



## Purpose

This Construction Bulletin provides information regarding a new requirement to provide written certification that contracting records have been reviewed and the on-site performance of Disadvantaged Business Enterprises (DBE) was monitored for all projects that include DBE requirements.

## Background

WSDOT projects can include funding from a variety of sources, and as a result, individual contracts may have different guiding requirements. Projects partially or fully financed with federal funds require compliance with federal government regulations, known as the Code of Federal Regulations (CFRs). Compliance with CFRs can require completion of specific contract documentation, as demonstrated with the written certification requirement.

As a condition of receiving federal funding, [49 CFR 26.37](#) requires WSDOT's DBE program to include a monitoring and enforcement mechanism to ensure that work committed to DBE's is actually performed by them. This requirement is satisfied through the on-site reviews conducted on each DBE Contractor, Subcontractor, Regular Dealer, or Manufacturer performing work or supplying materials for each federally funded contract. 49 CFR 26.37 also requires a written certification that the awarding agency monitored the work sites and has reviewed the contracting records. Currently, WSDOT does not have a process in place to complete the written certification required.

## Requirement

**To remain compliant with CFR requirements, all projects with DBE requirements that have been granted physical completion on or after December 1, 2017 will require completion of a Final DBE Utilization Plan Report, WSDOT Form 272-055.** The form will need to be completed at the end of the project, accompanied by a report of the final amounts paid to DBE's, and signed by the Project Engineer, Region Construction Engineer, or the Region OEO Officer. The final report attached to the certification will be a print out from an electronic DBE reporting system (DBEP or B2GNow).

DBE On-Site Reviews are required to be conducted on each DBE Contractor, Subcontractor, Regular Dealer or Manufacturer performing work or supplying materials on projects with DBE requirements. Signing the Final DBE Utilization Plan Report certifies that on-site performance has been monitored, indicating that all DBE On-Site Reviews are complete, on file, and can be retrieved as supporting documentation for the certification.

The signed form and attached report will become part of the Temporary Final Project Records with copies to Region OEO staff, and to staff as appropriate within each Region.

## Implementation Plan

The guidance above will be incorporated into the WSDOT Construction Manual with an interim update on December 1, 2017.



**Washington State  
Department of Transportation**

# CONSTRUCTION BULLETIN

State Construction Office  
Engineering and Regional Operations

Final DBE Utilization Plan Report

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Date: November 13<sup>th</sup>, 2017

## **Resources**

WSDOT Construction Manual 10-3.1B

WSDOT Construction Manual 10-3.17

[49 CFR 26.37](#)

WSDOT Form 272-055

WSDOT GSP 1-07.11OPT2.GR1

WSDOT GSP 1-07.11.OPT3.FR1

## **Contact Information**

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### 10-3.1B Temporary Final Records

All records designated as *Temporary Final Records* are to be retained within the Region for a period of three years after which they may be destroyed. If a claim, lawsuit, or other circumstance is found to be pending at the end of this three year period, the Region should further retain those pertinent records until the issues have been resolved. The Region should ensure that those records designated as *Temporary Final Records* are also assembled as a portion of the overall project final records. The date for the beginning of this three-year retention period for State-funded projects is the Acceptance Date; the date the State Construction Engineer signs the Final Contract Voucher Certification accepting the project. If Federal funds are involved in the project, the date for the beginning of this three-year retention period is the date that FHWA accepts the final payment voucher. The Headquarters Accounting and Financial Services Division will send a Retention of Records on Federal Aid Projects letter to the Region that specifically indicates the retention period.

The following list contains some of the items that may be kept as *Temporary Final Records*. This listing is not a complete listing of all the possible items that could be grouped into this category. In short, *Temporary Final Records* consist of all project records that are not kept as *Permanent Final Records*. If *Temporary Final Records* are kept in numbered books then, in order to eliminate confusion with *Permanent Final Records*, these books are to be numbered consecutively beginning with Book Number 9. Examples of *Temporary Final Records* include:

- Item Quantity Tickets
- Project Engineer's Copy of Estimates
- Project Correspondence
- The original Project Personnel and Signature Listing
- Inspector's Record of Field Tests
- Scaleman's Diary and Scale Checks
- Scale Test Reports
- Concrete Pour Records
- Record of Field Audits
- Approval of Source of Materials
- Quantity Computation Sheets
- Surfacing Depth Check Records
- Copies of Shop Drawings
- Contractor's Payrolls (Federal Aid Projects)
- FHWA Form 1589 (ARRA Projects)
- Source document files
- Alignment (Transit) Book
- Grade Book

- Cross-Section Notes
- Drainage Notes
- Photographs
- Mass Diagrams
- Computer Summary Sheets
- Computer Listings
- Falsework and Form Plans
- Daily Report of Force Account Worked
- ~~Quarterly~~ **Monthly** Report of Amounts Credited DBE Participation
- ~~Quarterly~~ **Monthly** Report of Amounts Paid MBE/WBE Participants
- Final DBE Utilization Plan Report
- DBE On-Site Reviews
- Washington State Patrol Field Check list
- Affidavits of Wages Paid

### **10-3.17 Final DBE Utilization Plan Report**

The Final DBE Utilization Plan Report (DOT Form 272-055) is required on all projects that include DBE requirements and must be accompanied by a report of the final amounts paid to DBE's. Most likely, this will be a final report from an electronic DBE payment system (DBEP, DMCS, etc.). The signed Final DBE Utilization Plan Report and the attached final amounts paid report become part of the three-year Temporary Final Records retained by the Region. The form may be signed by the Project Engineer, Region Construction Engineer or the Region EEO officer.

Signing the Final DBE Utilization Plan Report certifies that on-site performance has been monitored, indicating that all DBE On-Site Reviews are complete, on file, and can be retrieved as supporting documentation for the certification.

This certification is a requirement of 49 CFR Part 26.37(b).



Project Number	Federal-Aid Project Number	Region/Agency
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Contract Title

### Agency's Certification

I certify that the contracting records have been reviewed and the on-site performance have been monitored. I determined that work committed to the listed DBE's under this contract was actually performed by the listed DBE's.

**X**

\_\_\_\_\_  
Project Manager or Engineer Signature Required

\_\_\_\_\_  
Printed Signature Name

\_\_\_\_\_  
Business Phone Number

\_\_\_\_\_  
Date of Signature

A final report of DBE Contract Payment Reports must be attached in order to certify that the contracting records and on-site performance of the Disadvantaged Business Enterprises has been monitored in compliance with 49 CFR 26.37.

**WSDOT Contract Original to:**

Temporary Final Project Records/Project Engineer

**Copies to:**

Region OEO    File

**Local Agency Original to:**

Project Record

**Copies to:**

WSDOT Local Programs    Project Manager or Project Engineer