

**DISADVANTAGED BUSINESS ENTERPRISE
APPLICATION**

A. INTRODUCTION

B. WHO QUALIFIES FOR THE PROGRAM

C. CERTIFICATION PROCEDURES

D. GUIDE TO COMPLETING THE APPLICATION

E. DBE SUPPORTING DOCUMENTS CHECKLIST

F. NOTE TO APPLICANTS

G. APPLICATION

BUSINESS QUESTIONNAIRE *(SCHEDULE A)*

OWNERSHIP QUESTIONNAIRE *(SCHEDULE B)*

SPOUSAL QUESTIONNAIRE *(SCHEDULE C)*

AFFIDAVIT *(SCHEDULE D)*

CNO-DBE Revised May 2008

A. INTRODUCTION

The City of New Orleans has implemented the following State-Local Disadvantaged Business Enterprise Program (SLDBE) as a race and gender neutral program to provide for the participation of businesses owned by socially and economically disadvantaged persons to participate in contracting opportunities with the City of New Orleans.

In December of 2003, the City of New Orleans joined with the New Orleans Aviation Board (NOAB) and the Sewerage and Water Board of New Orleans (SWB) in a cooperative agreement in the SLDBE (State and Local Disadvantaged Business Enterprise Program). If your firm is currently certified by the New Orleans Aviation Board's SLDBE Program or by the Sewerage and Water Board's SLBDE Program, **you do not need to complete this application.**

B. WHO QUALIFIES FOR THE PROGRAM

A business may qualify for the SLDBE Program if it is determined that the business' ability to compete in the business world has been restricted due to industry practices and/or limited capital and/or restricted credit opportunities which are beyond their control. And if the business is owned, operated and controlled by one or more socially and economically disadvantaged person(s) who own at least 51% of the business. The SLDBE program is a race and gender neutral program that does not presume social and economic disadvantages. The applicant must prove both social and economic disadvantages in order to qualify for the program.

An eligible SLDBE firm must be an independent business in which the ownership and control by socially and economically disadvantaged persons is real, substantial and continuing. The SLDBE owners must share in the risks and profits commensurate with their ownership interests. The SLDBE owners must also possess the power to direct or

CNO-DBE Revised May 2008

cause the direction of day-to-day management and major decisions of the firm. There can be no restrictions in the by laws or other documents which prevent the SLDBE owners from making a business decision without the corporation or vote of the non-SLDBE owners. If non-SLDBE members of the firm are disproportionately responsible for the operation of the firm, then the firm cannot be considered an SLDBE.

C. CERTIFICATION PROCEDURES

The City of New Orleans will certify only those businesses which are at least fifty-one percent (51%) owned and controlled by persons who are socially and economically disadvantaged. Each firm wishing to be certified as a SLDBE must complete and submit an application, supporting documentation, pass an on-site visit and be approved by the combined SLDBE Panel.

The City of New Orleans DBE Office will take the following steps in gathering and/or verifying information needed for evaluation of an application for certification:

- (1) Perform an on-site visit to the offices of the firm(s) and to any job sites on which the firm(s) are working at the time of the eligibility investigation.
- (2) Obtain the resumes of work histories of the principal owners of the firm and personally interview these individuals.
- (3) Analyze the ownership of stock in the firm if it is a corporation.
- (4) Analyze the partnership agreement, the articles of organization and/or the joint venture agreement.
- (5) Analyze the bonding and financial capacity of the firm.
- (6) Determine the work history of the firm, including contracts it has received and work it has completed.

CNO-DBE Revised May 2008

(7) Obtain or compile a list of equipment owned or available to the firm and the licenses of the firm and its key personnel to perform the work it seeks to do as part of the SLDBE Program.

(8) Obtain a statement from the firm of the type of work it prefers to perform as part of the SLDBE Program.

1. THE CERTIFICATION PANEL

After the DBE Office has conducted an on-site visit and obtained required documents, the DBE Office shall submit the applications and supporting documents to the Certification Panel for consideration. The Certification Panel is an independent panel appointed to sit in groups of at least three (3) individuals who are qualified with doctorate degrees in either economics, sociology, social work or related fields.

The decision as to whether a firm can be certified as an SLDBE firm will be made solely by the Certification Panel. The Panel shall set its own rules for the conduct of its meetings, the dates and times thereof and agenda for each meeting.

The Panel shall notify the DBE Office of its decisions. Upon receipt of the findings and decisions of the Certification Panel, the DBE Office shall give written notification to the applicant of the Panel's decision and set out any further steps the applicant has to take, if necessary. If certification is denied, the written notification shall notify applicant of the appeal procedure.

2. DECERTIFICATION PROCEDURES

Whenever the City of New Orleans has reason to believe that a currently certified firm is no longer eligible, the firm will be afforded due process prior to revoking its eligibility. The steps to be used are:

CNO-DBE Revised May 2008

(1) A letter will be sent to the firm, stating that the NOAB is contemplating decertification. A brief description of the reasons for the proposed action will be included.

(2) The firm will be given an opportunity to respond in writing to present information and arguments.

(3) The decision will be based on the entire record.

These procedures are included in the program to ensure fairness, provide due process to SLDBE firms whose status has been challenged, and to prevent unnecessary litigation. When the City of New Orleans completes a decertification, it shall in writing, advise the firm, that an appeal may be filed within 10 days of the decision with the Certification Panel. An appeal must be in writing, dated and signed. The appeal should be sent to:

DBE Director
City of New Orleans
1340 Poydras Street, Suite 1000 New Orleans, Louisiana 70112

3. APPEALS OF CERTIFICATION DENIALS

a. Any firm, which believes that it has been wrongly denied certification as an SLDBE firm or as a Joint Venture, which includes an SLDBE firm certified under this program, may file an appeal with the Certification Panel for a review of the denial and present information and written arguments to the Certification Panel.

b. The appeal shall be written, dated and signed and filed no later than ten (10) days after the date of the letter of notification from the DBE Liaison Office of the Certification Panel's denial of certification. Said appeal should be addressed to:

DBE Director
City of New Orleans
1340 Poydras Street, Suite 1000
New Orleans, Louisiana 70112

c. Third parties who have reason to believe that a firm has been wrongly granted certification may so advise the Certification Panel in writing. The Certification Panel may deny the firm or joint venture in question eligibility to participate as an SLDBE on any City of New Orleans contracts let during the pending time of the investigation of the allegation.

d. The firm to which certification was denied will have the opportunity to respond in writing and to present information, documents, and written and/or oral arguments to the Certification Panel.

e. After reviewing the materials and documents presented along with written and/or oral arguments, the Certification Panel shall render its decision.

CNO-DBE Revised May 2008

D. GUIDE TO COMPLETING THE DBE APPLICATION

1. Complete all questions on the Business Questionnaire (Schedule A)
2. Complete all questions on the Ownership Questionnaire (Schedule B) by Each Owner
3. Complete the Spousal Questionnaire (Schedule C) *if applicable*
4. Submit a Signed; Notarize Affidavit (Schedule D)
5. Supply All Items on the Checklist
6. Submit five (5) copies of Application & Supporting Documentation Via (Hand Delivery, Certified Mail or Express Mail) to the DBE Office

Attn: DBE Certification
1340 Poydras, Suite 1000
New Orleans, LA 70112

CNO-DBE Revised May 2008