

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
THE INDIANA DEPARTMENT OF TRANSPORTATION
AND
THE INDIANA DEPARTMENT OF ADMINISTRATION

EDS No. A249-21-M200009

This Memorandum of Understanding (“MOU”) is made and entered into this 14 day of August , 2020, by and between the Indiana Department of Transportation (“INDOT”) and the Indiana Department of Administration (“IDOA”), hereinafter referred to collectively as the “Parties” or individually as “Party,” through their duly authorized and undersigned officials.

WITNESSETH

WHEREAS, IDOA acts on behalf of the State of Indiana is the sole entity in the State with the authority to certify and to actively promote, monitor and enforce the standards for certification of Minority Business Enterprises (“MBE”) and Women’s Business Enterprises (“WBE”); and

WHEREAS, INDOT, through the State of Indiana’s Unified Certification Program, is the sole entity in the State with the authority to certify Disadvantaged Business Enterprises (“DBE”) on behalf of the United States Department of Transportation; and

WHEREAS, with the exception of certain minor requirements, the qualifications for DBE certification prescribed in 49 CFR 26 are no less stringent than the qualifications for MBE and WBE certification prescribed in 25 IAC 5; and

WHEREAS, IDOA’s acceptance of INDOT’s DBE certification as evidence of MBE or WBE eligibility may help with the IDOA’s MBE/WBE certification requirements; and

WHEREAS, it is of mutual interest for INDOT and IDOA to cooperate in promoting economic development and to improve efficiencies for small businesses;

NOW THEREFORE, the Parties agree as follows:

1. **Term.** This MOU shall be effective upon the date of the last signature (“Effective Date”), and shall expire two (2) years from the Effective Date. This MOU may be renewed under the same terms and conditions, subject to the approval of the Commissioner of INDOT, the Commissioner of IDOA, and the Director of the State Budget Agency. The term of the renewed MOU shall not extend beyond a given two (2) year budget period, as required by State Budget Agency Financial Management Circular No. 2009-2.

2. **Provisions.**

A. **General:**

- i. Applicant firms that desire to use INDOT DBE certification as evidence of MBE/WBE eligibility, must provide IDOA with a written consent form permitting INDOT to share all information in its DBE file, excluding financial documents, confidential or otherwise. A copy of the written consent form is attached hereto and incorporated herein as **Exhibit 1**.
- ii. The Parties agree to notify the other Party within sixty (60) calendar days after it makes a change to the certification status of a DBE or MBE/WBE firm.
- iii. The Parties agree to notify the other Party within thirty (30) days when a DBE or MBE/WBE firm which is certified with both Parties is the subject of any third-party compliant investigation which results in a substantiated complaint.

B. **IDOA's duties:**

- i. For IDOA's convenience and to expedite the MBE/WBE certification process, IDOA will offer DBE certified firms the opportunity to disclose their currently certified as a DBE. Upon disclosure that an applicant is a DBE certified firm, IDOA will offer the applicant the option to complete **Exhibit 1**. IDOA will use the information provided by INDOT in Section C.i., below, to determine the applicant's MBE/WBE eligibility.
- ii. In processing MBE/WBE applications, IDOA will email the completed consent form to the INDOT DBE Certification Manager. If IDOA has any questions regarding a DBE firm, IDOA will contact the DBE Certification Manager before contacting the applicant.
- iii. IDOA may certify any applicant as MBE and/or WBE if the firm:
 - a. Is currently certified as a DBE;
 - b. Is at least fifty-one percent (51%) owned by a United States citizen who is a member of a qualified minority group or is female;
 - c. Is headquartered in Indiana; and
 - d. Has documented evidence of an INDOT site visit no older than three (3) years.
- iv. IDOA retains the sole right to make all final determinations concerning the MBE/WBE eligibility of all applicant firms regardless of DBE certification status.

C. **INDOT's duties:**

- i. INDOT will respond to IDOA's request for confirmation of DBE certification status within five (5) business days of receiving the request and applicant consent. If INDOT is unable to comply with the five (5) business day response time, INDOT will notify

IDOA of the delay as soon as is practicable. INDOT's DBE Certification Manager will email IDOA:

- a. The applicant's Verification of DBE Certification form [Exhibit 2];
 - b. A copy of the applicant's latest onsite report;
- ii. INDOT will verify receipt of an applicant's submission for proof of U.S. citizenship and minority or female status as part of the response when documentation is included as part of the certification file.
3. **Amendments.** No alteration, modification, variation or amendment of the terms of this MOU shall be valid unless made in writing and signed by the Parties. No oral understanding or agreement not incorporated herein shall be binding on any of the Parties.
 4. **Funding Cancellation.** When the Director of the State Budget Agency makes a written determination that funds are not appropriated or otherwise available to support the continuation of performance of this MOU, this MOU shall be canceled. A determination by the Director of the State Budget Agency that funds are not appropriated or otherwise available to support continuation of performance shall be final and conclusive.
 5. **Termination.** This MOU may be terminated in whole or in part by either Party for any reason upon thirty (30) days written notice by delivery to the other Party, specifying the extent to which performance of services under such termination becomes effective.
 6. **Notice to Parties.** Whenever any notice, statement or other communication is required under this MOU, it shall be sent to the following addresses, unless otherwise specifically advised:

Notices to INDOT shall be sent to:

Elizabeth Kiefner Crawford
Director, Economic Opportunity Division
100 North Senate Avenue, Room N750
Indianapolis, IN 46204

With a copy to:

Chief Legal Counsel and Deputy Commissioner
100 North Senate Avenue, Room N758
Indianapolis, IN 46204

Notices to IDOA shall be sent to:

Maia Sibrashvili
Deputy Commissioner, Division of Supplier Diversity
402 West Washington Street
IGCS Room W462

Indianapolis, IN 46204

7. **Entire Agreement.** This MOU constitutes the entire agreement of the Parties and may only be amended by the written consent of the Parties.

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Non-Collusion and Acceptance

IN WITNESS THEREOF, the Parties have, through their duly authorized representatives, entered into this MOU. The Parties, having read and understand the foregoing terms, do by their respective signatures dated below hereby agree to the terms thereof.

Department of Administration:

Department of Transportation:

Lesley Ann Crane (for)
Lesley A. Crane, Commissioner

Heather Kennedy Giff (for)
Joseph McGuinness, Commissioner

Date: 8/17/2020

Date: 8/19/2020

Approved
State Budget Agency:

_____ (for)
Zachary Q. Jackson, Director

Date: _____

Exhibit 1



Indiana Department of Administration
Business Enterprise – Information Release Form

Name of Company: _____ BRN: _____

Company Address: _____

City: _____ State: _____

Phone Number: _____ Fax: _____

Website: _____

Contact Person: _____ Email Address: _____

Qualifying Member(s)/Owner(s): _____

I authorize the Indiana Department of Transportation to release to the Indiana Department of Administration all documentation contained in the DBE certification record, excluding financial documents, to assist the business listed above in securing WBE or MBE certification with the State of Indiana.

I understand that the Division of Supplier Diversity (the "Division") will request additional information directly from the company listed above, to assist in rendering its decision, in accordance with 25 IAC 5. I understand that if WBE or MBE status is granted, the business will be certified with the State of Indiana for a period of three (3) years. The applicant is eligible to apply for recertification directly with the Division but at the time of recertification, additional information will be requested by the Division to verify current ownership and control of the entity.

Signature: _____ Position: _____

Print Name: _____

Please deliver the completed form via email, fax, or in person to:

Indiana Department of Administration
ATTN: Certification Director
402 West Washington Street, IGCS Room W479
Indianapolis, Indiana 46204
Phone: 317-232-3061
Email: mwbe@idoa.in.gov

Internal Use only:

IDOA Received by: _____

Date: _____

Exhibit 2

**INDOT Verification of DBE Certification
for IDOA MBE and/or WBE Certification Acceptance**

Firm Name: _____

Owner Name/s: _____

Site Visit Date: _____

Please check all that apply:

_____ Qualifying Member U.S. Citizen

_____ Minority Owner and Controlled

_____ Woman Owner and Controlled

INDOT Representative

Sign Name

Print Name

Date

Agency Fiscal Approval

STIND/00000000000000000000000045397: **Approved**

Agency Fiscal Approval

Approved

✔ **Brittany Adams - 00800**
Agency Fiscal Approval for SCM
08/25/20 - 11:19 AM

SBA Approval

STIND/00000000000000000000000045397: **Approved**

SBA Approval

Approved

✔ **Sharp, Cara-00057**
SBA Analyst Approval for SCM
09/01/20 - 1:54 PM



Approved

✔ **Evan Kalember - 00057**
Inserted Approver
09/10/20 - 9:30 AM