

GUIDANCE FOR OUT-OF-STATE DBES WISHING TO BE CERTIFIED IN NORTH DAKOTA

49 Code of Federal Regulations §26.85 [Interstate certification](#) - This section applies to any firm that is currently certified in its home state.

49 Code of Federal Regulations §26.85(c) states, as the applicant firm you must provide the information in paragraphs (c)(1) through (4) of this section.

- (1) You must provide to North Dakota Department of Transportation's (NDDOT) Uniform Certification Program (UCP) a copy of your home state certification letter, a complete copy of your home state application form with all supporting documents, and any non-duplicative information submitted to any other state for the purpose of certification. "Supporting documents" refers to all documents submitted to the home state as part of the firm's initial certification application package. Additionally, include the current affidavit of no change (see §26.83(j)) and the accompanying federal tax returns submitted to your home state to support your continuing DBE Program eligibility.
- (2) You must also provide to NDDOT any notices or correspondence from states other than your home state relating to your status as an applicant or certified DBE in those states. For example, if you have been denied certification or decertified in a state other than your home state, or subject to a decertification action there, you must inform NDDOT of this fact and provide all documentation concerning this action to NDDOT.
- (3) If you have filed a certification appeal with DOT (see §26.89), you must inform NDDOT of the fact and provide your letter of appeal and DOT's response to NDDOT.
- (4) You must submit an affidavit sworn to by the firm's owners before a person who is authorized by State law to administer oaths or an unsworn declaration executed under penalty of perjury of the laws of the United States. (see page 3 for affidavit)
 - (i) This affidavit must affirm that you have submitted all the information required by 49 CFR 26.85(c) and the information is complete and, in the case of the information required above (§26.85(c)(1), is an identical copy of the information submitted to the home state.

Out-of-state DBE applicants are asked to include:

1. A current Checklist of Services – specific services being requested for certification (<http://www.dot.nd.gov/forms/SFN17542.pdf>) and a narrative on the services an applicant proposes to be certified to perform.
2. A current list of Equipment to be used working in North Dakota so that appropriate participation may be counted toward the state's DBE Goal Achievement.

Send the application and documents to:

Denise G. Spanjer
Civil Rights Division
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700
701-328-3116

**For assistance with the DBE Application,
contact:**

Duane Kuntz
DBE Supportive Service Consultant
OHITIKA designs, Inc.
3200 46th Ave SE
Mandan, ND 58554
701-258-7515
dkdbe@midco.net

STATE OF _____)

AFFIDAVIT OF CORRECT AND
CURRENT APPLICATION FOR
ND INTERSTATE DBE CERTIFICATION

County of _____)

Applicant Name: _____

Owner of: (Name of Firm) _____

PERSONALLY APPEARED BEFORE ME the undersigned, who being duly sworn, says that:

(1) I am the majority owner of the above firm and I control the firm as required by the DBE regulations set forth in 49 CFR § 26.

(2) There have been no changes in the circumstances of the firm since the date it was certified which would affect its ability to meet the DBE eligibility requirements concerning size, disadvantaged status, ownership, or control as set forth in 49 CFR § 26.

(3) There have been no material changes in the information provided in the firm's initial application for certification with _____
(Home State DOT/UCP)

SWORN TO BEFORE ME THIS _____ day of _____, 20__

_____ (Print name of owner)

_____ (Signature of owner)

_____ (Affix Seal)

NOTARY PUBLIC FOR _____

My commission expires: _____