MICHIGAN USDOT RECIPIENTS
MEMORANDUM OF UNDERSTANDING
FOR THE UNIFIED CERTIFICATION PROGRAM

Revised 10-29-15 to incorporate Amendments 1 (8-1-2012) and 2 (6-27-15)

MISSION STATEMENT

The Michigan Unified Certification Program (MUCP) exists to provide an effective means of communication, cooperation and collaboration among the MUCP agencies, and to enhance our ability to provide quality service to our customers through the implementation and administration of this program.

ORGANIZATION

All Michigan DOT recipient Disadvantaged Business Enterprise and Airport Concession Disadvantaged Business Enterprise certifying agencies and non-certifying agencies, listed below, agree to participate in this Michigan Unified Certification Program (MUCP) Certification Agreement in accordance with 49 C.F.R. Parts 23 and 26, which state in part:

"You and all other DOT recipients in your state must participate in a Unified Certification Program (UCP)...."

The MUCP will follow all certification procedures and standards of 49 CFR Parts 23 and 26, on the same basis as recipients; the MUCP shall cooperate fully with oversight, review and monitoring activities of DOT and its operating administrations; and the MUCP shall implement DOT directives and guidance concerning certification matters. The MUCP agencies shall ensure sufficient resources, funding and expertise to carry out the requirements of 49 CFR Parts 23 and 26. The MUCP committee of certifying agencies will make all overall policy decisions for the MUCP.

To that end, this Memorandum of Understanding is based on the following principles:

1. Each certifying agency retains the right to certify or deny an applicant based upon that agency's policies and procedures within the guidelines, interpretation of the regulations and forms agreed upon by the certifying members of the Michigan Unified Certification Program in accordance with 49 CFR Part 26.83. These determinations are binding upon all MUCP agencies.

2. MUCP certifying agencies have agreed to purchase a database to manage certifications from each agency. The database will provide an online DBE certification database and current Directory. It is the mechanism by which MUCP agencies will be notified for certification decisions. It will also give notice of meetings, trainings, contacts and other information relevant to the MUCP's implementation. The database has been purchased

by Michigan DOT and is housed on a Michigan DOT server. Each MUCP certifying agency will have 24 hour access to all information.

3. The MUCP will maintain a unified DBE directory containing all firms certified by the MUCP (including those from other states certified under the provisions of this 49 CFR Part 26), the information required by 26.31. The MUCP will make the directory available to the public electronically, on the internet as well as in print. The MUCP will update the electronic version of the direction by including additions, deletions, and other changes as soon as they are made. The MUCP webpage which includes the directory and forms will be maintained by the Michigan Department of Transportation. Information concerning the status of firms requesting certification shall be entered by the appropriate certifying agency.

4. The certifying agency will notify all MUCP agencies and certification applicants in writing, within a reasonable period of time, of their certification decision for each new applicant. Certifying agencies must keep complete files on applicants and provide information as required. Certifications which do not follow MUCP guidelines will not be valid. The MUCP will, with cause, review any agencies certification file to determine if guidelines have been followed.

5. Each certifying agency agrees to provide information and documentation, upon request, to any out-of-state certifying agency where a DBE firm is seeking certification. All MUCP agencies agree to refer any UCP inquiries from out-of-state UCP's to the appropriate certifying agency.

6. Each certifying agency agrees to require home state certification as a prerequisite to certifying an out-of-state firm. The certifying agency where an out-of-state DBE firm is seeking certification may contact the applicant or the home state in order to address questions and concerns.

7. Each certifying agency will annually require its DBE firms to file an Annual Affidavit to continue certification eligibility. In accordance with 49 CFR Part 26 an applicant's documentation will be kept confidential unless the certifying agency receives written approval to forward applicant information with exceptions provided within 49 CFR.

8. MUCP agencies have autonomy in making decisions regarding any certified DBE's participation on agency projects and contracts. Each MUCP agency has the authority to initiate action(s) that may affect a DBE firm's eligibility to participate on its contracts or projects without the prior approval of the initial certifying agency. The MUCP agency where action is taken has the responsibility of informing the other MUCP agencies within 30 days of the outcome of those actions. Any actions taken which effect a firm's

eligibility for certification will be in accordance with 49 CFR Part 26.87 and the MUCP removal of eligibility procedures. Any actions taken to remove eligibility based on the above will require full cooperation by the initial certifying agency in corresponding with the firm, scheduling hearings and providing documents to USDOT and other interested parties as required. Copies of investigation results will be kept on file at the initial certifying agency.

9. This Agreement should not be construed to contravene the sovereignty of each MUCP agency in making any decision concerning the DBE Programs that do not affect the certification process as governed by the MUCP.

10. Certification decisions by the MUCP certifying agencies shall be binding on all MUCP agencies within the State of Michigan. All certifications will be pre-certifications; i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE as required by 49 CFR Part 26 26.81(c). Certification decisions are final as of the date of the notice of approval/denial sent by the certifying agency.

11. All obligations of MUCP agencies with respect to certification and nondiscrimination must be carried out by the MUCP and all MUCP agencies may accept certifications only from UCP's that comply with the certification and nondiscrimination requirements of 49 CFR Part 26.81(b)(3).

12. To be effective, any amendments to this MOU Agreement must be approved by the MUCP Certifying Agencies. The approval of those agencies designated as "Certifying Agencies" with the exception of the Wayne County Airport Authority, shall be sufficient for ratification of the amendment(s) to the MOU. Non-Certifying Agencies will be notified of proposed changes and provided sufficient time in which to present objections to all proposed amendments. All objections shall be addressed by the "Certifying Agencies" prior to amendment approval. Amendments shall contain the signature, written or electronic of the approving agencies. These amendments must also be approved by USDOT.

IMPLEMENTATION PRODECURES

The certifying agencies and any interested non-certifying agencies, will quarterly meet to address implementation processes and issues required to assure appropriate procedures are in effect pertaining to this Michigan USDOT Recipients Memorandum of Understanding for a Unified Certification Program. The implementation procedures maybe revised, as needed, with the consent of all certifying agencies without invalidating this MOU.

1. The MUCP will establish a unified directory with web accessibility to the general public. The active date is 2004.

2. The certifying agencies have formed a committee, with representation from each certifying agency, to process DBE removals of eligibility in accordance with 49 CFR Part 26.87 for the removal of eligibility. The MUCP certifying agencies shall meet on a quarterly basis with the exceptions of information hearings or administrative reviews.

3. The certifying agencies agree on the eligibility status of firms currently certified by the MUCP agencies.

4. The MUCP certifying agencies will establish uniform formats for the following: USDOT uniform certification application, Personal Net Worth form, certificate of eligibility, standard appeal time frames for recipients' denials of initial requests for certification, standard language for removal of eligibility, on-site review format, and any additional forms deemed necessary for a fully functioning MUCP. Workshops have been held, and are ongoing which are used to compare processes and reach agreement on standard letters and forms. MUCP agencies agree to enter basic information into the MUCP database as soon as possible upon receiving an application. This will allow the MUCP to avoid duplicate or conflicting certification activities.

5. Each certifying agency has appropriate agency channels for appeals of Denial of Initial Requests for Certification in accordance with 49 CFR Part 26.85. Appeals will be completed by the agency which processed the application. Once a denial is made, the applicant may appeal to USDOT in accordance with 49 CFR Part 26.89. Each certifying agency's Denial and Appeal process is accepted as binding on the MUCP. USDOT will request file information from and reply directly to the certifying agency. The certifying agency will then have the responsibility of notifying the MUCP.

6. On-site reviews on all firms including SBA certified firms will be conducted by the certifying agencies as required by 49 CFR Parts 26.81(b)(3) and 26.83(c)(1).

7. Requirements for agencies wishing to become new certifying agencies are as follows:

    a. An agency desiring to become a certifying agency in the MUCP completes a written commitment to abide by the terms of the MOU. They specifically accept the certifying agency's responsibilities and submit it to the existing MUCP committee of certifying agencies. This written commitment also designates and identifies the individual(s) the applicant agency proposes to use to perform certification reviews and determinations and is signed by an individual within the organization with authority to bind the organization and commit adequate resources to the successful execution of this agreement.

b. All MUCP certifying agencies must agree to maintain trained and knowledgeable staff for certification processing in accordance with the requirements under 49 CFR and the MUCP MOU. The MUCP reserves the right to revoke the certifying privileges of any certifying agency that does not maintain trained knowledgeable staff in accordance with 49 CFR 26 and all MUCP requirements.

c. The majority vote of current certifying agencies is required for an agency to become a certifying agency. The MUCP committee of certifying agencies will send a written acknowledgement to the applying agency that includes guidelines for certification and a proposed training schedule for their designated certifying staff.

d. The duration of training will be one year unless otherwise specified by the MUCP committee of certifying agencies. Training will consist of learning to analyze the regulations, the content of applications, company documentation, standard on-site questions, correspondence, forms, etc. Training also includes attending and assisting with at least five (5) supervised on-site reviews with recognized and experiences MUCP certification staff and then conducting and completing at least five (5) certification reviews that are deemed by the MUCP committee of certifying agencies to meet the requirements of 49 CFR Part 26 and all other MUCP requirements. Any variations to this requirement will be by consent of the MUCP committee of certifying agencies.

e. The applying agency receives written approval from the MUCP committee of certifying agencies when their designated staff has satisfactorily completed the training specified above. Approval and continued participation as a certifying agency is contingent upon having trained and knowledgeable certifying staff.

f. The MUCP reserves the right to revoke the certifying privileges of any certifying agency that does not comply with the certification requirements of 49 CFR Part 26 and the MUCP requirements.

8. The Removal or Eligibility Committee will consist of one representative from the following agencies:

   Michigan Department of Transportation (MDOT), Office of Business Development
   Detroit Department of Transportation, Contract Compliance
   Wayne County Human Relations Division

   Representatives from the following agencies will serve as alternatives when necessary:
   Detroit Metropolitan Wayne County Airport, Contract Compliance

Each agency will have one vote except the agency which performed the initial certification. That agency will abstain from voting or if necessary to break a tie will be represented by an alternate member. In accordance with the regulations, each firm will be allowed to present their case in person or through an administrative review of documents.

Removal of eligibility to participate in the MUCP DBE program may occur for any of the following reasons:

a. Notification by the firm that it no longer meets federal regulations for DBE certification.

b. If the DBE's business entity has changed to the extent the business is no longer a small business concern.

c. For federal-aid projects funded by FHWA, FAA, and FTA funds, if the socially and economically disadvantaged individual's status has been challenged and the department has found the individual does not meet the definition of a "socially and economically disadvantaged individual" used in 49 CFR Part 26.63, 26.67, and Appendix E, "Individual Determinations of Social and Economic Disadvantage," and that the firm is no longer owned and controlled at least 51 percent by a socially and economically disadvantaged individual(s).

d. If the firm's business entity has changed to the extent the business is no longer owned and controlled by socially and economically disadvantaged individual(s) as defined by the federal regulations.

e. For federal-aid projects if the MUCP agency received an order from the office of the Secretary of Transportation, US DOT, to remove the eligibility of a DBE firm.

f. If an investigation uncovers evidence of violations of 49 CFR Part 26, with regard to the actual work performed by a DBE, and the findings and conclusions show that the firm's ownership or control has changed to the extent that the firm is no longer eligible.

g. All other reasons as provided in 49 CFR Part 26.

If grounds for removal of eligibility are sufficient, the firm is mailed a ***Notice of Intent to Remove Eligibility***, with the reasons for the decision and advised of the opportunity for a hearing before the Removal of Eligibility Committee. The applicant has 30 calendar days from the date of the notice of intended removal of eligibility to appeal. The firm

may be given any opportunity to rebut findings of the investigation at a conference with the certifying MUCP agency. Firms failing to attend the scheduled conference may be removed from the program for failure to cooperate.

The certifying agency will schedule a conference within 30 days of receipt of a request. At the conference, reasons for the intended removal of eligibility will be discussed, either in person by the DBE, or through an administrative review of documents, if requested by the firm. The Committee will receive information and evidence intended to show that certification eligibility should not be removed, and will ask questions related to the intended removal of eligibility.

All information will be reviewed, and a vote taken. If the DBE has successfully rebutted the findings detailed in the ***Notice of Intent to Remove Eligibility***, the firm will remain certified. If the intended removal of eligibility has not been rebutted, the firm is notified, and DBE certification is removed.

Firms may appeal to the US DOT within 90 calendar days of the date of the final decision. The appeal letter must contain information and arguments on why the removal of eligibility should be reversed. Pending the US DOT's decision in the matter, the department's decision remains in effect. 49 CFR Part 26.89 describes the process for appeals to the US DOT. Firms which have had DBE certification removed must wait twelve (12) months after the effective date of the final decision before reapplying for DBE certification.

This MOU is modified to incorporate by reference all provisions and requirements of 49 CFR Part 23, the Airport Concession Disadvantaged Business Enterprise program.

All provisions of this MOU shall be fully operation upon acceptance by the Secretary of the United States Department of Transportation.

The agencies listed below agree to the MUCP and the terms of this Memorandum of Understanding and agree to abide by its contents.

CERTIFYING AGENCIES

MICHIGAN DEPARTMENT OF TRANSPORTATION, LISA THOMPSON, ADMINISTRATOR, OFFICE OF BUSINESS DEVELOPMENT

DETROIT DEPARTMENT OF TRANSPORTATION, SHEILA UDEOZOR, MANAGER, CONTRACT COMPLIANCE

WAYNE COUNTY, VICTORIA INNISS-EDWARDS, DIRECTOR OF HUMAN RELATIONS

NON-CERTIFYING AGENCIES

DETROIT TRANSPORTATION CORPORATION, BARBARA HANSEN, GENEARL MANAGER

SUBURBAN MOBILITY AUTHORITY FOR REGIONAL TRANSPORTATION (SMART), AUSTIN COLSON, MANAGER, DBE/EEO PROGRAMS

GRAND RAPIDS, THE INTERURBAN TRANSIT PARTNERSHIP, JUDY DEVRIES, PROCUREMENT SERVICES COORDINATOR

COLEMAN A. YOUNG MUNICIPAL AIRPORT, PAMELA MDGINISTER, ANALYST

WAYNE COUNTY AIRPORT AUTHORITY, DETROIT METROPLITAN WAYNE COUNTY AIRPORT, BOBBIE GRIGGS, PROGRAM ADMINISTRATOR

FLINT MASS TRANSPORTATION AUTHORITY, ED BENNING

MUSKEGON AREA TRNASIT SYSTEM, JAMES KOENS

GERALD R. FORD INTERNATIONAL AIRPORT, COUNTY OF KENT, AERONAUTICS DEPARTMENT, JOEL BURGESS, PROPERITIES ADMINISTRATOR

KALAMAZOO/BATTLE CREEK INTERNATIONAL AIRPORT, AMANDA WOODIN, ASSISTANT DIRECTOR, FINANCE & ADMINISTRATION

CAPITAL REGION INTERNATIONAL AIRPORT, JOHN VRABEL, SENIOR VICE PRESIDENT, COO

ANN ARBOR TRANSPORTATION AUTHORITY, MICHELLE WHITLOW, MANAGER OF PURCHASING

BISHOP INTERNATIONAL AIRPORT (FLINT), JOHN BARSALOU, DEPARTMENT DIRECTOR OF OPERATIONS

KALAMAZOO METRO TRANSIT SYSTEM, SEAN MCBRIDE

CITY OF SAGINAW, SAGINAW TRANSIT AUTHORITY, THERESA MCCLELLON

CAPITAL AREA TRANSPORTATION AUTHORITY, LANSING, RICH BANNON, PURCHASING MANAGER

BATTLE CREEK TRANSIT, COLLEEN BOHN, TRANSIT GRANTS PROBRAM ADMINISTRATOR

MACATAWA AREA EXPRESS (MAX), LINDA LEFEBRE

JACKSON TRANSPORTATION AUTHOIRTY, OLIVER LINDSAY

SOUTHEAST MICHIGAN COUNCIL OF GOVERNMENTS, PAUL TAIT

BAY METRO TRANSPORTATION AUTHORITY, TOM DOMINOWSKI, PURCHASING AGENT

BLUE WATER AREA TRANSIT, DAVE MCELROW, DIRECTOR OF FINANCE

DICKINSON COUNTY FORD AIRPORT, TIM HOWEN, AIRPORT MANAGER

MUSKEGON COUNTY AIRPORT, MARTY PIETTE, AIRPORT MANAGER

MBS INTERNATIONAL AIRPORT, BERNIE COFFELL, OPERATIONS MANAGER

SAWYER INTERNATIONAL AIRPORT, DUANE DURAY, AIRPORT MANAGER

CHIPPEWA COUNTY INTERNATIONAL AIRPORT, TAMI BESEAU, AIRPORT MANAGER

CHERRY CAPITAL AIRPORT, TRANVERSE CITY, DAN SAL, ASSISTANT DIRCTOR, OPERATIONS & MAINTENANCE

HOUGHTON COUNTY MEMORIAL AIRPORT, DENNIS HEXT, AIRPORT MANAGER

DELTA COUNTY AIRPORT, KELLY SMITH, AIRPORT MANAGER

PELLSTON REGIONAL AIRPORT, KELLY ATKINS, AIRPORT MANAGER

TWIN CITIES AREA TRANSPORTATION AUTHORITY, BILL PURVIS