

1640.01 Certification of Businesses Owned by Persons with Disabilities

Issued October 4, 1993

SUBJECT: Certification of Businesses Owned by Persons with Disabilities

APPLICATION: Executive Branch Departments and Sub-units.

PURPOSE: To enable businesses owned by persons with disabilities to benefit from procurement efforts offered by the State.

CONTACT AGENCY: Department of Civil Rights - Contract Compliance Unit.

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SUMMARY: The Department of Civil Rights, Contract Compliance Unit determines the certification status of business enterprises owned by persons with disabilities and provides the names of certified businesses to State procurement officers and buyers. Contract Compliance unit members also work with private industry to encourage the inclusion of State-certified vendors in procurement programs throughout Michigan.

APPLICABLE FORMS: CR 507 Persons With Disability Business Enterprise Certification form

PROCEDURES:

Business:

- Requests Persons With Disability Business Enterprise Certification form (CR 507)

Agency:

- Provides form CR 507 to any business (person) upon request

Business:

- Completes an application and signs the sworn affidavit providing evidence of disability, which must be notarized
- Must, by himself/herself or his/her counsel, file an application for certification with the department
- Upon request, specifically identifies all ownership interests and applicable financial information of the business in the application
- Identifies all policy-making (control) authority for the business, especially in the areas of liability, financial decisions, personnel, etc. and must be able to identify how he/she controls the business
- Identifies all areas in the day-to-day management of the business and must be able to identify how he/she is involved in the day-to-day management and implementation of business decisions
- Must be prepared to bid and/or accept a contract from the State of Michigan and be in compliance with State of Michigan purchasing laws
- Must comply with all applicable federal, state, and local laws pertaining to the establishment of and maintaining a business as defined
- Gives authorization for an On-Site Review and must cooperate in responding to requests for additional information and/or documents

- If out-of-state business, may request On-Site Reviews by local, state, or federal officials, using State of Michigan laws, policies, and procedures. The Department is not obligated to abide by the recommendations

Agency:

- Reviews and evaluates the application and affidavit for certification for its completeness, accuracy, and compliance with department policies and/or business laws and Public Act 112 of 1988, as amended
- May draw upon established federal regulations in related areas and specifically does not utilize USDOT Regulation 49, CRF, Part 23
- May request additional information or clarification of information, or an On-Site Review

Business:

- Must provide, upon request, clarification of information submitted, additional information, and required documents prior to completion of the certification process. Failure to cooperate will result in rejection of the certification application

Agency:

- May conduct an On-Site Review by department staff to verify status as a certifiable business owned by person(s) with disability
- Schedules On-Site Reviews at a mutually agreeable time and date. Conducts On-Site Review at the business office of the applicant
- Must conduct On-Site Review with the principal person(s) seeking certification as a disability business owner. Other business staff may be present

Business:

- Must cooperate with the requests for information and provide documents requested by the department staff conducting the On-Site Review. Staff may request further documentation to determine ownership, control, and operation of the business. Failure to cooperate will result in rejection of the application

Agency:

- Either approves or rejects certification
- Approves certification for two years and notifies approved businesses by a Letter of Certification
- Provides certification status of the business to state procurement officers and other appropriate persons involved in the implementation of the state's procurement program
- Rejects applicant if the application is improperly filed; requested information is not provided; or the applicant fails to meet certification requirements
- Notifies rejected businesses in writing, including reasons for the rejection

Business:

- If rejected, may re-apply immediately unless re-application instructions are specified in writing
- If certified, required to recertify every two years, using department application/affidavits and must have filed a request for recertification with the department prior to the certification expiration date or will automatically be decertified on the date of expiration.

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