

South Dakota Department of Transportation

Unified Certification Program Agreement



700 E. Broadway Ave
Pierre, SD 57501-2586

September 9, 2025

South Dakota Unified Certification Program (SDUCP) Agreement

The United States Department of Transportation (USDOT) mandates under [49 CFR Part 26.81](#) that all recipients of USDOT funding in a state establish a Unified Certification Program (UCP). The purpose of the UCP is to streamline the certification process for businesses seeking Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) certification under USDOT. The UCP serves as a “one-stop shop” for businesses, meaning they only need to apply for DBE or ACDBE certification once, and it will be recognized by all agencies in the state who receive applicable funding from the USDOT through one of the modal agencies, including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA).

As recipients of USDOT funds, the undersigned organizations have entered into this agreement to establish the South Dakota Unified Certification Program (SDUCP), which will be managed by the South Dakota Department of Transportation (SDDOT). The SDUCP will handle all DBE certification decisions on behalf of all USDOT recipients within South Dakota.

All obligations of recipients with respect to certification and non-discrimination will be carried out by the SDUCP, and recipients may only use UCPs that comply with the certification and non-discrimination requirements of 49 CFR Part 26.81. The undersigned also agree to the following terms and conditions:

1) SDUCP Certification Location

The South Dakota Department of Transportation, Civil Rights Office, will serve as the centralized certification office location for the SDUCP.

South Dakota Department of Transportation
South Dakota Unified Certification Program
Disadvantaged Business Enterprise
700 E Broadway Avenue
Pierre, South Dakota, 57501-2586

Non-certifying participants to the SDUCP are listed in [Attachment 1](#) to this Agreement.

2) Certification Standards and Procedures

The SDUCP will follow the certification standards of 49 CFR Part 26, and the certification procedures and standards of 49 CFR Part 26 in determining eligibility of firms to participate as a DBE in USDOT-assisted contracts. Firms must meet all certification eligibility standards as indicated in the 49 CFR Part 26. Certification decisions are solely based on the minimum requirements indicated in 49 CFR Part 26. All certifications made by the SDUCP are pre-certifications in accordance with 49 CFR 26.81(c).

The SDUCP will use the certification standards of 49 CFR Part 23 to determine the eligibility of firms to participate as ACDBEs in airport concessions contracts. To be certified as an ACDBE, a firm must meet all certification eligibility standards.

The SDUCP will process all certification applications in accordance with USDOT regulations found at:

1. 49 CFR Part 26 (Subpart D), <https://www.ecfr.gov/current/title-49/subtitle-A/part-26#subpart-D>
2. 49 CFR Part 26 (Subpart E), <https://www.ecfr.gov/current/title-49/subtitle-A/part-26#subpart-E>
3. 49 CFR Part 23 (Subpart C), <https://www.ecfr.gov/current/title-49/subtitle-A/part-23#subpart-C>

3) Certification Appeals

Any firm or complainant wishing to appeal the SDUCP's administrative, final denial of certification or decertification (under the provisions of 49 CFR 26.85, 26.87, and 26.89) must email the USDOT at DBEAppeals@dot.gov within 45 days of the date of this decision, including a narrative that explains fully and specifically why you believe the decision is in error, what outcome-determinative facts the certifier did not consider, and/or what part 26 provisions the certifier misapplied. Include the certifier's name, date of the certifier's decision, and your contact information. If you do not have access to email, you may send a letter to:

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC, 20590

The SDUCP will promptly implement any USDOT certification appeal decision affecting the eligibility of a DBE or ACDBE for USDOT-assisted contracting in South Dakota.

4) DBE Application

The UCP will use the application form available at <https://www.transportation.gov/DBEFORMS> without change or revision as required in 49 CFR 26.83(c)(2).

To apply for interstate certification with SDDOT, the UCP will require the Declaration of Eligibility (DOE) form available at <https://www.transportation.gov/DBEFORMS> along with a cover letter and electronic image of the UCP directory as stated in 49 CFR 26.85(c).

5) Annual Declaration of Eligibility

The SDUCP will require all DBEs and ACDBEs to annually submit a Declaration of Eligibility which will affirm that there have been no changes in the circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or 23, or of any material changes in the information provided with their application for certification as required by 49 CFR 26.83(j).

The SDUCP will notify all currently certified DBE firms of these obligations annually by mail and/or email.

6) Denial of DBE or ACDBE Certification to New Applicants

When a firm not previously certified as a DBE or ACDBE is found to be ineligible at the time of the firm's application submission, the firm will be denied certification as a DBE or ACDBE. The firm will be

provided a written explanation of the reasons for denial as required by 49 CFR 26.86. Any firm denied certification as a DBE may appeal this decision within 45 days to DBEAppeals@dot.gov.

When DBE certification is denied, the firm in question is ineligible to participate as a DBE on federally funded USDOT projects or an ACDBE on airport concession projects and may not reapply for certification for one year from the date of the final decision by the SDUCP.

7) Removal of DBE Certification

When a DBE firm fails to continue to meet the standards for DBE certification, a Notice of Intent (NOI), will be mailed by SDUCP to remove their DBE certification. When the owner(s) of a DBE firm believes the SDUCP has made an error in its preliminary determination to remove its DBE certification, they may request an informal hearing of this determination, in accordance with subsection 9, Informal Hearing Process.

If a DBE or ACDBE firm chooses not to request an informal hearing, the determination shall be made final, and the DBE or ACDBE certification will be removed. The DBE/ACDBE firm in question is not eligible to participate as a DBE on federally funded USDOT projects or the ACDBE firm is not eligible to participate as an ACDBE in airport concession projects and may not reapply for DBE certification for at least one year from the date of the final decision by the SDUCP.

DBE firms may be subject to removal of DBE certification for various reasons including, but not limited to the following:

- a. The DBE firm no longer meets the eligibility requirements of 49 CFR Part 26.
- b. The ACDBE firm no longer meets the eligibility requirements of 49 CFR Part 23.
- c. The DBE or ACDBE firm fails to provide current annual Declaration of Eligibility (DOE), supporting documents, and/or changes that would affect the eligibility of the firm as DBE under 49 CFR Part 26.
- d. The DBE or ACDBE firm at any time refuses to cooperate with requests by the SDUCP for information and/or documentation required by 49 CFR Part 26.
- e. The DBE or ACDBE firm is debarred or suspended by the SDDOT or USDOT.
- f. The DBE fails to cooperate with the SDUCP in accordance with 49 CFR Part 26.109(c).

8) Due Process

The SDUCP will follow the decertification procedures in 49 CFR Part 26.87. The SDUCP certifier may determine on its own that it has reasonable cause to decertify a DBE or ACDBE. If the USDOT determines that there is reasonable cause to believe that a DBE or ACDBE does not meet the eligibility criteria of this part, the USDOT may direct the certifier to initiate a proceeding to remove the DBE's or ACDBE's certification. Any person may file a complaint explaining, with specificity, why the certifier should decertify a DBE. The certifier will not act on a general allegation or an anonymous complaint.

The assigned SDUCP certifier will evaluate the information that has been provided and identify those issues, which, if true, could impact the DBE firm's continued eligibility. The SDUCP will issue a NOI, which must clearly and succinctly state each reason for the proposed action, and specifically

identify the supporting evidence for each reason; notify the DBE of its right to respond in writing, at an informal hearing, or both; inform the DBE of the hearing scheduled on a date no fewer than 30 days and no more than 45 days from the date of the NOI. If the ground for decertification is that the DBE has been suspended or debarred for conduct related to the DBE program, the certifier issues a Notice of Decertification decertifying the DBE. In this case, there is no NOI or opportunity for a hearing or written response.

9) Informal Hearing Process

If the DBE wants a hearing, it must email the certifier saying so within 10 days of the NOI. If the DBE does not do so, it loses its opportunity for a hearing. A DBE firm that is issued a NOI is entitled to an informal hearing in accordance with 49 CFR 26.87. The hearing is an informal proceeding with rules set by the hearing officer. The DBE's attorney, a non-DBE, or other individuals involved with the DBE may attend the hearing and answer questions related to their own experience or more generally about the DBE's ownership, structure and operations. The SDUCP will maintain a complete record of the hearing, either in writing, video, or audio. To ensure separation of functions in the informal hearing, the final decision will be made by a committee of individuals who did not participate in the intended decertification decision. By utilizing individuals not involved with the decertification decision, the SDUCP has established an administrative firewall to ensure that the knowledgeable decision-makers will not have participated in any way in the preliminary determination to remove the certification of the DBE firm.

The certifier must send the firm a Notice of Decision (NOD) no later than 30 days of the informal hearing and/or receiving written arguments/evidence from the firm in response to the NOI. While an informal hearing decision is pending, the DBE in question is eligible to participate in as a DBE on USDOT federally funded projects. Once the NOD is issued and the preliminary decision of SDUCP is made final, the firm may not reapply for DBE certification for six months from the date of the decision by the member of the committee. A firm may appeal the informal hearing decision within 45 to DBEAppeals@dot.gov from the date of final decision by the member of committee.

10) DBE Directory

The SDUCP will maintain a directory identifying all firms certified as a DBE and ACDBE in accordance with 49 CFR 26.31. The directory will include firm's name, address, phone number, website, NAICS Code, and type of work the firm has been certified to perform, and whether the firm is an ACDBE. The SDUCP DBE Directory is an online system that permits the public to search or filter for DBEs by physical location; NAICS code(s); and work descriptions. The directory includes a prominently displayed disclaimer: *The information within the directory is not a guarantee of the DBE's capacity and ability to perform work.* The SDUCP DBE Directory is available here: <https://apps.sd.gov/HC65bidletting/DBESearch.aspx>. The SDUCP online DBE Directory is updated in real time and includes only those firms that are currently DBE/ACDBE certified by the SDUCP.

11) Cooperation, Oversight, Review and Monitoring Activities

The SDUCP will fully cooperate with the oversight, review and monitoring activities of USDOT and its operating administrations (FHWA, FAA and FTA).

12) USDOT Directives and Guidance

The SDUCP shall implement all required USDOT directives and guidance relative to DBE certification matters.

13) Resources and Expertise of the SDUCP

SDDOT will be the only agency certifying DBE firms under the UCP and will be the “one-stop” certification agency. All South Dakota recipients that are signatories to the UCP agreement affirm and concur that SDDOT has sufficient resources and expertise to carry out the certification requirements of 49 CFR Part 26.

All South Dakota USDOT recipients are committed to ensuring there are adequate resources to carry out the functions of the UCP.

14) Disputes with Administration of the UCP

Any South Dakota UCP recipient may informally dispute the administration of the UCP. Such a dispute shall be supported by evidence and shall state in writing the alleged administrative error(s) committed by the UCP. This written dispute shall be submitted to the South Dakota DOT Director of Operations for informal resolution within 60 calendar days from date of receipt of the written dispute.

15) Recipients – Direct and Indirect

Each South Dakota USDOT direct recipient that is a signatory to the UCP agreement will ensure that all its sub-recipients are bound by the terms and conditions of the UCP.

16) Participation in Regional UCPs

The SDUCP will not participate in a regional UCP with another state unless Agreement to do so is reviewed and approved by all South Dakota USDOT recipients.

17) Amendment of the UCP Agreement

This agreement will not be amended unless agreed to by all signatories to the agreement, except if ordered to do so by USDOT. Any significant change in this agreement of the UCP is subject to review and approval by USDOT.

18) Implementation Schedule

Upon approval of this agreement by the U S Secretary of Transportation this agreement will be implemented. The UCP agreement will be posted on the SDDOT web site at:

<https://dot.sd.gov/doing-business/contractors/disadvantaged-business-enterprise-dbe/>

19) Entire Agreement

This agreement represents the entire agreement between the parties. Any previous statements, whether oral or written, are merged in to this Agreement. The undersigned South Dakota USDOT recipients agree to and accept the terms and conditions of the SDUCP.

20) Agreement Interpretation

The language of this agreement is to be construed according to its fair meaning and is not to be construed with a bias in favor of or against SDDOT or other signers of the agreement.

21) Term of this Agreement

This agreement shall be in effect as long as a SDUCP program is required by USDOT of its recipients for highway, airport and transit funding assistance.

22) Discrimination Complaint Information

The South Dakota DOT operates Federal Programs without regard to race, color, national origin, sex, age, or disability. Full Title VI Nondiscrimination Policy:

<https://dot.sd.gov/programs-services/civil-rights/title-vi/>.

To file a complaint, go to: <https://dot.sd.gov/programs-services/civil-rights/civil-rights-program>

The undersigned is authorized to execute the South Dakota Unified Certification Program (SDUCP) Agreement, conditionally approved by USDOT on October 21, 2004, and to bind the name recipient to the terms and conditions set forth in this agreement.

Name of Recipient/ Agency

Date

Craig Smith (Director of Operations)

Signature

Attachment 1: Non-certifying Participants to the SDUCP

The following non-certifying recipients in South Dakota that receive USDOT financial assistance through the programs of FAA, FHWA, and/or FTA agree to accept certifications approved by the UCP established by this agreement:

Airport Name	City
Aberdeen Regional Airport	Aberdeen
Belle Fourche Municipal	Belle Fourche
Bison Municipal Airport	Bison
Britton Municipal	Britton
Brookings Regional	Brookings
Harding County	Buffalo
Canton Municipal Airport	Canton
Chamberlain Municipal	Chamberlain
Clark County	Clark
Custer County Airport	Custer
Wilder Airport	De Smet
Cheyenne Eagle Butte Airport	Eagle Butte
Edgemont Municipal Airport	Edgemont
Eureka Municipal	Eureka
Faith Municipal	Faith
Faulkton Municipal	Faulkton
Flandreau Municipal	Flandreau
Gettysburg Municipal	Gettysburg
Gregory Municipal - Flynn Field	Gregory
Highmore Municipal	Highmore
Hot Springs Municipal	Hot Springs
Hoven Municipal Airport	Hoven
City of Howard	Howard
Huron Regional Airport Board	Huron
City of Lemmon	Lemmon
Madison Municipal	Madison
Martin Municipal Airport	Martin
City of McLaughlin	McLaughlin
Milbank Municipal	Milbank
Miller Municipal	Miller
City of Mitchell	Mitchell
Mobridge Municipal	Mobridge
Murdo Municipal	Murdo

Onida Municipal	Onida
Parkston Municipal	Parkston
Philip	Philip
Pierre Regional Airport	Pierre
Pine Ridge	Pine Ridge
Platte Municipal	Platte
Presho Municipal	Presho
Rapid City Regional Airport	Rapid City
Redfield Municipal	Redfield
Rosebud Sioux Tribe	Rosebud
Sioux Falls Regional	Sioux Falls
Sisseton Municipal	Sisseton
Black Hills-Clyde Ice Field	Spearfish
Springfield Municipal	Springfield
Sturgis Municipal	Sturgis
Marv Skie-Lincoln County	Tea
Harold Davidson Field	Vermillion
Wagner Municipal	Wagner
Wall Municipal	Wall
Watertown Regional	Watertown
The Siguard Anderson	Webster
Wessington Springs	Wessington Springs
Winner Regional	Winner
Chan Gurney Airport	Yankton