

## Request for Records Disposition Authority

Records Schedule Number      **DAA-0398-2019-0008**

Schedule Status      **Approved**

Agency or Establishment      **Department of Transportation**

Record Group / Scheduling Group      **General Records of the Department of Transportation**

Records Schedule applies to      **Major Subdivision**

Major Subdivision      **Office of the Secretary**

Minor Subdivision      **Department Office of Civil Rights**

Schedule Subject      **Departmental Office of Civil Rights Records**

Internal agency concurrences will  
be provided      **No**

Background Information      **49 CFR Parts 23 and 26, The Departmental Office of Civil Rights has the responsibility to render final decisions on certification appeals filed by small businesses applying for certification as a DBE with a recipient of DOT financial assistance.**

### Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
<b>5</b>	<b>0</b>	<b>5</b>	<b>0</b>

GAO Approval

## Outline of Records Schedule Items for DAA-0398-2019-0008

Sequence Number	
1	Disadvantaged Business Enterprise Division Appeals
1.1	Appeal Files: Information Content Disposition Authority Number: DAA-0398-2019-0008-0001
1.2	Affirmed Denials / De-certifications Disposition Authority Number: DAA-0398-2019-0008-0002
1.3	Remand or Reversed Denials / De-certifications Disposition Authority Number: DAA-0398-2019-0008-0003
1.4	Untimely Appeals Disposition Authority Number: DAA-0398-2019-0008-0004
1.5	Challenged Appeals Disposition Authority Number: DAA-0398-2019-0008-0005

## Records Schedule Items

Sequence Number							
1	<p><b>Disadvantaged Business Enterprise Division Appeals</b></p> <p>The U.S. Department of Transportation (DOT) distributes substantial Federal funds to finance transportation projects initiated by State and local governments, public transit authorities, and airport entities. The DOT is responsible for ensuring that all business enterprises have fair opportunity to compete for federally-funded transportation contracts. As a condition of receiving Federal financial assistance, recipients of funds from Federal Highway Administration, Federal Aviation Administration, and Federal Transit Administration are required to adhere to the DBE program regulations in 49 C.F.R. parts 26 and 23. The Departmental Office of Civil Rights (DOCR) coordinates the DOT's oversight of the program and has the responsibility to administratively render final decisions on certification appeals filed by small businesses applying for certification as a DBE with a recipient of DOT financial assistance. The DBE Division also renders final agency decisions on appeals from existing DBEs that were decertified from the program.</p>						
1.1	<p><b>Appeal Files: Information Content</b></p> <p>Disposition Authority Number      <b>DAA-0398-2019-0008-0001</b></p> <p>Files consist of administrative records received from DOT recipient and the appellant, including but not limited to the appellant's firm's letter of appeal, transcribed and recorded interviews, and firm material such as tax returns, résumés, financial account documents, and contracts. The files also contain records created by the DBE Division, such as internal memorandum to other DOT divisions, a final agency decision that reverses, remands, or affirms the recipient's decision, and records received via the DBE division's shared email address DBEAppeals@dot.gov or S33AppealsManagementRecords@dot.gov or via Federal Highway's secure file-sharing system. The record is closed upon the administrative final decision. Paper records maybe imaged for electronic record keeping until date of destruction. The Division's final agency decisions can be challenged under the provisions of the Administrative Procedure Act, 5 U.S.C. 702-706, which has a 6-year Statute of Limitations. Interpretations set forth in final agency decisions issued after March 4, 1999 express the official positions and views of the Department of Transportation or any of its operating administrations under 49 CFR 26.9(a). Accordingly, DOCR keeps the final agency decision portion of the record until it is no longer of precedential value or needed for business usage.</p> <table><tr><td>Final Disposition</td><td>Temporary</td></tr><tr><td>Item Status</td><td>Active</td></tr><tr><td>Is this item media neutral?</td><td>Yes</td></tr></table>	Final Disposition	Temporary	Item Status	Active	Is this item media neutral?	Yes
Final Disposition	Temporary						
Item Status	Active						
Is this item media neutral?	Yes						

1.2	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
	Do any of the records covered by this item exist as structured electronic data?	Yes
	GRS or Superseded Authority Citation	NI-398-86-3 Item #1
	Disposition Instruction	
	Cutoff Instruction	Cut-off at the end of the fiscal year in which final decision and/or closing action is made or occurs.
	Retention Period	Destroy/delete 6 years after cutoff date unless needed longer for business use
	Additional Information	
	GAO Approval	Not Required
	Affirmed Denials / De-certifications	
	Disposition Authority Number	DAA-0398-2019-0008-0002
	Records received from DOT recipient, appellant, or legal representation. The record is reviewed by the U.S. DOT/OST DOCR's Disadvantaged Business Enterprise Program staff who review the recipient' agencies' decisions to deny certification as a DBE. The final decision correspondence letter is retained in a secured electronic folder on the DOT network. Hard copy records are stored within the offices' secured file storage area, and a copy of the final decision letter is forwarded to the DOT recipient, and the attorney, if applicable, the Appellant, and other affiliated parties. DOCR may also notify the Operating Administrations' Directors of the Civil Rights, and the OSDDBU Director of DOT's decision.	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
Do any of the records covered by this item exist as structured electronic data?	Yes	
GRS or Superseded Authority Citation	NI-398-86-3 Item #1	
Disposition Instruction		

1.3	Cutoff Instruction	Cut-off at the end of fiscal year in which final decision and /or closing action is made or occurs.
	Retention Period	Destroy/delete 6 years after cutoff date unless needed longer for business use
	Additional Information	
	GAO Approval	Not Required
	Remand or Reversed Denials / De-certifications	
	Disposition Authority Number	DAA-0398-2019-0008-0003
	Records received from DOT recipient, appellant, legal representation. The records are reviewed by the U.S. DOT-OST-DOCR's Disadvantaged Business Enterprise Division staff and may be subjected to a remand or reversed decision of a denial. The final decision letter is uploaded into a secured electronic folder on the DOT network. . Hard copy records are stored within the offices' secured filed storage area, and a copy of the final decision letter is forwarded to the DOT recipient, the Attorney, if applicable, the Appellant, and any other affiliated parties. Upon review, the DOT recipient's office will certify the denied appellant (firm) if determined eligible. DOCR may also notify the Operating Administration's Directors of the Civil Rights, and the OSDBU Director of DOT's decision.	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
	Do any of the records covered by this item exist as structured electronic data?	Yes
	GRS or Superseded Authority Citation	NI-398-86-3 Item #1
1.4	Disposition Instruction	
	Cutoff Instruction	Cut-off at the end of the fiscal year in which final decision and/or closing action is made or occurs.
	Retention Period	Destroy/delete 6 years after cutoff date unless needed longer for business use
	Additional Information	
	GAO Approval	Not Required
	Untimely Appeals	

1.5	Disposition Authority Number	DAA-0398-2019-0008-0004
	An appeal that is not filed within 90 days from the date for the denial is considered untimely, unless an extension was warranted. A final administrative decision letter is forwarded to the appellant to deny acceptance.	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
	Do any of the records covered by this item exist as structured electronic data?	Yes
	GRS or Superseded Authority Citation	NI-398-86-3 Item #1
	Disposition Instruction	
	Cutoff Instruction	Cut-off at the end of the fiscal year in which final decision and/or closing action is made or occurs.
	Retention Period	Destroy/delete 6 years after cutoff date unless needed longer for business use
	Additional Information	
	GAO Approval	Not Required
	Challenged Appeals	
	Disposition Authority Number	DAA-0398-2019-0008-0005
	Files reviewed by the appellant, an attorney, or legal authority after the final decision was made to uphold a denial of DBE certification. The appellant has the right to file a Civil Case under the provisions of the administrative Procedure Act, 5 U.S.C. 702-706, that has a 6-year Statute of Limitation.	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
	Do any of the records covered by this item exist as structured electronic data?	Yes

GRS or Superseded Authority  
Citation

NI-398-86-3 Item #1

Disposition Instruction

Cutoff Instruction

Cut-off at the end of the fiscal year in which final  
decision and/or closing action is made or occurs.

Retention Period

Destroy/delete 6 years after cutoff date unless  
needed longer for business use

Additional Information

GAO Approval

Not Required

## Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

## Signatory Information

Date	Action	By	Title	Organization
10/03/2019	Certify	LaVerne Ivey	Associate Director In fo and Records man agement	Office of Secretary - Office of Facilities Information and Asset management
01/31/2020	Return for Revisio n	Carly Docca	Archives Specialist	National Archives and Records Administration - ACRA
05/28/2020	Submit For Certific ation	Jessica Mauldin	Records Manageme nt Specialist	Office of the Secretary - Office of Facilities, Info and Asset Mgmt
09/02/2020	Certify	LaVerne Ivey	Associate Director In fo and Records man agement	Office of Secretary - Office of Facilities Information and Asset management
09/09/2020	Return for Revisio n	Carly Docca	Archives Specialist	National Archives and Records Administration - ACRA
09/15/2020	Submit For Certific ation	Jessica Mauldin	Records Manageme nt Specialist	Office of the Secretary - Office of Facilities, Info and Asset Mgmt
11/02/2020	Return to Submitt e r	LaVerne Ivey	Associate Director In fo and Records man agement	Office of Secretary - Office of Facilities Information and Asset management
01/05/2021	Submit For Certific ation	Jessica Mauldin	Records Manageme nt Specialist	Office of the Secretary - Office of Facilities, Info and Asset Mgmt
01/07/2021	Certify	LaVerne Ivey	Associate Director In fo and Records man agement	Office of Secretary - Office of Facilities Information and Asset management
03/23/2021	Return for Revisio n	David Weber	Senior Appraisal Arc hivist	National Archives and Records Administration



				- Records Management Services
04/15/2021	Submit For Certification	Jessica Mauldin	Records Management Specialist	Office of the Secretary - Office of Facilities, Info and Asset Mgmt
04/15/2021	Certify	LaVerne Ivey	Associate Director Info and Records management	Office of Secretary - Office of Facilities Information and Asset management
11/17/2021	Submit for Concurrence	David Weber	Senior Appraisal Archivist	National Archives and Records Administration - Records Management Services
11/19/2021	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
11/19/2021	Concur	Laurence Brewer	Chief Records Officer	National Records and Archives Administration - National Records and Archives Administration
11/22/2021	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist