

# Filing a Formal DBE Complaint



Federal Aviation  
Administration

AMAC 2012

Airport Business Diversity Conference

St. Louis, Missouri

*Office Of Civil Rights*

ACHIEVING SAFETY  
THROUGH DIVERSITY

# References

## 49 CFR 23.9(a)

As a recipient, you must meet the non-discrimination requirements provided in part 26, §26.7 with respect to the award and performance of any concession agreement, management contract or subcontract, purchase or lease agreement, or other agreement covered by this subpart.

## 49 CFR 26.7(a)

You must never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by this part on the basis of race, color, sex, or national origin.

# Discrimination

Involves any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on protective classes.

# What Constitutes a Complaint?

A complaint is a written or electronic statement concerning allegations of discrimination or allegations of violation(s) of 49 CFR Parts 23 or 26 that contains a request for the Federal Aviation Administration, Office of Civil Rights, to take action.

# What is not considered a Complaint?

- Anonymous or unsigned correspondence
- Inquiries seeking advice or information
- Courtesy copies of correspondence or complaints filed with other agencies
- Verbal allegations

# Who can initiate a DBE Complaint?

- Complaints may be filed by affected individuals/businesses or their representatives, or third-parties
- Complaints are sometimes referred by OIG, GAO, Congress, or advocacy groups

# Issues Investigated

- Alleged discrimination based on race, color, national origin and/or gender, or
- Noncompliance with DBE/ACDBE regulations

# Issues Not Covered

- Minor technical assistance
- General unfairness not related to protected groups
- General business or legal matters typically handled by state courts

# Requirement for Filing Formal Complaint

Complaints filed with the FAA  
must be  
Signed and Dated

# Helpful Information in a Complaint

- Company's background (DBE certification information)
- Contract information (Scope and Terms)
- The issues or allegations (49 CFR 26 or 23 reference, if known)
- Airport official(s) that was notified of allegation(s)  
(Names, Job title and date(s) reported)
- The official responses from airport authorities  
(Copies of official letters)
- Documentation that supports allegation(s)  
(Emails, contract, letters, etc.)
- Witnesses (Names and Contact information)

# Submitting the DBE Complaint

A signed complaint can be mailed, faxed, or emailed to any of our Regional or Headquarters Office of Civil Rights staff.

# Mailing Address

Federal Aviation Administration  
Office of Civil Rights  
PO Box 92007  
Los Angeles, CA 90009

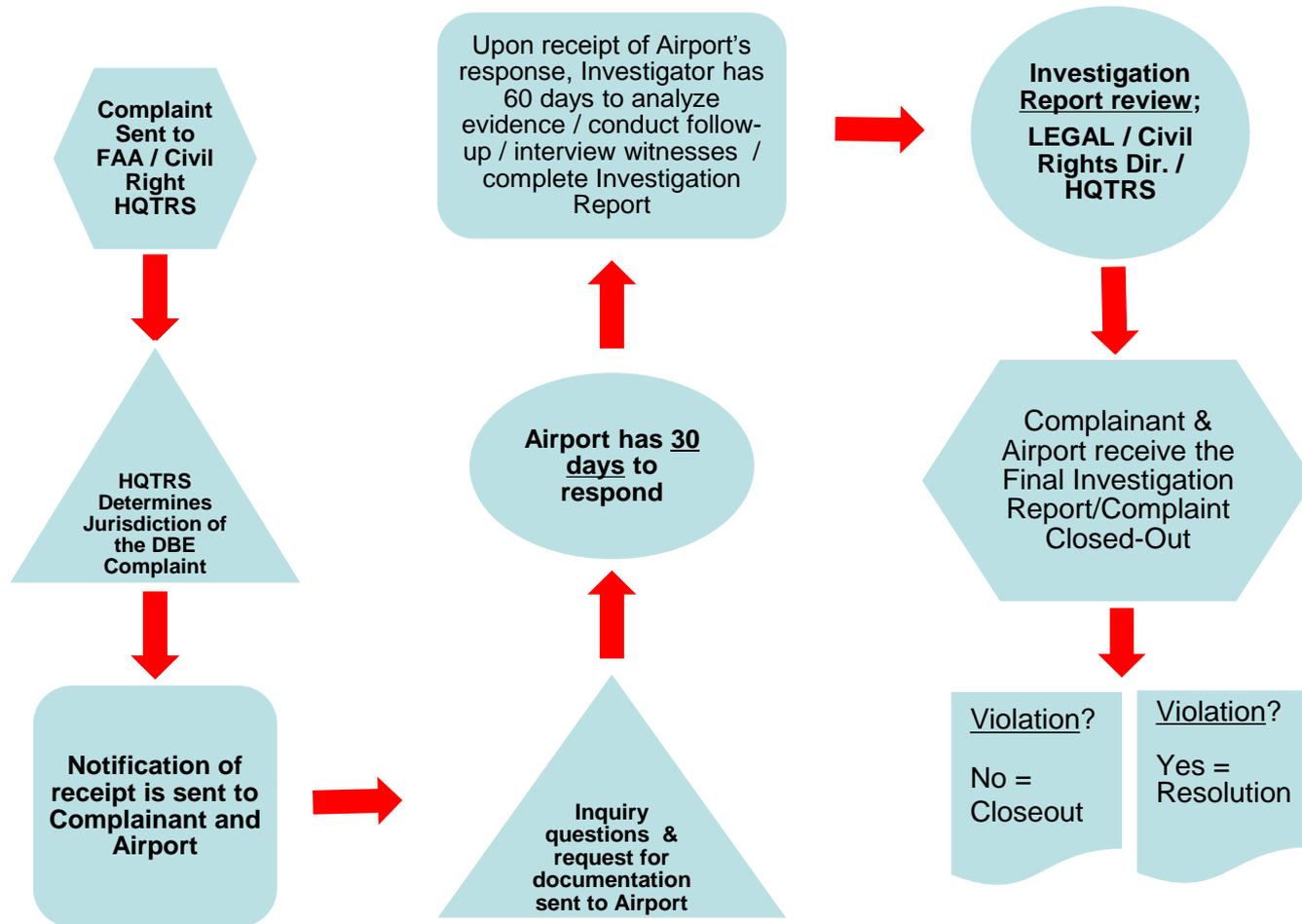
Main office fax: (310) 725-6819

Email address: *Your Regional DBE Specialist*

# Actions and Timeframe

- Once the jurisdiction is determined, the Complainant and the Airport will receive an official notification from the FAA.
- If formally investigated by FAA, it could take up to 180 days to be completed.
- Upon completion of the investigation, the Complainant and the Airport will receive the official findings and a copy of the Investigation Report from the FAA, Office of Civil Rights.
- If a violation is found, we will attempt voluntary resolution.

# Flow-Chart of Process



# Questions?



***Ricky Watson***

***DBE Compliance Specialist***

***– Northwestern Mountain Region –***

***FAA Office of Civil Rights***

***(310) 725-3940 or ricky.watson@faa.gov***