



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/UDBE's work scopes, and yearly for multi-year projects. Once the Local Agency has completed its portion of the review, this form shall be sent to the Region Local Program Engineer within 15 calendar days of it's 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 – To be completed by Local Agency Representative

Federal Aid Number		Contract Name		
Prime Contractor		DBE Goal %	Local Agency	
DBE Subcontract Amount	DBE Commitment Amount		Approx. % of DBE Work Complete	
DBE Start Date	Total Payments to DBE to Date		Federal Aid No.	
DBE Company Name		DBE Employee Interviewed		
DBE Company Owner		DBE Employee Interviewed Title		
DBE Site Supervisor (if not owner)				
Certification Type: DBE Federal Small Business Enterprise (FSBE)				
DBE Contract Type: Prime Contractor Subcontractor Lower-tier Subcontractor Trucking/Hauling				
DBE Contract Arrangement: Furnish and Install Labor Only Owner/Operator				

Description of work to be performed by the DBE according to the approved Request to Sublet/Bid Item Breakdown form:

Termination/Partial Termination/Underrun **Section Not Applicable**

1. Have there been any changes in the project's scope that would affect the DBE's commitment? Yes No N/A

If yes, please provide an explanation below.

2. Provide the dollar value of any work committed to the COA DBE that was terminated or partially terminated, or was performed by another firm without Local Program's prior written consent.			
3. If written concurrence was not obtained, did the Local Agency deny payment to the prime for work that was performed by another firm originally committed to the DBE? If no, please provide an explanation below.	Yes	No	N/A
4. Did the DBE perform at least 30% of its subcontract with its own forces? If no, please provide an explanation below.	Yes	No	N/A
5. Were adjustments made in counting participation where the DBE itself subcontracted any portion of its work to a non-DBE? If no, please provide an explanation below.	Yes	No	N/A
6. Did the prime make every good faith effort to replace the value of work under the commitment not performed by the DBE for any reason? If no, please provide an explanation below.	Yes	No	N/A

Section II: Local Agency Observations and Interviews

DBE Employee Interview Questions

1. Is the person supervising you either the DBE firm owner or a Site Supervisor employed by the DBE firm? Yes No N/A
If no, please provide an explanation below.

2. Does your Site Supervisor direct and schedule all work activities, including material deliveries, without assistance from the Prime or upper tier contractor? Yes No N/A
If no, please provide an explanation below.

3. Do you work exclusively for the DBE firm on this project and not for any other contractors performing work on this project? Yes No N/A
If no, please provide an explanation below.

DBE Site Supervisor Questions (if supervision not being performed by the DBE Owner)

4. As Site Supervisor, are you a regular, fulltime, employee of the DBE Firm? Yes No N/A
If no, please provide an explanation below.

<p>5. Are you working for any other firms that are providing work on this project? If yes, please provide an explanation below.</p>	Yes	No	N/A
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Observations of the DBE firm’s work on the project by the person conducting this On-Site Review

<p>6. Is the DBE firm Site Supervisor on-site whenever the DBE employees are performing work? If no, please provide an explanation below.</p>	Yes	No	N/A
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<p>7. Does the DBE Site Supervisor appear to direct/control all work activities subcontracted to the DBE? If no, please provide an explanation below.</p>	Yes	No	N/A
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<p>8. Do the DBE employees appear to have the adequate knowledge/training/experience to perform the subcontract work without assistance from the prime contractor or any other contractor, or Local Agency? If no, please provide an explanation below.</p>	Yes	No	N/A
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<p>9. Are the DBE employees working on a distinct element of work, independently, without assistance from other firms working on the project to include the prime contractor? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>10. Do all major pieces of equipment being used by the DBE firm have permanent markings identifying it as belonging to the DBE firm? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>11. For equipment being used by the DBE without permanent markings, were ownership documents, such as registrations and lease/rental agreements verified to ensure that the equipment is not being leased/rented from the prime or upper-tier subcontractor? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>12. Is the equipment being operated by the DBE firm under the direct supervision of the DBE? If no, please provide an explanation below.</p>	Yes	No	N/A

<p>13. Was the DBE present at the project to receive any material deliveries? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>14. Did the DBE have the necessary equipment to move their materials from any storage or lay-down yard to the project site? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>Trucking/Hauling (Complete only if trucking/hauling is independent of another work item)</p>	Section Not Applicable		
<p>15. If the DBE firm is an owner-operator, are any of the DBE trucking/hauling operations being performed by the owner? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>16. Was at least one DBE-owned and operated truck used any time DBE subcontracted trucking/hauling operations were being performed by the DBE firm on the project? If no, please provide an explanation below.</p>	Yes	No	N/A

<p>17. Are any of the DBE trucking/hauling operations being performed by independent owner-operators? If no, please provide an explanation below.</p>	Yes	No	N/A
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<p>18. Were all trucks operated by DBE firm owner-operators, employees of the DBE or lower-tier DBE, or leased and operated by DBE drivers and bearing the name and USDOT identification (as appropriate) number of the DBE firm? If no, please provide an explanation below.</p>	Yes	No	N/A
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<p>19. Were all DBE trucks performing work on the project listed on the DBE trucking log? If no, please provide an explanation below.</p>	Yes	No	N/A
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<p>20. For any DBE trucks performing work on the project that were not listed on the trucking log, was the truck ownership information verified and documented? If no, please provide an explanation below.</p>	Yes	No	N/A
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Local Agency

On-Site review performed by: _____

Printed Name

Signature

Date

Local Agency Representative: _____

Printed Name

Signature

Date

Section III: Office of Equal Opportunity Review and Evaluation

1. Are the descriptions of work in the DBE's subcontract with the Prime consistent with the Prime's Utilization Certification and Bid Item Breakout?
If no, please provide an explanation below.

Yes

No

N/A

2. Does the DBE subcontract define a distinct element of work with a corresponding dollar value of the work to be performed?
If no, please provide an explanation below.

Yes

No

N/A

3. Is the DBE certified by OMWBE, as noted with corresponding NAICS codes, for the work to be performed by the DBE?
If no, please provide an explanation below.

Yes

No

N/A

4. Is the Request to Sublet form for the DBE consistent with the subcontract, Utilization Certification and the Bid Item Breakdown?
If no, please provide an explanation below.

Yes

No

N/A

<p>5. Did the DBE firm perform at least 30% of its subcontract work with its own forces? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>6. If the DBE subcontracted part of its work to another firm, was that lower tier firm also a certified DBE? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>7. Is the certified payroll for the DBE firm signed by an employee of the DBE and not an employee of the prime or upper tier contractor? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>8. Do the employees listed on the DBE certified payroll only appear on the DBE payrolls and not on those of the prime or any other subcontractor? If no, please provide an explanation below.</p>	Yes	No	N/A

<p>9. Based on the payroll sample during the review period, is the number of DBE personnel documented on the payroll consistent with the number documented on any Inspector's Daily Report? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>10. If a DBE Site Supervisor was listed in response to this review, is the payroll listing for that employee consistent with a supervisor (i.e. job description is supervisor, pay commensurate with a supervisor)? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>11. Do drivers of DBE trucks who are not owner-operators appear on the DBE payroll? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>12. Are material invoices for DBE related materials billed to the DBE owner/representative? If no, please provide an explanation below.</p>	Yes	No	N/A

<p>13. Did the DBE purchase materials from a source other than the prime or one of its affiliates? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>14. Did the proof of payment for materials obtained from the prime contractor show that payment was made by the DBE firm? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>15. If a joint check was used, was a joint check agreement approved by the OEO prior to the check being used? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>16. Were material shipping documents addressed to the DBE? If no, please provide an explanation below.</p>	Yes	No	N/A

<p>17. For equipment without permanent markings, were ownership documents (i.e. registrations, lease/rentals agreements) verified for equipment used on-site? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>18. Was all of the equipment used by the DBE owned by the DBE firm or leased/rented from a company other than the prime or upper tier contractor? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>19. For trucking/hauling work, was at least one of the trucks used during DBE trucking operations owned by the DBE firm as documented on the vehicle registration (i.e. registered owner or legal owner)? If no, please provide an explanation below.</p>	Yes	No	N/A
<p>20. Was the value of any non-DBE hauler's participation adjusted to allow only fees and commissions and was the prime required to increase DBE participation to make up the difference? If no, please provide an explanation below.</p>	Yes	No	N/A

<p>21. Do the lease/rental/ownership documents provided by the Local Agency show that major equipment used by the DBE firm show the equipment as being leased by the DBE and not the prime or upper tier contractor? If no, please provide an explanation below.</p>	Yes	No	N/A
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22. If the answer to #21 above is NO, enter dollar value of equipment being leased from the prime or upper tier contractor.

<p>23. Did the prime increase DBE participation to replace the value of equipment borrowed or leased from the prime or upper tier contractor? If no, please provide an explanation below.</p>	Yes	No	N/A
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Commercially Useful Function Determination

Office of Equal Opportunity Personnel

OEO Review performed by:

Printed Name	Signature	Date
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Based on work observed and records reviewed, I have determined that the DBE listed in Section 1 performed independently in accordance with the requirements of 49 CFR § 26.55 and any commitment by the prime to utilize the DBE as a condition of award.

OEO DBE Compliance Manager:

Printed Name	Signature	Date
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Form Instructions

Section 1 – Project and Payment Data (to be completed by Local Agency Representative)

Fill in the information in the corresponding boxes.

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.

1. Indicate whether project changes have affected the work scopes of the DBE that would in turn affect the DBE commitment.
2. List the dollar amount of any work committed to the DBE firm that was not performed because of termination, partial termination, underrun, or substitution by another subcontractor or DBE firm without Local Programs prior written consent.
3. If concurrence was not obtained, indicate if payment was withheld for the work item originally committed to the DBE, but not performed by them.
4. Indicate whether the DBE subcontracted more than 30% of its subcontract to other firms.
5. Indicate whether countable participation was adjusted to account for any work subcontracted by the DBE to a non-DBE firm.
6. For any underrun in commitment, the prime is required to submit good faith effort documentation showing their efforts to obtain DBE participation after contract award. Indicate whether any good faith effort submission was approved.

Section 2 – Local Agency Observations and Interviews

1. Indicate whether the person supervising the DBE employee while on the project site is the DBE owner or another DBE employee acting as a Site Supervisor.
2. For this question, indicate if the DBE employee being interviewed has their work directed by their supervisor and not the Prime.
3. The DBE employee should be working exclusively for the DBE firm and no one else associated with this project. If the employee indicates they also work for another contractor on this project, the answer is “NO”.
4. If the DBE Site Supervisor indicates they were hired specifically for this job and/or does not know if they will continue to work for the DBE firm after this project is complete, the answer is “NO”.
5. The DBE Site Supervisor should be working exclusively for the DBE firm and no one else associated with this project. If the site supervisor indicates they also work for another contractor on this project, the answer is “NO”.
6. Indicate whether, through your observation and project documentation, the DBE Site Supervisor is on the project supervising the DBE employees whenever they are performing work on the project.
7. Indicate whether the DBE firm is performing the work the way the DBE owner/supervisor is directing the work to be done or if the prime is telling the DBE firm how to perform the functions of their subcontract work.
8. Look for whether anyone is helping the DBE firm complete their subcontract work because of a lack of knowledge, training, and/or experience on the part of the DBE employees or DBE owner/supervisor.
9. Indicate whether the DBE firm work is associated with a specific work scope(s) and that they are actually performing that work. If the work item is a partial piece of the overall work scope, indicate whether the firm is working on a specific portion of that partial work item without assistance from other firms on the project.
10. Look at large pieces of equipment such as vehicles, trailers, large generators, etc. to see whether they are marked in some way as belonging to the DBE firm.
11. Indicate whether vehicle registrations and/or lease/rental agreements were reviewed on-site to ensure the equipment does not belong to, or is being leased/rented from, the prime or upper tier subcontractor.
12. Indicate whether the DBE owner/supervisor is providing supervision of large equipment operations performed by the DBE.
13. For materials deliveries specific to the DBE work scopes, indicate whether an employee of the DBE firm was on-site at the time of delivery to receive their materials.
14. Indicate whether the DBE firm utilized their own employees and equipment to move their materials from a storage site to the project site. If the DBE firm borrowed equipment from the prime, the answer is “NO”.
15. Document whether the trucking/hauling operations associated with a DBE owner-operator trucking firm are being performed by the DBE owner.
16. When DBE trucking is being performed by DBE trucks, at least one of those trucks has to be owned or long-term leased (as indicated by the truck registration as either registered or legal owner) by the DBE firm. If at least one DBE owned truck is not on-site at all times DBE trucking is being performed, answer “No”.

17. Indicate whether trucks performing DBE trucking operations are independent owner-operators not associated with the DBE trucking firm.
18. Indicate whether trucking being performed in conjunction with the DBE trucking subcontract are other DBE trucking owner-operators, or are trucks driven by employees of the DBE firm.
19. Indicate whether the trucks performing DBE trucking operations were the same as those listed on the DBE truck log provided by the prime contractor.
20. Indicate whether trucks not listed on the DBE truck log were verified as belonging to the DBE firm or another firm.

Section 3 – Office of Equal Opportunity Review and Evaluation

1. Verify the information from the three forms are consistent with each other.
2. The subcontract should clearly define the work scope(s) the DBE is to perform along with a dollar value for each scope. If the prime is relying on a quote from the DBE to define the work and price, the subcontract should clearly articulate the quote information as a part of the subcontract. If it does not, the answer is “No”.
3. Check to see if the work the DBE is being subcontracted to perform to count toward a goal is consistent with the work the firm is certified by OMWBE to perform.
4. Ensure that the three forms are consistent with each other.
5. Ensure that the DBE performed and exercised responsibility for at least 30% of their total subcontract with the prime with the DBE’s own forces.
6. Verify that any subcontractors hired by the DBE firm are themselves certified DBE’s.
7. Ascertain who is signing the DBE’s certified payroll to ensure that it is not an employee of the prime or upper tier contractor.
8. Compare the payrolls of the DBE to the prime or upper tier contractor to verify that none of the DBE employees appear on any other payrolls.
9. Compare the DBE employees recorded on the project documentation with the DBE payroll and see if the two match.
10. Check the DBE payroll for the site supervisor entry and determine if the associated classification and pay rate are consistent with a supervisory position.
11. Ensure DBE truck drivers appear on the payroll.
12. Check the material invoices for who is listed as receiving the materials to verify it is the DBE firm.
13. Ensure that DBE purchased materials were not purchased from the prime or upper tier subcontractor.
14. Verify the proof of payment documents show the DBE firm paid for their materials.
15. Indicate whether a joint check agreement was approved by OEO through the Local Programs.
16. Look at any bills of lading or shipping documents for materials purchased by the DBE that was delivered to the project site and ensure the DBE firm is listed as the receiver of those items.
17. Large pieces of equipment without permanent marking will need to have their ownership verified to ensure the equipment does not belong to the prime or upper tier contractor.
18. After looking at any ownership documents for large pieces of equipment, answer “YES” if the equipment is leased from someone other than the prime or upper tier contractor
19. Look at the registrations for the trucks as provided by the agency and ensure that at least one truck registration indicates the DBE as either the registered owner or legal owner.
20. For trucks used by the DBE trucking firm that was from a non-DBE firm, ensure participation dollar value was limited to the fee or commission charged by the non-DBE firm to arrange the trucking services and not the actual transportation services provided by the non-DBE firm and its trucks.
21. Confirm that any equipment lease documents show firms other than the prime or upper tier contractor as the lessor.
22. Enter the dollar value equal to that of any leases of equipment from the prime or upper tier contractor.
23. 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 indicated for question 20.