


Disadvantaged Business Enterprise (DBE) Program Overview

DOT & PF Civil Rights Office
Anchorage, Alaska



Civil Rights Office (CRO)

The Civil Rights Office is committed to ensuring equal opportunity for all businesses and personnel on Alaska Department of Transportation and Public Facilities (DOT&PF) projects. DOT&PF's policy is to ensure that no person be excluded from participation, or be denied benefits, based on race, color, national origin, sex, age, or disability.

Our Mission is to promote fair and equitable public service, advocating non-discriminatory treatment in providing transportation services.

Our Vision is to ensure transportation services are provided in a non-discriminatory manner.




U.S. Department of Transportation

Disadvantaged Business Enterprise Program (DBE)


The DBE program is designed to remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted highway, transit, airport, and highway safety financial assistance transportation contracting. The primary remedial goal and objective of the DBE program is to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for federally funded transportation contracts.

In 1983, Congress enacted the first Disadvantaged Business Enterprise (DBE) statutory provision. This provision required the Department to ensure that at least 10% of the funds authorized for the highway and transit Federal financial assistance programs be expended with DBEs. The Federal Highway Administration, the Federal Aviation Administration and the Federal Transit Administration are the Operating Administration involved in the DBE program. The DBE program is carried out by state and local transportation agencies under the rules and guidelines in the Code of Federal Regulations. (Title 49, Part 26). The FAA also maintains a separate DBE program for concessions in airports under (Title 49, Part 23).




Key Areas of CRO Programs

- Title VI/ADA (U.S. Code Provisions for Title VI and ADA)
- Triannual DBE Goals (49 CFR 26.45)
 - FHWA Goal for FFY 2021–2023 is 8.28% to met entirely with Race-Neutral Means
- DBE Project Goals (49 CFR 26.51)
 - Currently Project Goals are only set on Northern Region, FAA Projects
- Good Faith Efforts (49 CFR 26.53 & Appendix A)
 - For Race-Neutral projects GFE is evaluated for content, not sufficiency
- Commercially Useful Functions [49 CFR 26.55 (c)]
- DBE Support Services (49 CFR 26.39, Appendix C & D)
- OJT Training Program Special Provision Section 645 / 23 CFR Part 230



Alaska Unified Certification Program (AUCP)


- The AUCP is administered by the Alaska Department of Transportation & Public Facilities.
- The AUCP provides “one-stop” certification so that an applicant is required to apply only once for a DBE certification which will be honored by all participating recipients in Alaska.
- The AUCP is based on the concept of cooperation among participants and unification among the agencies, we work together!



What Is a “DBE”?

A DBE is a Small, for-profit business that is at least 51% owned & controlled by socially & economically disadvantaged individuals.

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's *control*.



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Group Membership

Individuals belonging to the following groups are rebuttably presumed to be socially and economically disadvantaged: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, and Women

Additionally under 49 CFR Part 26 Appendix E a recipient may find an individual to be socially and economically disadvantaged on a case-by-case basis.

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Presumption of Economic Disadvantage

Each individual owner of a firm applying to participate as a DBE, 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.

In determining an individual's net worth, the individual's ownership interest in the applicant firm and equity in their primary residence are excluded.



Requirements for DBE Participation

To participate in the DBE program, a small business owned and controlled by socially and economically disadvantaged individuals must receive DBE certification from the relevant state— generally through the state Unified Certification Program (UCP).

To be regarded as economically disadvantaged, an individual must have a personal net worth that does not exceed \$1.32 million. To be seen as a small business, a firm must meet SBA size criteria AND must not have average annual gross receipts, over the previous 3 years, in excess of the DBE size limit - \$30.40 million. Size limits for the airport concessions DBE program are higher: www.transportation.gov/DBEsizestandards

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Special Certification Rules

49 CFR Part 26.73(i) contains special certification rules which apply to Alaska Native Corporation (ANC) owned firms. DOT regulations require that an ANC meeting all of the following requirements must be certified as a DBE:

- (i) The Settlement Common Stock of the underlying ANC and other stock of the ANC held by holders of the Settlement Common Stock and by Natives and descendants of Natives represent a majority of both the total equity of the ANC and the total voting power of the corporation for purposes of electing directors;
- (ii) The shares of stock or other units of common ownership interest in the subsidiary, joint venture, or partnership entity held by the ANC and by holders of its Settlement Common Stock represent a majority of both the total equity of the entity and the total voting power of the entity for the purpose of electing directors, the general partner, or principal officers; and
- (iii) The subsidiary, joint venture, or partnership entity has been certified by the Small Business Administration under the 8(a) or small disadvantaged business program.

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Application Process

The DBE application can be found on the Civil Rights Office website:

<https://dot.alaska.gov/cvlrts/dbcert.shtml>

All applicants must register as a vendor in our system:

<https://dot.alaska.gov/aashtoware/docs/AWP-vendor-guidance.pdf>

Submit your application and supporting documentation to sarah.starzec@alaska.gov or by using our file transfer site: <https://drop.state.ak.us/drop/>

We have 90 days to process the application once we receive all the required documentation. We will notify the applicant within 30 days if we require additional documentation. We will also conduct an onsite review either virtually or in person.

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Documentation is Important!

In order to complete your application for DBE or ACDBE certification, you must attach copies of all of the **REQUIRED** documents. A failure to supply any information requested by the AUCP may result in your firm denied DBE/ACDBE certification.

The AUCP keeps the applicants documentation **confidential**.

Retain a copy of your application and supporting documentation for your records!

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DBE Business Development

Support Services within the DOT&PF for you!

- 50% FHWA Reimbursement Program
- 90% Reimbursement for Small Business Development Center Classes
- Annual DBE Conference with Associated General Contractors of Alaska networking event
- Technical Training Workshops in partnership with MBDA, PTAC, SBDC, AGC
- Success by Design – A Business Development Program built for *your* business
- Transporter DBE Newsletter

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DOT&PF's Plan Holders Self Registration List

The Plan Holders Self-Registration List (PHSRL) allows DBEs, Small Business Enterprises (SBE), and non-DBE subcontractors to self-register as interested subcontractors. Prime contractors have access to all subcontractors who are interested in participating in the bid.

Before you register for the PHSRL, it is highly recommended that you first register for the Online Public Bidding Notices which will notify you of any upcoming bids.

All prime contractors, subcontractors and DBEs must register for AASHTOWare Project as a vendor in order to submit bids or register on the PHSRL.

PHSRL guidance can be found here:
<https://dot.alaska.gov/cvlrts/pdfs/Plan-Holder-Self-Registration-List-Guide.pdf>



QUESTIONS?



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Thank You for Participating!

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