

**RULES
OF
TENNESSEE DEPARTMENT OF TRANSPORTATION
CIVIL RIGHTS DIVISION**

**CHAPTER 1680-8-1
CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES
AND WOMEN BUSINESS ENTERPRISES**

TABLE OF CONTENTS

1680-8-1-.01	General Statement	1680-8-1-.06	Decertification
1680-8-1-.02	Definition of Terms	1680-9-1-.07	Third Party Challenges
1680-8-1-.03	Certification Procedures	1680-8-1-.08	Disciplinary Action for Failure to Perform
1680-8-1-.04	Certification Requirements	1680-9-1-.09	Disclosure Affidavit
1680-8-1-.05	Certification Duration		

1680-8-1-.01 GENERAL STATEMENT. The Tennessee Department of Transportation has adopted the following rules and regulations with regard to the certification of Disadvantaged Business Enterprises.

Authority: T.C.A. §§4-3-2303 (2) and 54-1-124; 49 CFR Part23; Public Acts of 1984, Chapter 737.
Administrative History: Original rule filed September 19, 1984; effective October 19, 1984. Amendment filed January 23, 1987; effective March 9, 1987. Amendment filed November 30, 1988; effective January 14, 1989.

1680-8-1-.02 DEFINITION OF TERMS.

- (1) Disadvantaged Business Enterprise (DBE) - A small business concern:
 - (a) which is at least fifty-one percent (51%) owned by one or more socially and economically disadvantaged individuals, or, in case of any publicly owned business, at least fifty-one percent (51 %) of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
 - (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- (2) *Small Business Concern* - The definition contained in Section 3 of the Small Business Act (15 U.S.C. 632) shall apply to these regulations, except such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which have average annual gross receipts over the preceding three fiscal years in excess of Fourteen Million Dollars (\$14,000,000) as adjusted by the United States Secretary of Transportation for inflation.
- (3) *Socially and Economically Disadvantaged Individuals* - Those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, or Asian-Indian Americans and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8 (a) of the Federal Small Business Act.
 - (a) The Tennessee Department of Transportation (TDOT) shall make a rebuttable presumption that members of the above listed groups are socially and economically disadvantaged. TDOT may determine on a case-by-case basis, that individuals who are not members of one of the groups listed herein are socially and economically disadvantaged.

(Rule 1680-8-1-.02, continued)

- (4) *The Contract Compliance Office* - The division of the Tennessee Department of Transportation that has been delegated the responsibility of monitoring and enforcing the department's DBE Program.
- (5) *The Tennessee Department of Transportation DBE Review Committee* -The committee within the Tennessee Department of Transportation which renders final decisions of the department on DBE certification.
- (6) For the purpose of addressing third party challenges, the following definitions shall apply:
 - (a) Social Disadvantage.
 - 1. Elements of Social Disadvantage.
 - (i) The individual's social disadvantage must stem from her gender; his or her color; national origin; gender; physical handicap; long-term residence in an environment isolated from the mainstream of American society; or other similar cause beyond the individual's control. The individual cannot establish social disadvantage on the basis of factors which are common to small business persons who are not socially disadvantaged. For example, because of their marginal financial status, many small businesses have difficulty obtaining credit through normal banking channels. An individual predicated a social disadvantage claim on denial of bank credit to his or her firm would have to establish that the denial based on one or more of the listed causes, or similar causes rather than based simply on the individuals or the firm's marginal financial status.
 - (ii) The individual must demonstrate that he or she has personally suffered social disadvantage, not merely claim membership in a non-designated group which could be considered socially disadvantaged. This can be achieved, for example, by describing specific instances of discrimination which the individual has experienced, or by recounting in some detail how his or her development in the business world has been thwarted by one or more of the listed causes or similar causes. As a general rule, the more specific an explanation of how one has personally suffered social disadvantage, the more persuasive it will be. Substantial weight shall be given to prior administrative or judicial findings of discrimination experienced by the individual. Such findings, however, are not necessarily conclusive evidence of an individual's social disadvantage; nor are they a prerequisite for establishing social disadvantage.
 - (iii) The individual's social disadvantage must be rooted in treatment which he or she has experienced in American society, not in other countries.
 - (iv) the individual's social disadvantage must be chronic, longstanding, and substantial, not fleeting or insignificant. Typically, a number of incidents illustrating a person's social disadvantage, occurring over a substantial period of time, would be necessary to make a successful claim. Usually, only by demonstrating a series of obstacles which have impeded one's progress in the business world can an individual demonstrate chronic, longstanding, and substantial social disadvantage.
 - (v) The individual's social disadvantage must have negatively affected his or her entry into, and/or advancement in, the business world. The closer the individual can link social disadvantage to impairment of business opportunities, the stronger

(Rule 1680-8-1-.02, continued)

the case. For example, the recipient should place little weight on annoying incidents experienced by an individual which have had little or no impact on the person's career or business development. On the other hand, greater weight should be placed on concrete occurrences which have tangibly disadvantaged an individual in the business world.

2. Evidence of Social Disadvantage.

- (i) In addition to a personal statement from the individual claiming to be socially disadvantaged, such evidence may include, but is not limited to: Third party statements; copies of administrative or judicial findings of discrimination; and other documentation in support of matters discussed in the personal statement. Particular consideration and emphasis should be placed on the following experiences of the individual, where relevant: education, employment, and business history. However, the individual may present evidence relating to other matters as well. Moreover, the attainment of a quality education or job should not absolutely disqualify the individual from being found socially disadvantaged if sufficient other evidence of social disadvantage is presented.
- (ii) One should consider, as evidence of an individual's social disadvantage: denial of equal access to business or professional schools; denial of equal access to curricula; exclusion from social and professional association with students and teachers; denial of educational honors; social patterns or pressures which have discouraged the individual from pursuing a professional or business education; and other similar factors.
- (iii) One should consider, as evidence of an individual's social disadvantage: discrimination in hiring; discrimination in promotions and other aspects of professional advancement; discrimination in pay and fringe benefits; discrimination in other terms and conditions of employment; retaliatory behavior by an employer; social patterns or pressures which have channeled the individual into nonprofessional or non-business fields; and other similar factors.
- (iv) One should consider, as evidence of an individual's social disadvantage: unequal access to credit or capital; acquisition of credit under unfavorable circumstances; discrimination in receipt (award and/or bid) of government contracts; discrimination by potential clients; exclusion from business or professional organizations; and other similar factors which have retarded the individual's business development.

(b) Economic Disadvantage.

- 1. As a general rule, economically disadvantaged individuals are socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same or similar line of business and competitive market area who are not socially disadvantaged.

Authority: T.C.A. §§4-3-2303 (2) and 54-1-124; 49 CFR Part 23; Public Acts of 1984, Chapter 737.
Administrative History: Original rule filed September 19, 1984; effective October 19, 1984. New rule filed January 23, 1987; effective March 9, 1987. Amendment filed November 30, 1988; effective January 14, 1989.

1680-8-1-.03 CERTIFICATION PROCEDURES.

- (1) A business applying for certification as a DBE must submit a disclosure affidavit (See Rule 1680-8-1-.09 herein) to the Contract Compliance Office. The division may request additional information, if needed, from the applicant.
- (2) The Contract Compliance Office shall make a preliminary finding as to the eligibility of each applicant.
- (3) Preliminary findings shall be subject to approval of the Tennessee Department of Transportation DBE Review Committee which shall render the final departmental decision in each case,
- (4) The Contract Compliance Office shall advise each applicant who, in its opinion, is ineligible for certification of its preliminary finding by certified mail, return receipt requested. Reasons shall be given as to why certification cannot be granted.
- (5) The applicant shall then have 15 days after receipt of notice to request in writing an appeal to the Tennessee Department of Transportation DBE Review Committee which may reverse or uphold the Contract Compliance Office preliminary finding in its final decision.
- (6) Should the applicant not appeal within the 15 day period, then the preliminary finding of the Contract Compliance Office shall become the final decision of the Review Committee.
- (7) Final decisions of the Tennessee Department of Transportation DBE Review Committee may be appealed to the U.S. Department of Transportation, Office of the Secretary.

Authority: T.C.A. §§4-3-2303 (2) and 54-7-124; 49 CFR Part 23; Public Acts of 1984, Chapter 737.

Administrative History: Original rule filed September 19, 1984; effective October 19, 1984. Amendment filed January 23, 1987; effective March 9, 1987. Amendments filed November 30, 1988; effective January 14, 1989.

1680-8-1-.04 CERTIFICATION REQUIREMENTS. When reviewing DBE applications, the Contract Compliance Office determines first if the applicant qualifies as a DBE by deciding if the owners of the company are members of a group, who are presumed to be socially and economically disadvantaged. In addition, the socially and economically disadvantaged owners must own and control the company. The ownership and control of the disadvantaged person must be real, substantial, and continuing and shall go beyond the pro forma ownership of the firm as reflected in its ownership documents. The applicant company must show that the disadvantaged owners enjoy *the customary* incidents of ownership and that they share in the risks and profits commensurate with their ownership *interests as* demonstrated by an examination of the substance rather than form of *arrangements*.

Authority: T.C.A. §§4-3-2303 (2) and 54-1-124; 49 CFR Part 23; Public Acts of 1984, Chapter 737.

Administrative History: Original rule filed September 19, 1984; effective October 19, 1984. Amendment filed January 23, 1987; effective March 9, 1987. Amendment filed November 30, 1988; effective January 14, 1989.

1680-8-1-.05 CERTIFICATION DURATION. If an applicant company qualifies as a DBE for a period of one year, or until the certification is removed for cause.

Authority: T.C.A. §4-3-2303 (2); Public Acts of 1984, Chapter 737. **Administrative History:** Original rule filed September 19, 1984; effective October 19, 1984. Amendment filed November 30, 1988; effective January 14, 1989.

1680-8-1-.06 DECERTIFICATION.

(Rule 1680-8-1-.06, continued)

- (1) The Tennessee Department of Transportation may remove the DBE Certification of any contractor at any time when it is found that the contractor does not qualify as a DBE.
- (2) Written notice shall be sent from the Contract Compliance Office explaining why the contractor no longer meets the requirements of a DBE. The contractor shall have fifteen days (15) to respond to the deficiencies. If the contractor does not respond or if the contractor's explanation is not sufficient, then the contractor shall be advised by certified mail, return receipt requested, of the preliminary finding of ineligibility for retention of certification. Reasons shall be given for the preliminary finding.
- (3) The contractor shall then have fifteen days (15) after receipt of notice to request in writing an appeal to the Tennessee Department of Transportation DBE Review Committee which may reverse or uphold the Contract Compliance Office preliminary finding in its final decision.
- (4) Should the contractor not appeal within the fifteen day (15) period, then the preliminary finding of the Contract Compliance Office shall become the final decision of the Review Committee.
- (5) Final decisions of the Tennessee Department of Transportation DBE Review Committee may be appealed to the U.S. Department of Transportation, Office of the Secretary.

Authority: 49 CFR Part 23; T.C.A. §§4-3-2303 (2) and 54-1-124; Public Acts of 1984, Chapter 737.
Administrative History: Original rule filed September 19, 1984; effective October 19, 1984. Amendment filed January 23, 1987; effective March 9, 1987, Amendment filed November 30, 1988; effective January 14, 1989.

1680-8-1-.07 THIRD PARTY CHALLENGES.

- (1) Any third party may challenge the socially and economically disadvantaged status of any individual (except an individual who has a current 8 (a) certification from the Small Business Administration) presumed to be socially and economically disadvantaged if that individual is an owner of a firm certified by or seeking certification as a disadvantaged business.
- (2) The challenge shall be made in writing to the Contract Compliance Office of the Tennessee Department of Transportation in Nashville, Tennessee. It shall include all information available to the challenging party relevant to a determination of whether the challenged party is in fact socially and economically disadvantaged.
- (3) The Contract Compliance Office shall make a proposed determination on the basis of the information provided by the challenging party, whether there is reason to believe that the challenged party is in fact not socially and economically disadvantaged. The Contract Compliance Office shall notify both parties of this proposed determination in writing, setting forth the reasons for its proposal.
- (4) The challenging party shall then have fifteen (15) days after receipt of notice to *request in* writing an appeal to the Tennessee Department of Transportation DBE Review Committee which may reverse or uphold the proposed determination of the Contract Compliance Office in its final decision. Should there be no appeal within the fifteen (15) day period, then the proposed determination of the Contract Compliance Office shall become the final decision of the Review Committee. During the pendency of a challenge, the presumption that the challenged party is a socially and economically disadvantaged individual shall remain in effect.
- (5) If the Contract Compliance Office determines that there is reason to believe that the challenged party is not socially and economically disadvantaged, the Contract Compliance Office shall require the challenged party to provide within a reasonable time, information sufficient to permit the Contract

(Rule 1680-8-1-.07, continued)

Compliance Office to evaluate his or her status as a socially and economically disadvantaged individual.

- (6) The Contract Compliance Office shall *evaluate the* information available to it and make a proposed determination of the social and economic disadvantage of the challenged party. The Contract Compliance Office shall notify both parties of this proposed determination in writing, setting forth the reasons for its proposal.
- (7) Both the challenging party and the challenged party shall then have fifteen (15) days after receipt of notice to request in writing an appeal to the Tennessee Department of Transportation DBE Review Committee which may reverse or uphold the Contract Compliance Office proposed determination in its final decision. Should there be no appeal within the fifteen (15) day period, then the proposed determination of the contract Compliance Office shall become the final decision of the Review Committee. During the pendency of a challenge, economically disadvantaged individual shall remain in effect.
- (8) Final decisions of the Tennessee Department of Transportation DBE Review Committee may be appealed to the U.S. Department of Transportation, Office of the Secretary, pursuant to 49 CFR Part 23.

Authority: 49 CFR Part 23; T.C.A. §4-3-2303 (2) and T.C.A. 54-1-124. **Administrative History:** New rule filed January 23, 1987; effective March 9, 1987. (For history prior to March, 1987 see history for T.C.A. §1680-8-1-.08), Amendment filed November 30, 1988; effective January 14, 1989.

1680-8-1-.08 DISCIPLINARY ACTION FOR FAILURE TO PERFORM.

- (1) The *Tennessee Department* of Transportation may discipline any certified DBE contractor who is found to be acting as a broker, conduit or in any other similar type of arrangement. The first time a DBE contractor is discovered taking part in such an arrangement he shall be suspended from participation as a DBE on future contracts for Tennessee Department of Transportation projects for one letting and given a warning *letter*. For the second violation, the DBE contractor shall be decertified for six months. For the third and each additional violation the contractor shall be decertified for twelve months.
- (2) Written notice shall be sent from the Contract Compliance Office concerning the activities of the contractor. The contractor shall have *fifteen (15)* days to respond to the deficiencies. If the contractor does not respond or if the contractor's explanation is insufficient, then the contractor shall be advised by certified mail, return receipt requested, of the preliminary finding of the Contract Compliance Office. Reasons shall be given for the preliminary finding.
- (3) The contractor shall have fifteen (15) days after receipt of notice to *request in* writing an appeal to the Tennessee Department of Transportation DBE Review Committee which may reverse or uphold the Contract Compliance Office's preliminary finding in its final decision.
- (4) Should the contractor not appeal within the fifteen (15) day period, then the preliminary finding of the Contract Compliance Office shall become the final decision of the Review Committee.
- (5) Final decisions of the Tennessee Department of Transportation DBE Review Committee may be appealed to the U.S. Department of Transportation, Office of the Secretary.

Authority: T.C.A. §§4-3-2303 (2) and 54-1-124; 49 CFR Part 23. **Administrative History:** New rule filed November 30, 1988; effective January 14, 1989.

(Rule 1680-8-1-.09, continued)

1680-8-1-.09 DISCLOSURE AFFIDAVIT. In order to evaluate the legitimacy of each DDE applicant, it is required that certain relevant information be provided initially, prior to award, and be continually updated throughout contract performance. This information must include statements clearly identifying and explaining the extent of the DBE ownership and control including, but not limited to, the information items on this form. All information items must be furnished or properly addressed before the business entity can be evaluated.

Definitions:

Disadvantaged Business means a small business concern: (a) which is at least fifty-one (51%) percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least fifty-one (51%) percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Socially and Economically Disadvantaged Individuals means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, or Asian-Indian Americans and any other minorities or individuals found to be disadvantaged by the small business administration pursuant to Section 8 (a) of the Small Business Act.

1. Name of business (applicant firm) _____

Address _____
City State Zip

Phone Number (including area code) _____

2. Type of ownership (check one)

() Sole Proprietorship () Partnership () Corporation () Joint Venture

3. Name and Address of Attorney _____

() _____
Telephone Number

4. Name and Address of CPA or Accountant _____

Telephone Number

5. Nature of business _____

6. Years of business _____

7. Percent of DBE ownership _____

8. Is any DBE not a citizen of the U.S.? If yes, provide name(s) of owner(s). If none, so state. _____

9. Identification of ownership in terms of name of individuals or corporations and their percent of ownership:

Years of	Ownership	Voting
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CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES
AND WOMEN BUSINESS ENTERPRISES

CHAPTER 1680-8-1

(Rule 1680-8-1-.09, continued)

Owners	Race	Sex	Ownership	Percentage	Percentage
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

10. If any owner of the applicant firm also has an ownership interest in another firm, indicate:

Name of Owner	Nature of Other Ownership Interest	Relationship to Applicant Firm
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. Please Complete: The names of the Officers of the Company are:

	Date Elected	
_____	_____	President
_____	_____	Vice President
_____	_____	Secretary
_____	_____	Treasurer
_____	_____	Other

12. Current Board of Directors

Name	Minority or Female	Date Elected	Home Address Number, Street, City, State, Zip
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

13. Prior Board of Directors

Name	Minority or Female	Date Elected	Home Address Number, Street, City, State, Zip
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

14. Shareholders

Name	Minority or Female	Amount Paid	Indicate Loans or Notes	Class Common or Preferred	Total Cost	Date of Ownership
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

(Rule 1680-8-1-.09, continued)

- _____
15. In the instance of each share of stock secured through a purchase agreement, a loan, or a note, provide copy of agreement, loan or note. Copy must indicate source of loan, date of loan, conditions relating to distribution of profits and management of business, and collateral or guarantees given as security.
 16. If your firm is owned in full or in part by a company listed in item 14, list on a separate sheet that company's shareholders to include percentage of ownership interest and the names and address of directors and officers.
 17. List all sources and amounts of money loaned to the corporation.

Source	Amount
_____	_____
_____	_____
_____	_____

18. Identify your current bonding company and bank. Do you have letter(s) of credit? If so, identify.

Bonding Company	Bank	Letters of Credit
_____	_____	_____
_____	_____	_____
_____	_____	_____

19. What is your bonding limit?

\$ _____

20. Who determines what jobs/contracts the company will undertake? (Name and Title)

21. Who will be responsible for on-site project supervision? (Name and Title)

22. Who negotiates and signs for surety bonds and who signs for insurance and payroll?

Surety and/or Performance Bonds	Insurance	Payroll
_____	_____	_____
_____	_____	_____

23. Detail any limitations on authority of any official to sign checks, including amount of check and multiple signature requirement. _____

24. Prior and current company clients (Company Name, Street Address, City, State, Zip) (Attach list if necessary).

(Rule 1680-8-1-.09, continued)

25. List current and past subcontractors (Attach list if necessary)

Current	Past
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

26. Does your company own major equipment?

If no, write no _____ If yes, write yes _____

And list the major equipment owned. Do not list rental or leased equipment.

Type	Quantity
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

27. List all products and/or services rendered.

28. Has your firm been approved by the Federal Small Business Administration 8 (a) program?

_____ Yes _____ No If yes, supply copy of approval letter.

29. Identification of any owner OF management official of the business entity who is or has been an employee of another firm that has an ownership interest in or a present business relationship with the business entity. Present business relationship include shared space, equipment, financing, or employees as well as both firms having some of the same owners.

30. Previous certifications or denials of certification as a minority business enterprise:

() Enclosed () Not Enclosed () Non Previously Issued

31. Will another contractor (prime contractor, subcontractor, and/or supplier) provide any assistance to the applicant firm? (If no, so indicate; if yes, provide details).

Assistance	Details
Supervision at job site	<hr/>
Hiring and/or firing	<hr/>
Purchase of supplies/materials	<hr/>
Provide office space, telephone, bookkeeping, payroll, tax withholding on other services	<hr/>
Personnel manpower	<hr/>
Payroll and worker's compensation	<hr/>

32. Identification of any stock options or other ownership options that are any outstanding loans between owners or between owners and third parties relevant to the business entity. Describe below or enclose statement. If none, please affirm the following statement by handwriting it: "There are no stock options or other ownership options currently outstanding, nor any loans between owners or between owners and third parties relevant to the firm which I represent and for which I make this DBE application."

(Rule 1680-8-1-.09, continued)

33. Identification of control of business entity; list those individuals who are responsible for day-to-day management and policy decision making including, but not limited to those with prime responsibility for:

Name	Race	Sex	Title	Financial Decision	Management Decision*	Supervision of Field Operations

**Including, but not limited to, estimating, marketing and sales, hiring and firing of management personnel, and purchasing of major items or supplies.*

Brief summary of information listed above:

Name	Experience and Qualifications in relationship to Responsibilities	Number of Years With Firm

34. All oral and tacit agreements shall be reduced to writing and submitted with this affidavit. Such agreements may include, but not be limited to the ownership of voting securities, buy-out rights, agreements affecting voting rights of shareholders, loan agreements, equipment rental, management services agreements, etc. If there are no written, oral or tacit agreements concerning the operation of the company between any person associated with company, please affirm the following statement by handwriting it "There are no written oral or tacit agreements concerning the operation of the company between any persons associated with the company."

35. Submit the following documents (and any amendments thereto) with this affidavit.

For A Corporation		FOR A PARTNERSHIP	
a.	Last two year's financial statement prepared by an independent CPA or accountant	a.	Last two year's financial statement prepared by an independent CPA or accountant
b.	Prior two years federal corporate tax returns including all schedules	b.	Prior two years federal corporate tax returns including all schedules

CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES
AND WOMEN BUSINESS ENTERPRISES

CHAPTER 1680-8-1

(Rule 1680-8-1-.09, continued)

c.	Resumes of principals of your company showing education, training and employment with dates	c.	Resumes of all partners showing education, training and employment with dates
d.	License to do business in Tennessee and any other necessary licenses	d.	License to do business in Tennessee
e.	Articles of Incorporation, including date approved by State, and any subsequent amendments	e.	Partnership agreement
f.	Minutes of first corporate organizational meeting	f.	Buy out rights agreement
g.	Corporation By-Laws	g.	Profit sharing agreement
h.	Copy of stock certificate(s) issued (not a specimen copy)	h.	Proof of capital invested
i.	Stock ledger	i.	If other than Female or Black, proof of minority status
j.	Proof of stock purchase		
k.	Copies of third party agreements such as rental or management service agreements, etc.		
l.	If other than Female or Black, proof of minority status		
In addition, for both corporation and partnership, submit all agreements relating to:			
a.	Stock options	e.	Stockholders voting rights
b.	Ownership options	f.	Restrictions on the disposal of stock loan agreements
c.	Stockholders agreements	g.	Facts pertaining to the value of shares
d.	Buy-out fights	h.	Ownership of voting securities

I HEREBY DECLARE AND AFFIRM THAT I am the _____ duly
(Title)
authorized representative of (the firm of) _____ Name of
Firm

I hereby declare and affirm that I am a disadvantaged business enterprise (DBE) as defined by 49 CFR, Part 23, and 23.62 (amended) and that I will provide information requested by the Tennessee Department of Transportation to document this fact.

The undersigned does hereby swear that the foregoing statements are true and correct and include all materials and information necessary to identify and explain the operations of _____
Name of Firm
as well as the ownership thereof.

Further, the undersigned does covenant and agree to provide to the Tennessee Department of Transportation complete and accurate information regarding actual work performed on projects, the payment therefor and any proposed changes in any of the arrangements hereinabove stated and to permit the audit and examination of the books, records and files of _____ by
Name of Firm

authorized representatives of the Tennessee Department of Transportation or the Federal Government. It is recognized and acknowledged that the statements herein are being given under oath and any material

(Rule 1680-8-1-.09, continued)

misrepresentation will be grounds for terminating any contract which may be awarded in reliance hereon and for initiating action under federal and state laws concerning false statements.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING DOCUMENT ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE ABOVE FIRM, TO MAKE THIS AFFIDAVIT.

Signature-Company's Authorized Representative

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 19 _____, before me, _____ personally appeared _____, known to me to be the person described in the foregoing Affidavit and acknowledge that he (she) executed the same in the capacity herein stated and for the purposes therein contained.

In witness thereof, I hereunto set my hand and official seal.

(Notary Public)

My Commission Expires _____

(Seal)

Authority: T.C.A. §§4-3-2303 (2) and 54-1-124; 49 CFR Part 23; Public Acts of 1984, Chapter 737.
Administrative History: Original rule filed September 19, 1984; effective October 19, 1984. Amendment filed January 23, 1987; effective March 9, 1987. (Formerly numbered 1680-8-1-.07). Amendment filed November 30, 1988; effective January 14, 1989.