



Commercially Useful Function (CUF)/ Compliance Evaluation Form - Contractor

Date of On Site Review
Inspector Name
Inspector Signature

PEO Representative Name
PEO Signature
Date Reviewed

- All Sections should be completed by Inspector and then sent to the Project Engineering Office (PEO) for review. Inspector should include pictures to support the verification and determination process.
- Within 28 days of the PEO review, the CUF form should be sent to the regional Office of Equity and Civil Rights (OECR) officer whom will then reconcile, and verify CUF determination. All applicable documents should be included in the submission (listed below).
 - Approved Request to Sublet (RTS)
 - Inspector Daily Report (IDR) (date should match On Site Review (OSR))

If the Disadvantaged Business Enterprise (DBE) Firm is 'Furnish and Install', PEO shall submit:

- Invoices for materials delivered on the date the OSR was conducted.
- Proof of Payment made by the DBE Firm to the source of the materials delivered.

For Trucking and Hauling, the PEO shall also submit:

- Daily Truck Unit Listing Log ([WSDOT Form 350-077](#)) for date the OSR was conducted

Purpose: This form serves as written certification that the elements of work performed by a DBE contractor were monitored and evaluated according to the Commercially Useful Function and counting requirements of 49 Code of Federal Regulation Part 26.55. This form also contains data and questions to supplement monitoring of payments, termination of work, or changes in contract scope that may require prompt action to ensure final compliance. This form is to be completed at the peak of work, anytime there is a significant change in the DBE's work scopes, and yearly for multi-year projects. Once the Project Engineer Office has completed its portion of the review, this form shall be sent by email to the Region OECR Representative within 28 calendar days of completion. This form is to be completed based upon the reviewer's determination through observations and review of pertinent documents.

Section I - Project and Payment Data					
Project No./ID		Project Name			
Prime Contractor		DBE Goal %	LA/Region		
DBE Subcontract Amount	DBE Commitment Amount		% of DBE Work Completed		
DBE Start Date	DBE Payments to Date				
DBE Company Name		DBE Representative			
DBE Company Owner		DBE Representative Title			
DBE is Performing as: Prime Contractor Subcontractor Subcontractor Tier _____ Trucker/Hauler			Type of Arrangement: Furnish and Install Labor Only		
Provide a brief description of the DBE's scope of work from the approved subcontract:					
The following two questions pertain to DBE participation submitted (under commitment) to meet a contract goal:					
Are the descriptions of work in the DBE's subcontract and the Prime's DBE commitment consistent? YES NO (if "NO", how was this resolved?) N/A					
Have there been any changes in project scope that would affect the DBE's commitment? YES (If "YES", describe changes in scope, impacts, and actions to resolve) NO N/A					
Section II - Evaluation					
Management			YES	NO	N/A
1. Does the DBE's Supervisor/Foreman direct and schedule all work activities, including material deliveries, without assistance from the prime or uppertier subcontractor?					
2. Is the person who signs the DBE's certified payrolls an employee of the DBE and not the prime or upper-tier subcontractor ?					

Comments Required for all "NO" or "N/A" Responses:

Performance **YES NO N/A**

3. Did WSDOT or LA make adjustments in counting where the DBE itself subcontracted any portion of its work to a non-DBE?			
4. Did the DBE perform at least 30% of its subcontract with its own workforce?			
5. Provide the value of any DBE work (under commitment) that was terminated by the prime and performed by another firm without the WSDOT's prior written consent:			
		OR	
5a. Where written consent was not obtained, did/will WSDOT or LA deny payment to the prime for work it self-performed or was performed by another firm?			
6. Did the prime make every good faith effort to replace the value of work under commitment not performed by the DBE for any reason (other than Ownerinitiated changes in scope)?			

Comments Required for all "NO" or "N/A" Responses:

Workforce **YES NO N/A**

7. Do DBE employee names only appear on the DBE's payrolls and not the payrolls of the prime or other contractor employed on the project?			
8. Based on the review of at least one certified payroll, is the number of DBE personnel documented in the project work report/diary consistent with the number of personnel on the DBE's payroll(s)?			
9. Based on employee interviews, is the DBE the only contractor providing pay and other compensation (i.e. benefit plans) to its personnel?			
10. Are the DBE's employees working on a distinct element of work, independently without assistance of other participating contractors?			

Comments Required for all "NO" or "N/A" Responses:

Equipment **YES NO N/A**

11. For equipment used in the performance of work without permanent markings, were ownership documents verified? (i.e. registrations, leases, or rental agreements)			
12. Was all equipment used by the DBE owned by the DBE, or leased/rented from a company other than the prime or upper-tier subcontractor?			
13. If 12. above is "NO," provide the value of equipment borrowed or leased from the prime or an upper-tier subcontractor: OR →			
14. Provide information about equipment leased or borrowed by the DBE:			

15. For work under commitment, did the prime increase its DBE participation to replace the value of equipment borrowed or leased from the prime or upper-tier subcontractor, as indicated in "13." above?			
16. Is all equipment being operated by DBE employees and under the direct supervision of the DBE?			
Comments Required for all "NO" or "N/A" Responses:			
Materials (This section applies to "Furnish and Install" work only)			
	YES	NO	N/A
17. Were material shipping documents addressed to the DBE?			
18. Was the DBE on-site to receive delivery of its materials?			
19. According to the material invoice, did the DBE purchase materials from a source other than the prime or one of its affiliates? (If "NO" DBE credit is disallowed)			
20. According to the material invoice, were materials billed to the DBE or DBE Owner/representative? (Attach Invoice)			
21. Was proof of payment obtained? (Attach document such as electronic funds transfer, copy of check, signed payment certification, etc.)			
22. If a joint check was used, did it go through the proper approval process, and did the DBE present it to the manufacturer/supplier?			
Comments Required for all "NO" or "N/A" Responses:			
Trucking/Hauling (Complete only page 1 and this section for trucking contracts/subcontracts)			
	YES	NO	N/A
23. Briefly describe the on-site controls used to identify DBE and non-DBE haulers and to track the value of their participation, i.e. number of trips, quantities, etc. (Attach supporting documents, such as haul tickets, vehicle logs, trucking worksheets, etc.)			
24. Was at least one DBE-owned and operated truck used in the hauling operation?			
25. Does the State's approved DBE Program allow hauling credit for non-DBEs? If "NO" complete Questions 26-28. If "YES" complete Questions 29-31.			
26. Were all trucks operated by DBE owner-operators, employees of the DBE or lower-tier DBE, or leased from a non-DBE truck leasing company and operated by DBE drivers, bearing the name and USDOT identification number of the DBE?			
27. Was the value of any non-DBE hauler's participation adjusted to allow only fees and commissions?			
28. Considering the value/running tally of DBE hauling completed to date, as compared to remaining hauling, does it appear that the DBE commitment will be met?			
1:1 DBE/Non-DBE Counting			
29. Does the on-site monitoring of trucks provide a means to identify and count non-DBE and DBE haulers, ensuring non-DBE hauling is limited to the value of DBE hauling?			
30. Was credit for only fees and commissions given for additional non-DBE hauling that exceeded the value of DBE hauling?			
31. Considering the value/running tally of DBE and non-DBE hauling completed to date, as compared to remaining hauling, does it appear that the DBE commitment will be met?			

Comments Required for all "NO" or "N/A" Responses:

Section III - CUF Determination - to be completed by OECR

Based on the observations reported in this document, including relevant attachments, I affirm that the DBE listed in Section 1 performed independently and has been counted in accordance with 49 CFR §26.55, and accurately reflected in our agency's reporting system.

Yes

No

OECR Name/Signature

Date

OECR Manager Signature (Required if CUF not met)

Comments:

Form Instructions

Section 1 – Project and Payment Data (to be completed by Project Engineer Office)

Fill in the information in the corresponding boxes.

Under DBE Goal % indicate the goal amount that was originally set by OEER.

Under DBE Subcontract Amount indicate the dollar amount of the DBE Subcontract.

Under DBE Commitment Amount indicate the amount committed as the condition of award (If this DBE is race neutral this amount will be zero).

Under DBE Contract Type, select the box corresponding to the type of contract being performed by the DBE.

Under DBE Contract Arrangement, select the box corresponding to the work type being performed by the DBE according to the subcontract.

Provide a brief description of the DBE's scope of work in the free text section.

- Indicate a response to Q1. Are the descriptions of work in the DBE's subcontract and the Prime's DBE commitment consistent? If 'NO', enter response in free text box
- Indicate a response to Q2. Have there been any changes in project scope that would affect the DBE's commitment? If 'YES', enter response describing changes in free text box

Section 2 – Evaluation (Management, Performance, Workforce, Equipment, Materials, and Trucking/Hauling if applicable)

1. Indicate whether the person supervising the DBE and directing all work activities is the DBE Site Supervisor or Foreman
2. For this question, indicate if the DBE's certified payrolls are signed by an employee of the DBE and not the PRIME or upper tier subcontractor
3. Indicate if the owner made any adjustments to counting where the DBE subcontracted any portion of its work,
4. Indicate if the DBE performed at least 75% of work with its own workforce
5. Enter the value of DBE work (under commitment) that was terminated, and then performed by another firm
 - 5a. Indicate if any payment will be denied by the owner
6. Indicate whether Good Faith Effort(s) for replacing the value of work was sufficient
7. Indicate whether DBE employees only appear on DE payrolls or on PRIME/other contractor payrolls
8. Indicate whether the number of DBE personnel is consistent to the IDR
9. Indicate whether the DBE firm is the only contractor providing pay/other compensation to its personnel
10. Indicate whether the DBE employees are working independently without assistance from other contractors
11. Indicate whether vehicle registrations and/or lease/rental agreements were reviewed on-site for equipment without permanent markings to ensure the equipment does not belong to, or is being leased/rented from, the prime or upper tier subcontractor.
12. Indicate whether all large equipment used by the DBE is owned, leased or rented
13. If the answer to 12 above is 'NO', enter the value of equipment
14. Enter comments about equipment as related to above Qs
15. Indicate whether the prime or upper tier contractor added work to the DBE firm to make up for the loss of countable participation for the leased equipment value
16. Indicate whether all equipment being operated by the DBE firm is under the direct supervision of the DBE
17. Indicate if materials delivered to the project site were address to the DBE
18. Indicate whether the DBE firm is listed as the receiver of those item and was on site
19. Indicate whether the DBE purchased materials from a source other than from the prime or upper tier subcontractor.
20. Indicate whether the materials invoice was billed to the DBE or DBE owner (ensure invoice is attached)
21. Indicate whether proof of payment was obtained (attach supporting documentation such as copy of check, EFT, Accounting reconciliation, etc)
22. Indicate whether a Joint Check was used and if so, did it go through the required approval process and DBE 'present' the check to the manufacturer/supplier
23. Enter in the free text box comments on the on site controls used to identify the DBE, non DBE haulers and how value of participation is tracked (# of trips, quantities, etc). Attach supporting documents such as vehicle logs, worksheets etc.
24. Indicate whether at least one DBE owned and operated truck was used in hauling
25. Indicate whether the program allows for hauling credit

If 'NO', complete Questions 26-28.

If 'YES', complete Questions 29-31

26. Indicate whether all trucks used by the DBE used bear the name and USDOT ID # of the DBE (non DBE truck leasing company)
27. Indicate whether the value of the non DBE hauler participation was adjusted
28. Indicate whether DBE commitment will be met
29. Indicate whether the monitoring of trucks provides a means to identify and count non DBE and DBE haulers
30. Indicate whether credit for fees/commissions was given
31. Indicate after review of total value, will commitment be met

Section 3 – Office of Equal Opportunity Review and Evaluation

Commercially Useful Function and Affirmation

Reviewer Signature

Review / Affirmation Date

Reviewer Name and Title