This Disadvantage Business Enterprise (DBE) Program was prepared in accordance with Department of Transportation (DOT) Final Rule on 49 C.F.R. Part 26 as amended – Participation by Disadvantaged Business Enterprises on DOT programs issued 7-16-2003. The City & County of Denver (CCD) is submitting this DBE Program as a three (3) year Program covering the period Fiscal year 2017 – 2019. This is expressly understood that in the event of any changes to 49 C.F.R. Part 26, amended DDC will amend the Program as needed within thirty (30) days of receipt of the changes.

CCD further proposes that on or before June 1 and December 1 of each annual goal period, the following submissions will be provided the Federal Aviation Administration offices:

1. Uniform Report of DBE Awards or Commitments and payments.

CCD proposed DBE Program is intended as compliance with and is not intended to supersede any provisions of DOT’s Regulations 49 C.F.R. Part 26 Subpart C through F.

CCD will provide information or reports as may be requested by the Federal Aviation Administration.
City & County of Denver  

Federal Aviation Administration  

Disadvantage Business Enterprise Program  

POLICY STATEMENT  

Section 26.1, 26.23  

Objectives/Policy Statement  

The City & county of Denver (CCD) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 C.F.R. Part 26. CCD has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, CCD has signed an assurance that it will comply with 49 C.F.R. Part 26.  

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

1. To ensure nondiscrimination in the award and administration of DOT assisted contract;  
2. To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;  
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;  
4. To ensure that only firms that fully meet 49 C.F.R. Part 26 eligibility standards are permitted to participate as DBEs;  
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;  
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.  

The Division of Small Business Opportunity (DSBO) has been delegated as the DBE liaison Officer. In that capacity, the Director/Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by CCD in its financial assistance agreements with the DOT.  

DSBO has disseminated this policy statement to Denver International Airport (DIA) and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work us on DOT assisted contracts. DSBO disseminates information through the Minority and Woman’s Chambers, Construction Empowerment Initiative, local publications, and other DBE related organizations.  

Tanya Davis, Manager, Division of Small Business Opportunity  

Date: __________________________
SUBPART A – GENERAL REQUIREMENTS

Section 26.1, 26.23 Objectives

CCD has established a DBE program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 C.F.R. Part 26. CCD has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, CCD has signed an assurance that it will comply with 49 C.F.R. Part 26.

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

1. To ensure nondiscrimination in the award and administration of FAA assisted contract;
2. To create a level playing field on which DBEs can compete fairly for FAA assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 C.F.R. Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in FAA assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Section 26.3 Applicability

CCD and DIA are the recipients of the federal airport funds authorized by 49 W.S.C. 47101, et seq.


Section 26.5 Definitions

CCD will adopt the definitions contained in Section 26.5 of Part 26 for this program.

CCD will utilize and adhere to all definitions provided in Section 26.5 and incorporate these definitions in any DOT DBE city construction and professional services bid or proposal documents, as well as any contract documents. The terms used in this program have the meanings defined in 49 C.F.R. 26.5.

Section 26.7 Non-discrimination Requirements

CCD will never exclude any person from participation in, deny any person the benefits of or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 C.F.R. Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, CCD will not directly or through contractual or other agreements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to the individuals of a particular race, color, sex, or national origin.
Section 26.11  Record Keeping Requirements

Reporting to FAA: 26.11

DSBO will report DBE participation to FAA as follows:

DSBO will transmit to FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form, found in Appendix B to this part. We will also report the DBE contractor firm information either on the FAA DBE Contractor’s form or other format. We will begin using the revised Uniform Report of DBE Awards or Commitments and Payments for reporting FY 2015 reports due December 1, 2015.

Bidders List: 26.11(c)

DSBO will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on FAA assisted contracts. The purpose of this requirement is to allow use of the bidder’s list approach to calculating overall goals. The bidder list will include the name, address, DBE/non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information in the following ways:

CCD will include in the contract a clause requiring prime bidders to report the names/addresses and other information, of all firms who quote to them on subcontractors and supply agreements.

CCD may obtain gross receipts information by asking each firm to indicate into what bracket it fits (e.g. less than $500,000-$1 Million; $1-2 Million; etc.) rather than requesting exact figure from the firm.

The Bidder’s Information Form has been modified to adhere to the requirement requesting information as to what dollar threshold according to contract value, does their firm all under. This form is included in the Bid Forms Documents at the beginning of the bid process.

The form indicates the following:

CCD has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulation of the U.S. Department of Transportation (DOT) 49 C.F.R. Part 26.

Section 26.11(c) requires that CCD create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT assisted contracts. The purpose of this requirement is to allow use of the bidder’s list approach to calculating overall goals. The bidder list will include the name, address, DBE/non-DBE status, and contract value.

DSBO will safeguard from disclosure the third parties information regarded as confidential business information, consistent with Federal, State, and Local law.

“Bidders Information Directory” applies to all prime contractors, prime consultants, subcontractors, suppliers, sub-consultants that bid/proposal on a DOT assisted contract. The Directory is a part of the DBE bid documents.
Section 26.11 (d) & (e)  What records do recipients keep and report

As a certifying agency, DSBO will maintain records documenting a firm's compliance with the requirements of this part. At a minimum, DSBO will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. We understand that these records must be retained in accordance with applicable record retention requirements of our financial assistance agreement. Other certification and compliance related records must be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for our financial assistance agreement, whichever is longer.

DSBO as a member of the Colorado UCP established pursuant to §26.81 of this part will report to the Department of Transportation's Office of Civil Rights, by January 1, 2015, and each year thereafter, the percentage and location in the State of certified DBE firms in the UCP Directory controlled by the following:

1. Women;
2. Socially and economically disadvantaged individuals (other than women); and
3. Individuals who are women and are otherwise socially and economically disadvantaged individuals.

Section 26.13  Federal Financial Assistance Agreement

DSBO has signed the following assurances, applicable to all FAA assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance: 26.13(a)

The Division of Small Business Opportunity (DSBO) shall not discriminate on the basis of race, color, nation 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 C.F.R. Part 26. DBSO shall take all necessary and reasonable steps under 49 C.F.R. Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. DSBO's DBE Program, as required by 49 C.F.R. Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the DSBO of its failure to carry out its approved program, the Department may impose sanction as provided under 49 C.F.R. Part 26 and may, in appropriate cases, refer the matter to enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13(b)

DSBO will ensure that the following clause is place in every DOT assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of DOT assisted contacts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Division of Small Business deems appropriate, which may include but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible.
SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21  DBE Program Updates

Since the CCD has received a grant of $250,000 or more in the FAA planning capital, and/or operating assistance in a federal fiscal year, we will continue to carry out this program until all funds from DOT financial assistance have been expended. WE will provide to FAA updates representing significant change in the program.

Section 26.23  Policy Statement

The Policy Statement is elaborated on page one (1) of this DBE Program.

Section 26.25  DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

The Manager of the Division of Small Business Opportunity
Tanya Davis
201 W. Colfax, Dept. 907
Denver, CO 80202
Phone: 720-913-1999
Fax: 720-913-1809
E-mail: tanya.davis@denvergov.org

Tanya Davis, Manager is designated as the CCD DBE Liaison Officer (DBELO).

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that DSBO complies with all provisions of 49 C.F.R. Part 26. The DBELO has direct, independent access to the Mayor of Denver concerning DBE program matters. An organization chart displaying the DBELO’s position in the organization is found in Attachment 1 of this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of 16 to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requirements for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race- neutral methods and contract specific goals) attainment and identifies ways to improve progress.
6. Analyzes the Office of Small Business Opportunity’s progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in the Uniform Certification Plan (UCP).
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains the DSBO’s updated directory on certified DBEs.
Section 26.27  DBE Financial Institutions

It is the policy of the DSBO to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. We sought out the following institutions and will re-evaluate the availability of DBE financial institutions annually.

To date we have identified the following such institutions:

Asian Owned:  Native American Owned:
Premier Bank   Native American Bank
978 S. Havana St. 999 18th St., Suite 2460
Aurora, CO 80012 Denver, CO 80204
(303) 343-8888 (303) 988-2727

Information on the availability of such institutions can be obtained from the DBELO.

Section 26.29  Prompt Payment Mechanisms

Prompt Payment: 26.29(a)

The DSBO will include the following clause in each FAA assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) calendar days from the receipt of each payment the prime contractor receives from DIA. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of DSBO. This clause applies to both DBE and non-DBE subcontracts.

Retainage: 26.29(b)

The prime contractor agrees to return retainage payments to each subcontractor within seven (7) days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the DSBO. This clause applies to both DBE and non-DBE subcontracts.

Monitoring and Enforcement: 26.29(d)

DSBO has established “Rules and Regulations on the Enforcement and Implementation of Prompt Payment” to monitor and enforce that prompt payment and return of retainage is in fact occurring.

Colorado Revised Statues 24-91-101 et seq. Colorado Revised Statues which applies to public contract exceeding one hundred and fifty thousand dollars ($150,000), for the construction, alteration, or repair of any highway, public building, public work or public improvement, structure, or system provides for payment of interest to a subcontractor if the contractor fails to pay its subcontractor within seven (7) calendar days of receipt of payment by the contractor from the City if the subcontractor is satisfactorily performing its contract.

On construction projects with the City where the prime contract is less than one hundred and fifty thousand dollars ($150,000) Denver Revised Municipal Code (D.R.M.C.) 20-117 et seq. The City’s Prompt Payment Ordinance requires contractors to pay subcontractors within seven (7) calendar days after the contractor’s receipt of payment from the City, or be liable for payment of interest to such subcontractors, unless a bone fide dispute exists.
CCD Prompt Payment Ordinance and the applicable Colorado State Statue will be utilized on DBE projects and contains language that requires contractors on City construction projects to obtain partial releases from subcontractors to assure that subcontractors are paid in a timely fashion.

CCD will include in all DOT assisted contracts a clause that requires prime contractors the prompt return of retainage payments within thirty days (30) after satisfactory completion of the subcontractor's work. CCD will also include clauses that address penalties for failure to comply with timely retainage payments to subcontractors, delay or postponement of payment for good cause that's approved by CCD, dispute resolution procedures, and withholding of payment on prime contractors if non-compliant. Failure of a contractor to include the above listed information in its pay request will prevent payment to CCD, dispute penalties and interest payments mechanism are addressed in the CCD Rules and Regulations on the Enforcement and Interpretation of Prompt Payment. Attachment 2.

Section 26.31 Directory

DSBO maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. We revise the Directory monthly. We make the Directory available as follows: online in collaboration with the Colorado Department of Transportation (CDOT). A link to the directory may be found at the UCP Directory https://coucp.dbesystem.com/FrontEnd/VendorSearchPublic.asp?XID=56040&TN=coucp.

Section 26.33 Over-concentration

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

We will re-evaluate for over-concentration annually.

Section 26.35 Business Development Programs

DSBO has established a Mentor-Protégé program. In conjunction with independent firms in the private sector, the DSBO has worked to introduce the DBE community to the contracting community through the use of trade fairs, small business seminars and conferences in an effort to enhance the knowledge of contract requirements and to foster relationships to gain the ability of the DBEs to compete successfully in the market place outside the DBE program.

Section 26.37 Monitoring and Enforcement Mechanisms

DSBO will take the following monitoring and enforcement mechanisms to ensure compliance with 49 C.F.R. Part 26.

1. We will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 2 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.

3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by:
   a. We have implemented a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g. payment actually made to DBE firms), including a means of comparing these attainments to commitments. Our reports of DBE participation to DOT, will show both commitments and attainments, as required by the FAA reporting through dBE-Connect.
b. The monitoring mechanism used by DSBO begins at the stage when the project is advertised with the DBE goal. DSBO attend the pre-bid and pre-proposal meetings and makes a presentation to the bidders or proposers that explain the DBE program requirements. After the bid opening or proposal submission and CCD has determined the first ranked firm, DSBO determines if the bidder or proposer has either met the DBE goal by the submission of Letters of Intent (LOI) for DBEs listed in the bid document or proposal or the submission of a good faith effort that was deemed responsive.

c. After a successful bidder is identified DSBO recommends to the appropriate City official award of the contract. After the award of the contract, DSBO meets with the contractor to explain paperwork that they and the subcontractors or sub-consultants, including the DBEs must complete and submit to DSBO. The paperwork, which includes a performance schedule when the DBE firms will be working at the job site, is another means to determine that the contractor is committed to the use of the DBEs listed at bid time or proposal submission. Once the project has received a Notice to Proceed (NTP), DSBO begins to monitor the utilization of DBEs via onsite inspections and review of contractor’s payment from the request. DSBO can determine from the pay request submitted by the contractor if the DBE firms are being utilized, are being paid, and how much they’re being paid. Each payment request entered into DSBO’s automation system provides a monthly running tally of each individual DBE’s participation calculated by dollars and percentages of the total contract award. DBE participation is also tracked on any monetary change orders or amendments to the contract. The contractor submits final lien releases and/or partial lien releases signed by the DBE firms and submitted to DSBO.

d. DSBO enforcement mechanism used for the utilization of DBE’s is that if it is determined that a DBE firm is not being utilized, under-utilized, not being paid, or not being paid in a timely fashion, DSBO immediately contacts the contractor to inform them that an investigation for non-compliance will occur. DSBO as part of its investigation, request certain information be submitted by the contractor regarding the non-compliance issue. If the contractor does not cooperate with the investigation DSBO will request that the CCD withhold payment from them until DSBO receives the requested information. If the contractor has been found in non-compliance with DBE requirements, DSBO will recommend to the appropriate City officials that the contractor takes [action] to be in compliance or be found in breach of its contract. If compliance is not achieved, DSBO will recommend that appropriate actions and/or sanctions be imposed on the contractor.

4. DSBO will keep a running tally of actual payment to DBE firms for work committed to them at the time of contract award.

Section 26.39 Fostering Small Business Participation

DSBO has incorporated the following non-discriminatory elements into its DBE program in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBE and non-DBE businesses).

1. DSBO works to overcome any unnecessary barriers to opportunity that may come about as a result of systemic disparities.
2. DSBO has established race neutral, small business set aside for prime contracts under $1 million.
3. DSBO works with contractors to identify ways in which work can be split out from overall projects to create smaller projects and subcontracting opportunities the size of which DBEs can reasonably perform.
4. CCD now has an ordinance extending opportunities for purchasing of all covered city goods and services. This was done with the objective of providing more opportunity for firms certified as DBE and other certified firms to compete in new ways.
5. DSBO works within the rules and regulations of the new ordinance to provide a Mentor-Portage program, and to facilitate contact with various means of technical assistance including classes on bonding and financing.
6. Teaming Agreements will be encouraged and the use of Joint Ventures are offered as tools to small firms. These agreements show how small firms and larger prime contractors are going to share work on a project. This is a non-exclusive, non-exhaustive list of ways to foster small business participation for DBE contractors in Denver. These small business provisions are an active part of Denver’s DBE program.
SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

DSBO does not use quotas in any way in the administration of this DBE program.

Local law prohibits CCD from implementing DBE set-asides on construction contracts. CCD Revised Municipal Code indicates those construction contracts let by the City to the lowest, qualified, responsible and responsive bidder. Therefore, CCD in the past and in the future will not set-aside projects solely for DBE firms. Additionally, DSBO has not used quotas for DBE’s on federally assisted projects in the past and will not do so in the future.

Further, CCD will not set-aside contracts for DBE’s on DOT-assisted contracts to this part, except that, in limited and extreme circumstances, CCD may use set-asides when no other method could be reasonably expected to redress egregious instances of discrimination.

Section 26.45 Overall Goals

In accordance with Section 26.45, DSBO will submit its triennial overall DBE goal to FTA on August 1 of the year specified by the FTA.

DSBO will also request use of project-specific DBE goals as appropriate, and/or will establish project-specific goals as directed by FTA.

The process used by DSBO to establish overall DBE goals is as follows:

1. CCD will annually establish overall goals if we anticipate that we will award prime contracts exceeding $250,000 in FTA funds in a Federal fiscal year in accordance with the 2-step process as specified in 49 C.F.R. Part 26.45. If CCD does not anticipate awarding more than $250,000 in FAA funds in price contracts within the Federalfiscal year, we will not develop an overall goal: However the existing DBE program will remain in effect and CCD will seek to fulfill the objectives outlined in 49 C.F.R. Part 26.1.

2. CCD will annually establish overall goals in accordance with the 2-step process as specified in 49 C.F.R. Part 26.45. The first step is to determine the relative availability of DBEs in the market area, "base figure." The second step is to adjust the "base figure" percentage from Step 1 so that is reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a [current] disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

3. A description of the methodology to calculate the overall goal and the goal calculation can be found in Attachment 4 to this program.

4. In accordance with Section 26.45 (f) CCD will submit its overall goal to FAA on August 1 of each year. Before establishing the overall goal for each year, CCD consult with Minority and Women Chambers, organizations and contractors before establishing the overall goal to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs and CCD’s efforts to establish a level playing field for the participation of DBEs.

5. Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection online at www.denvergov.org/dsbo for 30 days following the date of the notice, and informing the public that CCD and FAA will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including websites) where the proposal may be reviewed.

6. Overall goal submission to FAA will include a summary of information and comments received during this public participation process and our responses.

7. DSBO will begin using our overall goal on October 1 of each year, unless we have received other instructions from FAA. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DBE assisted contract for the project.
Before establishing the overall DBE goal each year, DSBO will review historical information and will consult with the Construction Empowerment Initiative (CEI) workgroup; identified industry partners; the DIA Commerce Hub; all Minority and Women's Chambers of Commerce; and all trade and professional organizations to obtain information concerning the availability of DBE and non DBE businesses, the effects of discrimination on opportunities for DBEs, and DSBO efforts to level the playing field for DBE participation.

Following this consultation, DSBO will publish a notice of proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection online at www.denvergov.org/dsbo for 30 days following the date of notice. DSBO and FAA will accept comments on the goals for 45 days from the date of the notice. The goal is published in all trade publications and industry newsletters, as well as minority-oriented media across the Denver metro area.

DSBO's overall submission to FAA will include: the goal (including a breakout of estimated race-neutral and race-conscious participation as appropriate); a copy of the methodology, worksheets, etc., used to develop the goal; a summary of information and comments received during this public participation process; our responses; and proof of publication of the goal in media outlets listed above.

We will begin using our overall goal on October 1 of the specified year, unless we have received other instructions from FAA. If we establish a goal on a project basis, we will begin using the goal by the time of our first solicitation for a FAA assisted contract for the project. DSBO's goal will remain effective for the duration of the three-year period established and approved by FTA.

**Section 26.47 Failure to Meet Overall Goals**

CCD will maintain an approved DBE program and overall DBE goal, if applicable as well as administer the DBE Program in good faith to be considered to be in compliance with this part.

If the awards and commitments shown on DSBO's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Submit the plan to FTA within 90 days of the end of the affected fiscal year.

**Section 26.49 Transit Vehicles Manufactures Goals**

DSBO will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FAA assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, DSBO may, at its discretion and with FAA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

**Section 26.51 Meeting Overall Goals/Contract Goals**

DSBO will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. In order to do so, the DSBO will:

1. Arrange and schedule solicitations (advertisements) including pre-bid conferences and bid openings at times that are conducive to DBE and small business participation
2. Obtain sets of plans, specifications (bid documents) etc. that are placed in Community-based organizations that are accessible for review by DBE and small businesses
3. Encourage Public Works and DIA airport officials to package large contracts into smaller packages that would facilitate participation by small businesses
4. Require and/or encourage prime contractors to subcontract portions of work they normally self-perform to subcontractors
5. Provide assistance in bonding or financing by methods such either reducing bonding requirements or providing services to assist DBE's and small business in obtaining bonding and financing
6. Provide technical assistance services
7. Develop information and communication programs such as placing solicitations on the Internet and providing Trade Fairs for introduction of DBE firms to Prime Contractors and CCD contracting procedures for construction and professional design service projects, providing DBE Directories to construction and professional design associations and organizations, etc.
8. Develop support services program that provides workshops for development of business management skills that focuses on long term development that increases opportunities and helps to achieve self-sufficiency
9. Establish a program that assists new startup firms in non-traditional areas and where DBE participation has been low
10. Continue to distribute DBE directories by use of the Internet and at pre-bid and pre-proposal meetings, to construction professional design services related associations and organizations
11. Assist DBE and small businesses in developing their capability in utilizing technology in conducting their business through the means of electronic media.

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

DSBO will establish contract goals only on those FAA assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

DSBO will express our contract goals as a percentage of total dollar amount of a FAA assisted contract.

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

(a) DSBO will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include, but are not limited to the following:
1. Arranging solicitations, times for the presentation of bids, quantities, specification, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39 of this part;
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to assist DBEs, and other small business, obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and account capability for DS2 and other small businesses;
6. Providing services to help DSBs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media. The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 of this program.

Section 26.51 (d-g) Contract Goals

DIA will arrange solicitations, times for the presentation of bids, quantities, specifications and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.

If DSBO’s approved projection under paragraph (c) of this section estimates that we can meet our entire overall goal for a given year through race-neutral means, we will implement our program without setting contact goals during that year, unless it becomes necessary in order to meet our overall goal.

DSBO will establish contract goals only on those FAA assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

DSBO will express our contract goals as a percentage of the total amount of an FAA assisted contract.

Section 26.53 Good Faith Efforts Procedures

Award of Contract with a DBE Contract Goal: 26.53(a)

In those instances where a contract specific DBE goal is included in a procurement solicitation, DSBO will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

Evaluation of Good Faith Efforts: 26.53(a) & (c)

The following personnel are responsible for determining whether a bidder/offer or who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

The process used to determine whether good faith efforts have been made by a bidder are as follows:

1. Whenever the City & County of Denver issues a solicitation for a FTA assisted contract that has subcontracting possibilities, the solicitations will contain the DBE contract goal. This same procedure is utilized for professional service contracts. The DBE project is included in “Notice of Invitation for Bid” for construction work and in Request for Proposals for architectural, engineering and other professional services.

2. The bidder/proposer shall make good faith efforts, as defined in Appendix A of 49C.F.R. Part 26.

We will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/proposer.
Information to be submitted: 26.53(b)

The bid specifications include a statement that bidders/proposers must submit their list of DBE participants with their bids/proposals. Bidders/proposers must meet the DBE goal or demonstrate to DSBO that it made a sufficient good faith effort. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participations, even if they were not fully successful. The Director of DSBO shall determine whether a bidder/proposer has not met the contract goal, but has documented a sufficient good faith effort to be regarded as responsive.

Pursuant to section 26.53 (b) (3) DSBO elects to require that the bidder/proposer must present the information at bid time or initial submittal time. DSBO must make sure all information is complete and accurate and adequately documents the bidder/proposers good faith efforts before committing to the performance of the contract by the bidder/proposer.

DSBO treats bidder/proposer compliance with good faith efforts’ requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/proposer to submit the following information:

1. The name and addresses of 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 the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative Reconsideration: 26.53(d)

Within five (5) business days of being informed by DSBO that it is not responsive because it has not documented sufficient good faith efforts, a bidder/proposer may request administrative reconsideration. Bidder/proposers should make this request in writing to the following reconsideration official:

Tanya Davis, Manager  
Division of Small Business Opportunity  
201 W. Colfax, Dept. 907  
Denver, CO 80202  
(720) 913-1999  
E-mail: tanya.davis@flydenver.com

The DSBO Manager will not have played any role in the original determination that the bidder/proposer did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/proposer will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/proposer will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts. DSBO will send the bidder/proposer a written decision on the reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts. The result of the reconsideration process is not administratively appealable to the DOT.
Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals: 26.53(f)

DSBO requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without DBSOs prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to DSBO its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to DSBO prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise DSBO of why it objects to the proposed termination. Note: the five (5) day period may be reduced if the matter is one of public necessity e.g. safety.

In those instances where "good cause" exists to terminate a DBE's contract, DSBO will require the prime contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

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

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

**Sample Bid Specification:**

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

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

Attachment 5 contains the forms used to demonstrate good faith efforts.

**Section 26.55 Counting DBE Participation**

We will count DBE participation toward overall and contract goals as provided in 49 C.F.R. 26.55.

1. When a DBE participates in a contract you count only the value of the commercially useful function actually performed by the DBE toward DBE goals.
   a. Count the entire amount of that portion of a construction contract (or other contracts not covered by paragraph (a)(2) of this Section) that is performed by the DBE's own forces. Include the cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate).
b. Count the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a DOT-assisted contract, toward DBE goals, provided you determine the fee to be reasonable and not excessive as compared with fees customarily allowed for similar services.

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

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

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

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

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

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

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

4. CCD will use the following factors in determining whether a DBE trucking company is performing a commercially useful function:

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

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

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

   d. The DBE may lease trucks from a non-DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from a DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
e. The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit for the total value of the transportation services provided by non-DBE lessees not to exceed the value of transportation services provided by DBE-owned trucks on the contract. Additional participation by non-DBE lessees receives credit only for the fee or commission it receives as a result of the lease arrangement. If a recipient chooses this approach, it must obtain written consent from the appropriate Department of Transportation. Example to this paragraph (d) (5): DBE X uses two of its own trucks on a contract. It leases two trucks from DBE firm Y and six trucks from non-DBE firm Z. DBE credit would be awarded for the total value of transportation services provided by firm X and firm Y, and may also be awarded for the total value of transportation services provided by four of the six trucks provided by firm Z. In all, full credit would be allowed for the participation of eight trucks. With respect to the other two trucks provided by firm Z, DBE credit could be awarded only for the fees or commissions pertaining to those trucks firm X receives as a result of the lease with firm Z.

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

5. Count expenditures with DBEs for materials or supplies toward DBE goals as provided in the following:

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

(ii) For purposes of this paragraph (5) (a), a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

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

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

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

b. A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided in this paragraph (5) (b) (ii) if the person both owns and operated distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long term lease agreement and not on an ad hoc or contract-by-contract basis.

c. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph (5) (b).

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

6. If a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, do not count the firm's participation toward any DBE goals, except as provided for in Sec. 26.87.
SUBPARTS D - CERTIFICATION STANDARDS

Section 26.61 – 26.73  Certification Process

DSBO will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

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

https://denver.mwdbecom

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The DSBO is the member of a Unified Certification Program (UCP) jointly administered by Colorado Department of Transportation and the City & County of Denver Division of Small business Opportunity. The UCP will meet all of the requirements of this section. DSBO will use and count for DBE credit only those DBE firms certified by the Colorado UCP.

The following is a description of the UCP:

Colorado’s UCP concept is referred to as Interagency Recognition. It is one that allows for one or more certifying entities within the state of Colorado, each operating independently but bound together by the UCP and its requirements.

Each Certifying Entity Must:

1. Be formally recognized in writing by the Colorado UCP Executive Committee (UCPEx) as a certifying entity.
2. Recognize as a certified DBE, any business entity that has obtained a valid certification from any certifying entity formally recognized by the UCPEx as an authorized certifying entity.
3. Apply criteria established by the U.S. Department of Transportation in 49 CFR, Part 26 or Part 23 as applicable, to all business entities applying for DBE certification to perform work on US DOT assisted highway, aviation, and transit projects.
4. Apply criteria established by the U.S. Department of Transportation in 49 CFR, Part 23 to all business entities applying for DBE certification to perform work in the area of airport concessions.
5. Utilize the Uniform Certification Application provided in appendix F to 49 CFR, Part 26, found online at https://denver.mwdbecom for all business entities applying for DBE certification under 49 CFR, Part 26 and/or Part 23.
6. Utilize the Uniform Statement Facts and Findings, included herein as Attachment B, to summarize the certification decisions for all firms making application for DBE certification.
7. Utilize standard Renewal Application online at https://denver.mwdbecom. Accept a renewal affidavit from any firm who submits it to them. If they are not the original certifying agency, they will forward it to the original agency for processing.
9. Establish an appeal process consistent with the requirements of 49 CFR, Part 26.89.
10. Participate in a Unified Certification Directory and provide daily updates regarding new certifications, renewals, denials and other appropriate information.
11. NOT process for certification any DBE application submitted by a firm previously denied by another certifying entity under this UCP; UNLESS 12 months have elapsed since the firm was notified of its denial for certification.

12. Regarding Information Sharing: Send, to all certification entities operating with the State of Colorado a copy of any denial notification letters issued. Keep a comprehensive file of its own and other agency denials to insure they do not process applications from firms who have been denied by another certifying agency.

13. Prior to becoming a recognized certifying entity, attend training sessions sponsored by the UCPEX to insure all Colorado certifying entities have process continuity and apply certifications standards uniformly.

All Recipients Must:
1. Abide by the provision of this UCP and requirements of 49 CFR, Part 26 and 23.
2. Recognize as certified DBE's, only those firms contained in the Unified Directory.
3. Recognize as certified DBE's, all firms in the directory regardless of the entity proffering the certification.
4. Refer businesses seeking DBE certification to one of the certifying entities formally recognized by the UCPEX to perform certifications.
5. Participate in the funding and/or allocation of resources necessary to implement and continue operation of the UCP.

Our UCP Plan is found in Attachment 7 of this program.

Section 26.83-91 Procedure for Certification Decisions

DSBO will follow the certification processes of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. A copy of Colorado UCPs certification procedures and/or UCP program is included in Attachment 7, and/or is available at: https://denver.mwdbce.com

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

Tanya Davis, Manager
Division of Small Business Opportunity
201 W. Colfax, Dept. 907
Denver, CO 80202
(720) 913-1999
E-mail: tanya.davis@flydenver.com

Any firm or complainant may appeal a Colorado UCPs decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights Certification Appeals Branch
1200 New Jersey Ave.
SE West Building, 1h Floor
Washington, D.C. 20590

DSBO will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).
The current procedure for administrative appeals of certification decisions allows the applicant 30 days to request an appeal hearing. If an appeal is received, the matter is referred to an Administrative Hearing Officer. However, before the hearing is held, an informal pre-hearing meeting is held to attempt resolution of the issues. Attachment 7 is a copy of the detailed agency procedure on hearings.

Section 26.85  Interstate Certification

When a firm currently certified in its home state ("State A") applies to another State ("State B") for DBE certification, State B may, at its discretion, accept State A's certification and certify the firm, without further procedures. DSBO will follow the procedures in Section 26.85.

Section 26.86  Denials of Initial Requests for Certification

If DSBO denies a firm's application or decertify it, it may not reapply until twelve (12) months have passed from our action. The time period for reapplication begins to run on the date the explanation required by paragraph (a) of this section is received by the firm. An applicant's appeal of our decision to the Department pursuant to §26.89 does not extend this period.

Section 26.87  Removal of a DBE's Eligibility

In the event DSBO proposes to remove a DBE's certification, we will follow procedures consistent with 26.87. Attachment 7 to this program sets forth these procedures in detail.

Section 26.88  Summary Suspension of Certification

DSBO shall follow the procedures consistent with 26.88 of this Part regarding suspending a DBEs certification.

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

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

When a firm is suspended pursuant of 26.88 (a) or (b), DSBO will immediately notify the DBE of the suspension by certified mail, return receipt requested, to the last known address of the owner(s) of the DBE. Suspension is a temporary status of ineligibility pending an expedited show cause hearing/proceeding under §26.87 of this part to determine whether the DBE is eligible to participate in the program and consequently should be removed. The suspension takes effect when the DBE receives, or is deemed to have received, the Notice of Suspension.

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

Following receipt of the Notice of Suspension, if the DBE believes it is no longer eligible, it may voluntarily withdraw from the program, in which case no further action is required. If the DBE believes that its eligibility should be reinstated, it must provide to DSBO information demonstrating that the firm is eligible notwithstanding its changed circumstances. Within thirty (30) days of receiving this information, DSBO will either lift the suspension and reinstate the firm's certification or commence a decertification action under §26.87 of this part. If DSBO commences a decertification proceeding, the suspension remains in effect during the proceeding. The decision to immediately suspend a DBE under paragraph 26.88 (a) or (b) is not appealable to the U.S. DOT.
The failure of DSBO to either lift the suspension and reinstate the firm or commence a decertification proceeding, as required by paragraph (g) of this section, is appealable to the U.S. DOT under §26.89 of this part, as a constructive decertification.

Section 26.89 Certification Appeals

Any firm or complainant may appeal DSBO’s decision in a certification matter to U.S. DOT. A firm that wants to file an appeal, must send a letter to the U.S.DOT within ninety (90) days of the date of DSBO’s final decision, including information and setting forth a full and specific statement as to why the decision is erroneous, what significant fact that the recipient failed to consider, or what provisions of this Part the recipient did not properly apply. The U.S. DOT may accept an appeal filed later than ninety (90) days after the date of the decision if the U.S. DOT determines that there was good cause for the late filing of the appeal or in the interest of justice.

Such appeals may be sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Ave., S.E
Washington, DC 20590-0001

The U.S. DOT makes its decision based solely on the entire administrative record as supplemented by the appeal. The U.S. DOT does not make a de novo review of the matter and does not conduct a hearing. The U.S. DOT may also supplement the administrative record by adding relevant information made available by the DOT Office of Inspector General; Federal, State, or local law enforcement authorities; officials of a DOT operating administration or other appropriate DOT office; a recipient; or a firm or other private party.

The UCP will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our FAA assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

DSBO will safeguard from discloser to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

CCD is subject to the Colorado Open Records Act ("CORA"), 24-72-201 to 206, C.R.S. Under the CORA the City must upon request make its public records available for inspection and copying, with certain exceptions. One exception is where inspection would be contrary to a federal law or regulation; another exception protects confidential commercial or financial information furnished by any person to the City. When DSBO receives a request under CORA to inspect any records, its response to the request is prepared only after consultant with an Assistant City Attorney who is familiar with the applicable law, including CORA and federal law. DSBOs practice is to withhold from inspection any confidential commercial or financial information submitted to it by any person, including applicants for DBE certification.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

DSBO will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the DSBO or DOT. This reporting requirement also extends to any certified DBE subcontractor.
We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.
LIST OF ATTACHMENTS

Attachment 1: Organizational Chart
Attachment 2: Monitoring and Enforcement Mechanisms/Legal Remedies
Attachment 3: Rules and Regulations: Enforcement and Interpretation of Prompt Payment
Attachment 4: Goal Setting Methodology and Availability Estimates
Attachment 5: Good Faith Efforts
Attachment 6: Uniform Certification Application
Attachment 7: Uniform Certification Plan
ATTACHMENT 1

Organizational Chart
Denver Organization Chart for DBELO

- Michael B. Hancock
  - Mayor

- Paul Washington
  - OED Executive Director

- Amy Edinger
  - OED Chief Operating Officer

- Open Position
  - Director, Economic Mobility

- Tanya Davis
  - Manager DSBO/DBELO

- Open Position
  - ACDBE

- Chris Lines
  - Supervisor DSBO

- Julie Wilson
  - DBE

- Kim Day
  - Chief Executive Officer

- Various Deputy Directors for DENV
ATTACHMENT 2
Monitoring and Enforcement Mechanisms/Legal Remedies
Monitoring and Enforcement Mechanisms/Legal Remedies

The City & County of Denver has available several remedies to enforce the DBE requirements contained in its contracts. Please be advised, however, that federal laws and regulations supersede city/county/state laws and regulations. These remedies include but are not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to Colorado Code Section X;

CCD's DBE Plan includes monitoring and enforcement mechanisms to ensure that on projects with a DBE goal:

- Work that is committed to specific DBE's will be performed by those DBE firms;
- On-site inspections will be performed to determine that DBE firms are performing the work;
- Payment information will be collected to track utilization and monetary payments to ONE's and
- Instances of non-utilization or under-utilization of DBE firms will be investigated for possible corrective actions against the contractor.

DSBO monitor DBE compliance of CCD's Contractors, beginning with its review of apparent low bids as to DBE participation and/or, if applicable, review of the bidder's good faith efforts to achieve DBE participation. DBSO report the results of this review of the contracting department and DOT. A low bid which does not meet DBE goals and for which the bidder cannot demonstrate a good faith effort is non-responsive. The consequences of this finding will be rejection of the bid.

After award of a contract, DSBO meets with the contractor to explain the specific requirements of the DBE program, including the documentation, which the contractor and subcontractors must submit to DSBO for monitoring purposes. This includes reporting payments on our Contract Management System (B2G) via our website, and performance schedule, which identifies when DBE subcontractors will be working on the job site. DSBO monitors DBE compliance during the contract period by desk and field audits, by review of contractor's payment requests, and by review of change orders for their impact on the percentage of DBE participation in the total contract amount.

If it is determined that a DBE firm is not being utilized, is under-utilized, is not being timely paid, DSBO begins an investigation for non-compliance. The contractor is immediately notified of this investigation and is given specific requests for information pertinent to the matter. Non-cooperation by the contractor with an investigation will result in DSBO requesting the City official administering the contract to withhold progress payments to the contractor until it complies with all requests for information. Contractual provisions providing for enforcement of DBE program requirements are more fully described in the following subsection.

If DSBO's investigation reveals the contractor is not in compliance with the DBE program or contract requirements, DSBO will recommend to the City official administering the contract that he require the contractor to take specific corrective actions to come into compliance. If compliance is not achieved DSBO will recommend that the official take appropriate action against the contractor. As described below, available remedies included withholding of progress payments, contract termination. Imposition of interest on late payments to subcontractors, and denial or revocation of pre-qualification to bid on major city contracts.

We will bring to the attention of DOT any false, fraudulent or dishonest conduct in connection with the program, so that DOT can take the steps in Sec. 26.109. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
Contractual and other requirement and remedies

Contractual provisions and remedies: The CCD’s standard construction contract for projects subject to the DBE program provide the noncompliance remedies for such breach. These provisions include the following:

Instructions to Bidders include this statement: "All bidders and potential subcontractors of bidders for this contract are hereby notified that if they are awarded a contract, failure to carry out the City’s policy and the DBE obligation, as set forth above, shall constitute a breach of contract which may result in termination of such contract or such other remedy as deemed appropriate buy the City."

The City & County of Denver, Department of Public Works and Department of Aviation, "Standard Specifications for Construction, General Contract Conditions 1999 Edition, include the following General Conditions ("G.C."):

G.C. 909, which provides that the City may withhold progress payments due to the contractor, in addition to routine retainage amounts, for a number of reasons; one of the stated reasons is "failure to comply with affirmative action, equal employment opportunity, or .... Disadvantage Business Enterprise requirement set forth in the contract: This G.C. also provides that when the reasons for such withholding are removed, the City will pay the sums withheld with the next regular payment.

G.C. 2201, which provides that the City may terminate the contract for cause; the stated grounds include "If the Contractor fails to comply with affirmative action or ... disadvantage business enterprise ...requirements."

Prompt Payment Ordinance: The City & County of Denver’s "prompt pay to contractors" ordinance, Sees. 20-107 through 115. D.R.M.C., requires, at Sec. 20-109 (l) G and (k), that contractors pay subcontractors and suppliers within 7 days after receipt of payment from the City, and that failure to do so will result in the contractor’s paying interest on any late payments to subcontractors and suppliers. The only exception is for situations where a bona fide dispute exists between the parties as to the amounts, if any due and payable.

Contractor Prequalification System: The City & County of Denver does not have a program of contractor debarment; however, it does pre-qualify bidders for large construction contracts, the Department of Public Works and the Department of Aviation. For construction contracts under $1,000,000.00. Qualifications of bidders is determined during bid evaluation. Pre-Qualification is required for bidders on construction contracts over $1,000,000.00 under City rules. Under those rules, a contractor can be denied pre-qualification, or have pre-qualification suspended or revoked, for failure to satisfy to the City that the contractor’s performance on public and private projects during the past five years has been "reliable and adequate." (Rules 9 and 12)

A few of the numerous factors to be considered in the "reliable and adequate performance" determination include whether the contractor; has breached any City contract conditions; has demonstrated its ability to perform its contractual obligations; has demonstrated its ability to work effectively and cooperatively with all parties, including subcontractors, on construction projects; shown itself able and willing to effectively schedule, administer and manage the work performed by its subcontractors and to promptly pay them; or has by action or inaction evidenced a lack of integrity in contract performance. Noncompliance with DBE program or contract requirements would be considered relevant to several of the foregoing categories.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.
ATTACHMENT 3

Rules and Regulation: Enforcement & Interpretation of Prompt Payment
Sec. 20-116. Rules and regulation, internal guidelines.

Rules and regulations and internal guidelines may be promulgated to effectuate the purpose of this article as follows:

1. The managers or directors of the city agencies and departments may promulgate rules and regulations to effectuate the purposes of this article pertaining to contracts administered by, through or from their respective agency or department.

2. The auditor may promulgate rules and regulations to effectuate the purposes of this article pertaining to prevailing wages and manager of finance may promulgate rules and regulations to effectuate the purposes of this article pertaining to payment to contractors.

3. All such rules and regulations shall be consistent and harmonious. Nothing contained in this article shall preclude the auditor or the manager of finance from taking actions pursuant to sections D.R.M.C. 20.76 through 20-79 at any time as either deems necessary.

(Ord. No. 112-01, §1, 12-16-01; Ord. No. 775-07, §58, 12-26-07; Ord. No 604-12, §9, 11-26-12)
ATTACHMENT 4

Section 26.45: Overall Goal Calculation
Federal Aviation Administration
Denver International Airport

The City and County of Denver proposes an overall interim DBE participation goal for Federal Fiscal Years 2017 through 2019 of **14.04% DBE** on its FAA assisted contracts.

**FFY 2017-2019 DBE Goal**

Denver is using an approved FAA goal setting methodology, based on data from a 2012 Disparity Study found at (http://www.denvergov.org/content/dam/denvergovPortals/690/documents/DSBO/Disparity%20Study%202013.pdf). The City and County of Denver commissioned MGT of America, Inc. to examine the past and current status of Minority Woman Business Enterprises (MWBEs) and Disadvantaged Business Enterprises (DBEs) in Denver’s geographic and product markets for construction, construction related professional services, and Concessions-related goods and services. We used the Disparity Study as the basis to determine the availability of DBEs for the triannual goal for FAA Federal Fiscal Years (FFY) 2017-2019.

This triannual FFY 2017 through 2019 DBE goal is based on the same Disparity Study, which used data from Dun & Bradstreet’s MarketPlace and other sources to estimate the availability of DBEs in Denver’s market area. We also project the amount of DBE utilization we expect to achieve through race-neutral measures and through race-conscious contract goals. The proposed DBE goal for FFYs 2017 through 2019 is 14.04%, to be achieved through a combination of race-neutral and race-conscious contract measures. Denver utilizes the City Attorney’s Office to develop a narrowly tailored procedure setting annual goals and provide the further implementation of the DBE rule.

**Step 1: Calculation of the Base Figure**

Denver used the 2012 Disparity Study, as permitted by 49 C.F.R. § 26.45(c)(3), to determine the availability of DBEs in Denver’s marketplace.

The Disparity Study defined Denver’s market area based on the City’s historical contracting and subcontracting records. The Disparity Study determined geographic market by calculating from zip code data the location of the majority of Denver’s contractors and subcontractors, and the industry category was determined by estimating which three-digit, four-digit, and six-digit NAICS codes best describe each identifiable contractor, subcontractor, sub-consultant, or supplier in those records. In both inquiries, the definitions are weighted according to how many dollars were spent with firms from each zip code or in each three-digit, four-digit, and six-digit NAICS code so that geographic areas and industries that receive relatively more contracting dollars receive relatively more weight in the estimation of DBE and MWBE availability. The Study found Denver’s market area to be the State of Colorado, and its product market to consist of 110 distinct six-digit NAICS codes in Construction and 40 distinct six-digit NAICS codes in Construction-Related Professional Services. These results are presented in the tables below.

The Disparity Study methodology to estimate DBE availability looked at the percentage of firms in Denver’s relevant markets that are owned by minorities and/or women. For any given industry category, DBE/MWBE availability is defined as the number of DBE/MWBEs divided by the total number of businesses in Denver’s contracting market area. The Study used Dun & Bradstreet’s MarketPlace database to determine the total number of businesses operating in the relevant geographic and product markets. It also completed an intensive regional search for information on minority-owned and woman-owned businesses in the City and County of Denver and surrounding areas. Beyond the information already in MarketPlace, MGT of America, Inc. collected listings of DBE/MWBEs from the City and County itself as well as from numerous other public and private entities in and around Denver. The consultant conducted a supplementary telephone survey on a stratified random sample of firms in Denver’s baseline business population that asked them directly about the race and sex of the firm’s primary owner(s). MGT of America, Inc. used the results of these surveys to statistically adjust the estimates of DBE/MWBE availability for misclassification by race and sex. Detailed tables presenting these results are included in the Study.

Per Exhibit 1 below, according to the Disparity Study, minorities and women comprise 14.04% of the owners of Highway and Street Construction (NAICS 237), which is the primary industry category utilized under the DBE program for FAA assisted contracts, and an additional 2.13% (NAICS 484, 541 and 561) in other construction related industry categories.
### EXHIBIT 1. AVAILABILITY ESTIMATES OF FIRMS, WEIGHTED NAICS CODE, 3-DIGIT LEVEL

<table>
<thead>
<tr>
<th>3-DIGIT CODES</th>
<th>NAICS</th>
<th>AFRICAN AMERICAN</th>
<th>ASIAN AMERICAN</th>
<th>HISPANIC AMERICAN</th>
<th>NATIVE AMERICAN</th>
<th>NONMINORITY FEMALE</th>
<th>TOTAL MWBE FIRMS</th>
<th>NON-MWB E FIRMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONSTRUCTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>236</td>
<td>2.46%</td>
<td>0.41%</td>
<td>1.64%</td>
<td>0.82%</td>
<td>4.11%</td>
<td>9.45%</td>
<td>28.75%</td>
<td>9.45%</td>
</tr>
<tr>
<td>237</td>
<td>1.38%</td>
<td>0.74%</td>
<td>5.42%</td>
<td>0.21%</td>
<td>4.15%</td>
<td>11.91%</td>
<td>25.31%</td>
<td>11.91%</td>
</tr>
<tr>
<td>238</td>
<td>0.57%</td>
<td>0.18%</td>
<td>2.14%</td>
<td>0.15%</td>
<td>2.05%</td>
<td>5.10%</td>
<td>12.23%</td>
<td>5.10%</td>
</tr>
<tr>
<td>321</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.01%</td>
<td>0.00%</td>
</tr>
<tr>
<td>323</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.01%</td>
<td>0.01%</td>
<td>0.00%</td>
</tr>
<tr>
<td>324</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.02%</td>
<td>0.00%</td>
</tr>
<tr>
<td>325</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>326</td>
<td>0.03%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.03%</td>
<td>0.05%</td>
<td>0.19%</td>
<td>0.05%</td>
</tr>
<tr>
<td>327</td>
<td>0.02%</td>
<td>0.00%</td>
<td>0.05%</td>
<td>0.00%</td>
<td>0.05%</td>
<td>0.12%</td>
<td>0.45%</td>
<td>0.12%</td>
</tr>
<tr>
<td>331</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.01%</td>
<td>0.00%</td>
</tr>
<tr>
<td>332</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.01%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.01%</td>
<td>0.04%</td>
<td>0.01%</td>
</tr>
<tr>
<td>334</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>336</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>423</td>
<td>0.07%</td>
<td>0.00%</td>
<td>0.11%</td>
<td>0.00%</td>
<td>0.13%</td>
<td>0.31%</td>
<td>0.98%</td>
<td>0.31%</td>
</tr>
<tr>
<td>424</td>
<td>0.02%</td>
<td>0.00%</td>
<td>0.02%</td>
<td>0.00%</td>
<td>0.01%</td>
<td>0.06%</td>
<td>0.09%</td>
<td>0.06%</td>
</tr>
<tr>
<td>425</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>444</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>484</td>
<td>0.09%</td>
<td>0.00%</td>
<td>0.58%</td>
<td>0.03%</td>
<td>0.22%</td>
<td>0.92%</td>
<td>0.28%</td>
<td>0.92%</td>
</tr>
<tr>
<td>518</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>532</td>
<td>0.01%</td>
<td>0.01%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.01%</td>
<td>0.05%</td>
<td>0.01%</td>
</tr>
<tr>
<td>541</td>
<td>0.03%</td>
<td>0.07%</td>
<td>0.09%</td>
<td>0.01%</td>
<td>0.19%</td>
<td>0.38%</td>
<td>0.52%</td>
<td>0.38%</td>
</tr>
<tr>
<td>561</td>
<td>0.19%</td>
<td>0.05%</td>
<td>0.21%</td>
<td>0.00%</td>
<td>0.38%</td>
<td>0.83%</td>
<td>1.06%</td>
<td>0.83%</td>
</tr>
<tr>
<td>562</td>
<td>0.00%</td>
<td>0.08%</td>
<td>0.15%</td>
<td>0.00%</td>
<td>0.08%</td>
<td>0.30%</td>
<td>0.53%</td>
<td>0.30%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>4.88%</td>
<td>1.54%</td>
<td>10.43%</td>
<td>1.22%</td>
<td>11.40%</td>
<td>29.47%</td>
<td>70.53%</td>
<td></td>
</tr>
</tbody>
</table>

Using a weighted average of anticipated projects based on FFY 2014 and 2015 results, the weighted goal for construction services is calculated as follows:

\[
\text{Construction} \times \left( \frac{1}{2} \times 1.1 \right) = 14.04
\]

Therefore, based on the Disparity Study's comprehensive statistical and legal analyses, the step 1 base figure is set at 14.04%, as the best estimate of DBEs available to work on FAA assisted contracts.
Step 2: Consideration of an Adjustment to the Base Figure

The second step is to consider whether to adjust the base figure to account for the continuing effects of discrimination or the effects of Denver International Airport's (DIA) ongoing DBE program. The regulations require consideration of the capacity of DBEs, measured by past participation of DBEs on FAA assisted contracts.

**TABLE 1: GOAL ATTAINED FROM FFY 2011 - 2015**

<table>
<thead>
<tr>
<th>FFY</th>
<th>DBE Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>8.44%</td>
</tr>
<tr>
<td>2012</td>
<td>12.02%</td>
</tr>
<tr>
<td>2013</td>
<td>18.61%</td>
</tr>
<tr>
<td>2014</td>
<td>17.39%</td>
</tr>
<tr>
<td>2015</td>
<td>26.04%</td>
</tr>
<tr>
<td>Median</td>
<td>17.39%</td>
</tr>
</tbody>
</table>

The next type of evidence that must be considered is evidence from disparity studies conducted anywhere in the state. As discussed, Denver conducted such a study in 2012, which contained extensive quantitative and qualitative evidence of discrimination against D/M/WBEs. However, in view of the case law in the Tenth Circuit, and in an abundance of caution, we are not relying upon the evidence of market wide disparities to adjust the base figure estimate. A disparity study was conducted for the Colorado Department of Transportation (CDOT) in 2009 copy can be found at this link [https://www.codot.gov/library/studies/2009-disparity-study-and-appendices](https://www.codot.gov/library/studies/2009-disparity-study-and-appendices). While CDOT’s Study provided information relevant to the effects of discrimination in Denver’s market, it does not provide a reliable quantitative basis for a numerical adjustment of the step 1 base figure. Likewise, while the record in *Concrete Works of Colorado v. City and County of Denver*, 321 F.3d 950 (10th Cir. 2003), *cert. denied*, 124 S. Ct. 556 (2003), provides ample evidence of the discrimination faced by Denver area construction firms, it does not provide a statistical basis for estimating the availability of DBEs to work on DIA contracts but for discrimination for FFYs 2011-2013.

The regulations next require consideration of available evidence from "related fields" that affects DBEs, including statistical disparities in the ability of DBEs to obtain bonding, financing and insurance, and data on employment, self-employment, education, training and union apprenticeship. While the 2012 Disparity Study does provide qualitative anecdotal information on these types of barriers, again, anecdotal evidence does not provide the level of statistical certainty the courts will likely require to ensure a step 2 adjustment is narrowly tailored.

Therefore, having considered the evidence required by § 26.45(d), Denver has determined not to adjust its step 1 base figure estimate of the availability of DBEs. Therefore, Denver proposes to set an overall, annual DBE goal for FFYs 2017-2019 of 14.04%.

Step 3: Projection of Participation Through Race-Neutral and Race-Conscious Measures:

Denver will meet the maximum feasible portion of our overall goal through race-neutral measures. While Denver’s current race-neutral efforts to encourage DBE participation have strengthened DBEs in the areas of business development, these measures have not fully reduced marketplace impediments to DBE contracting opportunities. Contract goals are necessary to ensure non-discrimination, to level the playing field for DBEs and to prevent Denver’s passive participation in the pervasive discrimination in the construction contracting and professional design markets in the Denver metropolitan area found by the court in *Concrete Works* and reflected in the results of the Disparity Study.
To estimate the portions of the goal to be met through race-neutral measures and through race-conscious contract goals, past DBE participation is evaluated as defined in §26.51(a).

Over the past 5 years, on construction contracts Denver has exceed its overall goal by an average of 1.37% (Table 2). Based on the history of Denver’s race-neutral participation we feel that the 2015 race-neutral participation was out of the norm and anticipates FY 2016 being at 0.00%.

TABLE 2: OVER GOAL FROM FFY 2011 - 2015

<table>
<thead>
<tr>
<th>FFY</th>
<th>Over Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>(6.59%)</td>
</tr>
<tr>
<td>2012</td>
<td>(3.01%)</td>
</tr>
<tr>
<td>2013</td>
<td>3.58%</td>
</tr>
<tr>
<td>2014</td>
<td>4.14%</td>
</tr>
<tr>
<td>2015</td>
<td>8.75%</td>
</tr>
<tr>
<td>Average</td>
<td>1.37%</td>
</tr>
</tbody>
</table>

Based on the above information Denver proposes using the average of exceeded overall goal as race-neutral goal 1.37%.

Therefore, DIA is proposing a split of 1.37% race-neutral and 12.67% race-conscious participation for an overall annual goal for FFYs 2017-2019 of 14.04%. The race-conscious number of 12.67% is derived from subtracting the race-neutral from the overall goal (14.04 minus 1.37). Denver will monitor DBE participation throughout the year to adjust the use of contract goals to ensure that their use does not exceed the overall goal and further track availability of bidders for future adjustments.

The Goal will be published by posting on the City’s Office of Economic Development Web site at www.denvergov.org/dsbo and a public outreach meeting will be held by the Division of Small Business Opportunities on Monday, November 21, 2016 from 2:00 p.m. – 4:00 p.m. Mountain Time, in the City Conference Room at Denver International Airport. Notification of this outreach will be shared with the Construction Empowerment Immitative and members of various Chambers of Commerce, in addition to an outreach notice to certified firms through our B2G certified directory. This outreach will be sent on Wednesday November 2, 2016 and again on Wednesday, November 9, 2016.

We will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rational are available for inspection at www.denvergov.org/dsbo for 30 days following the date of the notice, informing the public that we and FAA would accept comments on the goals for 45 days from the date of the notice. Of these efforts no comments were received.
ATTACHMENT 5

Forms 1 - 3 Demonstration of Good Faith Efforts
Forms 1 - 3 for Demonstration of Good Faith Efforts

[Forms 1 - 3 are provided as part of the solicitation documents.]

FORM 1: DIA DBE Commitment Form
FORM 2: DIA DBE List of Proposed
FORM 3: DIA Letter of Intent
The undersigned has satisfied the DBE participant requirements in the following manner (Please check the appropriate box):

<table>
<thead>
<tr>
<th>Contract #</th>
<th>Contract Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Bidder/Proposer is committed to the minimum advertised contract goal for DBE utilization on the contract, and will submit Letters of Intent (LOI) for each subcontractor/subconsultant/supplier listed for participation in the Bid Forms as follows:</td>
</tr>
<tr>
<td></td>
<td>Hard Bids: Seven (7) business days after the bid opening</td>
</tr>
<tr>
<td></td>
<td>Request for Proposals: With the proposal when due</td>
</tr>
<tr>
<td></td>
<td>Compliance Plans: With each task/work order</td>
</tr>
</tbody>
</table>

|            | The Bidder/Proposer is unable to meet the contract goal of _____ % DBE participation, but is committed to a minimum of _____ % DBE utilization on the contract. The Bidder/Proposer understands that they must submit a detailed statement of their Good Faith Effort (GFE) in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26 and must submit Letters of Intent for each DBE listed for participation in the Bid Forms as follows: |
|            | Hard Bids: Seven (7) business days after the bid opening |
|            | Request for Proposals: With the proposal when due |
|            | Compliance Plans: With each task/work order |

|            | The Bidder/Proposer is a certified DBE in good standing with the City and County of Denver and is committed to self-perform a minimum of ______% of the work on the contract. |

Bidder/Proposer (Name of Firm):
Firm's Representative (Please Print):
Signature (Firm's Representative):
Date:
Title:
Address:
City: State: Zip Code:
Phone: Fax: E-mail:

Rev 9/17/15 JW
List of Proposed DBE Bidders, Subcontractors, Suppliers, Manufacturers, or Brokers

Contract # Date:

Contract Name:

The undersigned proposes to utilize the following DBEs for the contract. All Listed firms are CURRENTLY certified by the City and County of Denver. Only the level of DBE participation listed at the bid opening will count toward satisfaction of the contract goal. Only bona fide commissions may be counted for Brokers. DBE prime must detail their bid information below. Please copy and attach this page to list additional DBE participation.

The undersigned bidder hereby certifies that the subcontractors and suppliers listed below have full knowledge that their names have been offered as subcontractors and suppliers for the work, and the bidder further certifies that the dollar amount of work to be performed by the DBE was furnished to the bidder prior to the bid opening.

<table>
<thead>
<tr>
<th>Prime</th>
<th>Certified DBE Prime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td>Contact Person:</td>
</tr>
<tr>
<td>Address:</td>
<td>$ Amount:</td>
</tr>
<tr>
<td>Scope of Work:</td>
<td>% of Contract:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Certified DBE Prime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Scope of Work:</td>
</tr>
</tbody>
</table>

**Subcontractors, Suppliers, Manufacturers, or Brokers (check one box)**

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td>Contact Person:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>$ Amount:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td>% of Contract:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Subcontractors, Suppliers, Manufacturers, or Brokers (check one box)**

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td>Contact Person:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>$ Amount:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td>% of Contract:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Subcontractors, Suppliers, Manufacturers, or Brokers (check one box)**

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td>Contact Person:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>$ Amount:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td>% of Contract:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Subcontractors, Suppliers, Manufacturers, or Brokers (check one box)**

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td>Contact Person:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>$ Amount:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td>% of Contract:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subcontractor</td>
<td>Supplier</td>
<td>Manufacturer</td>
<td>Broker</td>
</tr>
<tr>
<td>---------------</td>
<td>----------</td>
<td>--------------</td>
<td>--------</td>
</tr>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>Supplier</th>
<th>Manufacturer</th>
<th>Broker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scope of Work:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Amount:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Contract:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**DENVER OFFICE OF ECONOMIC DEVELOPMENT**

**LETTER OF INTENT (LOI)**

**INSTRUCTIONS FOR COMPLETION & SUBMISSION:**

- All lines must be completed or marked N/A for Not Applicable
- Certification Letter must be submitted with LOI
- Submit the attached completed checklist with this letter
- Email to: small.business@flydenver.com
- FOR RFPS and RFQs: LOIs should be included with Submittal

<table>
<thead>
<tr>
<th>Contract No:</th>
<th>Project Name:</th>
</tr>
</thead>
</table>

**A. The Following Section is To Be Completed by the Bidder/Consultant**

<table>
<thead>
<tr>
<th>Name of Bidder/Consultant/Prime:</th>
<th>Self-Performing:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person:</td>
<td>E-mail:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>Phone:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>State:</td>
<td>Zip:</td>
<td></td>
</tr>
</tbody>
</table>

**B. THE FOLLOWING SECTION IS TO BE COMPLETED BY THE DBE, EBE, M/WBE, or SBE, AT ANY TIER**

<table>
<thead>
<tr>
<th>Name of Certified Firm:</th>
<th>E-mail:</th>
<th>Phone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>City:</td>
<td>State:</td>
</tr>
</tbody>
</table>

Please check the designation which applies to the certified firm:

- DBE
- EBE
- M/WBE
- SBE

**Indirect Utilization:** If this DBE, EBE, M/WBE, or SBE is not a direct first tier subcontractor/subconsultant, supplier or broker to the Bidder/Consultant/Prime, please indicate the name of the subcontractor/subconsultant, supplier or broker which is utilizing the participation of this firm:

**Being utilized by:**

A COPY OF THE DBE, EBE, M/WBE, OR SBE'S LETTER OF CERTIFICATION MUST BE ATTACHED

Identify the scope of work to be performed or supply item that will be provided by the DBE, EBE, M/WBE, or SBE. **On unit price bids only, indentify which bid line items the DBE, EBE, M/WBE, or SBE's scope of work or supply corresponds to.**

Identify how the DBE, EBE, M/WBE, or SBE will be utilized: Subcontractor | Subconsultant | Supplier | Broker

**Bidder/Prime** intends to utilize the aforementioned M/WBE, SBE, EBE, or DBE for the Work/Supply described above. The cost of the work and percentage of the total subcontractor M/WBE, SBE, EBE, or DBE bid amount is:

$ ____________

**Consultant** intends to utilize the aforementioned DBE, EBE, M/WBE, or SBE for the Work/Supply described above. The percentage of the work of the total sub consultant DBE, EBE, M/WBE, SBE will perform is:

% ____________

If the fee amount of the work to be performed is requested, the fee amount is: $ ____________

**THIS LETTER OF INTENT MUST BE SIGNED BY THE BIDDER/CONSULTANT/PRIME AND DBE, EBE, M/WBE, OR SBE**

Bidder/Consultant/Prime's Signature: 

<table>
<thead>
<tr>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
</table>

DBE, EBE, M/WBE, SBE or Self-Performing Firm's Signature: 

<table>
<thead>
<tr>
<th>Title:</th>
<th>Date:</th>
</tr>
</thead>
</table>

If the above named Bidder/Consultant/Prime is not determined to be the successful Bidder/Consultant/Prime, this Letter of Intent shall be null and void.
ATTACHMENT 6

Certification Forms

This can be found via DSBO online application process at https://denver.mwdbecom. Copies of information gathered online attached.
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
DBE/M/W/SBE Applicants: Complete and sign this section only, then have your financial institution complete the remainder. This form is part of your application and must be returned with it, fully completed.

Dear: ________________________________:

(Name of Financial Institution)

I have authorized the Division of Small Business Opportunity to seek information about my firm's relationship with your company.

Please complete this form. My application for DBE, SBE and/or M/WBE Certification will not be considered complete unless I return this form with my DBE, SBE and/or M/WBE application. Thank You.

Name of Firm

Print Name of Owner/President

Owner/President’s Signature

Date

1. Indicate the Services your institution provides to this company.
   a) Checking Accounts: ☐ Payroll - Number of Authorized Signatures: _____
      Regular - Number of Authorized Signatures: _____
      Other - Number of Authorized Signatures: _____

   b) List the Names of authorized signers according to account type: __________________________
      __________________________
      __________________________

2. List any outstanding commercial business loans:

<table>
<thead>
<tr>
<th>Origination Date</th>
<th>Original Amount</th>
<th>Current Balance</th>
<th>Collateral (if secured)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   a) Are there personal guarantors for any of the loans? Yes ☐ No ☐ If yes, list their names: __________________________

3. Does the company have a line of credit? Yes ☐ No ☐
   a) Is it secured? Yes ☐ No ☐ List the collateral:
   b) Are there personal guarantors? Yes ☐ No ☐ If yes, list their names: __________________________

4. List the names of all company individuals who signed promissory notes: __________________________

Name of Financial Institution

Address

City

State

Zip

Printed Name of Bank Official

Title

Signature

Date
This form is used by all participants in the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) Programs. Each individual owner of a firm applying to participate as a DBE or ACDBE, whose ownership and control are relied upon for DBE certification must complete this form. Each person signing this form authorizes the Unified Certification Program (UCP) recipient to make inquiries as necessary to verify the accuracy of the statements made. The agency you apply to will use the information provided to determine whether an owner is economically disadvantaged as defined in the DBE program regulations 49 C.F.R. Parts 23 and 26. Return form to appropriate UCP certifying member, not U.S. DOT.

<table>
<thead>
<tr>
<th>Name</th>
<th>Business Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residence Phone</td>
</tr>
<tr>
<td></td>
<td>Residence Address (As reported to the IRS)</td>
</tr>
<tr>
<td></td>
<td>City, State and Zip Code</td>
</tr>
</tbody>
</table>

| Business Name of Applicant Firm |

| Spouse's Full Name |
| (Marital Status: Single, Married, Divorced, Union) |

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>(Omit Cents)</th>
<th>LIABILITY</th>
<th>(Omit Cents)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and Cash Equivalents</td>
<td>$</td>
<td>Loan on Life Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Retirement Accounts (IRAs, 401Ks, 403B, Pensions, etc.) (Complete Section 3)</td>
<td>$</td>
<td>Mortgages on Real Estate Excluding Primary Residence Debt</td>
<td>$</td>
</tr>
<tr>
<td>Brokerage, Investment Accounts</td>
<td>$</td>
<td>Notes, Obligations on Personal Property</td>
<td>$</td>
</tr>
<tr>
<td>Assets Held in Trust</td>
<td>$</td>
<td>Notes &amp; Accounts Payable to Banks and Others</td>
<td>$</td>
</tr>
<tr>
<td>Loans to Shareholders &amp; Other Receivables (Complete Section 6)</td>
<td>$</td>
<td>Other Liabilities</td>
<td>$</td>
</tr>
<tr>
<td>Real Estate Excluding Primary Residence (Complete Section 4)</td>
<td>$</td>
<td>Unpaid Taxes</td>
<td>$</td>
</tr>
<tr>
<td>Life Insurance (Cash Surrender Value Only) (Complete Section 5)</td>
<td>$</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Personal Property and Assets (Complete Section 6)</td>
<td>$</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Interests Other Than the Applicant Firm (Complete Section 7)</td>
<td>$</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Total Assets | $ | Total Liabilities | $ |

**NET WORTH**

### Section 2. Notes Payable to Banks and Others

<table>
<thead>
<tr>
<th>Name of Noteholder(s)</th>
<th>Original Balance</th>
<th>Current Balance</th>
<th>Payment Amount</th>
<th>Frequency (monthly, etc.)</th>
<th>How Secured or Endorsed Type of Collateral</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

U.S. DOT Personal Net Worth Statement for DBE/ACDBE Program Eligibility • Page 1 of 5
### Section 3. Brokerage and custodial accounts, stocks, bonds, retirement accounts. (Full Value) (Use attachments if necessary).

<table>
<thead>
<tr>
<th>Name of Security / Brokerage Account / Retirement Account</th>
<th>Cost</th>
<th>Market Value Quotation/Exchange</th>
<th>Date of Quotation/Exchange</th>
<th>Total Value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Section 4. Real Estate Owned (Including Primary Residence, Investment Properties, Personal Property Leased or Rented for Business Purposes, Farm Properties, or any Other Income Producing property). (List each parcel separately. Add additional sheets if necessary).

<table>
<thead>
<tr>
<th>Primary Residence</th>
<th>Property B</th>
<th>Property C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date Acquired and Method of Acquisition (purchase, inherit, divorce, gift, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Names on Deed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchase Price</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Present Market Value</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Source of Market Valuation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name of all Mortgage Holders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mortgage Acc # and balance (as of date of form)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equity line of credit balance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount of Payment Per Month/Year (Specify)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Section 5. Life Insurance Held (Give face amount and cash surrender value of policies, name of insurance company and beneficiaries).

<table>
<thead>
<tr>
<th>Insurance Company</th>
<th>Face Value</th>
<th>Cash Surrender Amount</th>
<th>Beneficiaries</th>
<th>Loan on Policy Information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

U.S. DOT Personal Net Worth Statement for DBE/ACDBE Program Eligibility • Page 2 of 5
### Section 6. Other Personal Property and Assets (Use attachments as necessary)

<table>
<thead>
<tr>
<th>Type of Property or Asset</th>
<th>Total Present Value</th>
<th>Amount of Liability (Balance)</th>
<th>Is this asset insured?</th>
<th>Lien or Note amount and Terms of Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobiles and Vehicles (including recreation vehicles, motorcycles, boats, etc.) Include personally owned vehicles that are leased or rented to businesses or other individuals.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Goods / Jewelry</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (List)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts and Notes Receivables</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Section 7. Value of Other Business Investments, Other Businesses Owned (excluding applicant firm)

Sole Proprietorships, General Partners, Joint Ventures, Limited Liability Companies, Closely-held and Public Traded Corporations

### Section 8. Other Liabilities and Unpaid Taxes (Describe)

### Section 9. Transfer of Assets: Have you within 2 years of this personal net worth statement, transferred assets to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust? Yes ☐ No ☐ If yes, describe.

I declare under penalty of perjury that the information provided in this personal net worth statement and supporting documents is complete, true and correct. I certify that no assets have been transferred to any beneficiary for less than fair market value in the last two years. I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application and this personal net worth statement, and I authorize such agency to contact any entity named in the application or this personal financial statement, including the names banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility. I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

**NOTARY CERTIFICATE:**

(insert applicable state acknowledgment, affirmation, or oath)

---

Signature (DBE/ACDBE Owner) ___________________________ Date ____________________

In collecting the information requested by this form, the Department of Transportation complies with Federal Freedom of Information and Privacy Act (5 U.S.C. 552 and 552a) provisions. The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Disadvantaged Business Enterprise (DBE) Program or Airport Concessionaire DBE Programs as defined in 49 C.F.R. Parts 23 and 26. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).
Please do not make adjustments to your figures pursuant to U.S. DOT regulations 49 C.F.R. Parts 23 and 26. The agency that you apply to will use the information provided on your completed Personal Net Worth (PNW) Statement to determine whether you meet the economic disadvantage requirements of 49 C.F.R. Parts 23 and 26. If there are discrepancies or questions regarding your form, it may be returned to you to correct and complete again.

An individual’s personal net worth according to 49 C.F.R. Parts 23 and 26 includes only his or her own share of assets held separately, jointly, or as community property with the individual’s spouse and excludes the following:

- Individual’s ownership interest in the applicant firm;
- Individual’s equity in his or her primary residence;
- Tax and interest penalties that would accrue if retirement savings or investments (e.g., pension plans, Individual Retirement Accounts, 401(k) accounts, etc.) were distributed at the present time.

Indicate on the form, if any items are jointly owned. If the personal net worth of the majority owner(s) of the firm exceeds $1.32 million, as defined by 49 C.F.R. Parts 23 and 26, the firm is not eligible for DBE or ACDBE certification. If the personal net worth of the majority owner(s) exceeds the $1.32 million cap at any time after your firm is certified, the firm is no longer eligible for certification. Should that occur, it is your responsibility to contact your certifying agency in writing to advise that your firm no longer qualifies as a DBE or ACDBE. You must fill out all line items on the Personal Net Worth Statement.

If necessary, use additional sheets of paper to report all information and details. If you have any questions about completing this form, please contact one of the UCP certifying agencies.

**Assets**

All assets must be reported at their current fair market values as of the date of your statement. Assessor’s assessed value for real estate, for example, is not acceptable. Assets held in a trust should be included.

**Cash and Cash Equivalents:** On page 1, enter the total amount of cash or cash equivalents in bank accounts, including checking, savings, money market, certificates of deposit held domestic or foreign. Provide copies of the bank statement.

**Retirement Accounts, IRA, 401Ks, 403Bs, Pensions:** On page 1, enter the full value minus tax and interest penalties that would apply if assets were distributed as of the date of the form. Describe the number of shares, name of securities, cost market value, date of quotation, and total value in section 3 on page 2.

**Brokerage and Custodial Accounts, Stocks, Bonds, Retirement Accounts:** Report total value on page 1, and on page 2, section 3, enter the name of the security, brokerage account, retirement account, etc.; the cost; market value of the asset; the date of quotation; and total value as of the date of the PNW statement.

**Assets Held in Trust:** Enter the total value of the assets held in trust on page 1, and provide the names of beneficiaries and trustees, and other information in Section 6 on page 3.

**Loans to Shareholders and Other Receivables not listed:** Enter amounts loaned to you from your firm, from any other business entity in which you hold an ownership interest, and other receivables not listed above. Complete Section 6 on page 3.

**Real Estate:** The total value of real estate excluding your primary residence should be listed on page 1. In section 4 on page 2, please list your primary residence in column 1, including the address, method of acquisition, date of acquired, names of deed, purchase price, present fair market value, source of market valuation, names of all mortgage holders, mortgage account number and balance, equity line of credit balance, and amount of payment. List this information for all real estate held. Please ensure that this section contains all real estate owned, including rental properties, vacation properties, commercial properties, personal property leased or rented for business purposes, farm properties and any other income producing properties, etc. Attach additional sheets if needed.

**Life Insurance:** On page 1, enter the cash surrender value of this asset. In section 5 on page 2, enter the name of the insurance company, the face value of the policy, cash surrender value, beneficiary names, and loans on the policy.

**Other Personal Property and Assets:** Enter the total value of personal property and assets you own on page 1. Personal property includes motor vehicles, boats, trailers, jewelry, furniture, household goods, collectibles, clothing, and personally owned vehicles that are leased or rented to businesses or other individuals. In section 6 on page 3, list these assets and enter the present value, the balance of any liabilities, whether the asset is insured, and lien or note information and terms of payments. For accounts and notes receivable, enter the total value of all monies owed to you personally, if any. This should include shareholder loans to the applicant firm, if those exist. If the asset is insured, you may be asked to provide a copy of the policy. You may also be asked to provide a copy of any liens or notes on the property.

**Other Business Interests Other than Applicant Firm:** On page 1, enter the total value of your other business investments (excluding the applicant firm). In section 7 on page 3, enter information concerning the businesses you
hold an ownership interest in, such as sole proprietorships, partnerships, joint ventures, corporations, or limited liability corporations (other than the applicant firm). Do not reduce the value of these entries by any loans from the outside firm to the DBE/ACDBE applicant business.

**Liabilities**

**Mortgages on Real Estate:** Enter the total balance on all mortgages payable on real estate on page 1.

**Loans on Life Insurance:** Enter the total value of all loans due on life insurance policies on page 1, and complete section 5 on page 2.

**Notes & Accounts Payable to Bank and Others:** On page 1, section 2, enter details concerning any liability, including name of noteholders, original and current balances, payment terms, and security/collateral information. The entries should include automobile installment accounts. This should not, however, include any mortgage balances as this information is captured in section 4. Do not include loans for your business or mortgages for your properties in this section. You may be asked to submit copy of note/security agreement, and the most recent account statement.

**Other Liabilities:** On page 1, enter the total value due on all other liabilities not listed in the previous entries. In section 8, page 3, report the name of the individual obligated, names of co-signers, description of the liability, the name of the entity owed, the date of the obligation, payment amounts and terms. Note: Do not include contingent liabilities in this section. Contingent liabilities are liabilities that belong to you only if an event(s) should occur. For example, if you have co-signed on a relative’s loan, but you are not responsible for the debt until your relative defaults, that is a contingent liability. Contingent liabilities do not count toward your net worth until they become actual liabilities.

**Unpaid Taxes:** Enter the total amount of all taxes that are currently due, but are unpaid on page 1, and complete section 8 on page 3. Contingent tax liabilities or anticipated taxes for current year should not be included. Describe in detail the name of the individual obligated, names of co-signers, the type of unpaid tax, to whom the tax is payable, due date, amount, and to what property, if any, the tax lien attaches. If none, state “NONE.” You must include documentation, such as tax liens, to support the amounts.

**Transfers of Assets:**

**Transfers of Assets:** If you checked the box indicating yes on page 3 in this category, provide details on all asset transfers (within 2 years of the date of this personal net worth statement) to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust. Include a description of the asset; names of individuals on the deed, title, note or other instrument indicating ownership rights; the names of individuals receiving the assets and their relation to the transferor; the date of the transfer; and the value or consideration received. Submit documentation requested on the form related to the transfer.

**Affidavit**

Be sure to sign and date the statement. The Personal Net Worth Statement must be notarized.
ASSURANCE for City Sponsored Programs

☐ Neither ownership nor control of this business enterprise is held by a current Official, Officer or Employee of the City and County of Denver.

☐ The business enterprise performs a construction-related and/or covered goods and services work specialty.
   (Not applicable to Airport Concessions)

AFFIDAVIT for City Sponsored Program

The undersigned swears under penalty of the law that he or she has read and understands this NEW APPLICATION; that he or she has the authority to sign this application; and that the application responses, the foregoing statement and accompanying documents are true, complete and correct and include all materials requested and/or necessary to identify and explain the ownership and operation of:

Name of Applicant Business Enterprise:

1. To abide by the requirements of the DBE, ACDBE, SBE, SBEC, MWBE and EBE programs, and all of the applicable rules, regulations and policy guidelines of the City and County of Denver and the U.S. Department of Transportation governing the certification process and project activity for each program.

2. To notify the City and County of Denver on a "Notice of Change" affidavit within ten (10) working days of any change in the company's circumstances affecting its ability to meet size, disadvantage status, ownership or control criteria of the applicable laws, or of any material changes in the information provided with the application certification.

3. That in order to monitor the status of the business enterprise's continued eligibility, the City and County of Denver has the right, from time to time, to conduct a review of the business enterprise's books of accounts, contracts, facilities and records, and to request and review whatever additional information is deemed necessary to determine continued compliance with certification requirements.

4. That failure to answer any question or to supply the City and County of Denver with any documentation requested in the New Application may be cause to deny or inactivate the recertification request.

5. That the City and County of Denver may, for cause, withdraw certification after applying its own approved procedures.

6. That the City and County of Denver may deny recertification or rescind certification and initiate action under Federal, State or City laws concerning false statements, if during or after the certification process they find that the undersigned has submitted false, misleading or materially incomplete information.

7. That the City and County of Denver has the right to refuse certification of any business enterprises, based on the implementation of the ACDBE, DBE, EBE, MBE, SBE, SBEC and WBE eligibility standards, despite the fact the business enterprises may be certified by another public agency.

By my signature I understand and accept the seven (7) statements above governing the consideration of this application of my business enterprise's certified status.

Printed/Typed Name of Owner:

Title:

Owner Signature:

Date:

NOTARY PUBLIC

State of:

County of:

Subscribed and sworn before me this _______ day of ____________, _______

Signed (Notary Public):

Address of Notary:

My Commission Expires:

NOTARY SEAL

Rev. 03/24/2014
<Date>

Dear <Name>:


The Division of Small Business Opportunity (DSBO) is pleased to inform you that <Company Name> is certified as a Disadvantaged Business Enterprise (DBE) pursuant to the US Department of Transportation's Regulation 49 CFR Part 26. Your firm will be listed on the Colorado Unified Certification Program's (UCP) on-line directory of eligible DBEs at www.coloradoodebe.org. Your firm is certified with the following dates:

<Certification Dates>

<Company Name> is eligible to participate as a DBE on US Department of Transportation financially-assisted projects in Colorado in the NAICS work codes and work specialties appearing below.

NAICS Codes:

<Commodity Codes field from B2G>

WORK SPECIALTY:

<Full Description of Capabilities/Products field from B2G>

Your business enterprise is required to maintain an accurate mailing address, email address and telephone number information with DSBO. If any changes occur in the firm's legal structure, ownership, management, control, or work performed, you must notify DSBO immediately. Failure to report any of these changes may result in removal of your business enterprise from the Certification Directory and possible revocation of certification of your business enterprise as a DBE.

The anniversary date of your firm's DBE certification is <Date>. You will be notified prior to the anniversary date that eligibility must be re-evaluated. It is your responsibility to request and submit a renewal application and all of the documents required within the renewal application in order for your renewal to be processed. Pursuant to 49 CFR 26.83(l), submittal of this information is required to ensure that there is no interruption of your firm's status as a certified DBE.

You may visit www.work4denver.com to view upcoming Construction/Professional Service bidding opportunities. This letter must be attached to your Letter of Intent (LOI) for bidding opportunities in which you may be utilized for goal participation.

Sincerely,

Chris Martinez
Director
CM/as
ATTACHMENT 7

Uniform Certification Plan
UNIFIED CERTIFICATION PROGRAM PLAN

DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA

STATE OF COLORADO

Revised 2013
Table of Contents:

Introduction.................................................................................................................. 2
Program Commitments............................................................................................... 2
Ratification Process .................................................................................................... 2
Executive Committee.................................................................................................. 3
Communication ........................................................................................................... 3
Impact on Recipient Programs................................................................................... 4
Program Overview and Requirements....................................................................... 4
Certification Member Roles, Responsibilities, and Procedures .................................. 6
UCP Member Compliance ......................................................................................... 6
Training....................................................................................................................... 8
North American Industry Classification System (NAICS)........................................ 8
Appeals Process ......................................................................................................... 8
Third-Party Challenges ......................................................................................... 9
Reciprocity ............................................................................................................... 9
Interstate Certification ............................................................................................. 9
Process for Expediting Applications....................................................................... 10
Process for Adding Work Codes ........................................................................... 10
Attachments ........................................................................................................... 12

1. Original 2002 Colorado Unified Certification Program Plan
2. Executive Committee approval of 2013 UCP Plan revision
3. USDOT April 5, 2004 approval of Colorado UCP Plan
4. UCP Members who have ratified Colorado UCP Plan
5. Uniform Certification Application
6. Statement of Findings and Facts
7. Change Affidavit
8. Letter of Certification
9. UCP Work Code Map
10. Work Code Change Request
11. Approved UCP Executive Committee Meeting Minutes
STATE OF COLORADO
DISADVANTAGED BUSINESS ENTERPRISE
UNIFIED CERTIFICATION PROGRAM PLAN

Introduction

This document revises the original Colorado Unified Certification Program Plan of 2002 (see Attachment 1). For the sake of brevity, the sections in the original plan regarding the history and formation of Colorado's UCP have been omitted from this revision. Specifically, the sections on pages 2 through 8, as well as the first paragraph of page 9, of the original plan are omitted. They are adopted by reference to the original plan.

This revision does not alter the fundamental nature or concept of the original UCP plan, it only updates things such as current members, member names, typographical errors, etc. It also adds a process for admitting new members through the ratification process, and adds procedures for administration of the Certification process.

The need for revision to Colorado’s UCP plan was raised at a January 31, 2007 meeting of members in Denver. This revision has been reviewed and approved by the Unified Certification Program Executive Committee on behalf of the UCP members (see Attachment 2 for their approval). It is understood that any revision to the original UCP plan that alters its fundamental framework must be submitted to the US Department of Transportation (USDOT) for approval. The original UCP plan was approved by USDOT on April 5, 2004 (see Attachment 3).

Program Commitments

In accordance with 49 CFR Part 26.81, USDOT recipients within the State of Colorado establish the following Unified Certification Program (UCP). The UCP will follow all certification procedures and standards of 49 CFR Parts 23 and 26. The UCP will cooperate fully with oversight, review, and monitoring activities of USDOT and its operating administrations. The UCP will implement USDOT directives and guidance concerning certification matters.

Ratification Process

All Colorado recipients of federal funds administered by USDOT, either directly or indirectly, must ratify or comply with this UCP Plan. Failure to ratify the plan may be grounds for USDOT, or one of its operating administrations, finding the recipient in “noncompliance” with its DBE Regulation. A finding of noncompliance may put the recipient's federal funds in jeopardy.

See Attachment 4 for a list of UCP members who have ratified this plan.
Executive Committee

It is impractical to put all decisions regarding the UCP before the entire UCP membership. Therefore, the UCP establishes a Unified Certification Program Executive Committee (UCPEx) for the purpose of rendering decisions on issues relevant to the program both during implementation and throughout its future evolution. This committee will meet regularly during UCP implementation and a minimum of semi-annually thereafter. The UCPEx will include, but is not limited to, representatives from the following agencies: the Colorado Department of Transportation, the Regional Transportation District, the City and County of Denver’s DSBO, Colorado Springs Airport or designated City of Colorado Springs representative, and a fifth member, representing the smaller members, invited for the meeting.

For purposes of determining a quorum and voting, each member agency of the UCPEx is entitled to one vote. A quorum is defined as the presence of a majority of the UCPEx members then named at the time of the meeting. A vote of the majority of UCPEx members in attendance at a meeting at which a quorum is established shall be the act of the UCPEx on all normal matters. Upon approval by the UCPEx, the minutes will become part of this UCP plan by incorporation into Attachment 11.

The following rules will be in effect for matters described as extra-normal. A quorum is defined as the presence of all members then named at the time of the meeting. A unanimous vote of all UCPEx members then named at the time of the meeting is required to act on all such matters. Extra-normal matters may include alteration of this UCP Plan in any fundamental manner, admittance of new UCPEx members, and recognition of new Certifying Members.

Communication

Sharing information on any matter related to the operation of the UCP is a core element of the process. All Colorado UCP members must be free to communicate openly with each other. Communication can take the form of, but is not limited to, telephone conversations, conference call, meetings, correspondence, and/or electronic transmittals.

If any Colorado UCP member is in receipt of information that is necessary or critical to making a determination of DBE eligibility, they shall notify and submit the appropriate information to the member conducting the review, if known, or to all of the recognized certification members if the member is unknown. Each Colorado UCP member shall be made aware through use of the UCP Directory of all status changes affecting certifications.

This UCP plan is a document that is certain to undergo revisions, changes and improvements over the course of time. The UCPEx will strive to keep all recipients informed of potential changes and solicit continuous input aimed at refining and improving the UCP. CDOT’s Civil Rights & Business Resource Center is the point of contact for all such input, which will subsequently be relayed to the UCPEx for any necessary action.
Impact on Recipient Programs

The UCP will not establish, recommend, or alter any UCP member’s overall DBE Program, other than to supplement an approved program submittal, DBE goal or goal methodology. DBE goal development, program administration, monitoring, and reporting remains the sole responsibility of the member with a USDOT-approved DBE Program in accordance with 49 CFR Part 26.

Program Overview and Requirements

Colorado’s UCP concept is referred to as Interagency Recognition. It is one that allows for one or more certifying members within the state of Colorado, each operating independently but bound together by this UCP plan and its requirements.

EACH CERTIFYING MEMBER MUST:

- Be a current Colorado UCP member;
- Submit a written request to the UCPEx that it be recognized as a certifying member. The request must clearly demonstrate that the requesting member possesses the necessary in-house staff (not contractor) with expertise in the certification process and eligibility standards, that is has the ability to control certification work, and indicate how it will comply with all aspects of this UCP plan;
- Be formally recognized in writing, by unanimous agreement of the UCPEx, as a certifying member. The UCPEx is responsible for compliance and oversight of Colorado’s UCP. Currently, CDOT’s Civil Rights & Business Resource Center (CRBRC) and the City and County of Denver’s Division of Small Business Opportunity (DSBO) are the only recognized certifying members;
- Adopt or employ the platform/system deployed by the certifying members at the time the ;
- Recognize as a certified DBE, any business that has obtained a valid certification from any certifying member recognized by the UCPEx;
- Apply criteria established by USDOT in 49 CFR, Part 23 or Part 26 as applicable, to all businesses applying for DBE certification to perform work on USDOT-assisted highway, aviation, and transit projects;
- Apply criteria established by the USDOT in 49 CFR Part 23 to all businesses applying for DBE certification to perform work in the area of airport concessions;
- Utilize the Uniform Certification Application provided in appendix F to 49 CFR Part 26, included herein as Attachment 5, for all businesses applying for DBE certification under 49 CFR Parts 23 and 26;
- Utilize the Uniform Statement of Findings and Facts, included herein as Attachment 6, to summarize the certification determinations for all firms making application for DBE certification;
- Utilize standard Change Affidavit included herein as Attachment 7. Accept a Change Affidavit from any firm who submits it to them. If they are not the administrators of the firm’s DBE certification, they will forward it to the member that is for processing;
- Utilize standard Letter of Certification included herein as Attachments 8;
- Establish an appeal process consistent with the requirements of 49 CFR Parts 26.86-89;
- 49 CFR Part 26.81(g) requires “Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this section), the information required by section 26.31. The UCP shall make the directory available to the public electronically, on the internet, as well as in print.” Pursuant to those requirements, each certifying member will participate in a Unified Certification Directory (UCP Directory) and provide updates regarding new certifications, renewals, denials and other appropriate information at a minimum frequency of once per week;
NOT process for certification any DBE application submitted by a firm previously denied, or whose certification was revoked, by another certifying member recognized under this UCP; UNLESS 12 months has elapsed since the firm was notified of its denial or revocation of certification;

Reapplications must be made to the certifying member that issued the denial or revocation within 3 years from the date of denial or revocation. If a firm denied by CDOT becomes certified by DSBO for its local programs, elects to reapply for DBE certification after 12 months but less than 3 years following the DBE denial, it must reapply for DBE certification with CDOT. Exceptions to this requirement may be made when an applicant submits a written request to have its new application processed by a different member;

Firms that have withdrawn prior applications must reapply with the certifying member to which the original application was made if the prior withdrawal occurred within 1 year;

There will be no joint processing of DBE applications; and

Regarding Information Sharing: send, to all certifying members operating within the State of Colorado, a copy of any denial and revocation notification letters issued; keep a comprehensive file of its own and other members' denials and revocations to ensure they do not process applications from firms who have been denied or revoked by another certifying member.

ALL MEMBERS MUST:

- Be recipients of USDOT financial assistance;
- Abide by the provisions of this UCP plan and the requirements of 49 CFR Parts 23 and 26;
- Recognize as certified DBEs, only those firms contained in the UCP Directory;
- Recognize as certified DBEs, all firms in the UCP Directory regardless of the certifying member proffering the certification, provided the certifying member is recognized by the UCPEx to perform certification functions; and
- Refer businesses seeking DBE certification to one of the certifying members recognized by the UCPEx to perform certification functions.
Certification Member Roles, Responsibilities, and Procedures

The DBE Program is a USDOT program. As such, firms seeking certification must provide a service that can be used by at least one Colorado UCP member to meet a DBE goal. To be processed, applications from firms that do not provide a service listed on the current Colorado Unified Certification Program (UCP) Work Code Map (see Attachment 9) must include a written referral letter from a UCP member. The referral letter must identify the specific services and state that those services can be counted toward the member's DBE goal.

UCP members entrusted with Certification services under this UCP plan acknowledge that it is their responsibility to provide those services on behalf of all Colorado UCP members. Inherent in that responsibility is the willingness to provide those services without regard to a determination that a given firm provides services that may not be used in its own DBE program.

Applications are to be processed by the certifying member to whom an application is submitted; applications will not be transferred between certifying members. The sole exception to this policy will be in the case of firms seeking ACDBE certification for DIA. If a firm seeking ACDBE for DIA certification applies with the CRBRC, the application will be transferred to DSBO.

Firms whose applications have been denied, revoked, or withdrawn may not reapply until one year has passed from the date of the denial, revocation, or withdrawal. Within 3 years from the date of the denial, revocation, or withdrawal firms seeking to reapply must do so with the agency issuing the denial, revocation, or withdrawal. Following 3 years, the firm may reapply with any certifying member.

Once a firm has been certified, administration of the file will remain with the certifying member who conducted the review and granted certification. Files will not be transferred from one certifying member to another.

The certifying member is responsible for making any changes. Those changes include address, phone number, contact person, email, and work codes. If another member receives a request to make changes, the request must be forwarded to the member administering the firm's DBE certification.

When CDOT or DSBO certifies a DBE trucking company, the number of trucks must be entered into the Business Description field in the UCP directory in the following format: X eligible to be counted.

UCP Member Compliance

A great deal of the discussion has taken place regarding the need to trust each UCP member, as well as acknowledging issues that may arise related to quality and compliance. We acknowledge there are many agency-specific issues related to certification processes. The primary areas of concern are:

- Political Influence or Interference in Certification Determinations;
- Incomplete or Inadequate Definition of Processes;
- Non-Compliance With 49 CFR Parts 23 and 26; and
- Quality of Determinations.

In order for the UCP to succeed and its members to maintain the level of trust needed to effectively comply with the UCP requirements, it is necessary to implement minimum requirements for compliance, as well as a process for dealing with any member that is found to be in non-compliance. The specific minimum requirements are:

- All decisions related to certification must be made in compliance with 49 CFR Parts 23 and 26. This requires the political independence to make determinations based upon the specific facts presented;
- Outside entities, such as industry or political organizations, cannot be involved in the certification process or determinations;
- All certifying members must make all decisions and recommendations on certification based purely upon the eligibility requirements, without consideration of political influence or factors; and

- All UCP members agree that there is no "conditional, provisional, or emergency" certification, nor is there a provision within 49 CFR Parts 23 or 26 for "conditional, provisional, or emergency" certification. Eligibility determinations are to be made in accordance with 49 CFR Parts 23 and 26 from the facts presented at the time of application.

If any Colorado UCP member feels that a particular member is not complying with the requirements of 49 CFR Parts 23 and 26, they may make a written complaint to the UCPEx through CDOT’s CRBRC. The UCPEx will review the complaint and circumstances fully. If the UCPEx, not including the complaining member or the member in question, reaches a consensus that the member is not complying with the requirements, remedial action will be taken. Remedial action can take the form of one of the following:

- **Written Findings** – The UCPEx may issue a formal written determination of the issues regarding that member’s certification procedures or practices. This determination will be sent to the senior management official or chief operating officer of the member in question, the program administrator, and USDOT. It is hoped that the member will review the procedures at issue and make improvements to the process in order to meet 49 CFR Parts 23 and 26;

- **Monitoring & Concurrence** – The UCPEx may issue a formal written determination as set out above, as well as provide a procedural review and concurrence process. It is the hope of the members that the member in question will take this opportunity to gain additional knowledge and education of the regulations and requirements;

The member in question will be required to obtain UCPEx concurrence in certification determinations for a specific period of time. Depending upon the situation, the UCPEx may choose to “pair” the member with another certifying member or it may choose to require concurrence by a majority of the UCPEx. If a member is paired with another certifying member and a dispute continues to exist, the UCPEx will make the final determination; or
- **Non-Compliance** – Should the UCPEX make every effort to correct the deficiencies in a member’s certification process but is unsuccessful, additional measures may be necessary. Should the UCPEX find that a member is not acting in good faith, the UCPEX will submit its findings to USDOT and the relevant operating administration along with a formal request for assistance in resolving the issue.

**Training**

The UCPEX is committed to implementing a process that meets the requirements of the regulation and is applied uniformly by all certifying members. Uniform training is the key. This committee will develop and initiate training sessions to ensure all current and future certifying members utilize the same methods and procedures and make sound DBE certification determinations. All certifying members will be required to complete these training sessions before beginning certification reviews. Confirmation of a member’s completion of training will be made by the UCPEX through a formal letter of recognition.

**North American Industry Classification System (NAICS) Codes**

The Colorado UCP certifying members will certify all firms in compliance with 49 CFR Part 26, including designating specific work types. The NAICS codes will be used for determining small business size as required by 13 CFR Part 121. Consistent with 49 CFR Part 26.71(n), specific work types DBE firms are eligible to be counted for will be based on the NAICS system. Colorado has agreed to identify firms by a six-digit base number plus a text description. The following is an example of a complete work code: 541330 Electrical Engineering Services.

Any firm may request modification and/or additions to their approved work codes by making a written request to the certifying member. That request must include the equipment and experience indicating the firm’s ability to perform the particular work type. In addition, the firm must submit documentation of past contracts on which the firm has performed the specific type of work. A sample request form is contained herein as Attachment 10.

**Appeals Process**

Each certifying member must have an appeals process in place that meets the requirements of 49 CFR Part 26. Colorado UCP’s two certifying members have firmly established appeals processes. Applicants wishing to appeal denial determinations of initial applications must appeal directly to USDOT. Firms wishing to appeal a certification revocation determination will appeal through the certifying member’s local appeal process. In the event a firm wishes to appeal that local determination, it must appeal directly to USDOT.
Third-Party Challenges

Colorado UCP’s certifying members shall accept signed written complaints from any person, including Colorado UCP members, alleging that a currently certified firm is ineligible. The complaining party must state specific reasons for ineligibility and submit any documentation in support of the challenge. The firm whose certification is challenged will be notified by the administering member in writing of the challenge, the basic grounds, and the relevant eligibility standards. The administering member will be responsible for thoroughly investigating the complaint, within a reasonable time, not to exceed 60 days. The member shall notify the DBE in writing, by certified mail, of the preliminary findings. If reasonable cause to remove certification eligibility is found, they will notify the complaining party of the specific grounds and inform the firm of its right to appeal the preliminary findings in accordance with the certifying member’s appeal process.

Reciprocity

In accordance with 49 CFR Part 26.81(e) and (f) Colorado UCP may elect to enter into written reciprocity agreements with UCPS in other states or regions. The decision to execute such an agreement will be made by a majority vote of the UCPEX. All Colorado UCP members agree that they will not independently execute any reciprocity agreements with any other agency or entity, including city, county, state or federal agencies, binding that member, and subsequently the UCP, to a reciprocity agreement.

Interstate Certification

In January 2012 USDOT’s new rule (49 CFR Part 26.85) governing interstate certification took effect. When a firm located outside Colorado applies for DBE certification in Colorado, Colorado UCP may process the application in one of two ways (assuming the firm is certified in its home state): we may accept the home state’s certification and certify the firm without further procedures, or we may not accept the home state’s certification. The UCPEX has chosen the second option to process out-of-state applications.

The applicant must provide Colorado UCP with a complete copy of its (original) application form, all supporting documents, and any other information it has submitted to the home state or any other state related to the firm’s certification. (See 49 CFR Part 26.85(c))

Within 7 days of receiving all information required under Part 26.85(c), Colorado UCP must contact the home state to request a copy of the on-site interview transcript and eligibility report.

Within 60 days of receiving all information required under Part 26.85(c), Colorado UCP must certify the firm or notify it of the specific reasons why we believe it is not eligible. Colorado UCP must provide an opportunity for an appeal with the decision maker. The firm may respond in writing or request an in-person meeting. In-person meetings must take place within 30 days of the request.

Colorado UCP must issue a written determination within 30 days of receipt of the written response or the meeting with the decision maker, whichever is later. This determination may be appealed to USDOT.

Process for Expediting Applications

As a matter of general principle, applications for DBE certification are to be processed on a first-come first-served basis. Colorado UCP members set forth the following process for expediting applications:

- The expediting process is to be used on a case-by-case basis;
- The general principle behind the expediting process is that the firm performs a service that could be used on an upcoming project of a Colorado UCP member, and that there is a lack of currently certified firms on the UCP Directory performing that service which could be drawn upon;
- A request to expedite an application must be made in writing by the prime contractor or consultant proposing to use the applicant to meet a DBE goal on a specific project or contract;
A request to expedite must include the project (project number if known), the UCP member owning the project, the type of work the firm seeks to perform on the project, and the date of bid opening or proposal submission;

- Agreement to expedite an application is not a guarantee of a favorable outcome, i.e., certification;

- Agreement to expedite an application does not include "conditional" certification pending an eligibility determination; and

- Agreement to expedite an application is nothing more than putting the application to the front of the application queue. The applicant must meet all other processing requirements, i.e., complete documentation, on-site interview, eligibility standards.

Process for Adding Work Codes

Because the DBE Program is a program of USDOT, firms seeking certification must provide a service that can be counted by at least one UCP member toward that member's annual DBE goal. The Work Code Map is a reflection of the various types of work UCP members have indicated they can count in their programs. This section defines the process to create and add new work codes to the UCP Work Codes.

- First, the requested new work code must exist in NAICS. Colorado UCP will not create work codes that do not already exist in NAICS;

- Colorado UCP members will be surveyed to confirm that the services can count toward a DBE goal. If no UCP member responds affirmatively, there is no need to add the work code and the process will end;

- If at least one UCP member responds affirmatively, the requested work code will be created, but only if a minimum of two DBE firms performing the requested work code are available; and

- Until there are at least two DBE firms available, the firm making the request should be given an appropriate miscellaneous work code with a suitable description in the Certified Business Description field.