

## **Federal Program (DBE/ACDBE)**

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### **1. What is a Disadvantaged Business Enterprise (DBE)?**

- A disadvantaged business enterprise (DBE) is a for-profit small business concern that is at least 51% owned by one or more individuals who are both socially and economically disadvantaged. In the case of a corporation, 51% of the stock is owned by one or more such individuals; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

### **2. What is an Airport Concessions Disadvantaged Business Enterprise?**

- An airport concessions disadvantaged business enterprise (ACDBE) is a concession that is a for-profit small business concern that is at least 51% owned by one or more individuals who are both socially and economically disadvantaged. In the case of a corporation, 51% of the stock is owned by one or more such individuals; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

### **3. What are the DBE program objectives?**

- 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 this part's eligibility standards are permitted to participate as DBEs; to help remove barriers to the participation of DBEs in DOT-assisted contracts; to assist the development of firms that can compete successfully in the marketplace outside the DBE program; and to provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

#### 4. What are the criteria for DBE certification?

- Eligibility requirements for certification as a DBE are stated in 49 CFR, Part 26. A DBE applicant must prove eligibility. The following are six of the requirements stated in the regulation. For more specific criteria, refer to 49 CFR, Part 26.
- **Social and Economic Disadvantage:** A disadvantaged owner must be a U.S. Citizen (or resident alien) and meet the federal definition of socially and economically disadvantaged as defined in 49 CFR Part 26.67. Presumptive groups include women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian-Americans, or other minorities found to be disadvantaged by the regulations or any individual found to be socially and economically disadvantaged on a case-by case basis.
- **Personal Net Worth:** Only disadvantaged persons having a personal net worth (PNW) of less than \$1.32 million can be considered as a potential qualified DBE. Items excluded from a person's net worth calculation include an individual's ownership interest in the applicant firm, and his or her primary residence.
- **Business Size Standard:** A firm (including affiliates) must be a small business as defined by the Small Business Administration (SBA). It must not have annual gross receipts over \$23.98 million in the previous three fiscal years. Depending on the type of work the business performs, other size standards may apply.
- **Ownership:** Must be a for-profit small business concern where socially and economically disadvantaged individuals own at least 51% interest and control management AND daily business operations.
- **Independence:** The business must not be affiliated with another firm in such a way as to compromise its independence and control. These include, but are not limited to, such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
- **Management and Control:** The socially and economically DBE owner(s) must possess the power to direct or cause the direction to the management and policies of the firm and to make day-to-day decisions, as well as long-term decisions on matters of management, policy, and operations.

#### 5. How do I apply for DBE Certification in Missouri?

- Access the online application system at: <https://flystl.diversitycompliance.com/>.
- Click the Apply for/ Maintain Certification link.
- Then click Create Account and follow the prompts.

#### **6. If I do not fall within the presumptive groups, can I still be considered a DBE?**

- Yes, but you must prove by providing documentary evidence that you are socially and economically disadvantaged. Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who meets the criteria based on 49 CFR Part 26, and any individual who the Department finds to be socially and economically disadvantaged on a case-by case basis.
- Typically, individuals in the following groups are reputedly presumed to be socially and economically disadvantaged, however those outside of these are assessed on a case-by-case basis:
  - a. Black Americans, which includes persons having origins in any of the Black racial groups of Africa; Hispanic Americans, which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race; Native Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; Asian-Pacific Americans, which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong; Subcontinent Asian Americans, which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka.

#### **7. What is the threshold for personal net worth?**

- The threshold for each owner(s) shall be no greater than \$1.32 million. Only disadvantaged persons having a personal net worth (PNW) of less than \$1.32 million can be considered as a potential qualified DBE. Items excluded from a person's net worth calculation include an individual's ownership interest in the applicant firm, and his or her primary residence.

#### **8. Which business owner should fill out the Financial section of the online application?**

- The majority-disadvantaged owner(s) whose ownership and control is/are being relied upon for DBE certification should provide a personal financial statement. Usually this is the person who owns 51% or more of the firm. If two disadvantaged owners make up a majority of 51% ownership, both will be required to complete the PFS. For example, if Owner A owns 33%, Owner B owns 33% and Owner C owns 34%, the two disadvantaged owners whose ownership and control is being relied up must complete personal financial statements.

**9. When completing the application, should I include my primary residence even though it is excluded from the net worth calculations?**

- Yes, you must indicate the current market value of your primary residence on the application together with any debt you owe against it. The equity in your primary residence does not count toward the allowed \$1.32 million; however, the adjustment will be made by the UCP's Financial Board member.

**10. Why is it required to have an on-site evaluation of my business?**

- It is a regulatory requirement. The Federal regulations states in 49 CFR Part 26.83 subpart C, section 1: "Perform an on-site visit to the offices of the firm. You must interview the principal officers of the firm and review their résumés and/or work histories. You must also perform an on-site visit to job sites if there are such sites on which the firm is working at the time of the eligibility investigation in your jurisdiction or local area. You may rely upon the site visit report of any other recipient with respect to a firm applying for certification."

**11. If my business is DBE certified, how long is the certification good for?**

- Your firm is certified until your certification is removed or you withdraw from the program. However, program eligibility must be reviewed annually. This is called an annual eligibility review. The affidavit must affirm that there have been no changes in your firm's circumstances that would affect its ability to meet size, disadvantaged status, ownership, and control requirements. This update requires you to submit the most recent business taxes. If your eligibility documentation is not submitted timely, it may be cause for removal from the program for failure to cooperate.

**12. I am an out-of-state business seeking work in Missouri; can I be certified as a DBE?**

- Yes, however your firm must first be certified in your home state. For example, if your firm is based in Missouri, you must proceed through Missouri's DBE certification process before seeking DBE certification in Missouri. Once you are certified as a DBE in your home state, you can then apply for certification in St. Louis.

**13. Is there a cost to the applicant for the certification process?**

- No. The application is completed entirely online at no additional cost to the applicant.

**14. I have questions regarding the DBE application; whom can I contact for assistance?**

- There are detailed application instructions available online at the Certification and Compliance Management System webpage if you have questions about the program.

**15. What are my appeal rights if I am denied DBE certification?**

- You may appeal a decision if you feel all the facts have not been duly considered. To do so, please respond in writing within 90 days from the date of your denial letter to:

U.S. Department of Transportation  
1200 New Jersey Ave SE  
Washington, DC 20590-0001

- Your letter to the U.S. Department of Transportation must contain the following: information and arguments concerning why the St. Louis Department of Transportation's decision should be reversed and the name and address of any other U.S. DOT recipient/agency which currently certified the firm, which has rejected an application for certification from the firm or removed the firms' eligibility within one year prior to the date of the appeal, or before which an application for certification or a removal of eligibility is pending.

**16. How long is the certification process from start to finish?**

- Due to the major influx of new applications, we must work each application in the order received. The Department will only act on complete applications. Incomplete applications will not be processed. Home office/on-site reviews are required by regulation. An out-of-state firm's home state is asked to forward the firm's home office/onsite review to the Department. We strive to complete the process within 75 days.

**17. Does DBE certification have reciprocity with other agencies such as the Small Business Administration (SBA)?**

- No, the SBA 8(a) Program and the DBE Program are separate federal certifications.

**18. I am a prime contractor; how can I find DBE firms?**

- All certified firms are listed in the [DBE Directory](#).

**19. My business is certified as a DBE; what resources are available to help me with my business?**

- DBE Supportive Services are provided by MODOT. Details can be found on their website at [.https://www.modot.org/supportive-services](https://www.modot.org/supportive-services)
- Additional resources for small and certified businesses are available at the following sites:
  - [Small Business Administration](#)
  - [U.S. DOT Office of Small and Disadvantaged Business Utilization](#)
  - [Missouri Office of Equal Opportunity](#)
  - [St. Louis Score](#)
  - [Legal Services of Eastern Missouri - Community Economic Development Program](#)
  - [Airport Minority Advisory Council](#)
  - [Minority Business Entrepreneur](#)
  - [St. Louis Minority Business Council](#)
  - [Saint Louis Construction Cooperative](#)
  - [MOKAN St. Louis Construction Contractors Assistance Center](#)
  - [St. Louis Contractor Loan Fund](#)
  - [U.S. DOT Short Term Lending Program](#)

**20. How do I submit my annual eligibility review documents to support my DBE Certification in St. Louis?**

- Access the online application system at:  
<https://flystl.diversitycompliance.com/?TN=flystl>.
- Click the Apply for Certification link.
- Choose a link below Renew Your Certification – either Login or Lookup Account.

**21. What should I do if I have issues with the software?**

- From the main Certification and Compliance Management System homepage:  
<https://flystl.diversitycompliance.com/>.
- Click Help/First Time Visitors to learn how to Log in to the system, retrieve your username, change your password, and get help from customer/technical support.
- Click Contact Us & Support to request support.

**22. Will there be any training classes on how to use the new system?**

- From the main Certification and Compliance Management System homepage:  
<https://flystl.diversitycompliance.com/>.
- To download the user manual or to sign up for free web-based training courses, click here.

**23. Does Missouri accept my home-state DBE certification without further procedures as allowed in 49 CFR § 26.85 Interstate certification?**

- No, Missouri follows the second option identified in 49 CFR § 26.85 and does not accept another state's certification "without further procedures." Therefore, out-of-state applicants must submit all documentation that the home state received on which it based the decision to grant the firm's DBE Certification. A complete list of required documents is stated in the federal rule starting at 49 CFR §26.85 (c).
- Before an out-of-state firm will be considered in Missouri, the firm must first be certified in its home state.
- Your firm does not need to create a new certification application. Instead, you need to simply provide all documentation that your home state received on which the DBE Certification decision was based.
- As required in 49 CFR Part 26, the home-state will have made its determination to certify based on: Federal tax returns – both personal and business, proof of ownership, your company's organizational documents such as by-laws, partnership agreements, articles of incorporation and the like, a list of equipment used to perform the work your firm is certified to perform, affidavits of no change, other items may have been included in the supporting materials on which your certification was based.
- An interstate certification application is not complete when the applicant has not submitted the supporting documentation.
- Submitting an interstate certification application through MODOT's online application system allows a quick and paper-less means to apply for DBE Certification in St. Louis. To begin your application, navigate to <https://flystl.diversitycompliance.com/>.

**24. How should I let the Business Diversity Development office know that my DBE firm's address has changed or that we have a new telephone number?**

- Changes should be made through the online [Certification and Compliance Management System](#).
- After logging in, you can click on the link for Maintain / Apply for Certification and click on "Your firm is currently certified by STL Airport."
- This will give you the option "You would like to report a change to your business structure, commodity codes, phone number and address."
- Then select the option for "Your Company would ONLY like to update your business address, phone number, fax and/or email address." and complete the application.

**25. What types of documents do I need to submit with my annual Notice of Changes Affidavit (Notice of No Change)?**

- Signed and notarized affidavit.
- Copy of previous tax year tax return.



**26. How can I find contracting opportunities on projects in St. Louis?**

- You can find city construction contracting opportunities on the Board of Public Service website <https://www.stl-bps.org/>.
- You can find non-construction opportunities at the St. Louis Lambert International Airport website <https://www.flystl.com/business/contract-opportunities>.

**27. Where can I find more information regarding the Certification and Compliance Management System?**

- You can access training through the system at [flystl.diversitycompliance.com](http://flystl.diversitycompliance.com) or attend a certification workshop (details on our web page under [Certification Workshops](#)).

**28. If I am currently a DBE, how do I become an ACDBE?**

- A currently certified DBE firm should contact our offices via email at [bddcertification@flystl.com](mailto:bddcertification@flystl.com) to receive additional information on how to add ACDBE certification.