



**U.S. Department of  
Transportation**

Office of the Secretary  
Of Transportation

Departmental Office of Civil Rights  
1200 New Jersey Avenue, S.E., W76-401  
Washington, DC 20590

September 20, 2019

Reference Number: 19-0098

Paula Rowdy  
Louisiana Department of Transportation & Development  
Office of the Secretary/Compliance Programs  
P.O. Box 94245  
Baton Rouge, LA 70804-9245

RE: DBE Decertification of Metro Service Group, Inc.

Dear Ms. Rowdy:

Metro Service Group, Inc. (Metro), appeals the Louisiana Department of Transportation and Development (LDOTD) decertification of Metro as a Disadvantaged Business Enterprise (DBE) under criteria set forth at 49 C.F.R. Part 26 (the Regulation). We vacate the decertification and remand this matter back to LDOTD for additional consideration.

Background

LDOTD suspended Metro's certification on January 4, 2019 pursuant to §26.88, because the firm did not submit its annual affidavit and related materials as §26.83 j requires. LDOTD mentioned in its August 8, 2018 letter to Metro, that an email dated April 23, 2018, was forwarded to Metro with a copy of the annual affidavit for completion. However, the record contained no such email and LDOTD was unable to locate the email. In that same August 8, 2018 letter, LDOTD informed Metro of its intent to decertify the firm, for failure to comply with §26.73(c) of the regulations. LDOTD further states: "Should you disagree with our Department's decision you may appeal and request a review of your firm's file. Your response must be in writing and must detail your reasons for disagreement. A response must be received in 14 days from the date of this letter and you must include documentary evidence which supports your reasons for rebuttal. In your written appeal, you have the right to request a hearing in order for you to present your objections.

On January 4, 2019, LDOTD sent a final letter to Metro decertifying the firm when it failed to comply with LDOTD requests. The letter references LDOTD's correspondence dated August 8, 2018, which purports to suspend the firm's certification. LDOTD's letters of August 8, 2018 and January 4, 2019, were sent via the United States Postal Service certified mail with the following tracking numbers: 7012346000082378328 and 7012346000082379547. When the Department inputted the tracking numbers into the United States Postal Service tracking system, the results showed that the letters were never delivered to Metro and that the letters are still in transit.

We direct LDOTD to reinstate Metro's DBE certification without delay and remove any references to the decertification from all databases or other records. Please email us a copy of the reinstatement notice within ten days. We further remand the matter to LDOTD for Metro to submit its information and LDOTD to evaluate the documentation LDOTD requests. Metro will have 30 days, from the date of this letter to submit its information. If after submitting the documentation LDOTD finds the firm ineligible for DBE certification, LDOTD must re-initiate §26.87 procedures, with appropriate notice to the firm.

This disposition, which closes the current appeal, is administratively final.

Sincerely,

Marc D. Pentino  
Associate Director  
Disadvantaged Business Enterprise Division

cc: Metro