

**THE WAVE TRANSIT SYSTEM
SCHEDULE A - INFORMATION FOR DETERMINING
DISADVANTAGED BUSINESS ENTERPRISE ELIGIBILITY**

1. Name of Firm _____

2. Address of Firm _____

3. Telephone number of Firm _____

Indicate whether Firm is sole proprietorship, partnership, joint venture, corporation, or other business entity (please specify)

Nature of Firm's business _____

Years Firm has been in business _____

Ownership of Firm: Identify those who own 5 percent or more of the Firm's ownership. Columns e and f need be filled out only if the firm is less than 100 percent disadvantaged owned.

a.	b.	c.	d.	e.	f.
Name	Race	Sex	Years of Ownership	Ownership Percentage	Voting Percentage

With firms less than 100 percent disadvantaged owned, list the contributions of money, equipment, real estate, or expertise of each of the owners.

Control of Firm: Identify by name, race sex, 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 for:

Financial decisions: _____

Management decisions, such as:

- Estimating _____
- Marketing and Sales _____
- Hiring and Firing of Management Personnel _____

-Purchase of Major Items or Supplies _____

Supervision of Field Operations _____

For each of those listed in Question 8, provide a brief summary of the person's experience and number of years with Firm; indicating the person's qualifications for the responsibilities given him/her.

Describe or attach a copy of any stock options or other ownership options that are outstanding, and any agreement between owners or between owners and third parties, which restrict ownership or control of disadvantaged owners.

Identify any Owner (see Question 7) or Management Official (see Question 8) of the named Firm who is, or has been, an employee of another Firm that has an ownership interest in, or a present business relationship with the named Firm. Present business relationships include shared space, equipment, financing, or employees, as well as both Firms having some of the same Owners.

What are the gross receipts of the Firm for each of the last two years?

Year ending _____ \$ _____

Year ending _____ \$ _____

Name of Bonding Company, if any _____

Bonding Limit _____

Source of letters of credit, if any _____

14. Are you authorized to do business in the State, as well as locally, including all necessary business licenses?

Indicate if this Firm or other Firms with any of the same Officers have previously received or been denied certification or participation as a DBE and describe the circumstances. Indicate the name of the certifying authority and the date of such certification or denial.

A F F I D A V I T

The undersigned swears that the foregoing statements are true and correct and include all material information necessary to identify and explain the operations of

_____ (Name of Firm), as well as the ownership thereof. Further, the undersigned agrees to provide through the prime contractor or, if there exists no prime contractor, directly to the City of Mobile and/or the DBEO complete, current and accurate information regarding actual work performed on the project, the payment therefore and audit and examination of books, records and files of the named Firm. Any material misrepresentation will be grounds for terminating any contract, which may be awarded, and for initiating action under Federal or State laws concerning false statements.

NOTE: If, after filing this Schedule A, there is any significant change in the information submitted, I will inform the DBEO of the change through the prime contractor, or, if no prime contractor, inform the DBEO directly.

Signature: _____

Printed/Typed Name: _____

Title: _____

Date: _____

Date _____
State of _____
County of _____

(Corporate
Seal, where
appropriate)

On this _____ day of _____, 20____, before me appeared _____, the above signed, to me personally known, who, being duly sworn, did execute the foregoing affidavit, and did state that he/she was properly authorized by _____ (Name of Firm), to execute the affidavit and did so as his/her free act and deed.

Notary Public _____

(SEAL)

Commission Expires _____

EXHIBIT B

**SCHEDULE B - INFORMATION FOR DETERMINING
JOINT VENTURE ELIGIBILITY**

(This form need not be filled in if all joint venture firms are owned by disadvantaged individuals.)

Name of joint venture _____

Address of joint venture _____

Telephone number of joint venture _____

4. Identify the firms, which comprise the joint venture. (The DBE partner must complete Schedule A.)

Describe the role of the DBE firm in the joint venture.

Briefly describe the experience and business qualifications of each non-DBE joint venture.

Nature of joint venture's business

Provide a copy of the joint venture agreement.
What is the claimed percentage of DBE ownership?

Ownership of joint venture: (This need not be filled in if described in the joint venture agreement, provided by question #6 above).

Profit and loss sharing

Capital contributions, including equipment

Other applicable ownership interests _____

Control of and participation in this contract. Identify by name, race, sex, and firm those individuals (and their titles) who are responsible for day-to-day management and policy decision-making, including, but not limited to, those with prime responsibility for:

Financial decisions _____

b. Management decisions, such as:

1) Estimating

2) Marketing and Sales

3) Hiring and Firing of Management Personnel

4) Purchasing of major items or supplies

c. Supervision of field operations

NOTE: If after filing this Schedule B and before the completion of the joint venture's work on the contract covered by this regulation, there is any significant change in the information submitted, the joint venture will inform the DBEO either directly or through the prime contractor if the joint venture is a subcontractor.

A F F I D A V I T

The undersigned swears that the foregoing statements are correct and include all material information necessary to identify and explain the terms and operation of our joint venture and the intended participation by each joint venture in the undertaking. Further, the undersigned covenant and agree to provide to the City of Mobile and/or DBEO current, complete and accurate information regarding actual joint venture work and the payment therefore and any proposed changes in any of the joint venture arrangements and to permit the audit and examination of books, records and files of the joint venture, by authorized representatives of the City of Mobile, the DBEO, or the Federal funding agency. Any material representation will be grounds for terminating any contract, which may be awarded, and for initiating action under Federal or State laws concerning false statements.

Name of Firm

Signature

Printed/Typed Name

Title

Date

Name of Firm

Signature

Printed/Typed Name

Title

Date

EXHIBIT C (PERSONAL NET WORTH STATEMENT)

Disadvantaged Business Enterprise Program

APPENDIX A -ELIGIBILITY STANDARDS

1.To determine whether an enterprise is a small and disadvantaged business, both of the following criteria must be met:

The enterprise must qualify as a small business concern; and

The enterprise must be 51 percent owned and controlled by socially and economically disadvantaged individuals.

Must submit a statement of PNW(Personal Net Worth) that does not exceed \$750,000.(SEE EXHIBIT C)

If the business has a valid certification as a socially and economically disadvantaged business by the SBA 8(a) certification, there is an irrefutable presumption of eligibility for certification.

Small business size standards vary by type of industry. Recipients and subrecipients should refer to 13 CFR 121 for current standards. In addition to the individual industry size standards, DBE firms will be considered ineligible and will be graduated from the DBE program if their average annual gross receipts from all sources, including affiliates, over previous three (3) years exceed \$15,370,000. Grantees are encouraged to pay particular attention to size standard criteria and not that SBA size standards operate in addition to the \$15,370,000 threshold noted above.

Presumption or Determination of Social and Economic Disadvantage:

- 1) There is an refutable presumption that all women, Black Americans, Hispanic Americans (to include Portuguese Americans), Native Americans, Asian-Americans, and Asian-Indian Americans are socially and economically disadvantaged individuals.
 - a. Recipients are not required to make a separate determination that an individual in one of the presumptive groups is socially and economically disadvantaged prior to certification. Since this presumption is refutable, a recipient could determine that a member of one of these groups was in fact not

socially and economically disadvantaged on the basis of evidence refuting eligibility.

- b. Recipients are required to establish a challenge procedure for considering evidence provided by a third party refuting the presumption of social and economic disadvantage.
- 2) On a case-by-case basis, other groups (e.g., disabled veterans, Appalachian white males, Hasidic Jews, or any other group or individuals), may be found to be socially and economically disadvantaged.

Elements of Social Disadvantage:

- 1) Social Disadvantage must be attributable to an individual's color, national origin, gender, physical handicap, long term residence in an environment isolated from the mainstream of American society, or other similar cause beyond the individual's control;
- 2) The individual must demonstrate that he or she has suffered social disadvantage;
- 3) Social disadvantage must be rooted in treatment that the individual has experienced in American society;
- 4) Social disadvantage must be chronic, longstanding, and substantial, not fleeting and insignificant; and
- 5) Social Disadvantage must have negatively affected the individual's entry into, and advancement in the business world.

Evidence of Social Disadvantage:

a) A personal statement from the individual, statements from third parties, administrative or judicial findings of discrimination, and other pertinent factors or circumstances, in support of the individual case can be used as evidence of social disadvantage; and

b) When reviewing the evidence, the recipient should carefully assess the individual's education, employment experience, and business history for

instances of discrimination, denial, and social patterns which have discouraged the individual.

Economic Disadvantage

- 1) Recipients determine social disadvantage before considering a claim of economic disadvantage;
- 2) If a recipient determines that a business is not socially disadvantaged, it is not necessary to make a determination of economic disadvantage; and
- 3) The test for determining economic disadvantage is the degree of disadvantage compared to business owners who are not socially disadvantaged individuals. Recipients are expected to make a basic judgment on whether a business and its socially disadvantaged owner(s) are in a more difficult economic situation than most businesses and owners that are not socially disadvantaged.

Other eligibility considerations: A determination of social and economic disadvantage standing alone does not mean that a firm is eligible. The recipient must also determine that the firm is 51 percent owned and controlled by the socially and economically disadvantaged individual(s).