

26.1 General Discussion

Under, a 10 percent aspirational goal was established for the participation of Disadvantaged Business Enterprises (DBEs) in transportation contracting, in an effort to valuate equal opportunity in the award and administration of U.S. DOT-assisted contracting and address the effects of past and current discrimination. Requirements of the DBE Program, as prescribed in [49 CFR Part 26](#) and USDOT's official interpretations (i.e. Questions and Answers), apply to all recipients (and subrecipients) of highway, transit, and airport funds.

A local agency, when participating in programs funded in whole or in part with federal funds made available by the Washington State Department of Transportation (WSDOT), must adhere to WSDOT's DBE Participation Plan.

While WSDOT's OEO has the overall responsibility for administration and implementation of WSDOT's DBE Program, local agencies (as subrecipients) also have an important role to ensure that their federally-assisted contracts are administered in accordance with [49 CFR Part 26](#) and the state's approved DBE Program Participation Plan, which is available on WSDOT's website.

WSDOT's OEO, in coordination with Local Programs, will conduct compliance reviews of the local agency's administration of the DBE Plan. A local agency that is found to be in noncompliance may be subject to formal enforcement action (suspense or loss of federal funds and/or CA status). A finding of noncompliance will result for failure to comply with the requirements of WSDOT's DBE Plan.

Each federally-assisted contract/subcontract must include the following assurance:

- *The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages, or (4) Disqualifying the contractor from future bidding as non-responsible.*

26.2 Procedures

1. **Local Agency DBE Liaison Officer** – The local agency is responsible for ensuring program compliance and monitoring its contractor's and/or Consultant's DBE activities. To accomplish this, a DBE liaison officer must be appointed by the local agency. This liaison officer must be an administrator responsible to the chief executive of the agency. This administrator should have the authority to delegate the responsibility to the people who perform the contractor compliance function. The liaison officer's duties are to ensure compliance with the DBE Plan by the local agency and by their contractors/consultants.

2. **DBE Firm(s) Certification** – The Washington State Office of Minority and Women’s Business Enterprise (OMWBE) is the sole authority in the State of Washington to perform certification of all minority business enterprises, women business enterprises, and socially and economically disadvantaged business enterprises for programs administered by any State, local, or Federal agency. This statutory authorization extends to and binds all USDOT DBE Program recipients in the State of Washington. In order to count DBE participation, only DBE firms that are currently certified by OMWBE may be used by prospective bidders on federally funded projects. Firms listed on the OMWBE’s Suspension List cannot count towards DBE participation on new contracts. A directory of certified DBE firms is maintained and published by OMWBE. The directory and suspension list can be accessed via OMWBE’s website at www.omwbe.wa.gov/directory-of-certified-firms or by calling 360-664-9770 or toll free (866) 208-1064.
3. **Establishment of Project DBE Goals** – The Local Programs Project Development Engineer will review each construction project or consultant agreement to determine if it involves work or scope elements that are conducive to DBE participation. To initiate this review, the local agency must submit an engineer’s estimate for a construction project or a detailed scope and estimate for a consultant agreement with their suggested DBE goal to the Region Local Programs Engineer when the contract work or consultant agreement scope is determined. The estimate must show the item quantities or scoping costs of the project. No construction funding will be obligated prior to the project review for DBE goals. PE costs will be obligated but the Local Agency cannot advertise for consultant Services until a DBE goal has been evaluated for the scope of work to be advertised.

For alternate construction contracting delivery (such as Design-Build), Local Agencies shall request approval from Region Local Programs Engineer.

If a local agency has any other projects tied to a federally funded project which utilizes one set of bid documents, the total project is considered a federal aid project for DBE goal setting purposes.

The goals for federal aid projects will be set under one of the following categories based on the projected participation level during the year to achieve the overall goal:

- Mandatory Goal
- Zero Goal

The Local Programs Project Development Engineer will then establish a DBE goal for the construction contract or consultant agreement. The methodology employed by WSDOT determining state and local agency project contract or consultant goals is as follows:

A. Elements

- a. Geographical location of the project.
- b. Type(s) of work included in the project, i.e., structure, roadway, new construction.
- c. Availability of DBEs to perform the type(s) of work.

- d. Potential subcontractable items of the work.
- e. Total dollar value of the contract.

The attainment accomplished through this analysis will be reviewed annually to determine the appropriateness of the method of setting goals.

B. Goal Setting Process

- a. Review the department's overall DBE goal and the means to meet the goal.
- b. If the contract includes federal funds, a DBE goal is considered.
- c. If the contract or agreement amount is under \$100,000.00 then no goal is set.
- d. Review the bid items and determine which scopes of work that the prime contractor / consultant is likely to perform (i.e., the prime contractor/consultant is required to perform at least 30% of the project total). Typically, this work is not considered when evaluating for DBE goal calculation.
- e. Evaluate the remaining bid items and determine which items are typically grouped for subcontracting (e.g. traffic control, electrical, guardrail, etc.).
- f. Of these items, determine which ones lend themselves to DBE participation.
 - i. Mobilization is not an item that is considered when determining which items a prime contractor will subcontract to another contractor. This is not to say that subcontractors (DBE or non-DBE) do not include mobilization costs in their quotes, or that they are not paid for mobilization – only that mobilization is not considered a subcontract item when determining a DBE goal.
 - ii. Availability of ready, willing and able DBE's to perform the type(s) of subcontract work as identified in the DBE Directory (by description of work).
 - iii. Force Account work will be considered at 50%
- g. No DBE goal shall be set at less than 2%.

4. DBE Provisions in the Plans, Specifications, and Estimates (PS&E) –

After the goal has been determined, the applicable WSDOT General Special Provision (GSP), for the type of goal set as outlined above shall be included in the PS&E. These GSPs are available on the WSDOT website or from the Region Local Programs Engineer. Only the WSDOT GSPs are approved for use on a FHWA funded project.

To complete the DBE requirements in the PS&E, when a mandatory goal is established, [DOT Form 272-056](#), Disadvantaged Business Enterprise Utilization Certification ([Appendix 26.52](#)), and [DOT Form 422-031](#), DBE Written Confirmation Document will be included. This form shall be in the proposal given to each bidder. This form is available from the Region Local Programs Engineer. When a zero goal is established the DBE Utilization Certification and the DBE Written Confirmation Document forms are not required.

26.3 Contract Procedures

1. **Bid Opening** – Each bid proposal must be reviewed to determine if the bid is responsive. For a contract with goals, each proposal shall contain the Disadvantaged Business Enterprise Utilization Certification and Written Confirmation form completed by the contractor.

Failure to accurately complete these forms will be considered as evidence that the proposal is unresponsive and, therefore, is not eligible for award.

2. **Is the DBE Firm Certified by OMWBE** – The DBE firm named by the contractor in the bid proposal shall be certified as a DBE firm by OMWBE to be eligible for work on a FHWA funded project. To verify whether a firm is certified as a DBE and eligible to perform work on a FHWA funded project, you must refer to OMWBE’s Directory of Certified Firms which is available at www.omwbe.wa.gov/directory-of-certified-firms and document your effort in the project file. It is important to also check OMWBE’s List of Suspended DBE Firms. Firms on the Suspended List cannot be used to meet a contract goal on a new contract. In addition, any work performed on a contract received during the suspension cannot be counted toward WSDOT’s overall DBE goal. Questions related to the content of the directory can be directed to OMWBE at 360-664-9770 or toll free 866-208-1064. To meet the goals for the project, DBE firms that are not certified or certified DBE firms that are suspended at the time fixed for the bid opening will not be accepted by the local agency for participation, as a Condition of Award (COA) Contractor, in the project

3. **Selection of the Successful Bidder**

- A. **Selection of Successful Bidder** (when a mandatory goal is established)

- a. The successful bidder shall be selected on the basis of having submitted the lowest responsive bid and, in order to be responsive, making good faith efforts to meet the DBE goal. The bidder can meet this requirement in either of two ways:
 1. The bidder can meet the established DBE goal, documenting they have obtained enough commitments for participation by DBE firms to meet the goal; or
 2. Document that the bidder made adequate Good Faith Efforts (GFE) to meet the established DBE goal. A bidder is required to submit GFE documentation with their proposal only in the event that the bidder’s efforts to solicit sufficient DBE participation were unsuccessful.

GFE means that the bidder must show that it took all necessary and reasonable steps to achieve the DBE goal, and by their scope, intensity, and appropriateness to the objective, the bidder could reasonably be expected to obtain sufficient DBE participation, even if the bidder were not fully successful in meeting the established DBE goal. Efforts done as a matter of form or for the sake of appearance are not considered “good faith efforts” to meet the contract requirements for DBE utilization.

- b. Should the low and otherwise responsive bidder fail to attain the goal and not provide adequate GFE documentation in the bid submittal, its bid will

be determined to be nonresponsive, and the next low responsive bid will be reviewed for acceptance.

All agencies that have projects with mandatory DBE goals must submit the bid tabs, the DBE Utilization Certification, and the DBE Written Confirmation Document of the apparent low bidder to the Region Local Programs Engineer (LPE) to obtain concurrence to award **before** the contract is officially awarded to the apparent low bidder. Failure to gain LPE concurrence **prior to award** on every project with DBE goals and subsequent award of a contract to a nonresponsive bidder will jeopardize the project's federal funding.

- c. If the apparent low bidder submits GFE documentation with the bid, the Local Agency will submit the documentation to Local Programs for approval action prior to awarding the project. GFE documentation must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.
- B. **After Award** – The Local Agency will request that the apparent low bidder submit a description of the specific items of the work each DBE subcontractor named in the DBE Utilization Certification will perform, within five (5) working days following the award. This description, dollar amount, and name of the DBE firm is identified in the award letter and made Condition of the Award (COA) of the contract.
- C. **Administrative Reconsideration** – If Local Programs determines that the apparent successful bidder, failed to meet the DBE goal, the bidder will have the right to reconsideration but only for the purpose of reassessing the GFE documentation that was originally submitted with their bid, and determined to be inadequate. The Local Agency will, before awarding the contract to the next successful bidder, notify the bidder that they have five (5) working days (from the date of notification) to request reconsideration or forfeit the right for reconsideration.
- a. WSDOT's decision on reconsideration shall be made by an official who did not take part in the original determination that the bidder failed to meet the goal (as described above).
 - b. The bidder shall have the opportunity to meet in person with said official to discuss their good faith effort package. The bidder's position must be based on its bid submittal. The bidder may provide further explanation/ clarification of the information and materials in the bid submittal, but no new material or information will be considered by the official in reaching a decision on reconsideration.
 - c. WSDOT shall send the bidder a written decision on reconsideration, explaining the basis for their findings.
 - d. The result of the reconsideration process is not administratively appealable to the USDOT.

4. **Condition of Award Letter** – The condition of award letter carries the same contractual obligation as the contract specifications and is only required when a mandatory goal is established for a project. An example of a zero goal award letter appears in [Appendix 46.43](#) and an example of a mandatory goal award letter appears as [Appendix 46.44](#). The information contained in the body of these examples must be included in the local agency award letter. If a portion of an item is sublet to a DBE and the remainder is done by the contractor or another subcontractor, the DBE’s work must be shown in detail. Also, any DBE suppliers and manufacturers shall be shown.

Send a copy of this letter, a copy of the “Disadvantaged Business Enterprise Utilization Certification and a copy of the “DBE Written Confirmation Document” to the Region Local Programs Engineer as a part of the award documentation submittal explained in [Chapter 46](#).

Attach a copy of the letter to the contract papers that you send to your contractor for signature. The Region Local Programs Engineer shall be provided information on subletting by DBE contractors.

5. **Between Award and Execution** – The contractor shall provide all of the information described in the GSPs including a bidders’ list for all categories (zero and mandatory goals). The list shall include all firms (names and addresses) that bid on prime contracts or bid or quote subcontracts (successful and unsuccessful) on USDOT-assisted projects, including both DBEs and non-DBEs. The local agency shall immediately notify the Region Local Programs Engineer by email with the name and address of the successful contractor for forwarding to the OEO’s contract compliance officer.
6. **Monitoring DBEs During Construction** – The local agency must place special emphasis on the DBE requirements at the preconstruction conference. Changes to the work of a Condition of Award DBE shall be handled in accordance with the GSP (Changes in the Quantity of Work). All change orders affecting the work of DBEs shall be submitted to the Region Local Programs Engineer for concurrence prior to executing the change order.

Project diary documentation of the DBEs’ activities on the project must be performed in the same manner as is done on the prime contractor and any other subcontractor’s activities.

In order to receive credit for DBE participation (count towards the contract goal) a DBE firm must be performing a Commercially Useful Function (CUF) on that contract. See GSPs for additional information on CUF.

Hence, in addition to the project diary, the local agency must document that each DBE working on the project is performing a Commercially Useful Function (CUF). The form “DBE On-Site Review” shall be used by the local agency for purposes of documenting CUF for each DBE contractor/consultant. See [Appendix 26.54](#) for the DBE On-Site form (and instructions) for Construction Subcontractors/Regular Dealers/Manufacturers; and [Appendix 26.55](#) for the DBE On-Site review form for Architect & Engineering/Professional Services Firms. DBE On-site reviews must be conducted:

- At the start of work, and/or

- At the peak period of work, and
- Whenever changes in the performance of the work warrants its completion.

The review should be completed per on-site observations, documentation review, and interviews of contractor's personnel. If there is evidence that a DBE firm may not be performing a CUF, immediately contact your Region Local Programs Engineer.

This completed form becomes a part of the local agency's project records. Additional forms are available from your Region Local Programs Engineer.

The WSDOT GSP, Disadvantaged Business Enterprise Participation Plan, and [Chapter 1](#) of the *Construction Manual* M 41-01 shall be followed to ensure compliance with DBE Program requirements.

WSDOT's Office of Equal Opportunity (OEO) may also perform in-depth CUF's on DBE firms performing work on Federal-aid local agency projects (as OEO determines necessary/appropriate).

7. **Prompt Payment (Progress and Return of Retainage)** – Local agencies must comply with State and Federal prompt payment laws. In addition, local agencies are expected to monitor and enforce the prompt payment requirements under State Law (as well as [49 CFR Part 26.29](#)), as regards their contracts with prime contractors. Monitoring prompt payment requires the contracting agency to verify that payments are being made to subcontractors within the allowed timeframe. State law requires payment to subcontractor within ten days of receipt by the prime contractor. Refer to 2016 *Standard Specifications* Section 1-08, Prosecution and Progress along with [RCW 39.04.250](#), [RCW 39.76.011](#), [RCW 39.76.020](#), and [RCW 39.76.040](#) for more detailed "Prompt Payment" requirements.
8. **During Construction and Upon Completion** – For all federal aid projects, the contractor shall submit Local Agency Monthly Report of Amounts Credited as DBE Participation, DOT Form 422-103 ([Appendix 26.51](#)), to the local agency. On this form, the contractor shows the actual amount paid to the DBE firm for the contact work and the date payment was made. The local agency shall forward a copy to the Region Local Programs Engineer. This completed form is required monthly and a final at the completion of the project must be submitted to the Local Programs Project Development Engineer as specified on the form.

In addition, for each contract, local agencies must document (in the form of a Written Certification) that it has reviewed the contracting records and monitored the work site and determined that work committed to the DBEs at contract award (and subsequently) was actually performed by said DBEs – See [Appendix 26.56](#).
9. **Records and Reports** – The local agency will maintain such records and provide such reports as necessary to ensure full compliance with WSDOT's DBE Participation Plan.

Upon request from the OMWBE, WSDOT, or the USDOT (or its operating administrations), the local agency shall submit the records deemed necessary for inspection, auditing, and review purposes.

26.4 Consultant Agreement Procedures

The consultant agreement procedures for the DBE administration differ somewhat from the construction contract approval process outlined above, as the agreement is negotiated after selection of the most qualified firm to perform the scope of work.

1. **Selection of the most qualified Firm** – After selection of the most qualified firm and before the negotiations with the most qualified firm can begin, the Local Agency must submit the DBE Plan and Good Faith Effort (GFE) documentation, if applicable, that was submitted by the successful firm to the Region Local Programs Engineer for concurrence. During this review, Local Programs will review the plan and GFE documentation to see if proposed DBE firms are certified to perform the scope of work and any GFE documentation that was submitted as part of the DBE Plan before concurrence to execute the agreement is given to the Local Agency.
2. **Monitoring the DBE's during the life of the Agreement** – The Local Agency must place a special emphasis on the approved DBE Plan during the life of the agreement. The consultant shall report monthly (to the local agency) on its progress towards achieving the commitments outlined in the DBE Plan. The agency must inquire and monitor the plan to make sure the consultant is on track to meet the planned goal and if any changes are needed to the plan to ensure that the approved goal is met. If changes are needed to the original DBE plan the local agency must submit them to the Region Local Programs office for concurrence prior to documenting that approval with an executed supplement to the consultant agreement.

In order to receive credit for DBE participation (count towards the contract goal) a DBE firm must be performing a Commercially Useful Function (CUF) on that contract. Local agency must document that each DBE working on the project is performing a Commercially Useful Function (CUF). The form “DBE On-Site Review” shall be used by the local agency for purposes of documenting CUF for each DBE consultant. See Appendix 26.55 for the DBE On-Site review form for Architect & Engineering/Professional Services Firms. DBE On-site reviews must be conducted:

- At the start of work, and/or
- At the peak period of work, and
- Whenever changes in the performance of the work warrants its completion.

If there is evidence that a DBE firm may not be performing a CUF, immediately contact your Region Local Programs Engineer.

This completed form becomes a part of the local agency's project records. Additional forms are available from your Region Local Programs Engineer.

The WSDOT Local Agency Consultant Agreements and Disadvantaged Business Enterprise Participation Plan shall be followed to ensure compliance with the DBE Program requirements.

WSDOT's Office of Equal Opportunity (OEO) may also perform in-depth CUF's on DBE firms performing work on Federal-aid local agency projects (as OEO determines necessary/appropriate).

3. **Prompt Payment (Progress Payment)** – Local agencies must comply with State and Federal prompt payment laws. In addition, local agencies are expected to monitor and enforce the prompt payment requirements under State Law (as well as 49 CFR Part 26.29), as regards their contracts with prime consultants. Monitoring prompt payment requires the contracting agency to verify that payments are being made to subconsultants within the allowed timeframe. State law requires payment to subconsultant(s) within ten days of receipt by the prime consultant. Refer to RCW 39.04.250, RCW 39.76.011, RCW 39.76.020, and RCW 39.76.040 for more detailed “Prompt Payment” requirements.
4. **During Contracting Period and Upon Completion** – For all federal aid projects, the prime consultant shall submit Local Agency Monthly Report of Amounts Credited as DBE Participation, DOT Form 422-103 (Appendix 26.51), to the local agency. On this form, the consultant shows the actual amount paid to the DBE firm for the contract work and the date payment was made. The local agency shall forward a copy to the Region Local Programs Engineer. This completed form is required monthly and a final at the completion of the project must be submitted to the Local Programs Project Development Engineer as specified on the form.

In addition, for each contract, local agencies must document (in the form of a Written Certification, see Appendix 26.56) that it has reviewed the contracting records and monitored the work site and determined that work committed to the DBEs at contract award (and subsequently) was actually performed by said DBEs – See Appendix 26.56.
5. **Records and Reports** – The local agency will maintain such records and provide such reports as necessary to ensure full compliance with WSDOT’s DBE Participation Plan.

Upon request from the OMWBE, WSDOT, or the USDOT (or its operating administrations), the local agency shall submit the records deemed necessary for inspection, auditing, and review purposes.

26.5 Appendices

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|-------|--|
| 26.51 | Local Agency Monthly Report of Amounts Credited as DBE Participation |
| 26.52 | Disadvantaged Business Enterprise Utilization Certification |
| 26.53 | DBE Written Confirmation Document |
| 26.54 | DBE On-Site Review for Construction Subcontractors/Regular Dealers/
Manufactures |
| 26.55 | Project Office DBE On-Site Review for Architect & Engineers/
Professional Service Firms |
| 26.56 | Written Certification |

Local Agency Monthly Report of Appendix 26.51 Amounts Credited as DBE Participation



**Washington State
Department of Transportation**

Local Agency Monthly Report of Amounts Credited as DBE Participation

Check appropriate reporting period and enter reporting year. <input type="checkbox"/> Final		Federal Aid Number	
Reporting Month _____ Reporting Year _____		Local Agency Project Number	
Contractor		Agency	
DBE Participant Name and Federal Employer I.D. Number	Contract Type	Date of Payment	*Dollar Credit Amount
<p>Contract Type: P = Prime A = Agent V = Service Provider S = Subcontractor R = Regular Dealer J = Joint Venture M = Manufacturer</p>			
<p>I, the undersigned, do hereby certify that in connection with all work on the project for which this statement is submitted, each DBE participant contracted by me has been paid on the dates shown. *Further, I certify that the amounts shown under "Dollar Credit Amount" are in accordance with the "DBE Eligibility" portion of the DBE Special Provision.</p>			
Signature		Title	

This form is due on the 20th of the month following the end of the previous Month.

DOT Form 422-103
Revised 08/2016



Washington State Department of Transportation

Disadvantaged Business Enterprise (DBE) Written Confirmation Document

See Contract Provisions: DBE Document Submittal Requirements Disadvantaged Business Enterprise Condition of Award Participation

THIS FORM SHALL ONLY BE SUBMITTED TO A DBE THAT IS LISTED ON THE CONTRACTOR'S DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION CERTIFICATION.

THE CONTRACTOR SHALL COMPLETE PART A PRIOR TO SENDING TO THE DBE.

PART A: To be completed by the bidder

The entries below shall be consistent with what is shown on the Bidder's Disadvantaged Business Enterprise Utilization Certification. Failure to do so will result in Bid rejection.

Contract Title: _____

Bidder's Business Name: _____

DBE's Business Name: _____

Description of DBE's Work: _____

Amount to be Applied Towards DBE Goal: _____

Amount to be Subcontracted to DBE*: _____

*Optional Field

PART B: To be completed by the Disadvantaged Business Enterprise

As an authorized representative of the Disadvantaged Business Enterprise, I confirm that we have been contacted by the Bidder with regard to the referenced project for the purpose of performing the Work described above. If the Bidder is awarded the Contract, we will enter into an agreement with the Bidder to participate in the project consistent with the information provided in the Bidder's Disadvantaged Business Enterprise Utilization Certification.

Name (printed): _____

Signature: _____

Title: _____

Address: _____ Date: _____

DBE On-Site Review for Construction Appendix 26.54 Subcontractors/Regular Dealers/Manufacturers



DBE On-Site Review for Construction Subcontractors/ Regular Dealers/ Manufacturers

This document provides guidelines for reviewing Construction Subcontractors Disadvantaged Business Enterprise (DBE) firms to verify compliance with the Commercially Useful Function (CUF) requirements of 49 CFR 26.55 which states in part:

“A DBE performs a CUF when it is responsible for execution of the work of the contract and is carrying-out its responsibilities by actually performing, managing, and supervising the work involved...A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project thru which funds are passed in order to obtain the appearance of DBE participation...”

WSDOT/Local Agency will perform DBE Onsite Reviews on DBE construction subcontractors. Project owner staff is required to perform a minimum of one review for each DBE firm for each project, for each construction season, and for each primary scope of work. **Note: If the DBE firm is a Regular Dealer/Manufacturer and is not located on the project site or is out of state, then this review needs to be accomplished by telephone.**

1. Prime Contractor:		2. Federal Aid Number:		
3. DBE Subcontractor/ Regular Dealer/ Manufacturer:		4. Contract Number:		
5. Project Engineer		6. Region/Local Agency		
7. Project Title:				
SECTION #1 - SUBCONTRACTORS				
8. Bid Item Number	9. Bid Item Approximate % Complete	10. Actual Work Being Performed (Note partial items)	11. Force Account Yes or No	12. DBE Dollar Amount
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
13. Have you checked the Office of Minority & Women's Business Enterprises Website (www.omwbe.wa.gov) to ensure firm is certified in the above work? If no, please explain:				<input type="checkbox"/> Yes <input type="checkbox"/> No
14. DBE Subcontractor's Start Date		15. Contract Percent Complete	16. DBE Anticipated Completion Date	
DBE INTERVIEWEE QUESTIONS				
17(a). First Name		17(b). Last Name		17(c). Phone Number
18. Who does the DBE's Site Supervisor report to within his/her organization? Name: _____ Title: _____				
19. Is the DBE Interviewee exclusively employed by the DBE? If no, please explain:				<input type="checkbox"/> Yes <input type="checkbox"/> No
20. Is the DBE Interviewee shown on the DBE Payroll? (Review payroll)				<input type="checkbox"/> Yes <input type="checkbox"/> No

DOT Form 272-052
Revised 05/2015

21. List names and crafts of the DBE's crew as observed (Use additional sheets, if needed)			
Name	Craft		
22. Are any DBE crew members on the prime or any other project subcontractor's payroll(s)? If yes, please explain: <input type="checkbox"/> Yes <input type="checkbox"/> No			
23. List the DBE's Major Equipment (self-propelled). Use additional sheets if necessary			
Make/Model/Year	Owned/Leased	Condition	Logo Markings Yes/No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
24. If the equipment is leased, is there a formal agreement identifying the terms and parties? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain:			
PERFORMANCE			
25. Does the DBE effectively manage the job site (their work) without interference from the prime contractor or other subcontractors? If no, please explain: <input type="checkbox"/> Yes <input type="checkbox"/> No			
26. Does the DBE have the personnel, equipment, and resources to perform the work on this project? If no, please explain: <input type="checkbox"/> Yes <input type="checkbox"/> No			
27. Do DBE personnel have the knowledge and skills for the work they are performing? If no, please explain: <input type="checkbox"/> Yes <input type="checkbox"/> No			
28. Has another contractor performed, work for the DBE? If yes, please explain? <input type="checkbox"/> Yes <input type="checkbox"/> No			
29. Has the DBE Owner been present on the Job Site? If yes, how often? <input type="checkbox"/> Yes <input type="checkbox"/> No			
30. Are the personnel and equipment under direct supervision of the DBE Site Supervisor? <input type="checkbox"/> Yes <input type="checkbox"/> No			

DOT Form 272-052
Revised 05/2015

SECTION #2 - REGULAR DEALERS/ MANUFACTURERS NOTE:31 THROUGH 35 ONLY APPLY TO REGULAR DEALER/MANUFACTURER

31. Per the DBE sub-contract, indicate the project specific materials/equipment being provided.

Material Name	Material Quantity	Material Costs

32 For Regular Dealers, have you checked with the WSDOT Office of Equal Opportunity Regular Dealer List to ensure the firm is listed as an approved Regular Dealer specifically to this project? Yes No

33. If the material being supplied is a bulk item (i.e., aggregates, petroleum, etc.) does the DBE have its own distribution equipment? If no, please explain: Yes No

34. Has the project office validated that only 60% of the total material cost is being counted as participation? If no, please explain: Yes No

35. Has a copy of the material invoice been provided to the project office? If no, please explain: Yes No

TRUCKING COMPANIES ONLY

36. How many DBE truck(s) are on the Job Site, including other DBE firms working under subject firm scope?

37. Do all DBE truck(s) have company markings? Yes No

38. How many DBE truck(s) are subcontracted, leased, owner operators, or another company? (Trucks not owned by subject firm)

39. Who is supervising the subject firm DBE truck operators?

Name: _____ Firm: _____

40. Additional comments/observations

Note: Attach any documents important to the review, i.e., Invoices, Photos, Daily Reports, Correspondence, etc.

41. Review Conducted By (Print Name)

42. Title (Print)

43. Signature

44. Date of This Review

45. Date Project Engineer approved Request to Sublet:

This form must be completed in its entirety and submitted to WSDOT Office of Equal Opportunity within two (2) weeks of its completion. If the form is submitted with missing/incomplete information, it will be returned to the PE Office for completion.

Distribution: Region EEO Officer, WSDOT Office of Equal Opportunity

Project Office DBE On-Site Review for Architect Appendix 26.55 & Engineering/Professional Services Firms



Project Office DBE On-Site Review for Architect & Engineering/Professional Services Firms

This document provides guidelines for reviewing Architect & Engineering (A & E)/Professional Services Disadvantage Business Enterprise (DBE) firms to verify compliance with the Commercially Useful Function (CUF) requirements of 49 CFR 26.55 which states in part:

“A DBE performs a CUF when it is responsible for execution of the work of the contract and is carrying-out its responsibilities by actually performing, managing, and supervising the work involved...A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project thru which funds are passed in order to obtain the appearance of DBE participation....”

WSDOT/Local Agency will perform onsite reviews on DBE A & E Consultants, and Professional Services firms. Project owner staff are required to perform a minimum of one review for each DBE for each project, for each construction season (Calendar Year) and for each primary scope of work.

NOTE: If the DBE firm is not located on the project site or is out of state, then this review needs to be accomplished by telephone.

1. Prime Contractor/Consultant:		2. Federal Aid Number:	
3. DBE Firm:		4. Contract Agreement Number:	
5. WSDOT Project Engineer:		6. WSDOT Region/Local Agency:	
7. Project Title:			
INDICATE THE DBE WORK OBSERVED THIS DATE			
8. Scope of Work	9. Approximate % Complete	10. Actual work being performed. <i>If more lines are needed use a continuation sheet</i>	11. DBE Dollar Amount
12. Have you checked the Office of Minority & Women’s Business Enterprises Website (www.omwbe.wa.gov) to ensure firm is certified in the above work? If no, please explain: <input type="checkbox"/> Yes <input type="checkbox"/> No			
13. DBE Firm’s Start Date:	14. WSDOT Contract Percent Complete:	15. DBE Anticipated Completion Date:	
DBE PROJECT MANAGER/SUPERVISOR			
16. First Name:		17. Last Name:	18. Phone Number:
19. Is the DBE Project Manager/Site Supervisor exclusively employed by the DBE? If no, please explain: <input type="checkbox"/> Yes <input type="checkbox"/> No			
20. Is the DBE Project Manager/Site Supervisor shown on the monthly invoice or Certified Payroll? <input type="checkbox"/> Yes <input type="checkbox"/> No			
21. Is the DBE Project Manager/Site Supervisor shown on any other firms invoice? If yes, please explain: <input type="checkbox"/> Yes <input type="checkbox"/> No			

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22. Who does the DBE's Project Manager/Site Supervisor report to within his/her organization? Name: _____ Title: _____	
23. Does the work described in block #10 match the type of work listed on the executed contract/agreement? <input type="checkbox"/> Yes <input type="checkbox"/> No	
24. Who is paying this DBE firm? 	
24(a). What are the negotiated rates? 	
25. Are any of the DBE firm's employees assigned to this project working for any other firm's on this project? If yes, please explain: <input type="checkbox"/> Yes <input type="checkbox"/> No	
26. Has another firm performed work in place of the DBE for the scope of work identified exclusively for the DBE? If yes, please explain: <input type="checkbox"/> Yes <input type="checkbox"/> No	
27. Is the DBE owner personally involved in the day to day operations of the company? <input type="checkbox"/> Yes <input type="checkbox"/> No	
28. Does the DBE firm appear to have control over their contracted scope of work? <input type="checkbox"/> Yes <input type="checkbox"/> No	
29. Review Conducted By (Print Name):	30. Title (Print):
31. Signature	32. Date of This Review:
<p>This form must be completed in its entirety and submitted to WSDOT Office of Equal Opportunity within two (2) weeks of its completion. If the form is submitted with missing/incomplete information, it will be returned to the PE Office for completion.</p>	

Distribution: Region EEO Officer, WSDOT Office of Equal Opportunity



DBE Written Certification

Project Number	Federal-Aid Project Number
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Contract Title

Agency's Certification

I certify that the contracting records and on-site performance of the Disadvantaged Business Enterprises has been Monitored.

X
Project Manager or Engineer Signature Required

Printed Signature Name

Date of Signature

Original to: WSDOT HQ Local Programs

Copies to: Region Local Programs Project Manager or Project Engineer File

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