

**Alaska Department of Transportation & Public Facilities (Alaska DOT&PF)
Disadvantaged Business Enterprise (DBE) Program Complaint Form & Instructions**

Purpose: This form is intended for individuals or representatives of entities who believe the Alaska Department of Transportation & Public Facilities (Alaska DOT&PF), as a recipient of Federal Highway Administration (FHWA) assistance, has not fulfilled its obligations under the requirements of [49 CFR Part 26](#).

Submitting this form initiates the Alaska DOT&PF Civil Rights Office (CRO) DBE Program Complaint process, which addresses allegations of noncompliance with responsibilities outlined in 49 CFR Part 26. Complaints may include procedural deficiencies, compliance determinations, or other activities believed to violate these federal regulations. While this form is provided for convenience, a letter or email containing the same information will be accepted.

Filing Instructions: Complaints must be submitted in writing within **180 days** of the alleged violation of 49 CFR Part 26. Assistance and accommodations are available for individuals who need help completing the form, including those with disabilities or Limited English Proficiency (LEP). Translation and interpretation services will be provided at no cost. Submit your completed complaint form to:

Alaska DOT&PF Civil Rights Office
Attention: DBE Program Manager
P.O. Box 196900
Anchorage, AK 99519-6900
Email: zhenia.peterson@alaska.gov
Phone: 907-269-0844
Statewide Toll-Free: 800-770-6236
Fax: 907-269-0847
TDD: 907-269-0473 (via Alaska Relay 711)

Confidentiality: The Alaska DOT&PF CRO will not accept anonymous complaints. However, under [49 CFR 26.109\(b\)](#), the identities of complainants will remain confidential upon request. During investigations, it may be necessary to disclose the complainant's identity to the organization or institution under review. Additionally, Alaska DOT&PF may be required to disclose information in compliance with the **Freedom of Information Act (FOIA)**. Complainants are encouraged to review the attached **Notice about Investigatory Uses of Personal Information** and submit a signed **Consent/Release Form** along with their complaint.

Disposition of Complaints: To be processed, complaints must include detailed information supporting each allegation. Complaints lacking sufficient evidence may be dismissed or held until further information is provided. Upon review, the Alaska DOT&PF CRO will take one or more of the following actions:

- Notify the complainant of the **acceptance**, **dismissal**, or request for additional information.
- Notify the complainant if the CRO lacks jurisdiction and **transfer** the complaint to another USDOT administration, government agency, or FHWA program office; or

- Notify the complainant of a **referral** to the FHWA Division Office responsible for oversight of the recipient’s DBE Program.

If the complaint is accepted, the Alaska DOT&PF CRO will conduct an appropriate investigation and inform both the complainant and respondent (if applicable) of its findings via official letter. For the process to move forward, complaints should be as specific and detailed as possible to ensure a thorough review and resolution.

DBE Complaint Form	
Instructions: Please provide the following information and sign this form.	
First Name:	Last Name:
Street Address:	
Work phone:	Cell phone:
Work email:	Other email:
Name of the State highway agency or other FHWA recipient against which the complaint is filed:	
If applicable: State or Federal Project No. and Project name on which the alleged violation(s) occurred:	

- Complaint Description (s): (Check each box that applies to the complaint)
- Good Faith Effort Determinations (pre-award/post-award) (49 CFR 26.53)
 - Goal-setting (49 CFR 26.49 & 26.51)
 - Monitoring and Enforcement of Commercially useful function (CUF) (49 CFR 26.55)
 - Counting/Crediting of DBE Participation (49 CFR 26.55)
 - Termination (including substitution or modification of work under commitment) (49 CFR 26.53)
 - Prompt Payment/Return of Retainage (49 CFR 26.29)
 - Eligibility (49 CFR 26.87) S
 - Suspected Fraud or Criminal activity
 - Other (e.g. 49 CFR 26.7- Discriminatory action based on race, sex, color or national origin)

Narrative (Attach additional documents if more space is needed)
1. Please explain in much detail possible each alleged violation. Include all relevant names and dates. Use additional sheets of paper if necessary, and attach to this document.

2. How can this/these issue(s) be resolved to your satisfaction?
3. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses, etc.).
4. Has this complaint been filed with any other agencies? If so, which agency and when?

I have been advised that I have the right to remain anonymous while corresponding with the Alaska Department of Transportation and Public Facilities (DOT&PF) Civil Rights Office. I understand that, as a result of completing this questionnaire, I am initiating a formal complaint process where my identity may be revealed to responsible parties as a part of the investigation process.

Print Name:	Date:
Signature:	

For Official Use Only		
Date received by CRO:	Reviewer initials:	Complaint #
Action Taken by CRO: <input type="checkbox"/> Complaint Accepted <input type="checkbox"/> Complaint Incomplete/Request additional information		
<input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Jurisdiction with referral to another USDOT OA		
<input type="checkbox"/> Refer to FHWA Division Office <input type="checkbox"/> Reported the matter to USDOT OIG		

COMPLAINANT CONSENT/RELEASE FORM

First name:	Last name:
Address:	
Complaint number(s) (if known):	

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice of Investigatory Uses of Personal Information by the Federal Highway Administration (FHWA). As a complainant, I understand that in the course of an investigation it may become necessary for FHWA to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of FHWA to honor requests under the Freedom of Information Act. I understand that it may be necessary for FHWA to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by FHWA's regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by FHWA.

CONSENT/RELEASE

CONSENT -I have read and understand the above information and authorize FHWA to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the FHWA to receive material and information about me pertinent to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.

CONSENT DENIED -I have read and understand the above information and do not want FHWA to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

Name:	Date:
Signature:	

Name:	Date:
Signature:	

Name:	Date:
Signature:	

NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION

NOTICE OF COMPLAINANT/INTERVIEWEE RIGHTS AND PRIVILEGES

Complainants and individuals who cooperate in an investigation, proceeding or hearing conducted by the Federal Highway Administration (FHWA) are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

- A recipient may not force its employees to be represented by the recipient's counsel nor may a recipient intimidate, threaten, coerce or discriminate against any employee who refuses to reveal to the recipient the content of an interview. An employee does, however, have the right to representation during an interview with FHWA. The representative may be the recipient's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.

- The laws and regulations which govern FHWA's compliance and enforcement authority provide that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing conducted under FHWA's jurisdiction, or has asserted rights protected by statutes FHWA enforces.

- Information obtained from the complainant or other individual which is maintained in FHWA's investigative files may be exempt from disclosure under the Privacy Act or under the Freedom of Information Act if release of such information would constitute an unwarranted invasion of personal privacy.

There are two laws governing personal information submitted to any Federal agency, including FHWA: The Privacy Act of 1974 (5 U.S.C. § 552a), and the Freedom of Information Act (5 U.S.C. § 552).

THE PRIVACY ACT protects individuals from misuse of personal information held by the Federal Government. The law applies to records that are kept and that can be located by the individual's name or social security number or other personal identification system. Persons who submit information to the government should know that:

- FHWA is required to investigate complaints of discrimination on the basis of race, color, national origin, sex, disability, age, and, in some instances, religion against recipients of Federal financial assistance. FHWA also is authorized to conduct reviews of federally funded recipients to assess their compliance with civil rights laws.

- Information that FHWA collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. FHWA staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. FHWA also may be

required to reveal certain information to any individual who requests it under the provisions of the Freedom of Information Act. (See below)

- Personal information will be used only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. Except in the instances defined in the U.S. Department of Transportation's regulations at 49 CFR Part 10, FHWA will not release the information to any other agency or individual unless the person who supplied the information submits a written consent. One of these exceptions is when release is required under the Freedom of Information Act. (See below)

- No law requires a complainant to give personal information to FHWA, and no sanctions will be imposed on complainants or other individuals who deny FHWA's request. However, if FHWA fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

- The Privacy Act permits certain types of systems of records to be exempt from some of its requirements, including the access provisions. It is the policy of FHWA to exercise authority to exempt systems of records only in compelling cases. FHWA may deny a complainant access to the files compiled during the agency investigation of his or her civil rights complaint against a recipient of Federal financial assistance. Complaint files are exempt in order to aid negotiations between recipients and FHWA in resolving civil rights issues and to encourage recipients to furnish information essential to the investigation.

- FHWA does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a recipient that violates the laws, or unless such information is required to be disclosed under FOIA or the Privacy Act. FHWA will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under FOIA, the Privacy Act, or otherwise required by law.

THE FREEDOM OF INFORMATION ACT gives the public access to certain files and records of the Federal Government. Individuals can obtain items from many categories of records of the Government --not just materials that apply to them personally. FHWA must honor requests under the Freedom of Information Act, with some exceptions. FHWA generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of the agency to do its job. Also, any Federal agency may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual. Requests for other records, such as personnel and medical files, may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."