



**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 for each project, for each construction season, and for each primary scope of work. If the form is submitted with missing/incomplete information, it will be returned to the Project Engineer's Office for completion. This form shall be sent to the Region Local Programs 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 the Local Agency Representative)**

|                                    |                               |  |            |
|------------------------------------|-------------------------------|--|------------|
| Federal Aid Number                 |                               | Prime Contractor                         |            |
| Contract Name                      |                               |  |            |
| Approximate % of DBE Work Complete |                               |  | DBE Goal % |
| DBE Subcontact \$ Amount           | DBE Commitment \$ Amount      | Region/Local Agency                      |            |
| DBE Start Date                     | Total Payments to DBE to Date | Federal Aid No.                          |            |
| DBE Firm Name                      |                               | DBE Firm Owner                           |            |
| DBE Contract Type:                 | Regular Dealer                | Manufacturer                             |            |
| Certification Type:                | DBE                           | Federal Small Business Enterprise (FSBE) |            |

Description of work to be performed by the DBE:

**Section II: Local Agency Observations**

**FOR REGULAR DEALERS ONLY**

1. If the material being supplied is a bulk item (i.e., aggregate, petroleum, etc.) did the DBE use its own distribution equipment? If no, please explain below (and obtain a copy of any lease agreements):

|  |     |    |     |
|--|-----|----|-----|
|  | Yes | No | N/A |
|--|-----|----|-----|

|  |     |    |     |
|--|-----|----|-----|
| 2. Has a copy of the materials invoice/purchase order and delivery ticket(s) been provided to the Local Agency? If no, please explain: | Yes | No | N/A |
|--|-----|----|-----|

**FOR MANUFACTURERS ONLY**

|  |     |    |     |
|--|-----|----|-----|
| 3. Is the manufacturing location considered part of the project site (Where the project construction will take place)? | Yes | No | N/A |
|--|-----|----|-----|

|  |     |    |     |
|--|-----|----|-----|
| 4. Did the product meet the project specifications? If no, please explain: | Yes | No | N/A |
|--|-----|----|-----|

**Local Agency Representative**

Local Agency Representative:

\_\_\_\_\_

Printed Name

Signature

Date

**Section III: Office of Equal Opportunity Review and Evaluations**

**FOR REGULAR DEALERS ONLY**

|  |     |    |     |
|--|-----|----|-----|
| 1. Is the DBE firm listed on the WSDOT Office of Equal Opportunity Regular Dealer List as an approved Regular Dealer specifically for this project? If no, please explain: | Yes | No | N/A |
|--|-----|----|-----|

|   |                           |                        |               |
|---|---------------------------|------------------------|---------------|
| 2. Per the DBE purchase order/invoice, indicate the project specific product or material being supplied   |                           |                        |               |
| Product/Material Name   | Product/Material Quantity | Product/Material Costs |               |
|   |                           |                        |               |
|   |                           |                        |               |
| 3. How is the product getting delivered to the project site? Please attach copy of delivery tickets   |                           |                        |               |
|   |                           |                        |               |
| 4. If the product was shipped, who organized the shipping, who took possession of the products/materials, and who was invoiced for the shipping?  |                           |                        |               |
|   |                           |                        |               |
| 5. Are material invoices for DBE related materials billed to the Prime Contractor from the DBE Regular Dealer? Attach proof of payment from the Prime to the DBE.<br>If no, please explain below: |                           | Yes                    | No            |
|   |                           |                        | N/A           |
| <b>FOR MANUFACTURERS ONLY</b>   |                           |                        |               |
| 6. Is the DBE certified by OMWBE, as noted with corresponding NAICS codes, for the work to be performed by the DBE and specific products/material to be provided for this project?                |                           | Yes                    | No            |
|   |                           |                        | N/A           |
| 7. List the DBE Major equipment used to fabricate product.  |                           |                        |               |
| Make/Model/Year   | Owned/Leased              | Condition              | Logo Markings |
|   |                           |                        | Yes      No   |
|   |                           |                        | Yes      No   |
|   |                           |                        | Yes      No   |
|   |                           |                        | Yes      No   |
| 8. If the equipment is leased, is there a formal agreement identifying the terms and parties? Please attach a copy of the lease agreement. If no, please explain:                                 |                           | Yes                    | No            |
|   |                           |                        | N/A           |

| 9. Per the DBE purchase order/invoice, indicate the project specific product or material being supplied                               |                           |                        |     |
|---|---------------------------|------------------------|-----|
| Product/Material Name   | Product/Material Quantity | Product/Material Costs |     |
|   |                           |                        |     |
|   |                           |                        |     |
|   |                           |                        |     |
| 10. What type of manufacturing plant does the DBE firm have?  |                           |                        |     |
|   |                           |                        |     |
| 11. Is the DBE firm manufacturing the product at the plant or only supplying the product?   |                           |                        |     |
|   | Yes                       | No                     | N/A |
| 12. If only supplying the product, where did the product originate? Please explain below:   |                           |                        |     |
|   |                           |                        |     |
| 13. Who and Where did the DBE firm purchase the material from to fabricate or significantly alter the material to create the product? |                           |                        |     |
|   |                           |                        |     |
| 14. How is the product/material getting delivered to the project site? (attach copy of the delivery ticket)                           |                           |                        |     |
|   |                           |                        |     |

15. If the product/material was shipped, who organized the shipping and who was invoiced for the shipping?

16. Are material invoices for UDBE related materials billed to The Prime Contractor from the DBE Regular Dealer? Attach proof of payment from the Prime to the DBE  
If no, please explain below:

Yes

No

N/A

17. Did the proof of payment for materials obtained from the agency show that payment was made by the DBE firm?  
If no, please explain below:

Yes

No

N/A

#### Section IV: Commercially Useful Function Determination

##### Office of Equal Opportunity Personnel

OEO Review performed by:

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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.

Yes

No

N/A

OEO DBE Compliance Manager:

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## 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. In addition, please provide the following if applicable.

1. 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.
2. Indicate whether the prime followed the termination process and received written concurrence for any termination or reduction in work.
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. 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.

Approximate % of DBE Work Completed: Enter the percent completed for the overall contracted work completed up to the date of this onsite review. (On large design-build projects this may not be exact so use best estimate in that case).

DBE Goal %: Enter the DBE Goal assigned to the project when awarded to the prime.

DBE Invoice/Purchase Order \$ Amount: Enter the total amount the prime committed to pay the DBE for completed work.

DBE Commitment \$ Amount: Enter the contracted dollar amount the DBE will receive for performing this work (This amount should be obtained from the DBE Utilization Certification form or DBE Bid Item Breakout).

Local Agency: Enter the name of the local agency responsible for this project.

DBE Start Date: Enter the date the DBE started working on its contracted scope of work.

Total Payment to DBE to Date: Enter the value of the dollar amount that the DBE has been paid for work completed so far, on the date this review is completed.

### Section 2 – Local Agency Observations and Interviews

To properly complete this form, attach the following documentation:

- Purchase Orders
- Invoices
- Delivery tickets
- Cancelled checks
- Inventory List

1. Select Yes or No. If no, explain why you think the DBE did not use their own distribution equipment to supply the materials. It is important to note that items not typically kept in stock and regularly sold are considered brokered unless taken into possession and distributed by the DBE; State should apply more scrutiny relative to the products for which the DBE is certified.
2. Select Yes or No. Make sure the delivery ticket show where the products originate. If no, explain why the agency did not obtain a copy of the materials invoice/purchase order.
3. Is the manufacturer completing work on the project site? If yes, please explain.
4. This question is to ensure that product provided meets contract specifications. Select Yes or no. If no, please explain

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

1. Did you check WSDOT'S Regular Dealer list to ensure the UDBE firm was approved as a Regular Dealer for this specific project?  
Here is the WSDOT OEO website link to locate the Regular Dealer list: <http://www.wsdot.wa.gov/EqualOpportunity/default.htm>
2. Provide list of equipment used to complete the DBE work. From review of DBE purchase order/invoice, please provide List, quantity and cost of any materials provided by the DBE firm to the project.
3. Review Delivery of tickets and describe how the DBE delivered the product/material to the project site.
4. Provide name of the individual responsible for shipping and company responsible for paying for the shipping
5. Did OEO obtain and reviewed a formal agreement document between the prime and the DBE? If no, please explain. Review and provide proof of payment
6. Did OEO ensure the manufacturer is certified and in the OMWBE Directory @ <https://omwbe.diversitycompliance.com/>
7. Provide Lease agreement and registrations to properly answer this question
8. Provide Lease agreement
9. Provide list of equipment used to complete the DBE work. From review of DBE purchase order/invoice, please provide List, quantity and cost of any materials provided by the DBE firm to the project.
10. Provide a description of the manufacturer's plant.
11. Answer accordingly. Provide pictures if available.
12. For questions 12 through 16, provide any material invoices, delivery tickets, proof of payments and any other pertinent documentation.