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**2014 DOT CIVIL RIGHTS VIRTUAL SYMPOSIUM
SPEAKING WITH ONE VOICE: BROADENING PERSPECTIVES**

UNDERSTANDING THE UNIFIED CERTIFICATION PROGRAM (UCP)

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Department of Transportation**



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49 CFR Part 26 Requirements

What are the requirements for Unified Certification Programs?

- 49 CFR 26.81 requires all DOT recipients in each state to participate in a Unified Certification Program (UCP).
- The UCP shall provide “one-stop shopping” of certification services to socially and economically disadvantaged individuals.
- Applicant is required to apply **only once** for a DBE certification that will be honored by all recipients in the state.
- Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this part), the information required by §26.31. The UCP shall make the directory available to the public electronically, on the internet, as well as in print. The UCP shall update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made and shall revise the print version of the Directory at least once a year.



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Certification

- DBE Rule says certifying entity must request additional information within 30 days after receipt of the application
- 90 days from complete application
- Extend once for no more than 60 days with written notice and explanation with specific reasons for extension
- Perform interviews and onsite investigations



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Interstate Certification

- Background
- 49 CFR §26.85 - Applicant sends Home State A certification letter to State B, requests certification
- State B confirms with State A or on-line
- State B may accept State A's certification without further action
- If State B does not accept State A's certification
 - Applicant sends all documents to State B
 - Copy of State A application and all other supporting documents, affidavits of no change, correspondence
 - Copy of notices from other States about application status, denials, decertifications
 - Copy of any certification appeals with DOT
 - Affidavit that all information is true and correct
- State B has 7 days to request onsite from State A
- State A has 7 days to provide onsite to State B



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Interstate Certification (cont.)

- State B has 7 days to request onsite from State A
- State A has 7 days to provide onsite to State B
- If State B agrees with State A's certification, State B, no later than 60 days of receipt of all information, must send to the applicant firm a notice that is certified and include the firm in the state's DBE directory list.
- If State B determines that there is good cause to believe that State A's certification is erroneous or should not apply in State B, you must, notify no later than 60 days from the date on which State B received from the applicant firm all the information required, send to the applicant firm a notice stating the reasons for your determination.

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



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Interstate Certification (cont.)

- Examples for Good Cause to Reject
 - Evidence of fraud
 - New information
 - Certification factually erroneous or inconsistent with regulations
 - Applicant does not submit required documentation



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Frequently Asked Questions

- Unified Certification Program means that I have to apply only to one state and I am a certified DBE in all states?
 - No, Applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state.
 - However, Interstate Certification Provisions Became Mandatory January 1, 2012. States to accept DBE certification from other states unless there is “good cause” not to accept it.
- Do firms need to seek certification from other agencies that they are interested in doing business with?
 - The objective of the UCP is to provide "one-stop shopping" to applicants for certification, thus applicant is required to apply only once for a DBE certification. In the past, a firm would be required to apply for certification as a DBE with each agency with which the firm wants to work, now the firm applies one time with a state certifying agency.
- Do all states have an Unified Certification Program (UCP)?
 - Yes. All states have an UCP.



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Frequently Asked Questions (cont.)

- When must a state agency participate in the UCP?
 - All Federal Highway Administration (FHWA) recipients receiving funds authorized by a statute to which 49 CFR 26 part applies .
 - FTA recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) exceeding \$250,000 in FTA funds.
 - FAA recipients receiving grants for airport planning or development who will award prime contracts exceeding \$250,000 in FAA funds.
- Are state DOTs required to maintain a DBE Directory?
 - 49 CFR 26.81(g) requires each UCP to maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this part), the information required by §26.31. The UCP shall make the directory available to the public electronically, on the internet, as well as in print. The UCP shall update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made and shall revise the print version of the Directory at least once a year.



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Frequently Asked Questions (cont.)

- Do I send my DBE Application Form to the U.S. Department of Transportation (DOT) HQs?
 - No. DOT HQs offices do not review DBE program applications. You need to send your DBE Application package to the state DOT or UCP in which you want to apply for.
- How do I get the address to submit my DBE application package?
 - You can find state DOT information in our website: www.dot.gov/osdbu
 - The state DOT website in which you plan to apply for DBE certification.



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Resources

DBE Application Form –

- U.S. Department of Transportation’s Office of Small and Disadvantaged Business Utilization (OSDBU).
<http://www.dot.gov/osdbu>
- State DOTs – Visit the state DOT website for the state you want to apply for. A complete list can be found in the DOT OSDBU website.
<http://www.dot.gov/osdbu>
- DBE Appeal process
 - <http://www.civilrights.dot.gov/>