



# Commercially Useful Function (CUF)/Compliance Evaluation Form - Service Provider

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 and validation. Inspector should include pictures to support the verification and final Office of Equity and Civil Rights (OECR) determination process.
- Within 28 days of the PEO review, the CUF form should be sent to the regional OECR officer whom will then reconcile, and determine final CUF determination. All applicable documents should be included in the submission.

**Purpose:** This form serves as written certification that the elements of work performed by a Disadvantaged Business Enterprise (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 PEO 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			Date:			
Contract No./ID		Project Name				
Prime Provider		DBE Goal %		LA/Region		
DBE Subcontract Amount		DBE Commitment Amount		% of DBE Work Completed		
DBE Start Date		DBE Payments to Date				
DBE Provider Name			DBE Representative			
DBE Provider Owner			DBE Representative Title			
DBE is Performing as:				Service Category:		
<input type="checkbox"/> Prime Service Provider <input type="checkbox"/> Sub Service Provider <input type="checkbox"/> Lower-tier Service Provider				<input type="checkbox"/> Other		
Provide a brief description of the DBE's scope of work/services from the approved subcontract/sub-agreement:						
<b>The following two questions pertain to DBE participation submitted (under commitment) to meet a contract goal:</b>						
Are the descriptions of work in the DBE's subcontract/sub-agreement 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 commitment?						
YES (if "YES", describe changes in scope, impacts, and actions to resolve)      NO      N/A						
Section II - Evaluation - To be completed by PEO						
Supervision & Management (Questions 1 -3 do not apply to temporary labor services)				YES	NO	N/A
1. Was all work performed directed by the DBE's supervisory personnel ? (e.g. DBE directs its own employees and controls all elements of work; approving signatures/initials on work products, title blocks and other relevant documents were those of DBE supervisory personnel)						
2. Do workflows indicate that the designated DBE Project Manager/Supervisor is directing all work?						
3. If the DBE project team or its representative is co-located in the prime's office, is it evident that the DBE has sufficient on-site expertise and control that allows it to manage its work independently?						

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

**Performance** **YES NO N/A**

4. Did WSDOT or LA make adjustments in counting where the DBE itself sublet or outsourced any portion of its work to a non-DBE?			
5. Did the DBE perform at least 30% of the work under its contract/agreement?			
6. Provide the value of any DBE work (under commitment) that was terminated by the prime and performed by another firm without WSDOT's prior written consent:			
		OR	
6a. Where written consent was not obtained, did/will WSDOT/LA deny payment to the prime for DBE work it self-performed or DBE work performed by another firm?			
7. 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 State-initiated changes in scope)?			

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

**Workforce** **YES NO N/A**

8. Based on the site visit, were the personnel observed/performing work consistent with the DBE's affirmed listing of project personnel, payrolls, or other valid document?			
9. With respect to professional services, are document authors and signers of certifications, stamps, seals, title blocks, etc. consistent with the DBE's affirmed listing of qualified project personnel?			
10. Based on employee interviews, is the DBE the only service provider that is compensating the personnel performing the work? - Provide the names of DBE personnel observed or interviewed in the Comments box			

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

**Equipment** **YES NO N/A**

11. Did the DBE use its own equipment to perform the work specified in its contract/agreement? (Total stations, computer hardware, plotters, computer automated design software, personal protective equipment, tools, and other equipment required to perform or produce the work.)			
12. For equipment not owned by the DBE, did the DBE lease it from a company other than the prime or an upper-tier service provider?			
13. If 12. above is "NO," provide the value of equipment borrowed or leased from the prime or an upper-tier service provider: OR →			
14. Provide information about equipment leased or borrowed by the DBE:			

15. Did the prime increase DBE participation to replace the value of equipment borrowed or leased from the prime or upper-tier service provider, as indicated in "13." above?			
16. Is all equipment being operated by DBE employees and under the direct supervision of the DBE?			
<b>Comments Required for all "NO" or "N/A" Responses:</b>			
<b>Section III - CUF Determination - to be completed by OECR</b>			

Based on the observations reported in this document, including relevant attachments, I affirm the DBE listed in Section 1 of this form 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)  
\_\_\_\_\_

**Determination Comments:**

## Form Instructions

### Section 1 – Project and Payment Data (to be completed by PEO)

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 Performing as', select the box corresponding to the type of contract being performed by the DBE. 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 (Supervision and Management, Performance, Workforce, Equipment)

1. Indicate whether all work performed directed by the DBE's supervisory personnel
2. For this question, indicate whether a designated DBE Project Manager/Supervisor is directing all work
3. Indicate if the DBE project team or its representative is co-located in the prime's office, and is it evident that the DBE has sufficient on-site expertise and control that allows it to manage its work independently
4. Indicate if WSDOT or LA made adjustments in counting
5. Indicate whether the DBE performed at least 30% of the work under its contract/agreement
6. Provide the value of any DBE work (in the box) that was terminated by the prime and performed by another firm without WSDOT's prior written consent 6a. Indicate whether WSDOT or the LA will deny payment when written consent was not obtained
7. Indicate if the prime made every good faith effort to replace the value of work under commitment not performed by the DBE for any reason
8. Indicate whether the number of DBE personnel is consistent to the IDR AND were the personnel observed/performing work consistent with the DBE's affirmed listing of project personnel
9. Indicate whether, in respect to professional services, are document authors and signers of certifications, stamps, seals, title blocks, etc. consistent with the DBE's affirmed listing of qualified project personnel
10. In regards to employee interviews, is the DBE the only service provider that is compensating the personnel performing the work. Enter DBE personnel names in free text box. Comments required for 'No' or N/A' responses
11. Indicate whether the DBE used its own equipment to perform the work specified in its contract/agreement not belong to, or is being leased/rented from, the prime or upper tier subcontractor.
12. Indicate IF equipment is not owned by the DBE, did the DBE lease it from a company other than the prime or an upper-tier service provider
13. If the answer to 12 above is 'NO', enter the value of equipment ; Or enter N/A
14. Enter comments about equipment as related to above Qs
15. Indicate whether the prime increased DBE participation to replace the value of equipment borrowed or leased from the prime or upper-tier service provider
16. Indicate whether all equipment being operated by the DBE firm is under the direct supervision of the DBE

### Section 3 – Office of Equal Opportunity Review and Evaluation

Commercially Useful Function and Affirmation (Enter CUF Determination) Reviewer Name/Signature

Review / Affirmation Date

Manager Signature (If CUF not met)