

**19A NCAC 02D .1107 APPEALS OF DENIAL OF CERTIFICATION**

(a) Any Minority Business Enterprise firm or Women Business Enterprise firm denied certification or decertified may file an appeal of that action to the Department's DBE/UCP Program Manager.

- (1) The appeal shall be received by the Department within 30 calendar days of the notice of denial or decertification. Upon receipt of the appeal, the DBE/UCP Program Manager shall schedule a hearing for the firm with the Department's Disadvantaged Business Enterprise, Minority Business Enterprise, Women Business Enterprise Appeals Committee.
- (2) If the denial of certification or decertification is upheld by the Department's appeals committee, the Minority Business Enterprise firm or Women Business Enterprise firm may file a written appeal to the Secretary of Transportation within 30 days of the committee's decision.
- (3) If the denial of certification is upheld by the Secretary of Transportation, the decision shall be final.

(b) Any Disadvantaged Business Enterprise firm denied certification or decertified may file an appeal of that action as follows:

- (1) The Disadvantaged Business Enterprise firm may file an appeal to the Department's DBE/UCP Program Manager. The appeal shall be received by the Department within 30 calendar days of the notice of denial. Upon receipt of the appeal, the DBE/UCP Program Manager shall schedule a hearing for the firm with the Department's appeals committee.
- (2) The Disadvantaged Business Enterprise firm may file a written appeal within 90 days of notice of appeal directly to the U.S. Department of Transportation, Office of Civil Rights in accordance with Parts 23 and 26 of Title 49 of the Code of Federal Regulations.
- (3) The appeals may be filed simultaneously.

*History Note: Authority G.S. 136-28.4; 143B-348;  
Eff. April 30, 1997;  
Amended Eff. February 1, 2008;  
Readopted Eff. April 1, 2019.*