



Ralph S. Northam
Governor

COMMONWEALTH of VIRGINIA

Department of Small Business and Supplier Diversity

R. Brian Ball
Secretary of Commerce & Trade

Tracey G. Wiley
Director

VIRGINIA UNIFIED CERTIFICATION PROGRAM

August 29, 2019

Fania Carter
Sterile Services Co.
14773 cordurlandt heights
Woodbridge, VA 22193

Certification Number: DBE 701692

Dear Fania Carter:

The Virginia Department of Small Business and Supplier Diversity (VDSBSD) has approved the certification of **Sterile Services Co.** as a Disadvantaged Business Enterprise (DBE) subject to the requirements of the DBE Regulation 49 CFR, Part 26 and all the laws of this state applicable to the transaction of business. Your firm's **Certification Eligibility Period begins with the date identified below.** Every year, prior to the anniversary of your certification, you are *required to meet the annual* submission requirement by submitting documents found online at www.sbsd.virginia.gov/dbecert.html.

We are pleased to inform you that we have certified your company in the following NAICS Code(s):

425120 - Wholesale Trade Agents and Brokers
541611 - Administrative Management and General Management Consulting
541618 - Acquisitions management consulting services
561110 - Office Administrative Services
561320 - Temporary and Contract Staffing Services

Your request for certification under NAICS code 423450 Medical, Dental, and Hospital Equipment and Supplies 423850 Service Establishment Equipment and Supplies Merchant Wholesalers 453210 Office Supplies and Stationery Stores and NAICS code 424120 Office Supplies (except furniture, machines) Merchant Wholesalers is being denied pursuant to Title 49 Code of Federal Regulations § 26.55 § 26.61, and § 26.71.

The pertinent parts of Title 49 Code of Federal Regulations § 26.61 are:

(b) The firm seeking certification has the burden of demonstrating to you, by a preponderance of the evidence, that it meets the requirements of this subpart concerning group membership or individual disadvantage, business size, ownership, and control.

The United States Department of Transportation's Regulation, 49 CFR Part 26.71, states that "(4) A certifier is not precluded from changing a certification classification or description if there is a factual basis in the record. However, certifiers must not make after-the-fact statements about the scope of a certification, not supported by evidence in the record of the certification action."

The pertinent parts of Title 49 Code of Federal Regulations § 26.71 are:

(n) You must grant certification to a firm only for specific types of work in which the socially and economically disadvantaged owners have the ability to control the firm. To become certified in an additional type of work, the firm need demonstrate to you only that its socially and economically disadvantaged owners are able to control the firm with respect to that type of work. You must not require that the firm be recertified or submit a new application for certification, but you must verify the disadvantaged owner's control of the firm in the additional type of work.

(1) The types of work a firm can perform (whether on initial certification or when a new type of work is added) must be described in terms of the most specific available NAICS code for that type of work. If you choose, you may also, in addition to applying the appropriate NAICS code, apply a descriptor from a classification scheme of equivalent detail and specificity. A correct NAICS code is one that describes, as specifically as possible, the principal goods or services which the firm would provide to DOT recipients. Multiple NAICS codes may be assigned where appropriate. Program participants must rely on, and not depart from, the plain meaning of NAICS code descriptions in determining the scope of a firm's certification. If your Directory does not list types of work for any firm in a manner consistent with this paragraph (a)(1), you must update the Directory entry for that firm to meet the requirements of this paragraph (a)(1) by August 28, 2011.

Your firm has requested certification under NAICS code 541618 Process, Physical Distribution, and Logistics Consulting Services. Based upon your firm's description of services provided under this code with your request, your firm provides acquisitions and contract management consulting services, and brokering services. Therefore, the descriptor of 541618 is not the most accurate description of your firm's activities, therefore 541618 Process, Physical Distribution, and Logistics Consulting Services was changed to the more accurate description of 541618, Acquisitions management consulting services.

The pertinent parts of Title 49 Code of Federal Regulations §26.55

(ii) For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

(A) To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

(B) A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided in this paragraph (e)(2)(ii) if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.

(C) Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph (e)(2).

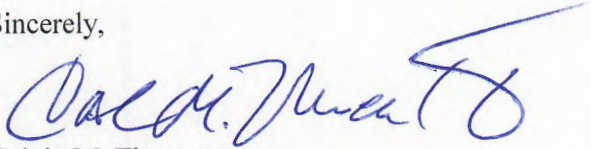
Your firm has requested certification under NAICS codes 423450 Medical, Dental, and Hospital Equipment and Supplies ,423850 Service Establishment Equipment and Supplies Merchant Wholesalers, 453210 Office Supplies and Stationery Stores, and 424120 Office Supplies (except furniture, machines) Merchant Wholesalers. Based upon your firm's description of services DBE application, and subsequently submitted documentation your firm does not store these products, or take possession of the materials described under but rather acts as broker and orders product by request. Additionally your firm submitted a statement that indicates that the firm currently dropships all orders directly to clients from wholesaler's website. Therefore, the descriptor of Merchant Wholesalers is not the most accurate description of your firm's activities. Additionally your firm requested certification under NAICS code 453210 Office Supplies and Stationery Stores. Based upon your firm's

description of services DBE application, and subsequently submitted documents your firm does not operate a store as described in the requested NAICS codes. It appears that your firm merely acts as a broker to provide dental medical and office supplies to buyers. Therefore, we have found no factual basis in the record for your firm's certification under NAICS codes 423450, 423850, 424120 and 453210. Your firm has been approved for the more accurate NAICS code and description of 425120 Wholesale Trade Agents and Brokers.

It is your responsibility to notify VDSBSD immediately of any changes in your firm such as name, address, ownership, officers, or Board of Directors. Please check the accuracy of your internet entry in the DBE Directory at www.sbsd.virginia.gov. Your firm's certification is subject to our review at any time during the year and you may be required to provide any and all relevant documentation. Failure to cooperate by providing the requested information may lead to de-certification.

You may receive management and technical assistance by writing to the Department of Small Business and Supplier Diversity, 101 North 14th Street, 11th Floor, Richmond, VA 23219, or by calling (804) 786-6585. If you have questions, please contact **Sharnel Rock** at (804) 371-0658 or by email at sharnel.rock@sbsd.virginia.gov.

Sincerely,



Calvin M. Thweatt

Director of DBE Certification and Transportation Business Development

Certification Eligibility Period: **Begins:** AUG 3rd 2019