BIRMINGHAM CONSTRUCTION INDUSTRY AUTHORITY

Guidelines for Certification & Recertification of Minority Business Enterprises (MBE) And Disadvantaged Business Enterprises (DBE)

CERTIFICATION AND RECERTIFICATION OF MBE/DBE FIRMS CERTIFICATION GUIDELINES

The integrity of any MBE/DBE Program depends, to a large extent, upon the establishment of systematic procedures to ensure that only bona fide firms are certified to participate in the program. In order to ensure consistency with the established certification guidelines, the BCIA has adopted the following eligibility standards and procedures.

Although it is the applicant's responsibility to submit the required information in a notarized document, under penalty of perjury, it is the BCIA's responsibility to certify that the applicant's firm meets the eligibility to standards set forth. The burden of proof of eligibility shall rest with the applicant.

Applicants seeking certification under this program must provide a complete statement explaining why they are socially and economically disadvantaged. Certification of applicants of other member groups who have not been identified by the BCIA to be socially and economically disadvantaged will be done a case-by-case basis only.

The office of the Executive Director of the BCIA handles all of the initial applications for certification and re-certification and is responsible for compliance with the eligibility standards.

The Executive Director shall initially certify and annually re-certify MBE/DBE firms. The certification process shall consist of three separate procedures: (1) Waiver of Certification Procedure; (2) Initial Certification Procedure; and (3) Re-certification Procedure.

1. WAIVER OF CERTIFICATION PROCEDURE

Any firm which is certified as meeting MBE/DBE criteria by the U.S. Department of Transportation or Urban Mass Transit Authority (UMTA) or has attained SBA- 8A status will be considered for waiver of the certification process upon presentation of its certificate of such status to the BCIA Executive Director.

To apply for a waiver, one must submit a request for waiver, which must be submitted to the Executive Director who shall make a final and binding decision with respect to waiving the Authority's certification process. Applicant requesting the wavier shall complete certification application for information purposes.

2. INITIAL CERTIFICATION PROCEDURE

MBE/DBE firms, which do not qualify for a waiver, may apply to the BCIA for certification. The application packet for initial certification may be obtained from the BCIA office or at the BCIA website at www.bcia1.org it contains the following:

- Guidelines
- Application for certification
- Statement of social or economic disadvantage status

Under the criteria for certification, there is a rebuttal presumption that minority-owned and women-owned businesses are MBE/DBE firms. For the purposes of this Plan, the term "MBE/DBE" or other disadvantaged minorities, or in the case of a publicly owned business, at least 51% of the ownership of said business is owned by African Americans or blacks, women or other disadvantaged minorities. This presumption applies only to businesses actually owned and managed by blacks, women, or other disadvantaged minorities for a credible period of time. The administrative rules and regulations, which define what time period constitutes a "credible" period, are contained this document. Any business entity may be certified as a MBE/DBE firm upon a showing that is has suffered discrimination or is disadvantaged in the American Construction Industry. By initial certification and periodic re-certification, the BCIA program will focus upon businesses that continue to suffer a disadvantaged status in the Birmingham area. Beneficiaries of this program shall be MBE/DBE firms indigenous to the metropolitan Birmingham area and MBE/DBE

firms, which establish offices (branches) and maintain a reasonable staff presence in the Birmingham area.

3. PROCEDURE FOR RENEWAL OF CERTIFICATION

Once certified, a MBE/DBE shall update its certification annually by submitting an application for re-certification to the Executive Director of the BCIA no later than one (1) year following the date of initial certification. Failure to submit a re-certification application will automatically result in de-certification from the program. If at any time there is a change in ownership or control of the firm, the MBE/DBE shall submit a new certification application to the BCIA reflecting the change in ownership.

DEFINITIONS

1. "Minority Business Enterprise" (MBE) is a business controlled by and a majority of which is owned by African Americans or blacks. Under the criteria for certification, there is a rebuttal presumption that black-owned businesses are MBE firms. For the purpose of this Plan, the term "MBE" means a business at least 51% of which is owned by blacks, or in the case of publicly owned business, at least 51% of the stock of said business is owned by blacks. This presumption applies only to businesses actually owned and managed by blacks. By initial certification and periodic re-certification, the Plan will focus upon businesses that continue to suffer a disadvantaged status in the Birmingham area. A showing that the firm no longer suffers a disadvantaged status in the Birmingham area will result in denial certification or re-certification. Beneficiaries of the Plan shall be MBE firms, which establish offices (branches) and maintain a reasonable staff presence in the Birmingham Standard Metropolitan Statistical Area.

2. "Disadvantaged Business Enterprise" (DBE) is defined as business concern currently doing business and/or located in the Birmingham Metropolitan statistical area, meeting the following criteria:

    a. Which is at least 51% owned, by one or more socially and economically disadvantaged individuals, or in the case of a publicly owned business, at least 51% of the stock is owned by disadvantaged individuals.
    b. Whose management and daily business operations are controlled by one or more of the socially, and economically disadvantaged individuals who own it.
    c. Under the criteria for certification, there is a rebuttal presumption that women-owned businesses are DBE firms. For the purpose of this Plan, the term "DBE" mean a business at least 51% of which is owned by women or other disadvantaged minorities, or in the case of a publicly owned business, at least 51% of the stock of said business is owned by women or other socially and economically disadvantaged persons. This presumption applies only to businesses actually owned and managed on a day-to-day basis by women or other such disadvantaged person for credible period of time. Any business entity may be certified as a DBE firm upon showing that it has suffered discrimination or continues to suffer a disadvantaged status in the Birmingham area.

Beneficiaries of this plan shall be DBE firms indigenous to the metropolitan Birmingham area, and DBE firms, which establish offices (branches) and maintain a reasonable staff presence in the Birmingham area.

a) "Socially Disadvantaged Individuals" means individuals who have been

subject to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their qualities as individuals or capabilities as a business.

b) "Economically Disadvantaged Individuals" means socially disadvantaged individuals whose ability to compete in the free enterprise system is impaired due to diminished opportunities to obtain capital and credit as compared to others in the same line of business that are not socially disadvantaged.

c) A "credible" period of time means a sufficient period of time to show that the firm is not simply operating as a front for some person or entity, which does not qualify for certification as a DBE. An example would be that a business normally would not be certified merely because ownership was transferred from a husband to a wife.

d) A "front" means a firm, which is not truly owned and controlled by socially and economically, disadvantaged individual(s).

MINORITY GROUP MEMBERSHIP

In determining minority group membership, it is important that bona fide minority group membership be established on the basis of the individual's claim that he or she is a member of a minority group and is so regarded by that particular minority community.
In cases where the racial/ethnic origin is in question, the BCIA will require the applicant to prove his or her minority status.

The following documents will be required as applicable:

a) Proof of membership and interaction in recognized minority organizations.
b) Birth certificates and/or driver's license.
c) Naturalization papers.
d) Indian tribal roll, tribal voter registration certificate, or other official documents.
e) History of individual having held himself/herself to be a member of the minority group or community (driver's license, school, medical and service records).
f) Recognition of applicant in the particular minority community as a minority through sworn and notarized statements from bona fide members the community who are clearly disinterested parties.
g) History of individual's economic and social disadvantaged status as it to ethnic group membership.

BUSINESS SIZE AND STRUCTURE

The BCIA will consider the size and financial capabilities of the firm for MBE/DBE eligibility as it relates to being economically disadvantaged.

OWNERSHIP, EXPERTISE, AND CONTROL CITIZENSHIP

The following standards shall be used by the BCIA in determining whether a firm is owned, managed and controlled by socially and economically disadvantaged individuals and therefore eligible to be certified as a MBE/DBE.

1. If this owner is not a U.S. citizen, check the appropriate box that indicates whether this owner is a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner. This, however, does not necessarily disqualify your firm altogether from the DBE program if another owner is a U.S. citizen or lawfully admitted permanent resident and meets the program's other qualifying requirements.

2. An eligible MBE/DBE shall be an independent business:
   a) The ownership and control shall be real, substantial, and continuing and shall go beyond the pro forma ownership of the firm as reflected in its ownership documents. The MBE/DBE will not be dependent upon or connected with another

business that is not a MBE/DBE, as evidenced by such items as multiple shared resources, common employees, common directors, or the payment of the MBE/DBE's payroll by a non-MBE/DBE firm.

b) The MBE/DBE owners shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance rather than the form of the arrangements.

c) For purposes of certification as a business owned by a woman, ownership shall be measured as though not subject to the property interest of the applicant's spouse, if (A) both spouses certify in writing that the non-participating spouse relinquishes control over his property interest in the subject business and (B) the husband does not exercise any control over the business, including serving as a corporate director, being an employee involved in the functional mission of the business, or acting as a paid consultant to the business.

d) Recognition of the business as a separate entity for tax purposes is not necessarily sufficient for recognition as a MBE/DBE. In determining whether a potential MBE/DBE is an independent business, the BCIA shall consider all relevant factors, including date the business was established, method of acquisition, the adequacy of its resources for the work of the contract, and the degree to which financial, equipment leasing, and other relationships with non-MBE/DBE firms vary from industry practice.

3. The MBE/DBE owner(s) shall direct or cause the direction of the management and policies of the firm and make the day-to-day as well as major decisions on matters of management policy and operations.

    a) The firm shall not be subject to any formal or informal restrictions, which limit the customary discretion of the MBE/DBE. There shall not be restrictions through, for example, bylaw provisions, partnership agreements, or charter requirements for cumulative voting rights or otherwise that prevent the MBE/DBE owners from making a business decision for the firm

    b) The MBE/DBE applicant who own the majority interest in or assets of a business must exercise independently the authority to control the business decisions of the business. Characteristic of such control is the authority to (1) sign bids and contracts, (2) make price negotiation decisions, (3) incur liabilities for the business, (4) independently make bank loans and lease agreements, (5) make personnel decisions, (6) establish policy for the business, (7) direct the management of the business, (8) independently make any financial decision on behalf of the business, and (9) sell or liquidate at will.

4. If the owners of the firm who are not MBE/DBE's are disproportionately responsible for the operation of the firm, then the firm is not controlled by the MBE/DBE and shall not be considered a MBE/DBE within the meaning of the BCIA Policy. Here the actual management of the firm is contracted out to individuals other than the owner, those persons who have ultimate power to hire and fire the managers can, for the purpose of the BCIA Policy, be considered as controlling the business.

5. All securities which constitute ownership and/or control by a

corporation for purposes of establishing it as a MBE/DBE shall be held directly by the MBE/DBE. No securities held in trust, or by any guardian for a minor shall be considered as held by the MBE/DBE in determining the ownership and control of a corporation.

6. The contribution of capital or expertise by the MBE/DBE owners to acquire their interests in the firm shall be real and substantial. Evidence of the owner's expertise shall be submitted with the application for certification. Normally, the owner shall have demonstrable skills or knowledge of the field of endeavor in which certification is sought, including licenses where required.
7. Examples of insufficient contributions include a promise to contribute capital, a note payable to the firm or its owners who are not MBE/DBE's or the mere participation as an employee in actual terms, rather than as an owner.
8. In addition to the above standards, the BCIA shall closely scrutinize the following situations when determining the eligibility of newly formed firm.
    a. Firms whose ownership and/or control have changed prior to or since the date of an advertised contract or proposal
    b. A previous and/or continuing employer-employee relationship between or among present owners.
    c. MBE/DBE applicants who have been recently employed by a non- MBE/DBE firm in the same field of endeavor will be restricted by the BCIA from being certified or listed on contracts or agreements as a MBE/DBE firm for a period of one year.
9. A joint venture is eligible under the BCIA's policy provided the joint venture meets the standards for the eligible MBE/DBE set forth above and the MBE/DBE partner is responsible for a clearly defined portion of the work to be performed and shares in ownership, control, management responsibilities, risks, and profits of the joint venture.
10. A business requesting to be certified as a MBE/DBE or joint venture by the BCIA shall cooperate with the BCIA in supplying additional information, which may be requested in order to make determination. Willful failure to supply the requested information in a timely manner will result in the BCIA rendering the application incomplete. MBE/DBE firms and joint venture applicants who willfully fail to provide the additional requested information will be prohibited from applying for certification for a six-month period.

LOCATION OF MBE/DBE FIRMS

All applicants under this program must have a principal place of business located in an independent office or other type of facility conducive to the type of business for which that firm is seeking certification. If a MBE/DBE is primarily performing or operating at the location of a non-MBE/DBE firm in the same field of endeavor, then that MBE/DBE firm will not be considered an eligible MBE/DBE under this program. Applicants whose offices are primarily housed in the confinements of their homes will be closely scrutinized per the nature of their business in ascertaining their eligibility.

RESTRICTIVE CERTIFICATION

The BCIA may restrict the certification of the MBE/DBE to their expertise in their field of endeavor. The applicant must submit a resume of their operational experience in the field for which they seek certification. The BCIA will consider on a case-by-case basis the experience level required for certification. The BCIA will restrict the MBE/DBE applicant from being listed as a MBE/DBE subcontractor or participant on contracts or proposals by a non-MBE/DBE firm who shares or provides ownership interest in that MBE/DBE firm.

COMMERCIAL USEFUL FUNCTION

The MBE/DBE shall perform a commercially useful function and is responsible for the

execution of a distinct element of the work of a contract and must actually perform, manage, and supervise the work involved. Consistent with normal industry practices, a MBE/DBE may subcontract no more than forty nine percent of a contract being counted toward the applicable MBE/DBE participation goals. If the subcontract is of a significantly greater portion of the work than would be expected on the basis of normal industry practices, the MBE/DBE shall be presumed to not be performing a commercially useful function. Brokering in many instances will not be considered performing a commercially useful function.

DECERTIFICATION

The BCIA reserves the right to revoke the certification of a MBE/DBE firm. The BCIA at any time during the certification or re-certification period of a MBE/DBE may audit the application and supporting documents of that firm at a location determined by the BCIA. Such audits may be conducted at the MBE/DBE office. The revoking of a MBE/DBE certification will result in that firm being removed from the list of certified MBE/DBE's for a minimum period of two years.

The following are reasons for revoking certification or for refusing to re-certify a MBE/DBE:

a) Certified MBE/DBE firms are joint ventures who are not performing a commercially useful function as required by this policy.
b) MBE/DBE applicants submitting inaccurate, false, or incomplete information to gain certification or re-certification as a MBE/DBE.
c) Third party information. (See challenges and complaints).
d) The ownership or control of the business changes so that it no longer meets the eligibility standard established by these guidelines.
e) Certified MBE/DBE's whose primary business provides an unfair advantage in the market place and is not conducive to meeting the independent business requirements of these guidelines, for certification.
f) All applications waiver, certification, and re-certification shall be submitted to the BCIA's Executive Director. The determination of eligibility will be made by the Executive Director and sent the applicant in writing within a reasonable period following receipt of the application.
g) MBE/DBE applicants who fail provide requested information in a specified time will not be considered eligible for submission of an application for certification for a period not less than six months.

DENIAL OF CERTIFICATION OR RECERTIFICATION

If the Executive Director denies certification or re-certification, then the applicant may appeal to the Board of Directors of the BCIA by submitting a written statement describing fully the basis for the appeal within two weeks of the receipt of the denial. The Board of Directors will then make a decision based upon the written submission and the file of the Executive Director. The denial of certification or re-certification by the Executive Director shall be effective immediately. If there is no appeal, then the decision of the Executive Director is final and binding. If there is an appeal, the decision of the Board of Directors shall be final and binding and no appeal or challenge will be made thereto. The firm shall not participate in the MBE/DBE program and shall not be eligible to re-apply for certification until one (1) year from the date of the initial denial letter. A denial of certification or re-certification does not prohibit the applicant's firm from bidding on any contract.

RECERTIFICATION

Once certified, a MBE/DBE shall update its certification annually by submitting an application for re-certification to the Executive Director by December 31st. Failure to submit a re-certification application will automatically result in de-certification from the program. If at any time there is a change in ownership or control of the firm, the MBE/DBE shall submit a

new certification application to the BCIA reflecting the change in ownership.

RECIPROCAL CERTIFICATION

The BCIA reserves the right to make its own determination of certification, even though the firm has been certified by any other Federal, State, or local entity. Certification by other entities, including certification of 8(a) status by the SBA will be considered but will not be binding upon the BCIA or the Executive Director.

CHALLENGES AND COMPLAINTS

Third parties who have reason to believe that another firm has been wrongly denied or granted certification as a MBE/DBE or joint venture may advise the BCIA. These allegations do not have to be in writing and the person(s) making the allegation shall receive anonymity, if requested, in order to avoid or reduce the possibility or reprisal or retaliation. Where such allegations are made directly to the BCIA, the BCIA will document it, investigate, and determine what action, if any, is warranted. Where the complaint involves criminal violations, referrals will be made to the appropriate legal enforcement authority to decide if further action is warranted.

DISCLOSURE OF INFORMATION

The BCIA shall safeguard from disclosure to unauthorized persons information that reasonably may be regarded as confidential business information.



MBE/DBE Certification Application

A voluntary program for certification of and assistance to Minority and Disadvantaged business enterprises in the construction industry.

Certification Frequently Asked Questions

What is BCIA?
Birmingham Construction Industry Authority (BCIA) is an agency created to implement a disadvantaged business enterprise program in the construction industry. It was founded in 1989 and opened for service in 1990. It offers certification, training workshops, networking opportunity, contract plans and specifications, technical assistance and advocacy for bona fide minority disadvantaged businesses and individuals. Since opening its doors for business, BCIA has been instrumental in disadvantaged businesses participating in more than $650 million dollars in contracts and awards.

What is an MBE?
Minority Business Enterprise (MBE) is a business controlled by and a majority of which is owned by African Americans or Blacks. The term "MBE" means a business at least 51% of which is owned by Blacks, or in the case of publicly owned business, at least 51% of the stock of said business is owned by Blacks.

What is a DBE?
Disadvantaged Business Enterprise (DBE) is defined as business concern which is at least 51% owned, by one or more socially and economically disadvantaged individuals, or in the case of a publicly owned business, at least 51% of the stock is owned by disadvantaged individuals. Whose management and daily business operations are controlled by one or more of the socially, and economically disadvantaged individuals who own it.

What is the difference between "Socially Disadvantaged Individuals" and "Economically Disadvantaged Individuals"?

a. *Socially Disadvantaged Individuals* means individuals who have been subject to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their qualities as individuals or capabilities as a business.
b. *Economically Disadvantaged Individuals* means socially disadvantaged individuals whose ability to compete in the free enterprise system is impaired due to diminished opportunities to obtain capital and credit as compared to others in the same line of business that are not socially disadvantaged.

Can a woman and a man own the company jointly?
Yes. A woman and a man can own the company jointly; however, the majority owner must be socially or economically disadvantage and own 51% of the business and must demonstrate that his/her management and control of the company, and contribution of capital and/or expertise, and assumption of all profits and risks are commensurate with his/her ownership percentage.

What is NAICS?
The North American Industry Classification System (NAICS) classifies business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. economy. The NAICS industry codes define establishments based on the activities in which they are primarily engaged. NAICS codes are also used for administrative, contracting, and tax purposes. NAICS is production oriented (not product oriented) and categorizes businesses with others that have similar methods of production.

What is the certification process?
A brief summary of certification process is as follows:

1. A business entity submits an application, along with the necessary supporting documentation, notarized sworn affidavit and certification fee.
2. An on-site visit is conducted at a pre-determined time with the majority business owner.
3. If certification is granted, the company's owner and assigned contact will receive an e-mail notification telling them that they have been certified and the BCIA Certificate has been mailed.
4. A formal letter is mailed to the owner if certification is denied.

What is the fee for certification?
Certification fee is $300

Is the certification fee refundable if certification is denied?
Yes in certain circumstances. Refunds are determined on case by case basis.

Why do I have to supply my company's financial information?
Financial documents, such as the Profit & Loss Statement, provide evidence that the applicant is conducting the business as described in the application. Documents such as the Balance Sheet and tax returns are used collectively to verify the ownership, management, and control by the owners. Please note that the certification process does not evaluate the company's profitability or financial viability. BCIA does not disclose confident business information to others.

What is the processing time for certification?
The processing time is generally two weeks from the date all documentation has been received from the firm requesting certification.

What is a site visit?
A **mandatory** visit to your business or home office usually conducted by the Executive Director. In this interview you will discuss your company's business structure and view any equipment mentioned on the certification application. Please note applicants whose offices are primarily housed in the confinements of their homes (home office) will be closely scrutinized per the nature of their business in determining their eligibility.

My application was denied can I reapply at a later date?
Yes. If the Executive Director denies certification or re-certification, then the applicant may appeal to the Board of Directors of the BCIA by submitting a written statement describing fully the basis for the appeal within two weeks of the receipt of the denial. The Board of Directors will then make a decision based upon the written submission and the file of the Executive Director. The denial of certification or re-certification by the Executive Director shall be effective immediately. If there is no appeal, then the decision of the Executive Director is final and binding. If there is an appeal, the decision of the Board of Directors shall be final and binding and no appeal or challenge will be made thereto. The firm shall not participate in the MBE/DBE program and shall not be eligible to re-apply for certification until one (1) year from the date of the initial denial letter.

Will BCIA disclose any of my information with third parties?
No. The BCIA shall safeguard from disclosure to unauthorized persons information that reasonably may be regarded as confidential business information.

When will my certification expire?
All BCIA certifications expire December 31st.

How do I recertify my business, and will my company have to re-submit all of the same documentation?
No. recertification is a much shorter process. Once certified, a MBE/DBE shall update its certification by submitting a renewal application BCIA no later than December 31st. Failure to submit a re-certification application will automatically result in de-certification from the program. If at any time there is a change in ownership or control of the firm, the MBE/DBE shall submit a new certification application to the BCIA reflecting the change in ownership. Certified companies are encouraged to maintain current certification status.

Is recertification automatic?
No. Recertification is not automatic. The owner is sent a courtesy reminder 30 days prior to the expiration date of the company's certification. However, BCIA does recommend the MBE/DBE marks its calendar as a reminder to begin the process 30 days prior to its expiration date.

Criteria for Certification

Birmingham Construction Industry Authority (BCIA) uses a two part process to ensure that the applicant company meets BCIA Standards. This will include a thorough review of the documentation presented and a site visit with the owner(s).

Please refer to the **Guidelines for Certification & Recertification** used to determine certification (recommended reading).

- The applicant's company must be at least 51% owned, by one or more socially and economically disadvantaged individuals, or in the case of a publicly owned business, at least 51% of the stock is owned by disadvantaged individuals.
- Whose management and daily business operations are controlled by one or more of the socially, and economically disadvantaged individuals who own it.
- MBE/DBE firms, shall have establish offices (branches) and maintain a reasonable staff presence in the Birmingham Standard Metropolitan Statistical Area.

Application Instructions:

To expedite the efficient handling of your application, please read all of these instructions before you begin the application. Gather all of the mandatory documents. For documents that do not apply to your company, please provide a written account stating which documents do not apply and why.

For a list of **mandatory** documents please see below.

1. A copy of your current business license(s)
2. A copy of your current insurance certificate which includes your general liability and worker's compensation coverage
3. A copy of your income taxes for the past three (3) years
4. A statement of your social and economic disadvantageness.
5. Notarized affidavit
6. Application fee in the amount of $300.00 dollars

NOTE: If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

PLEASE KEEP PAGES 1-13 FOR YOUR RECORDS.

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Birmingham Construction Industry Authority
MBE/DBE Certification Application

If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: Company Information

Basic Contact Information:

1) Name of Firm:					
2) Street Address:					
City:		State:		Zip:	
3) Contact Person:					

4) Mailing Address:					
City:		State:		Zip:	
5) Phone:		6) Cell:		7) Fax	
8) Email:		9) Website			

Type of Legal Business Structure:

⊗ Is you firm "for profit"? Yes [ ] No [ ] ***STOP! If your firm is NOT for Profit, then you do NOT qualify for this program and should not fill out this application.***

[ ] Sole Proprietorship
[ ] Partnership
[ ] Limited Liability Company
[ ] Other, Describe

[ ] Limited Liability Partnership
[ ] Corporation
[ ] Joint Venture *(Identify all JV partners)*

B. Prior/Other Certifications and Applications:

10) Is your firm a current SBA 8(a) Contractor? Yes [ ] No [ ] *(If Yes, attach a copy of the SBA 8(a) Certification)*

Section 2: General Information

A. Business Profile: Give a concise description of the firm's primary activities and the product(s) or services(s) it provides. If your company offers more than one product/service, list the primary product or service first. Use additional paper if necessary. This description may be used in our database and online directory if you are certified as a MBE or DBE.

1) Applicable North American Industry Classification System (NAICS) Codes for this line of work include: _____

2) I/We have owned this firm since _____ **3) This firm was established on** _____

4) Method of acquisition *(Check all that apply):*

[ ] Started new business [ ] Brought existing business [ ] Inherited business
[ ] Merger or consolidation [ ] Secured concession
[ ] Other (explain below)

_____
_____

5) Is Business a franchise? Yes [ ] No [ ] *(If yes, please attach a copy of franchise agreement).*

6) Is Business a subsidiary? Yes [ ] No [ ] *(If yes, please provide names of parent company, owner and copies of any contractual agreements).*

_____
_____

7) Number of employees:

Full Time _____ Part Time _____ Seasonal _____ Total _____

8) What are the annual gross receipts of the firm for each of the last three years?
(Submit complete copies of firm's Federal tax returns for each year.)

Year _____ $ _____
Year _____ $ _____
Year _____ $ _____

9) Relationships and Dealings with Other Businesses

Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office or storage space, yard, warehouse, facilities, equipment, inventory, financing, office staff, and/or employees with any other business, organization, or entity? [ ] Yes [ ] No

a) If Yes, please explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Also detailed items shared.

_____
_____
_____

10) Has any other firm or individual had an ownership interest in your firm at present or at any time in the past?

[ ] Yes [ ] No (*If Yes, explain)*

_____
_____
_____

11) At present or at any time in the past, has your firm:

a) Ever existed under different ownership, a different type of ownership, or a different name? [ ] Yes [ ] No

b) Existed as a subsidiary of any other firm? [ ] Yes [ ] No *If answer is YES, Name:* _____

c) Existed as a partnership in which one or more of the partners are/were other firms? [ ] Yes [ ] No *If answer is YES, Name*:_____

d) Owned percentage of any other firm? [ ] Yes [ ] No *If answer is YES, Name:*_____

e) Had any subsidiaries? [ ] Yes [ ] No *If answer is YES name:*_____

f) Served as a subcontractor with another firm constituting more than 25% of your firm's gross receipts? [ ] Yes [ ] No *If answer is YES, Name*:_____

(If you answered "Yes" to any of the questions (a) – (f), you may be asked to provide further details and explain whether the arrangement continues)

12) Are you authorized to do business in the City of Birmingham, and do you have a business license?
Yes [ ] No [ ] *(If Yes, attach license)*

13) Are you authorized to do business in Jefferson County, and do you have a business license?
Yes [ ] No [ ] *(If Yes, attach license)*

14) Do you have an Alabama General Contractor or Alabama Subcontractor license issued by the State Licensing Board for General Contractors?
Yes [ ] No [ ] *(If Yes, attach license)*

15) Do you have an Alabama Home Builders License issued by the State Licensing Board for Home Builders? Yes [ ] No [ ] *(If Yes, attach license)*

16) Additional License: *Provide names of licensed individual(s) and of license(s)*

Full Name	Types of License

17) Performance Information: Have you ever failed to complete a project? Yes [ ] No [ ] *(if Yes, please explain.)*

_____
_____
_____
_____

18) Have you ever defaulted or failed to make payments for materials and/or labor? Yes [ ] No [ ] *(If Yes, please explain)*

_____
_____
_____

19) Indicate if this firm or other firms with any of the same officers have previously received, or been denied certification of participation as a MBE, DBE or WBE. If so, attach a copy of notice of certification or describe the circumstances of denial.

20) If other firms or subcontractors doing business with the Birmingham Construction Industry Authority need suppliers or subcontractors, may we give them your firm's name? Yes [ ] No [ ]

SECTION 3: MAJORITY OWNER INFORMATION

1) Ownership: List of individuals who have ownership interest in the firm. Identify the majority owner of the firm holding 51% or more ownership interest. You may use additional sheets if needed. *(If this owner is not a U.S. citizen, check the appropriate box that indicates whether this owner is a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is **NOT** eligible for certification as a DBE owner.)*

Is the majority owner a U.S. Citizen or Permanent Resident? Yes [ ] No [ ]

Full Name	Ethnic Group	U.S. Citizen or Permanent Resident Yes or No	Gender	Years of Ownership	Voting Percentage	Ownership Percentage
1.						
2.						
3.						

2) List the contributions of money, equipment, real estate or expertise of each of the owners (U*se additional sheets if necessary).*

Full Name	Money	Equipment	Real Estate	Expertise
1.				
2.				
3.				

SECTION 4: CONTROL

1) Control of Firm: Identify by name, Ethnic Group, Gender and title in the firm those individuals (including owners and non-owners) who are responsible for day-to-day management and policy decision-making including but not limited to those with prime responsibility (use additional sheets if necessary):

2) Identify your firm's Officers and Board of Directors (*if additional space is required, attach a separate sheet*):

Officers of the Company	Full Name	Title	Date Appointed	Ethnicity	Gender
a.					
b.					
c.					
Board of Directors					
a.					
b.					
c.					

3) Do any of the persons listed above perform a management or supervisory function for any other business? [ ] Yes [ ] No (*If yes. Identify for each)*

Person: _____ Title: _____
Business: _____ Function: _____
Person: _____ Title: _____
Business: _____ Function: _____

4) Do any of the persons listed in above own or work for any other firm(s) that has a relationship with the firm?
Identify your firm's management personnel who control your firm in the following areas *(Attach separate sheets as needed)*

Full Name	Business Name	Operation	Date(s)

5) For each of those individuals listed above, attach a brief summary of the person's experience or resume and number of years with the firm, including the person's qualifications for the responsibility given him or her.

_____

_____

6) Have any of the officers, owners or management personnel conducted or are presently conducting business under another name? Yes [ ] No [ ] *(If yes, please provide the following):*

Full Name	Business Name	Operation	Date(s)

7) Do any of the persons listed in the section above own or work for any other firm(s) that has a relationship with this firm? *(e.g. ownership interest, shared interest office space, financial investments, equipment, leases personnel sharing, etc.)* [ ] Yes [ ] No (*if Yes, identify for each)*

Full Name: _____ Person: _____
Nature of Business Relationship: _____
Full Name: _____ Person: _____
Nature of Business Relationship: _____
Full Name: _____ Person: _____
Nature of Business Relationship: _____

8) Duties of Owners, Officers, Directors, Mangers, and Key Personnel *(Identify your firm's management personnel who control your firm in the following areas) (Attach separate sheets as needed)*

	Majority Owner(51% or more)				Minority Owner: (49% or less)			
	Name:				Name:			
	Title:				Title:			
A = Always S = Seldom	Race & Gender:				Race & Gender:			
F = Frequently N = Never	Percent Owned:				Percent Owned:			
Sets policy for company direction/scope of operations	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Bidding and estimating	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Major purchasing decisions	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
marketing and sales	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Supervises field operations	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Attend bid opening and lettings	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Perform office management (billing, accounts receivable/payable, etc.)	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Hires and fires management staff	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Hire and fire field staff or crew	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Designates profits spending or investment	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Obligates business by contract/credit	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Purchase equipment	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Signs business checks	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]

9) Complete for all Officers, Directors, Mangers, and Key Personnel who control the following functions for the firm. *(Attach a separate sheets as needed)*

	Officer/Director/Manager/ Key Personnel				Officer/Director/Manager/ Key Personnel			
	Name:				Name:			
A = Always S = Seldom	Title:				Title:			
F = Frequently N = Never	Percent Owned:				Percent Owned:			
Sets policy for company direction/scope of operations	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Bidding and estimating	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Major purchasing decisions	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
marketing and sales	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Supervises field operations	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Attend bid opening and lettings	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Perform office management (billing, accounts receivable/payable, etc.)	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Hires and fires management staff	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Hire and fire field staff or crew	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Designates profits spending or investment	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Obligates business by contract/credit	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Purchase equipment	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]
Signs business checks	A [ ]	F [ ]	S [ ]	N [ ]	A [ ]	F [ ]	S [ ]	N [ ]

10) Inventory: Indicate your firm's inventory in the following categories (*Please attach additional sheets if needed):*

Make and Model	Current Value	Owned or Leased by Firm or Owner?	Used as collateral?	Where is item stored?
1.				
2.				
3.				
4.				

Office Space Street Address	Owned or Leased by Firm or Owner?	Current Value of Property or Lease
1.		
2.		
3.		

11) Storage Space (*Provide signed lease agreements for the properties listed*)

Street Address	Owned or Leased by Firm or Owner?	Current Value of Property or Lease
1.		
2.		
3.		

12) Does your firm rely on any other firm for management functions or employee payroll?
[ ] Yes [ ] No *If YES, Name:*_____

13) Financial/Banking Information *(Provide bank authorization and signature cards, use additional sheets if necessary)*

Name of Bank: _____ **City/State:** _____

The following individual(s) are able to sign checks on this account: _____

14) Bonding Information: If you have a bonding capacity, identify the firm's bonding aggregate and project limits:

Aggregate Limit: _____ Project Limit: _____

Company: _____ Contact Person: _____

Phone #: _____

15) Workman's Compensation: Yes [ ] No [ ]

Carrier: _____

Address: _____

_____

16) Line of Credit: Yes [ ] No [ ]

Name of Bank: _____ Amount: $ _____

Secured Line: $ _____ Open Line: $ _____

17) Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether you the owner and any other person or firm loaned money to the applicant.

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan
1.					
2.					
3.					

18) General Liability: Yes [ ] No [ ] *(if Yes, please continue to fill out this section)*

Carrier: _____

Agent: _____

Amount: _____

Telephone: _____

19) List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years. (*Attach additional sheets if needed*)

Name of Source	Address of Source	From Whom Transferred	To whom Transferred	Relationship	Date of Transfer
1.					
2.					
3.					

20) Indicate if this firm or other firms with any of the same officers have previously received, or been denied certification of participation as a MBE, DBE or WBE. If so, attach a copy of notice of certification or describe the circumstances of denial. (*Attach a separate sheet)*

21) If other firms or subcontractors doing business with the Birmingham Construction Industry Authority need suppliers or subcontractors, may we give them your firm's name? Yes [ ] No [ ]

NOTE: The burden of proof of control and management of the business is on the applicant. The BCIA reserves the right to request any additional information deemed necessary to determine if a firm is certifiable. Failure to cooperate and/or provide requested information within the time specified is grounds for termination in the processing of your application for certification.

SUPPLEMENTAL INFORMATION FOR MBE/DBE CERTIFICATION

The following information should normally be submitted with this application. Failure to submit all of the required information will result in a delay and/or termination in the processing of your application for certification. Please present a complete packet at one time. All applications must submit the required documents for section A, B or C, as applicable to your form of legal organization.

Name of Business: _____

NOTE: ALL APPLICANTS MUST SUBMIT A STATEMENT EXPLAINING THEIR ECONOMIC AND SOCIAL DISADVANTAGENESS.

Required Documents by Form of Legal Organization (Complete either Section A, B, or C according to your form of legal organization.)

For a Sole Proprietor

1. Current and prior year Federal tax returns, including all schedules.
2. Resumes: Sole Proprietor, Superintendents, Foremen, and or Supervisors (Show education, training, and employment with dates.
3. Proof of capital invested.

For a Partnership

1. Current and prior year Federal tax returns, including all schedules.
2. Resumes of all partners showing education, training and employment.
3. Partnership agreement
4. Buy-out rights agreement
5. Profit sharing agreement
6. Proof of capital invested
7. Copies of third party agreements, i.e., rental or management service agreements.

For a Corporation

1. Current and prior year Federal corporate tax returns including all schedules.
2. Resumes of principals of your company showing education, training and employment with dates.
3. Certification of Incorporation.
4. Articles of Incorporation, including date approved by State.
5. Minutes of first and last corporate organization meeting.
6. Corporate By-Laws.
7. Stock transfer ledger.
8. Proof of stock purchase.
9. Copies of third party agreements, such as rental or management service agreements *(if applicable)*
10. If a “foreign corporation” a copy of authority to do business in Alabama

AFFIDAVIT

I/We the undersigned do solemnly declare and affirm under the penalties of perjury that the foregoing statements and documents are true and correct and include all material information necessary to identify and explain the operation of as well as the ownership thereof.

Name of Firm _____

Further, I/we the undersigned agree to provide directly to the Birmingham Construction Industry Authority current, complete and accurate information regarding actual work performed on any project, the payment therefrom and any proposed change, if any, and to permit the audit and examination of books, records and files of the named firm.

I/We understand that any material misrepresentation will be grounds for denial or revocation of certification, termination of any contract which may be awarded, and for initiation of action under Federal or State laws concerning false statements.

Signature: _____
Name: _____
Title: _____
Date: _____

Corporate Seal (where appropriate)

NORTARIZATION OF SIGNATURE:

State of _____ **County of** _____

On this _____ **day of** _____ **20** _____

Before me appeared _____**who has proved to me based on satisfactory evidence that he/she was properly authorized by**

_____

(Name of Firm) to execute the affidavit and so as his/her act and deed.

Notary Public_____ **Commission Expires**_____

BCIA OFFICE USE ONLY

CERTIFIED AS: **MBE or DBE**

APPROVED [ ] DENIED [ ]

BY: DATE:

CERTIFICATION #: