

UNIFIED CERTIFICATION PROGRAM PLAN



STATE OF COLORADO

Revised December 2024

Purpose of the UCP

Federal regulations require all United States Department of Transportation (USDOT) recipients within the State of Colorado to participate in the Colorado Unified Certification Program (UCP). The purpose of the UCP is to provide “one-stop shopping” to applicants for Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state. The UCP certifying agencies make certification decisions on behalf of all USDOT recipients in the state with respect to participation in the USDOT DBE and ACDBE Programs. Certification decisions made by the UCP are binding on all DOT recipients within the state. All participants in the UCP must cooperate fully with oversight, review, and monitoring activities of USDOT and its operating administrations.

UCP Directory

The directory of all Colorado UCP certified firms is available at <http://co-dbe.org>. It is updated as certification decisions are made. The Colorado UCP does not have any reciprocity agreements with other states or entities. Only those firms certified by a UCP certifying agency and listed on the UCP DBE Directory may count as a DBE or ACDBE in Colorado.

Executive Committee

The UCP Executive Committee (EC) is responsible for ensuring the UCP is in compliance with federal regulations. The EC includes representatives from the following agencies: Colorado Department of Transportation (CDOT), Regional Transportation District (RTD), City and County of Denver, Colorado Springs Airport or designated City of Colorado Springs representative, and a fifth member, representing the smaller, rural members.

For purposes of determining a quorum and voting, each EC agency is entitled to one vote. A quorum is defined as the presence of a majority of the EC members named at the time of the meeting. A vote of the majority of EC members in attendance at a meeting at which a quorum is established shall be the act of the EC on all normal matters.

The following rules will be in effect for matters described as extra-normal. A quorum is defined as the presence of a majority of the EC members named at the time of the meeting. A unanimous vote of all EC members at which a quorum is present 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 EC members, recognition of new Certifying Members.

EC meetings shall take place quarterly. Minutes are taken by the host agency and approved at the next meeting. Upon approval, meeting minutes are retained by CDOT’s Civil Rights & Business Resource Center (CRBRC). The certifying agencies shall provide a report of all certifications, denials, revocations and suspensions at each meeting or via electronic format in advance of each meeting.

Certifying Agencies

The Colorado UCP certifying agencies operate independently but are bound together by this UCP Agreement. CDOT and the City and County of Denver are the current Colorado UCP certifying agencies. The certifying agencies provide DBE and ACDBE certification services on behalf of all Colorado UCP members.

The certifying agency is responsible for making any changes to an existing certification. 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 certifying agency administering the firm's DBE certification.

Any UCP member may apply to be a certifying agency by submitting a written request to the EC. The request must clearly demonstrate that the requesting agency possesses the necessary staff to process certification applications and the financial resources to adopt and maintain the software system employed to produce the UCP DBE Directory. It is highly recommended that staff possess expertise in the certification process and eligibility standards.

If any agency or individual feels that a particular certifying agency is not complying with the requirements of 49 CFR Parts 23 and 26, they may make a written complaint to the EC through CDOT's CRBRC. The EC will review the complaint and circumstances fully. If the EC, not including the complaining member or the agency in question, reaches a consensus that the certifying agency is not complying with the requirements, remedial action will be taken.

Remedial action may take the form of a formal written determination of the issues regarding that agency's certification procedures or practices. This determination will be sent to the senior management official or chief operating officer of the agency in question, the program administrator, and USDOT. The certifying agency shall review the procedures at issue and make improvements to the process in order to meet 49 CFR Parts 23 and 26.

The EC may also require a procedural review and concurrence process. The member in question will be required to obtain EC concurrence in certification determinations for a specific period of time. Depending upon the situation, the EC may "pair" the member with another certifying member or it may require concurrence on certification decisions by a majority of the EC. If the paired members' dispute the determination, the EC will make the final determination.

The EC shall make every effort to correct the deficiencies in an agency's certification process, but if unsuccessful, the EC may submit its findings to USDOT and the relevant operating administration along with a formal request for assistance in resolving the issue.

Certification Standards and Process

The UCP certifying agencies must follow all certification procedures and standards of 49 CFR Part 26 and Part 23, as applicable, and as set forth in each certifying agency's respective DBE program manuals. The UCP certifying agencies must implement USDOT directives and guidance concerning certification matters. Firms seeking certification must provide a service that can be reasonably viewed as being able to count toward the DBE goals of at least one USDOT recipient.

Jurisdiction of Original Certification (JOC) Procedures

Certifying agencies may not process certification applications from firms that have been denied certification, or whose certification has been revoked, until one year has passed from the date of the denial or revocation. Applicant firms may voluntarily withdraw an application prior to a final agency decision on eligibility. Such firms may reapply for certification at any time following the voluntary withdrawal. However, firms that withdraw an application must submit a new and updated application, including supporting documents, upon reapplication. The updated application will be placed in the queue based upon the date of receipt. Applicant firms with a demonstrated pattern of frequently withdrawing applications prior to a final agency decision will not be permitted to reapply until one year has passed from the date of the most recent voluntary withdrawal.

Applications must be processed by the certifying agency to which an application is first submitted. Applications will not be transferred between certifying agencies except for good cause. Once a firm has been certified, administration of that firm's certification record will remain with the certifying agency who conducted the review and granted certification. Certification records will not be transferred from one certifying agency to another except upon demonstration of good cause by either the applicant or the certifying agency.

All firms seeking ACDBE certification must apply through the City and County of Denver's Department of Aviation (DEN). The certifying agency that certified a firm as a DBE will continue to administer that firm's certification record, regardless of any subsequent ACDBE applications and/or certifications with DEN. Exceptions can be made upon demonstration of good cause by either the applicant or the certifying agency.

The certifying agency that certified a firm as a DBE is responsible for updating that firm's existing certification record, including the processing of any work code change requests. If another certifying agency receives a work code change request, the request must be forwarded to the certifying agency responsible for administering that firm's DBE certification record.

Interstate Certification Procedures

The Colorado UCP will process interstate applications pursuant to 49 CFR § 26.85.

NAICS

The work performed by a firm that is eligible to be counted for DBE participation will be identified by using the NAICS system's six-digit base number system plus the applicable "Corresponding Index Entry." The following is an example of a complete work code: 541330 Electrical engineering services.

Informal Hearing

These proceedings will be held in accordance with 49 CFR 26.87.

The Colorado UCP may use a contracted hearing officer or a representative from another UCP member that did not take part in the decertification decision to preside over informal hearings and serve as the decisionmaker.

Ratification

All USDOT recipients located in Colorado must ratify this UCP Agreement. In order to ratify the Agreement, the recipient must submit a signed copy of the Ratification Letter (see attachment 1) to the Colorado Department of Transportation Civil Rights and Business Resource Center at 2829 W. Howard Place, 1st Floor, Denver, CO 80204 or by email to dot_certifications@state.co.us. Failure to ratify the Agreement may be grounds for USDOT, or one of its operating administrations, finding the recipient in noncompliance with 49 CFR Part 26. A finding of noncompliance may put the recipient's federal funds in jeopardy.

By ratifying the Agreement, an agency agrees that it will recognize as a certified DBE or ACDBE, any business that has obtained a valid certification from any certifying agency. If a UCP member is in receipt of information that is necessary or critical to making a determination of DBE or ACDBE eligibility, the agency shall notify and submit the information to the appropriate certifying member.

UCP members shall not independently execute any DBE or ACDBE certification 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.

Attachments

1. Ratification Letter Template