

CONNECTICUT
DEPARTMENT OF
TRANSPORTATION

DBE PROGRAM

2020

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Introduction

The Connecticut Department of Transportation (Department) submits this Disadvantaged Business Enterprise (DBE) Program Plan to the United States Department of Transportation (DOT), acting through the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) in accordance with 49 CFR Part 26, as amended.

The DBE Program described within this manual has been designed and implemented by the Department to satisfy the DBE regulations codified at [49 CFR Part 26, as amended](#). The program also complies with [49 CFR Part 23, as amended](#), where applicable.

SUBPART A - GENERAL REQUIREMENTS

Section 26.1 Objectives

The Department's DBE Program aims to achieve the following DBE regulatory objectives for all types of firms; contractors and consultants:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs.
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- To ensure that the Department's DBE Program is narrowly-tailored in accordance with applicable law.
- To ensure that only firms that fully meet the eligibility standards of Part 26 are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To promote the use of DBEs in all types of DOT-assisted contracts and procurement activities.
- To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.
- To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Section 26.3 Applicability

The DBE Program applies to all financial assistance where the Department expends DOT funds, as well as to any sub recipient to whom the Department extends federal financial assistance. The DBE Program requirements do not apply to projects that do not include federal assistance.

The Department is the recipient of Federal-Aid highway funds authorized under Titles I (other than Part B) and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, or Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178, 112 Stat. 107. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; and Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405.

The Department is the recipient of Federal Transit funds authorized by Titles I, III, V and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the TEA-21, Pub. L. 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; and Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405.

Section 26.5 Definitions

The Department uses the definitions contained in Part 26, Section 26.5, for this program. In addition, the following terms not included in Part 26, Section 26.5, will have the meanings provided in the Documents section of the manual.

Agreement – contract instrument between the Department and an entity for the provision of professional services.

Department – means the State of Connecticut Department of Transportation

OCC – Refers to the State of Connecticut Department of Transportation Office of Contract Compliance.

OOC- Refers to the State of Connecticut Department of Transportation Office of Construction.

Overconcentration – A situation in which DBE firms perform such a disproportionate share of a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work.

Sub recipient – Any entity, public or private, to which the Department has extended DOT financial assistance in support of the programs of the FHWA or FTA, or any entity that has applied for such assistance.

For additional definitions, please refer to Attachment 1.

Section 26.7 Non-Discrimination Requirements

The Department shall not 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 Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, the Department shall not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Recordkeeping Requirements

The Department reports DBE participation to each DOT agency in accordance with Part 26 recordkeeping requirements and with additional requirements imposed by FHWA and FTA in conformance with Part 26. The Department will continue to submit the semi-annual Uniform Report of DBE Commitments/Awards and Payments to FHWA and FTA by June 1st and December 1st of each year, or as directed by DOT.

Data used to populate the Uniform Report of DBE Awards or Commitments and Payments is collected by the Department on an ongoing basis. The Department consolidates the collected data and uses it to complete the Uniform Report, which is then forwarded to DOT to meet the appropriate deadlines.

The Department will report to the Department of Transportation's Office of Civil Rights (DOCR), by January 1st of each year, the percentage and location of all DBE firms in its UCP Directory controlled by women, socially and economically disadvantaged individuals, and individuals who are women and are otherwise socially and economically disadvantaged individuals. The Department will also provide DOCR with any UCP information requested under FAST Act, or current authorizing legislation as required.

The Department maintains a bidders list and maintains a Vendor Profile database of all firms (DBE and non-DBE firms) performing work or interested in performing work for the Department. The Vendor Profile includes the name, address, DBE/non-DBE status, annual gross receipts, type of work performed and if they solicit work on federally-assisted contracts.

Using a survey method, the Department requests information by using its Affirmative Action Plan List (all contractors/subcontractors/consultants/sub consultants performing work that is \$10,000 or more must have a plan), prequalification lists, bidders lists, subcontractor approval lists, and vendors and contractors that are listed by other firms as firms they do business with. The mass mail survey forms are sent every other year, but the database is updated on an ongoing basis. The survey document is also available on the Department's website. The information is maintained in a Department database that resides in the OCC.

Bureaus and sections within the Department report DBE commitments, DBE Awards and Commitments by running electronic reports from their database systems. The information is then forwarded to the OCC.

The Department and sub recipients maintain all internal records relevant to DBE compliance, including, but not limited to commitments and awards, goal attainment, commercially useful function reviews, etc. for a minimum of three years.

Section 26.13 Required DBE Contract Assurances

The Department and its sub-recipients have signed the following assurance, which is applicable to all DOT-assisted contracts and their administration:

The Department shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26.

The Department shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The Department's DBE Program, as required by 49 CFR 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 Department of its failure to carry out its approved program, the DOT may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Each DOT-assisted contract that the Department signs with a contractor and each subcontract the prime contractor signs with a subcontractor must include the following assurance:

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 CFR Part 26 in the award and administration of DOT-assisted contracts. 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 recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding progress payments;*
- (2) Assessing sanctions;*
- (3) Liquidated damages; and/or*
- (4) Disqualifying the contractor from future bidding as non-responsible.*

Sub-recipients must similarly require that each DOT-assisted contract that is signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) includes the above assurances.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Requirements

The Department, as a direct recipient of federal funds, is required to establish a DBE Program and must apply the DBE Program to all expenditures of federal highway, aviation, and transit funds. These expenditures include construction contracts, professional services, management services, and research. The Department's sub recipients, as indirect recipients of federal funds, must comply with the Department's DBE Program.

The Department administers its DBE Program as required and submits periodic updates to DOT regarding significant changes in its program.

The Department is not eligible to receive DOT financial assistance unless DOT has approved its program and the Department is in compliance with its program as well as the requirements of part 26.

Section 26.23 Policy Statement

The Department's signed and dated DBE Policy Statement (Attachment 2) applies to the Department as well as its sub recipients. It is disseminated Department-wide, to sub recipients, and DBE and non-DBE business communities that perform work on the Department's DOT assisted contracts. The policy statement expresses the Department's objectives and outlines the responsibilities for implementation. When updates are made to the DBE Program, notice is given to affected business units of the Department and sub recipients; information and training is provided as needed. Significant changes to the program will be submitted to FHWA and FTA for approval.

Section 26.25 DBE Liaison Officer

The Department has designated the following individual as the DBE Liaison Officer:

Debra Goss, Manager
Office of Contract Compliance
Connecticut Department of Transportation
2800 Berlin Turnpike
Newington, CT 06111
(860) 594-2169

In this capacity, the OCC Manager is responsible for directing all aspects of the DBE Program and for ensuring that the Department complies with all provisions of Part 26

This includes ensuring adequate staff to administer the program in compliance with Part 26. The OCC Manager has direct independent access to the Department's Commissioner concerning DBE Program matters. The organizational chart for the Department showing the DBELO's access can be found in Attachment 4. The OCC consists of a Manager, two Equal Employment Opportunity Specialist 2, and two Equal Employment Opportunity Specialist. The organizational chart for the OCC can be found in Attachment 5 and the office directory can be found in

Attachment 6.

The DBELO is responsible for administering and monitoring the DBE Program. Duties and responsibilities include but are not limited to the following:

- Gathering and reporting statistical data and other information required by DOT.
- Establish and submit the Department's FHWA, and FTA DBE Methodologies and Goals.
- Review sub recipient contracts and purchase requisitions for compliance with this program.
- Work with contracting units to establish project goals.
- Maintain Vendor Profile Data.
- Participate in pre-construction and assignment meetings.
- Compile data and other information required by DOT.
- Submit required reports.
- Administering the Department's DBE Supportive Services Program.
- Administering the approved Small Business Program.
- Ensuring that bid notices and requests for proposals are available to DBEs/SBEs in a timely manner.
- Assisting in identifying contracting opportunities for DBEs/SBEs.
- Analyzing the Department's progress toward goal attainment and identifying ways to improve progress.
- Advising the Department's Commissioner and Deputy Commissioner on DBE matters.
- Participating with Department Executives, the Bureau of Project Delivery Staff, Districts, and the Department's Office of Chief Counsel in determining contractor compliance with good faith efforts (GFE).
- Working to resolve disputes between prime contractors and DBEs/SBEs.
- Providing DBEs/SBEs with information and assistance in preparing bids and obtaining bonding and insurance.
- Planning and participating in DBE/SBE training seminars, workshops, and networking sessions.
- Providing outreach to DBEs/SBEs and community organizations on how to do business with the Department and to promote contracting opportunities.
- Certifying DBEs and ACDBEs in accordance with the criteria set by DOT.
- Respond to USDOT certification appeals and conduct eligibility investigations.
- Maintaining and updating the statewide directory of certified CT UCP DBEs.
- Advise the Screening Committee of goal achievement progress.
- Update DBE specifications and contract provisions.

- Make determinations of GFEs and project goal achievement.
- Act as an advocate for the program.

The Department is responsible for the UCP for Connecticut and is the only agency authorized to perform DBE certification under 49 CFR for Connecticut. The OCC is responsible for performing on-site reviews and making certification determinations.

Although the responsibility for directing all aspects of the DBE Program lies within the OCC, responsibilities may be assigned to other agency departments to assist in the administration of the program.

Office of Contracts

- Accepts or rejects bids, based in part on proposed DBE achievement
- Coordinates GFE submissions for submission to the DBELO including data gathering
- Participates in prequalifying contractors

Office of Construction

- Approves proposed sub-subcontractors including DBE subcontractors
- Provides ad hoc reports on DBE goal achievement
- Coordinates with the DBELO to resolve project-related problems involving DBE participation
- Provides training to Districts on DBE involvement
- Monitors DBE goals for specific projects
- Reports on DBE project goal attainment
- Monitors Prompt Payment of DBE subcontractors
- Conducts quality assurance reviews
- Verifies that DBE firms are performing a Commercially Useful Function (CUF)
- Monitors Prompt Payment and handles complaints
- Gathers information for post-award DBE goal reviews to be submitted to the DBELO for approval

Consultant Design

- Monitors DBE goals for specific projects
- Reports on DBE project goal attainment
- Provides ad hoc reports on DBE goals, commitments, and attainments

Agreements

- Accepts or rejects proposals based, in part, on proposed DBE involvement
- Reports on DBE project goal attainment
- Provides ad hoc reports on DBE goals and commitments

Section 26.27 DBE Financial Institutions

There are no DBE financial institutions in Connecticut. We have made efforts to identify institutions throughout the state.

The Department and its DBE Supportive Services Consultant encourage and promote the use of small disadvantaged owned banks.

Section 26.29 Prompt Payment Mechanisms

Prompt payment of subcontractors, suppliers, and/or dealers by a prime contractor is required by the Department. The Department requires that subcontractors be paid within 30 days of the prime receiving payment for work performed. Sub recipients are also required to have a contract clause requiring prime contractors to pay subcontractors within 30 days of receipt of payment.

Regarding the holding of retainage, the Department follows 49 CFR 26.29 (b)(1) and does not hold retainage from its contractors and requires that its contractors not hold retainage from their subcontractors.

The Department has contract language which holds the contractor responsible for paying subcontractors within 30 days of being paid. Failure to comply with prompt payment requirements may result in a contractor/sub recipient being liable for interest on the amount due and owing at the rate of one percent per month, a reduction in contract payments, and/or result in a finding of non-responsibility on future contracts. The Department also reserves the right to set-off amounts owed against the amount owed to a contractor under any other contract or arrangement the contractor has with the State.

These prompt payment terms and conditions are incorporated into all Department contracts and consultant agreements.

The Department has detailed its prompt payment process in the “Office of Construction Prompt Payment Summary” see Attachment 19.

The OOC is responsible for monitoring and enforcing the prompt payment process.

The OOC addresses prompt payment when performing its Site Record Reviews. The prime contractor's procedures to ensure prompt payment of subcontractors are inspected during the Site Record Review. In addition, the following is included as part of the review.

- Are subcontractors being paid in a timely manner? Verify procedures to ensure prompt payment.

Any allegation of prompt payment anomalies are investigated by the OOC in conjunction with District personnel and the OCC.

In addition, during the project Compliance Reviews, OCC requires the Prime to complete a Subcontractor Prompt Payment form to monitor whether the Prime is meeting prompt payment requirements. Please see Attachment 19.

Section 26.31 DBE Directory

The CT UCP maintains a shared database that produces the statewide directory of firms eligible to participate as DBEs on DOT-assisted contracts. The CT UCP database is electronic and updates to the directory occur in real time. For each firm, the CT UCP Directory lists the firm name, address, owner, phone number, fax number, e-mail, website, applicable North American Industry Classification System (NAICS) codes, service category, and a description of work the DBE has been certified to perform.

A searchable directory of certified DBEs can be viewed by visiting http://www.biznet.ct.gov/dot_dbe/dbesearch.aspx. The directory is available at no cost to all agency offices, contractors, consultants, construction/consultant associations, minority, women and small business development entities, federal/state agencies, all interested bidders/proposers, and the general public.

Section 26.33 Overconcentration

The Department has not currently identified the existence of overconcentration in the types of work that DBEs perform. A contractor, however, may challenge that there is an area of DOT-assisted work in which there is an overconcentration of DBE firms, and that such concentration creates an undue burden for non-DBE firms in obtaining work in this area. Where such challenges are made, they shall be processed as follows:

The challenge must be submitted, in writing, to the following:

Ms. Debra Goss
Connecticut Department of Transportation
Office of Contract Compliance
2800 Berlin Turnpike
Newington, CT 06111

The written challenge must identify the challenging party, summarize the grounds for the challenge, and include all available information relevant to determining whether the challenge is valid. The Department will thoroughly review the information submitted.

If it is determined that there is reason to believe that the party has a valid claim, the Department will work with the concerned DOT operating administration on a determination of overconcentration and devise measures to address it.

Section 26.35 Business Development Programs

The business development programs offered by the Department are discussed below.

DBE Business Development Program

The Department operates a comprehensive DBE Supportive Services Program aimed at enhancing the growth, development, and self-sufficiency of all DBE firms competing for DOT- assisted contracts and subcontracts. The most current DBE Statement of Work can be found in Attachment 7. That program is part of the Department's Race-Neutral efforts. The Department also supports a Comprehensive Business Development Program (BDP) that is made available to a limited number of DBE firms that are considered mid-level or established. The firms are selected based on criteria including the firm's commitment to the program and readiness. Both the DBE Supportive Services Program and the BDP are federally-funded.

The DBE Supportive Services Program assists firms through conducting a comprehensive assessment and developing an implementation plan, which:

- Provides an analysis of the participating DBE's market potential, the competitive environment, and other business analysis capable of estimating the prospects for profitable operation during the term of participation in and after graduation from the program.
- Provides an analysis of the firm's strengths and weaknesses, with particular attention to the means of correcting any financial, managerial, technical, or labor conditions which could impede the participant from receiving contracts for work that historically has not been performed by DBEs.
- Sets specific targets, objectives, and goals for the DBE participant.
- Assists in the development of a Business Plan.
- Assist with bid and proposal preparation and identify contracting opportunities.
- Training.

The DBE Business Development program provides services which:

- Assist with bid and proposal preparation and identification of contract opportunities.
- Updating of a Business Plan.
- Technical assistance coaching and, if necessary, identifying other support resources.
- Networking Opportunities.
- Advanced Executive Training.
- Mentoring.

The BDP and the DBE Supportive Services Program are operated by one or more contractor(s) chosen using the Department's approved procurement process. The Department has also developed partnerships with other organizations that provide assistance to small businesses. This

allows the Department to provide additional services at little to no cost.

Connecticut Department of Administrative Services (DAS)-Supplier Diversity

DAS refers firms certified in the State of Connecticut's Small Business Program that are interested in becoming certified in the DBE program which allows for the expansion of businesses within the CT UCP. The Department also refers DBE firms to DAS for certification in the Small Business Program. http://www.biznet.ct.gov/dot_dbe/dbesearch.aspx

Section 26.37 Monitoring and Enforcement Mechanisms

The Department utilizes the following monitoring and enforcement mechanisms to ensure compliance with Part 26.

The Department brings to the attention of the DOT any known activities that appear to be inconsistent with Part 26 of this program so that the DOT can take the steps provided in Part 26, Section 26.107 (e.g., referral to the United States Department of Justice for criminal prosecution, referral to the DOT Inspector General and/or the Commonwealth's Office of Inspector General, or action under suspension and debarment or Program Fraud and Civil Penalties rules).

The Department employs a number of standard forms used to collect DBE information for initial project setup and for ongoing monitoring of DBE participation:

- Screening Committee Request for Goal Assignment
- Pre-Award DBE Commitment Approval Request Form
- DBE Approval Memo
- Consultant Approval Form (Con-128)
- Consultant DBE Certification Form
- Project Site Record Review (Attachment 27)
- Contractor Compliance Review
- Guide to Civil Rights Compliance (Attachment 20)
- Process and Application for Pre-award GFEs
- Pre-award GFE Monthly Update
- DBE Commercially Useful Function Report
- Sub-consultant Payment Log (Attachment 23)
- Bi-monthly Report on DBE Participation
- Subcontractor Approval Form (CLA-12)
- Final DBE or SBE Participation Report (88-1 Report)
- Request to Reduce or Eliminate Design Related Work Assigned to DBE
- Commercially Useful Function Form
- DBE Awards and Commitments Report

- Request to terminate or reduce work assigned to a Disadvantaged Business Enterprise

The Department conducts direct monitoring of DBE requirements via a number of methods. The Equal Employment Opportunity (EEO) Coordinators conduct onsite compliance reviews (Attachment 28) of FHWA funded Highway Construction projects. The EEO Coordinator reviews DBE subcontracts, payments, completed CUF reports, and evaluates any DBE firms working on the project during the date of the visit. The EEO Coordinator also reviews monthly progress reports submitted by individual Engineering Districts which provide status on all FHWA funded projects. Based upon the comments included in the report and the progress of individual projects in meeting the goal, the EEO Coordinator conducts follow up inquiries and provides technical assistance as needed.

The Project DBE Special Provisions (Attachment 3) define how DBE participation is counted towards credit throughout the document. In order to receive credit toward the Contract DBE goal, the firms utilized as DBE subcontractors or suppliers must be certified as DBEs in the type of work to be counted for credit by CTDOT's OCC prior to the date of the execution of the subcontract. Only DBE work specified in the Pre-Award Commitment (PAC) and work that meets a Commercially Useful Function (CUF) will be counted towards the Project DBE goal. The Prime Contractor is held responsible to meet these requirements at all times, from the time of award (by the Office of Contracts and the OCC units) to ensure they and/or their subcontractors are eligible and not debarred, through the end of the project. The OCC unit provides monitoring of the Prime and subcontractor by various staff after award, as follows:

1. Each CLA-12 is compared against the approved project PAC for uniformity by OOC staff;
2. the Prime is monitored daily/weekly/monthly by Project Inspector;
3. DBE issues are monitored and discussed at each monthly progress meeting, EEO coordinators monitor DBE dollars to be counted towards the project DBE goal by use of bi-monthly payment verifications (Attachment 24);
4. Any PACMOD must be approved by OOC/OCC; and
5. Upon completion of the project, a DBE summary memo is prepared and noncompliance DBE issues are reviewed and addressed by OOC/OCC before the project is accepted, as needed.

This is stated in the DBE special Provisions in sections: I(k); II(A); II(B); II(C) (upon modification approval); III(when GFE applicable) and form 817, in articles 1.02.01, 1.02.13 & 1.08.01.

Additionally, the OCC evaluates DBE requirements, including CUF, as part of general compliance reviews of contractors and consultants.

The Department's Construction Manual provides a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs.

The Department uses Site Manager to track DBE commitments, DBE subcontracts, and DBE payments. The Contract Awards Section also generates a monthly report showing projects awarded using federal dollars, which is submitted to the DBELO. This report includes a breakdown of DBE goals established for each project and the percentage of participation the prime contractor committed to as a condition of award.

In addition, the OCC utilizes a DBE Monthly Monitoring Report that assists in monitoring DBE

goal attainment on all DOT-assisted projects. The Districts submit the minutes from construction meetings; the minutes also highlight potential DBE issues or concerns. The DBELO submits feedback to the OOC based upon the review of District minutes and independent monitoring conducted by the DBELO. The feedback may request additional information and/or identifies additional actions the OOC needs to take related to DBE goals.

The Department reviews payments made to DBEs as part of its contract compliance project reviews to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts listed in the approved DBE commitments.

For reporting purposes, OOC and OCC track whether payments from the monthly report are from pre-award committed DBE firms (race conscious) or whether the payments are to DBE primes or additional DBE firms utilized after the goal has been met (race neutral). OCC also keeps track of all contracts and agreements that have been awarded, the DBE participation committed to each contract, and what race neutral participation has been achieved in order to keep track of where the Department is with its overall goals, and whether adjustments need to be made on contracts that have been assigned goals by the screening committee but have not yet been advertised for bid. The federal participation amount is also tracked to ensure only federal dollars are being reported on.

The OOC reviews the items of work performed by the DBE firm to compare the items of work performed to the items of work approved for DBE participation on the project. If it is determined that the approved work was performed and met the appropriate CUF requirement then credit is allowed.

The OOC completes a Form 88-1 (Attachment 29) which provides a running tally of DBE firms on the project, the dollar value of the work performed, and the verified dollar value of work to be credited for DBE participation.

Consultant Agreements

Monitoring of DBE Consultants provides for the monthly monitoring of DBE consultant participation. Monitoring is performed manually.

Section 26.39 Small Business Enterprise Element

The Department has implemented a Small Business Element of its Disadvantaged Business Enterprise Program in accordance with Part 26, Section 26.39 see Attachment 8.

In 2009, the Department created a pilot program called the Small Business Participation Program (SBP Program). The program was designed to provide small businesses with an opportunity to bid as primes. The SBP Program is a race and gender neutral program in which certain projects are set-aside for small business participation.

The DBE program improvement regulations that became effective on February 28, 2011, require that recipients include in their DBE program, an element to structure contracting requirements to facilitate competition by small business concerns; in addition to taking all reasonable steps to eliminate obstacles to the participation of small business concerns in procurements as prime contractors or subcontractors.

Purpose

The Department proposes to utilize the SBP Program in order to foster small business participation on federal-aid contracts. This program will provide an opportunity for small economically disadvantaged firms to compete and participate as prime contractors or consultants, and will provide firms owned by individuals who may be socially and economically disadvantaged, an opportunity to participate on projects in which their participation has been traditionally underutilized.

Eligibility

(Proof of eligibility is required)

To be eligible to participate as in the SBP Program, the firm must meet the small business definition as defined by 49 CFR 26.65 and meet one of the criteria listed below (each of the programs listed below are race and gender neutral):

1. Current certification as a DBE pursuant to 49 CFR Part 26
2. Current certification in the Connecticut Department of Administrative Services Small Business Enterprise Program (SBE); or
3. Certified as a Small Business by any state or local governmental agency

Firms must also meet the PNW and Small Business Size standards listed in the solicitation.

Fostering Involvement

The program will be monitored to determine its effectiveness in increasing race neutral small business participation on federal aid projects. This program shall be applicable only to projects that are federally-assisted or fully federally funded.

The Department will further enhance this program by:

- Encouraging the Department personnel to identify additional contracting opportunities that can be reserved for small businesses;
- Monitoring the use of the SBP Program on contracts to determine its impact;
- Reserve construction, maintenance, and professional service projects for small businesses and offer assistance to firms with little or no experience of working with the Department as a prime;
- Participate in outreach and matchmaker events to educate small businesses about the program and the available opportunities;
- Include information about the SBP Program on the Department website including eligibility criteria;
- Foster participation by facilitating community partnering events and project information sessions specifically targeted to the small businesses;
- Host a workshop targeted to small businesses to provide training on how to do business with the Department.

Unbundling

For Construction Contracts:

The Department will review contracts to determine if they are suitable for unbundling for small business participation.

Criteria to be used will include the following:

- 1) Is the size of the contract conducive to small business participation;
- 2) Availability of small businesses to perform the type of work under the contract;
- 3) Will setting the contract aside for small business participation substantially increase the costs;
- 4) Assess the risk – Is the work schedule critical; will there be work-dependencies between contracts; is work easily broken out (design effort), and identifying the overall risk (high, medium, low).

Other

The Department currently reports all race and gender-neutral participation on federal-aid projects by certified DBEs regardless of whether the project has an assigned DBE goal; this includes projects that have an SBP Program requirement.

The determination of eligibility for the program will be a matter of contractor responsibility and will be a condition of award. The Department's electronic bidding process will have no impact on this program.

A joint venture entity would have to qualify as an SBP Program in accordance with eligibility criteria and provide proof.

Sub-recipients will be required to comply with the requirements of this program as applicable.

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-Asides or Quotas

The Department and its sub recipients do not use set-asides or quotas in the administration of the DBE Program.

Section 26.45 Overall Goals

The Department develops its overall DBE involvement goal consistent with Part 26, Section 26.45. The goal methodology covering October 1, 2018 – September 30, 2022 can be found in Attachment 13. Additionally, physical copies of the methodology are available upon request by contacting the DBELO at 860-594-2169. The Department submits its FHWA, and FTA methodologies and goals to the appropriate operating administration as required. Submittal is based upon the staggered

three-year goal schedule established for the FHWA and FTA. The Department implements the overall goal on August 1 of the appropriate fiscal year, unless it receives other instructions from the DOT. The Department's next overall goal submission will be submitted to FHWA and FTA for legal sufficiency approval by August 1, 2021 and will cover October 1, 2021 – September 30, 2024.

Section 26.47 Goal Attainment

The Department constantly monitors attainment of DBE goals through the use of the various methods described in Section 26.11 – Recordkeeping Requirements and Section 26.37 – Monitoring and Enforcement Mechanisms. If at the end of a fiscal year the Department has not attained the overall goal applicable for that year, the Department shall analyze the reasons for the shortfall and create a corrective action plan in accordance with Part 26, Section 26.47. The analysis and corrective action plan shall be submitted to FHWA and FTA within 90 days of the end of the fiscal year.

Section 26.49 TVM

The Department requires each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, the Department may, at its discretion and with FTA 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 Breakout of Estimated Race-Neutral and Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation is updated in the Department's methodology and goal-setting documents for each required DBE goal submission. The Department monitors the race-neutral and race-conscious goal apportionment and makes adjustments up or down as supported by the most recent data available. The DBE goals are monitored on an ongoing basis for race-neutral and race-conscious participation.

Race-Neutral

The Department attempts to meet the maximum feasible portion of its overall goal using race-neutral means. Race-neutral credit is given for the dollar amount of a prime contract awarded to a DBE firm, a DBE subcontract executed on a project that did not contain a DBE goal, or DBE commitment or payment dollar amounts exceeding the contract goal. Race-neutral means employed by the Department include, but are not limited to, the following programs.

One method used by the Department to improve its race-neutral performance is the establishment and operation of the federally-funded DBE Supportive Services Program (SS Program). This program is intended to provide training, assistance, and services to DBE firms certified in the DBE Program to facilitate their development into viable self-sufficient organizations capable of competing for and performing on DOT-assisted highway projects on an equal basis with non-DBE firms.

The program is operated by a contractor as the DBE/SS Program. The program's objectives are to:

1. Build relationships and communication networks with available expertise at all government levels in addition to the private, non-profit, and academic sectors. Maintain a database of these contacts.
2. Determine critical DBE needs relative to performance on the Department's DOT-assisted highway projects within the areas of business, construction, consulting, and technology management.
3. Develop and deploy needs-based training for participating DBE firms.
4. Conduct direct consultative assistance to participating DBE firms concerning Department-assisted highway projects.
5. Generate support services information through the collection, promotion, and dissemination of business, construction, consultant, and technical materials.
6. Spearhead, coordinate, and attend conferences, meetings, and symposia.
7. Evaluate and continuously improve the key supportive services activities by collecting, analyzing, and utilizing feedback from a variety of sources.

The DBE/SS Program provides the following services, all of which are free of charge.

Continual Needs Assessment and Identification

The DBE SS Program conducts an annual formal Needs Assessment Survey of DBE firms and conducts ongoing informal needs assessments by means of face-to-face and telephone interviews, e-mails, and self-administered surveys. The objective of the needs assessments is to identify the barriers that DBEs face in competing with non-DBEs for DOT-assisted contracts and subcontracts, and determine what services would assist DBEs in overcoming those barriers. The results of both the formal and informal assessments are used to adjust processes and services provided by The DBE SS Center and the objectives of the DBE SS Program.

Training, Consulting, and Information Management

The DBE SS Program develops approaches to providing training, consulting, and information management. This includes a training reimbursement program to provide financial assistance to pre-screened DBEs for company-specific training. The DBE SS Program coordinates instructor-led training, computer-based training, and one-on-one consulting services. In addition, The DBE SS Program continues to collect, promote, and disseminate information deemed relevant to the DBE community. The DBE SS Program bases the initial need for ongoing trainings on historical information, results of various needs assessments and other available data. The DBE SS Program continually reevaluates and updates those needs based on feedback received from training evaluations, interaction with and requests from DBE firms, and other relevant sources.

Outreach, Networking, and Communication

The DBE SS Program uses various methods of outreach to inform and encourage DBEs to use its services. These include:

- The DBE/SS Program webpage <http://www.ct.gov/dot/cwp/view.asp?a=2288&q=307380>
- Newsletter articles
- Brochures and other promotional materials

- Direct mail (both U.S. mail and e-mail)

Networking methods include participating in meetings, preconstruction conferences and symposia (at which DBEs and the prime contracting community are likely to be present), as well as outreach to community, civic, ethnic, business, and construction organizations. In addition to the above outreach and communication methods, The DBE SS Program responds to individual written and telephone requests for assistance.

Continual Evaluation of Processes, Outcomes, and Effectiveness

The DBE SS Program uses personal interviews, online interviews, telephone follow-up, and self-administered survey forms as part of its ongoing self-evaluation. The DBE/SS Program utilizes a combination of qualitative and quantitative methods to analyze the data, as well as evaluation and measurement of the attainment of specific training objectives.

Designated Race-Neutral Programs and Contracts

In addition to the strategies noted above, the Department has deemed certain program areas and/or contracts to be race-neutral and no contract goals are established. In making such a determination, the Department considers a number of factors including subcontracting opportunities, dollar value, project type, location, and the availability of DBEs. Work that is performed intermittently or that deviates from what is generally performed by the Department is also considered.

As an example, the Department utilizes On Call Environmental Agreements as a race-neutral component of its DBE Program. No DBE goals are established in connection with the On Call Agreements, instead, language is included encouraging the utilization of DBEs, SBEs, and other small business concerns. Any DBE utilization is tracked and reported.

No other program areas are currently race-neutral, but the Department continues to evaluate potential opportunities based upon the criteria noted above.

Race-Conscious

The Department utilizes race-conscious efforts to attain its overall DBE participation goal. Contract goals are applied in order to meet the overall goal that is not projected to be met through the use of race-neutral means.

The Department does not establish a DBE goal on every federally-funded contract as Part 26 does not require that it do so. The Department establishes goals only on those contracts that lend themselves to subcontracting opportunities. Dollar value, project type, location, and the availability of DBEs to perform specific services are considered in setting an appropriate DBE goal on a given project; consistent with the Department's approved DBE goal-setting methodology. If a sub recipient intends to offer a contract with a DBE goal, the goal is determined in consultation with the Department.

The Department expresses its contract goals as a percentage of the total dollar amount of a DOT-assisted contract. The Department does not permit the use of rounding in determining DBE contract goal attainment.

Screening Committee

The Screening Committee is made up of Department personnel from various Bureaus. The committee members are appointed by the Commissioner. The committee shall designate a member to serve as chairperson.

The Screening Committee's function is to determine the project goal percentages for the federal DBE Program and the set-aside percentages for the state SBE Program. The committee also hears requests for SBE set-aside waivers and pre-award DBE GFE appeals.

The committee normally meets on the third Wednesday of each month. All requests for goal or set-aside considerations are submitted to the attention of the committee Chairperson. DBE and SBE determinations are made by a consensus of the committee. The committee assigns goals to assist the Department in achieving its overall annual goal requirements. Projects are to be submitted to the Screening Committee by the initiating unit prior to the project being advertised.

The Screening Committee receives recommendations from the initiating units for project DBE goals and SBE set-aside assignments (Attachment 15). The initiating unit typically has a representative attend the Screening Committee meeting. This representative should be knowledgeable about the project presented to the committee and will respond to any questions about the project and the method used to determine the proposed goal or set-aside.

The initiating unit determines the proposed goal or set-aside by factoring in the type of project; the funding source; availability of subcontracting opportunities; and the availability of certified DBE or SBE firms available to perform the type of work required for the project.

The Screening Committee reviews the recommended goals and determines if the recommended goal percentage or SBE set-aside percentage is appropriate for the project and how the project goal will impact the Department in meeting its overall program goals. Upon receiving the justification, the Screening Committee will assign the appropriate goal. The Committee will determine the goal based on the justification submitted by the initiating unit, the Department's overall goal requirements and any other relevant factors.

The Screening Committee may decide to accept the initiating unit's recommendation or may assign a different goal or set-aside. The goals are decided by the consensus of the Screening Committee. This goal then becomes the goal of record. A notice of the goal assignment is e-mailed to the initiating unit by the OCC. The initiating unit must place a copy of the Screening Committee confirmation e-mail of the DBE goal or SBE set-aside requirement in the project record. This record should be maintained for future review by other interested units during the various project phases, including, and up to final closeout and audit.

If the Screening Committee requires additional information prior to making a decision and a representative from the initiating unit is not available, or is not able to provide the required information, the Screening Committee may defer the goal assignment pending a conference with the initiating unit.

If the decision cannot wait until the next scheduled Screening Committee meeting, an emergency vote (e-vote) may be taken by e-mail. Once the Screening Committee makes a decision, a notice of goal assignment will be sent to the initiating unit by the OCC.

The committee will reconsider goals on projects that have a change in the funding source, significant change to the scope, or a significant change to the estimated contract value. Requests for goal

reconsideration must include the Initiating Unit's written justification for the change, and the analysis used for recommended goal changes. The initiating Unit must meet with the DBELO to discuss any recommended goal changes prior to submitting the request to the Screening Committee. The DBE goals should not be changed after the project has been advertised; the exception would be if the project became non-federal participating.

The Screening Committee has eight (7) members, (3) alternates, and two (2) non-voting members. The non-voting members are the DBELO and her designee. The committee requires a quorum to convene; a quorum is considered five (5) voting members. Goal determinations are approved by a consensus of the members.

Section 26.53 DBE Good Faith Effort Procedures

For all DOT-assisted projects in any bureau of the Department, the obligation of the apparent low bidder is to make a GFE to meet the DBE goal. The low bidder must demonstrate that it has done so either by meeting the DBE contract goal or documenting GFEs taken in its effort to meet the goal.

The Department will ensure that all information is complete, consistent, and adequately demonstrates the low bidder's GFE before the contract is awarded.

The Department treats bidders' compliance with GFE requirements as a matter of responsibility. Each proposal for which a contract goal has been established requires the low bidder to submit the following information within five days after the bid opening, using the Pre-Award DBE Commitment Approval Request form (Attachment 16).

- Names and contact persons for DBE firms that will participate in the contract.
- A description or list of work items that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract.
- Dollar amount of each DBE's participation.
- Written signature of a commitment to use a DBE subcontractor whose participation is being used to meet a contract goal.
- Written signature confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.
- If the contract goal is not met, evidence of GFE that meet the standards set forth in Part 26, Appendix A, must be documented. The documentation of GFE must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.
- If a DBE serves as the prime contractor, the firm is permitted to use its own work to meet the DBE goal requirement providing that work is covered under the firm's DBE certification. If a DBE prime contractor commits in the pre-award to use other DBE firms, the DBE prime is expected to meet the DBE commitment to those pre-award DBE subcontractors.

The Department requires bidders to submit DBE commitments no later than 5 days after the bid

opening as a matter of responsibility. For negotiated procurement, including design-build, the offeror will make a binding commitment to meet the goal with the initial proposal or bid submission. The specific Commitment information listed above will be submitted before the execution of the contract.

If the contract goal is not met, the bidder's GFEs are reviewed by the Department and may be approved or disapproved. If approved the contractor is required to submit a monthly update (Attachment 21). If disapproved, the bidder may seek administrative reconsideration of the disapproval, which is conducted by persons other than those involved in the initial determination. For complete description of the process please see Attachment 17.

If a prime contractor intends to terminate or replace a DBE firm, prior to requesting to terminate the firm, the prime contractor must give the DBE written notice and an explanation of the reasons. DBE firms are to be given a minimum of 5 (five) days from receipt of that notice to respond, agreeing or disagreeing with the prime's intention, including reasons for disagreement. A copy of the notice should also be submitted to the OCC and the OOC. After providing adequate notice the prime must submit a written request using the "Request To Terminate Or Reduce Work Assigned to a Disadvantaged Business Enterprise (DBE)" form to the OCC and the OOC requesting approval to terminate the DBE along with the reasons and the backup documentation. A prime contractor cannot terminate a DBE subcontractor listed in the pre-award without the Department's written approval.

A DBE firm approved to meet the DBE goal cannot be terminated without just cause and the approval of the Department. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime can self-perform the work for which the DBE contractor was engaged, or so the prime can substitute another DBE or non-DBE contractor after contract award.

Reasons for termination may include:

A listed DBE subcontractor fails or refuses to execute a written contract;

- 1) The listed DBE fails or refuses to perform the work of its subcontract in a way consistent with normal industry practice; providing the DBE's refusal to perform the work is not resulting from bad faith or discriminatory action of the prime contractor;
- 2) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable nondiscriminatory bond requirements;
- 3) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR parts 180, 215 and 1200 or applicable state law;
- 4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- 5) The listed DBE subcontractor has been determined by the Department as not responsible;
- 6) The listed DBE subcontractor voluntarily withdraws from the project and provides to you written notice of its withdrawal;
- 7) The listed DBE is ineligible to receive DBE credit for the type of work required;
- 8) The listed DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract; or
- 9) Other documented good cause.

If a DBE contractor is terminated from a project for any reason, the prime contractor is required to make a GFE to find another DBE subcontractor to replace the original DBE and perform an equivalent amount of work. Primes have seven days to provide their GFE documentation or identify substitute DBE firms. For a complete description of the process please see Attachment 18, Section II, C.

The following clause will be included in each contract “failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies determined by the Department.”

The Department establishes contract goals on design-build projects and utilizes the overall dollar amount of both the final design portion and construction cost estimate to determine the design-build DBE contract goal. The Department uses the same monitoring methods for design-build projects as it does for traditional project delivery.

Pre and Post Award GFE

Pre-Award

If the Contractor cannot show that it will meet the goal through its pre-award commitments, then the Contractor must document GFE towards goal achievement. The Contractor is required to submit the documentation to the unit specified in the Contract specification; typically it is either the Initiating Unit or the Advertising Unit (ex. The Office of Contracts is typically the advertising unit for most construction contracts). The OCC reviews the firms submitted for DBE participation and signs-off that the firms provided are DBE Certified and have the appropriate NAICS code(s). If it is determined that a shortfall exists, the Contractor may request a GFE review. This review is performed by the OCC. The OCC will notify the Office of Contracts or the initiating unit of its determination; if OCC determines that a GFE was not made, the Contractor may appeal to the Screening Committee.

Typical GFE documentation should include the following information. (Note: The actual Contract specification should be reviewed and followed.)

- (1) A statement setting forth in detail which parts, if any, of the Contract were reserved for the Contractor and not available for bid from subcontractors;
- (2) A statement setting forth all parts of the Contract that are likely to be sublet;
- (3) A statement setting forth in detail the efforts made to select subcontracting work in order to likely achieve the stated goal;
- (4) Copies of all letters sent to DBEs;
- (5) A statement listing the dates and DBEs that were contacted by telephone and the result of each contact;

- (6) A statement listing the dates and DBEs that were contacted by means other than telephone and the result of each contact;
- (7) Copies of letters received from DBEs in which they decline to bid;
- (8) A statement setting forth the facts with respect to each DBE bid received and the reason(s) any such bid was declined;
- (9) A statement setting forth the dates that calls were made to the OCC seeking DBE referrals and the result of each call; and
- (10) Any information of a similar nature relevant to the application.

Approval of pre-award GFE does not relieve the Contractor from its obligation to make additional ongoing GFEs to achieve the DBE goal as subcontracting opportunities arise during actual performance of the Contract work. The Contract record of ongoing GFEs taken should be maintained for future review during the life of the Contract, including and up to the final close out and audit.

Post-award DBE Goal Monitoring

The Administering Unit is responsible for monitoring the goal progress and achievement during the life of the Contract.

At a minimum, the Administering Unit will perform the following functions:

- (1) Collect Data from the Contractor on a periodic basis; not less than quarterly. Data includes, but is not limited to, utilizations, commitments, and actual verified payments made to DBEs on the Contract.
- (2) Analyze the goal achievement as the Contractor submits the Data.
- (3) If during the life of the Contract, a DBE is unable or unwilling to perform the allocated work, the Contractor should be informed of his/her responsibility to make GFEs to curtail a goal shortfall. The Contractor's efforts should be documented appropriately. This documentation should be substantive, verifiable, and provided to the Administering Unit as the efforts occur.
- (4) Coordinate with the OCC during the project's annual review.
- (5) Provide quarterly DBE Data to the OCC, or as requested. Typically, quarterly DBE data should be compiled from each contract into one report for each Bureau or major unit (i.e. Engineering, Construction, Maintenance, etc.).
- (6) Summarize all DBE participation and perform analysis to determine if goal was met. If the goal is not met, the DBELO will conduct a shortfall review.

For complete description of the process, please see Attachment 3, Section III and Attachment 18.

The OCC receives DBE data from each Bureau or major unit. The office utilizes the data to facilitate their global agency-wide monitoring and reporting responsibilities to other State and Federal agencies.

As part of the CLA-12 (Attachment 22) subcontractor approval process, the prime contractor is required to submit a copy of all DBE subcontracts. Primes are not permitted to refuse to provide a copy of the DBE subcontract to the Department.

Section 26.55 Counting DBE Participation

The Department counts DBE participation toward overall and contract goals as described in Part 26, Section 26.55. The Department monitors its projects to ensure that DBEs are performing a commercially useful function (CUF) on a project by project basis (Attachment 25). The results of the CUF evaluation are reported using the OCC/CUF report. The OOC verifies that DBE firms are performing a CUF on projects receiving DOT funds.

For Joint Ventures, the Department only counts DBE credit for the portion of work of the contract that the DBE performs with its own forces/supervision and for work the DBE firm is certified to perform.

No DBE credit will be given if a firm is not certified at the time of award, or for any work where payments have not been made.

The Department will not count the dollar value of work performed under a contract with a firm after it has ceased to be certified towards the overall goal.

If a DBE firm loses certification while working on a project, the Department will follow 49 CFR 26.55 (g), and not count the dollar value of work performed after it was decertified towards its overall DBE goal. The Department will however give the Prime GFE credit for any work that was part of the DBE's contract prior to the date of decertification.

For a description of the Department's policy for counting credit for non-subcontractors, please see [Attachment 3, section VI](#).

The OOC performs CUF reviews on DBEs performing work on construction projects. For a copy of the Department's CUF review process and forms, please see [Attachment 25](#).

The Project DBE Special Provisions define how DBE participation is counted towards credit throughout the document. In order to receive credit toward the Contract DBE goal, the firms utilized as DBE subcontractors or suppliers must be certified as DBEs in the type of work to be counted for credit by the Department's OCC prior to the date of the execution of the subcontract. Only approved DBE work, that meets a CUF for which the DBE has been paid will be counted towards the Project DBE goal. The Prime Contractor is held responsible to meet these requirements at all times, from the time of award (by the Contracts and OCC units) to ensure they or subcontractors are eligible and not debarred, through the end of the project. The OOC unit provides monitoring of the Prime and subcontractors as follows:

1. Each CLA-12 is compared against the approved project PAC for uniformity by OOC staff;
2. The Prime is monitored daily/weekly/monthly by Project Inspector;
3. DBE issues are monitored and discussed at each monthly progress meeting, EEO coordinators monitor DBE dollars to be counted towards project DBE goal by use of bi-monthly payment verifications;
4. Any PACMOD must be approved by OOC/OCC; and

5. Upon completion of the project, a DBE summary memo is prepared and noncompliance DBE issues are reviewed and addressed by OOC/OCC before the project is accepted, as needed.

This is stated in the DBE special Provisions in sections: I(k); II(A); II(B); II(C) (upon modification approval); III(when GFE applicable) and form 817, in articles 1.02.01, 1.02.13 & 1.08.01.

SUBPART D - CERTIFICATION STANDARDS

Section 26.61 - 26.73 Certification Standards

As a member of the CT UCP, the Department uses the certification standards of Part 26, Subpart D, to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. Additionally, the Department utilizes 49 CFR Part 23, Subpart C, to determine the eligibility of airport concessionaries to participate as Airport Concessionaire DBEs (ACDBE) in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The firm seeking certification has the burden of proving, by a preponderance of the evidence, that it meets the requirements concerning group membership or individual disadvantage, business size, ownership, and control. The Department will make certification decisions based on all the facts in the record as required by Parts 26 and 23.

The groups with a presumption of social disadvantage are Women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, or other minorities found to be disadvantaged by the U.S. Small Business Administration (SBA). Each individual owner applying to participate as a DBE, whose ownership and control are relied upon for DBE certification, must certify that his or her personal net worth does not exceed \$1.32 million.

If, based on the documents received with their DBE application, the Department has rebuttable evidence they are not socially or economically disadvantaged; the Department will notify the DBE owner in writing. The DBE will be provided an opportunity to respond with documentation of their social and economic disadvantage. If the response is not sufficient, the Department will deny the application for DBE status, in writing, outlining the reasons for the denial. The DBE will then be allowed the opportunity to appeal to USDOT. There is no internal appeal process with the Department.

For detailed information on applying for certification, the certification process, and certification standards, firms may contact the Department at the following address/phone number:

Connecticut Department of Transportation
Office of Contract Compliance
2800 Berlin Turnpike
Newington, CT 06111
(860) 594-2177

DBE firms certified to perform certain types of work (under certain NAICS codes) may request to become certified in additional areas of work.

Section 26.65 Business Size Standards

To qualify for certification as a DBE, a firm must be an existing small business, as defined by Federal Small Business Administration business size standards found in 13 CFR Part 121, and have had average annual gross receipts (as defined by SBA regulations in 13 CFR 121.402) for the firm's three previous fiscal years less than the amount specified in Part 26, Section 26.65(b) and (c).

Section 26.67 Social and Economic Disadvantage Standards

Citizens of the United States and lawfully admitted permanent residents who are Women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, or other minorities found to be disadvantaged by the SBA are presumed to be socially and economically disadvantaged individuals. Applicants in one of these groups must submit a signed, notarized certification that each presumptively disadvantaged owner is, in fact, socially and economically disadvantaged. In addition, each firm owner whose ownership and control are relied upon for DBE certification must certify that he or she has a personal net worth that does not exceed \$1.32 million.

An individual's presumption of disadvantage can be rebutted in one of two ways: (1) Having a net worth in excess of \$1.32 million. (2) Demonstrating that the individual has the capacity to accumulate significant wealth. If the presumption is rebutted, that individual's ownership interest cannot be counted toward meeting requirements for DBE certification. If the second method of rebuttal is used, a proceeding is required to present evidence in support of the rebuttal.

Individuals that are not presumed to be disadvantaged and those whose presumed disadvantage has been rebutted may apply for an individual determination of social and economic disadvantage. The individual determination shall include a proceeding where the firm has the burden of proving that the individuals who own and control it are socially and economically disadvantaged. Appendix E of Part 26 will be used in making these determinations.

The term "Native Americans" was revised in the Department's 2014 final rule to make it consistent with the Small Business Administration's definition of the term. The revision clarified that an individual must be an enrolled member of a Federally or State recognized Indian tribe to receive the presumption of social disadvantage as a Native American. Native American applicants will be required to submit documentation proving that they are enrolled members of a Federally or State recognized Indian tribe. Firms applying under interstate certification must be a member of a federally recognized tribe or a Connecticut recognized Indian tribe.

Section 26.69 Ownership and Control

To be eligible for DBE certification, a firm must be at least 51 percent owned by one or more socially and economically disadvantaged individuals.

Section 26.71 Control

Only an independent business may be certified as a DBE. An independent business is one the viability of which does not depend on its relationship with another firm or firms.

The Department assigns NAICS codes to the certified DBE firms based on the narrowest description of work the disadvantaged owner is able to control for the work the firm performs/intends to perform on federally-assisted contracts. In addition to the NAICS code, the Department includes a detailed description of the work the DBE firm is certified to perform in its UCP directory. If a DBE firm wishes to add services and/or a NAICS code after they are certified with the Department, the firm must request the additional service/code in writing, and document their ability for the firm to perform the work (including owning any necessary equipment) and for the disadvantaged owner to control the work being performed.

Section 26.73 Other Standards

When making certification decisions, the Department may consider whether a firm has exhibited a pattern of conduct indicating its involvement in attempts to evade or subvert the intent or the requirements of the DBE program. In all other situations, the eligibility of the firm for certification will be evaluated only on present circumstances.

SUBPART E - CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Program

The Department is a member of the CT UCP established between and among DOT recipients in the State of Connecticut. The CT UCP received approval of the agreement from DOT on June 28, 2004. The CT UCP meets all of the requirements of Part 26, Section 26.81.

The Department is the only certifying participant in the CT UCP.

The CT UCP uses its Disadvantaged Business Enterprise Program Manual (Manual) to ensure uniformity of practice in the implementation of the DBE certification process. The Department amends its Certification standards as corrective amendments to Parts 26 and 23 are issued that impact DBE certification standards and procedures.

The CT UCP utilizes the DOT's Uniform Certification Application (Attachment 10). The CT UCP makes all certification decisions on behalf of all DOT recipients in Connecticut. Once a DBE applicant has been certified by the Department, all other DOT recipients within Connecticut recognize the certification. This complies with the "one-stop shopping" component of Part 26, Section 26.81, and ensures that a prospective DBE applicant will need to apply only once for DBE certification. The CTUCP Program MOU can be found in Appendix 9.

Out-of-state firms seeking DBE certification in Connecticut must first be DBE-certified in their home state. The CT UCP has not formed regional reciprocity with other states at this time. See Section 26.85.

Section 26.83 Procedures for Certification Decisions

The CT UCP reviewed the eligibility of DBEs that were certified under former Part 23 to ensure that each firm met the standards of Subparts D and E of Part 26.

DBEs that are found to be eligible in accordance with Part 26 are considered certified until they are removed from the program under procedures outlined under Part 26, Section 26.87.

Firms seeking certification as a DBE may do so by visiting the CTDOT website or by contacting the DBE Certification manager directly, as noted on the website. Department procedures for processing certification requests are contained in the Manual.

A DBE firm is required to notify the Department of changes that may affect its ability to meet size, disadvantaged status, ownership, or control criteria of Part 26 or when there are any material changes to the information provided with the DBE's application for certification within 30 days.

A DBE is required to submit an annual Affidavit of No Change (Attachment 11) affirming that there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership, or control criteria of Part 26 or of any material changed in the

information provided with the DBE's application for certification. Approximately one month prior to the firm's certification anniversary date, the DBE will be sent an Affidavit of No Change to be completed and returned to any certifying participant.

A DBE may be required to provide additional information to determine continued eligibility for the program. Additionally, the Department reserves the right to revisit or investigate a firm if there is a reason to suspect that the firm is no longer eligible to participate as a DBE.

Section 26.85 Interstate Certification

A firm certified as a DBE in its home state may apply for certification in Connecticut. The firm shall provide a copy of their full application and all other supporting documents which were relied upon for certification in their home-state.

Upon receiving an application for Interstate Certification, the Department will notify the applicant within seven (7) days that the application has been received and what items may be missing or incomplete. The Department will verify current certification and request a copy of the home-state on-site report. The Department will check with the home-state director to verify the firm's current certification and check the DOCR database. Within thirty (30) days after the interstate submission is considered complete and the on-site has been received, a determination regarding eligibility will be determined.

If firms are determined to be eligible, they will be notified within sixty (60) days that they are eligible and have been added to the UCP Directory.

If it is determined that there is good cause to deny certification due to the home state's certification being erroneous or should not apply to this state for reasons such as:

1. Evidence the home-state certification was obtained by fraud.
2. New Information, not available to the home-state at the time of its certification, showing that the firm does not meet all eligibility criteria.
3. Home-state certification was factually erroneous or was inconsistent with the requirements.
4. The state law requires a different result than that of the home-state.
5. The information provided by the applicant did not meet the requirements.

Firms that are determined ineligible will be provided with a written detailed explanation stating the reasons for good cause. This notification will be sent to the applicant within sixty (60) days of receiving the applicant's information. The firm may elect to respond in writing, request an in-person meeting, or both. If a meeting is requested, it will be scheduled to take place within thirty (30) days of receiving the firm's request. The firm bears the burden of demonstrating, by a preponderance of evidence, that it meets the requirements with regard to the specific issues raised. The written decision will be issued within thirty (30) days of the receipt of the written response from the firm or the meeting, whichever is later. The firm's application for certification is stayed pending the outcome of this process. A decision may be appealed to USDOT DOCR.

The Department may, at its discretion, accept the home state's certification and certify the firm without further procedure. To obtain certification in this manner, the firm shall provide the Department with the "Affidavit of Certification for Out-of-State Applicants" (Attachment 12) and a copy of its certification notice from its home state; the Department will confirm the validity of the certification from the home state.

Section 26.86 Denials of Initial Requests for Certification

If a decision is made to deny certification of an initial application for certification, the reviewer will send a certified letter to the applicant explaining the reasons for the denial. Firms may reapply for certification one year from the date the denial was issued. Firms are advised of their right to appeal a decision directly to the DOT in their denial letter.

A firm is allowed to withdraw their application for DBE certification any time prior to the issuance of the official denial letter.

The Department does post the denial information to the DOCR web-based database.

Section 26.87 Removal of Eligibility

In the event of removal of eligibility of a DBE, the procedures outlined in Part 26 are followed. The firm may reapply for certification one year from the date removal of eligibility was issued. Prior to removing eligibility, the DBE is notified of its right to an administrative due process hearing where a stenographer is present to create a verbatim transcript of the proceedings. When a DBE's eligibility is removed, the firm is advised of its right to appeal the decision to the DOT. To ensure separation of functions in a removal of eligibility proceeding, the Department confirms that the initial decision-maker has not participated in any way in the earlier removal decision against the firm or the decision to initiate such proceeding.

Ineligibility Complaints (Third-Party Challenge): Any person may file a written complaint alleging that a certified firm is ineligible and may specify the alleged reasons why the firm is ineligible. The Department is not required to accept a general allegation that a firm is ineligible or accept an anonymous complaint. The complaint may include any information or arguments supporting the complainant's assertion that the firm is ineligible and should not continue to be certified. Confidentiality of complainants' identities must be protected according to 49 CFR 26.109(b).

A Department DBE Reviewer will be assigned to review the complaint. The DBE Reviewer must review the records concerning the DBE firm, including any material provided by the DBE firm and the complainant, as well as other available information.

The DBE Reviewer may request additional information from the DBE firm or conduct any other investigation that is deemed necessary.

If it is determined, based upon this review, that there is reasonable cause to believe that the DBE firm is ineligible, the OCC will provide written *Notice of Preliminary Determination to Remove DBE Certification* by certified mail to the DBE firm recommending the firm be found ineligible to be a DBE. The written notice will set forth the reasons for the proposed finding of ineligibility. In addition, all statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record upon which each reason is based. At this time, the DBE firm will be given an opportunity for an eligibility proceeding.

If it is determined, based upon this review, that there is not reasonable cause to believe that the DBE firm is ineligible, the OCC will provide written *Finding of No Reasonable Cause* to the DBE firm and the complainant of this determination and include the basis for the determination. All statements of reasons on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based. The complaint will then be closed.

Recipient-initiated Proceedings: The term “*Recipient*” refers to any agency that receives federal funding (e.g., The Department, Transit Districts, Airports, Ports, and Municipalities). If, based upon written notification by the DBE firm of a change in its circumstances or based upon additional information, a DBE Reviewer will be assigned to review the record.

The DBE Reviewer may determine that there is reasonable cause to find the DBE firm ineligible. If this determination is made, written notice will be provided to the DBE firm indicating that the OCC proposes to find the DBE firm ineligible, and the written notice will include the reasons for the proposed ineligibility determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based. At this time, the DBE firm will be given an opportunity for an eligibility proceeding.

If the DBE Reviewer determines that there is no reasonable cause to find the DBE firm ineligible, the OCC will notify the DBE firm, in writing, of this determination and will update the DBE firm’s record.

DOT Directive to Initiate Proceeding; The phrase “*Concerned Operating Administration*” applies to any Federal oversight agency (e.g., FHWA, FTA, FAA). If the concerned operating administration determines that information in the DBE firm’s certification record, or other information available to the concerned operating administration, provides reasonable cause that a Connecticut DBE-certified firm does not meet eligibility criteria of 49 CFR Part 26, the concerned operating administration may direct the State of Connecticut to initiate a proceeding to remove the DBE firm’s certification. The concerned operating administration must provide to the State of Connecticut and the DBE firm a written notice indicating the reasons for the directive, including any relevant documentation or other information. The Department must immediately commence and conduct an eligibility proceeding.

The Eligibility Proceeding consists of members of 3 State of Connecticut employees, who have been designated to hear issues concerning eligibility. Individuals designated to participate on the Eligibility Panel shall not have participated in any deliberations or decisions, which may have resulted in the firm being brought to the eligibility proceeding.

The OCC is responsible for issuing the notice to the DBE firm that an eligibility proceeding will be held. When the OCC notifies a firm that there is reasonable cause to remove its DBE eligibility, as provided for in Section 1-06, the DBE firm must be afforded an opportunity for an eligibility proceeding. The DBE Eligibility Panel will provide the forum for the eligibility proceeding. At the eligibility proceeding, the DBE firm may respond to the reasons for the proposal to remove its eligibility in person or in writing, and provide information and arguments supporting their continued certification.

The Department bears the burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards of 49 CFR Part 26.

The Department must maintain a complete record of the proceeding, by any means acceptable under State law for the retention of a verbatim record of an administrative proceeding. The current practice consists of using the services of a stenographer to provide a transcript to meet this requirement. If there is an appeal to the DOT under 49 CFR 26.89, the Department must provide a transcript of the proceeding to the DOT and, upon request, to the DBE firm. The Department must retain the original record of the proceeding. The Department may charge the firm only for the cost of copying the record.

The firm may elect to present information and arguments, in writing, without attending a proceeding. In this instance, the Department bears the same burden of proving, by a preponderance of the evidence, that the DBE firm does not meet the certification standards of 49 CFR part 26, as if a proceeding had been held.

Separation of Functions: During the eligibility proceeding, the OCC acts as the proponent of the possible removal of eligibility and the DBE Eligibility Panel acts as the decision-making body. The Department has regulations and administrative procedures in place to ensure that the decision-making body or its members are not involved in the decision to hold an eligibility proceeding or to advocate for the removal of a firm's eligibility.

The Department's method of implementing this requirement has been made part of the DBE Program.

The DBE Eligibility Panel members are knowledgeable about the certification requirements of the Department's DBE Program and 49 CFR parts 26 and 23 as applicable.

Grounds for Decision: The Department will not base a decision to remove eligibility on a reinterpretation or changed opinion of information available to the Department at the time of its certification of the firm. The Department may base such a decision only on one or more of the following:

- 1.) Changes in the DBE firm's circumstances since the certification of the firm by the Department that rendered the firm unable to meet the eligibility standards of 49 CFR Part 26 and Part 23 as applicable;
- 2.) Information or evidence not available to you at the time the firm was certified;
- 3.) Information that was concealed or misrepresented by the firm in previous certification actions by the Department;
- 4.) A change in the certification standards or requirements of the DOT since the Department certified the firm; or
- 5.) A documented finding that the Department determination to certify the firm was factually erroneous.

Notice of Decision: Following the decision, the Department will provide the firm written notice of the decision and the basis for it, including specific references to the evidence in the record that supports each reason for the decision. The notice will inform the firm of the consequences of the decision and of the availability for an appeal to the DOT under 49 CFR 26.89. The Department will send copies of the notice to the complainant in an ineligibility complaint or the concerned operating administration that had directed the Department to initiate the proceeding.

Status of Firm During Proceeding: A DBE firm remains an eligible DBE during the duration of the Department's proceeding to remove the DBE firm's eligibility. The DBE firm does not become ineligible until the issuance of the *Notice of Determination to Remove DBE Certification*.

Availability of Appeal: When the Department makes an administratively final removal of a DBE

firm's eligibility under this section, the firm may appeal the removal to the DOT under 49 CFR 26.89.

Ineligibility will occur when; A) A DBE firm exceeds the DOT statutory Gross Receipts Cap (averaged over three years); B) A DBE exceeds the USSBA Size requirement (the NAICS Code); In the instance where a DBE firm is certified in more than one NAICS Code, the DBE firm will only be found ineligible in the NAICS Code(s) for which the firm has exceeded the USSBA Size requirement; C) A DBE owner(s) with the controlling interest in the certified firm exceeds the PNW requirement (see Section 1-03); and/or D) the DBE firm is no longer owned at least 51% and controlled by a socially and economically disadvantaged individual(s).

**If the Statement of Personal Net Worth shows that the applicant's personal net worth exceeds \$1.32 million, the individual presumption of economic disadvantage is rebutted; and does not require an Eligibility Proceeding.*

If at any time the OCC becomes aware that a DBE firm has exceeded either the Gross Receipts Cap, or the USSBA Size requirement, the OCC will initiate a review of the DBE firm's eligibility. The following then applies:

If a DBE firm is recommended for ineligibility and the DBE Eligibility Proceeding approves the recommendation, the Eligibility Panel will prepare a letter indicating that the DBE firm is no longer eligible for the DBE Program and the reason.

Following a firm's removal of eligibility from the DBE Program, DBE credit may be given for all work performed following the removal of eligibility that had been approved for the firm prior to the firm being found ineligible.

Section 26.88 Summary Suspension of Certification

The Department shall immediately suspend a DBE's certification if an owner whose ownership and control of the firm are necessary to the firm's certification dies or is incarcerated. The CT UCP may immediately suspend a DBE's certification where there is adequate evidence that there has been a material change in circumstances that may affect the firm's DBE eligibility or when the firm fails to notify the Department of a material change in circumstances or fails to file an annual Affidavit of No Change.

The suspension notice will be drafted by the OCC and must be communicated to the firm immediately. The suspension takes effect when the DBE receives or is deemed to have received the notice. Following receipt of a notice suspension, a DBE that believes it is no longer eligible for the program may voluntarily withdraw from the program. If the DBE believes that its eligibility should be reinstated, it must provide to the Department information demonstrating its eligibility. The Department, within 30 days of receiving this information, must either lift the suspension and reinstate the DBE's certification or commence a hearing under Section 26.87.

Section 26.89 Certification Appeals to DOT

Any firm denied certification or whose eligibility has been removed may appeal to DOT. Such appeals are sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Avenue, SE W-35
Washington, DC 20590
Phone: 202-366-4754
TTY: 202-366-9696
Fax: 202-366-5575.

Section 26.91 DOT Certification Appeals Decisions

DOT Certification appeal decisions are binding and are promptly implemented as required by Part 26.

If DOT determines the Department erroneously certified a firm as a DBE, the firm's DBE status will be removed, effective on the date of receipt of DOT's decision.

If DOT determines the Department erroneously failed to find reasonable cause to remove a firm's eligibility, the Department will expeditiously begin proceedings to determine whether the firm's eligibility should be removed.

If DOT determines that the Department erroneously declined to certify or removed the eligibility of a firm, the Department will certify the firm effective on the date of receipt of DOT's decision.

If DOT determines that the Department erroneously determined that the presumption of social and economic disadvantage either should or should not be deemed rebutted, the Department will take the corrective action stipulated by DOT.

If DOT affirms the Department's determination, no further action will be taken.

All participants in the Department's DBE program will cooperate with compliance reviews, investigations, and other actions triggered by DOT.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures for Recipients

If the Department or any of its sub recipients fails to comply with requirements of Part 26, then the Department or the sub recipient may be subject to formal enforcement action which could result in the suspension or termination of federal funds or refusal to approve projects, grants, or contracts.

Section 26.103 Enforcement Actions

Non-compliance complaints: Any person who believes that the Department has failed to comply with its obligations under this part may file a written complaint with the concerned operating administration's Office of Civil Rights. The complainant must do so no later than 180 days after the date of the alleged violation or the date on which the complainant learned of a continuing course of conduct in violation of this part. In response to the written request, the Office of Civil Rights may extend the time for filing in the interest of justice, specifying, in writing, the reason for so doing. The Office of Civil Rights will protect the confidentiality of the complainant's identity as provided in Part 26, Section 26.109(b).

Complaints under Part 26 are limited to allegations of violation of the provisions of Part 26.

Anyone wishing to file a complaint with the FAA may address it to:

Office of Civil Rights
Federal Aviation Administration
U.S. Department of Transportation
800 Independence Avenue
Washington, DC 20591

Anyone wishing to file a complaint with the FHWA may address it to:

Office of Civil Rights
Federal Highway Administration
Connecticut Division Office
628-2 Hebron Avenue, Suite 303
Glastonbury, CT 06033

Anyone wishing to file a complaint with FTA may address it to:

Office of Civil Rights
Federal Transit Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

If the Department has reason to believe that a sub recipient, contractor, consultant, supplier, or lessee on a DOT-assisted contract is not operating in compliance with the terms, conditions or

requirements of the DBE program and the Department's special provisions, the Department will commence an investigation. Where necessary, the Department will send a contract compliance specialist to the job site for a preliminary assessment and report.

Section 26.107 Enforcement Actions for Firms

DOT may initiate suspension or debarment proceedings against any firm that does not meet the DBE eligibility criteria and that attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent or deceitful statements or representations or circumstances indicating a serious lack of business integrity or honesty. Similarly, DOT may initiate suspension or debarment proceedings against any firm that in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use another firm that does not meet the DBE eligibility criteria on the basis of false, fraudulent or deceitful statements, or representations.

DOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action. DOT may refer to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement related to participation of a DBE in any DOT-assisted program or who otherwise violates applicable Federal statutes.

Additionally, if the Department has reason to believe that a contractor, consultant, supplier, or lessee on a DOT-assisted contract is not operating in compliance with the terms, conditions or requirements of the DBE program and the Department's special provisions, the Department will consult with Legal Services to determine the appropriate course of action which may include an investigation and a referral to the Office of Inspector General.

Section 26.109 Information, Confidentiality, Cooperation

The Department safeguards from disclosure third-party information, including financial information, consistent with federal, state, and local law.

Notwithstanding any provisions of federal or state law, the Department will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, the Department will transmit this information to DOT in any certification appeal proceeding under part 26.89 or to any other state to which the individual's firm has applied for certification under part 26.85.

The Department will cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations and other requests for information, and shall require its DBE firms, applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals to also cooperate and comply.

URL Summary List

The following hyperlinks appear in this report; full URLs are provided below.

Links	URL
49 CFR Part 23, as amended	http://www.ecfr.gov/cgi-bin/text-idx?SID=ae43b2b2e9cf3b7bf59563b68f74e401&node=pt49.1.23&rgn=div5
49 CFR Part 26, as amended	http://www.ecfr.gov/cgi-bin/text-idx?SID=df232feac1a39e6f07b918bfe3e7c19&node=pt49.1.26&rgn=div5
DBE Pre-award Commitment Form	https://portal.ct.gov/-/media/DOT/documents/dcontracts/DBE-Good-Faith-Effort-Application-20-07-15.pdf
DBE Policy Statement	https://portal.ct.gov/-/media/DOT/documents/dcontractcompliance/Nov2019-DBE-Policy-Statement.pdf
CT UCP Directory	http://www.biznet.ct.gov/dot_db/dbesearch.aspx
Pre-Award GFE Application	https://portal.ct.gov/-/media/DOT/documents/dcontracts/DBE-Good-Faith-Effort-Application-20-07-15.pdf
AAP	http://www.ct.gov/dot/cwp/view.asp?a=2288&Q=482516
CTDOT	http://www.ct.gov/dot/cwp/view.asp?a=2288&q=259258
Consultant Manual	http://www.ct.gov/dot/cwp/view.asp?a=1527&q=500732
Bid Manual	http://www.ct.gov/dot/cwp/view.asp?a=2288&q=259258
US DOT Uniform Certification Application	https://www.transportation.gov/sites/dot.gov/files/docs/New%20DBE%20Certification%20Application%2011-18-2014.pdf
US DOT Personal Net Worth Statement	https://www.transportation.gov/sites/dot.gov/files/docs/mission/civil-rights/disadvantaged-business-enterprise/56646/pnw-statement.pdf

ATTACHMENTS

Section 1

General Program Information:

[Attachment 1 – Definitions and Terms](#)

[Attachment 2 – DBE Policy Statement](#)

[Attachment 3 – DBE Special Provision](#)

[Attachment 4 – CTDOT Organization Chart](#)

[Attachment 5 – OCC Organization Chart](#)

[Attachment 6 – OCC Staff Directory](#)

[Attachment 7 – CTDOT DBE Supportive Services Statement-Of-Work](#)

[Attachment 8 – CTDOT Small Business Participation Program](#)

Section 2

Certification Program Information:

[Attachment 9 – UCP Program MOU](#)

[Attachment 10 – DBE Certification Application](#)

[Attachment 11 – No Change Affidavit](#)

[Attachment 12 – Interstate Affidavit](#)

Section 3

DBE Goal Methodology & Goal Setting

[Attachment 13 – DBE Goal Methodology](#)

[Attachment 14 – Vendor Profile Document](#)

[Attachment 15 – Screening Committee \(Project Goal\)](#)

Section 4

DBE Project Requirements

[Attachment 16 – Pre-award DBE Review and Approval Forms](#)

[Attachment 17 – Pre-award Good Faith Efforts Application](#)

[Attachment 18 – Post-award Good Faith Effort Procedure](#)

[Attachment 19 – Prompt Payment Process](#)

[Attachment 20 – Guide to Civil Rights Compliance](#)

[Attachment 21- Good Faith Effort Monthly Update](#)

[Attachment 22 – Subcontractor Approval Request \(CLA-12\)](#)

[Attachment 23 – Sub-consultant Payment Log](#)

[Attachment 24 – Bi-Monthly Report on DBE Participation](#)

[Attachment 25 – CUF Review Packet](#)

[Attachment 26 – DBE Participation on Engineering Agreements](#)

[Attachment 27 – Project Site Record Review](#)

[Attachment 28 – Compliance Review Packet](#)

[Attachment 29 – Final DBE Participation Form \(88-1\)](#)

[Attachment 30 – DBE Shortfall Log](#)