

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
THE INDIANA DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF INDIANAPOLIS

EDS No. A249-21-M200008

This Memorandum of Understanding (“MOU”) is made and entered into this _____ day of _____, 2020, by and between the Indiana Department of Transportation (“INDOT”) and the City of Indianapolis, through its Office of Minority & Women Business Development (“MWBD”), hereinafter referred to collectively as the “Parties” or individually as a “Party,” through their duly authorized and undersigned officials.

WITNESSETH

WHEREAS, pursuant to the City of Indianapolis and Marion County Business Utilization Plan and Sec. 202-402 of the Revised Code of the Consolidated City Indianapolis-Marion County, MWBD is given the authority to certify Minority Business Enterprises (“MBE”) and Women Business Enterprises (“WBE”) on behalf of the Consolidated City of Indianapolis (“City”); 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 the same qualifications utilized by the City for MBE and WBE certification; and

WHEREAS, MWBD’s acceptance of INDOT’s DBE certification as evidence of MBE or WBE eligibility will increase the efficiency of MWBD’s MBE/WBE certification process; and

WHEREAS, it is of mutual interest for INDOT and the City 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 Director of MWBD, 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 MWBD 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) calendar days when a DBE or MBE/WBE firm which is certified by both Parties is the subject of any third party compliant investigation which results in a substantiated complaint.

B. **MWBD's duties:**

- i. For MWBD's convenience and to expedite the MBE/WBE certification process, MWBD will offer DBE certified firms the opportunity to disclose it is currently certified as a DBE. Upon disclosure that an applicant is a DBE certified firm, MWBD will instruct the applicant to complete **Exhibit 1**. MWBD 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, MWBD will email the completed consent form to the INDOT DBE Certification Manger. If MWBD has any questions regarding a DBE firm, MWBD will contact the DBE Certification Manager before contacting the applicant.
- iii. MWBD may certify any applicant firm 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. MWBD 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 MWBD'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 MWBD of the delay as soon as is practicable. INDOT's DBE Certification Manager will email MWBD:

- a. The applicant's Verification of DBE Certification form, attached hereto and incorporated here in as **Exhibit 2**; and
 - b. A copy of the applicant's latest onsite report.
- ii. INDOT will verify receipt of an applicant's submission for proof of US citizenship or lawfully admitted permanent residence 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 of the 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 MWBD shall be sent to:

Camille D. Blunt
Director
200 East Washington Street, Suite 1260
Indianapolis, IN 46204

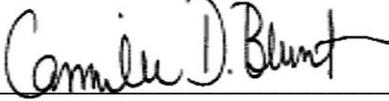
7. **Entire Agreement.** This MOU constitutes the entire agreement of the Parties and may only be amended by the written consent of the Parties.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

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.

Office of Minority and Women
Business Development:


_____ (for)
Camille D. Blunt, Director

Department of Transportation:


_____ (for)
Joseph McGuinness, Commissioner

Date: 8/11/2020

Date: 8/12/2020

Approved
State Budget Agency:

(for) Zachary Q. Jackson, Director

Date: _____

Exhibit 1

**Office of Minority & Women Business Development,
City of Indianapolis – Marion County
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 City of Indianapolis' Office of Minority & Women Business Development 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 City of Indianapolis.

I understand that the Office of Minority & Women Business Development will request additional information directly from the company listed above, to assist in rendering its decision, in accordance with 49 CFR 26. I understand that if WBE or MBE status is granted, the business will be certified with the City of Indianapolis for a period of three (3) years. I, as the applicant, am eligible to apply for recertification directly with the Office of Minority & Women Business Development, City of Indianapolis but at the time of recertification, additional information will be requested by the City of Indianapolis 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:

Office of Minority & Women Business Development

ATTN: Certification Director

200 East Washington Street, Suite 1260

Indianapolis, Indiana 46204

Phone: 317-327-5262

Email: omwbd@indy.gov

Internal Use only:

MWBD Received by: _____

Date: _____



Exhibit 2

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

Firm Name: _____

Owner Name/s: _____

Site Visit Date: _____

Please check all that apply:

_____ Minority Owner and Controlled

_____ Woman Owner and Controlled

INDOT Representative

Sign Name

Print Name

Date

Agency Fiscal Approval

▼ STIND/00000000000000000000000045115: **Approved**

Agency Fiscal Approval

Approved



Steven Fanning - 00800 for Lucas Karr - 00800

Agency Fiscal Approval for SCM

08/13/20 - 7:25 AM

SBA Approval

▼ STIND/00000000000000000000000045115: **Approved**

SBA Approval

Approved



Sharp, Cara-00057

SBA Analyst Approval for SCM

08/20/20 - 1:47 PM