

Disability:IN[®] Supplier Inclusion

STANDARDS & PROCEDURES

Revised January 2025

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I. Purpose

Disability:IN is the only national not-for-profit business advocacy organization specifically dedicated to expanding the economic opportunities of the disability-owned business community. Disability:IN seeks to provide benefits to Disability-owned businesses and to major corporations who are invested in creating a Disability-inclusive supply chain. Through the Disability:IN Supplier Inclusion Program, Disability:IN offers the disability-owned business community (including service-disabled veterans) a nationwide certification standard for designating businesses as a Disability-Owned Business Enterprise (DOBE), Service Disabled Veteran-Disability Owned Business Enterprise (SDV-DOBE) or a Veteran-Disability Owned Business Enterprise (V-DOBE). Disability:IN also offers its corporate members and affiliates access to the HUB, a national Disability-Owned Business Enterprise database. Disability:IN further works to increase disability procurement opportunities by providing training on its Supplier Inclusion Program and best practices within the procurement field, and by hosting matchmaking events for DOBEs, SDV-DOBEs and V-DOBEs and corporate procurement representatives.

The Disability:IN Supplier Inclusion International Certification Committee Standards and Procedures describe the criteria for certification as a DOBE, SDV-DOBE and V-DOBE and the application review process for all businesses seeking certification. A rigorous certification process ensures that the certification is a mark of distinction for the DOBEs, SDV-DOBEs and V-DOBEs and is held in the highest regard by corporate procurement representatives.

Disability:IN and its staff are responsible, among other things, for the coordination of the International Certification Committee and the Appeals Committee. Disability:IN is additionally responsible for overseeing and guaranteeing the implementation of the Standards and Procedures detailed in this document through periodic reviews of its certification process.

Business enterprises should note that if they are denied certification as a DOBE, SDV-DOBE and V-DOBE by Disability:IN's International Certification Committee, the business is not precluded from directly participating in any procurement program or contract opportunity offered by Disability:IN corporate members.

The certification eligibility standards established herein are adapted from 49 Code of Federal Regulations (CFR) Part 23 and Part 26.

Please refer to Section VI, Definitions, for the meanings of capitalized terms used in this document.

II. Applicability

These standards and procedures govern the operation of Disability:IN's International Certification Committee and apply to any business seeking certification as a DOBE, SDV-DOBE and V-DOBE. Certification as a DOBE, SDV-DOBE and V-DOBE is based on the information provided by the applicant in the affidavit, including the Disability Status Qualifiers provided by the principal(s) of the applicant, and is awarded without regard to gender, gender identity, sexual orientation, race, ethnicity, religious affiliation, age, disability, national origin, or veteran status.

Potential applicants interested and eligible for certification as a DOBE, SDV-DOBE and V-DOBE should apply for certification without waiting for a conditional contractual commitment from a customer.

III. Disclosure and Confidentiality

All materials and information submitted with the certification application and affidavit become the property of Disability:IN. Information that the applicant marks as proprietary or confidential or that reasonably may be regarded as such will be treated accordingly.

Information about an applicant and/or a certified business is released in circumstances which may lead to increased opportunities for the business and will not be released without the prior approval of the business. The certification affidavit that is part of the application for certification includes an indemnity clause.

IV. Responsibilities

The Disability:IN International Certification Committee is ultimately responsible for the implementation and enforcement of the certification policies described in this document. The Disability:IN International Certification Committee Members have the requisite authority for overall execution, oversight, and reporting of the Disability:IN's certification process, and are accountable to the Chairperson of the Disability:IN, who shall consult with the Disability:IN President and CEO & General Counsel on such matters.

The Disability:IN Supplier Inclusion staff is responsible for the administrative coordination of the Disability:IN International Certification Committee.

V. Expedited/Reciprocal Certification

A. WBENC and NGLCC – Recognized Reciprocal Certifications

Disability:IN, through Memoranda of Understanding with the Women's Business Enterprise National Council (WBENC) and the National LGBT Chamber of Commerce (NGLCC) offers an expedited process to businesses already certified by WBENC and/or NGLCC as a Women's Business Enterprise (WBE) or Lesbian, Gay, Bisexual and/or Transgender Owned Business Enterprise (LGBTBE). Eligible applicants should submit a completed Disability:IN application with the supporting documentation of WBE (WBENC) or LGBTBE (NGLCC certificate), and Disability Status Qualifiers (Year 1). Applications will be reviewed in an expedited fashion and a decision will be made by Disability:IN International Certification Committee. All firms currently certified by WBENC or NGLCC will be able to forgo a site visit if they provide Disability:IN with a copy of the valid and current NGLCC or WBENC certificate. For re-certification all WBENC (WBE) and NGLCC (LGBTBE) certified firms will be required to submit a valid and current certificate with the required Disability:IN re-certification application and affidavit (see Section X).

B. NaVOBA Reciprocal Process

Disability:IN, through Memoranda of Understanding with the National Veterans Owned Business Association (NaVOBA) offers a reciprocal process to businesses already certified by NaVOBA. Eligible applicants should opt in through NaVOBA offices and they will provide your information to Disability:IN's offices. We will add those businesses into our database and provide a certificate and details on how to utilize Disability:IN's certification.

C. SDVOB VA verified

For service-disabled veteran-owned businesses (SDVOBs) who have been verified by the VA, Disability:IN has created specific qualifiers/conditions that must be satisfied for applicant to apply for the SDV-DOBE certification. Once these qualifiers/conditions are met, the SDVOB applicant will qualify for our expedited review process.

Applicants must submit the following:

- Department of Defense Form 214 (DD 214), discharge or separation papers or equivalent
- Disability Ratings Letter from the Department of Veteran Affairs
- Copy of VA verification letter
- A completed application form with these documents
 - Business Plan
 - Tax return (current past calendar year)
 - Financial statement (P&L and/or balance sheet) for past calendar year, should match most recent year submitted of tax return.
 - Photo I.D.

Important Note: A site visit will be required.

Service-Disabled Veterans that are non-VA verified will need to submit all required documentation to complete the entire application process required of all disability business applicants, to include a DD214 and Disabilities Ratings Letter.

All Veteran applicants without a service-related disability will be required to complete the entire application process required of all disability business applicants, to include a DD214.

D. Expedited Fee-Based Certification Option

Understanding the importance of corporate partners who wish to utilize certified suppliers in the bidding process, the International Certification Committee (ICC) is offering applicants the opportunity to apply for an expedited certification process.

Payment of the expedited fee is not a guarantee of certification and all standard certification steps will be required including the \$300.00 non-refundable application fee and a site visit to the applicant's business headquarters. The clock will start once all required documents are received by the Supplier Inclusion office, and confirmed to be complete, including all fees. The non-refundable expedited fee structure is as follows:

1. 30 calendar days expedited process fee: \$2,000.00 + \$300.00= **\$2,300.00**
2. 60 calendar days expedited process fee: \$1,000.00 + \$300.00= **\$1,300.00**

Applicant Commitment:

- The submitted application form must be completed in its entirety
- All required documents must be submitted with the application form
- Applicant must be available on the site visit scheduled date

- Applicant must respond within 24 hours to all requests for clarifications and additional information (*any delay on the applicant's fault will delay the application*)

Note: Expedited certification will be provided at our discretion based on availability of resources.

All businesses certified as DOBEs, SDV-DOBEs and V-DOBEs will be listed in the Disability:IN Certification and Sourcing HUB.

VI. Definitions

Affidavit or Certification Affidavit

An application for certification submitted with a notarized Statement of Eligibility and Declaration of Disability Status.

Agent

A person authorized to act on behalf of the principal in transactions involving a third party. Agents have three basic characteristics: 1. Act on behalf of and are subject to the control of the principal; 2. They do not have title to the principal's property; and 3. They own the duty of obedience to the principal's orders. Agents by their nature are not certifiable.

Appeal

A written request by an applicant to reconsider a determination of denial of certification.

Applicant

A business that requests certification as a Disability-Owned Business Enterprise (DOBE), SDV-DOBE and V-DOBE through submission of a certification affidavit.

Broker

The person who acts as an intermediary between a buyer and seller, usually charging a commission for value added. A business that adds no material value or does not perform a commercially useful function to the products/services being supplied, or takes no ownership, financial responsibility, legal liability, possession of, or handle the item being procured with its own equipment or facilities will not be certifiable, unless it is the standard in the industry.

Business Affiliate

A person effectively controlled by another person, or under common control by a third person. A branch, division, or subsidiary. Under the Investment Company Act (15USCA Section 8a-2), a company in which there is ownership (direct or indirect) of 5% or more of the voting stock.

Certification

The process by which an applicant's eligibility as a Disability-Owned Business Enterprise, a Service-Disabled Veteran Disability Owned Business Enterprise or Veteran-Disability Owned Business Enterprise is determined.

Challenge

A formal filing by a third party questioning the eligibility of a certified Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise.

Consultant

One that gives expert or professional advice for fee or commission.

Control

The power to direct the operation and management of a business.

Corporation

A specific type of legal entity that is in compliance with the applicable requirements of the law of its state of incorporation.

Dealership

Authorization to sell specified items in a certain area with or without exclusivity.

Denial

The action of denying Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise certification to a business that does not meet the certification eligibility criteria as outlined in these Standards and Procedures.

Disability

Disability is defined as a physical, condition and/or mental impairment that substantially limits one or more major life activities of such individual, and can be demonstrated by appropriate documentation (e.g., records, statements, or other appropriate information) issued from a licensed vocational rehabilitation specialist (*i.e.* , State or private); any Federal agency, State agency, or an agency of the District of Columbia or a U.S. territory that issues or provides disability benefits; or from a licensed medical professional (e.g., a physician or other medical professional duly certified by a State, the District of Columbia, or a U.S. territory, to practice medicine) that the individual is a person with a disability. An Individualized Education Program (IEP) can also be submitted for an applicant who has a learning disability.

A Service-Disabled Veteran is a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, and whose disability was incurred or aggravated in line of duty in the active military, naval, or air service and is documented by a disability ratings letter issued by the Veterans Administration. Reservists or members of the National Guard who are disabled from a disease or injury incurred or aggravated in the line of duty or while in training status also qualify. To be considered a Service-Disabled Veteran, the veteran must have an adjudication letter from the Veterans Administration (VA), a Department of Defense Form 214, Certificate of Release or Discharge from Active Duty, or a Statement of Service from the National Archives and Records Administration, stating that the veteran has a service-related disability.

Disability:IN Affiliate

A 501(c)(3) or 501(c)(6) organization recognized by Disability:IN as an affiliate organization.

Disability:IN Certification and Sourcing HUB

An online virtual cloud-based system which allows for all certification related actions. The HUB contains the names/profiles of currently certified Disability-Owned Business Enterprises, Service-Disabled Veteran-Disability Owned Business Enterprises and Veteran-Disability Owned Business Enterprises maintained by Disability:IN. This information is available to Disability:IN business members and to other certified DOBEs, SDV-DOBEs and V-DOBEs.

Distributor

One that markets or sells merchandise, i.e., a wholesaler.

Document Review

The Disability:IN International Certification Committee's review of the affidavit and accompanying documentation submitted by an applicant.

Eligibility Review

The entire review process conducted on an applicant, consisting of documentation review and site inspection.

Expedited Certification

The Disability:IN International Certification Committee reviews applications in an expedited fashion when the application, and all supporting documentation, are submitted to our offices with additional fee as well as the \$300.00 Application Processing Fee. There are two options for expedited applications, a 30-Day option, and a 60-Day option.

Expiration

The specified end of the certification period.

Financial Institution

A bank, trust company or other financial institution authorized by law to carry on a trust business.

Financial Review

The review of financial records of an applicant for the purpose of verifying an applicant's ownership and control of a business.

Franchise

A contractual arrangement characterized by authorization granted to someone to sell or distribute a company's goods or services in a certain area; a business or group of businesses established or operated under such authorization.

Individualized Education Program (IEP)

An IEP defines the individualized objectives of a child who has been found with a disability, as defined by federal regulations. The IEP is intended to help children reach educational goals more easily than they otherwise would. In all cases the IEP must be tailored to the individual student's needs as identified by the IEP evaluation process, and must especially help teachers and related service providers (such as paraprofessional educators) understand the student's disability and how the disability affects the learning process.

Industry Standard or Standard in the Industry

The usual/customary practices in the delivery of products or services within a particular business sector, i.e., mortgage brokers, insurance brokers.

Joint Venture

A joint venture is defined as a business arrangement in which two or more parties agree to pool their resources for the purpose of accomplishing a specific task.

Limited Liability Company

A specific type of legal entity that is in compliance with the applicable laws of its state of formation.

Low-Profit Limited Liability Company (L3C)

A for-profit, social enterprise legal entity that has a stated goal of performing a socially beneficial purpose, not maximizing income. It is a hybrid structure that combines the legal and tax flexibility of a traditional LLC and the social benefits of a nonprofit organization.

Manufacturer Representative

A person that represents another for or to others, i.e., manufacturer's group. Typically, Manufacturer Representatives are not certifiable.

Members

Disability:IN members include Corporate and affiliate members.

National Certification Committee

The Disability:IN International Certification Committee is responsible for the development and maintenance of the standards and procedures that govern the certification process.

International Certification Committee Chairs

Leadership of the International Certification Committee designated by participating members of the International Certification Committee.

Reciprocal Applications

The Disability:IN International Certification Committee reviews certifications by the Women's Business Enterprise National Council and the National Gay and Lesbian Chamber of Commerce in a streamlined process when the application, supporting documentation, current certification, and Disability Status Qualifiers are submitted.

NaVOBA Reciprocals are done via an opt in process with NaVOBA and Disability:IN's offices.

Ownership

A determination based on title to and beneficial ownership of stock, membership, interests or other equity in a business.

Out of Cycle

When an application is reviewed outside of the established/normal process.

Partnership

An association of two or more persons to carry on, as co-owners, a business for profit

Person

Any individual, partnership, joint venture, firm, corporation, limited liability company, trust or other enterprise.

Principal Place of Business

The business location where individuals who manage the business's day-to-day operations spend most working hours and where top management business records are kept.

Re-certification

The process by which a Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise renews certification status prior to expiration.

Regular Dealer

A business that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies are bought, kept in stock, and regularly sold to the public in the usual course of business.

Resale/Reseller

The act of selling a second time or distributing goods in commerce. The act of selling used or new products for profit. A business entity that resells.

Retailer

The seller of goods or commodities directly to consumers at a retail price.

Site Visit

A visit to the applicant's physical place(s) of business for the verification of information submitted in the affidavit and accompanying documentation. May be conducted via virtual visit if conditions in X.1.C. or X. 2. C. are met.

Service-Disabled Veteran Owned Business

A business must be at least 51% owned by an individual who can be considered by the government as a Service-Disabled Veteran. The terms "veteran" and "service-disabled veteran" are defined in 38 U.S.C 101(2) and (16). The following definitions are as stated in that code.

Sole Proprietorship

A business whose assets are wholly owned by a single individual.

Strategic Alliance

An association, not a legal entity, of two or more separate businesses that come together to pursue business.

Subsidiary

An entity in which another entity (i.e., the parent) owns at least a majority of the shares, and thus has control. For example, a corporation more than fifty percent (50%) of who's voting stock is owned by another.

Teaming Alliance

A teaming alliance is where two or more separately owned companies come together to form a business to acquire additional contract business.

Trust

A business that is managed/controlled by trustees who have a fiduciary duty to the beneficiaries to conduct business in their best interest. Applicant trustee must meet conditions of 51% management and control

VA Verified

An applicant who is a Service-Disabled Veteran Business owner who has been verified through the Department of Veterans Administration and possesses the appropriate documentation.

Value Added

Something that is added to a product or service by a marketer or distributor that warrants a markup in the retail price.

Veteran

A person who served in the active military, naval, or air service, and who was discharged or released from service under conditions other than dishonorable (see VII. 1st paragraph for additional explanation).

Wholesaler

Intermediary or distributor who sells mainly to retailers, other merchants and industrial, commercial and institutional users as distinguished from consumers.

VII. DOBE, SDV-DOBE and V-DOBE Certification Eligibility Standards

The Disability:IN International Certification Committee will use these standards and procedures in determining whether an applicant is owned and controlled by person(s) with disabilities who are U.S. citizens or lawful permanent residents, and therefore eligible to be certified as a Disability-Owned Business Enterprise (DOBE), Service Disabled Veteran-Disability Owned Business Enterprise (SDV-DOBE) and Veteran-Disability Owned Business Enterprise (V-DOBE). Legal entities must be formed in and have their principal place of business in the United States or one of its territories. In determining eligibility, the Disability:IN International Certification Committee must consider all the facts in the record, viewed as a whole, as they appear at the time of the application. An eligible applicant will not be refused certification based solely on historical information indicating a lack of ownership or control of the applicant by person(s) with disabilities at some time in the past, if the applicant currently meets the ownership and control standards. An eligible applicant will not be refused certification solely on the basis that it is a newly formed business.

LGBTQ veterans who were discharged solely because of their sexual orientation will be eligible for certification and required to submit standard qualifying documents.

1. A. Ownership

1. The ownership by person(s) with disabilities must be real, substantial and continuing going beyond the pro-forma ownership of the business as reflected in its ownership documents.

2. The applicant must share in all risk and profits commensurate with his/her ownership interest as demonstrated by a detailed examination of the substance of his/her business arrangements with others.

3. All securities that constitute ownership of a business shall be held directly by persons with disabilities or held in a trust that is one of the types of trusts described in Section VII. A.5.e. —Trusts

4. Contribution of Capital or Expertise

a. Contribution of capital and/or expertise by owner(s) with disabilities to acquire their ownership interest shall be real and substantial and be in proportion to the interest(s) acquired.

b. Insufficient contributions shall include, but shall not be limited to, promises to contribute capital or expertise in the future, a note payable to the business or its owner(s) who are not persons with disabilities, or the mere participation as an employee.

5. Business Structures and Ownership Vehicles. Legal entities must be formed in and have their principal place of business in the United States or one of its territories.

- a. Sole Proprietorship

- i. In a sole proprietorship, the person with disabilities must own one hundred percent (100%) of the company assets.

- b. Corporation

- i. In a corporate form of organization, principal(s) with disabilities must own at least fifty-one (51%) of each class of voting stock outstanding and fifty-one percent (51%) of the aggregate of all stock outstanding.
- ii. Any voting agreements among the shareholders must not dilute the beneficial ownership, the rights, or the influence of the owners with disabilities of the stock or classes of stock of the corporation.
- iii. Owner(s) with disabilities shall possess the right to all customary incidents of ownership (e.g., ability to transfer stock, title possession, enter binding agreements, etc.).
- iv. Nonprofit corporations do not meet this requirement and are therefore, not eligible for certification.

- c. Partnerships

- i. General Partnership. In a general partnership, owners with disabilities must own at least fifty-one percent (51%) of the partnership interests.
- ii. Limited Partnership
 - (1) In a limited partnership, the general partners with disabilities must own at least fifty-one percent (51%) of the general partnership interest and exert at least fifty-one percent (51%) of the control among general partners. The general partners with disabilities must receive at least fifty-one percent (51%) of the profits and benefits, including tax credits, deductions and postponements distributable or allocable to the general partners.
 - (2) In addition, the limited partners with disabilities must own at least fifty-one percent (51%) of the limited partnership interests and receive at least fifty-one percent (51%) of the profits and benefits, including tax credits, deductions and postponements distributed or allocable to the limited partners.
- iii. Disability:IN requires formal written agreements between partners within a partnership for certification purposes. These written agreements typically dictate division of profits, losses, and capital ownership, and are typically the same percentage for each partner (but do not have to be).
- iv. For Disability:IN certification purposes, percentage ownership must be commensurate with majority DOBE/SDV-DOBE/V-DOBE ownership as indicated in the written partnership agreement and indicated by the schedules in the federal income tax form.

- d. Joint Ventures and Teaming Alliances

- i. In a joint venture each of the participants is responsible for profits, losses and costs associated with it. However, the venture is its own entity, separate and

apart from the participants' other business interests, and it does not change the status of any of the joint venture participating companies.

ii. For the disability applicant to certify with Disability:IN as a joint venture requires the JV to form and become established as its own legal entity (LLC, C-Corp, S-Corp, etc.). The joint venture must designate the certified disability supplier, similar to a partnership, as 51% owner, manager and controller through agreements and financial documentation, so determination of majority control by disability supplier is critical. A contract must be in place that specifies the mutual responsibilities and goals. Each participant must clearly define their role and responsibility in the joint venture.

e. Limited Liability Companies

- i. In a Limited Liability Company, principal(s) with disabilities must own at least fifty-one percent (51%) of membership interests, and at least fifty-one percent (51%) of the management and control among the members.
- ii. The principal(s) with disabilities must also participate in all risks and profits of the organization at a rate commensurate with their membership interests.
- iii. A Low-Profit Limited Liability Company (L3C) has a stated goal of performing a socially beneficial purpose, not maximizing income. It is a hybrid structure that combines the legal and tax flexibility of a traditional LLC and the social benefits of a nonprofit organization. The L3C's articles of organization are required by law to mirror the federal tax standards for program-related investing.

f. Trusts

- i. In order to be counted as owned by persons with disabilities, securities held in a trust must meet the following requirements, as applicable:
 - (1) *Irrevocable trusts.* The beneficial owner of securities held in an irrevocable trust is a person with disabilities who is not a minor, and all the trustees are persons with disabilities, provided that a Financial Institution (as defined in the Section VI. Definitions) may act as trustee.
 - (2) *Revocable trusts.* The beneficial owner of securities held in a revocable trust is a person with disabilities who is not a minor, all the grantors are persons with disabilities, and all the trustees are persons with disabilities, provided that a Financial Institution (as defined in Section VI. Definitions) may act as trustee.
 - (3) *ESOPs.* Securities owned by persons with disabilities who are participants in an employee stock ownership plan qualified under Section 401 of the Internal Revenue Code of 1986, as amended, and held in a trust where all of the trustees are persons with disabilities, provided that a Financial

Institution (as defined in Section VI. Definitions) may act as trustee.

(4) *Living trusts.* A revocable trust that has a person with disabilities as the beneficiary and the same person with disabilities as the grantor.

(5) *Other requirements.* Businesses whose securities are owned in whole or part in a trust are not thereby exempt from the other requirements of this Section VII.

2. B. Control

The applicant must show evidence that owner(s) with disabilities have control of the business. Control means the primary power to direct the management of a business enterprise as evidenced through the governance documents and actual day-to-day operation. The following factors will be examined in determining who controls an applicant.

1. Governance

- a) The organizational and governing documents of an applicant (e.g., Limited Liability Company Operating Agreements, Partnership Agreements, or Articles of Incorporation and By-laws) must not contain any provision which restricts the ability of the owner(s) with disabilities from exercising Managerial Control and Operational Authority of the business.
- b) In reviewing governance documents and issues, special attention shall be given to:
 - i. The composition of the business's governing body (e.g., board of directors or management committee);
 - ii. The functioning of the governing body; and
 - iii. The content of shareholder's agreements, bylaws, or state incorporation statutes, and the extent to which such agreements, bylaw(s), or statutes affect the ability of the owner(s) with disabilities to direct the management and policy of the business.
 - iv. The requirements of an L3C determined through grants, contracts, or agreements by grantors or other charitable contributors

2. Operation and Management

- a) The owner(s) with disabilities must possess the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions on matters of management, policy and operations. The business must not be subject to any formal or informal restrictions that limit the customary discretion of the owner(s) with disabilities.
 - b) A previous and/or continuing employer-employee relationship between or among present owners are carefully reviewed to ensure that the employee-owner with disabilities has management responsibilities and capabilities.
 - c) In the event that the actual management of the business is contracted or carried out by individuals other than the owner(s) with disabilities, those persons who

have the ultimate power and expertise to hire and fire the managers can, for this purpose, be considered as controlling the business.

d) An owner with disabilities, or another such person with disabilities, must hold the highest officer position in the company (i.e., President or Chief Executive Officer by whatever title).

e) The applicants must show evidence that the person(s) with disabilities have operational authority and managerial control of the business. In evaluating this evidence, the following factors will be considered:

i. Operational Authority: Operational authority means the extent to which the person(s) with disabilities actually operate the day-to-day business. Assessments of operational control will rest upon the peculiarities of the industry of which the business is a part. In order to ascertain the level of operational control of the owner(s) with disabilities, the following will be considered:

(1) Experience: owner(s) with disabilities shall have education, demonstrable working knowledge and/or experience in the area of specialty or industry claimed in the certification application.

(2) Responsibility for Decision-Making: The owner(s) with disabilities shall be able to demonstrate his/her role in making basic decisions pertaining to the daily operation of the business.

(3) Technical Competence: The owner(s) with disabilities shall have technical competence in the industry or specialty of the applicant business and/or a working knowledge of the technical requirements of the business sufficient enough to critically evaluate the work of subordinates.

(4) Operational reliance on non-disabled individuals: See section 'C'.

ii. Managerial Control. —Managerial control is the demonstrated ability to make independent and unilateral business decisions necessary to guide the future and destiny of the business. Managerial control may be demonstrated in several ways. For an owner(s) with disabilities to demonstrate the extent his/her managerial control, the Disability:IN International Certification Committee will consider the following (not intended to be all inclusive) areas of routine business activity:

(1) The owner(s) with disabilities must produce documents that clearly indicate his/her control of basic business functions, e.g., authority to sign payroll checks and letters of credit, signature responsibility for insurance and/or bonds, authority to negotiate contracts and financial services daily operation of the business.

(2) Technical Competence: The owner(s) with disabilities shall have technical competence in the industry or specialty of the applicant business and/or a working knowledge of the technical requirements of the business sufficient enough to critically evaluate the work of subordinates.

(3) Agreements for support services that do not impair the person(s) with disabilities control of the company are permitted as long as the owner(s) with disabilities power to manage the company is not restricted or impaired as determined by the Disability:IN Certification Committee in its sole administrative discretion.

3. Independence

a. Performance

- i. The owner(s) with disabilities shall have the ability to perform in their area of specialty/expertise without substantial reliance upon finances and resources (e.g., equipment, automobiles, facilities, etc.) of non-disability-owned business enterprises.

b. Test of Independence.

Recognition of the applicant as a separate and distinct entity by governmental taxing authorities shall not be a sole determinant of any applicant's assertions of independence. Test criteria include, but are not be limited to the following:

- i. Applicant's relationship with a non-disability-owned company that involves any long-term contract or lease agreements.
- ii. Applicant's status as a party to any contract or lease agreement on terms at variance with industry standards or prudent business practices.
- iii. Interlocking stock ownership of the applicant and non-disability-owned business enterprise in the same industry.
- iv. Common Members/Chairs between the applicant and a non-disability-owned business enterprise.
- v. Applicant's use of employees, equipment, expertise, facilities, etc., shared with or obtained from a non-disability-owned business enterprise.
- vi. The receipt by the non-disability-owned business enterprise of financial benefits (i.e., profits, wages, etc.) shall be commensurate with the duties performed.
- vii. An applicant's business that cannot operate without licenses, permits and/or insurance held by another business is not independent. The business must possess all legal requirements necessary to legally conduct business.
- viii. A Broker, Dealer, or Manufacturer's Representative, unless it is the standard for the industry, generally does not qualify for certification.

4. Dissolution

a. In determining the degree to which control and decision-making reside in the hands of the disability owner(s), it is required that all business structures address, in legal documentation (operating, partnership and other business agreements), the ultimate ability of the disability owner(s) to make the final decision from business formation/start-up to dissolution of the business entity.

b. Business structures that require unanimous agreement from all stakeholders (i.e. members, shareholders, directors, partners) are only acceptable in the following limited circumstances:

- Adding/expelling a partner/member/shareholder
- Change in fiscal year
- Change in tax filing status
- Change in the number of directors/managers/officers
- Stock issuance
- Amending the governing agreement (if this is the only mention of unanimous control and the document is written in terms of the disability owner having ultimate control)

5. Business Engagement/Involvement

a. Disability applicant/business owner must demonstrate the ability to work regular business hours at his/her business regardless of the industry or participates in any other activity or

obligation that prevents the disability applicant/business owner from working for the firm during normal business operating hours.

6. Ownership Expectation

a. Disability applicant/business owner must be located within a reasonable commute to his/her firm's headquarters and/or job-site locations, regardless of the firm's industry. The disability applicant/business owner must have the ability to answer emails, communicate by telephone, direct his/her employees through delegation or other technological means.

3. C. Special Considerations

While Disability:IN's ICC adheres to key certification tenets of ownership, management and control, we recognize that in some instances entrepreneurs with disabilities may require specific accommodations. This is typically seen in operations and management of the business.

1. Accordingly, the ICC focuses on the spirit and intent of the Disability:IN Supplier Inclusion Program and on a case by case basis allows for the utilization of specific accommodations that assist the owner with disabilities in operating and managing the business. In essence, the ICC does not deny certification when the nature of the owner's disability precludes him/her from exercising operational and/or managerial control of the business.
2. The ICC requires evidence of control by the owner with disabilities and the ability to document the key aspects of the owner with disabilities' control of the business.

In summary:

- a) Each situation as described above will be assessed by the ICC on a case by case basis to determine if the request for accommodations meets the spirit and intent of the Disability:IN Supplier Inclusion Program.
- b) Each situation must be reviewed to determine documented control by the owner with disabilities in key aspects of the business
- c) The ICC may in its discretion allow for specific accommodations where there is an on-going need for a support coach or executive team member to carry out those daily operations of the business that cannot be assumed by the owner with disabilities.

The very nature or severity of the disability should not, in and of itself, be grounds for denial of certification because of the owner with disabilities' inability to perform certain typical operational or managerial functions. The ICC will utilize a site visit as an assessment tool to determine the extent of the owner with disabilities' control of the business and the need for accommodations.

4. D. Definitions

Definitions are used in Section VII with the meanings defined in Section VI Definitions.

VIII. Certifying Franchises

A business operating under a franchise or license agreement may be certified if it meets the standards in Section VII. DOBE, SDV-DOBE and V-DOBE Eligibility Standards and:

1. The franchise agreement between the franchisor and the franchisee seeking Disability:IN certification must not contain any provision which unreasonably restricts the ability of the owner(s) with disabilities from exercising Managerial Control and Operational Authority of the business.

In reviewing the franchise agreement, special attention shall be given to circumstances which, for certification purposes, shall be considered as restricting control and authority of the owner(s) with disabilities. These include, but are not limited to:

- Termination of the franchise agreement by the franchisor without cause;
- Lack of ownership of receivables by the franchisee;
- Exclusive ownership of account receivables and/or contracts by the franchisor;
- Restrictions on the sale of the business below market value;
- Terms and conditions not related to the brand or systems can be altered without franchisee's notification and/or approval;
- Contracts are prepared and approved by the franchisor;
- Management decisions cannot be made independently by the franchisee;
- No financial risk is borne by the franchisee;
- Hiring and firing decisions cannot be made independently by the franchisee; and
- Equity interest in the franchise is owned by the franchisor.

Where there are inconsistencies between the standards and procedures in this Section and other Sections of the Standards & Procedures as it relates to franchises, the procedures in this Section will prevail.

IX. International Certification Committee

The Disability:IN International Certification Committee works to protect the integrity of the certification of DOBEs, SDV-DOBEs and V-DOBEs through ensuring that the best practices, policies, and procedures described in this document are implemented and enforced.

5. A. Composition

The International Certification Committee shall consist of an odd number, but no fewer than seven (7) members. The Committee is comprised of corporate representatives and no fewer than (2) certified owners with disabilities (DOBE/SDV-DOBE or V-DOBE) representatives who also acts as the International Certification Committee Co-Chairs. The International Certification Committee Chairs and a member of the Disability:IN staff designated by the Chair of the Disability:IN in consultation with the Disability:IN President and CEO and General Counsel, shall act as the International Certification Committee Chairs. The International Certification Committee also shall include to the extent possible at least one (1) attorney and one (1) Certified Public Accountant. The International Certification Committee will also include at least one (1) owner with disabilities. The remainder of the committee will be comprised of additional corporate or disability-owned business representation. All Disability:IN International Certification Committee Members will sign the Disability:IN International Certification Committee Confidentiality Agreement. All committee members and staff must sign this confidentiality agreement before reviewing files, a copy of which must be maintained in the Disability:IN main office in accordance with Disability:IN Retention and Destruction Guidelines. An additional NDA

covering use of virtual system is also required from each ICC member. Multiple representatives from a partner corporation may participate at the same time on the ICC; however, in there shall be only one vote per corporation.

1. Appointment

The Disability:IN International Certification Committee Co-Chairs will appoint committee members annually and as needed. Members serve at the pleasure of the Disability:IN International Certification Committee Co-Chairs and may be dismissed at any time with or without cause.

2. Length of Term

Elected committee chairs shall serve a full two-year term and may be re-elected to another immediate two-year term. The maximum term of a Chairperson shall not exceed 5 years, with consideration to filling any unexpired term.

3. Training

International Certification Committee Members will be initially trained within the first six (6) months of identification and will be retrained, as needed.

4. Resignation and Removal

Any committee chair may resign at any time by giving written notice of his or her intention to do so to the ICC or may be removed, with or without cause, upon seeking consultation and advice of the Disability:IN Vice President, Supplier Inclusion.

5. Vacancies

Any vacancies occurring in ICC leadership offices by resignation, removal, or otherwise, will be filled for the unexpired portion of the term of the position.

6. B. Meetings

1. The Disability:IN International Certification Committee will meet monthly or as deemed necessary by Disability:IN's International Certification Chairs, and, at a minimum, quarterly.

2. A quorum for each meeting is a minimum of 7 members.

7. C. Responsibilities

1. Scope of Work

a. International Certification Committee: discussion, recommendations and voting on certification determination.

b. Staff: information collection and dissemination only.

1. Timely attendance at 50-75% of all monthly meetings with responsibility to provide advance notification to Supplier Inclusion Program Office if unable to attend.
2. Timely completion (within 14-28 calendar days) of assigned reviews and sub-committee work
 - a. Participation in at least six annual reviews as assigned by SD Program Office to avoid putting undue pressure on other team members.
3. Work Expectations
 - a. Review agendas and relevant materials prior to meetings
 - b. Support efforts of committee co-chairs and carryout individual assignments both member and sub-committee
 - c. Work as part of the committee to ensure committee's work, S&Ps and recommendations in keeping with Disability:IN mission and goals
 - d. Actively participate during meetings: voicing ideas and opinions as well as voting during meeting and virtually
 - e. Willingness to serve as a site visitor and or recruit site visitors as requested

8. Nominating Sub-Committees

The responsibility of the Nominating Subcommittee is to identify potential nominees for International Certification Committee (ICC) positions. Subject to the term of the position requirements defined herein, all committee members are eligible to be a nominee for the position.

The standing Nominating Subcommittee shall be established as follows:

1. Nominating Sub-Committee. The Nominating Sub-Committee shall select and present to the International Certification Committee, prior to elections, a slate of individuals for consideration as ICC leaders. The slate shall be created with consideration for the prospective Member's professional qualifications and commitment to expanding disability supplier inclusion and supporting the goals and practices of Disability:IN and the ICC. The slate shall also be developed with consideration for geographic, cultural, gender and ability inclusion as well as other diversity considerations. For each election, the Nominating Sub-Committee shall include in the slate of proposed co-leaders the names of those individual(s) seeking re-election as well as their titles and company names. Whenever a vacancy occurs at this leadership level, the Nominating Committee shall develop an appropriate selection of candidates upon which the ICC may vote to fill any such vacancy. The Nominating Sub-Committee shall consist of an odd number of 3 and no more than 5 members, including both corporate representatives and disabled business owners.
2. Term of Office. Members of the Nominating sub-committee shall hold office indefinitely or until such committee is dissolved or reconstituted by the ICC.
3. Resignation and Removal. See section A4 (above).

4. Vacancies. Any vacancy occurring in a subcommittee regardless of reason shall be filled by the ICC.
5. Other Sub-Committees. The ICC may also, by resolution duly adopted, establish additional sub-committees, ad-hoc committees or task forces of the ICC apart from the standing subcommittee. The members, terms, and authority of such additional committees and task forces shall be as set forth in the resolutions establishing such committees and such committees may have members who are not ICC members. The ICC, by resolution duly adopted, may dissolve or reconstitute any committee or task force, apart from standing committees, at any time, with or without cause.

9. E. No Lobbying of Committee Members

Committee members are prohibited from (1) having contacts, outside of the site inspection review visits with, and (2) accepting anything or service of value from, applicants whose applications are pending certification.

10. F. Anonymity of Business Affiliation

The business affiliation of site inspectors shall not be discussed during site inspection review visits.

11. G. Conflicts of Interest

1. Any conflict of interest must be disclosed to the reviewing committee, and the disclosing party must then voluntarily abstain from all discussion and vote. The following situations are not intended to be an exhaustive list of all conflicts of interest that may occur.

a. Any corporate or public entity committee member with a vested interest in the outcome of an eligibility review will disclose that interest and voluntarily abstain from all discussion and vote.

b. Any International certification committee member with a competitive and/or business interest will disclose that interest and voluntarily abstain from all discussion and vote.

c. Both Disability:IN and Disability:IN Affiliate staff are ineligible to vote.

X. Certification Procedures

Certification

The following details the certification process for all applicants seeking certification as a Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise by Disability:IN. Information will be reviewed and analyzed as it is submitted into the Disability:IN Certification and Sourcing HUB. This includes a completed application, supporting documentation and an affidavit, which is electronically signed. Organizational or structural changes subsequent to the notarization date will not be considered during the eligibility review process. The Disability:IN Supplier Inclusion staff will request any and all documentation deemed necessary to establish a business' ownership and control by person(s) with disabilities. The decision to certify or deny an application will be based on the Disability:IN guidelines in effect at the time the application is evaluated.

Effective January 1, 2023, all applications which are approved for certification will be active for 3 years. (requires new signed affidavit at the end of each year).

Once an application is completed and submitted it will go through the following process:

- A.** A pre-review will be completed by the Supplier Inclusion Coordinator to confirm the application is complete and ready for initial review by the International Certification Committee (ICC).
- B.** The application will be assigned to an ICC member for the initial review of the application and supporting documentation. All applications will be discussed and voted on at each meeting (or virtual vote). If the reviewing ICC member determines an application is incomplete, there will be a request for more information or clarification from the applicant via the Supplier Inclusion Associate. The application will be put on hold until any requested material is received.
- C.** Once the application is voted as approved to move to site visit, the Supplier Inclusion Coordinator notifies the applicant, and connects them with a site visitor, to schedule the site visit to the business' headquarters. Once the site visit is conducted and completed by the Site Visitor in the Disability:IN Certification and Sourcing HUB.

ICC or Supplier Inclusion Manager may approve a virtual site visit if the one or more of following conditions are met:

- Disability business owner is sole proprietor, or sole ownership if LLC or other business structure.
 - If the main business location is in a remote area
 - Due to National Disaster, Pandemic or any other unforeseen circumstances which may put volunteers and/or applicant in harm's way.
 - Or during a physical site visit if one of the co-owners are physically in another location and cannot easily come to the main business location.
 - And/or if there are no apparent issues with the initial file review. If any issues are uncovered in a virtual site visit, then the site visitor can recommend a physical site visit to clarify those issues.
 - Requirements for virtual site visit:
 - All business spaces must be viewed via the applicant's camera during the tour. A complete assessment of the premises should be viewed including outside/signage, office spaces, warehouse, vehicles, equipment, etc.
 - Technology used must be compatible for both applicant and site visitor and agreed upon prior to the visit. Both parties must identify accommodations necessary prior to site visit. (If technology does not function, a physical site visit will be required)
 - Technology used must provide site visitor with the ability to see/view/interact with applicant, documents, website and office/facilities. Site visitor must be able to determine if business is identified with signage, conduct a site tour, and view information on-line.
- D.** Once the site visit information is entered into the Disability:IN Certification and Sourcing HUB, another ICC member is assigned the application file for final review. When the final

review is completed, the ICC discusses and votes and makes a final certification determination. Applicant is notified within 15 days of any decision (see section F).

1. If an applicant fails to complete the documentation within the review and analysis period (90 days), the applicant will be notified that its application will not be reviewed further and the application will be closed as non-responsive. The certification processing fee is non-refundable.
2. Any applications and supporting documents which are not submitted in their entirety prior to the International Certification Committee's review may not be accepted after the fact.

NOTE* All documents submitted will be maintained as part of the permanent file in accordance with the Disability:IN Supplier Inclusion Program Document Retention and Destruction Policy.

- E.** The Disability:IN International Certification Committee may request that an applicant submit to a further financial review of its accounting records and books beyond what is submitted with the application. The applicant will be advised of the request for the financial review. An applicant's failure to permit a financial review will result in denial. **Certification processing fees are non-refundable.**
- F.** If certification is awarded, the Disability-Owned Business Enterprise (DOBE), Service-Disabled Veteran-Disability Owned Business Enterprise (SDV-DOBE) or Veteran-Disability Owned Business Enterprise (V-DOBE) will be notified in writing within fifteen (15) days of the committee meeting. A certificate showing the type of certification issued, along with the written description and Standard Industrial Classification (SIC) Code(s) and the North American Industrial Classification System (NAICS) Code(s) indicating the functional mission of the Disability-Owned Business Enterprise, Service Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise will be sent to the business. The DOBE, SDV-DOBE and V-DOBE is then listed on the Disability:IN's Certification and Sourcing HUB for the duration of the certification period (2 years) at which time it can be renewed (see 2. Recertification).
- G.** For all certified firms through Disability:IN, an annual affidavit is required to keep certification active. If this affidavit is not signed annually, a firm can be denied for non-compliance.
- H.** If the Committee determines during the certification review process of business documentation (i.e. bylaws, operating agreements, tax returns) that the applicant does not meet requirements of 51% ownership, management and control; the Committee can vote to deny certification, end the process and notify the applicant.
- I.** If certification is denied, the applicant will be notified in writing using a standard form letter approved by the International Certification Committee, in the form of Exhibit X attached hereto. Any business that disagrees with the denial may file an appeal directly with Disability:IN as outlined in Section XI. Appeal Process.

12. Recertification

The Disability:IN certification is valid for a period of three years. Prior to the initial certification expiration date, Disability-Owned Business Enterprises, Service-Disabled Veteran-Disability Owned Business Enterprises and Veteran-Disability Owned Business Enterprises are required to complete a re-certification application and affidavit. Advance notification will be sent via Disability:IN's Certification and Sourcing HUB.

A. The Disability:IN Supplier Inclusion staff is authorized to review and approve all re-certification applications submitted by Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise approximately three (3) months prior to the certification expiration date. However, it is the Disability-Owned Business Enterprise's, Service-Disabled Veteran-Disability Owned Business Enterprise's and Veteran-Disability Owned Business Enterprise's responsibility to maintain current certification. Completed re-certification applications will be reviewed in order of receipt. However, provided there is no change in ownership or business structure or other significant changes, the approval will be made by the Supplier Inclusion staff and will not require ICC review.

B. If there has been any change in ownership and/or control, documentation of the said area will be required for renewal of certification, at which time it will be reviewed by the ICC following the process described in Section X Part A. The applicant is responsible for notifying Disability:IN of any such changes and submitting all applicable documentation, at the time those changes occur or within 90 days of change.

C. After initial site visit, site visits will be required at a minimum of every 5th year (after 2 complete certification cycles) and may be conducted at any time at the discretion of the International Certification Committee (i.e. audits may be conducted when there is a change in ownership and/or control, and random audits may be conducted at any time). ICC may approve a virtual site visit if the following conditions detailed in X.1.C. are met.

D. A Disability-Owned Business Enterprise, Service Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise that fails to submit all appropriate information/documentation for renewal (abbreviated application, affidavit, ID, Financial Document and Tax Return for previous year) within a ninety (90) days, will have their status adjusted from "Certified" to "Expired" and its name will be removed from the Disability:IN's Certification and Sourcing HUB. The Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise will be notified in writing of its expired status. If a Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise cannot meet the deadline due to special circumstances, an extension of time may be granted at the discretion of the Disability:IN International Certification Committee Chairs.

E. If by reason of a change to Disability:IN standards and procedures a currently certified company is no longer certifiable, the Disability:IN International Certification Committee may grant the company a sixty (60) day grace period from the date of the committee's review to come into compliance with the changed standard and procedure.

F. Upon written request, an applicant may withdraw an affidavit and supporting documentation without cause or prejudice prior to a determination of eligibility, however the certification processing fee is non-refundable.

XI. Appeal Process

An applicant denied certification may appeal that decision to the Disability:IN Appeals Committee. The decision of the Disability:IN Appeals Committee is final and the applicant and the Disability:IN International Certification Committee agree to abide thereby.

13. A. National Appeals

1. Appeals Committee

a. The International Appeals Committee will be comprised of a minimum of three (3) and no more than five (5) Disability:IN certification trained members appointed by the Disability:IN International Certification Committee Chairs. The Committee will always consist of an odd number of members.

b. Committee members will serve a term of no less than two (2) years from the date of appointment.

c. A quorum for each meeting is a majority of the members (half plus one).

d. The committee will use only Disability:IN Standards and Procedures in support of their decisions.

e. All committee members must sign a non-disclosure statement before reviewing files, a signed copy of which must be maintained in the Disability:IN office in accordance with Disability:IN Retention and Destruction Guidelines.

2. National Appeals Process

a. Businesses denied certification by the Disability:IN International Certification Committee may request a meeting with the Disability:IN supplier inclusion staff to discuss the general reasons for such denial. Said meetings are solely for informational purposes and are not intended, nor are they to be construed, as a hearing or appeal of Disability:IN's certification determination.

b. An applicant may appeal the Disability:IN International Certification Committee's decision by making a request in writing to the Disability:IN Appeals Committee no later than thirty (30) days from the date of the denial letter.

The appeal should be addressed to:

Disability:IN Appeals Committee
c/o Heather Coburn, Supplier Inclusion Associate
3000 Potomac Ave
Alexandria, VA 22314
Heather@DisabilityIN.org

c. Disability:IN staff will contact the applicant to inform the applicant of the receipt of said appeal documents. During the appeal, the Disability:IN Appeals Committee will consider all information as presented during the initial certification

application process as well as any relevant and/or requested additional information. Changes in the business' ownership and control subsequent to the applicant's request for certification shall not be considered as evidence during the appeal process.

d. The Disability:IN Appeals Committee convenes twice (2) annually or as required and each appeal will be reviewed at the next meeting date. Additional meetings of the Appeals Committee can be called at the discretion of the Disability:IN International Certification Committee Chairs. The Appeals Committee will convene, review the file and make a recommendation to the Disability:IN Appeals Committee Chair.

e. The applicant will be informed of the decision in writing within fifteen (15) business days. The decision by the Disability:IN International Certification Committee shall be upheld unless overturned by the Disability:IN Appeals Committee.

f. If the decision of the Disability:IN Appeals Committee results in a denial, then the applicant may re-apply for certification one (1) year from the date of Disability:IN's original denial letter.

Note: The Disability:IN International Certification Committee's original certification determination remains in effect pending any appeal.

XII. Challenge Procedures

Any third party may challenge the Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise status of any Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise. Confidentiality of the challenging party's identity will be protected. The challenge must be made in writing to the Chair of the Disability:IN Appeals Committee. Within its letter, the challenging party must include evidence challenging the eligibility of a Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise. The letter should be addressed to: Disability:IN Appeals Committee c/o, Supplier Inclusion Associate, 3000 Potomac Avenue, Alexandria, VA 22314.

Within thirty (30) business days, the Chair of the Disability:IN Appeals International Certification Committee will determine, based on the information provided by the challenging party, whether there is reason to evaluate the challenge.

A. If the Chair of the International Appeals Committee determines that the challenge is not credible, the challenging party will be so informed in writing and the investigation of the Disability-Owned Business Enterprise will be closed. If the challenging party believes the determination is in error, it may appeal the decision to the Disability:IN International Certification Committee Chairs in accordance with Section XII. Appeal Process.

B. If the Chair of the Appeals Committee or the Disability:IN International Certification Committee Members determine that there is reason to believe that the Disability-Owned Business Enterprise, Service Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise is not a *bona fide* Disability-Owned Business

Enterprise Service Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise, the following steps will be taken:

1. The Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise will be notified in writing that its Disability:IN certification has been challenged. This notice will identify and summarize the grounds for the challenge. This notice will require the Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise to provide Disability:IN with information and documentation to refute the challenge within a time frame specified by Disability:IN.

2. Once the requested information is received, the Chair of the Appeals Committee or the Disability:IN International Certification Committee Chairs (depending on which party deemed the challenge credible) will evaluate the information/documentation available and make a preliminary determination. The Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise and the challenging party will be notified of the preliminary determination in writing, setting forth the reasons for the decision. The party which deemed the challenge credible may also provide an opportunity to the parties for a hearing to respond to the determination in person.

3. Within ten (10) business days of the receipt of the requested information or hearing, whichever is later, the party which deemed the challenge credible will make a final determination and inform the parties in writing of the reason for the determination.

a. If the determination is to revoke the business' certification, the adversely affected party may reapply for certification one (1) year after notice of revocation is given.

b. While a challenge is pending, the Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise certification will remain in effect.

XIII. Revocation of Certification

A. A Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise may have its certification revoked by the Disability:IN International Certification Committee and suspended from eligibility in any of the participating entities' Disability:IN programs for any of the following reasons:

1. If the business entity's ownership and/or control by person(s) with disabilities has changed to the extent that the business is no longer a *bona fide* Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise in the Disability:IN National Certification Committee's reasonable judgment;

2. If due to a challenge or some other reason a business entity's current

certification eligibility is re-examined and the business is found not to be a *bona fide* Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise; or

3. If a business is found to be engaging in business practices on any of the member's projects that circumvent the intent of Disability:IN's programs.

4. Any officer from the Disability:IN International Certification Committee or any of its members or any other interested party that discovers irregularities relative to the Disability status of any of Disability:IN's certified suppliers may provide a written statement to Disability:IN's Appeals Committee Chair citing noted irregularities. Person(s) specifically challenging a business' Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise status will be advised of the Disability:IN Challenge Procedure. (See section XIII. Challenge Procedures).

5. Disability-Owned Business Enterprises, Service Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise that are no longer active business entities, as well as suppliers that do not respond to requests for updated or new certification information/documentation, will be removed from the Disability:IN Certification and Sourcing HUB after sixty (60) days of non-responsiveness. Reinstatement will require complete re-application for Disability:IN certification.

B. Within fifteen (15) business days of the revocation determination, the Disability:IN International Certification Committee Chairs will notify the Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise of the decision and summarize the reasons for the decision.

C. Any business that believes that its Disability-Owned Business Enterprise, Service-Disabled Veteran-Disability Owned Business Enterprise and Veteran-Disability Owned Business Enterprise certification has been wrongly revoked may appeal as prescribed in Section XII. Appeal Process, unless revocation was the result of a challenge deemed credible by the Disability:IN International Certification Committee Chairs.

XIV. Non-Eligible Businesses

Agents, brokers, non-profit organizations, manufacturer's representatives, strategic alliances, as defined in Section VI, Definitions, are not certifiable unless standard in the industry.