

## **MINORITY & WOMEN BUSINESS ENTERPRISES DIVISION ("DIVISION") APPLICATION FOR CERTIFICATION REVIEW COMMITTEE PROTOCOL**

Prepared by: Indiana Department of Administration

### **PURPOSE**

This policy memorializes the process by which all applications for certifications are reviewed to ensure a transparent process and to improve efficiency and timeliness of the review process.

### **APPLICABILITY**

This policy applies to Division staff and relevant Indiana Department of Administration staff.

### **POLICY STATEMENT**

#### **A. Introduction**

The Indiana Department of Administration recognizes each application for certification with the Division is important and requires a large amount of time for the applicant to complete and for the Division to review and evaluate. Further the Division staff member who conducts the on-site visit is the "face" of the program and the applicant can be unaware there is a Committee who reviews the application. It is therefore important to document this procedure to have increased transparency and uniformity in the process.

#### **B. Steps**

The Review Committee members:

- Division investigators
- Deputy Commissioner of the Division
- Deputy Director of Certification and Operation
- Representative from Legal when lack of unanimous decision or any uncertainty following Committee review and denial is preliminarily suggested.

After the completion of the on-site review, and once the investigator has assured all relevant information has been obtained and verified, the Review Committee will meet to evaluate the application.

The investigator presents his or her findings and recommendation as developed by focusing on the areas of ownership, expertise, control, affiliation and any other areas relevant to that

specific application. The Committee will then discuss the details to determine if certification is appropriate or if additional information/documentation should be sought to make the most informed and supportable decision. Following the client on-site visit and the initial presentation to the Review Committee, the certification investigator may request additional information.”

### **C. Approval**

If the Review Committee determines certification is appropriate, a certification letter is sent to the applicant.

### **D. Denial – Two Step Process**

- 1.) Preliminary Determination: If the Review Committee determines the application should be denied, IDOA legal staff shall review the file and draft a preliminary determination letter which will be provided to the Deputy Commissioner of the Division and Deputy Director of Certification and Operation for review and signature by the Deputy Commissioner of the Division. The letter will then be mailed to the client notifying them of the Division’s preliminary determination. The preliminary determination letter will set forth the reasons the Review Committee determined the application should be denied. Applicants have 15 calendar days to provide clarifying information or documentation and have the ability to explain why the denial may be incorrect. Please note that the Division makes all certification determinations based on the information received and available at the time the initial application was submitted. (Sample Preliminary Determination attached)
- 2.) If the applicant responds with additional or clarifying information, that complete response will be evaluated by the Department of Administration Commissioner or her designee. The Commissioner may consult with the Deputy Commissioner, Review Committee or applicant to ensure an accurate review is conducted. If the Commissioner upholds the denial, the Commissioner will notify the applicant via a Final Determination Letter. (Sample Final Determination Letter attached).

An applicant has 15 calendar days from the postmarked date of the Final Determination letter to appeal by following the instructions in the Final Determination Letter.

The Commissioner will receive monthly updates of the entities which are certified and the type of certification granted.

## **LEGAL REFERENCE**

IC 4-13-16.5-3

Deputy Commissioner for minority and women's business enterprise development.

IC 4-13-16.5-5  
Rules.

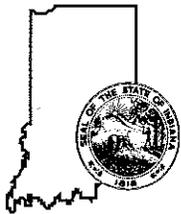
25 IAC 5-3-7  
Review by the department of applications for certification as an MBE or WBE.

**APPROVAL**

Approved: 

Jessica Robertson, Commissioner  
Indiana Department of Administration

Date: 9-1-2015



# STATE OF INDIANA

DEPARTMENT OF ADMINISTRATION  
Office of the Commissioner

Michael R. Pence, Governor

Indiana Government Center South  
402 West Washington Street, Room W479  
Indianapolis, IN 46204  
(317) 232 - 3114

DATE

BUSINESS OWNER's NAME

BUSINESS NAME

ADDRESS

CITY/TOWN, IN 46

Re: Preliminary Determination of Minority and Women's Business Enterprise Certification

Dear BUSINESS OWNER:

The Indiana Department of Administration's Minority and Women's Business Division ("Division") thanks you for submitting your Application for Certification as a Women's Business Enterprise ("WBE"). The Division has evaluated your application, information learned during the site visit and all relevant documents in accordance with Title 25, Article 5, of the Indiana Administrative Code ("25 IAC 5"), which governs the Minority and Women's Business Enterprise program. Each criterion must be met for an entity to be eligible for certification. The Division's Review Committee, after careful consideration of BUSINESS ENTITY has determined:

- DETERMINATION

Below is the detail to support this preliminary determination of denial.

25 IAC 5-

25 IAC 5-

Conclusion

When determining if an enterprise may be certified as a Women's Business Enterprise, each provision set for in 25 IAC 5 must be met. Further, pursuant to 25 IAC 5-3-2(b) the burden of proof lies with the entity seeking certification. The Review Committee's preliminary determination is not meant to be a criticism of the structure of a business nor in anyway indicate changes are required for the success of the enterprise. The Committee is charged only with applying the facts and information, as presented, to the strict rules of 25 IAC 5; therefore BUSINESS ENTITY may not be certified as INSERT TYPE OF CERTIFICATION under the rules.

Based on this preliminary determination you have several options:

1. Take no action as result of this preliminary determination. You will then be notified via mail that it has become a Final Determination. You may then reapply for certification in twelve (12) months from the date of the Final Determination. (See 25 IAC 5-4-2(d))

2. If there is additional or supplemental information or documents that you think should be considered to support certification please provide them to the address below (postmarked or hand delivered) **within fifteen (15) days** of the date of this letter.
3. Withdraw your application, address the areas of concern and reapply at anytime. To withdraw your application send a letter the address below (postmarked or hand delivered) **within fifteen (15) days** of the date of this letter.

Commissioner  
Indiana Department of Administration  
402 West Washington Street, Room W479  
Indianapolis, IN 46204

Thank you for your patience during the certification process.

Respectfully submitted,

Terrie Daniel, Deputy Commissioner  
Indiana Department of Administration  
Minority and Women's Business Enterprises Division

DATE

BUSINESS OWNER's NAME  
BUSINESS NAME  
ADDRESS  
CITY/TOWN, IN 46

**RE: Application for Certification– Final Determination**

Dear BUSINESS OWNER,

Commissioner Robertson has reviewed the Preliminary Determination dated INSERT DATE regarding your application for certification by the Minority and Women's Business Enterprises Division ("the Division") and has delegated to me the responsibility of transmitting her decision. Based upon a complete review of the file, including all materials submitted to support the Application, the Commissioner has made a final determination that affirms denial of the application.

The Administrative Rules provide:

----- INSERT TEXT ----

You do, however, have the right to appeal this final determination.

**Appeal Procedure**

Pursuant to Indiana Code 4-21.5-3-5, please consider this letter as written notice of an order concerning a determination of status. Also, please be advised that this administrative action does not prohibit your business from performing work as a subcontractor or from continuing to run your business.

In accordance with established procedures and 25 IAC 5-4-2:

- (1) You may appeal by petitioning for review of this determination. According to Ind. Code 4-21.5-3-7, to qualify for review of this order, a person must submit a written petition for review that:
  - (a) States facts demonstrating that the petitioner is a person to whom the order is specifically directed; the petitioner is aggrieved or adversely affected by the order; or the petitioner is entitled to review under any law;
  - (b) Includes a statement that includes the reason the petitioner believes that the determination was in error; and
  - (c) Must be filed (postmarked or hand delivered) **within fifteen (15) days** after the person is given notice of the order.<sup>1</sup>

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<sup>1</sup> Notice is deemed given when this letter is deposited in the mail/date of the postmark. (See I.C. 4-21.5-3-2(c))

The request for hearing must be sent to:

Commissioner  
Indiana Department of Administration  
402 West Washington Street, Room W479  
Indianapolis, IN 46204

OR

(2) Take no action as result of this final determination.

If you elect to appeal, the Division will notify the Administrative Law Judge ("ALJ") to set this matter for a Hearing as provided by 25 IAC 5-4-2. You will be notified in advance of the date of such Hearing. In the event the decision of the ALJ is to uphold the decision of the Division you may re-apply for M/WBE Certification twelve (12) months following the date of the decision. Should you elect to take no action as a result final determination, you may re-apply for WBE Certification twelve (12) months from the date of this Final Determination Denial Letter. Thank you for your patience during the certification process. Should you have questions regarding this process feel free to consult with legal counsel of your choosing or you may address general questions to me.

Kindest Regards,

Tim A. Grogg  
General Counsel