

Sec. 13a-165-10. Certification period, update and review

(a) The DBE certification shall be valid for a period of four (4) years from the date that the Certification Panel makes its determination under section 13a-165-8. Thereafter, at least ninety (90) days prior to the certification expiration date, the DBE must submit a new application to the OCC pursuant to the provisions of sections 13a-165-5 et seq. if the DBE wishes to be recertified as a DBE for another four year period. This new application shall be processed in the same manner as the original application.

(b) Annually, on or about the anniversary of the initial date of certification, the OCC shall mail to the DBE an update report form which shall include an affidavit in which the DBE shall reaffirm the information contained in the original DBE certification application or in its most recently filed update report, if any. The DBE must file the completed update report (e.g., the executed affidavit), together with its most recent Federal Income Tax Return, with the OCC within thirty (30) days of the mailing of the update report form to the DBE. Failure to file a completed update report, or to provide any additional information requested by the OCC, shall be grounds for decertification.

(c) Within thirty (30) days of any change in ownership, control or management of the business, the DBE shall file with the OCC a supplemental application which shall contain the same information required for initial certification as a DBE. As with the initial application, the burden shall be on the business to clearly demonstrate that notwithstanding the change in ownership, control or management, the business fully satisfies the eligibility requirements for certification as a DBE as set forth in these regulations and 49 CFR Part 23. Failure to provide a supplemental application, or to provide information requested by the OCC, shall be grounds for decertification.

(d) The OCC shall review the update report or supplemental application for completeness and verify the information contained therein, and shall thereafter make a written recommendation to the Certification Panel regarding the status of the DBE certification (e.g., does the small business concern still meet the eligibility requirements for designation as a DBE as set forth in section 13a-165-4). The OCC shall give written notification to the DBE of its recommendation, the reasons for its recommendation, and the time, date and place when the Certification Panel will meet to consider the recommendation. This notification shall be sent to the DBE by registered or certified mail, postage prepaid, at least ten (10) days prior to the scheduled meeting.

(e) Upon receipt of the OCC's recommendation, the Certification Panel shall consider the matter at the scheduled meeting, except that if the OCC recommends decertification then the matter shall be handled in accordance with the provisions of section 13a-165-13.

(f) At the meeting of the Certification Panel, the OCC shall make a presentation to the Panel and the DBE shall be provided with an opportunity to respond to the OCC's recommendation and to present information and arguments in support of its continued certification as a DBE. The OCC shall be provided with an opportunity to respond to the information and arguments offered by the DBE.

(g) Following the presentation by the DBE and the OCC, the Panel shall notify the DBE of its determination, in writing, within seven (7) days.

(Effective January 4, 1990)