South Dakota Department of Transportation

Unified Certification Program Agreement



700 E. Broadway Ave
Pierre, SD 57501-2586

September 14, 2026

South Dakota Unified Certification Program (SDUCP) Agreement

The United States Department of Transportation (USDOT) mandates under 49 CFR 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 recipient obligations regarding certification and non-discrimination will be carried out by the SDUCP. Recipients may only use UCPs that meet the certification and non-discrimination requirements of 49 CFR 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
(605) 773-4906
Kyle.watkins@state.sd.us

Non-certifying participants to the SDUCP are listed in Attachment 1 to this Agreement.

2) Certification Standards and Procedures

The SDUCP will adhere to the certification standards set forth in 49 CFR Part 26, Subpart D, and the certification procedures and standards outlined in 49 CFR Part 26, Subpart E, when determining the eligibility of firms to participate as Disadvantaged Business Enterprises (DBEs) in USDOT-assisted contracts. Firms must satisfy all certification eligibility requirements specified in 49 CFR Part 26, Subpart D. Certification determinations are based exclusively on the minimum requirements established in 49 CFR § 26.83. All certifications issued by the SDUCP constitute pre-certifications in accordance with 49 CFR § 26.81(c).

The SDUCP will apply the certification standards detailed in 49 CFR Part 23, Subpart C, to determine the eligibility of firms seeking to participate as Airport Concession Disadvantaged Business Enterprises

(ACDBEs) in airport concessions contracts. To be certified as an ACDBE, a firm must meet all applicable eligibility requirements.

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) DBE Application

The SDUCP 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 SDUCP 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).

4) Annual Declaration of Eligibility

The SDUCP will require all DBEs and ACDBEs to annually submit a Declaration of Eligibility (DOE) 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 email as a courtesy.

The Department conducts a scheduled review of Personal Net Worth (PNW) information for all DBE firms certified through the SDUCP. As part of this review cycle, each firm will submit an updated PNW statement every **five (5) years**. For firms certified after October 3, 2025, the five-year cycle will commence on the firm's certification date, with the updated PNW statement collected during the firm's annual DOE submission. Each subsequent five-year cycle will be aligned with the firm's annual DOE submission date.

This review schedule applies to all firms certified after October 3, 2025 *(date of USDOT's Interim Final Rule)*, including in-state firms that have undergone reevaluation, newly certified in-state firms, and out-of-state firms approved for interstate certification. Conducting these periodic updates ensures that all DBE firms participating in the SDUCP continue to meet the PNW cap established by USDOT.

5) DBE Directory

The SDUCP will maintain a directory identifying all firms certified as 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: **South Dakota DBE Directory**

The SDUCP online DBE Directory is updated in real time and includes only those firms that are currently DBE/ACDBE certified by the SDUCP.

6) Notice of Decision and Appeals Procedure

When SDUCP denies a firm's request for certification or decertifies a firm, SDUCP must provide the firm a Notice of Decision (NOD) explaining the reasons for the adverse decision, specifically referencing the evidence in the record that supports each reason. The Department must also include the following instructions:

If you want to file an appeal, you must email the Department 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.

SDUCPs decision will remain in effect until USDOT resolves the appeal or SDUCP reverses itself.

The Department must promptly provide the applicant copies of all documents and other information on which it based the denial if the applicant requests them.

The Department has established a mandatory waiting period of **twelve (12) months** before a firm may reapply to the DBE Program. This period begins on the day following the date on which the decision letter is emailed. Upon expiration of the waiting period, the denied firm may submit a new application to SDUCP. The Department must inform the applicant of this right and clearly specify the date on which the waiting period concludes in its decision letter.
An appeal does not extend the waiting period.

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

7) Grounds for Decertification

The SDUCP will adhere to the decertification procedures set forth in 49 CFR 26.87. The SDUCP certifier may independently determine that reasonable cause exists to initiate the decertification of a DBE or ACDBE firm. Such cause may include, but is 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 for conduct related to the DBE or ACDBE Program.
f. The DBE fails to cooperate with the SDUCP in accordance with 49 CFR Part 26.109(c).

If it is determined that a firm should be decertified or denied certification, the SDUCP will follow the decertification procedures outlined in the DBE Program Plan, pursuant to 49 CFR 26.87.

8) Informal Hearing Procedure

If a DBE firm wishes to request a hearing, it must notify the certifier by email within ten (10) days of the issuance of the Notice of Intent (NOI). Failure to do so results in the forfeiture of the opportunity for a hearing. A DBE firm issued an NOI is entitled to an informal hearing in accordance with 49 CFR § 26.87. This hearing is an informal proceeding, and its rules are established by the hearing officer. The DBE's attorney, a non-DBE representative, or other individuals associated with the firm may attend the hearing and respond to questions pertaining to their experience, as well as matters related to the firm's ownership, organizational structure, and operations.

The SDUCP will maintain a complete record of the hearing, which may be in written, video, or audio format. To ensure a proper separation of functions during the informal hearing process, the final determination will be rendered by a committee composed of individuals who did not participate in the preliminary decertification decision. By utilizing individuals not involved in the initial determination, the SDUCP ensures the establishment of an administrative firewall, thereby preventing any involvement of final decision-makers in the preliminary assessment to remove the firm's certification.

The certifier must issue a Notice of Decision (NOD) no later than thirty (30) days following the informal hearing and/or receipt of the firm's written arguments or evidence submitted in response to the NOI. While the informal hearing decision is pending, the DBE firm remains eligible to participate as a certified DBE on USDOT-funded projects. Once the NOD is issued and the preliminary decision of the SDUCP becomes final, the firm may not reapply for DBE certification for **twelve (12) months** from the date of the committee's decision. A firm may appeal the informal hearing decision within forty-five (45) days by submitting its appeal to DBEAppeals@dot.gov, calculated from the date of the committee's final decision.

9) 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).

10) USDOT Directives and Guidance

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

11) 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.

12) 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.

13) 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.

14) 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 SDDOT.

15) Amendment of the UCP Agreement

The SDUCP may implement minor amendments to this agreement provided that such changes do not affect non-certifying recipients. Any substantial modification to the UCP agreement is subject to review and approval by the USDOT.

16) Implementation Schedule

Upon approval of this agreement by the US 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/

17) 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.

18) 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.

19) Term of this Agreement

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

20) 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 September 14, 2026, and to bind the name recipient to the terms and conditions set forth in this agreement.

Name of Recipient/ Agency	Date
Director of Operations	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