;
2. Ensuring WMATA prompt payment requirements are satisfied on a monthly basis; and
3. Utilizing the CLM application to archive all payment information and documentation.

The Director of the SBPO of their designee shall be responsible for:

Confirming and documenting that the listed DBEs are:

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1. Performing the type of work specified in the contract;
2. Performing a commercially useful function, as stated in 49 CFR Part 26.55(c)(1), to include, but not limited to, use of the firm's own:
 - Employees;
 - Uniforms;
 - Equipment;
 - Tools; and
 - Materials.
3. Validating SBPO Auditor findings with regard to the prime contractor's compliance with prompt payment requirements, as outlined in Section 10.2.3 (Contract Payment Non-Compliance);
4. Reviewing payroll records of the prime and DBE subcontractor to confirm that DBE personnel (e.g. supervisor, work crew) are on the DBE firm's payroll only and not another source.
5. Maintaining goal-related records and issuing applicable reports regarding percentages of DBE participation;
6. Evaluating and determining the Substitution Requests when a prime contractor is seeking a full or partial substitution of DBE subcontractors, as detailed in Section 9.2.2. (Substitution Requests); and.
7. Reviewing change orders that may impact DBE goal attainment due to:
 - A. Reduction in services; or
 - B. Diminution of the original scope of contract.
8. Upon the completion of a project, the Director of the SBPO or their designee shall be responsible for completing Contract Closeout activities pertaining to DBE to include:
 - A. Verification of partial or full DBE contract goal attainment by the prime contractor, as evidenced by the Goal Setting Memorandum (*see* Appendix 19);

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and

- B.** Generation and issuance of closeout letters to vendors notifying all interested parties that their contract is closed. See Prompt payment procedures. In section 10.2.3

8.1.3 Counting Disadvantaged Business Enterprise Participation

In accordance with 49 CFR Part 26.55(a), when a DBE participates in a contract, only the value of the work actually performed by the DBE should be counted toward goal attainment. A DBE goal is set on Federally Funded Project only if a price is \$500,000 for construction and services and supply's contracts.

Guidelines:

The Director of the SBPO or their designee shall monitor:

All DBE participation in a contract to ensure that only the value of the work actually performed by the DBE is counted towards the goal, which includes:

- A.** Cost of supplies
- B.** Materials; and
- C.** Purchased or Leased Equipment (does not include purchases or leases of equipment by subcontractors purchased from the prime contractor or its affiliates)

The entire amount of fees or commissions for services:

- Professional;
 - Technical;
 - Consultant; and
 - Managerial.
- 1.** If a DBE subcontract part of its work under a WMATA contract to another firm, the DBE must ensure that the new contractor is an DCUCP certified vendor in order to be

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countered towards the goal.

2. In monitoring joint venture, the DBELO must ensure that the portion of the total dollar value of the contract performed by the DBE is equal to the defined portion of work set forth in the contract to be counted toward the goal.
3. Expenditures of a DBE contractor related to the DBE goal, that may only be counted toward the goal if the DBE is performing a commercially useful function on that contract, as confirmed by the:
 - A. Amount of work subcontracted;
 - B. Industry best practices; and
 - C. Amount of money the DBE firm is to be paid under the contract is commensurate with the work that is being performed.

Guidelines: Factors Used to Count Expenditures

1. The Director of the SBPO or their designee shall use the following factors to count expenditures with DBE's for materials or supplies toward the DBE contract goal:
 - A. If the materials or supplies are obtained from a DBE manufacturer, 100% will be counted towards the DBE goal.
 - B. If the materials or supplies are purchased from a DBE regular dealer, 60% will be counted towards the DBE goal.
 - C. If the materials or supplies are purchased from a DBE, but the DBE is not a manufacturer or a regular dealer, the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or transportation charges for the delivery of materials and supplies on a job site may be counted towards the DBE goal.
2. The following factors will be used by the Director of the SBPO or designee when determining whether a DBE trucking company is performing a commercial useful function:

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- A. The DBE must be responsible for the management and supervision of the entire trucking operation.
- B. The DBE owns and operates at least one fully licensed, insured and operational truck for the contract.
- C. The SBPO will verify the above by conducting onsite visits and interviewing supervisors and staff.

8.1.4 Goal Waiver Requests

For a description of the procedures utilized by WMATA when a bidder, as part of the bid process, submits a formal request seeking full or partial waiver of the DBE contract goal, refer to Section 9.2. concerning Good faith efforts in waiver requests (Goal Waiver Requests).

8.2 WMATA Goal Setting

8.2.1 Triennial Goal Setting Methodology

The methodology and corresponding data sets utilized by WMATA to establish the FFY 2017 – 2019 Triennial Goal are thoroughly detailed in Appendix 20.

WMATA's Triennial goals are set every three (3) years through the procedure outlined below.

Procedure: Triennial Goal Setting

The Director of the SBPO or their designee shall:

- 1. Develop the Triennial Goal based upon the criteria established in 49 CFR Part 26.
- 2. Submit the Triennial Goal to the General Manager by July 1st for review and approval.
 - A. Any revisions from the GM must be incorporated and resent to the GM.
- 3. Advertise the goal on the WMATA website in accordance with 49 CFR Part 26.45(g)(1)(ii).

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4. WMATA collects the following information (NAICS Codes that are consistent with the grants) from the transit zone by using the Census Report: This information is gathered from the advance procurement planning.
 - A. NAICS Codes; and
 - B. Number of available vendors.
5. Once the DBE goal is announced; a date, time and location will be set for consultation with minority, women and general contracting groups and other organizations as a part of the goal getting process. The consultation shall include a scheduled, direct, interactive exchange, such as:
 - A. Face-to-face meetings;
 - B. Video conference; or
 - C. Teleconference.

The General Manager shall:

1. Receive the Triennial Goal from the Director, review, analyze and approve it if appropriate.
2. If revisions are needed, notify the Director of the required revisions.
3. Upon approval, send the document to the FTA via email and a hardcopy.

8.2.2 WMATA Goal Monitoring

The following procedures detail how WMATA shall consistently monitor satisfaction of DBE goals:

Procedure: WMATA DBE Goal Monitoring

To ensure adequate monitoring of WMATA's DBE goals, the Director of SBPO or their designee shall:

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1. Assign resources to track satisfaction of WMATA's overall DBE contract goals each month;
2. When necessary, take appropriate steps to adjust individual contract goals throughout the year.
3. Ensure the on-going development of required reports, such as the semi-annual Uniform Report of DBE Awards or Commitments and Payments, which serve as formal methods of tracking contract DBE percentage satisfaction.

8.2.3 Means to Meet Overall Goal (Participation Facilitation)

The following guidelines and procedures explain the means employed by WMATA to meet overall agency DBE goals through the facilitation of DBE participation, pursuant to 49 CFR Part 26.51.

Guidelines: Agency Overall Goal

For WMATA to meet the agency's overall goal, the following shall apply:

1. The DBE prime contract award is considered a race-neutral measures.
2. If the DBE receives a subcontract via Federal funds which does not have a contract goal, its participation was also achieved through race-neutral measures as it counts against the total federal amount that was received.
3. Overall goal submittals include a projection of the portion of the goal WMATA does not project being able to meet using race-neutral means, which must be reviewed by the PRC.

8.2.4 Goal Attainment

Procedure: Goal Attainment Responsibilities

The Director of the SBPO or their designee shall:

1. Maintain proper documentation for DBE goal attainment;
2. Review the total number of contracts that were awarded;
3. Review and assign NAICS codes;
4. Identify the contracts that are race conscious or race neutral:

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- A. If the contract was race neutral and the goal was exceeded, coordinate with the Contracting Officer (CO) and work to reduce or eliminate the contract goal so it will not exceed the overall goal.
- B. If the contract is projected to fall short of the overall goal, coordinate with the CO and implement the appropriate race-neutral and race-conscious measures to allow the overall goal to be met.

The WMATA Program Office seeking the procurement shall:

- 1. Complete the DBE Goal-Setting Form for federally funded requirements;
- 2. Submit the DBE Goal Setting Form along with the Scope of Work to the Office of Procurement and Materials (PRMT);
- 3. Breakdown each component of the work requirements;
- 4. Determine the funding source;
- 5. Determine the minimum percent required to be performed by the prime contractor;
- 6. Establish a baseline for determining the available subcontracting dollars for DBE participation;
- 7. Research the historical attainment of DBE participation;
- 8. After the Program Office completes their review, it is then put into the CLM System;
- 9. Review and analyze the annual gross receipts of the DBE's that are collected in the CLM system.

PRMT shall:

- 1. Maintain bidder's data and utilize it on an annual basis for DBE goal calculations on availability.
- 2. Collect and tabulate bidder data, which includes both successful and unsuccessful bidders.

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8.2.5 Race-Neutral Approach

The following subsection focuses strictly on the race-neutral means implemented by WMATA to meet agency-specific DBE goals. WMATA's race-neutral approach includes outreach, technical assistance, procurement process modification such as measures that can be used to increase opportunities for all small businesses not just DBE's, and do not involve setting specific goals for the use of DBE's on individual contracts.

Whenever a DBE receives a prime contract because it is the lowest responsible bidder, the resulting DBE participation was achieved through race-neutral measures. Similarly, when a DBE receives a subcontract on a project that does not have a contract goal, its participation was also achieved through race-neutral measures.

Procedure: Race-Neutral Approach

The **DBELO or his/her designee** shall do the following:

1. Provide assistance with overcoming limitations in obtaining bonding and/or financing by simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and provide services to help DBEs, and other small businesses obtain bonding and financing;
2. Monitor and develop processes to review contract procedures and specific contract opportunities;
3. Communicate race-neutral issues and information within WMATA;
4. Ensure the inclusion of DBEs and other small businesses on grantee mailing lists for bidders;
5. Provide prime contractors with lists of potential subcontractors;
6. List information in other languages if necessary;
7. Unbundle large contracts (*see* Section 11.2.2) to make them more accessible to small businesses;
8. Implement a supportive services program for DBEs and SBEs to:
 - A. Develop and improve immediate and long-term business management

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- B.** Record keeping, financial and accounting capability for DBEs and other small businesses
 - C.** Provide services to help all small businesses with financial and bonding options
- 9.** Ensure distribution of the DBE Directory via print and electronic means.
- 10.** Assist DBEs and other small businesses in how to use new technology and conduct business through electronic media.
- 11.** Conduct effective outreach programs by providing training and partnering opportunities for DBE's and small businesses.
- 12.** Conduct listening sessions to focus on receiving DBE input to address DBE concerns.
- 13.** Improve communication with DBE's by providing advanced notice of upcoming contract opportunities.

8.3 Race Conscious Measures

Contract Goal Setting

The following subsections provide guidelines and procedures that encapsulate how WMATA develops, establishes, and counts DBE contract goals, in accordance with 49 CFR Part 26.49 and 26.55, respectively. For a detail process flow, see Appendix 18.

8.3.1 Contract Goals and Factors

Guidelines: Contract Goal Considerations

- 1.** The Chief Procurement Officer (CPRO) is responsible for the establishment of a Procurement Review Committee (PRC). The purpose of the PRC is to establish on a contract-by-contract basis all DBE goals and SBE Set-Asides. The PRC shall meet on a monthly basis.

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2. Members of this committee shall include: the CPRO or of her designee, the DBE Liaison Officer (DBELO), the Manager of the Small Business Program Office, and a representative from the Program Office.
3. The goal for a specific contract may be higher or lower than the Authority's overall annual 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.
4. Additional factors in setting contract goals may include the historical percentage of DBE work performed on previous similar contracts; the minimum percentage of work required to be performed by the prime contractor; and other circumstances that have a material impact on subcontracting opportunities (sole source, first-time equipment, economic hardship, time constraints, availability of DBEs under a specific or combined NAICS codes for a specific work category).

8.3.2 PRC Responsibilities

The following are the responsibilities of the members the PRC:

- A. The CPRO manages the PRC and has final approval of the DBE goal and SBE set-aside.
- B. The Program Office is responsible for completing the DBE Goal-Setting Form for Federally Assisted Contract requirements and submit it to the Office of Procurement and Materials (PRMT).
- C. The DBELO coordinates preparation of contract goal documentation; reviews the Goal-Setting form prepared by the Program Office; queries the DBE data base to determine if there are sufficient DBE vendors to support the establishment of the goal; and issues a report on the findings of the PRC committee meeting.
- D. The CO Inserts DBE Goal and requirements into solicitation document or issues solicitation for SBE bidders/offerors only and obtains the necessary DBE/SBE documentation with the bid or proposal including any additional documentation from the bidder or proposer.

8.3.3 Pre-Solicitation

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WMATA utilizes the PRC during the pre-solicitation process to determine if there are sub-contracting availabilities on the contract and establish a DBE goal into the solicitation consistent with attaining the overall goal.

Procedure: Establishment of Contract Goal

Pursuant to Chapter 2 of the PPM, and in accordance with 49 CFR Part 26.51, DBE contracts that have a DBE goal, must also identify a percentage of the contract that requires the participation of a DBE firm to perform work on the contract.

1. The Program Office shall prepare a procurement package shall consist of a requisition; a DBE goal worksheet for submittal with the Independent Cost Estimate (ICE), and Scope of work for submission to the Chief Procurement Officer (CPRO). The DBE Goal shall contain the following information:
 - A. The scope of the work for the solicitation shall be listed by NAICS code; the dollar amount for this NAICS code to be completed; the dollar amount of the subcontracting availability which may be performed by a DBE; its percentage of the NAICS code, the total dollar amount of the contract; the total amount to be performed by the DBE and the total percentage of the contract amount to be performed by the DBE;
 - B. The historical contract data concerning the DBE goal established of prior similar contracts, if available; and
 - C. Prepare a Procurement Requisition and upload in to PeopleSoft for routing to CPRO.
2. The CPRO or their designee shall assign the procurement package to a contract administrator (CA) for the preparation of the solicitation.
 - A. Shall review the goal setting work sheet and submit it for review and comment to the DBELO or designee.
 - B. After receipt of the goal setting worksheet and comments from the DBELO or designee, the CA shall submit the scope of work and the DBE goal setting worksheet to the SBPO Manager for review by the PRC.
 - C. The CA and a representative from the Program Office shall make a presentation to the PRC in support of the DBE goal.

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3. The DBELO or their designee shall assign the DBE goal setting to a DBE Auditor. The DBE Auditor shall do the following:
 - A. Review the DBE goal setting work sheet, query the DBE directory for both WMATA and the District of Columbia to determine the availability of DBE firms to work on the planned solicitation;
 - B. Determine if the suggested DBE goal should be increased due to the availability of DBE firms to work on the planned solicitation and prepare a memorandum in support of increase.
 - C. Discuss with the CA any issues related to the establishment of the DBE goal on the solicitation);
 - D. Submit to the DBLEO or designee for signature and forward to the CA;
 - E. Attend the PRC to discuss the suggested goal and the reasons in support;
4. Following the PRC Meeting, the DBELO or their designee shall draft a report for the CPRO's signature which contains a synopsis of the PRC contract goal setting decisions.
 - A. The CPRO shall issue the DBE goal setting report to the CAs and the Program Offices.
 - B. The CA shall then establish a final Goal Setting Worksheet (*see* Appendix 18) and forward it to the DBELO for further evaluation and approval.
 - C. Once approved by the Director or the SBPO Manager, the worksheet and all pertinent solicitation materials shall be sent by the CA to COUN for a legal sufficiency review.
 - D. Once COUN reviews and approves the solicitation for legal sufficiency, the contract DBE goal shall be considered formally established.
 - E. The solicitation shall be issued by the CA to the public via the WMATA website and/or another comparable website.

5. Task Order Goals:

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- A.** Task order contract is an indefinite-delivery contract for services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of tasks during the period of the contract.

- B.** The DBE goal for a Task Order contract will be established by WMATA on individual tasks pursuant to the procedures set forth in the DBE Task Order Policy.

8.4 Contract Goal Monitoring

Procedure: Goal Monitoring

In accordance with 49 CFR Part 26.37, WMATA is responsible for monitoring the prime contractor's compliance with DBE contract goals subsequent to contract award.

- 1.** WMATA will report DBE participation data outlined on the Uniform Report of DBE Awards/Commitments and Payments, as outlined in Appendix B of 49 CFR Part 26, to the appropriate DOT operating administration as follows:
 - A.** FHWA and FTA- DBE activity from October 1st through March 31st will be submitted by June 1st
 - B.** FHWA and FTA - DBE activity from April 1st through September 31st will be submitted by December 1st

- 2. Uniform Report of DBE Awards/Commitments and Payments data will include:**
 - A.** Awards and Commitments made during the reporting period
 - B.** Breakdown by Ethnicity & Gender of Contracts Awarded to DBEs during the period
 - C.** Payments on Ongoing Contracts
 - D.** Actual Payments on Contracts Completed during the reporting period.

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The Office of Procurement and Materials will report all FTA funded awarded contracts and task orders to the Office of Small Business Programs. This report should contain the following:

- Contract number
- Description of Contract;
- Name of prime contractor;
- Names of sub-contractors;
- Award amount of contract;
- Award date; and
- Award amount to sub-contractors;
- Ethnicity and gender.

3. The DBE Auditor shall be responsible for:

Ensuring the non-DBE firms identified as prime contractors are in fact using the DBE sub-contractor identified in the Letters of Intent submitted with their bids.

4. The Contractor shall monitor the performance of, collect and report data on DBE participation to WMATA's Small Business Programs Office on the WMATA website at www.wmata.com under Doing Business with WMATA and on the attached "Prompt Payment Report-Prime Contractor's Report" (Appendix 26) which shall be submitted monthly with each payment request. Failure to submit these reports may result in suspension of contract payments. The Contractor shall certify with each payment request that payment has been or will be made to all subcontractors due payment, within ten (10) days after receipt of payment from the Authority for work by that subcontractor. The Contractor shall inform the COR or COTR, with their payment request, of any situation in which scheduled subcontractor payments have not been made and the reason therefore.
5. The Contractor shall require each subcontractor to report Prompt Payment data to WMATA's Small Business Programs Office online at www.wmata.com under Doing Business with WMATA and on a monthly basis using the attached "Prompt Payment Report-Subcontractor's Report" (Appendix 27). The subcontractor shall certify that payment has been received.
6. The Contractor and the subcontractor are required to have Prompt Payment reporting training for each WMATA contract which has been awarded to them. Failure to complete this training may result in suspension of contract payments.

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7. The Contractor shall have a continuing obligation to maintain a schedule for participation by DBE contractor(s) to meet its goal set forth above in this Appendix. The Contractor shall not have work performed nor the materials or supplies furnished by any individual or firm other than those named in the “Schedule of DBE Participation.”
8. **The CA shall be responsible for:**
 - A. Verifying that DBE firms are being paid accurately pursuant to the subcontract agreement;
 - B. Ensuring WMATA prompt payment requirements are satisfied on a monthly basis; and
 - C. Utilizing the CLM application to archive all payment information and documentation.
9. **The Subcontractor shall be responsible for:**
 - A. Performing the type of work specified in the contract;
 - B. Performing a commercially useful function, as stated in 49 CFR Part 26.55(c)(1), to include, but not limited to, use of the firm’s own:
 - Employees;
 - Uniforms;
 - Equipment;
 - Tools; and
 - Materials.
10. Validating SBPO Auditor findings with regard to the prime contractor’s compliance with prompt payment requirements, as outlined in Section 10.2.3 (Contract Payment Non-Compliance);
11. Reviewing payroll records of the prime and DBE subcontractor to confirm that DBE personnel (e.g. supervisor, work crew) are on the DBE firm’s payroll only and not

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another source.

12. Maintaining goal-related records and issuing applicable reports regarding percentages of DBE participation;
13. Evaluating of Substitution Requests when a prime contractor is seeking a full or partial substitution of DBE subcontractors, as detailed in Appendix 29 (Substitution Requests); and PRMT “Policy Number 18-03.”
14. Reviewing change orders that may impact DBE goal attainment due to:
 - A. Reduction in services; or
 - B. Diminution of the original scope of contract.
15. Upon the completion of a project, the Director of the SBPO or their designee shall be responsible for completing Contract Closeout activities pertaining to DBE to include:
 - A. Verification of partial or full DBE contract goal attainment by the prime contractor, as evidenced by the Goal Setting Memorandum (*see* Appendix 19); and
 - B. Generation and issuance of closeout letters to vendors notifying all interested parties that their contract is closed. (See. Section 10.2.3 on prompt payment procedures).

8.4.1 Counting Disadvantaged Business Enterprise Participation

In accordance with 49 CFR Part 26.55(a), when a DBE participates in a contract, only the value of the work actually performed by the DBE should be counted toward goal attainment.

A DBE goal is set on Federally Funded Project only if a price is \$500,000 for construction contracts and services and supply’s contract.

Guidelines:

The Director of the SBPO or their designee shall monitor:

1. All DBE participation in a contract to ensure that only the value of the work actually performed by the DBE is counted towards the goal, which includes:

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- A. Cost of supplies
 - B. Materials; and
 - C. Purchased or Leased Equipment (does not include purchases or leases of equipment by subcontractors purchased from the prime contractor or its affiliates).
- 2. The entire amount of fees or commissions for services:
 - A. Professional;
 - B. Technical;
 - C. Consultant; and
 - D. Managerial.
- 3. If a DBE subcontracts work, it can be counted towards the goal if the subcontractor is also a DBE.
- 4. Performance of DBE joint ventures to ensure the portion of the contract performed by each DBE is equal to the defined portion of work set forth in the contract to be counted toward the goal.
- 5. Expenditures of a DBE contractor related to the DBE goal, that may only be counted toward the goal if the DBE is performing a commercially useful function on that contract, as confirmed by the:
- 6. Amount of work subcontracted;
- 7. Industry best practices; and
- 8. Amount of money the DBE firm is to be paid under the contract is commensurate with the work that is being performed.

Guidelines: Factors Used to Count Expenditures

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The Director of the SBPO or their designee shall use the following factors to count expenditures with DBE's for materials or supplies toward the DBE contract goal:

- A. If the materials or supplies are obtained from a DBE manufacturer, 100% will be counted towards the DBE goal.
- B. If the materials or supplies are purchased from a DBE regular dealer, 60% will be counted towards the DBE goal.
- C. If the materials or supplies are purchased from a DBE, but the DBE is not a manufacturer or a regular dealer, the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or transportation charges for the delivery of materials and supplies on a job site may be counted towards the DBE goal.

The following factors will be used by the Director of the SBPO or designee when determining whether a DBE trucking company is performing a commercial useful function:

- A. The DBE must be responsible for the management and supervision of the entire trucking operation.
- B. The DBE owns and operates at least one fully licensed, insured and operational truck for the contract.
- C. The SBPO will verify the above by conducting onsite visits and interviewing supervisors and staff.

8.4.2 Goal Waiver Requests

For a description of the procedures utilized by WMATA when a bidder, as part of the bid process, submits a formal request seeking full or partial waiver of the DBE contract goal, refer to Section 9.2 (Goal Waiver Requests). If a contractor cannot meet the goal placed on the contract, the contractor will need to demonstrate good-faith efforts.

8.5 Transit Vehicle Manufacturer Goals

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The following subsections provide context to the Transit Vehicle Manufacturer (TVM) goal setting requirements set forth in 49 CFR Part 26.49(b), and outline the approach used by WMATA to ensure those requirements are met by TVMs.

8.5.1 Transit Vehicle Manufacturer Goal Setting

WMATA is not required to establish goals on transit vehicle contracts. The contract administrator is required to go to the FTA website to validate whether the Transit Vehicle Manufacturer (TVM) has been certified by FTA. A copy of the certification must be placed in the contract file.

DBE regulations require FTA recipients to report transit vehicle procurement awards (49 CFR 26.49). Since November 2014, FTA grantees have been required to submit, within 30 days of making an award, the name of the successful bidder and the total dollar value of the contract. Only eligible TVMs may bid on FTA-assisted transit vehicle procurements. Transit vehicle manufacturers 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 (49 CFR 26.49(a)(1)). In establishing an overall goal, TVMs must allow for public participation, which should entail consultation with interested parties, consistent with 49 CFR 26.45(g)

8.5.2 Transit Vehicle Manufacturer Goal Certification

To cultivate compliance among TVMs, WMATA will require each TVM, as a condition of being authorized to bid or propose on FTA-assisted transit vehicles procurements, to certify that it has complied with the requirements of 49 CFR Part 26.49(b), which are described in Section 8.5.1 (TVM Goal Setting). The Contract Administrator shall review the certification documents submitted by the bidder.

Failure by the TVM to fulfill any of the mandatory requirements set forth in Part 26.49(b) will preclude those non-compliant TVMs from participating in FTA-assisted transit vehicle procurements.

9.GOOD FAITH EFFORTS

The following subsections discuss the approach utilized by WMATA to ensure that contracts are only awarded to a bidder who makes good faith efforts to meet DBE contract goals.

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As stated in 49 CFR Part 26.53, good faith efforts shall be demonstrated by a bidder that it has done either of the following things:

- A. Documents that it has obtained enough DBE participation to meet the goal; or
- B. 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.

9.1 Pre-award Activities

The following procedures detail the responsibilities of the Procurement Review Committee (PRC) and the activities conducted by SBPO and PRMT personnel, that allow for a more deliberate and coordinated decision-making process designed to improve the quality of WMATA solicitations, as well as, to increase potential opportunities for various types of DBEs.

9.1.1 Procurement Review Committee

The PRC was established by the Chief Procurement Officer (CPRO) and charged with convening each month to review contract needs and issues related to the DBE Program, SBE Program and Small Business Local Preference Program (SBLPP). Consisting of the CPRO, the Director of the SBPO, the Small Business Program Manager, a Procurement Manager and a Contract Administrator (CA), the PRC has the following responsibilities:

1. Review all potential solicitations (federally and non-federally funded);
2. Review and make decisions regarding every potential solicitation to establish a DBE, SBE, or SBLPP goal;
3. Ensure that DBE goals are established on federally funded contracts, when appropriate;
4. Contract modification determinations, such as, but not limited to, the program not wanting a DBE on a contract and/or modifying anything in the contract;
5. Review the established DBE, SBE or SBLPP goal of a previous or similar contract and compare it to the potential solicitation on the PRC review list;
6. Review all solicitations prior to advertisement;
7. Approve and publicize contracts;

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8. Publish DBE contract goals in a notice to all bidders;
9. Ensure that only a bidder who demonstrates adequate good faith efforts to meet the DBE goals qualifies to be awarded federally-funded contract;
10. Verify the bidders list to ensure inclusion of DBE firms that will participate on the contract and the amount of participation; and
11. Set DBE goals for Task Orders.

9.1.2 Procurement Planning

In conjunction with receiving guidance from the PRC, the SBPO leverages procurement planning efforts to review goals and foster participation, which are integral to meeting agency DBE goals and to ensuring that WMATA contracts are awarded to bidders that make good faith efforts.

Procedure: Procurement Planning

1. As part of these procurement planning efforts, SBPO shall seek to address the following four (4) questions:
 - A. What is being bought in the next year?
 - B. What are the DBE contract goals?
 - C. What DBE opportunities exist?
 - D. When will the solicitations be issued?
2. Additionally, as part of these planning efforts, a Goal Setting Worksheet (*see* Appendix 18) shall be established, which includes applicable DBEs, or DBEs who have NAICS codes that correspond with the contract.
3. The CA is responsible for developing and submitting the goal setting worksheet to the Director of the SBPO or the Small Business Program Manager for review.

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4. Upon receipt, the Director of the SBPO or their designee shall review the goal setting worksheet and make an approval or denial decision based on the answers garnered to the four (4) questions stated above.
5. If denied, the CA shall adjust the goal setting worksheet and resubmit for review and approval by the Director of the SBPO.
6. Once the Goal Setting Worksheet (*see* Appendix 18) has been approved, the CA shall compile the solicitation, including all requirements set forth in 49 CFR Part 26.53(b)(2) and mandatory clauses noted, prior to submission of the solicitation to General Counsel (COUN) for review.
7. Upon COUN review and approval, a memorandum confirming the solicitation's legal sufficiency shall be drafted and provided to PRMT.
8. Should COUN not approve the solicitation due to lack of legal sufficiency, a memorandum citing the specific deficiencies shall be drafted and provided to PRMT.
9. PRMT shall be responsible for addressing the deficiencies cited in the memorandum from COUN and resubmitting the solicitation to attain legal sufficiency approval.
10. Once the solicitation satisfies the legal sufficiency review, the CA is authorized to release the solicitation to the market.
11. The solicitation, which contains a DBE goal (if applicable), shall be issued to the public via posting(s) on the WMATA website and/or other comparable websites.
12. To further foster participation, PRMT shall invite firms to attend pre-bid informational sessions, as needed.
13. Any pre-bid sessions shall be advertised on WMATA's website and should, at minimum, include the meeting logistics (i.e., date, time and location);
14. Non-DBE firms that attend the sessions shall be provided a list of DBEs that can be contacted to meet the DBE goals set on that contract.

9.1.3 Bidder Awareness and Acknowledgement

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Furthermore, the following actions shall be performed to ensure bidders are aware of and acknowledge that they understand their obligations with meeting DBE contract goals.

Procedure: Bidder Awareness

1. It is the policy of WMATA to give guidance concerning the requirements for documenting Good Faith Efforts. According to 49 CFR §26.53, grantees can only award a contract, that requires a DBE goal, to a bidder/offeree who has made *Good Faith Efforts* to meet the goal. A *Good Faith Effort* is defined as one where the bidder documents that it has obtained enough DBE participation to meet the goal or 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.
2. In order to be responsive, a bidder must make a Good Faith Effort to meet the DBE participation goal set forth in the contract. The bidder must document the Good Faith Efforts it made in that regard. Thus, the bid submitted to WMATA must be accompanied by written documentation prepared by the bidder evidencing all of its sufficient and reasonable Good Faith Efforts toward fulfilling the goal. These efforts must be active steps and ones, which could reasonably be expected, to lead to sufficient DBE participation to meet the contract DBE participation goal. Mere pro forma efforts are *not acceptable and will be rejected* by the DBE Liaison or his designee.
3. Good Faith Efforts require that the bidder consider all qualified DBEs, who express an interest in performing work under the contract. This means that the bidder cannot reject a DBE as unqualified unless the bidder has sound reasons based on a thorough investigation of the DBE's capabilities. Further, the DBE's standing within its industry, membership in specific groups, organizations or associations and political or social affiliation (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's efforts to meet the contract DBE participation goal.

Additional examples of a Good Faith Effort are as follows:

1. Attendance at a pre-bid meeting, if any, scheduled by WMATA to inform DBEs of subcontracting opportunities under a given solicitation;
2. Advertisement in general circulation media, trade association publications, and minority-focused media for at least 20 days before bids are due. If 20 days are not available, publication for a shorter reasonable time is acceptable;
3. Written notification to capable DBEs that their interest in the contract is solicited;

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4. Documentation of efforts to negotiate with DBEs for specific subcontracts including at a minimum:
 - A. the names, addresses, and telephone numbers of DBEs that were contacted and the date(s) of contact;
 - B. a description of the information provided to DBEs regarding the plans and specifications for portions of the work to be performed; and
 - C. a statement explaining why additional agreements with DBEs were not reached.
5. For each DBE the bidder contacted but rejected as unqualified, the reason for the bidder's conclusion must be given such as:
 - A. Documentation of efforts made to assist the DBEs contacted that needed assistance in obtaining bonding or insurance required by the bidder or WMATA;
 - B. Documentation of efforts to utilize the services of small business organizations, community and contractor groups to locate qualified DBEs;
 - C. Documentation that the bidder has broken out contract work items into economically feasible units in fields where there are available DBE firms to perform the work;
 - D. Evidence that adequate information was provided to interested DBEs about the plans, specifications and requirements of the contract, and that such information was communicated in a timely manner; and
 - E. Documentation of any efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services.

Examples of Documenting Good Faith Efforts:

The following is a list of types of actions a bidder should take when documenting *Good Faith Efforts*. This list is not intended to be exclusive or exhaustive, nor are all the actions mandatory. Other factors or types of efforts may be relevant in appropriate cases:

1. Solicitation/Advertisement Efforts – should include efforts to solicit quotes, through all reasonable and available means, the interest of all certified firms who have the capability to

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perform the work of the contract. The bidder should ensure that the requests are made within sufficient time to allow DBE firms to respond. The contractor should take the initiative to contact firms which have indicated an interest in participating as a subcontractor/supplier.

2. Negotiation Efforts – should include efforts to make a portion of the project work available consistent with the availability and capabilities of our DBE firms in order to facilitate DBE participation. You are encouraged to break out contract work items into smaller economically feasible subcontracts to ensure DBE participation. As a part of your negotiation you should make plans/specifications available to the DBE firms which have shown an interest in participating. When negotiating with DBE firms a contractor should use good business judgment by considering price and capability, as well as, project goals. A contractor is not expected to accept a price that is not reasonable and is excessive. Comparison figures should accompany your *Good Faith Effort* submittal which supports the price differential.
3. Assistance Efforts – should include efforts to assist DBE firms in obtaining bonding, lines of credit, insurance, equipment, materials, supplies or other project related assistance. Contractors are encouraged to assist firms with independently securing/obtaining these resources. A contractor may not provide these resources to the DBE firm, except in certain instances where joint checks are permissible with prior approval. The level of assistance should be limited to referral sources, introductions, and making initial contacts with industry representatives on the DBE firm's behalf.
4. Additional Efforts – could include any additional efforts to utilize the services of minority/women organization groups; local, state, and federal business offices which provides assistance in the recruitment and placement of DBE firms. Utilizing the services offered by the department's DBE supportive services consultant for assistance with advertisement and recruitment efforts. Contractors are encouraged to undertake and document any other efforts taken in their attempt to fulfill the project goal.

9.2 Good Faith Effort Considerations

The following subsections establish obligations for bidders, prime contractors, and WMATA to demonstrate good faith efforts are undertaken, as well as, provide procedures for considering and evaluating goal waiver and substitution requests.

9.2.1 Agency Good Faith Efforts

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In demonstrating that all necessary and reasonable steps have been undertaken to satisfy the requirements of 49 CFR Part 26.53, Chief Procurement Officer (CPRO) shall ensure the following actions are performed:

1. During the solicitation process, the Office of Procurement and Materials (PRMT) shall conduct adequate solicitation of DBEs (through all reasonable and available means), with sufficient time for DBEs to respond to the solicitation;
2. During the goal setting process, the program office shall select portions of the work to be performed by DBEs, to increase the likelihood that the DBE goals will be achieved;
3. The DBELO shall provide interested DBEs with adequate information about the plans, specifications and requirements of the contract in a timely manner. All solicitation shall be posted on the WMATA website;
4. Ensure negotiation by the Prime Contractor in good faith with interested DBEs.
5. 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 goal, as long as the costs are reasonable.
6. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
7. Ensure that the prime contractor refrains from rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities.
8. The DBELO shall make efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the grantee or contractor.
9. Make efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
10. Effectively use the services of available minority/ women community organizations and other organizations to provide assistance in the recruitment and placement of DBEs.

In accordance with 49 CFR Part 26.53, during the solicitation process, CA shall include a form in the solicitation to ensure that bidders complete and provide the following information in the firm's bid for the contract: The award of the contract will be conditioned on meeting the good-

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faith effort requirements in 49 CFR 26.53

1. The names and addresses of the DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from each listed DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts. The documentation of the 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.

9.2.2 Consideration of Requests

The following procedures comport with the Goal Waiver/Substitution procedures prescribed in Chapter 7 (Socio-Economic Program) of the WMATA Procurement Procedures Manual (PPM) (see PPM §7-2-5(b)), which are designed to ensure compliance with 49 CFR Part 26.53.

Goal Waiver Consideration

Procedures: Goal Waiver Consideration

1. Upon receipt of a formal request in-writing from a bidder, as part of a bid response, seeking a full or partial waiver of the DBE contract goal requirements (see Section 8.2.4):
2. The DBELO or their designee must examine whether the bidder demonstrated good faith efforts to find DBEs that meet the contract goal, through the presentation of evidence that is both clear and convincing.
3. The CO shall evaluate the request for sufficiency and forward the request with a recommendation regarding approval to DBELO for further evaluation and final determination.

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4. Once a determination is reached and sent to the CO, the CO shall inform the prime contractor of the final determination regarding the waiver request at the time that the contract award is granted.
5. Should the DBE Goal Waiver Request not be granted, the CO shall provide the bidder with a reason.

Substitution Request

Procedure: Substitution Request Evaluation

1. It is the policy of WMATA to give guidance concerning the requirements for a *Substitution of DBE Vendor Request*. Attached is Appendix 29, Policy Memorandum 18-03 which must be followed when requesting a DBE substitution. A *Good Faith Effort* is defined as one where the prime contractor documents the efforts that he has used to substitute a vendor with another DBE vendor, or documents that he made adequate Good Faith Efforts to find a substitute DBE vendor even though he was not successful.
2. The prime contractor is required to notify the DBE vendor that he is requesting that the DBE vendor to be substituted for failure to perform the work. This notification must be in writing and sets forth the reasons for substitution with examples of nonperformance by the DBE vendor. A copy of this written notification must be given to the CO who will forward it to the DBELO or designee. The DBE vendor will be given ten (10) days to respond and provide examples of his adequate performance. The CO and the DBELO will meet to discuss the facts at issue. An informal hearing may be held if necessary for clarification of any facts or issues. A written response of their determination will be issued within ten (10) days. If the request for substitution is approved, the prime contractor must replace the DBE vendor with another DBE firm, or document the Good Faith Efforts as to why he could not.

Examples of Good Faith Efforts are as follows:

- A. Advertisement in general circulation media, trade association publications, advocacy organizations and minority-focus media;
- B. Written notification to capable DBEs that their interest in the contract is solicited;
- C. Documentation of efforts to negotiate with DBEs for specific subcontracts including at a minimum;

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1. The names, addresses, and telephone numbers of DBEs that were contacted and the date(s) of contact;
2. A description of the information provided to DBEs regarding the plans and specifications for portions of the work to be performed; and
3. A statement explaining why additional agreements with DBEs were not reached.

For each DBE the bidder contacted but rejected as unqualified, the reason for the bidder's conclusion must be given such as follows:

- D.** Documentation of efforts made to assist the DBEs contacted that needed assistance in obtaining bonding or insurance required by the bidder or WMATA;
 - E.** Documentation of efforts to utilize the services of small business organizations, community and contractor groups to locate qualified DBEs;
 - F.** Documentation that the bidder has broken out contract work items into economically feasible units in fields where there are available DBE firms to perform the work;
 - G.** Evidence that adequate information was provided to interested DBEs about the plans, specifications and requirements of the contract, and that such information was communicated in a timely manner; and
 - H.** Documentation of any efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services.
3. Within thirty (30) days of receipt of the request, the Director of the SBPO or their designee must
 - A.** Review, analyze and evaluate the request;
 - B.** Affirm, reject or modify the CO's recommendation by making a final determination;
 - C.** Transmit the final determination to the CO; and
 - D.** Ensure archival of all request documentation via the CLM System.

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9.3 Post-Bid Reconsideration

The following procedures highlight the availability of a WMATA post-award reconsideration process that can serve to aid WMATA in only awarding contracts to bidders that make good faith efforts to satisfy DBE goals.

9.3.1 Bidder Protests

Pursuant to Chapter 17 (Protests) of the WMATA Procurement Procedure Manual (PPM), bidders may submit written objections in protest of a contract loss due to an inability to demonstrate good faith efforts, or proof of an awardee receiving the award based on fraudulent actions.

For purposes of this Manual, the primary obligation for the SBPO is to gather pertinent documentation that is presented throughout the protest review process, and upload it into the CLM System, as follows:

1. On the *Search Criteria* Page, enter the Company Name in the *Name* field.
2. Click *Search*.
3. Then, the *Search Results* screen will appear.
4. Upload supporting documentation from claims of alleged Suspension of Certification.
5. Select *Attach*.
6. The DBE Analyst annotates the status of the decision from DOT throughout the process in the *Comments Box*.
7. Click *Save*.

9.3.2 Protest-Related Responsibilities

Once a Bidder submits a protest related to contract involving FTA funds, PRMT shall implement administrative resolution procedures as prescribed in Chapter 17 (Protests) of the PPM.

The following guidelines are provided as a frame of reference with regard the CA's responsibilities in the event an interested party submits a valid written objection regarding the

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demonstration of good faith efforts, or the lack thereof, which led to that individual firm not winning the contract.

Guidelines:

Pursuant to Chapter 17 of the PPM, the CA must:

1. Confirm that the protest is timely filed and that the interested party is able to demonstrate that the party awarded the contract fraudulently represented itself as a responsible bidder that WMATA violated Federal law, or the DCUCP Compact in the award of the contract;
2. Decide whether to provide a debriefing, at their discretion, to explain to the protester why their firm did not win the contract;
3. Withhold contract award pending resolution of the protest, unless the CA determines that award is permitted under the FTA protest procedures and the CPRO concurs in the determination;
4. Notify the FTA of all formal, written protests, when FTA funds are involved in the procurement and advise FTA of the status and resolution of the protest; and
5. Issue a written decision on the protests within forty-five (45) days from receipt of the initial protest submission.
6. Decisions by the CA regarding protests must be approved by the CPRO and COUN prior to issuance.

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10. COMPLIANCE

The following subsections outline the approaches and procedures utilized by WMATA to ensure the agency and its DBE participants comply with the DBE Program and 49 CFR Part 26.

10.1 Non-Compliance Prevention

To minimize the risk of non-compliance, WMATA shall regularly examine agency DBE Program practices, policies and procedures, as well as, leverage opportunities that allow PRMT and SBPO to promote awareness and educate vendors on DBE Program requirements.

10.1.1 WMATA Non-Compliance Prevention

Procedure: Agency Non-compliance Prevention

To maintain annual compliance standards and satisfy mandated reporting requirements, WMATA shall rely upon the efforts of the SBPO, PRMT, COUN and MARC.

- 1.** Each FFY, the Director of the SBPO and the CPRO shall ensure the regular assessment of internal policies and procedures concerning the WMATA DBE Program.
- 2.** Pursuant to 49 CFR 26.21(b)(2), with the support of COUN, the Director of the SBPO or their designee shall identify any regulatory changes, update WMATA DBE Program policies and procedures accordingly within thirty (30) days and submit the updated DBE Program Plan to FTA for approval.
 - A.** Following any update to DBE Program requirements, the Director of the SBPO or their designee shall ensure that the public is made aware of the changes.
 - B.** Additionally, the Director of the SBPO or their designee shall assess and communicate the anticipated impact of any changes on the WMATA Certification process.

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10.1.2 Contractor Non-Compliance Prevention

Procedure: Contractor Non-Compliance Prevention

1. SBPOs shall consistently participate in contract pre-bid and pre-award meetings to ensure prime contractors understand their responsibilities and obligations, especially with regard to DBE utilization and prompt payment requirements and possible penalties for non-compliance.
2. As part of the SSBA's awareness efforts, the SSBA shall emphasize the regular inclusion of contractual provisions consistent with 49 CFR Part 26.29 within WMATA awards, to include:
 - A. One provision consistent with 49 CFR Part 26.29(a), which requires the Prime to pay subcontractors for satisfactory performance of their contracts no later than thirty (30) days from receipt of each payment made by WMATA to the Prime. The Prime shall be reminded that WMATA expects subcontractors to be paid within ten (10) days of the contractor receiving payment from WMATA for work performed by subcontractors.
 - B. As well as another provision consistent with 49 CFR Part 26.29(e), which explains that the Prime will not be reimbursed by WMATA for work performed by subcontractors unless and until the Prime ensures that subcontractors are promptly paid of the work performed.
3. Each FFY, WMATA shall provide training to ensure that all SBPO and PRMT employees and managers are aware of DBE policies and procedures that shall be implemented.
4. In furtherance of 49 CFR Part 26.39(c), each FFY, the SBPO shall coordinate with jurisdictional partners to identify opportunities for DBE outreach sessions.
5. Whenever feasible, the SSBA shall seek to leverage already-existing opportunities to educate and inform the public and vendors of regulatory DBE requirements.
6. At the request of the Director of the SBPO or CPRO, the SBPO may also coordinate and execute additional DBE outreach sessions.
7. Each FFY, the SBPO shall consult with PRMT and WMATA's Customer Service, Communications and Marketing Department to develop and/or update outreach materials for distribution at DBE outreach sessions.

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10.2 Non-Compliance Detection

As part of WMATA's commitment to ensure correct implementation of the WMATA DBE Program consistent with 49 CFR Part 26, the agency has established the following procedures for detecting certification non-compliance, work performance non-compliance, and contract payment non-compliance.

10.2.1 Certification Non-Compliance

To avoid certification non-compliance, the following procedures, in association with the procedures noted in Section 7.0 (Certification), outline the steps for WMATA to consistently remain in compliance with the DBE certification standards set forth in 49 CFR Part 26 Subpart D.

Procedure: Certification Non-Compliance

1. Each FFY, the Chief Procurement Officer (CPRO) shall ensure that all WMATA DBE policies are consistent with 49 CFR Part 26, including any regulatory changes impacting the DBE Certification Program, such as shifts in DBE eligibility requirements.
 - A. Regulatory changes may be identified through various means, such as public announcement, direct notification from the DOT or internal identification by WMATA.
 - B. The Director of the SBPO shall be responsible for assessing the anticipated impact on WMATA DBE-related activities, such as expansion or reduction of the eligible pool of DBE firms within the region, including the potential need to devise an approach to address overconcentration of DBEs in certain types of work, as prescribed under 49 CFR Part 26.33.
 - C. Should changes to current WMATA DBE policies, or creation of new DBE policies, be required. The CPRO shall engage COUN to draft, revise, obtain approval for, and issue updated DBE policies.
2. Once the DBE policies are established by the CPRO, the Director of the SBPO shall ensure those policies are correctly implemented throughout the FFY.

Additionally, in accordance with 49 CFR Part 26.13, prior to the award of any WMATA contract, PRMT, more specifically the Contracting Officer (CO), shall include the clauses noted in Section 9.1.3 (Bidder Awareness and Acknowledgement) in the contract.

10.2.2 Work Performance Non-Compliance

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To detect and deter work performance non-compliance, the following procedures outline the steps for monitoring, investigating, and addressing potential work performance non-compliance.

Procedure: Work Performance Non-Compliance

1. To ensure compliance with DBE work performance requirements, the Director of the SBPO shall assign SSBA's to monitor the work performance of WMATA prime contractors.
2. The SBPO shall indirectly monitor prime contractor's activities through regular communication (e.g., emails, status updates, reports, etc.) and directly via Onsite Interviews.
3. The SSBA shall investigate for any indications of non-compliant work performance, which include, but are not limited to:
 - A. Prime contractor is completing all or a portion of work committed to DBE's; and
 - B. Erosion of DBE independence through sharing of resources (equipment, personnel, uniforms).
4. Investigations may include onsite reviews, as described in Section 7.2 (Onsite Review) and comply with 26.37(b) so that for each contract we: (1) produce a written certification that we have reviewed contracting records; and (2) monitored the work sites.
5. Should the SSBA learn of potential work performance non-compliance by the Prime, the SSBA shall ensure their findings are documented in a Memorandum to be submitted to the Director of the SBPO.
6. The Memorandum shall summarize the source of the discovery, such as the On-Site Review (See Appendix 5), subcontractor complaint, or other means, as well as outline the facts supporting the Memorandum's findings.
7. The Memorandum shall be generated and submitted to the Director of the SBPO for finalization within two (2) business days of identifying the potential work performance non-compliance.
8. The Memorandum and any related documentation shall be archived by SBPO in both electronic format within the PeopleSoft CLM System and in hard copy format within the contract file.

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9. Following review of the Memorandum, the Director of the SBPO shall inform the Contracting Officer (CO) responsible for managing the subject Prime's contract of the Memorandum's findings.
10. Within ten (10) business days of receiving the Memorandum, the CO shall convene and facilitate an informal hearing between the CO, the COTR, and the Prime to discuss the potential work performance non-compliance.
11. When deemed necessary by the CO, the CO shall convene the Procurement Review Committee (PRC), and ensure the informal hearing includes, at a minimum, the CPRO, the Director of the SBPO, the SSBA, and/or applicable Program Manager, to participate in the informal hearing.
12. The informal hearing shall result in a recommendation for resolution by the Director of the SBPO.
13. The CPRO shall review the SBPO recommendation prior to issuing a final determination.
14. All hearing-related communications and documentation shall be maintained in the hard copy contract file, as well as uploaded by the CO into CLM.
15. Within five (5) business days of the informal hearing, the CO shall send a confirmatory letter to the Prime, with courtesy copy to the CPRO and Director of the SBPO, indicating the CPRO's final determination.
16. Should the CPRO determine that the Prime's work performance is compliant with DBE requirements, the letter shall indicate whether any further action is required by the Prime.
17. Should the CPRO determine that the Prime's work performance is non-compliant with DBE requirements:
 - A. The CPRO and Director of the SBPO will jointly determine the appropriate corrective actions that the Prime will be instructed to complete forthwith. COUN may also be consulted for additional guidance, as needed.
 - B. Additionally, should it be discovered that the non-compliance rises to the level of fraud, the CPRO and/or Director of SBPO shall send an immediate referral to the WMATA OIG to investigate further, which may result in an OIG Report with additional recommendations for WMATA to address.

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10.2.3 Contract Payment Non-Compliance (Prompt Payment)

To detect possible DBE contract payment non-compliance, the following procedures outline the steps for monitoring Prime payments to DBEs, investigating and addressing potential instances of contract payment non-compliance. Additionally, the Prompt Payment Compliance Process Flow provided in Appendix 21, encapsulates the various steps outlined below.

Procedure: Prompt Payment

1. To ensure compliance with DBE contract payment requirements, the SBAN shall monitor the Prime's issuance of payment and the DBE subcontractor's receipt of payment via the Prompt Payment Tool.
2. When monitoring payment activity, the SBAN shall inspect for indications of contract payment non-compliance by the Prime, which include, but are not limited to:
 - A. Payment failure, such as refusal by the Prime to pay the DBE subcontractor in whole, in-part, or in an untimely manner (payment shall be considered untimely if the subcontractor fails to receive payment within ten (10) days of the date of WMATA's payment to the Prime); and
 - B. Payment irregularities, such as charge-backs, third party checks, and payments to DBE subcontractors for non-performance.
3. On a monthly basis, the SBAN shall monitor Prime payments to DBE subcontractors for contractual-related activities using the Prompt Payment Tool in CLM.
4. Each month, the Prime shall be responsible for reporting via the CLM System the amount and date of payment issued to each DBE subcontractor.
5. Each month, the Subcontractor shall be responsible for reporting via the CLM System whether they received full or partial, and timely payment from the Prime.
6. Each month, the SBAN shall compare the payment dates reported in the Prompt Payment Tool against the date of WMATA's payment to the Prime.
7. Should a payment discrepancy be identified, then the SBAN shall promptly inform the Director of the SBPO via email and consult with the CO and/or CA to examine the cause of the discrepancy.
8. Should the Prime not adhere to DBE payment terms, the CO, SBAN, and/or Director of SBPO shall attempt to intervene on behalf of the subcontractor to resolve the payment

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issue.

- 9.** Should WMATA's attempts to intervene not achieve the desired outcome, the CO shall facilitate and hold an informal hearing between the CO, the COTR, and the Prime to discuss the potential contract payment non-compliance.
- 10.** When deemed necessary by CO, the CO shall convene the Procurement Review Committee (PRC), to include the CPRO, the Director of the SBPO, the SBAN, and/or applicable Program Manager, to participate in the informal hearing.
- 11.** Within ten (10) days following the informal hearing, the Director of the SBPO shall make a written recommendation to the CPRO on the appropriate resolution.
- 12.** Within five (5) days of receipt, the CPRO shall review the SBPO recommendation prior to issuing a final determination.
- 13.** Within five (5) business days of the informal hearing, the CO shall send a confirmatory letter to the Prime, with courtesy copy to the CPRO and the Director of the SBPO, indicating the CRRO's final determination.
- 14.** Should the CPRO determine that the Prime's contract payment(s) are compliant with DBE requirements, the letter shall indicate whether any further action is required by the Prime.
- 15.** Should the CPRO determine that the Prime's contract payment(s) are non-compliant with DBE requirements:
 - A.** The CPRO and Director of the SBPO will jointly determine the appropriate corrective actions that the Prime will be instructed to complete forthwith. As needed, COUN may also be consulted for additional guidance, prior to issuance of any corrective action notice.
 - B.** Additionally, should it be discovered that the non-compliance rises to the level of fraud, the CPRO and/or Director of SBPO shall send an immediate referral to WMATA OIG to investigate further, which may result in an OIG Report with additional recommendations for WMATA to address.
- 16.** All hearing-related communications and documentation shall be maintained in the hard copy contract file, as well as uploaded by the CO into the CLM System.

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10.3 Triennial Goal Non-Compliance

To ensure attainment of the agency's DBE triennial percentage goal, which is generated through the two-step goal-setting process described in Section Appendix 20 (Triennial Goal-Setting – Page 192 Methodology), the following procedures outline the steps to analyze, track, and address any potential shortfalls.

10.3.1 Shortfall Analysis

Procedure: Shortfall Analysis

1. Semi-annually, each Federal Fiscal Year (FFY), the Director of the SBPO or their designee shall be responsible for monitoring and reporting WMATA's progress toward satisfaction of the DBE Triennial Goal to the FTA.
2. To track the goal, the Director of the SBPO shall assign the DBE Performance Analyst to review the semi-annual reports to determine if a Shortfall exists and prepare a DBE Shortfall Analysis Memorandum. The Shortfall Analyst should be submitted within 90 days of the end of the fiscal year.
3. In furtherance of generating the DBE Shortfall Analysis Memorandum, the Director of the SBPO shall:
 - A. Ensure an analysis is made detailing the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
 - B. Establishes specific steps and milestones to correct the problems identified in the analysis and to enable WMATA to meet fully its goal for the new fiscal year);
 - C. Ensure consistent monitoring by the SBANs of satisfaction toward the goal;
 - D. Ensure that the SBBA's compile and compute the applicable data sets noted in Appendix 20 (Triennial Goal-Setting Methodology) to track goal attainment; and
 - E. Ensure any Shortfall Analysis memoranda produced are submitted into the contract file, including an e-copy added to the CLM System by the assigned Performance Analyst.
4. Upon receipt of the semi-annual DBE Shortfall Analysis Memorandum, the WMATA Small Business Programs Office shall:

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- A. Conduct a review to determine if corrective action is necessary to meet the current FFY's DBE Triennial Goal;
- B. Provide express guidance and instruction to the Director of the SBPO and/or CPPO on how the agency should proceed to address any projected DBE goal shortfall.
- C. Follow-up on the status of prescribed corrective actions from prior reporting periods on an as needed basis.

10.3.2 Shortfall Remediation

Procedure: Shortfall Remediation

- 1. In the event that SBPO tracking indicates an overall DBE Program shortfall, the Director of the SBPO shall inform the FTA in-writing of the projected shortfall and the measures being implemented to address the projected shortfall percentage.
- 2. Regardless of any shortfall, the Director of the SBPO shall ensure WMATA's DBE Program shall remain compliant with 49 CFR Part 26, by ensuring DBE policies are implemented in good faith.
- 3. In accordance with 49 CFR Part 26.47, WMATA will only be non-compliant if any of the following occur:
 - A. WMATA does not submit shortfall analysis and corrective actions to FTA in a timely manner as required;
 - B. The FTA disapproves WMATA's analysis or corrective actions; or
 - C. WMATA does not fully implement the corrective actions or conditions that FTA has instructed. Page 128

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11. Small Business Enterprise

In accordance with 49 CFR Part 26.39(a), WMATA must include a Small Business Enterprises (SBEs) element within the agency's current DBE Program. While several strategies were offered by FTA to achieve this objective, WMATA has elected to establish a race-neutral small business set-aside for prime contracts under \$1,000,000.00. Thus, the following subsections provide relevant procedures for WMATA to implement and promote this approach.

11.1 Small Business Enterprise Guidelines

The following procedures outline the steps and guidelines for WMATA to specifically administer the SBE element of the agency's DBE Program.

11.1.1 Verification Application

To participate in the SBE Program, WMATA requires all applicants requesting consideration for SBE status to apply for SBE verification by completing the SBE Verification Application. For reference purposes, the SBE Verification Application may be obtained by contacting WMATA's Small Business Program Office (SBPO) or via WMATA's website at <https://www.wmata.com>. A certified DBE is presumed eligible to participate in the SBE program.

Procedure: Verification Application

1. Upon receipt of a request to obtain SBE status, the Director of the SBPO or their designee resource shall instruct the applicant to complete the following requirements:
 - A. Notarize and submit the original application; and
 - B. Submit all supporting documents to WMATA SBPO to the mailing address provided below.
 - C. WMATA certified DBE is presumed to be a certified as a Small Business Enterprise vendor because the vendor meets the certification standards established under 49 CFR Part 26.
2. Additionally, the SBAN or other SBPO resource shall inform the inquiring firm that has been sent an SBE Affidavit of Certification (*see* Appendix 22).
3. Upon verification, the firm will maintain its SBE status, unless and until:
 - A. The firm states in writing that it no longer chooses to participate in the SBE program;

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- B.** Exceeds the PNW and/or gross receipts size limits; or
- C.** WMATA is unable to contact the firm via email, correspondence or telephone.
- 4.** WMATA requires interested firms to go through the re-verification process on a triennial basis (every three years).
- 5.** Should a firm opt against use of the [WMATA Supplier Portal](#), the mailing address for submission of verification information for SBE status is:

Washington Metropolitan Area Transit Authority
Small Business Program Office
600 5th Street, N.W.
3rd Floor
Washington, DC 20001
(202) 962-6421

11.1.2 Change / No Change Process

The following procedures outline details for WMATA personnel to gain familiarity with the SBE Affidavit of No Change Form (*see* Appendix 23), as well as, to ensure they understand how to conduct the SBE Change/No Change process on an annual basis via the CLM System.

Procedure: No Change Form

In accordance with the SBE Program requirements, the participating SBE must inform the FTA and WMATA electronically of any change in circumstances affecting their ability to meet size, disadvantaged status, ownership, or control requirements of this part or any material change in the information provided in the application within thirty (30) days of the occurrence.

Below, are the relevant steps for WMATA and the SBE to ensure this obligation is met.

- 1.** Annually, the Director of the SBPO or their designee shall send an email notification no later than thirty (30) days prior to the firm's anniversary date of obtaining SBE status instructing the firm to submit their annual SBE Affidavit of No Change.
- 2.** The notification shall inform the SBE firm that it must upload a package via the WMATA Supplier Portal by the firm's certification anniversary date, which consists of the following:

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- A.** SBE Affidavit of No Change Form on an annual basis, which certifies that there has been no change in the firm's circumstances as it relates to the requirements set forth in 49 CFR Part 26; or
 - B.** SBE Notice Regarding Change (Appendix 24), which certifies that there has been a change(s) to the following:
 - Personal Net Worth (PNW);
 - Size Standard;
 - Disadvantage Status; or
 - Ownership;
 - Signed Federal Business Taxes for the past year (copies of all schedules and forms referenced by the tax returns must be included), both Business and Personal; and
 - Personal Financial Statement.
- 3.** Within five (5) business days of receipt, the SBAN shall review the firm's package as submitted via the CLM System.
- 4.** Following completion of the package review, the SBAN shall:
 - A.** Request any missing documents in writing (via email) from the SBE firm and provide the firm ten (10) days to return the documents.
 - B.** Add a memorandum to the firm's file regarding the status (approved, rejected, requested missing documentation, etc.) concerning the firm's annual Change/No Change documentation.
- 5.** Should all documentation be provided and comport with the requirements set forth in 49 CFR Part 26, then an SBE Approval Letter (*see* Appendix 25) shall be sent electronically by the SBAN to the firm within five (5) business days of completing the package review.
- 6.** In the event that all required documentation is not provided within thirty (30) days of WMATA requesting the documentation, and/or should the documentation submitted be inconsistent with 49 CFR Part 26, the SBAN shall electronically send a Rejection Letter

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to the firm within five (5) business days of the expiration of the request deadline.

7. Within five (5) days of the conclusion of any WMATA contracts utilizing SBE firm(s), the Contract Administrator (CA) shall review the project receipts and confirm that payments to the firm(s) equal the amount identified in the subcontract(s) and in the prime contractor's original commitment by performing the following tasks:
 - A. Review change orders;
 - B. Review receipts; and
 - C. Validate payments are equal to the amount identified in the subcontract(s).

11.1.3 Small Business Enterprise Directory

To further facilitate participation of SBEs in WMATA contacts, the agency has established a SBE Directory. The following procedures outline steps for ensuring the agency maintains an accurate and up-to-date [SBE Directory](#).

Procedure: Directory Information

1. The SBPO shall assign resources, as needed, to ensure the SBE Directory is updated on a continual basis and contains all eligible SBE participants.
 - A. The Director of the SBPO or their designee shall ensure that the following firm-related information is incorporated in the Directory:
 - Name;
 - Address;
 - Telephone number;
 - Email address; and
 - Point of Contact.
 - B. Additionally, the Director of the SBPO or their designee shall ensure that the following categories are reflected within the Directory:
 - Name of Company;

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- State of Company;
 - Federal Employer Identification Number (FEIN);
 - Dun & Bradstreet Number; and
 - NAICS Codes.
2. The Director of the SBPO or their designee shall ensure that the SBE Directory is made available on the [WMATA Small and Disadvantaged Business Program website](#).
3. The Contracting Officer (CO) shall be responsible for ensuring the Bidders List, required under 49 Part 26.45(c)(2), is maintained in the CLM System which consists of all firms bidding on prime contracts, as well as subcontracts.
- A. The Bidders List must include the firm's:
- Name;
 - Address;
 - DBE/non-DBE status;
 - Age; and
 - Annual gross receipts.
- B. To ensure the Bidders List contains all eligible SBE participants, the Director of the SBPO or their designee shall routinely cross-reference the Bidders List generated by the CO against WMATA's continually updated SBE Directory.

11.2 Small Business Enterprise Participation Facilitation

The following subsections highlight the various means employed by WMATA to further foster participation by SBEs in WMATA contract opportunities.

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11.2.1 Small Business Enterprise Outreach

The following procedures provide an overview of the type of efforts that the SBPO shall engage in to encourage participation and allow firms to overcome specific barriers encountered by SBEs.

Procedure: Participation Facilitation Outreach

- 1.** As part of WMATA's commitment to small business programs, and in accordance with 49 CFR Part 26.39, each FFY, the SBPO shall:
 - A.** Conduct outreach, including the provision of technical assistance upon request; the execution of workshops and attendance at SBE community events to inform the public of SBE participation requirements;
 - B.** Offer assistance and/or guidance to firms with regard to completion of the SBE Verification Application;
 - C.** Facilitate networking with the various subgroups within PRMT to match prospective SBE firms' services and/or commodities to procurement opportunities;
 - D.** Provide advance notice of solicitations to ensure adequate response time for SBEs;
 - E.** Send direct mail to qualified SBE's regarding solicitations, workshops and event opportunities;
 - F.** Provide qualified firms, upon request and at no charge, a copy of bid sets and specifications; and
 - G.** Develop and administer surveys and workshops that specifically address barriers that small businesses encounter.

For additional actions, refer to the DBE Program Plan.

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11.2.2 Procurement Planning

The following procedures detail approaches utilized by WMATA to cultivate contract opportunities for SBEs through the agency's procurement planning activities, such as contract unbundling, examination of annual compliance, and targeted development of solicitations.

Contract Unbundling and Examination

Procedure: Contract Unbundling

1. As part of the agency's annual examination of WMATA's compliance with 49 CFR Part 26, as noted in Section 10.2 (Non-compliance Detection), PRMT and SBPO will also collaborate to generate contract opportunities for SBE's by:
 - A. Leveraging the "each and any item" basis of award to unbundle larger contracts into smaller contracts that provide SBEs the opportunity to bid in their specific type of expertise and/or commodity;
 - B. Examining and analyzing SBE contract awards from the prior fiscal year to identify the SBE work that was secured on recent projects and determine if there are eligible SBE participants that can perform the same type of work.
2. In addition to contract unbundling and prior year reviews, WMATA will also leverage the Procurement Review Committee (PRC), which was established by the CPRO to review all potential solicitations and address contracts that have contractual issues arise. Presently, the PRC consists of the CPRO, Director of the SBPO, the Small Business Program Manager, the Procurement Manager, and the CA or CO. On a monthly basis the PRC shall be responsible for the following activities that may culminate in additional opportunities for small business participation in WMATA contracts:
 - A. Establish DBE goals on federally-funded contracts, when appropriate;

Review all federally funded potential solicitations) and make decisions in consideration of attaining DBE/ SBE goals, prior to advertisement; and

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Solicitation Development

Procedure: Solicitation Development

1. As the onset of the development of a solicitation, the WMATA Program seeking to procure goods, materials, or services, shall generate a package that contains a statement of work, budget and a DBE goal (established by the CA) for submission to the CA.
2. Upon receipt of the solicitation package, the CA shall:
 - A. Review and analyze the solicitation within five (5) days, with particular emphasis on the proper NAICS code(s) that would allow for DBE and/or SBE participation;
 - B. Send the solicitation package to the Director of the SBPO following completion of the initial review;
3. Upon receipt of the package, the Director of the SBPO shall:
 - A. Review and analyze the solicitation package within five (5) days;
 - B. Determine if there are viable DBE's to perform the work, even in instances when the Program does not maintain a DBE goal;
 - C. Conduct historical research of DBE goals related to specific contracts and determine if a waiver was provided in the past;
 - D. Develop a written recommendation within another five (5) days, that contains analysis of the above information for presentation at the next scheduled PRC Meeting for each potential solicitation that is to be discussed;
 - E. Ensure a resource is assigned to record the PRC meeting minutes, to include all DBE- or SBE-related determinations;
 - F. Provide a copy of the meeting minutes to the CPRO and ensure they are archived in the CLM System, with the expectation that the CPRO shall make a final determination on behalf of the Agency within two (2) days;
 - G. Disseminate the CPRO's official determination to all pertinent managers and Program personnel; and
 - H. Supply the CPRO with the Go-Ahead Notice for Advertisement, so the CRPO can

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proceed with advertising the approved solicitation.

11.2.3 Race-Neutral Approach

The following procedures outline additional approaches to be implemented by the SBPO to ensure race neutral standards are satisfied.

Procedure: Race-Neutral Approach

Each FFY, the Director of the SBPO or their designee shall:

1. Provide assistance to firms struggling with overcoming limitations in obtaining bonding and/or financing by simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and provide services to help DBEs and other small businesses, obtain bonding and financing;
2. Monitor and develop processes to review contract procedures and specific contract opportunities;
3. Communicate race-neutral issues and information within WMATA;
4. Ensure the inclusion of DBEs and other small businesses on grantee mailing lists for bidders.
5. Ensure that prime contractors receive SBE and DBE Directories;
6. List information in other languages, when necessary;
7. Unbundle large contracts to make them more accessible to small businesses, as described in Section 11.2.2 (Contract Unbundling and Examination);
8. Implement a supportive services program for DBEs and SBEs to:
9. Develop and improve immediate and long-term business management;
10. Record keeping, financial and accounting capability for DBEs and other small businesses;
11. Provide services to help all small businesses with financial and bonding options;
12. Develop a business development program with the specific intent of increasing the capacity of DBEs;

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- 13.** Assist DBEs and other small businesses in how to use new technology and conduct business through electronic media;
- 14.** Conduct effective outreach programs by providing training and partnering opportunities for DBE's and small businesses;
- 15.** Conduct listening sessions to receive direct input from firms and to address their stated concerns; and
- 16.** Improve communication with DBE's and small businesses by providing advance notice of upcoming contract opportunities.

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APPENDIX 1 – Uniform Certification Application



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 (\$56.42 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 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 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

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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 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.

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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.

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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) _____

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(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).

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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): _____

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
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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: <input type="checkbox"/> Male <input type="checkbox"/> Female (6) Ethnic group membership (Check all that apply) <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian Pacific <input type="checkbox"/> Native American <input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other (specify) _____ (7) U.S. Citizenship: <input type="checkbox"/> U.S. Citizen <input type="checkbox"/> Lawfully Admitted Permanent Resident																	
(8) Number of years as owner: _____ (9) Percentage owned: _____ % Class of stock owned: _____ Date acquired _____ <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">(10) Initial investment to acquire ownership interest in firm:</th> <th style="text-align: left;">Type</th> <th style="text-align: left;">Dollar Value</th> </tr> <tr> <td></td> <td>Cash</td> <td>\$ _____</td> </tr> <tr> <td></td> <td>Real Estate</td> <td>\$ _____</td> </tr> <tr> <td></td> <td>Equipment</td> <td>\$ _____</td> </tr> <tr> <td></td> <td>Other</td> <td>\$ _____</td> </tr> </table> Describe how you acquired your business: <input type="checkbox"/> Started business myself <input type="checkbox"/> It was a gift from: _____ <input type="checkbox"/> I bought it from: _____ <input type="checkbox"/> I inherited it from: _____ <input type="checkbox"/> Other _____ (Attach documentation substantiating your investment)			(10) Initial investment to acquire ownership interest in firm:	Type	Dollar Value		Cash	\$ _____		Real Estate	\$ _____		Equipment	\$ _____		Other	\$ _____
(10) Initial investment to acquire ownership interest in firm:	Type	Dollar Value															
	Cash	\$ _____															
	Real Estate	\$ _____															
	Equipment	\$ _____															
	Other	\$ _____															

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): _____

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY DISADVANTAGED BUSINESS ENTERPRISE



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"/>

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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 F = Frequently S = Seldom 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

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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.			

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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>

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DISADVANTAGED BUSINESS ENTERPRISE



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

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY DISADVANTAGED BUSINESS ENTERPRISE



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

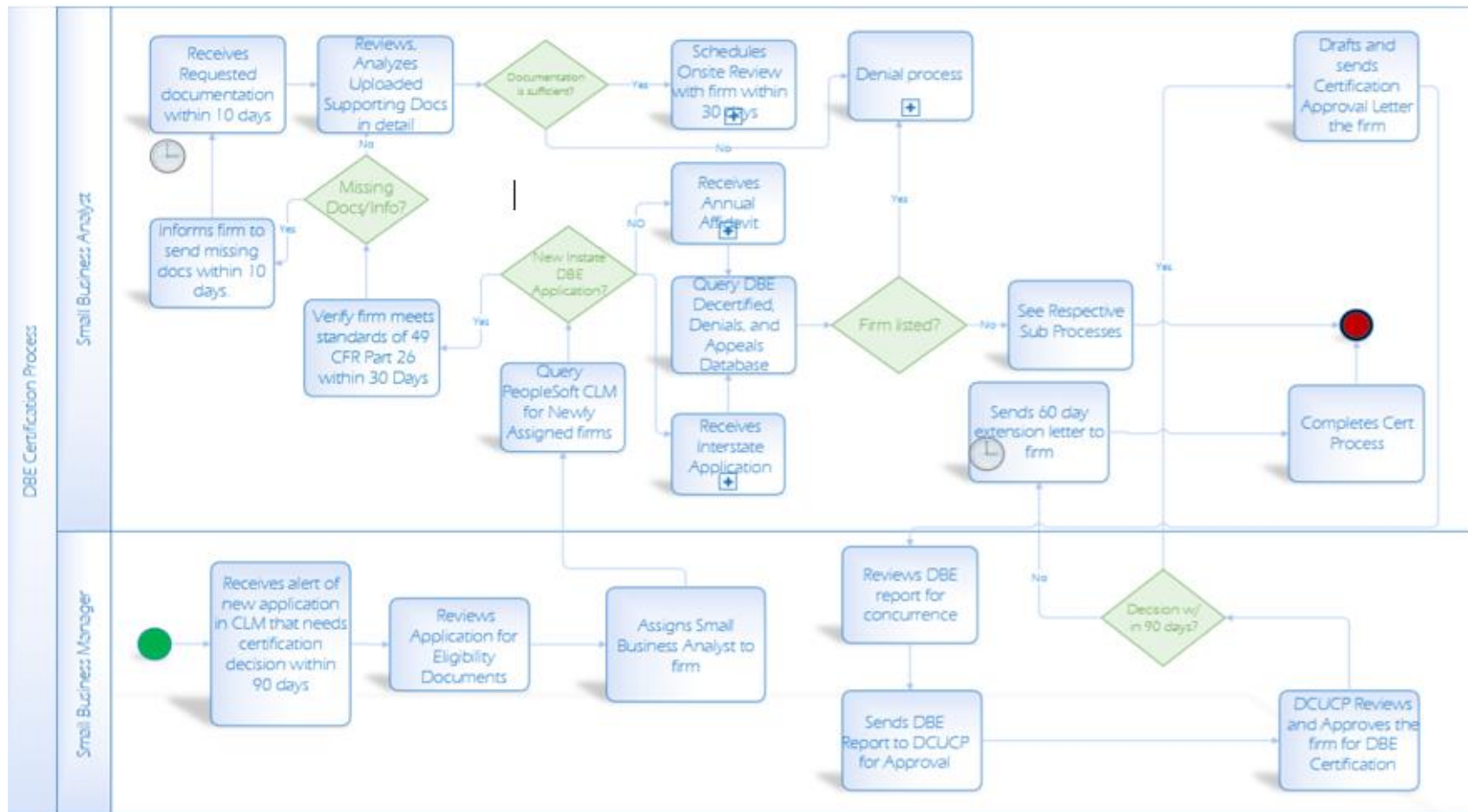
The UCP to which you are applying may require the submission of the following documents. If requested to provide these document, you must supply them with your application or at the on-site visit.

- ☐ 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)

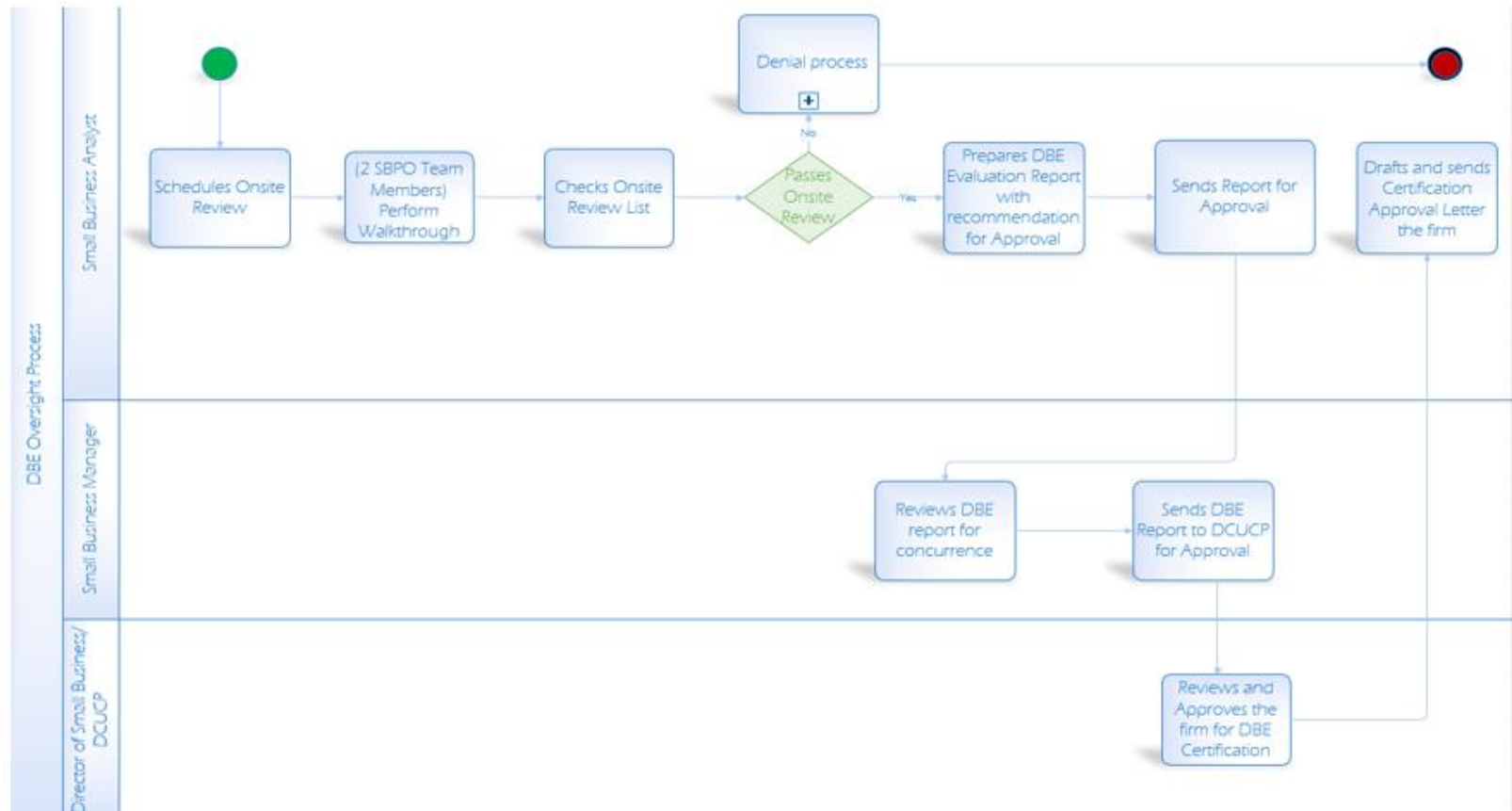
Suppliers

- ☐ List of product lines carried and list of distribution equipment owned and/or leased

APPENDIX 2 – Overall Certification Process Flow



APPENDIX 3 – Onsite Review Process Flow



APPENDIX 4 – DBE Evaluation Report

DISTRICT OF COLUMBIA UNIFIED CERTIFICATION PROGRAM

DBE EVALUATION REPORT

*District of Columbia Department of Transportation (DDOT) &
Washington Metropolitan Area Transit Authority (WMATA)*

DATE:

Submitted To:	Prepared By:
---------------	--------------

ACTION REQUESTED

Cert Number:	
--------------	--

APPLICANT INFORMATION

Company Name	
Contact Person	
Business Structure	
# Years in Business	
Street Address	
City/State/Zip Code	
Telephone/Fax Number(s)	
E-Mail Address	
Website	

DESCRIPTION OF SERVICES OFFERED (*As listed on Application*)

--

APPLICABLE NAICS CODES & DBE SIZE STANDARDS

NAICS	SIZE	NEW	DESCRIPTION

APPENDIX 4 – DBE Evaluation Report

SUMMARY <i>(including experience in industry, appropriate licenses, dealer, broker, etc.)</i>			

EMPLOYEE/AVERAGE GROSS RECEIPTS *(Preceding three (3) years)*

	Year 1 2017	Year 2 2016	Year 3 2015	Year 4 2014	3-Year AVERAGE	# EMPLOYEES
APPLICANT FIRM						
AFFILIATE(S)						
COMBINED RECEIPTS						
SUMMARY <i>(Including Financials & Other Evidence of Affiliation)</i>						

IDENTIFICATION OF OWNERS/OFFICERS

(Identify all Principal Owners and provide the Personal Net Worth of each Principal Owner that Disadvantaged Status is being considered)

NAME	SHARES - % OWNED	TITLE	RACE	SEX	PERSONAL NET WORTH

APPENDIX 4 – DBE Evaluation Report

EVIDENCE OF MANAGEMENT AND CONTROL

AREAS OF CONSIDERATION (X)		YES	NO	NA
<i>A (NO) response to any of these questions requires an explanation below</i>				
1	Is the firm independently owned, operated and controlled?			
2	Does the firm have a binding relationship with other firms that would affect its SBE status?			
3	Does a disadvantaged owner hold the highest position in the company?			
4	Does a disadvantaged owner control the Board of Directors?			
5	Does a disadvantaged owner control the day-to-day operations of the firm?			
6	Is a disadvantaged owner responsible for the hiring and firing of employees?			
7	Does a disadvantaged owner sign checks?			
8	Does a disadvantaged owner negotiate and sign contracts?			
9	Does a disadvantaged owner possess the necessary licenses, skills, education, and other abilities critical to the operation of this business?			
10	Does the disadvantaged owner have outside employment?			
SUMMARY <i>(Please expound on any of the above items and/or discuss other issues of importance)</i>				

FINDINGS & CONCLUSIONS

(Based on a comprehensive review of records and documentation in accordance with 49 CFR Part 26)

CONCLUSIONS		YES	NO	N/A
1	Is the firm owned and controlled by disadvantaged owner(s)? (Provide explanation below).			
2	Does the average annual gross receipts for the preceding three (3) years exceed the applicable size standard for NAICS Codes?			
3	Did the owner(s) of at least 51% of this firm provide documentation attesting eligibility as defined by 49 CFR Part 26? (If yes, then identify the documentation below).			
4	Does a disadvantaged owner possess the experience and skills necessary to manage and operate this company?			
5	Is the firm certified as M/DBE by any other jurisdiction(s)? (If yes, then identify other certification(s) below).			

APPENDIX 4 – DBE Evaluation Report

6	Has the company performed or is currently performing on DDOT or WMATA contracts? (If yes, then identify the contract(s) below).			
7	Were the dollar values of the firm's three (3) largest contracts over the last three (3) years provided? (If yes, then list the contracts and their respective dollar values below).			
8	Has the applicant submitted all of the information required/requested by the DCUCP?			
SUMMARY <i>(Please expound on any of the above items and/or discuss other issues of importance)</i>				

RECOMMENDATION & APPROVAL

Following a thorough review and analysis of the information submitted by the above-mentioned applicant, it is the recommendation of the DBE & Compliance Specialist that the applicant firm request for certification be:		
Approved _____		Denied _____
<div style="display: flex; justify-content: space-around;"> DBE Certification Specialist DDOT X WMATA </div>		
Signature _____	Date _____	

The Decision of the undersigned is as follows:	
Authority: _____ Approve _____ Deny	
Name _____	
Signature _____	Date _____

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE



APPENDIX 5 - DBE Certification Onsite Review

DISTRICT OF COLUMBIA UNIFIED CERTIFICATION PROGRAM

DBE Certification On-Site Review

Checklist



Firm Information	
Firm Name:	
Address:	
On Site Review Location:	
Office Number:	
Fax Number:	
Cell Phone:	
Email Address:	

On-Site Date:	
---------------	--

Participants	
Name:	Title:
Name:	Title:
Name:	Title:

Type of Review	
<input type="checkbox"/> Initial Certification	<input type="checkbox"/> Additional Codes
<input type="checkbox"/> Other:	

Company Profile	
<input type="checkbox"/> Corporation	<input type="checkbox"/> Limited Liability Company (LLC)

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Partnership
<input type="checkbox"/> Other:	

Is the firm's business charter in good standing?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No (explain)

DUN & Bradstreet Number:	
-------------------------------------	--

Ownership			
Name	Shares or Percentage Owned	Disadvantaged Status	Date of Ownership

Average Gross Receipts – Preceding three years					
	Year 1 201x	Year 2 201x	Year 3 20x	3 Year Average	No. of Employees
Applicant Firm					
Affiliates					
Combined Receipts					

Summary (Including Financials & Other Evidence of Affiliation)
--

Officers/Board of Directors/Members

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



Name	Officer/Position	Board Member/Member (Circle One)	*Race	Gender	Shares and/or Ownership Interest
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> F <input type="checkbox"/> M	
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> F <input type="checkbox"/> M	
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> F <input type="checkbox"/> M	
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> F <input type="checkbox"/> M	
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> F <input type="checkbox"/> M	

*1. African-American 2. Asian-American 3. Hispanic 4. White 5. American Indian

Control	
1. The disadvantage owner(s) have the authority to make the day-to-day, as well as long-term, decisions for the company on the following matters of management, policy and operations:	
<input type="checkbox"/> Financial Decisions	<input type="checkbox"/> Office Management
<input type="checkbox"/> Estimating and Bidding	<input type="checkbox"/> Hiring/Firing
<input type="checkbox"/> Contract Negotiation, and Execution and Signing	<input type="checkbox"/> Authorization to sign company checks Type of Bank accounts: <input type="checkbox"/> Sun Trust <input type="checkbox"/> Checking <input type="checkbox"/> Money Market <input type="checkbox"/> Credit Line (copy of Signature Card)
<input type="checkbox"/> Field/Production Operations	<input type="checkbox"/> Determine Benefits List of Benefits:
If any boxes are unchecked please explain: <hr/> <hr/> <hr/>	

2. Do the By-laws (corporation) or Operating Agreement (LLC), or Partnership Agreement (Partnership) restrict the disadvantaged owner(s) from making business
--

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



decisions regarding the applicant firm, without the cooperation of a non-disadvantaged owner(s)?	
<input type="checkbox"/> Yes (explain)	<input type="checkbox"/> No

3. Does the disadvantaged owner(s) hold the highest position in the company?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If No, provide the name(s) of the individual who does:		
Name	Position	Disadvantaged Status

4. Is the disadvantaged owner(s) the highest paid employee of the company?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If No, provide the name of the individual who is highest paid, and explain:		
Name	Position	Disadvantaged Status

5. Are there any relationships between the applicant firm and any other firms in the areas of personnel, facilities, equipment, etc., that may compromise the independence of the firm?	
<input type="checkbox"/> Yes (explain)	<input type="checkbox"/> No

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



6. Does the disadvantaged owner have the experience and/or expertise in the following requested NAICS Codes?			
NAICS	Product/Service	Yes	No
If No, explain and provide the name of the individual with the expertise:			
A license is required to provide any of the services listed above?			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	
License Name & holder's name:			
Basic Business License Holder's Name:			

7. Does the owner(s) have ownership interests in another firm(s)?	
<input type="checkbox"/> Yes (explain)	<input type="checkbox"/> No
Firm's Name	Ownership

8. Does the firm have ownership interests in another firm(s)?	
<input type="checkbox"/> Yes (explain)	<input type="checkbox"/> No
Firm's Name	Ownership

9. Does the owner(s) have another employment outside the firm?	
<input type="checkbox"/> Yes (explain)	<input type="checkbox"/> No

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



Personnel/Resources	
Number of full-time employees	
Number of part-time employees	
Number of supervisors	
Number of independent contractors	

General Facilities			
Observation	Yes	No	N/A
Exterior Signage			
Interior Signage			
Reception/Waiting Room			
Conference Room			
Employee Lounge			
Storage Room			
Record Retention System			
Telephone/Fax			
Copier Machine			
Own Office Space			
Lease Office Space			
Sharing Office Space			
Company Vehicles			
Other:			

Construction Equipment (if applicable)
1.
2.
3.
4.
5.

Is the firm's name on the equipment/tools/trucks?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No (explain)

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



Is the firm's name on the equipment/tools/trucks lease agreement?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No (explain)

Warehouse (if applicable)			
Location:			
<input type="checkbox"/> Own	<input type="checkbox"/> Lease		
Name of firm on building?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Contents:			
Inventory Amount:	\$		

Job Site Site			
Observation	Yes	No	N/A
Personnel on Site			
Equipment on Site			
General Comments/Work Being Performed:			

On-Site photos taken?	<input type="checkbox"/> Yes (see attachment)	<input type="checkbox"/> No
-----------------------	---	-----------------------------

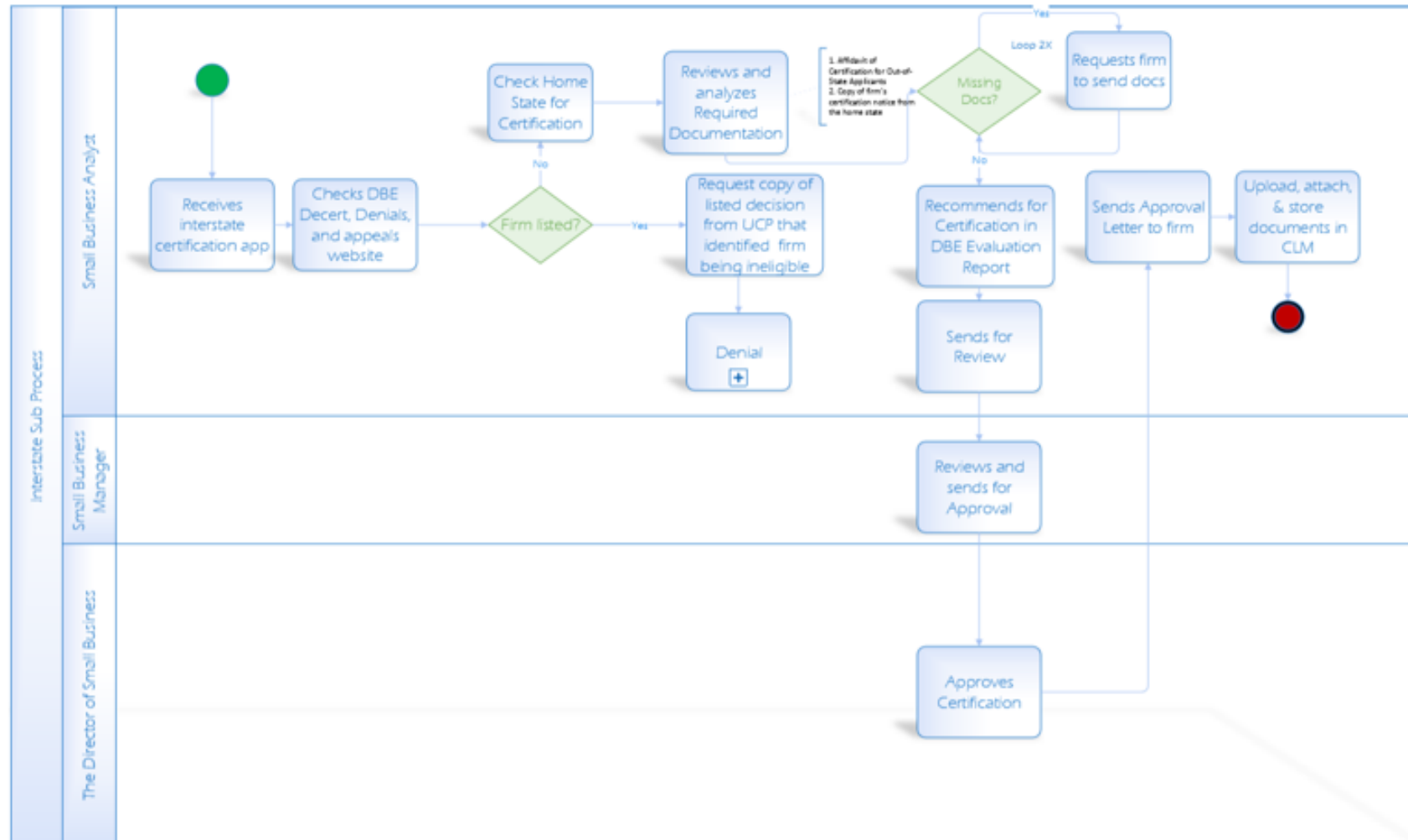
**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



Additional Information/Comments

Reviewer's Signature:	Date:
------------------------------	--------------

APPENDIX 6 – Interstate Certification Process Flow



APPENDIX 7 – Affidavit of Certification for Out-of-State Applicants

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



AFFIDAVIT OF CERTIFICATION FOR OUT-OF-STATE APPLICANTS

This form must be signed and sworn to by each owner of the applicant firm. Use additional forms if necessary.

ANY MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION OR AFFIDAVIT 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, _____ (print full name), declare under penalty of law that I have submitted all of the information required by 49 CFR § 26.85(c). This information is complete and, in the case of the requirements of § 26.85(c)(1), is identical to the information which served as the basis for my home state UCP certification. Further, I declare under penalty of perjury that all facts in my most recent on-site report remain true and correct.

Date _____ Signature _____

NOTARIZATION

APPENDIX 7 – Affidavit of Certification for Out-of-State Applicants

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



Before me, this _____ day of _____, 20____, personally appeared,

known to me to be the person described in the foregoing statement and acknowledge that
he/she executed the same in the capacity therein stated and for the purposes therein contained
and that the statements contained
therein are true and correct.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

Notary Public

Notary Public
SEAL

My Commission Expires: _____

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE



APPENDIX 8 – Certification Approval Letter

DISTRICT OF COLUMBIA
UNIFORM CERTIFICATION PROGRAM

DDOT • 55 M Street S.E., 3rd Floor • Washington, D. C. 20003 • (202) 671-0479
WMATA • 600 Fifth Street, N. W., 3rd Floor • Washington, D. C. 20001 • (202) 962-6493



District Department of Transportation



DATE

Owner Name, Title

Company Name

Address

Address

RE: Certification No. DBE000XXXX

Dear Owner Name:

We are pleased to inform you that your firm has been certified as a Disadvantaged Business Enterprise (DBE)/Small Business Enterprise (SBE) with the Metropolitan Washington Unified Certification Program (MWUCP), effective **November 1, 2018**. MWUCP participants include the Washington Metropolitan Area Transit Authority (WMATA) and the District of Columbia Department of Transportation (DDOT). **Your firm is subject to the requirements of the Disadvantaged Business Enterprise regulations, Title 49, Code of Federal Regulations, Part 26, as amended and all laws of this jurisdiction applicable to the transaction of business.** You are currently certified in the following North American Industry Classification System (NAICS) Code(s):

NAICS CODE	DESCRIPTION

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



APPENDIX 8 – Certification Approval Letter

If you wish to add to the list of approved NAICS Codes, you must first make such request

through our Supplier Portal and provide supporting documentation to dbehotline@wmata.com. You are required to sign-in using your User Id and Password. Then, you must navigate to *Main Menu*, click on *Maintain Supplier Information*, click on *NAICS/SIC Code*.

As a certified DBE, you are required to submit an annual “No Change” statement, attesting to your continued status as a “socially and economically disadvantaged individual”. You must also submit current business and personal Income Tax Returns.

You can access this form by going to WMATA’s Supplier Portal and Sign-in using your User Id and Password. Navigate to *Main Menu*, click on *Manage Solicitations and Bids*, click on *My Certification*, click on *Certification Review*.

If a change in the ownership, control or management of your firm has occurred, you must complete and submit a “Notice Regarding Change” statement within 30 days of the occurrence of the change.

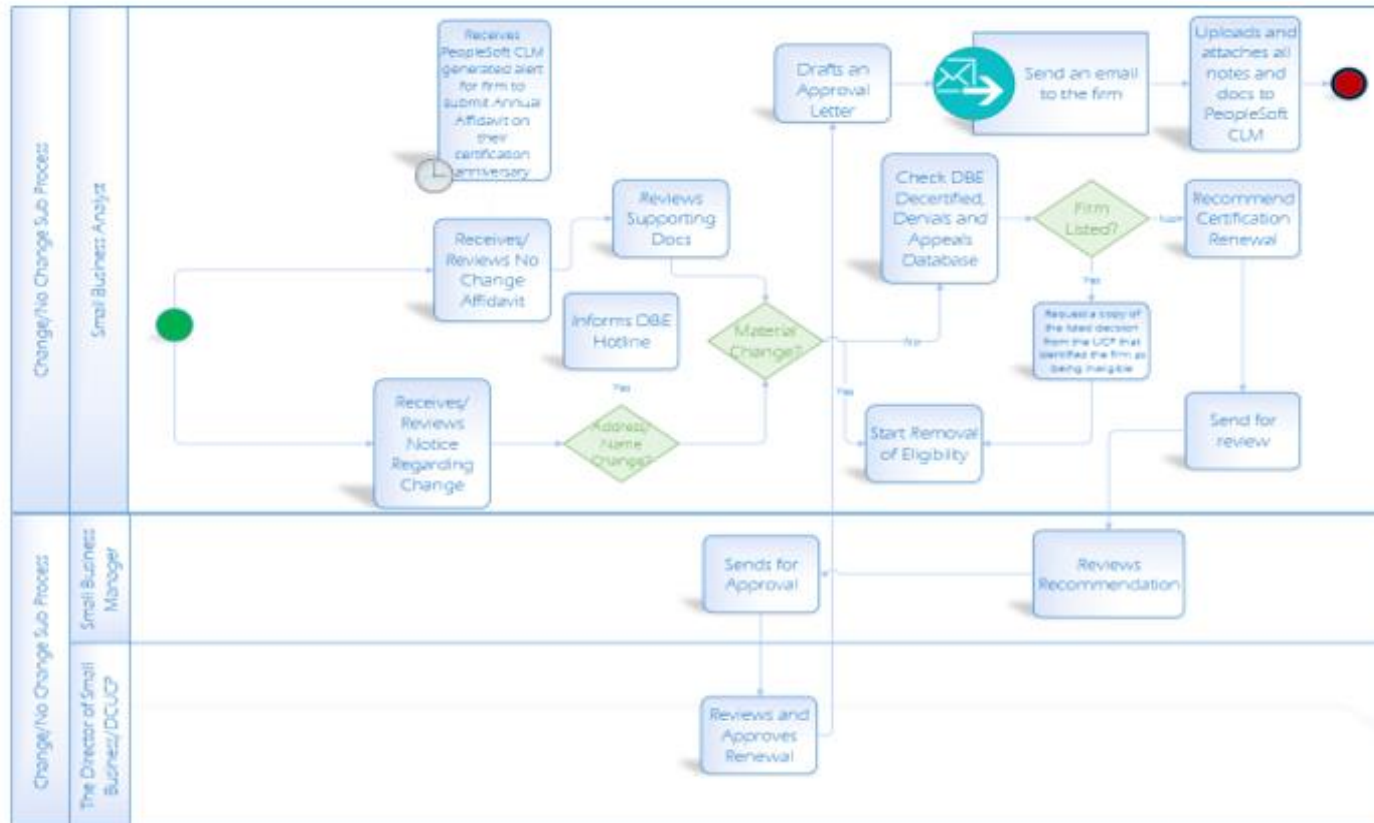
A firm is considered graduated in all or some of the areas of work grouped under the NAICS Codes if the firm exceeds the size standards listed under the NAICS Codes. If a firm exceeds the size standard in any of its approved NAICS Codes, it is no longer certified as a Disadvantaged Business Enterprise under that specific NAICS Code. If a firm exceeds the size standards in all of its approved NAICS Codes or the established Personal Net Worth standard, it is no longer eligible to participate as a Disadvantaged Business Enterprise under the Federal U.S. Department of Transportation Program.

Your certification does not automatically expire, however; your firm must submit the required documents annually on or before your firm’s certification date. Failure to provide the requested documents in a timely manner will result in immediate actions to decertify your firm’s eligibility as a Disadvantaged Business Enterprise with the Metropolitan Washington Unified Certification Program.

Any questions or concerns, feel free to contact dbehotline@wmata.com.

Sincerely,
Sylvia Edwards
Director, Small Business

APPENDIX 9 – Certification Status Verification Process Flow



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
OFFICE OF PROCUREMENT
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
600 5TH Street, N.W.
Washington, DC 20001

DBE ANNUAL NO CHANGE AFFIDAVIT

Name of Firm: _____
Address: _____
Contact Person/Title: _____
Telephone: _____ Fax: _____ Email: _____

THIS AFFIDAVIT MUST BE SUBMITTED ANNUALLY ON THE ANNIVERSARY DATE OF THE FIRM'S CERTIFICATION. (49 CFR Part 26 and DBE Program, Section 4.2(j).) Please submit this form with a copy of the firm's most recent federal tax returns.

The Principal(s) of the above mentioned firm affirm(s) that there have been no changes (please check where applicable):

- ☐ to the information on the firm's most recent certification application on file with the Washington Metropolitan Area Transit Authority DBE Program;
- ☐ in the ownership of the firm;
- ☐ in the operational and/or managerial control, including the board of directors and/or its officers, that may affect the DBE status of the firm;
- ☐ in the disadvantaged owner(s) Personal Net Worth and that it does not exceed \$1.32 million for the DBE Program
- ☐ in the business size as defined by the size standards set by the Small Business Administration (SBA) and U.S. Department of Transportation (USDOT) by industry NAICS Codes.

You must submit to us immediately a separate notice of explanation for any of the boxes not selected (unchecked) on a separate sheet of paper.

I/WE DECLARE, UNDER PENALTY OF PERJURY, THAT THE INFORMATION PROVIDED IN THIS AFFIDAVIT AND ALL SUPPORTING DOCUMENTS SUBMITTED IN SUPPORT OF THIS AFFIDAVIT RELATING TO MY DISADVANTAGED STATUS, THE APPLICANT DBE FIRM (AND ITS AFFILIATES IF APPLICABLE), AND TO ME/US IS TRUE AND CORRECT.

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

NOTARY

On this ____ day of _____, 20____, before me appeared the individual(s) stated above to me personally known, who being duly sworn, did execute the foregoing affidavit and did state that he or she was properly authorized by the DBE firm stated above, to execute the affidavit and did so as his or her free act and deed.

Notary Public (name) _____
State of _____ County of commission _____
Commission expires _____

(Notary Seal)

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
OFFICE OF PROCUREMENT
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
600 5th Street, N.W., Suite 3D
Washington, D.C. 20001**

NOTICE REGARDING CHANGE

Name of Firm: _____

Address: _____

Contact Person/Title: _____

Telephone: _____ Fax No.: _____ Email: _____

Certification # _____

THIS NOTICE MUST BE SUBMITTED WITHIN 30 DAYS OF ANY CHANGE IN CIRCUMSTANCES THAT AFFECT THE FIRM'S CERTIFICATION. (49 CFR Part 26 and DBE Program, Section 4.2(i).)

Please be advised that the following changes have occurred within the firm since it submitted its application for certification or re-evaluation to the Washington Metropolitan Area Transit Authority:

1. PERSONAL NET WORTH

As of the _____ day of _____, 201_____,
the personal net worth of the following principal(s) is in excess of \$1.32M.

2. SIZE STANDARD

As of the _____ day of _____, 201_____,
the firm is no longer able to meet applicable size standards as indicated below:

☐ Gross receipts from all sources of business, averaged over the past three years, now exceeds \$22.41 million.

☐ Gross receipts, averaged over the past three years, now exceeds NAICS code limitations, as follows: _____

3. DISADVANTAGED STATUS

As of the _____ day of _____ 201_____,
the firm is no longer able to meet disadvantaged status eligibility criteria for
the following reasons: _____

4. OWNERSHIP

As of the _____ day of _____ 201_____,
the firm has had ownership changes that affect its DBE status as follows:

5. CONTROL

As of the _____ day of _____ 201_____,
the firm has had the following changes in control of the firm that affect its
DBE status:

6. OTHER MATERIAL CHANGE

As of the _____ day of _____ 201_____,
the firm has had the following other material changes that affect its DBE
status:

One of the following attestations must be completed. Do not complete both selections.
The form must be signed in the presence of a notary public.

FOR AN UNSWORN STATEMENT:

I hereby declare, under penalty of perjury under the laws of the United States that the foregoing information and information contained in any attachment hereto is true and accurate as of the stated date.

The foregoing attested to this _____ day of
201_____, by _____, who holds the position
of _____ with

Firm's Name

Signature

Social Security Number

FOR A SWORN STATEMENT:

State of _____)
_____))
County of _____)

Sworn to before me this _____ day of _____ 201_____.

Signature

Social Security Number

Notary Public:

Name

Signature

My commission expires on the _____ day of _____ 201_____.

(Notary Seal)

APPENDIX 12 – No Change Certification Letter

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY DISADVANTAGED BUSINESS ENTERPRISE



DISTRICT OF COLUMBIA UNIFIED CERTIFICATION PROGRAM

DDOT • 55 M Street S.E., 3rd Floor • Washington, D. C. 20003 • (202) 671-0479
WMATA • 600 Fifth Street, N. W., 4th Floor • Washington, D. C. 20001 • (202) 962-5882



District Department of Transportation



DATE

Owner Name, Title
Company Name
Address
Address

RE: Certification No. DBE000XXXX

Dear Owner Name:

We are pleased to inform you that your firm has been found eligible to continue its certification as a Disadvantaged Business Enterprise (DBE)/Small Business Enterprise (SBE) with the District of Columbia Unified Certification Program (DCUCP), effective **DATE**. DCUCP participants include the Washington Metropolitan Area Transit Authority (WMATA) and the District of Columbia Department of Transportation (DDOT). **Your firm is subject to the requirements of the Disadvantaged Business Enterprise regulations, Title 49, Code of Federal Regulations, Part 26, as amended and all laws of this jurisdiction applicable to the transaction of business.** You are currently certified in the following North American Industry Classification System (NAICS) Code(s):

<u>NAICS CODE</u>	<u>DESCRIPTION</u>

If you wish to add to the list of approved NAICS Codes, you must first make such request through our Supplier Portal and provide supporting documentation to dbehotline@wmata.com. You are required to sign-in using your User Id and Password. Then, you must navigate to *Main Menu*, click on *Maintain Supplier Information*, click on *NAICS/SIC Code*.

APPENDIX 12 – No Change Certification Letter

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY DISADVANTAGED BUSINESS ENTERPRISE



As a certified DBE, you are required to submit an annual “No Change” statement, attesting to your continued status as a “socially and economically disadvantaged individual”. You must also submit current business and personal Income Tax Returns.

You can access this form by going to WMATA’s Supplier Portal and Sign-in using your User Id and Password. Navigate to *Main Menu*, click on *Manage Solicitations and Bids*, click on *My Certification*, click on *Certification Review*.

If a change in the ownership, control or management of your firm has occurred, you must complete and submit a “Notice Regarding Change” statement within 30 days of the occurrence of the change.

A firm is considered graduated in all or some of the areas of work grouped under the NAICS Codes if the firm exceeds the size standards listed under the NAICS Codes. If a firm exceeds the size standard in any of its approved NAICS Codes, it is no longer certified as a Disadvantaged Business Enterprise under that specific NAICS Code. If a firm exceeds the size standards in all of its approved NAICS Codes or the established Personal Net Worth standard, it is no longer eligible to participate as a Disadvantaged Business Enterprise under the Federal U.S. Department of Transportation Program.

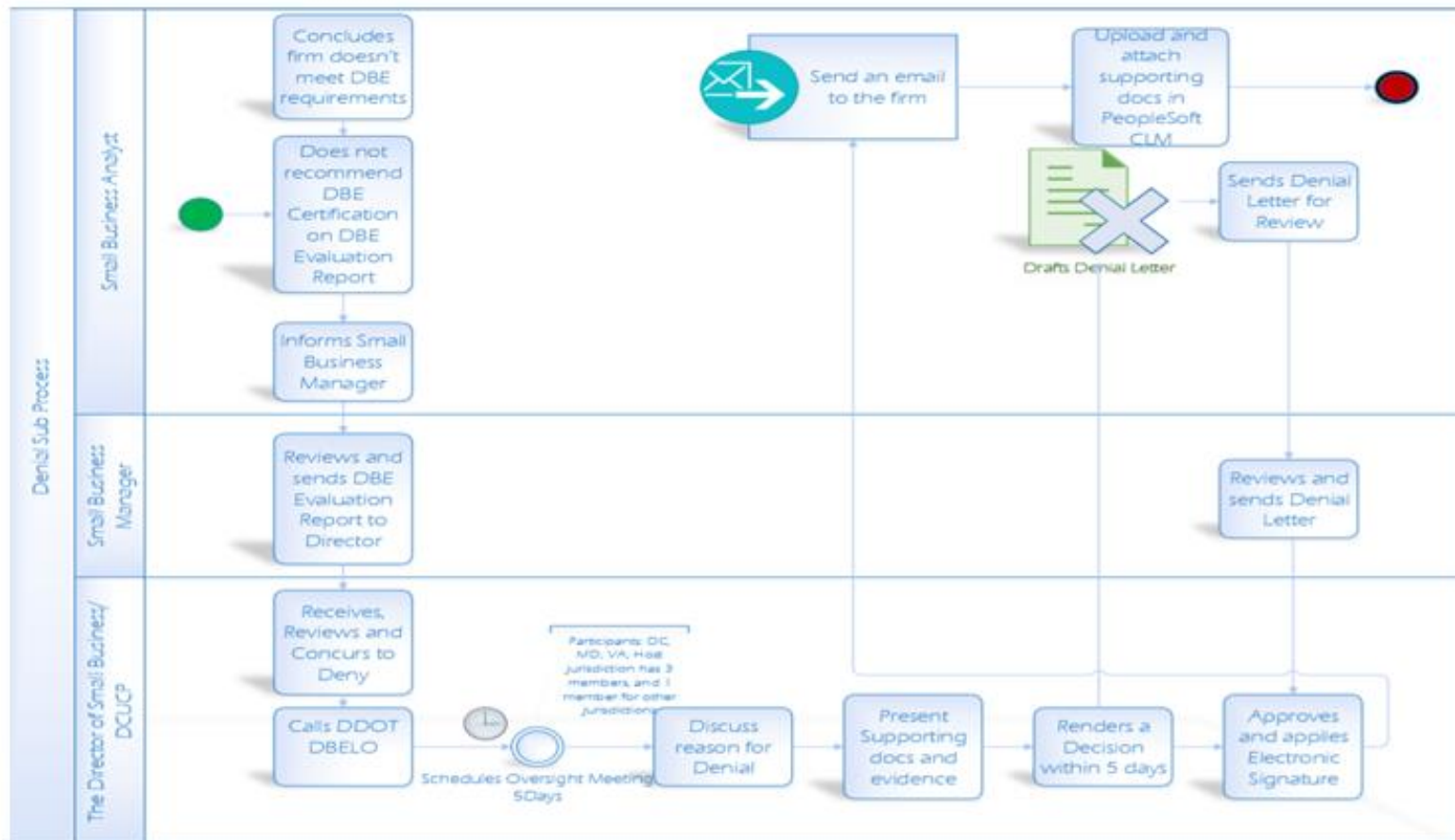
Your certification does not automatically expire, however; your firm must submit the required documents annually on or before your firm’s certification date. Failure to provide the requested documents in a timely manner will result in immediate actions to decertify your firm’s eligibility as a Disadvantaged Business Enterprise with the District of Columbia Unified Certification Program.

Any questions or concerns, feel free to contact dbehotline@wmata.com.

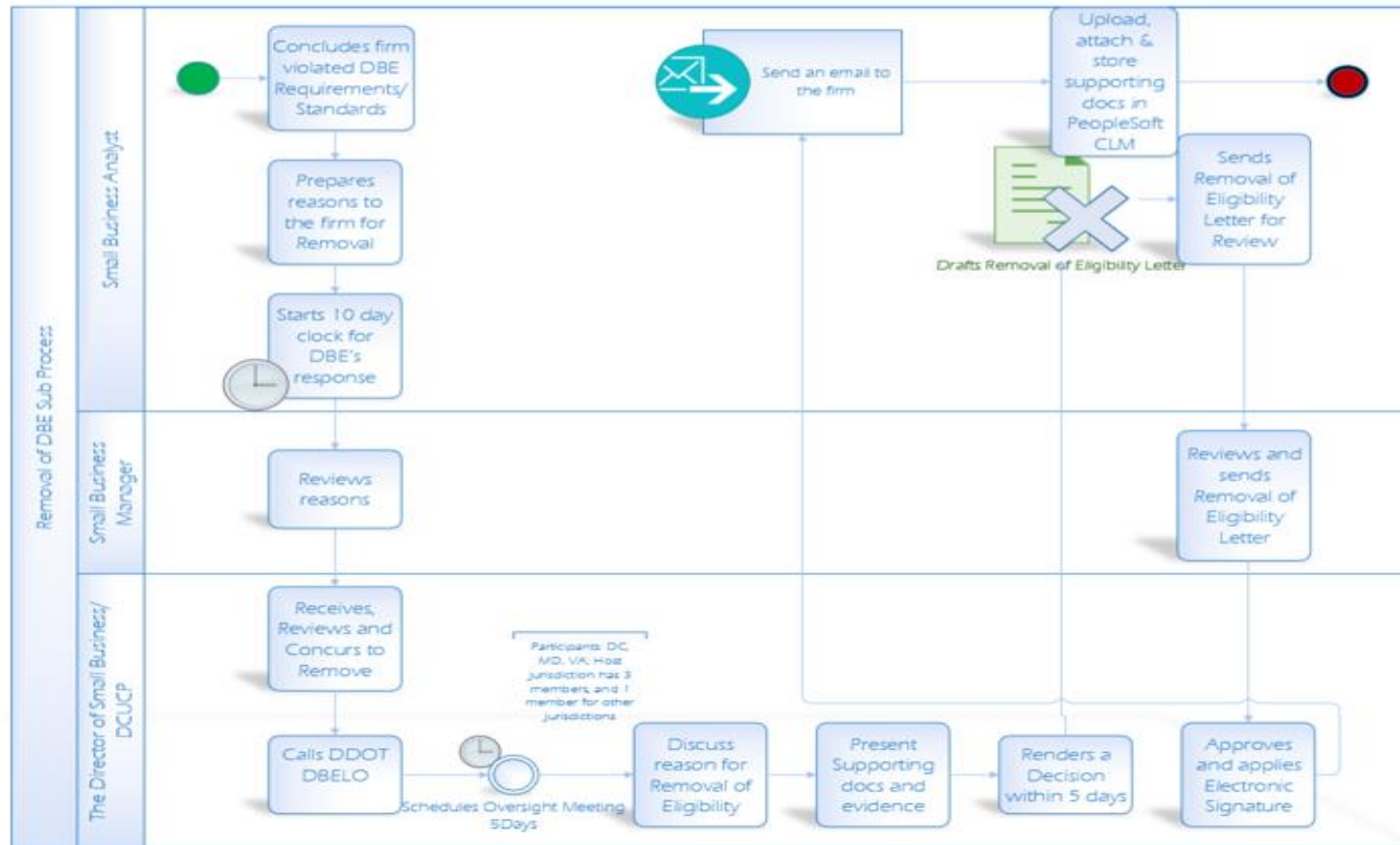
Sincerely,

Sylvia Edwards
Director, Small Business Programs Office

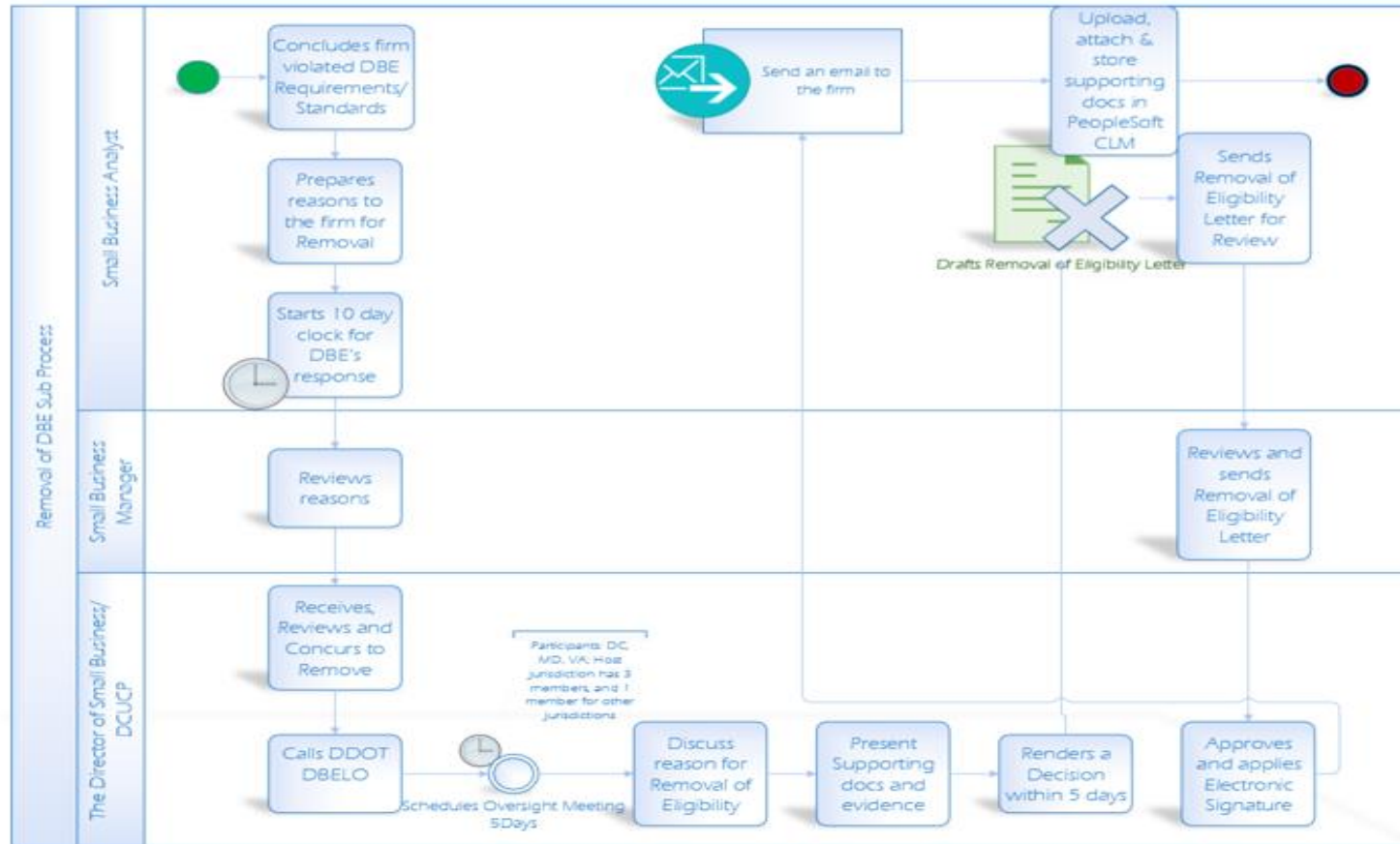
APPENDIX 13 – Certification Denials Process Flow



APPENDIX 14 – Removal of Eligibility Process Flow



APPENDIX 15 Suspension Process Flow



APPENDIX 16 – Decertification Notice

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY DISADVANTAGED BUSINESS ENTERPRISE



DISTRICT OF COLUMBIA UNIFIED CERTIFICATION PROGRAM

DDOT • 55 M Street S.E., 3rd Floor • Washington, D. C. 20003 • (202) 671-0479
WMATA • 600 Fifth Street, N. W., 4th Floor • Washington, D. C. 20001 • (202) 962-6421



District Department of Transportation

December 7, 2018

Name

Company Name

Address

City, State, Zip code

DBE Decertification Notice:

Dear Name:

Pursuant to 49 CFR Part 26, the District of Columbia Unified Certification Program (DCUCP) conducted a review of your firm's status as a certified Disadvantaged Business Enterprise (DBE). This review of our records has revealed that your firm's status as a certified DBE is currently non-compliant. The DCUCP office has made 2 attempts to notify you of your firm's DBE non-compliant status. This office has not received the required documents listed in the previously sent letters. This is to notify you that your firm is now decertified as a DBE with the DCUCP.

You may reapply for DBE Certification once again by submitting the documents that are required by going to:

http://www.wmata.com/disadvantaged_business_enterprise/dbe_business_forms.cfm.

Please download and submit all supporting documents that apply to your firm to:

Washington Metropolitan Area Transit Authority
Small Business Programs Office, 4A-02
600 5th Street NW
Washington, DC 20001

APPENDIX 16 – Decertification Notice

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY DISADVANTAGED BUSINESS ENTERPRISE

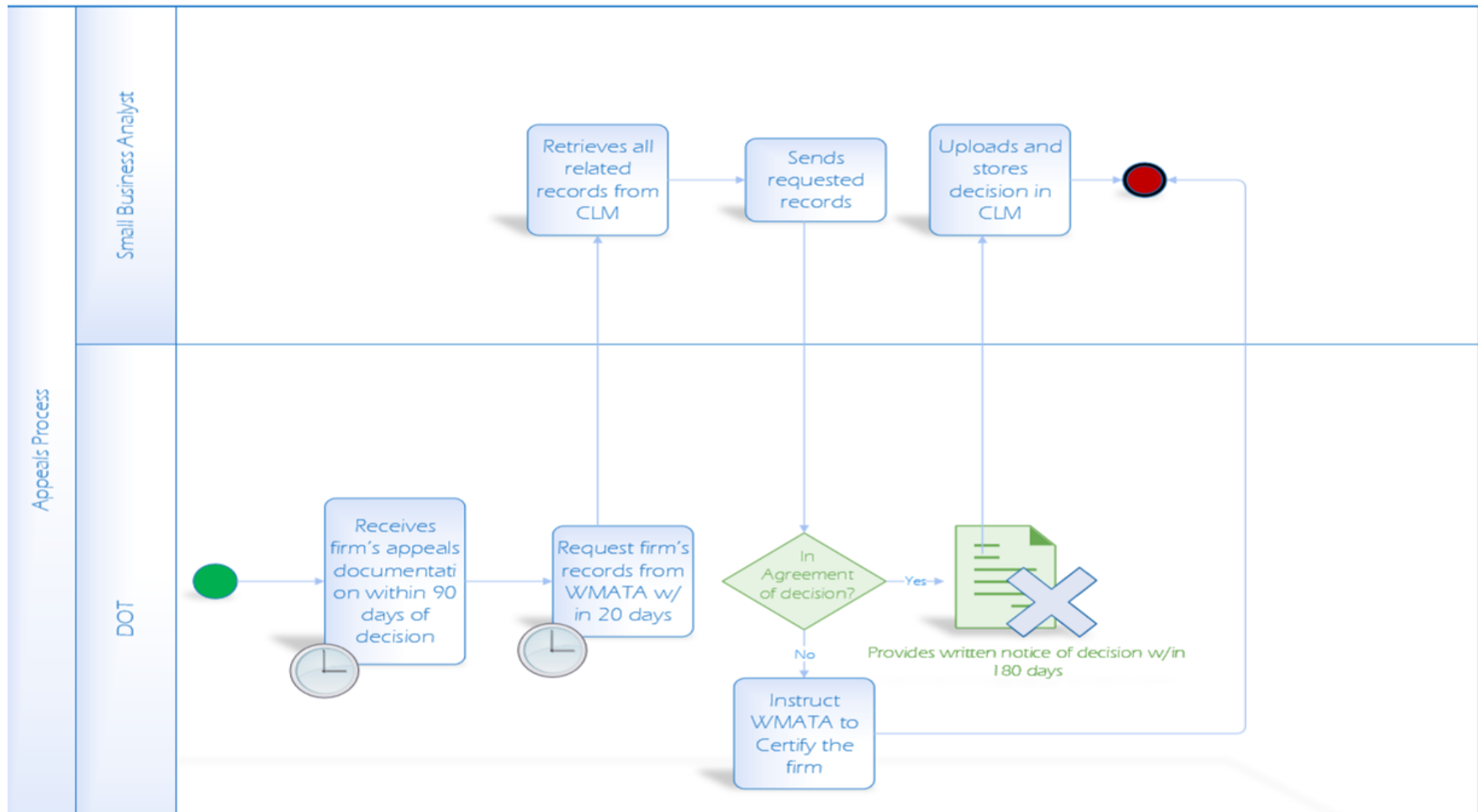


If you have any questions, please contact Small Business Analyst, Lilliette Rivera at 202-962-6421 or via email at LRiver@wmata.com.

Sincerely,

Sylvia Edwards
Director, Small Business Programs Office

APPENDIX 17 – Appeals Process Flow



APPENDIX 18 DBE GOAL SETTING WORKSHEET

DBE GOAL SETTING WORKSHEET

RFP/IFP NO. _____

CONTRACT TITLE: _____

SCOPE OF WORK: _____

WORK ELEMENTS

NO.	NAICS	DESCRIPTION	TOTAL CONTRACT VALUE	DBE COST ESTIMATE	% OF TOTAL
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
		TOTALS:			

COMMENTS: _____

Minimum Percent Required to be Performed by Prime: _____ %

Funding Source	OPERATING	CAPITAL- FEDERAL	CAPITAL NON- FEDERAL	REIMBURSEABLE
Originating Office	_____ Ext.	_____ Signature	_____ Date	

Contract Administrator	_____ Ext.	_____ Signature	_____ Date
------------------------	------------	-----------------	------------

DBE Goal: _____ %

DBE Compliance Specialist	_____ Ext.	_____ Supervisors Signature	_____ Ext	_____ Date
---------------------------	------------	-----------------------------	-----------	------------

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE



APPENDIX 19 – Goal Setting Memorandum

M E M O R A N D U M

SUBJECT: **Contract Number**

DATE: 1/31/2018

FROM: SBPO – Rashida A. Reid, Sr. Small Business Auditor

THRU: SBPO – Clemon Hammie, Manager, SBPO

TO: PRMT – Erica Hall, Contractor, DECO

The Small Business Programs Office has thoroughly reviewed the goal-setting request for Contract [REDACTED], totaling [REDACTED]. As a result of the Authority's race-conscious measures, **27%** goal for DBE participation is established for the instant contract. The established or anticipated goal is based upon the following factor(s):

Historical Attainment

X Sub-Contracting Opportunity

Race-Neutral Effort

In the event that you should have any questions pertaining to this goal-setting, please contact me at **(202) 962-1793**.

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



APPENDIX 20 –Triennial DBE Goal Setting and Methodology 2017-2019

**TRIENNIAL DBE GOAL SETTING AND METHODOLOGY
FEDERAL FISCAL YEARS (FFYs) 2017-2019**

GOAL RECOMMENDATION

WMATA has adopted a 22% DBE goal for Federal Fiscal Years (FFYs) 2017-2019 beginning on October 1, 2016 and ending on September 30, 2019. WMATA plans to achieve this goal through 14% race-conscious measures and 8% race-neutral measures.

**FEDERAL TRANSIT ADMINISTRATION (FTA) - ASSISTED CONTRACTING
OPPORTUNITIES FOR FFYs 2017 - 2019**

Table 1 lists WMATA's projected Federal Transit Administration (FTA) funded contracting opportunities for FFYs 2017-2019, and the corresponding North American Industrial Classification System (NAICS) codes for those contracting opportunities.

Table 8:2 Expected FTA-funded Contract Expenditures for FFYs 2017-2019

#	NAICS Code	Project	Amount of FTA Funds on Project
1	541330	Environmental Compliance Project	\$2,000,000.00
2	238290	Escalator Rehab	\$53,000,000.00
3	237130	Rail Power System Upgrades	\$30,000,000.00
4	238210	New Electrical Contract	\$4,000,000.00
5	332322	Station entrance canopies	\$12,000,000.00
6	238210	Wayside Work Equipment	\$2,400,000.00
7	237210	Fire Systems	\$5,000,000.00
8	238220	Station Cooling Program	\$1,500,000.00
9	236220	Parking Garage Rehabilitation	\$4,000,000.00

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



#	NAICS Code	Project	Amount of FTA Funds on Project
10	237310	Bush Hill Aerial Structure Rehabilitation	\$2,000,000.00
11	238210	Station Lighting Improvements	\$10,000,000.00
12	238220	Raising Vent Shafts	\$6,000,000.00
13	236220	Emergency Construction	\$2,500,000.00
14	335313	Automatic Train Control State of Good Repair	\$33,500,000.00
15	238210	Traction Power State of Good Operations	\$16,000,000.00
16	237120	System wide Fire Alarm System Upgrade Project	\$3,000,000.00
17	238160	Roof Rehabilitation	\$5,000,000.00
18	237	Track Maintenance Equipment	\$15,000,000.00
19	237	Rail Power System Upgrades	\$2,000,000.00
20	238290	Elevator/Escalator Repairable	\$14,500,000.00
21	236220	Radio Infrastructure Replacement	\$12,000,000.00
22	2362	Bus Customer Facility Improvements	\$200,000.00
23	335312	Automatic Train Control State of Good Repair	\$6,000,000.00
24	238210	Traction Power State of Good Operations	\$3,000,000.00
25	236210	Materials	\$1,000,000.00
26	236210	MPR's	\$2,000,000.00
27	237990	New Planning Contract	\$40,000,000.00
28	237990	New Program Management Services Contract	\$40,000,000.00
29	332322	Under Platform Ducts	\$1,000,000.00
30	2362	New Material Contracts	\$800,000.00

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE**



#	NAICS Code	Project	Amount of FTA Funds on Project
Total FTA-Assisted Contract Funds			\$329,400,000.00

DETERMINATION OF LOCAL MARKET AREA

WMATA's local market area consists of Washington, D.C., and sections of Maryland and Virginia in its Metropolitan Statistical Area (MSA). This includes Prince George and Montgomery counties in Maryland and Alexandria, Arlington, Fairfax, Fairfax Cities, Falls Church and Loudon in Virginia. These are the jurisdictions where WMATA typically finds its contractors.

GOAL METHODOLOGY

As shown below, WMATA developed its goal by calculating a weighted base figure in Step 1 and adjusting the goal based on available evidence in Step 2.

Step One: Determination of a Base Figure

WMATA developed a base figure of the ready, willing, and able DBE vendors as a percentage of all ready, willing, and able firms in WMATA's market area. To determine the number of DBEs, WMATA used the certified DBEs listed in the Metropolitan Washington Unified Certification Program (MWUCP). To determine the number of overall firms, WMATA used the Census Bureau's County Business Pattern (CBP) database. To ensure an apples-to-apples calculation, WMATA used the same NAICS codes when compiling the number of DBE vendors and the total number of firms.

$$\text{Relative Base Figure} = \frac{\text{Ready, willing and able DBEs (data source = MWUCP)}}{\text{All ready, willing and able businesses (data source = CBP, which includes DBEs and non - DBEs)}}$$

$$\text{Relative Base Figure of 14.71\%} = \frac{2,872 \text{ DBEs}}{19,520 \text{ Total Businesses}}$$

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WMATA then weighted the base figure in Tables 3 and 4 by incorporating the amount of FTA- funded contracting dollars that will be expended under each NAICS code.

Table 8:3 Determining the Relative Availability of DBE's by NAICS Code

#	NAICS Code	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1	541330	Environmental Compliance Project	234	1982	0.11806
2	238290	Escalator Rehab	30	100	0.30000
3	237130	Rail Power System Upgrades	19	102	0.18627
4	238210	New Electrical Contract	100	1056	0.09470
5	332322	Station entrance canopies	9	33	0.27273
6	238210	Wayside Work Equipment	100	1056	0.09470
7	237210	Fire Systems	5	101	0.04950
8	238220	Station Cooling Program	51	1560	0.03269
9	236220	Parking Garage Rehabilitation	188	836	0.22488
10	237310	Bush Hill Aerial Structure Rehabilitation	140	161	0.86957
11	238210	Station Lighting Improvements	100	1056	0.09470
12	238220	Raising Vent Shafts	51	1560	0.03269
13	236220	Emergency Construction	188	836	0.22488
14	335313	Automatic Train Control State of Good Repair	6	25	0.24000
15	238210	Traction Power State of Good Operations	100	1056	0.09470
16	237120	System wide Fire Alarm System Upgrade Project	4	10	0.40000
17	238160	Roof Rehabilitation	26	272	0.09559

Step Two: Adjusting the Base Figure

In Step 2, WMATA considered all available evidence to determine whether it should adjust its goal from the weighted base figure derived in Step 1. WMATA first examined its past DBE participation and determined that its FFYs 12-15 contracting opportunities were substantially similar to the expected contracting opportunities for FFYs 17-19. As a result, WMATA determined that it should adjust its goal based on past participation.

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Table 8:4 DBE Participation Rates

Year	FFY12	FFY15	FFY13	FFY14
DBE Achievement	16%	17%	33%	33%

WMATA then determined the “median” past participation percentage by arranging the DBE participation rates from lowest to highest in Table

NUMERICAL ORDER OF DBE PAST PARTICIPATION

Year	FFY12	FFY15	FFY13	FFY14
DBE Achievement	16%	17%	33%	33%

1. Because there was an even number of values, WMATA added the middle two numbers and averaged them, resulting in a mean of 25% (17 + 33 divided by 2).

$$17 + 33 = 50 \quad 50/2 = 25\%$$

2. WMATA then added the weighted base figure of 19.94% (found in Step 1) to the median of the past 4 years 25% (found in Step 2) and divided that figure by 2.

$19.94 + 25 = 44.94$ $44.94/2 = 22.47\%$ rounded down to 22% Accordingly, when adjusting for past participation, the DBE goal is now 22%. WMATA also reviewed the Disadvantaged Business Enterprise Disparity Study prepared for the Maryland Department of Transportation (MDOT) in 2013. The study concluded that disparities exist in contracting opportunities for minority- and women-owned businesses in MDOT’s relevant market area. WMATA has determined that, because of differences between WMATA’s and MDOT’s contracting opportunities and relevant market area, it is inappropriate for WMATA to use MDOT’s disparity study to adjust its DBE goal percentage. As described below, however, WMATA believes that the disparity study’s conclusion is relevant in determining WMATA’s RC/RN breakdown.

Finally, WMATA determined that it does not have enough relevant evidence regarding statistical disparities in DBEs’ ability to obtain financing, bonding or insurance, or enough data on education, training and union apprenticeship programs to further adjust the 22% goal. As a result, WMATA’s DBE goal for FFYs 17-19 is 22%.

UTILIZATION OF RACE-NEUTRAL AND RACE-CONSCIOUS MEASURES

WMATA used its DBE participation from its previous four FFYs, 2012- 2015, to help

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inform its race-neutral/race-conscious breakdown.

Table 8:5 DBE Goal Achievement and RC/BN Breakdown

Year	FFY2012	FFY2013	FFY2014	FF2015
DBE Goal (RC/RN)	25% (19/6)	25% (19/6)	25% (19/6)	25% (13/12)
Achievement (RC/RN)	16% (16/0)	33% (5/28)	33% (4/29)	17% (6/11)
Achievement-Goal	-9%	+8%	+8%	-8%

Consistent with FTA guidance, WMATA determined the race-neutral breakdown by first adding, for each year, the race-neutral goal and the amount by which the total goal was exceeded. WMATA then divided that sum by the total achievement for each year.

WMATA performed this calculation for a four-year period and then used the median to ensure that no single year received disproportionate weight. As shown below, finding the median completed Step 1. In Step 2, WMATA multiplied the Step 1 value to the 22% goal to determine the race- neutral/race-conscious breakdown for FFYs 17-19.

Formula for Calculating Race-Conscious and Race-Neutral

Percentages Step 1: Divide the total race-neutral achievement by the total goal achievement.

RN Goal plus Percent Goal Exceeded, divided by Achievement

$$6 + (-9) = -3 \div 16 = -0.1875$$

$$6 + 8 = 14 \div 33 = 0.4242$$

$$6 + 8 = 14 \div 33 = 0.4242$$

$$12 + (-8) = 4 \div 14 = 0.2857$$

Median of -0.1875, 0.2857, 0.4242, & 0.4242 is... $((0.2857+0.4242)/2) = 0.3550$ or 35.5%, rounded to 36%.

Step 2: Apply median race-neutral percentage from prior four years (25%) to current goal (22%). 0.36

Step 2: Apply median race-neutral percentage from prior four years (25%) to current goal (22%).

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$0.36 \times 0.22 = 0.0792$ or 7.92%, rounded to 8%

The resulting race-neutral percentage is 8% rounded up from 7.92%, and the race-conscious percentage is 14%.

Moreover, WMATA believes that MDOT's disparity study supports using strong race-conscious means to achieve its DBE goal. WMATA's and MDOT's market areas and contracting opportunities partially overlap. Although the marketing areas and contracting opportunities are not similar enough to warrant an adjustment in Step 2, WMATA believes that the disparity study helps inform WMATA's RC/RN breakdown. The disparity study concluded that there was "strong evidence of large, adverse, and frequently statistically significant disparities between minority and female participation in business enterprise activity in MDOT's relevant market area and the actual current availability of those businesses." Thus, WMATA has determined that it's appropriate to use 14% race-conscious measures.

WMATA believes that it can achieve 8% race-neutral measures by taking the following actions:

Coordinating effectively with its internal offices to unbundle large contracts and present opportunities for DBEs to secure prime contracts. As part of this effort, WMATA will use the race-neutral small business set aside for contracts under \$500,000. Moreover, effective July 1, 2016, the DBE Office is now in the SBPO; this departmental change increases the DBE Office's visibility throughout WMATA and ensures that the DBE Office will be involved in federally-funded procurements at the start of projects.

Working with other WMATA departments to target contracting opportunities in technical areas. Moreover, the DBE Office is working on improving its bidders list by collecting more robust data about the firms that bid on WMATA contracts. WMATA will use its bidders list to better identify future contracting opportunities for DBEs and small businesses.

- Conducting more effective outreach by providing training and partnering opportunities for DBEs and small businesses, such as training DBEs and small businesses on financing, banking, lending, and bonding. Also, WMATA plans to continue participating in the DC Department of Small & Local Business Development's CEO Growth Academy. The CEO Growth Academy, an extensive six-month training school for executives of emerging real estate and construction companies, instructs individuals on small business growth, networking, and marketing; this helps DBEs and other small businesses successfully compete for contracts.
- Focusing more on receiving DBE input to address DBE concerns. For instance, in 2015, the DBE Office hosted a DBE community roundtable conference. The conference

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addressed important issues such as barriers to entry for DBEs and suggestions for improving the DBE program. WMATA will continue to seek DBE input to further refine its DBE program and address DBE concerns.

- Working with potential prime contractors to set-up outreach events to meet DBE firms. Other DBE Office outreach efforts have also promoted greater DBE program awareness, such as a business matchmaking event with the Greater Washington Hispanic Chamber of Commerce and a bid opportunity event with Hensel Phelps. Moving forward, WMATA will continue to take similar actions to increase DBE awareness.
- Improving communication with DBEs by providing more advanced notice of upcoming contracting opportunities. For instance, WMATA sends email notifications to DBE firms that are certified in NAICS codes that correspond with upcoming solicitations. Moreover, during pre-bid conferences, the DBE Office encourages DBEs to meet with non-DBE firms to discuss upcoming projects.

PUBLIC PARTICIPATION IN SETTING OVERALL DBE GOAL

On July 20, 2016, WMATA had a conference call with members from the National Association of Minority Contractors, the U.S. Women's Chamber of Commerce, the Capital Region Minority Supplier Development Council, the Arlington County Small Business Program, the Capital Regional Small Business Transportation Resource Center, and the U.S. Black Chamber of Commerce. During this meeting, WMATA discussed and solicited feedback from the stakeholders on how WMATA can establish a robust DBE goal and address DBE concerns, such as: unbundling contracts, reaching out to small and minority firms about upcoming solicitations, tying DBE participation to WMATA employees' performance plans, establishing mechanisms for prime contractors to post and forecast DBE firm opportunities, and holding informational sessions for DBEs. WMATA has enclosed its July 20th meeting minutes. (Enclosure 1).

As described above, WMATA has incorporated this feedback into its goal submission by ensuring that it maximizes its race-neutral measures by: (1) coordinating effectively with its internal offices to unbundle large contracts and present opportunities for DBEs to secure prime contracts; (2) working with other WMATA departments to target contracting opportunities in technical areas; (3) conducting more effective outreach by providing training and partnering opportunities for DBEs and small businesses; (4) focusing more on receiving DBE input to address DBE concerns; (5) working with potential prime contractors to set-up outreach events to meet DBE firms; and (6) improving communication with DBEs by providing more advanced notice of upcoming contracting opportunities.

Moreover, WMATA has posted its DBE goal on its website, which can be found here:

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DISADVANTAGED BUSINESS ENTERPRISE**



<https://www.wmata.com/business/small-disadvantaged-business/dbe.cfm>

WMATA has also enclosed a screenshot of the DBE goal notice posted on its website. (Enclosure 2).

Washington Metropolitan Area Transit Authority



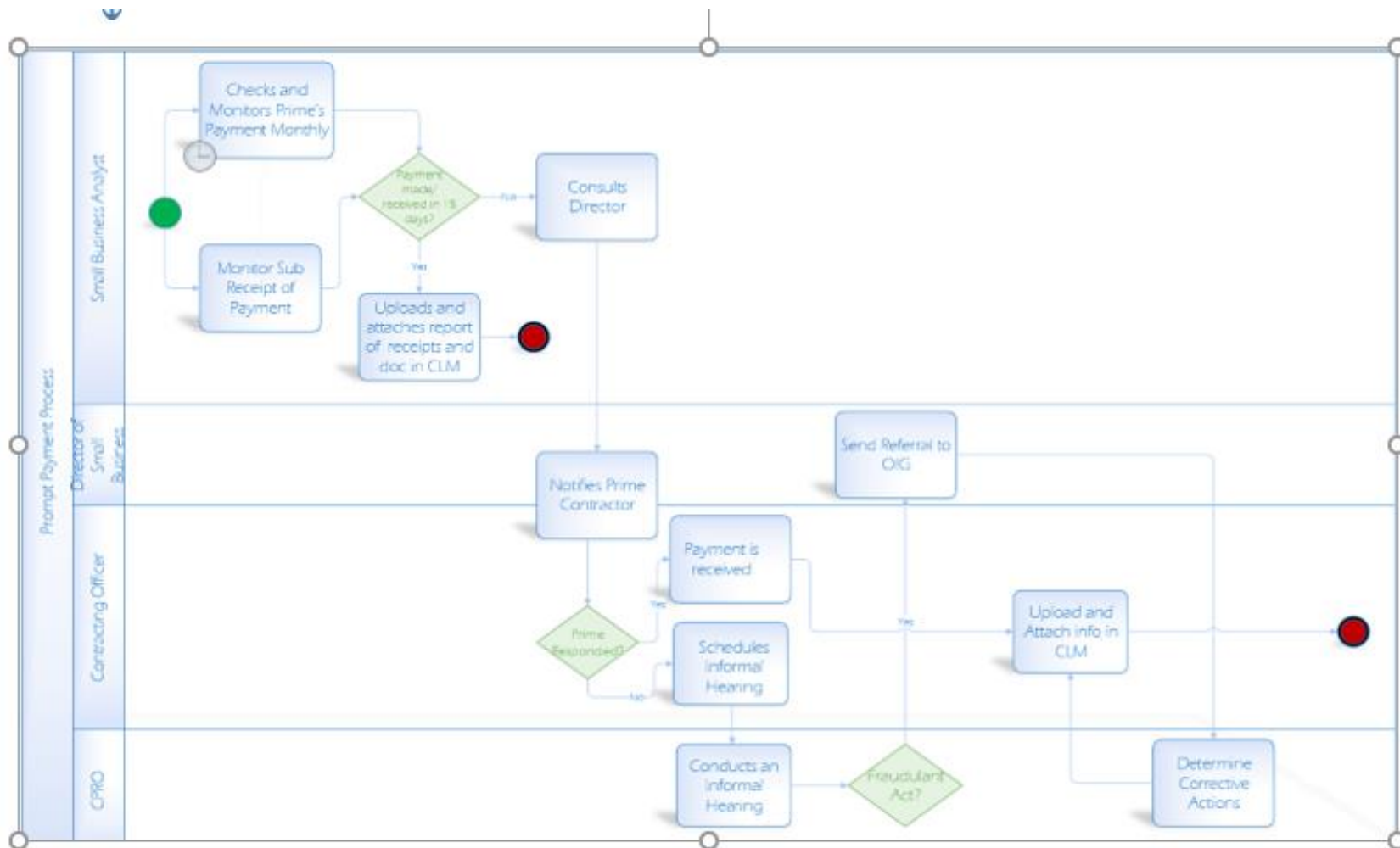
**PUBLIC NOTICE
DISADVANTAGED BUSINESS ENTERPRISE GOAL FOR FFY 2017 – 2019**

The Washington Metropolitan Area Transit Authority (WMATA) has established a **22%** Disadvantaged Business Enterprise (DBE) goal for Federal Fiscal Years 2017 through 2019. WMATA plans to achieve this goal using **14%** race-conscious means and **8%** race-neutral means. If you have questions or comments about WMATA's DBE goal, please contact [REDACTED]

THE WEBSITE TO REFERENCE FOR ACCESSING THE ABOVE NOTICE IS:

<https://www.wmata.com/business/small-disadvantaged-business/dbe.cfm>

APPENDIX 21 – Contract Payment Non-Compliance (Prompt Payment)



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 applicant firm _____ (firm name) 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 or subcontract, 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 (UCP) of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, 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 hereby certify that I am a (circle all that apply):

Female Black American Hispanic American Native American
Asian- Pacific American Subcontinent Asian American
Other (specify) _____.

I have held myself out as a member of that group and have acted as a member of that group. I certify that I am an owner of the company seeking DBE certification and that I have been subjected to racial or ethnic prejudice or cultural bias within American society because of my identity as a member of the above circled group.

I further certify that my personal net worth does not exceed \$1.32 million, and that 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 relating to my disadvantaged status and me is true and correct.

Signature: _____

Date: _____

NOTARY CERTIFICATE:



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
SMALL BUSINESS PROGRAMS OFFICE
SMALL BUSINESS ENTERPRISE (SBE) PROGRAM
600 FIFTH STREET, NW
WASHINGTON, DC 20001

SBE AFFIDAVIT OF NO CHANGE

THIS AFFIDAVIT MUST BE SUBMITTED, ANNUALLY, WITHIN 30 DAYS, OF THE FIRM'S CERTIFICATION. (Form must be submitted, electronically, via Supplier Portal on www.wmata.com).

Name of Firm: _____

Address: _____

Contact Person/Title: _____

Telephone No: _____ Fax No.: _____

Email Address: _____ Certification # _____

I _____, affirm that there have been no changes affecting the firm's ability to meet size or ownership requirements of 49 CFR Part 26. I affirm there have been no material changes in the information provided with the firm's application for certification, except for any changes about which I have provided written notice to WMATA.

I affirm that my net worth does not exceed \$1.32 million and the firm continues to meet the Small Business Administration (SBA) business size criteria and the overall gross receipts cap of 49 CFR Part 26. I provide the attached Personal Financial Statement(s), individual income tax return(s) and business income tax return(s) to support this Affidavit.

One of the following attestations must be completed. Do not complete both selections.

FOR AN UNSWORN STATEMENT:

I hereby declare, under penalty of perjury under the laws of the United States that the foregoing information and information contained in any attachment hereto is true and accurate as of the stated date.

The foregoing attested to this _____ day of 201____, by _____, who holds the position of _____ with _____

Firm's Name

Signature

Social Security Number

FOR A SWORN STATEMENT:

State of _____)

County of _____)

Sworn to before me this ____ day of _____ 201____.

Signature

Social Security Number

Notary Public:

Name: _____

Signature: _____

My commission expires on the _____ day of 201 ____ . (Notary Seal)



**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
SMALL BUSINESS PROGRAMS OFFICE
SMALL BUSINESS ENTERPRISE (SBE) PROGRAM
600 Fifth Street, NW
Washington, DC 20001**

SBE NOTICE REGARDING CHANGE

THIS NOTICE MUST BE SUBMITTED, ELECTRONICALLY, WITHIN 30 DAYS OF ANY CHANGE IN CIRCUMSTANCES THAT AFFECT THE FIRM'S CERTIFICATION.

Name of Firm: _____

Address: _____

Contact Person/Title: _____

Telephone No: _____ Fax No.: _____

Email Address: _____ Certification # _____

Please be advised that the following changes have occurred within the firm since it submitted its SBE application for certification or re-evaluation to the Washington Metropolitan Area Transit Authority:

1. PERSONAL NET WORTH

As of _____ 201__, the personal net worth of the following principal(s) is in excess of \$1.32M:

2. SIZE STANDARD

As of _____ 201__, the firm is no longer able to meet applicable size standards as indicated below:

- ☐ Gross receipts from all sources of business, averaged over the past three years, now exceeds \$23.98 million.
- ☐ Gross receipts, averaged over the past three years, now exceeds NAICS code limitations, as follows:

3. OWNERSHIP

As of _____ 201__ , the firm has had ownership changes that affect its SBE status as follows:

4. OTHER MATERIAL CHANGE

As of _____ 201__ , the firm has had the following other material changes that affect its SBE status:

One of the following attestations must be completed. Do not complete both selections.

FOR AN UNSWORN STATEMENT:

I hereby declare, under penalty of perjury under the laws of the United States that the foregoing information and information contained in any attachment hereto is true and accurate as of the stated date.

The foregoing attested to this _____ day of 201__ , by _____ ,
who holds the position of _____ with _____
_____ Firm's Name

Signature

Social Security Number

FOR A SWORN STATEMENT:

State of _____)
County of _____)

Sworn to before me this ____ day of _____ 201__.

Signature

Social Security Number **Notary Public:** _____

Name: _____

Signature: _____

My commission expires on the _____ day of 201__ . (Notary Seal)

APPENDIX 25 SMALL BUSINESS ENTERPRISE APPROVAL LETTER

January 31, 2019

Jane Smith
672 Apple St
P O Box 78
La Plata, MD 20646



RE: Next Annual Review Date: 30-Aug-2019

Dear Ms. Smith:

Your firm's application for certification as a Small Business Enterprise (SBE) with the Washington Metropolitan Area Transit Authority (WMATA) has been approved. Your firm is subject to the small business requirements found in the DBE program regulations, *Title 49, Code of Federal Regulations, Part 26, as amended* and all laws of this jurisdiction applicable to the transaction of business.

Your firm is eligible to participate as an SBE on WMATA federally-assisted transportation projects, under \$500,000, for business activity described under the following list of approved North American Industry Classification System (NAICS) Code(s):

<u>NAICS CODE</u>	<u>DESCRIPTION</u>
238210	Electrical Contractors

If you wish to add/replace your list of approved NAICS Codes, you must make a request in writing with supporting documentation.

As a certified SBE, you are required to submit an annual SBE No Change Statement by the date shown above. You must also submit the following: a) signed and notarized Personal Financial Statement; b) signed copy of the firm's Federal Income Tax Return for that year, including attachments; and c) signed copy of the 51% owner(s) Federal Income Tax Return(s), including attachments.

You can access these form by going to WMATA's Supplier Portal and Sign-in using your User Id and Password. Navigate to Manage Events and Place Bids > My Certification Page > Certification Review.

In accordance with *Title 49 CFR, Part 26*, this certification remains valid, subject to the submission of the annual notarized "No Change" affidavits attesting to your continued status as a small business. If a change in ownership, control or management of this firm occurs during the certification period, you must complete and submit an SBE

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, D.C. 20001
202/962-1234

By Metrorail:
Judiciary Square-Red Line
Gallery Place-Chinatown
Red, Green and
Yellow Lines

A District of Columbia
Maryland and Virginia
Transit Partnership

Notice Regarding Change within 30 days of the change.

If the firm exceeds the size standard in any of its approved NAICS Codes, it is no longer certified as a Small Business Enterprise (SBE) under that specific NAICS Code. If a firm exceeds the size standards in all its approved NAICS Codes or the established Personal Net Worth standard, it is no longer eligible to participate as a SBE under the Federal U.S. Department of Transportation Program.

Any questions or concerns, feel free to contact dbehotline@wmata.com.

Sincerely,



Sylvia Edwards
Director, Small Business Programs Office

APPENDIX 26 – Prompt Payment Report Prime Contractor’s Report

Washington Metropolitan Area Transit Authority

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

PROMPT PAYMENT REPORT

PRIME – CONTRACTOR’S REPORT

This report is required to be submitted to the Office of Small Business Programs, 600 5th Street N.W., Washington, D.C. 20001, pursuant to the requirements of WMATA's DBE Program Plan § 2.5 and § 26.29 of 49 CFR Part 26. In addition, all prompt payment information should be entered electronically through the supplier portal.

Reporting Period:

Name of Prime Contractor:

Contract No :

Prime Contract Amount:

Total Contracted to WMATA Certified DBE Firms:

Task Order No. / P.O. No.:

Name of Sub-Contractor	DBE (Y/N)	Description of Work	Date Contract Awarded	Amount of Sub-Contractor Award	Amount Paid This Reporting Period	Cumulative Paid To Sub-Contractor	% of Physical Work Complete	Date of Payment to Sub-Contractor	Date of Invoice sent to WMATA	Invoice Number To WMATA

I certify the information furnished with respect to DBE subcontractor performance is correct to the best of my knowledge and represents a current status of the prime contractor with the DBE subcontractors for the designated period covered by this report. Further, those subcontractors, due payment pursuant to the terms of their subcontractors will be paid within ten days after receipt of payment from WMATA.

By:

Date:

Title:

Verification by WMATA:

Telephone No:

Email Address:

APPENDIX 27 – Prompt Payment Report-Subcontractor’s Report

Washington Metropolitan Area Transit Authority DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROMPT PAYMENT REPORT SUB – CONTRACTOR’S REPORT

This report is required to be submitted to the Office of Small Business Programs, 600 5th Street N.W., Washington, D.C. 20001, pursuant to the requirements of WMATA’s DBE Program Plan § 2.5 and § 26.29 of 49 CFR Part 26. In addition, all prompt payment information should be entered electronically through the supplier portal.

Reporting Period:

Name of Prime Contractor:

Contract No :

Prime Contract Amount:

Total Contracted to WMATA Certified DBE Firms:

Task Order No. / P.O. No :

Name of Sub-Contractor	DBE (Y/N)	Description of Work	Date Contract Awarded	Amount of Sub-Contractor Award	Amount Paid This Reporting Period	Cumulative Paid To Sub-Contractor	% of Physical Work Complete	Date Payment Received	Date of Invoice sent to Prime Contractor	Invoice Number To Prime

I certify the information furnished with respect to my performance is correct to the best of my knowledge and represents a current status of DBE subcontractors for the designated period covered by this report. Further, I acknowledge that I received payment for the invoice listed.

By:

Date:

Title:

Verification by WMATA:

Telephone No:

Email Address:

WMATA Small Business Programs Office Complaint Form

Before you make this complaint, please
phone us on 202-962-1510 or email DBE Hotline@wmata.com

****EVERYTHING YOU SEND US, INCLUDING YOUR ADDRESS FOR SERVICE, WILL BE COPIED
AND SENT TO THE BUSINESS YOU ARE COMPLAINING ABOUT****

If you do not want your details given out, contact the SBPO to discuss your options.

You may fill in this form on a computer.

PART A - Your details (The Complainant)

Your name: _____

Your Business name/s: _____

Are you making this complaint for someone else? ☐ Yes ☐ No

IF YES, who for? _____

Can they make this complaint for themselves? ☐ Yes ☐ No

IF NO, why not? _____

Address for Service

(You must provide a residential, business or post office box address where the Commission and the respondent can send you mail. It does not need to be your home address.)

Telephone Home: _____

Mobile: _____

Work: _____

Fax: _____

Is it ok for us to contact you at work? ☐ Yes ☐ No

Email _____

Would you prefer your email address be used for the service of documents on you? ☐ Yes ☐ No

Do you require an interpreter when speaking about your complaint? ☐ Yes ☐ No

If yes, please state what language _____

Do you require any other assistance eg. Word format or large font? ☐ Yes ☐ No

If yes, please state the assistance you require _____

APPENDIX 28 – WMATA Small Business Programs Office Complaint Form

PART B - Who do you think has discriminated against you, denied payment(s) due to you, refused to utilize your services on the contract, victimized you, or taken a reprisal against you? (The Respondents)

IF YOU WANT TO COMPLAIN ABOUT A COMPANY:

The Company or Organization:

Name: _____

Address: _____

Telephone: _____

Is this the organization that **you** agreed to work for? ☐ Yes ☐ No

IF YES, please provide us with a copy of your subcontract agreement or any pertinent documentation tying you with the contract.

IF YOU WANT TO COMPLAIN ABOUT INDIVIDUALS:

The Person/s:

Person 1

Their Name: _____

Telephone Home: _____

Work: _____

Were **they** at work when they did this? ☐ Yes ☐ No

If they were at work, who do they work for?

Their employer's name: _____

Their employer's address: _____

Their position or job title: _____

APPENDIX 28 – WMATA Small Business Programs Office Complaint Form

PART B – (The Respondents) continued

Person 2

Their Name: _____

Telephone Home: _____

Work: _____

Were **they** at work when they did this? ☐ Yes ☐ No

If they were at work, who do they work for?

Their employer's name: _____

Their employer's address: _____

Their position or job title: _____

Person 3

Their Name: _____

Telephone Home: _____

Work: _____

Were **they** at work when they did this? ☐ Yes ☐ No

If they were at work, who do they work for?

Their employer's name: _____

Their employer's address: _____

Their position or job title: _____

APPENDIX 28 – WMATA Small Business Programs Office Complaint Form

PART C – Type of complaint (the Grounds)

What type of treatment are you complaining of? (Only check the **box or boxes** that apply to the treatment you are complaining about)

Discrimination because of your presumed:

- ☐ Race
(What is your race, color, descent, nationality or ethnic origin?) _____
- ☐ Sex
(What is your sex?) _____
- ☐ Sexuality
(Are you/were you presumed to be homosexual, bisexual or heterosexual?) _____
- ☐ Gender identity
(Do you identify as a member of the opposite sex, or are of indeterminate sex and identify as a particular sex?) _____
- ☐ Quality of work
- ☐ Relationship status
(Are you single, married, separated, divorced, defacto or widowed?) _____
- ☐ Age
(What is your age?) _____
- ☐ Impairment
(What is your impairment?) _____
- ☐ Religion
- ☐ Political belief or activity
(What is your political belief or activity?) _____
- ☐ Trade union activity
(What is your trade union activity?) _____

PART C - Type of complaint (the Grounds) continued

Non-payment for services rendered:

Have you signed a subcontract agreement and performed work? ☐ Yes ☐ No

Refusal to utilize my firm for agreed upon services because of :

- ☐ Race
(What is your race, colour, descent, nationality or ethnic origin?) _____
- ☐ Religion
(What is your religion?) _____
- ☐ Sexuality
(What is your sexuality?) _____
- ☐ Gender identity
(What is your gender identity?) _____

Victimization:

Do you think you have been victimized because you complained or supported a complaint about discrimination, sexual harassment or public vilification?

☐ Yes ☐ No

Unnecessary Questions:

Do you think you were asked unnecessary questions about one of the grounds listed?

☐ Yes ☐ No

If YES, which ground? _____

Reprisal - Public Interest Disclosure (PID):

Do you think you have been disadvantaged because of a Public Interest Disclosure?

☐ Yes ☐ No

If Yes, have you commenced proceedings in a Court in relation to that incident?

☐ Yes - You are not able to make a complaint under Title 49 Code of Federal Regulations (CFR) Part 26, if you have commenced proceedings in a Court.

☐ No - If No and you made a Public Interest Disclosure, please provide a copy of any response you received.

PART D - Where the complaint happened

When the complaint happened, where were you? (Check the **box or boxes** that apply)

- ☐ performing work on a contract
- ☐ at work location
- ☐ accessing premises or facilities
- ☐ contacting about payment for services rendered
- ☐ at residence

other, explain _____

PART E - Additional details

1. Did the discrimination, non-payment, termination of contract, or refusal to utilize your firm's services on the contract included in this complaint occur **WITHIN THE LAST 12 MONTHS?** ☐ Yes ☐ No

Dates: _____

2. Did the discrimination, non-payment, termination of contract, or refusal to utilize your firm's services on the contract occur **MORE THAN 12 MONTHS AGO?** ☐ Yes ☐ No

Dates: _____

3. Have you made a complaint to any other Entity or Authority about anything included in this complaint? ☐ Yes ☐ No

If YES, attach a copy of your complaint to said Entity.

4. Do you have a case in the Courts or any other Entity or Authority about anything included in this complaint? ☐ Yes ☐ No

If YES, attach a copy of all documents concerning this action.

5. Is there already an agreement about anything included in this complaint? ☐ Yes ☐ No

If YES, attach a copy of the agreement and all relevant documents.

APPENDIX 28 – WMATA Small Business Programs Office Complaint Form

PART F – Details of your complaint

Starting with the first event and then the second etc., please tell us:

- Dates of each event (as exact as possible)
- What happened and what was said?
- Who said what and who did what? (Their name and job)
- Where did it happen?
- Were others in the same situation treated the same better or worse and why was this?

It is important that you do not use abusive language or make discriminatory remarks about other people. Any comments like this may be deleted before being sent to the person or organisation your complaint is about.

[illegible]

(Please attach extra pages if you need them)

APPENDIX 28 – WMATA Small Business Programs Office Complaint Form

**To make a complaint, EMAIL this completed Complaint Form, with attachments, to
[DBE Hotline@wmata.com](mailto:DBE_Hotline@wmata.com)**

OR

**Mail this Complaint Form, with attachments, to the following address: WMATA, Small
Business Programs Office, 600 5th Street, NW., Washington, DC 20001**

M E M O R A N D U M



SUBJECT: Policy Memorandum No. 18-03,
Procedures for Substitution of DBE
Vendor

DATE: April 30, 2018

FROM: PRMT -T. Suzette Moor

TO: All PRMT Personnel

PURPOSE: This Policy Memorandum (PM) establishes the procedures for the substitution of DBE vendor

EXPIRATION DATE: This PM is effective immediately and remains in effect until cancelled or superseded.

REFERENCES:

1. Procurement Procedures Manual, Section 7.2.5, Goal Waiver/ Substitution Procedures
2. 49 CFR §26.53, Good Faith Efforts Procedures

BACKGROUND

There are times when a prime contractor requests that a Disadvantaged Business Enterprise (DBE) vendor working a contract be substituted. Vendors working on a contract can only be substituted for legitimate reasons which affects work performance, completion of the contract in the time specified. No DBE firm will be removed and substituted from a contract due to a prime contractor's desire to save money.

Pursuant to section 7-2-5 of the Procurement Procedures Manual (PPM), a prime contractor seeking full or partial substitution of DBE subcontractors must include specific reasons for the substitution. The supportive evidence of *Substitution of DBE Vendor Request* must be clear and convincing. Substitution requests must be made to the Contracting Officer (CO) and evaluated for sufficiency, and forwarded with a recommendation to the DBE Liaison Officer (DBELO) for further evaluation and final determination.

POLICY

It is the policy of WMATA to give guidance concerning the requirements for a *Substitution of DBE Vendor Request*. Attached is a form which will be incorporated into the contract informing the vendor that it must be used when requesting a DBE substitution. See **Attachment 1. A Good Faith Effort** is defined as one where the prime contractor documents the efforts that he has used to substitute a vendor with another DBE vendor, or documents that he made adequate Good Faith Efforts to find a substitute DBE vendor even though he was not successful.

The prime contractor is required to notify the DBE vendor that he is requesting that the DBE vendor to be substituted for failure to perform the work. This notification must be in writing and sets forth the reasons for substitution with examples of nonperformance by the DBE vendor. A copy of this written notification must be given to the CO who will forward it to the DBELO or designee. The DBE vendor will be given ten (10) days to respond and provide examples of his adequate performance. The CO and the DBELO will meet to discuss the facts at issue. An informal hearing may be held if necessary for clarification of any facts or issues. A written response of their determination will be issued within ten (10) days. If the request for substitution is approved, the prime contractor must replace the DBE vendor with another DBE firm, or document the Good Faith Efforts as to why he could not.

Examples of Good Faith Efforts are as follows:

1. advertisement in general circulation media, trade association publications, and minority-focus media;
2. written notification to capable DBEs that their interest in the contract is solicited;
3. documentation of efforts to negotiate with DBEs for specific subcontracts including at a minimum:
 - a. the names, addresses, and telephone numbers of DBEs that were contacted and the date(s) of contact;
 - b. a description of the information provided to DBEs regarding the plans and specifications for portions of the work to be performed; and
 - c. a statement explaining why additional agreements with DBEs were not reached.
4. For each DBE the bidder contacted but rejected as unqualified, the reason for the bidder's conclusion must be given such as follows:
 - a. documentation of efforts made to assist the DBEs contacted that needed assistance in obtaining bonding or insurance required by the bidder or WMATA;
 - b. documentation of efforts to utilize the services of small business organizations, community and contractor groups to locate qualified DBEs;
 - c. documentation that the bidder has broken out contract work items into economically feasible units in fields where there are available DBE firms to perform the work;

- d. evidence that adequate information was provided to interested DBEs about the plans, specifications and requirements of the contract, and that such information was communicated in a timely manner; and
- e. documentation of any efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services.

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
TERMINATION/SUBSTITUTION/REDUCTION REQUEST (TSR) INSTRUCTIONS**

*Terms used on this form, *contractor* and *subcontractor* are synonymous with *consultant* and *sub consultant* respectively.

The contractor shall follow the DBE Special Provisions Section when determining to terminate/substitute or reduce the work of a DBE listed on the DBE Intended Participation Affidavit Summary. The contractor shall make all reasonable efforts to avoid termination, substitution or reduce the work of a DBE listed on the DBE Letter of Intent. All terminations, substitutions, and reduction in scope must be approved in writing by Chief Procurement Officer or designee.

The process for substitution is as follows:

- Submit a written notice on the attached form to the Contracting Officer (CO) and a copy to the DBE vendor;
- The DBE vendor has ten (10) days to respond to the CO and forward copy to the prime contractor;
- A copy of the substitution request and DBE vendor response is forwarded to the DBE Liaison (DBELO) or designee;
- Meeting with the CO and DBELO;
- Written approval of substitution or denial;
- If approved, Good Faith Effort (GFE) and other supporting documentation; and
- Prepare DBE Letter of Intent, if applicable.

The contractor must demonstrate GFE to replace a committed DBE firm, with another committed DBE firm. Reasonable methods to resolve performance disputes must be applied. If a DBE subcontractor is approved to be terminated or fails to complete its work on the contract for any reason, the prime contractor will make Good Faith Efforts to find another DBE subcontractor to replace the original DBE. The GFE will be directed at finding another DBE to perform at least the same amount of work under contract as the DBE that was terminated or replaced, to the extent needed to meet the contract goal established for the project.

GFE documentation must be submitted to WMATA within seven (7) calendar days from the date WMATA approves the request.

The contractor shall submit an amended DBE Letter of Intent and a copy of the new subcontract with the substitute DBE's name, description of work, NAICS code, Vendor Identification Number, and dollar value of work. Approval from WMATA must be obtained prior to the substituted DBE beginning work.

**Washington Metropolitan Area Transit Authority
Disadvantage Business Enterprise Program
Termination/Substitution/Reduction Request (TSR) Form**

Contract Number: _____ MOD: _____ Task Order: _____

Prime: _____ Vendor Identification No: _____

DBE Firm: _____ DBE Certification No: _____

Requestor: _____ Email: _____ Phone No: _____

Type of Request: __ Termination __ Substitution __ Reduction

1. Is this request due to a WMATA Change Order/Scope?

____ Yes, explain the Change Order/Scope impact on DBE participation.

____ No, select below the fact(s) and the reason(s) for the request (see attached instructions)

- ____ Fails or refuses to execute written contract;
- ____ Fails or refuses to perform work in accordance with normal industry standards;
- ____ Becomes bankrupt, insolvent or exhibits credit unworthiness;
- ____ Is ineligible to work because of suspension or debarment proceedings;
- ____ Is not a responsible contractor;
- ____ Voluntarily withdraws from the project and provides to WMATA written notice of its withdrawal;
- ____ Is ineligible to receive DBE credit for the type of work required;
- ____ Owner dies or becomes disabled resulting in inability to complete work on the contract; or
- ____ Other documented good cause (Attach documentation).

Attach a brief statement of facts describing the situation and any documentation to substantiate selection above.

2. Date determined the DBE is unwilling, unable or ineligible to perform work.

3. Date of written notice to DBE: _____ (Attach a notice with this request, along with a copy of the DBE response.)

Attachment 2

4. Amount of DBE subcontract. \$ _____
5. Amount paid to DBE for work completed. \$ _____
6. DBE amount to be substituted. \$ _____
7. Proposed Sub Name (if applicable).

8. Projected date for replacement Sub to commence work. _____
9. Is the replacement a WMATA certified DBE?
_____ Yes, please provide new DBE Letter of Intent, Vendor ID No. or
DBE Certification No: _____.
_____ No, provide Good Faith Effort (GFE) documentation
10. Is this project scheduled to meet the assessed DBE goal? ____ Yes ____ No

_____ Original DBE Sub Signature	_____ Date
_____ Prime Contractor Signature	_____ Date
_____ WMATA Contracting Officer Signature	_____ Date

FOR WMATA USE ONLY	
Request is:	_____ Approved _____ Denied
WMATA DBELO:	_____
Signature	Date