

FEDERAL TRANSIT ADMINISTRATION (FTA)

2017 COMPREHENSIVE REVIEW PROGRAM

ADDENDUM #2 TO GRANTEE INFORMATION REQUEST (GIR)

The below change shall be incorporated into the GIRs transmitted on Monday, September 19, 2016

Supplemental questions to the Disadvantaged Business Enterprise (DBE) section based on affirmative response from grantees to question 56 of the same section.

- 58.** *Does the grantee use the Uniform Certification Application Form issued by the US DOT in October 2014, including the instructions and document checklist?*

Grantee Response:

Reviewer Comments:

- 59.** *Does the grantee use the required personal net worth (PNW) form issued by the Department in October 2014? If supplemental forms are used, were they approved by the concerned operating administration?*

Grantee Response:

Reviewer Comments:

- 60.** *How does the grantee verify the accuracy of the PNW form by analyzing documents such as: financial statements of all business entities related to the applicant, applicant's business and personal income tax returns and related schedules, personal property and equipment lease documents, promissory notes or financing instruments, and trust agreements?*

Grantee Response:

Reviewer Comments:

61. *Prior to certification, does the grantee conduct site visits to both the applicant firm's principal place of business and to a job site, if the firm is working at both sites during the time of the eligibility investigation?*

Grantee Response:

Reviewer Comments:

62. *Prior to certification, how does the grantee verify DBE firm ownership and control by:*

a. determining whether a potential DBE is an independent business by scrutinizing relationships with non-DBE firms, in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources?

Grantee Response:

Reviewer Comments:

b. considering whether present or recent employer/employee relationships between the disadvantaged owner(s) of the potential DBE and non-DBE firms or persons associated with non- DBE firms compromise the independence of the potential DBE firm?

Grantee Response:

Reviewer Comments:

c. examining the firm's relationships with prime contractors to determine whether a pattern of exclusive or primary dealings with a prime contractor compromises the independence of the potential DBE firm?

Grantee Response:

Reviewer Comments:

d. considering factors such as the consistency of relationships between the potential DBE and non-DBE firms with normal industry practice?

Grantee Response:

Reviewer Comments:

e. verifying that proof of investment and capitalization to the firm is contained in the record?

Grantee Response:

Reviewer Comments:

f. ensuring that disadvantaged owners share in the risk and are entitled to the profits and loss commensurate with their ownership interest?

Grantee Response:

Reviewer Comments:

63. *If the grantee enters information directly into the UCP directory, does it include the North American Industry Classification System (NAICS) codes of DBEs in the UCP directory?*

Grantee Response:

Reviewer Comments:

64. *Have there been issues identified with DBE certifications of the grantee? Does a search of US DOT's DBE Appeals database show a pattern of the grantee's certification decisions being reversed or remanded to the grantee by US DOT?*

Grantee Response:

Reviewer Comments:

65. *Does the grantee obtain annual affidavits from each certified DBE affirming that the DBE continues to meet the eligibility criteria of the regulation?*

Grantee Response:

Reviewer Comments:

66. *Does the grantee notify DBEs when they have not submitted their annual affidavits on time and determine whether the firm is unwilling to cooperate under §26.109(c)?*

Grantee Response:

Reviewer Comments:

67. *For firms deemed not to be eligible DBEs, were applicable certification denial and decertification (removal of eligibility) procedures followed?*

a. Do denial decisions explain the reasons for the denial, specifically referencing the evidence in the record that supports each reason for the decision?

Grantee Response:

Reviewer Comments:

b. For decertifications, does the grantee provide written notice to the firm proposing to find it ineligible, setting forth the reasons for the proposed determination?

Grantee Response:

Reviewer Comments:

c. Do ineligibility notices offer the firms an opportunity for an informal hearing, at which they could respond to the reasons for the proposed removal of eligibility in-person and provide information and arguments concerning why it should remain certified?

Grantee Response:

Reviewer Comments:

- d. If a hearing was held for an ineligibility decision, was a complete verbatim record of the proceeding maintained?*

Grantee Response:

Reviewer Comments:

- e. If there was a decision to remove a firm's eligibility, did the grantee ensure separation of functions of personnel as specified in §26.87(e)?*

Grantee Response:

Reviewer Comments:

- f. Was the decision to remove a firm's eligibility based on one of the grounds specified in §26.87(f)?*

Grantee Response:

Reviewer Comments:

- g. If decertifications occurred, was there written notice provided to the firm explaining the decision and reasons for it, specifically referencing the evidence in the record that supports each reason for the decision?*

Grantee Response:

Reviewer Comments:

- h. Do notices of ineligibility inform the firm of the consequences of the decision and the availability of an appeal to U.S. DOT under §26.89?*

Grantee Response:

Reviewer Comments:

- 68.** *Does the grantee report complete denials and ineligibility determination information to the US DOT Department Office of Civil Rights' (DOCR's) Ineligibility Determination Online Database?*

Grantee Response:

Reviewer Comments:

Interstate Certification

- 69.** *If the grantee accepts a DBE certified out of state without further procedures:*

- a. *Did it verify a copy of the firm's certification notice from the home state (State A)? See §26.85(b)*

Grantee Response:

Reviewer Comments:

- b. *Did it verify that a valid certification was obtained from State A before certifying the firm? See §26.85(b)*

Grantee Response:

Reviewer Comments:

- 70.** *If the grantee chooses not to accept the original certification from State A pursuant to §26.85(c), did it receive all of the supporting documentation such as:*

- a. *Affidavits of no changes; see §26.83(j)*

Grantee Response:

Reviewer Comments:

b. Notices of Changes; see §26.83(i)

Grantee Response:

Reviewer Comments:

c. Notices and correspondence with home state concerning status of application, and status as an applicant in other states;

Grantee Response:

Reviewer Comments:

d. Evidence of decertification from other states;

Grantee Response:

Reviewer Comments:

e. A letter of appeal from the firm; and

Grantee Response:

Reviewer Comments:

f. Sworn affidavit indicating that all information is complete.

Grantee Response:

Reviewer Comments:

- g. If the on-site review is more than three years old, the sworn affidavit should verify that the information in the on-site report is true and correct.*

Grantee Response:

Reviewer Comments:

71. *If the grantee denied an out-of-state firm:*

- a. Did it specify an appropriate good cause reason per §26.85(d)?*

Grantee Response:

Reviewer Comments:

- b. Did it provide the firm with notice, stating the specific reasons why the firm did not meet the requirements?*

Grantee Response:

Reviewer Comments:

- c. Along with the notice, did it provide an opportunity for the firm to respond in writing or to request an in-person meeting with the grantee?*

Grantee Response:

Reviewer Comments:

- d. If a meeting was requested, did the grantee schedule the meeting within 30 days of receiving the firm's request?*

Grantee Response:

Reviewer Comments:

- e. *Did the grantee issue a written decision within 30 days of the receipt of the written response from the firm or the meeting with the decision maker, whichever is later?*

Grantee Response:

Reviewer Comments: