San Francisco Bay Area Rapid Transit District

Small Business Entity (SBE) Certification

To access the BART SBE List visit:
www.bart.gov/ocr

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Dear Business Owner,

Thank you for your interest in the Small Business Entity (SBE) certification program of the San Francisco Bay Area Rapid Transit District (BART). As mandated by the US Department of Transportation, each recipient of funding from the United States Department of Transportation (USDOT) is required to incorporate a small business element into its Disadvantaged Business Enterprise (DBE) Program. The Disadvantaged Business Enterprise Program Small Business Elements (SB Elements) is BART's program created in response to this mandate.

BART is responsible for certification of firms and compiling and maintaining the database of certified firms for the SB Elements. The database is intended to expand the use of SBEs by maintaining complete information on businesses, products and services SBEs can provide to BART and BART's prime contractors seeking qualified subcontractors.

In order to be certified as an SBE your firm must meet each of the following general guidelines:

a) The firm must be at least 51% owned and controlled by one or more individuals whose personal net worth (PNW) does not exceed $2.047 million, excluding the individual's ownership interest in the applicant firm and the equity in his/her primary residence.
b) The firm must be an independent business, and one or more of the owners must control its management and daily operations.
c) Only an existing, for-profit firm is eligible to be certified as an SBE. SBE applicants are first subject to the applicable small business size standards of the Small Business Administration (SBA). Additionally, the average annual gross receipts for the firm (and its affiliates) must not exceed the USDOT cap of $32.82 million.
d) The Applicant must be a U.S. Citizen or a lawfully admitted permanent resident alien.

In addition, applicants may be subject to an on-site visit. You will be notified if an on-site visit is necessary.

For firms applying for certification as a Micro Small Business Entity (MSBE), all the above requirements apply. In addition, the firm's average annual gross receipts over the three prior years must not exceed $10 million in the case of construction firms or $6 million in the case of professional services and procurement firms or the applicable SBA size standard, *whichever is less.* All SBE applicants will be evaluated to determine if they meet the eligibility criteria for certification as an MSBE. No additional application is required.

For out of state firms: Firms not domiciled in the state of California are eligible for certification as an SBE. You will be notified if a site visit or additional documentation is required once your application has been processed.

Any incomplete application will not be processed until all required documentation has been received by BART's Office of Civil Rights.

Where can I find more information?

Visit www.bart.gov/ocr for more information or contact the BART Office of Civil Rights by emailing ocrcertifications@bart.gov

Frequently Asked Questions about SBE Certification

What is an SBE?
A Small Business Entity (SBE) is a for-profit firm at least 51% owned and controlled by one or more individuals whose Personal Net Worth (PNW) does not exceed $2.047 million. The firm's average annual gross receipts (including its affiliates) over the prior three years must not exceed the size standard established by the Small Business Administration for the types of work for which a firm is seeking SBE certification. In any event, the firm's average annual gross receipts for its three prior years must not exceed $32.82 million.

Should I apply for SBE Certification?
You will have to meet specific eligibility requirements to be certified as an SBE. Once you are certified you will be eligible to receive credit as an SBE on Federally funded contracts awarded by BART.

- Is your firm at least 51% owned by one or more individual(s) who also controls the firm?
- Are the owner(s) U.S. citizen(s) or lawfully admitted permanent resident(s) of the U.S.?
- Is your firm a small business that meets the Small Business Administration's (SBA's) size standard and does not exceed $32.82 million in average annual gross receipts?
- Is your firm organized as a for-profit business?

If you answered "Yes" to all of the questions above, you may be eligible to participate in the BART Small Business Entity (SBE) Program.

What if my firm is DBE certified?
If you are currently certified by the California Unified Certification Program(CUCP) as a Disadvantaged Business Enterprise (DBE), you are eligible to count for SBE credit on contracts with SBE goals by submitting an SBE Certification application using https://bart.gob2g.com/?TN=bart. We encourage all DBEs to apply for SBE certification.

How long does it take to process my certification application?
Applications are processed on a first-come, first-served basis and could take upto to 90 days from receipt of complete application. You must be certified prior to the bid or proposal opening for any contract on which you wish to participate as an SBE.

*Application review is mainly delayed when firms submit incomplete applications, requiring additional information or clarification.

Where can I find more information?
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The BART SBE Program is a part of the BART DBE Program and is governed by the rules contained in 49 CFR Part 26. Any person or firm who willfully and knowingly provides incorrect information or makes false statements may be referred to the U.S. Department of Justice for prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.

Frequently Asked Questions about MSBE Certification

What is an MSBE?
A Micro Small Business Entity (MSBE) is an SBE firm whose average, annual gross receipts (including its affiliates) in the prior three years do not exceed the following caps: $10 million for firms whose primary industry classification is construction, $6 million for firms whose primary industry classification is professional services and $6 million for firms whose primary industry classification is procurement.

Should I apply for MSBE Certification?
You will have to meet specific eligibility requirements to be certified as an MSBE. Once you are certified you will eligible to receive credit as an MSBE on Federally funded contracts awarded by BART *and be eligible to bid on contracts set-aside for MSBE firms*. Any firm who applies for SBE certification will have a determination made during the certification process to see if they qualify as an MSBE. If you complete this application and submit all documentation you will be notified if you qualify as an MSBE.

- Is your firm at least 51%-owned by one or more individual(s) who also controls the firm?
- Are the owner(s) U.S. citizen(s) or lawfully admitted permanent resident(s) of the U.S.?
- Is your firm a small business that meets the Small Business Administration's (SBA's) size standard and is under $10 million for construction firms or $6 million for all other firms?
- Is your firm organized as a for-profit business?

If you answered "Yes" to all of the questions above, you may be eligible to participate in the BART Small Business Entity Program as an MSBE.

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Instructions for Completing the SBE Certification Application

Section 1: CERTIFICATION INFORMATION

A. Prior/Other Certifications

Check the appropriate box indicating for which program your firm is currently certified. If you are already certified as a DBE by the California Unified Certification Program (CUCP), indicate in the appropriate box the name of the certifying agency that has previously certified your firm, and also indicate the firm's DBE certification number.

Section 2: GENERAL INFORMATION

A. Contact Information

(1) State the name and title of the person who will serve as your firm's primary contact under this application.(2) State the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
(3) State the primary phone number of your firm.
(4) State a secondary phone number, if any.
(5) State your firm's fax number, if any.
(6) State your firm's or your contact person's email address.
(7) State your firm's website address, if any.
(8) State the street address of your firm (i.e. the physical location of its offices -- not a post office box address).
(9) State the mailing address of your firm, if it is different from your firm's street address.
(10) If your business is a home based business identify who has title to the property.

B. Business Profile

(1) In the box provided, briefly describe the primary business and professional activities in which your firm engages.
(2) State the Federal Tax ID number of your firm as provided on your firm's filed tax returns, if you have one. This could also be the Social Security number of the owner of your firm.
(3) Identify the appropriate NAICS code(s) for the line(s) of Work you identified in your business profile.
(4) State the date on which your firm was officially established, as stated in your firm's Articles of Incorporation or charter.
(5) State the date on which you and/or each other owner took ownership of the firm.
(6) Check the appropriate box that describes the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
(7) Check the appropriate box that indicates whether your firm is "for profit."
NOTE: If you checked "No," to this item then you do NOT qualify for the SBE program and therefore do not need to complete the rest of this application. The SBE program requires all participating firms be for-profit enterprises.
(8) Check the appropriate box that describes the legal form of ownership of your firm, as indicated in your firm's Articles of Incorporation. If you checked "Other," briefly explain in the space provided.
(9) Check the appropriate box that indicates whether your firm has ever existed under different ownership, a different type of ownership, or a different name. If you checked "Yes," specify which and briefly explain the circumstances in the space provided.
(10) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time and part-time basis.
(11) Specify the total gross receipts of your firm for each of the past three years, as declared in your firm's filed tax returns.

C. Relationships with Other Businesses

(1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, or any office staff with any other business, organization, or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and briefly explain the nature of the shared facilities or other items in the space provided.
(2) Check the appropriate box that indicates whether at present, or at any time in the past:
(a) Your firm has been a subsidiary of any other firm;
(b) Your firm consisted of a partnership in which one or more of the partners are other firms;
(c) Your firm has owned any percentage of any other firm; and
(d) Your firm has had any subsidiaries of its own.
(e) Your firm has served as a subcontractor with another firm constituting more that 25% of your firm's receipts.

If you answered yes to any of the questions in 2(a)-(e), describe the subsidiaries, partnership interests or other arrangements. In addition, explain whether these relationships are continuing today, or if not, when they ended.
(3) Check the appropriate box that indicates whether any other firm has ever had an ownership interest in your firm.
(4) If you answered "Yes" to any of the questions in (2)(a)-(d) or (3), identify the name, address and type of business for each.

D. Immediate Family Member Businesses

Check the appropriate box that indicates whether any of your immediate family members own or manage another company. An "immediate family member" is any person who is your father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law. If you answered "Yes," provide the name of each relative, your relationship to them, the name of the company they own or manage, the type of business, and whether they own or manage the company.

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each additional owner):

A. Background Information

(1) Give the name of the owner.
(2) State his/her title or position within your firm.
(3) Give his/her home phone number.
(4) State his/her home (street) address.
(5) Check the appropriate box that indicates this owner's gender.
(6) Check the appropriate box that indicates this owner's ethnicity (check all that apply). If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
(7) Check the appropriate box to indicate whether this owner is a U.S. citizen.
(8) 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 an SBE owner. This, however, does not necessarily disqualify your firm altogether from the SBE program if another owner is a U.S. citizen or lawfully admitted permanent resident and meets the program's other qualifying requirements.

B. Ownership Interest

(1) State the number of years during which this owner has been an owner of your firm.
(2) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment.
(3) State the percentage of total ownership control of your firm that this owner possesses.
(4) State the familial relationship of this owner to each other owner of your firm.

(5) Indicate the number, percentage of the total, class, date acquired, and method by which this owner acquired his/her shares of stock in your firm.
(6) Check the appropriate box that indicates whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's title or function held in that business.
(7) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business and this owner's title or function held in that business. Briefly describe the nature of the business relationship in the space provided.

C. Economic Status
NOTE: You only need to complete this section for each owner that is applying for SBE qualification (i.e. for each owner whose ownership interest is to be counted toward the control and 51% ownership requirements of the SBE program)
(1) Indicate in the space provided the total Personal Net Worth (PNW) of each owner who is applying for SBE qualification. Use the Personal Net Worth Statement form in Section 5 of this application to calculate the PNW of each applicant.
(2) Check the appropriate box that indicates whether any trust has ever been created for the benefit of this owner. If you answered "Yes," briefly explain the nature, history, purpose, and current value of the trust(s).

Section 4: CONTROL
A. Identify your firm's Officers and Board of Directors:
(1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer of your firm.
(2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
(3) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above perform a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
(4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the officer or director, and the nature of his/her business relationship with that other firm.

B. Identify your firm's management personnel who control your firm in the following areas:
(1) Making of financial decisions on your firm's behalf, including the acquisition of lines of credit, surety bonds, supplies, etc.;
(2) Estimating and bidding, including calculation of cost estimates, bid preparation and submission;
(3) Negotiating and contract execution, including participation in any of your firm's negotiations and executing contracts on your firm's behalf;
(4) Hiring and/or firing of management personnel, including interviewing and conducting performance evaluations;
(5) Field/Production operations supervision, including site supervision, scheduling, project management services, etc.;
(6) Office management;
(7) Marketing and sales;
(8) Purchasing of major equipment;
(9) Signing company checks (for any purpose); and
(10) Conducting any other financial transactions on your firm's behalf not otherwise listed.
(11) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
(12) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the name of the person, and the nature of his/her business relationship with that other firm.

C. Indicate your firm's inventory in the following categories:
(1) Equipment
State the type, make and model, and current dollar value of each piece of equipment held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm.
(2) Vehicles
State the type, make and model, and current dollar value of each motor vehicle held and/or used by your firm. Indicate whether each vehicle is either owned or leased by your firm.
(3) Office Space
State the street address of each office space held and/or used by your firm. Indicate whether your firm owns or leases the office space and the current dollar value of that property or its lease.
(4) Storage Space
State the street address of each storage space held and/or used by your firm. Indicate whether your firm owns or leases the storage space and the current dollar value of that property or its lease.

D. Does your firm rely on any other firm for management functions or employee payroll?
Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," briefly explain the nature of that reliance and the extent to which the other firm carries out such functions.

E. Financial Information
(1) Banking Information
(a) State the name of your firm's bank.
(b) Give the main phone number of your firm's bank branch.
(c) Give the address of your firm's bank branch.
(2) Bonding Information
(a) State your firm's Binder Number.
(b) State the name of your firm's bond agent and/or broker.
(c) Give your agent's/broker's phone number.
(d) Give your agent's/broker's address.
(e) State your firm's bonding limits (in dollars), specifying both the Aggregate and Project Limits.

F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms securing the loan, if other than the listed owner:
State the name and address of each source, the original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm.

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years:
Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

H. List current licenses/permits held by any owner or employee of your firm.
List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and the license/permit number and issuing State of the license or permit.

I. List the three largest contracts completed by your firm in the past three years, if any.
List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

J. List the three largest active jobs on which your firm is currently working.
For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.

Section 5: PERSONAL NET WORTH STATEMENT
Please do not make adjustments to your figures. BART will use the information provided on your completed Personal Net Worth Statement to determine whether you meet the economic status requirements of the BART SBE Program. If there are discrepancies or questions regarding your form, it may be returned to you to correct and complete again.

An individual's personal net worth includes only his or her own share of assets held separately, jointly or as community property with the individual's spouse and excludes the following:

- Individual's owner ship interest in the applicant firm;
- Individual's equity in his or her primary residence
- Tax and interest penalties that would accrue if retirement savings or investments were distributed at the present time

Be sure to indicate whether the figures reported are jointly held.

If your personal net worth exceeds the $2.047 million cap, or you and other individuals are the majority owner of the applicant firm, the firm is not eligible for SBE certification. If the personal net worth of the majority owner(s) exceeds the $2.047 million cap at any time after your firm is certified, the firm is no longer eligible for certification. Should that occur, it is your responsibility to contact your certifying agency in writing to advise that your firm no longer qualifies as an SBE. You must fill out all line items on the Personal Net Worth Statement. If necessary, use additional sheets of paper to report all information and details. If you have any questions about completing this form please contact the BART Office of Civil Rights.
All assets must be reported at their current fair market values as of the date of your statement. Assessor's assessed value for real estate, for example is not acceptable. Assets held in a trust generally should be included.

Assets

Worksheet 1. Cash and Cash Equivalents
In section 1A enter the total amount of cash or cash equivalents in bank accounts, including checking, savings, money market, certificates of deposit held domestic or foreign. Provide copies of bank statement.

Worksheet 2. **Brokerage/Investment Accounts**
Enter the name of brokerage firm and account number; type of account and a current market value of the account as of the date of the Personal Net Worth Statement.

Worksheet 8. **Assets Held in Trust**
Enter the specific assets held in trust, the names of the beneficiaries and trustees and other information.

Enter amounts loaned to you from your firm, from any other business entity in which you hold an ownership interest and other receivables not listed above.

Section 2. Real Estate
Complete section 2, beginning with your primary residence (be sure to identify it as you primary residence); enter the type of property, address, method of acquisition, date acquired, names on deed, purchase price, present fair market value, source of market valuation, name and address of all mortgage holders, mortgage account number, mortgage balance, equity line of credit balance, and amount of payment, for all real estate held. Please ensure that this section contains all real estate owned, including rental properties, vacation properties, commercial properties, personal property leased or rented for business purposes, farm properties and any other income producing properties. Attach additional sheets if needed.

Section 3. Life Insurance
Enter the name of the insurance company, the face value of the policy, cash surrender value, beneficiary names and any loans on the policy.

Section 4. Other Personal Property and Assets
Enter personal property and other assets owned. Personal property includes motor vehicles, boats, trailers, jewelry, furniture, household goods, collectibles, clothing and personally owned vehicles that are rented or leased to businesses or other individuals.

Enter the present value of the personal property owned, amount of liabilities, and whether the asset is insured. For accounts and notes receivable, enter the total value of all monies owned to you personal, if any. This should include shareholder loans to the applicant firm, if any. If the asset is insured please attach a copy of the policy. Also attach a copy of any liens or notes on the property and indicate in the space provided the terms of payment, Total the present value and liabilities at the bottom of the form.

Section 5. Other business Investments/Other Businesses Owned Interests
Enter information concerning any businesses you hold and ownership interest in, such as sole proprietorships, partnerships, joint ventures, corporations, or limited liability corporations (other than the applicant firm). Do not reduce the value of these entries by any loans from the outside firm to the applicant business.

Liabilities

Worksheet 10. Mortgages on Real Estate
Enter the total balance on all mortgages payable on real estate.

Worksheet 11. Loans on Life Insurance
Enter the total value of all loans due on life insurance policies.

Worksheet 12. Notes & Accounts Payable to Bank and Others
Enter the name of borrowers, noteholders, date of note, original and currant balances, payment terms and security/collateral information. The entries should include automobile installment accounts. This should not, however, include any mortgage balances as this information is captured in section 2. Do not include loans for your business or mortgages for your property in section 6. Submit copy of note/security agreement and the most recent account statement.

AFFIDAVIT & SIGNATURE
Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit