

DBE Eligibility

In general, to be eligible for the DBE program, persons must own 51% or more of a "small business," establish that they are disadvantaged within the meaning of DOT regulations, and prove they control their business. The following general guidelines, taken in part from the applicable regulation (49 CFR Part 26), will help business owners determine whether they are eligible for the DBE program:
Eligibility Guidelines (in general):

- **Ownership** - Your business must be 51% owned by a socially and economically *disadvantaged* individual(s).
- **"Disadvantaged"** - You may be eligible if you are a member of a group of persons the Department considers as disadvantaged. The Department presumes certain groups are disadvantaged, including women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian-Pacific Americans, or other minorities found to be disadvantaged by the U.S. Small Business Administration (SBA). Persons who are not members of one of the above groups and own and control their business may also be eligible if they establish their "social" and "economic" disadvantage. The Department notes, for example, that people with disabilities have disproportionately low incomes and high rates of unemployment, and that many may be socially and economically disadvantaged. A determination of whether an individual with a disability meets DBE eligibility criteria is made on a case-by-case basis. More information on how social and economic disadvantage is determined can be found in [Appendix E to 49 CFR Part 26](#).
- **Business Size Determination** - A firm (including its affiliates) must be a small business as defined by SBA standards. It must not have annual gross receipts over \$20,410,000 in the previous three fiscal years (\$47,780,000 for airport concessionaires in general with some exceptions). Under SAFETEA-LU, this threshold will be adjusted annually for inflation by the Secretary.
- **Personal Net Worth** - Only disadvantaged persons having a personal net worth (PNW) of less than \$750,000 can be considered as a potential qualified DBE. Items excluded from a person's net worth calculation include an individual's ownership interest in the applicant firm, and his or her equity in their primary residence. Additional exclusions are available for owners of airport concessionaires (See [49 CFR Part 23](#)).
- **Independence** - The business must not be tied to another firm in such a way as to compromise its independence and control.
- **Control** - A disadvantaged owner seeking certification must possess the power to direct or cause the direction of the management and policies of the firm. The owner must also have an overall understanding of, and managerial and technical competence and experience directly related to, the type of business in which the firm is engaged.
- **Burden of Proof Allocation** - Applicants carry the initial burden of proof regarding their eligibility and must demonstrate that they meet all requirements concerning group membership or individual disadvantage, business size, ownership, and control.
- **Disadvantage Business Certification**- We utilize South Central Texas Regional Certification Agency as our local certification agency and the organization is located at the following address: SCTRCA 305 E. Euclid, San Antonio, Texas 78212 phone number 210-227-4722

Note: Should you require any further information or have questions concerning VIA Metropolitan Transit DBE Program, please contact Mr. Edward Cruz, Jr. Disadvantaged Business Enterprise Compliance Specialist / Outreach at (210) 362-2077 or email eddie.cruz@viainfo.net.