



# Disadvantaged Business Enterprise Program

Connecticut Department of  
Transportation



2025 Attachments

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## CONNECTICUT DEPARTMENT OF TRANSPORTATION

# POLICY STATEMENT

POLICY NO. EX.O-30

Date: March 17, 2023

### **SUBJECT: Disadvantaged Business Enterprise Program**

#### Policy

It is the policy of CTDOT to ensure that Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 26 have an equal opportunity to receive and participate in USDOT assisted contracts.

CTDOT will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract. CTDOT shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR Part 26. CTDOT shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts.

#### Intent of Policy

It is the intent of the policy to:

- a) Ensure nondiscrimination in the award and administration of USDOT-assisted contracts in CTDOT's highway and transit financial assistance programs.
- b) Create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts.
- c) Ensure that CTDOT's DBE program is narrowly tailored in accordance with applicable law.
- d) Ensure that only firms which meet the certification eligibility standards under 49 CFR Part 26, Subpart D are permitted to participate as DBEs.
- e) Help remove barriers to the participation of DBEs in USDOT-assisted contracts; and
- f) Assist with the development of firms that can compete successfully in the marketplace outside the DBE Program.

In administering the DBE Program, CTDOT will not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

No contractor, subrecipient, or subcontractor shall discriminate on the basis of race, color, national origin, or sex in the performance of any USDOT-assisted contract. Contractors shall carry out the 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 will result in a material breach of the contract, which may result in the termination of the contract or such other remedy, as CTDOT deems appropriate.

Ms. Debra Goss, the Director of the Office Equity has been designated as CTDOT's DBE Liaison Officer (DBELO). The DBELO is responsible for implementing all aspects of the DBE Program. The implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by CTDOT in its financial agreements with USDOT and its funding agencies. The DBELO has direct and unfettered access to the Commissioner on any DBE related matters.

This policy statement is disseminated to all CTDOT personnel and is posted on the CTDOT website. CTDOT has also distributed this policy to the DBE and non-DBE business communities that perform work on CTDOT USDOT-assisted contracts.

#### Authority

The Connecticut Department of Transportation (CTDOT) has established a Disadvantaged Business Enterprise (DBE) program in accordance with the Code of Federal Regulations, 49 CFR Part 26. CTDOT receives Federal financial assistance from the United States Department of Transportation (USDOT), and as a condition of receiving USDOT assistance, CTDOT has signed an assurance that it will fully comply with 49 CFR Part 26.

Implementation of this program is a legal obligation, and failure to carry out its terms shall be treated as a violation of the agreement. The USDOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action. The USDOT may refer to the United States Department of Justice for prosecution under 18 United States Code (USC) 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any USDOT-assisted program or otherwise violates applicable Federal statutes.

(This Policy Statement supersedes Policy Statement No. EX.O.-30 dated November 27, 2019.)



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Garrett T. Eucalitto  
Commissioner



## **D.B.E. SUBCONTRACTORS AND MATERIAL SUPPLIERS OR MANUFACTURERS**

**January 2013**

### **I. ABBREVIATIONS AND DEFINITIONS AS USED IN THIS SPECIAL PROVISION**

A. *CTDOT* means the Connecticut Department of Transportation.

B. *USDOT* means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (“FHWA”), the Federal Transit Administration (“FTA”), and the Federal Aviation Administration (“FAA”).

C. *Broker* means a party acting as an agent for others in negotiating Contracts, Agreements, purchases, sales, etc., in return for a fee or commission.

D. *Contract, Agreement or Subcontract* means a legally binding relationship obligating a seller to furnish supplies or services (including but not limited to, construction and professional services) and the buyer to pay for them. For the purposes of this provision, a lease for equipment or products is also considered to be a Contract.

E. *Contractor* means a consultant, second party or any other entity under Contract to do business with CTDOT or, as the context may require, with another Contractor.

F. *Disadvantaged Business Enterprise (“DBE”)* means a for profit small business concern:

1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
3. Certified by CTDOT under Title 49 of the Code of Federal Regulations, Part 26, (Title 49 CFR Part 23 of the Code of Federal Regulations for Participation of Disadvantaged Business Enterprise in Airport Concessions)

G. *USDOT-assisted Contract* means any Contract between CTDOT and a Contractor (at any tier) funded in whole or in part with USDOT financial assistance.

H. *Good Faith Efforts (“GFE”)* means all necessary and reasonable steps to achieve a DBE goal or other requirement which by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

I. *Small Business Concern* means, with respect to firms seeking to participate as DBEs in USDOT-assisted Contracts, a small business concern as defined pursuant to Section 3 of the Small Business Act and Small Business Administration (“SBA”) regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts in 49 CFR Part 26, Section 26.65(b).

J. *Socially and Economically Disadvantaged Individual* means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

1. Any individual who CTDOT finds, on a case-by-case basis, to be a socially and economically disadvantaged individual.
2. Any individuals in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
  - “Black Americans”, which includes persons having origins in any of the Black racial groups of Africa;
  - “Hispanic Americans”, which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
  - “Native Americans”, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians.
  - “Asian-Pacific Americans”, which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, or Federated States of Micronesia;
  - “Subcontinent Asian Americans”, which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
  - Women;
  - Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

K. *Commercially Useful Function (“CUF”)* means the DBE is responsible for the execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved with its own forces and equipment. The DBE must be responsible for procuring, determining quantity, negotiating price, determining quality and paying for all materials (where applicable) associated with their work. The DBE must also perform at least 30% of the total cost of its contract with its own workforce.

## **II. ADMINISTRATIVE REQUIREMENTS**

### **A. General Requirements**

A DBE goal percentage equaling \_\_\_\_\_ of the Contract value has been established for this Contract. This DBE goal percentage will be applied to the final Contract value to ultimately determine the required DBE goal. If additional work is required, DBE firms should be provided the appropriate opportunities to achieve the required DBE goal.

In order to receive credit toward the Contract DBE goal, the firms utilized as DBE subcontractors or suppliers must be certified as DBEs in the type of work to be counted for credit by CTDOT’s Office of Contract Compliance prior to the date of the execution of the subcontract. Neither CTDOT nor the State of Connecticut’s Unified Certification Program (UCP) makes any representation as to any DBE’s technical or financial ability to perform the work. Prime contractors are solely responsible for performing due diligence in hiring DBE subcontractors.

All DBEs shall perform a CUF for the work that is assigned to them. The Contractor shall monitor and ensure that the DBE is in compliance with this requirement. The Connecticut DBE UPC Directory of certified firms can



be found on the CTDOT website <http://www.ct.gov/dot>. The directory lists certified DBE firms with a description of services that they are certified to perform. Only work identified in this listing may be counted towards the project's DBE goal. A DBE firm may request to have services added at any time by contacting CTDOT's Office of Contract Compliance. No credit shall be counted for any DBE firm found not to be performing a CUF.

Once a Contract is awarded, all DBEs that were listed on the pre-award DBE commitment document must be utilized. The Contractor is obligated to provide the value and items of the work originally established in the pre-award documentation to the DBE firms listed in the pre-award documentation. Any modifications to the pre-award commitment must follow the procedure established in Section II-C.

The Contractor shall designate a liaison officer who will administer the Contractor's DBE program. Upon execution of this Contract, the name of the liaison officer shall be furnished in writing to CTDOT's unit administering the Contract, CTDOT's Office of Contract Compliance and CTDOT's Office of Construction ("OOC"). Contact information for the designated liaison officer shall be furnished no later than the scheduled date for the pre-construction meeting.

**The Contractor shall submit a bi-monthly report to the appropriate CTDOT unit administering the Contract. This report shall indicate what work has been performed to date, with the dollars paid and percentage of DBE goal completed.**

**Verified payments made to DBEs shall be included in this bi-monthly report. A sample form is included on the CTDOT website.**

In addition, the report shall include:

1. A projected time frame of when the remaining work is to be completed for each DBE.
2. A statement by the Contractor either confirming that the approved DBEs are on schedule to meet the Contract goal, or that the Contractor is actively pursuing a GFE.
3. If retainage is specified in the Contract specifications, then a statement of certification that the subcontractors' retainage is being released in accordance with 1.08.01 (Revised or supplemented).

Failure by the Contractor to provide the required reports may result in CTDOT withholding an amount equal to one percent (1%) of the monthly estimate until the required documentation is received.

The Contractor shall receive DBE credit when a DBE, or any combination of DBEs, perform work under the Contract in accordance with this specification.

Only work actually performed by and/or services provided by DBEs which are certified for such work and/or services, as verified by CTDOT, can be counted toward the DBE goal. Supplies and equipment a DBE purchases or leases from the Contractor or its affiliate cannot be counted toward the goal.

Monitoring of the CUF will occur by CTDOT throughout the life of the project. If it is unclear that the DBE is performing the work specified in its subcontract with the prime Contractor, further review may be required. If it is determined that the DBE is not performing a CUF, then the work performed by that DBE will not be counted towards the DBE goal percentage.

## **B. Subcontract Requirements**

The Contractor shall submit to CTDOT's OOC all requests for subcontractor approvals on the standard CLA-12 forms provided by CTDOT. The dollar amount and items of work identified on the CLA-12 form must, at minimum, equal the dollar value submitted in the pre-award commitment. CLA-12 forms can be found at <http://www.ct.gov/dot/construction> under the "Subcontractor Approval" section. All DBE subcontractors must be identified on the CLA-12 form, regardless of whether they are being utilized to meet a Contract goal percentage. A copy of the legal Contract between the Contractor and the DBE subcontractor/supplier, a copy of the Title VI Contractor Assurances and a copy of the Required Contract Provision for Federal Aid Construction Contracts (Form FHWA-1273) (Federal Highway Administration projects only) must be submitted along with a request for subcontractor approval. These attachments cannot be substituted by reference.

If retainage is specified in the Contract specifications, then the subcontract agreement must contain a prompt payment mechanism that acts in accordance with Article 1.08.01 (Revised or supplemented).

If the Contract specifications do not contain a retainage clause, the Contractor shall not include a retainage clause in any subcontract agreement, and in this case, if a Contractor does include a retainage clause, it shall be deemed unenforceable.

In addition, the following documents are to be included with the CLA-12, if applicable:

- An explanation indicating who will purchase material.
- A statement explaining any method or arrangement for utilization of the Contractor's equipment.

The subcontract must show items of work to be performed, unit prices and, if a partial item, the work involved by all parties. If the subcontract items of work or unit prices are modified, the procedure established in Section II-C must be followed.

Should a DBE subcontractor further sublet items of work assigned to it, only lower tier subcontractors who are certified as a DBE firm will be counted toward the DBE goal. If the lower tier subcontractor is a non-DBE firm, the value of the work performed by that firm will not be counted as credit toward the DBE goal.

The use of joint checks between a DBE firm and the Contractor is acceptable, provided that written approval is received from the OOC prior to the issuance of any joint check. Should it become necessary to issue a joint check between the DBE firm and the Contractor to purchase materials, the DBE firm must be responsible for negotiating the cost, determining the quality and quantity, ordering the material and installing (where applicable), and administering the payment to the supplier. The Contractor should not make payment directly to suppliers.

Each subcontract the Contractor signs with a subcontractor must contain the following assurance:

"The subcontractor/supplier/manufacture 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 DOT-assisted contracts. Failure by the contractor/subcontractor/supplier/manufacture 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."

## **C. Modification to Pre-Award Commitment**

Contractors may not terminate for convenience any DBE subcontractor or supplier that was listed on the pre-award DBE commitment without prior written approval of the OOC. This includes, but is not limited to, instances



in which a Contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm. Prior to approval, the Contractor must demonstrate to the satisfaction of the OOC, that it has good cause, as found in 49CFR Part 26.53 (f)(3), for termination of the DBE firm.

Before transmitting its request for approval to terminate pre-award DBE firms to the OOC, the Contractor must give written notice to the DBE subcontractor and include a copy to the OOC of its notice to terminate and/or substitute, and the reason for the notice.

The Contractor must provide five (5) days for the affected DBE firm to respond. This affords the DBE firm the opportunity to advise the OOC and the Contractor of any reasons why it objects to the termination of its subcontract and why the OOC should not approve the Contractor's action.

Once the Contract is awarded, should there be any amendments or modifications of the approved pre-award DBE submission other than termination of a DBE firm, the Contractor shall follow the procedure below that best meets the criteria associated with the reason for modification:

1. If the change is due to a scope of work revision or non-routine quantity revision by CTDOT, the Contractor must notify CTDOT's OOC in writing or via electronic mail that their DBE participation on the project may be impacted as soon as they are aware of the change. In this case, a release of work from the DBE firm may not be required; however the Contractor must concurrently notify the DBE firm in writing, and copy the OOC for inclusion in the project DBE file. This does not relieve the Contractor of its obligation to meet the Contract specified DBE goal, or of any other responsibility found in this specification.
2. If the change is due to a factor other than a CTDOT directive, a request for approval in writing or via electronic mail of the modification from the OOC must be submitted, along with an explanation of the change(s), prior to the commencement of work. The Contractor must also obtain a letter of release from the originally named DBE indicating their concurrence with the change, and the reason(s) for their inability to perform the work. In the event a release cannot be obtained, the Contractor must document all efforts made to obtain it.
3. In the event a DBE firm that was listed in the pre-award documents is **unable** or **unwilling** to perform the work assigned, the Contractor shall:
  - Notify the OOC Division Chief immediately and make efforts to obtain a release of work from the firm.
  - Submit documentation that will provide a basis for the change to the OOC for review and approval prior to the implementation of the change.
  - Use the DBE Directory to identify and contact firms certified to perform the type of work that was assigned to the unable or unwilling DBE firm. The Contractor should also contact CTDOT's Office of Contract Compliance for assistance in locating additional DBE firms to the extent needed to meet the contract goal.

Should a DBE subcontractor be terminated or fail to complete work on the Contract for any reason, the Contractor must make a GFE to find another DBE subcontractor to substitute for the original DBE. The DBE replacement shall be given every opportunity to perform at least the same amount of work under the Contract as the original DBE subcontractor.

If the Contractor is unable to find a DBE replacement:

- The Contractor should identify other contracting opportunities and solicit DBE firms in an effort to meet the Contract DBE goal requirement, if necessary, and provide documentation to support a GFE. (Refer to GFE in Section III.)
- The Contractor must demonstrate that the originally named DBE, who is unable or unwilling to perform the work assigned, is in default of its subcontract, or identify other issues that affected the DBE firm's ability to perform the assigned work. **The Contractor's ability to negotiate a more advantageous agreement with another subcontractor is not a valid basis for change.**

### **III. GOOD FAITH EFFORTS**

The DBE goal is **NOT** reduced or waived for projects where the Contractor receives a Pre-Award GFE determination from the Office of Contract Compliance prior to the award of the Contract. It remains the responsibility of the Contractor to make a continuing GFE to achieve the specified Contract DBE goal. The Contractor shall pursue every available opportunity to obtain additional DBE firms and document all efforts made in such attempts.

At the completion of all Contract work, the Contractor shall submit a final report to CTDOT's unit administering the Contract indicating the work done by and the dollars paid to DBEs. Only verified payments made to DBEs performing a CUF will be counted towards the Contract goal.

Goal attainment is based on the total Contract value, which includes all construction orders created during the Contract. If the Contractor does not achieve the specified Contract goal for DBE participation or has not provided the value of work to the DBE firms originally committed to in the pre-award submission, the Contractor shall submit documentation to CTDOT's unit administering the Contract detailing the GFE made during the performance of the Contract to satisfy the goal.

A GFE should consist of the following, where applicable (CTDOT reserves the right to request additional information):

1. A detailed statement of the efforts made to replace an unable or unwilling DBE firm, and a description of any additional subcontracting opportunities that were identified and offered to DBE firms in order to increase the likelihood of achieving the stated goal.
2. A detailed statement, including documentation of the efforts made to contact and solicit bids from certified DBEs, including the names, addresses, and telephone numbers of each DBE firm contacted; the date of contact and a description of the information provided to each DBE regarding the scope of services and anticipated time schedule of work items proposed to be subcontracted and the response from firms contacted.
3. Provide a detailed explanation for each DBE that submitted a subcontract proposal which the Contractor considered to be unacceptable stating the reason(s) for this conclusion.
4. Provide documentation, if any, to support contacts made with CTDOT requesting assistance in satisfying the specified Contract goal.



5. Provide documentation of all other efforts undertaken by the Contractor to meet the defined goal. Additional documentation of efforts made to obtain DBE firms may include but will not be limited to:
  - Negotiations held in good faith with interested DBE firms, not rejecting them without sound reasons.
  - Written notice provided to a reasonable number of specific DBE firms in sufficient time to allow effective participation.
  - Those portions of work that could be performed by readily available DBE firms.

**In instances where the Contractor can adequately document or substantiate its GFE and compliance with other DBE Program requirements, the Contractor will have satisfied the DBE requirement and no administrative remedies will be imposed.**

#### **IV. PROJECT COMPLETION**

At the completion of all Contract work, the Contractor shall:

1. Submit a final report to CTDOT's unit administering the Contract indicating the work done by, and the dollars paid to DBEs.
2. Submit verified payments made to all DBE subcontractors for the work that was completed.
3. Submit documentation detailing any changes to the DBE pre-award subcontractors that have not met the original DBE pre-award commitment, including copies of the Department's approvals of those changes.
4. Retain all records for a period of three (3) years following acceptance by CTDOT of the Contract and those records shall be available at reasonable times and places for inspection by authorized representatives of CTDOT and Federal agencies. If any litigation, claim, or audit is started before the expiration of the three (3) year period, the records shall be retained until all litigation, claims, or audit findings involving the records are resolved.

If the Contractor does not achieve the specified Contract goal for DBE participation in addition to meeting the dollar value committed to the DBE subcontractors identified in the pre-award commitment, the Contractor shall submit documentation to CTDOT's unit administering the Contract detailing the GFE made during the performance of the Contract to satisfy the goal.

#### **V. SHORTFALLS**

##### **A. Failure to meet DBE goals**

**As specified in (II-A) above, attainment of the Contract DBE goal is based on the final Contract value.** The Contractor is expected to achieve the amount of DBE participation originally committed to at the time of award; however, additional efforts must be made to provide opportunities to DBE firms in the event a Contract's original value is increased during the life of the Contract.

The Contractor is expected to utilize the DBE subcontractors originally committed in the DBE pre-award documentation for the work and dollar value that was originally assigned.

If a DBE is terminated or is unable or unwilling to complete its work on a Contract, the Contractor shall make a GFE to replace that DBE with another certified DBE to meet the Contract goal.

The Contractor shall immediately notify the OOC of the DBE's inability or unwillingness to perform, and provide reasonable documentation and make efforts to obtain a release of work from the firm.

If the Contractor is unable to find a DBE replacement, then the Contractor should identify other contracting opportunities and solicit DBE firms in an effort to meet the Contract DBE goal requirement, if necessary, and provide documentation to support a GFE.

When a DBE is unable or unwilling to perform, or is terminated for just cause, the Contractor shall make a GFE to find other DBE opportunities to increase DBE participation to the extent necessary to at least satisfy the Contract goal.

For any DBE pre-award subcontractor that has been released appropriately from the project, no remedy will be assessed, provided that the Contractor has met the criteria described in Section II-C.

## **B. Administrative Remedies for Non-Compliance:**

In cases where the Contractor has failed to meet the Contract specified DBE goal or the DBE pre-award commitment, and where no GFE has been demonstrated, then one or more of the following administrative remedies will be applied:

1. A reduction in Contract payments to the Contractor as determined by CTDOT, not to exceed the shortfall amount of the **DBE goal**. The maximum shortfall will be calculated by multiplying the Contract DBE goal (adjusted by any applicable GFE) by the final Contract value, and subtracting any verified final payments made to DBE firms by the Contractor.
2. A reduction in Contract payments to the Contractor determined by CTDOT, not to exceed the shortfall amount of the **pre-award commitment**. The maximum shortfall will be calculated by subtracting any verified final payments made by the Contractor to each DBE subcontractor from the amount originally committed to that subcontractor in the pre-award commitment.
3. A reduction in Contract payments to the Contractor determined by CTDOT for any pre-award DBE subcontractor who has not obtained the dollar value of work identified in the DBE pre-award commitment and has not followed the requirements of Section II-C or for any DBE firm submitted for DBE credit that has not performed a CUF.
4. The Contractor being required to submit a written DBE Program Corrective Action Plan to CTDOT for review and approval, which is aimed at ensuring compliance on future projects.
5. The Contractor being required to attend a Non-Responsibility Meeting on the next contract where it is the apparent low bidder.
6. The Contractor being suspended from bidding on contracts for a period not to exceed six (6) months.



## **VI. CLASSIFICATIONS OTHER THAN SUBCONTRACTORS**

### **A. Material Manufacturers**

Credit for DBE manufacturers is 100% of the value of the manufactured product. A manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the Contractor.

If the Contractor elects to utilize a DBE manufacturer to satisfy a portion of, or the entire specified DBE goal, the Contractor must provide the OOC with:

- Subcontractor Approval Form (CLA-12) indicating the firm designation,
- An executed "Affidavit for the Utilization of Material Suppliers or Manufacturers" (sample attached), and
- Substantiation of payments made to the supplier or manufacturer for materials used on the project.

### **B. Material Suppliers (Dealers)**

Credit for DBE dealers/suppliers is limited to 60% of the value of the material to be supplied, provided such material is obtained from an approved DBE dealer/supplier.

In order for a firm to be considered a regular dealer, the firm must own, operate, or maintain a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. At least one of the following criteria must apply:

- To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.
- A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating or maintaining a place of business if the person both owns and operates distribution equipment for the products. Any supplementing of the regular dealers' own distribution equipment shall be by long term lease agreement, and not on an ad hoc or contract to contract basis.
- Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph.

If the Contractor elects to utilize a DBE supplier to satisfy a portion or the entire specified DBE goal, the Contractor must provide the OOC with:

- Subcontractor Approval Form (CLA-12) indicating the firm designation,
- An executed "Affidavit for the Utilization of Material Suppliers or Manufacturers" (sample attached), and
- Substantiation of payments made to the supplier or manufacturer for materials used on the project.

### **C. Brokering**

- Brokering of work for DBE firms who have been listed by the Department as certified brokers is allowed. Credit for those firms shall be applied following the procedures in Section VI-D.
- Brokering of work by DBEs who have been approved to perform subcontract work with their own workforce and equipment is not allowed, and is a Contract violation.

- Firms involved in the brokering of work, whether they are DBEs and/or majority firms who engage in willful falsification, distortion or misrepresentation with respect to any facts related to the project shall be referred to the U.S. DOT, Office of the Inspector General for prosecution under Title 18, U.S. Code, Part I, Chapter 47, Section 1020.

#### **D. Non-Manufacturing or Non-Supplier DBE Credit**

Contractors may count towards their DBE goals the following expenditures with DBEs that are not manufacturers or suppliers:

- Reasonable fees or commissions charged for providing a bona fide service such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment materials or supplies necessary for the performance of the Contract, provided that the fee or commission is determined by the OOC to be reasonable and consistent with fees customarily allowed for similar services.
- The fees charged only for delivery of materials and supplies required on a job site when the hauler, trucker, or delivery service is a DBE, and not the manufacturer, or regular dealer of the materials and supplies, and provided that the fees are determined by the OOC to be reasonable and not excessive as compared with fees customarily allowed for similar services.
- The fees or commissions charged for providing bonds or insurance specifically required for the performance of the Contract, provided that the fees or commissions are determined by CTDOT to be reasonable and not excessive as compared with fees customarily allowed for similar services.

#### **E. Trucking**

While technically still considered a subcontractor, the rules for counting credit for DBE trucking firms are as follows:

- The DBE must own and operate at least one fully licensed, insured, and operational truck used on the Contract.
- The DBE receives credit for the total value of the transportation services it provides on the Contract using trucks it owns, insures and operates using drivers it employs.
- The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Contract.
- The DBE may lease trucks from a non-DBE firm; however the DBE may only receive credit for any fees or commissions received for arranging transportation services provided by the non-DBE firms. Additionally, the DBE firm must demonstrate that they are in full control of the trucking operation for which they are seeking credit.

#### **VII. Suspected DBE Fraud**

In appropriate cases, CTDOT will bring to the attention of the USDOT any appearance of false, fraudulent, or dishonest conduct in connection with the DBE program, so that USDOT can take the steps, e.g. referral to the

Department of Justice for criminal prosecution, referral to USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules provided in 49 CFR Part 31.

**CONNECTICUT DEPARTMENT OF TRANSPORTATION  
(OFFICE OF CONSTRUCTION)  
BUREAU OF ENGINEERING AND CONSTRUCTION**

This affidavit must be completed by the State Contractor's DBE notarized and attached to the contractor's request to utilize a DBE supplier or manufacturer as a credit towards its DBE contract requirements; failure to do so will result in not receiving credit towards the contract DBE requirement.

State Contract No.

Federal Aid Project No.

Description of Project

I, \_\_\_\_\_, acting in behalf of \_\_\_\_\_,  
(Name of person signing Affidavit) (DBE person, firm, association or corporation)  
of which I am the \_\_\_\_\_, certify and affirm that \_\_\_\_\_  
(Title of Person) (DBE person, firm, association or corporation)

is a certified Connecticut Department of Transportation DBE. I further certify and affirm that I have read and understand 49 CFR, Sec. 26.55(e)(2), as the same may be revised.

I further certify and affirm that \_\_\_\_\_ will assume the actual and  
(DBE person, firm, association or Corporation)  
for the provision of the materials and/or supplies sought by \_\_\_\_\_.

If a manufacturer, I operate or maintain a factory or establishment that produces, on the premises, the materials, supplies, articles or equipment required under the contract an of the general character described by the specifications.

If a supplier, I perform a commercially useful function in the supply process. As a regular dealer, I, at a minimum, own and operate the distribution equipment for bulk items. Any supplementing of my distribution equipment shall be by long-term lease agreement, and not on an ad hoc or contract-by-contract basis.

I understand that false statements made herein are punishable by Law (Sec. 53a-157), CGS, as revised).

(Name of Corporation or Firm)

(Signature & Title of Official making the Affidavit)

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

Notary Public (Commissioner of the Superior Court)

My Commission Expires \_\_\_\_\_

**CERTIFICATE OF CORPORATION**

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_  
(Official) (President)

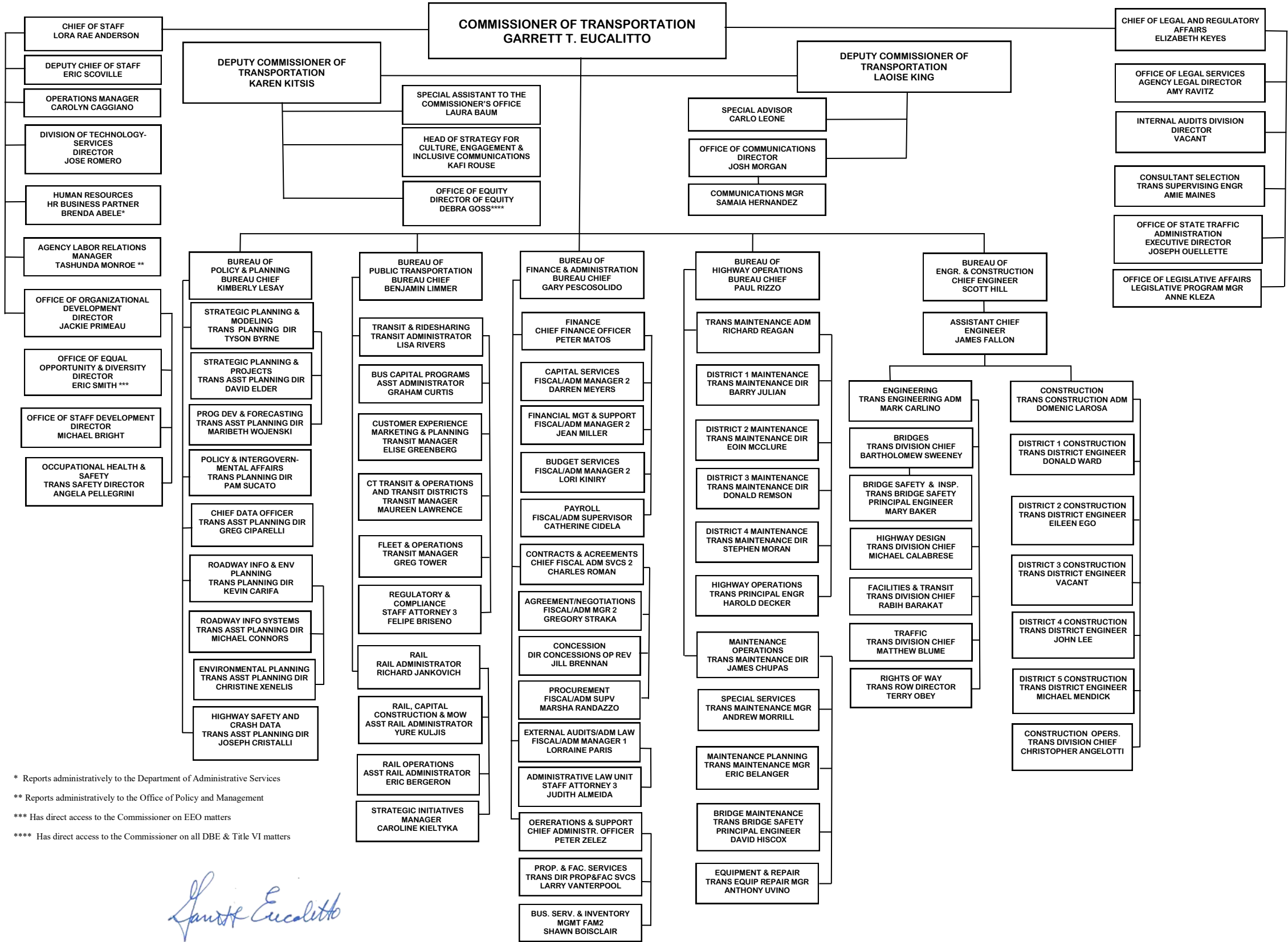
of the Corporation named in the foregoing instrument; that I have been duly authorized to affix the seal of the Corporation to such papers as require the seal; that \_\_\_\_\_, who signed said instrument on behalf of the Corporation, was then \_\_\_\_\_ of said corporation; that said instrument was duly signed for and in behalf of said Corporation by authority of its governing body and is within the scope of its corporation powers.

\_\_\_\_\_  
(Signature of Person Certifying)

\_\_\_\_\_  
(Date)



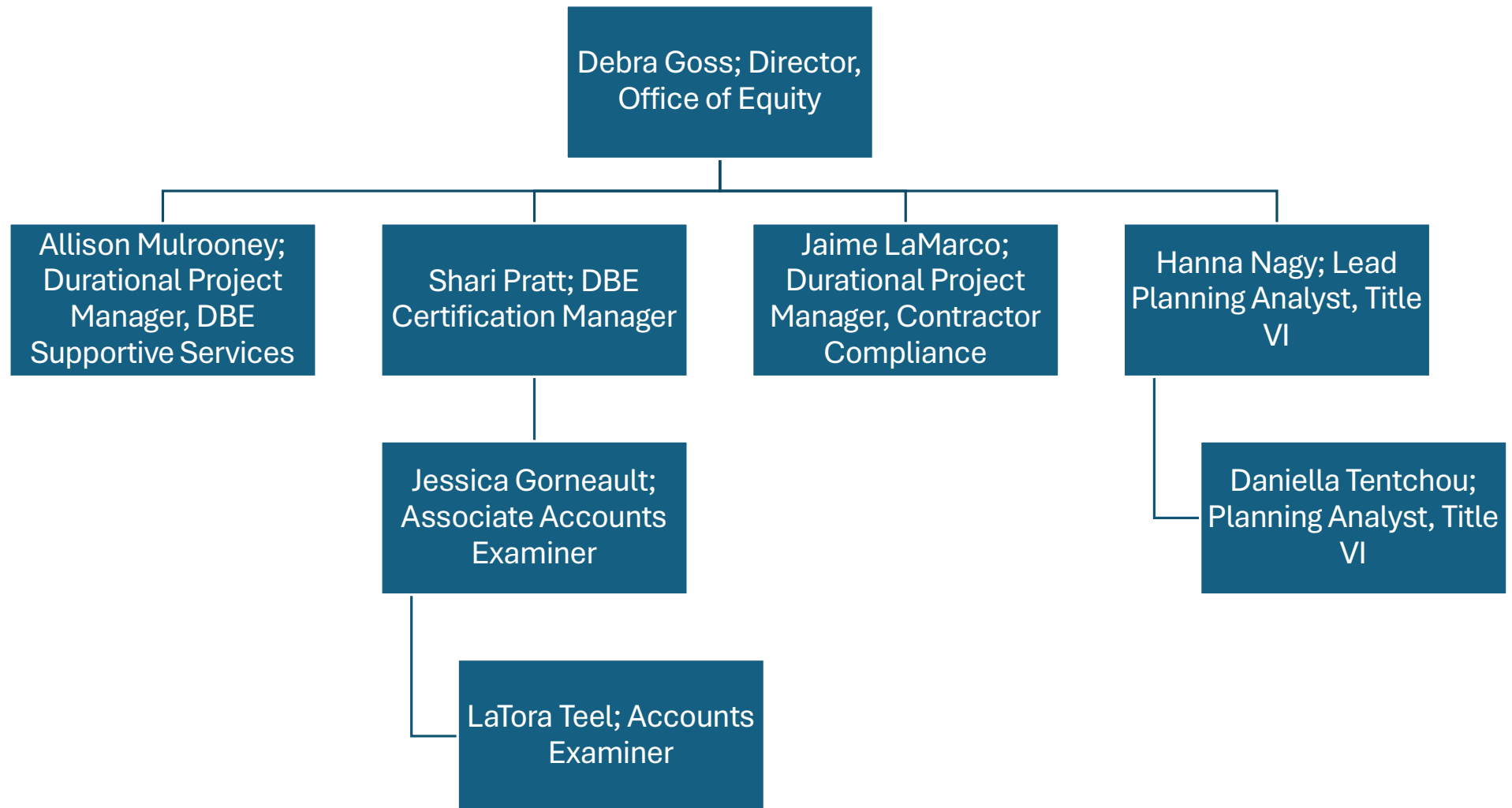
STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION ORGANIZATION CHART



\* Reports administratively to the Department of Administrative Services  
\*\* Reports administratively to the Office of Policy and Management  
\*\*\* Has direct access to the Commissioner on EEO matters  
\*\*\*\* Has direct access to the Commissioner on all DBE & Title VI matters

*Garrett T. Eucalitto*

Garrett T. Eucalitto, Commissioner  
September 12, 2024



**Connecticut Department of Transportation (CTDOT)**  
**DBE SUPPORTIVE SERVICES STATEMENT OF WORK FY 2023**



## **Part 1: DBE Supportive Services Program Design**

### **Purpose Statement**

The purpose of CTDOT's Business Development Program is to provide firm specific training and technical assistance to DBE firms to increase their participation as Prime Contractors on FHWA projects.

### **Business Development Program**

Our goal is to implement a Business Development Program (BDP) which will assist five (5) contractors with obtaining their Prequalification status with CTDOT. Only contractors prequalified by the Department are eligible to receive awards of Department construction contracts.

### **Program Goal**

To increase DBE participation as Prime Contractors on CTDOT contracts, it is essential that DBE firms understand the Department's rules, requirements, policies, procedures and practices as it relates to Prequalification.

### **Program Objectives**

The consultant will provide guidance, assistance and support to five (5) DBE firms selected by the Office of Equity for the DBE Prequalification Project. See below the extensive list of items required for CTDOT Prequalification:

1. Statement of contractor's financial condition and resources which details the contractor's current assets and current liabilities. It should also include third-party verifications of any unsecured lines of credit extended to the contractor by banks or other financial institutions.
2. The financial statement (non-consolidated) must be a certified audited financial statement or, if the Department deems it acceptable, a certified public accountants review of financial statements. Such financial statements shall provide information covering a one-year accounting cycle. The financial statements must be complete, with a balance sheet, and with a related statement of income, retained earnings, and cash flows. The financial statement must be certified by an independent certified public accountant, and must conform with generally-accepted accounting principles.
3. A statement as to the contractor's plant and equipment, which shall give complete details as to the identity, age, condition, cost, and current book value of each piece of the contractor's construction equipment. In addition, the financial statement shall set forth the value of any outstanding loans for equipment identified therein.
4. A statement describing in detail the contractor's organization, setting forth the identity of the contractor's officers, principals, and owners, and the qualifications and prior experience of the firm and each of its officers, principals, and other key personnel.



5. A statement as to the contractor's prior construction experience, which shall indicate the length of time for which the contractor has been engaged in the construction business, and the nature of the contractor's construction experience during that period. In addition, the statement shall include a complete record of all construction work completed in the three (3) prior years and shall identify, for each project undertaken in that period, the type of work performed, the project location, the contract price for work actually performed by the applicant firm itself rather than by subcontractors, and the name, address, current telephone number and email address of the owner's project engineer or project manager in charge of each listed project.
6. A statement describing in detail any financial interest which the contractor has in any other construction-related business, as well as any financial interest which any of the contractor's officers, directors, or principal shareholders (i.e., those shareholders holding at least [5%] of either the common or the preferred shares of the company's stock) have in the contractor or in any other construction-related business. The statement shall also include the name, address, and relation to the contractor of any affiliated or subsidiary firms (as opposed to internal divisions) of the contractor.
7. A statement describing, in detail, for the five (5) previous calendar years, the circumstances of (i) any criminal violation by, and any criminal indictment or conviction of, and any civil debarment or suspension of, the contractor or any of its officers or affiliates, or of any officer of such an affiliate, by a governmental entity in any jurisdiction; (ii) any finding by a governmental entity in any jurisdiction that the contractor or an affiliate of the contractor was non-responsible as a low bidder; or (iii) any formal charge or proceeding concerning the possibility of any such debarment, suspension, or finding of non-responsibility by a governmental entity in any jurisdiction. (iv) any agreement with any governmental entity not to bid for its contracts for a given period of time. In addition, the statement shall identify any liens, default notices or claims filed by or against, or any penalties or liquidated damages assessed against, the contractor with regard to any project performed by the contractor within the previous five (5) calendar years. The statement shall also disclose the details of any formal complaints by or against the contractor with respect to its alleged noncompliance with any federal labor laws or the labor laws of any state.
8. A statement of the classifications of Department work for which the contractor wishes to be eligible for award of a contract, and a detailed description of the experience of the contractor and its key personnel in performing such types of work.
9. For corporations, a current Certificate of Incorporation (for domestic corporations) or current Certificate of Authority (for foreign corporations), whichever is applicable, from the Connecticut Secretary of the State. For limited liability companies (LLC's), certified documentation from the Secretary of State showing that the LLC has been legally formed and organized in accordance with the Connecticut General Statutes, and that the LLC is not in default for failure to have filed a proper annual report with the Connecticut Secretary of the State.
10. A current Society for Protective Coatings (SSPC) certification, if the applicant is seeking prequalification in surface preparation and painting classifications.
11. Documentation of the applicant's possession of a current Connecticut demolition license, if the applicant is seeking prequalification for demolition work.

## **Scope of Work**

### *Narrative*

The Office of Equity is presently working with the CTDOT Consultant Selection Office to issue a Request for Proposal to solicit the services of a Consultant to administer CTDOT's DBE Supportive Services Program. We expect the contract to last for three (3) years.

### *Activities & Timeline*

The primary responsibility of the Consultant will be to provide guidance, assistance and support to the five (5) DBE contractors that participate in the Prequalification Project. Essentially, the Consultant will help the DBE firms obtain prequalification by "hand-holding" them through the entire process. The timeline for the Consultant to accomplish these goals will be 1-3 years from the execution of the contract with CTDOT. Below is the list of items that are required to obtain CTDOT Prequalification. These are the items the Consultant will help the DBEs obtain:

<b>Item</b>	<b>Timeline (1-3 years)</b>
Statement of Firm's Current Financial Condition	
Certified Audited Financial Statement	
Detailed Statement concerning Equipment & Plant	
Description of organization's principles, officers, and key personnel	
Description of prior construction experience	
If applicable, description of ownership in other construction-related businesses	
If applicable, detailed description for the past five (5) calendar years, circumstances of any criminal violation, indictment or conviction	
Statement of the classifications of Department work for which the contractor wishes to be eligible for award of a contract. Must also include a detailed description of the experience of the contractor and key personnel in performing such types of work	
For corporations, a current Certificate of Incorporation or Certificate of Authority if a foreign corporation from the CT Secretary of State; For Limited Liability Companies (LLC), documentation from CT Secretary of State showing that the LLC has been legally formed in accordance with CT General Statutes	
If applicable, current Society for Protective Coatings (SSPC) certification	
If applicable, current demolition license	
Bonding/Surety Capacity	

### *Contractor Tool Box*

During the course of the Prequalification Project, the Consultant will also provide workshops and/or 1-on-1 sessions on the following topics that also contribute to the success and longevity of the DBE firm. Some workshop topics would be - Estimating /Bidding; Review of CTDOT Contract Documents; Legal Services; Supply Chain Issues and Hiring & Retaining a Qualified Workforce.

### *State DOT Personnel*

Ms. Debra Goss, Office of Equity Director and Ms. Shari Pratt, DBE Supportive Services Program Manager, will oversee the DBE Supportive Services Program. Ms. Goss has over 30 years' experience in the Contract Compliance field. Ms. Pratt has worked with DBEs for over 20 years.

### **Partnerships**

To implement a robust and effective BDP, it is necessary to partner with a variety of organizations. Below is a listing of some of those organizations:

- Capitol Workforce Partners
- Connecticut State Colleges & University System (CSCU)
- Connecticut Construction Industries Association (CCIA)
- CT Small Business Development Center
- CT Department of Administrative Services
- CT Department of Economic & Community Development
- Hartford Economic Development Corp (HEDCO)
- Metro Hartford Alliance
- Minority Construction Council (MCC)
- Quinnipiac University
- Service Corp of Retired Executives (SCORE)
- Small Business Administration (SBA)
- Small Business Transportation Resource Center (SBTRC)
- University of Hartford

## **Part 2a: Project Information**

**The following projects will fund the MCC-CEI DBE Supportive Services Three (3) Year Project:**

<b>FY</b>	<b>PROJECT NUMBER</b>	<b>AMOUNT</b>
2018	DOT 01703497PE	\$277,778.46
2019	DOT 01703572PE	\$134,416.29
2020	DOT 01703611PE	\$132,956.29
2021	DOT 017033641	\$150,725.13
2022	DOT 01703690TR	\$133,714.71
2023	DOT 01703741TR	\$185,619.84
<b>GRAND TOTAL</b>		<b>\$1,015,210.72</b>

Part 2b: Budget Summary –(Spreadsheet Attached)

Category	FHWA Funds	Total Cost
<i>Contractual Services - Amount dedicated to DBE Supportive Services Consultant to administer the program. <b>Note: Currently in Negotiations phase.</b></i>	\$700,000.00	\$700,000.00
<i>Supplies - Amount dedicated to purchasing customized marketing items/products for outreach events.</i>	\$40,000.00	\$40,000.00
<i>Participant Support Services - Light refreshments (coffee, boxed lunches) provided to participants during working/planning meetings</i>	\$5,000.00	\$5,000.00
<i>Direct Cost - If we/consultant need to make a purchase directly from a vendor (i.e., software, training materials).</i>	\$10,000.00	\$10,000.00
<i>Conduct Regional DBE Interstate Conference (Rhode Island, Vermont, New York)</i>	\$20,000.00	\$20,000.00
<i>Specialized Trainings &amp; Workshops/ Individual 1-on-1 Sessions/Special Events (i.e., Targeted Outreach/Networking for Specific High Profile Projects)</i>	\$40,000.00	\$40,000.00
GRAND TOTAL	\$815,000	\$815,000

**\*\*CONTINGENCY FUNDS \$200,210.72**

Part 3: Evaluation, Monitoring and Oversight Plan

The DBE Supportive Services Program Manager will meet with the Consultant every month to monitor the progress of the program and discuss the monthly Prequalification Accomplishments Report. This Report will contain updates for each of the following items required in the Prequalification Project.



## Prequalification Accomplishments Report

**Firm Name:** \_\_\_\_\_

Item	Completed	Comments/Other
Statement of Firm's Current Financial Condition		
Certified Audited Financial Statement		
Statement regarding Equipment & Plant		
Description of firm's principles, officers and key personnel		
Description of prior construction experience		
If applicable, description of ownership in other construction-related businesses		
If applicable, detailed description for the past 5 calendar years of circumstances of criminal violation, indictment or conviction		
Statement of the classifications of Department work for which the contractor wishes to be eligible for award of a contract. Must also include a detailed description of the experience of the contractor and key personnel in performing such types of work		
For corporations, a current Certificate of Incorporation or Certificate of Authority if a foreign corporation from the CT Secretary of State; For Limited Liability Companies (LLC), documentation from CT Secretary of State showing that the LLC has been legally formed in accordance with CT General Statutes		
If applicable, current Society for Protective Coatings (SSPC) certification		
If applicable, current demolition license		
Surety/Bonding		

#### *Part 4: Reporting Requirements*

On a quarterly basis, the Supportive Services Program Manager will forward the Consultant's Monthly Prequalification Accomplishments Report, along with comments from the Office of Equity to the FHWA-CT Division Office. The Supportive Services Program Manager will be available to meet with FHWA as requested.

The Consultant will provide the Office of Equity a cumulative year-end report which contains the following information:

- Demographic information on DBE firms that received services
- Detailed Report of the Prequalification Project
- Feedback from DBE firms regarding the Prequalification Project
- Description of Technical Services provided
- Consultant Feedback & Recommendations for program improvements
- Description of DBE Workshops and 1-on-1 Sessions

*CTDOT DBE SUPPORTIVE SERVICES STATEMENT OF WORK FY 2023*



**STATE OF CONNECTICUT**  
**DEPARTMENT OF TRANSPORTATION**  
**Office of Contract Compliance**



Telephone: (860) 594-2169  
Fax: (860) 594-3016  
Mailing Address: Administration Building  
2800 Berlin Turnpike  
Newington, CT 06131

Dear Recipient:

**Subject: Unified Certification Program**

The U.S. Department of Transportation (USDOT) has issued regulations, revised as of July 16, 2003, for its Disadvantaged Business Enterprise (DBE) Program under 46 CFR Part 26. All recipients of USDOT funds must sign an agreement establishing a Unified Certification Program (UCP) in each state under these revised regulations. The UCP shall make all certification decisions on behalf of all USDOT fund recipients in the state of Connecticut with respect to participation in the USDOT DBE Program. This provides "one-step shopping" for applicants for certification.

The Connecticut Department of Transportation (ConnDOT) is certifying agency for the DBE Program in Connecticut, and has developed an Agreement for all USDOT fund recipients to sign in order to be in compliance with 49 CFR Part 26.

Enclosed, for your review, is a copy of the Memorandum of Understanding (MOU) for the Connecticut UCP. The MOU includes an introduction of the program, outlines its purpose and provides the procedures for certification under 49 CFR Part 26. After reviewing the UCP, please sign the enclosed Agreement and return it to the Department of Transportation, Att: Debra Goss, Office of Contract Compliance, 2800 Berlin Turnpike, Newington, CT 06111.

If you have any questions, please feel free to contact Ms. Debra Goss, Manager, Office of Contract Compliance at (860) 594-2169.

Sincerely,

Debra Goss, Manager  
Office of Contract Compliance

## Agreement

As a result of the requirements set forth in 49 CFR 26 (Part 23 for ACDBE), we, the undersigned, agree to participate in the CONNECTICUT DISADVANTAGED BUSINESS ENTERPRISE UNIFIED CERTIFICATION PROGRAM, in accordance with the tenets of this Memorandum of Understanding and agree to abide by its contents.

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Name

---

Date

---

Title

---

Agency Name

---

Agency Address

---

E-Mail address for Agency Contact Person

State of Connecticut Department of Transportation  
2800 Berlin Turnpike, Newington, CT 06111

MEMORANDUM OF UNDERSTANDING  
FOR THE  
CONNECTICUT DISADVANTAGED BUSINESS ENTERPRISE  
UNIFIED CERTIFICATION PROGRAM

This Memorandum of Understanding (MOU) has been developed so as to establish a Disadvantaged Business Enterprise (DBE) Unified Certification Program (UCP) in the State of Connecticut. The UCP has been prepared in accordance with the requirements of 49 Code of Federal Regulations (CFR) Part 26. All recipients of federal funds from the United States Department of Transportation (USDOT) in the State of Connecticut agree to participate in this UCP. The signatures of all USDOT federal funds recipients are attached to this MOU.

The Regulations of Connecticut State Agencies Section 13a-165 Parts 1-15 prescribes the State of Connecticut's Department of Transportation (ConnDOT) as the administrative agency responsible for certifying DBE's within the State of Connecticut. To this end, the ConnDOT Commissioner has constituted a "DBE Certification Panel" to determine whether a firm/corporation meets the eligibility requirements for certification as a DBE. In addition, the State Regulation has responsibility for the implementation, development, and management of the ConnDOT's DBE Program. Therefore, the ConnDOT is the only entity with the State of Connecticut that will be performing DBE Certifications and no other federal-aid recipients have had nor will have certification responsibilities (at least since 1990).

**The Following Stipulations Apply:**

- The ConnDOT certifies DBE firms/corporations according to the procedures as written in the attachment to this MOU;
- The ConnDOT cooperates fully with the oversight, review, and monitoring activities of the USDOT and its operating administrations;
- The ConnDOT will implement USDOT directives and guidance concerning DBE certification matters;
- The ConnDOT is addressing the resources needs with existing resources;
- All USDOT federal-aid recipients accept as certified all firms that are certified under this UCP;



- This State of Connecticut UCP provides “one-stop shopping” to applicants for DBE certification. This means that an applicant is required to apply only once for a DBE certification that will be honored by all State of Connecticut USDOT federal aid recipients;
- All certifications by this UCP shall be *pre-certification*. Pre-certification means certifications have been made final prior to the due date for bids or offers on a contract on which a firm seeks to participate as a DBE;
- This UCP is not required to process an application for certification from a firm having its principal place of business outside the State of Connecticut if the firm is not certified by the UCP in the State in which the firm maintains its principal place of business. The “home state” UCP shall provide its information and documents concerning the applicant firm with the State of Connecticut’s UCP if the firm applies for DBE certification within the State of Connecticut;
- Subject of USDOT approval as provided for by 49 CFR 26.81, the State of Connecticut UCP may form a regional UCP with two or more State UCPs. Additionally, UCPs may enter into written reciprocity agreements with other UCPs. This written agreement shall outline the specific responsibilities of each participant;
- The State of Connecticut UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other States certified under the provisions of 49 CFR 26.81), the information required by 49 CFR 26.31. This DBE Directory shall be made available to the public electronically (on the internet) as well as in print. In the State of Connecticut, operation and maintenance of the directory shall be the responsibility of ConnDOT. The ConnDOT shall update the electronic version of the DBE directory by including additions, deletions and other changes as soon as they occur.



OMB CONTROL NUMBER: 2105-0586

EXPIRATION DATE: (05/31/2027)

## Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2105-0586. Public reporting for this collection of information is estimated to be approximately 35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information.

All responses to this collection of information are mandatory under 49 CFR §§ 23.39 and 26.83; the nature and extent of confidentiality to be provided, if any under 49 CFR §§ 26.83(d) and 26.109(b). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, (your agency name and address), Washington, D.C. 20590.

## Privacy Act Statement (5 U.S.C. § 552a, as amended):

**AUTHORITY:** [42 U.S.C. 2000d et seq.](#), [§ 12101 et seq.](#), [42 U.S.C. 6101 et seq.](#); [29 U.S.C. 794, 749d](#); [49 U.S.C. 47113](#); [42 U.S.C. 12101](#); [49 CFR Part 23](#); [49 CFR Part 26](#), and [Executive Order 13160](#).

**PURPOSE(S):** DOT will use the information collected to respond to Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) inquiries and adjudicate appeals.

**ROUTINE USE(S):** In accordance with DOT's system of records notice, DOT/ALL-24 Departmental Office of Civil Rights System, 76 FR 71108 (Nov. 16, 2011), the information provided may be disclosed to the U. S. Department of Justice, including United States Attorney's Offices, or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation. A comprehensive list of routine uses can be found in DOT/ALL 24 and DOT's General Statement of Routine uses, 75 FR 82138 (Dec. 29, 2010). 77 FR 42796 (July 20, 2012), 84 FR 55222 (Oct. 15, 2019).

**DISCLOSURE:** Provision of the requested information is voluntary; however, failure to furnish the requested information may result in the denial of a DBE or ACDBE application and an inability of the Department to process an appeal or inquiry from any party.



**UNIFORM CERTIFICATION APPLICATION**  
**DISADVANTAGED BUSINESS ENTERPRISE (DBE)/AIRPORT CONCESSIONS**  
**DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PROGRAMS 49 CFR Parts 23 and 26**

**1. Should I apply?**

You may be eligible to participate in the DBE/ACDBE programs if:

- (1) The firm is a for-profit business that performs or seeks to perform transportation-related work (or an airport concession activity) for a recipient of Federal Aviation Administration, Federal Highway Administration, or Federal Transit Administration funds.
  - The firm is at least 51% owned and controlled by a socially and economically disadvantaged individual(s) who is a U.S. citizen(s) or lawfully admitted permanent U.S. resident(s).
    - Refer to § 26.5 of 49 CFR Part 26 for the definition of “socially and economically disadvantaged individual.”
    - Refer to <https://www.transportation.gov/DBEPNW> for “personal net worth cap.”
    - Refer to § 26.69 and 26.70 of 49 CFR Part 26 to determine whether you meet the ownership and control requirements.
  - The firm meets the Small Business Administration’s (SBA) and the DBE/ACDBE program’s size standards at <https://www.transportation.gov/DBESizeStandards>

It is the applicant firm’s responsibility to provide sufficient evidence to demonstrate that, more likely than not, it meets all eligibility requirements.

**2. How do I apply?**

Firms applying for DBE/ACDBE certification in their home state, i.e., the state in which the firm maintains its principal place of business, must submit to a certifying agency in their home state a completed Uniform Certification Application and all required documents (see attached checklist) and participate in an on-site interview. Failure to timely submit documents may result in delayed processing or denial of your application.

*Firms already certified as a DBE/ACDBE in their home state do not have to complete this form. Section 26.85 of 49 CFR Part 26 explains the process for obtaining certification in additional states, i.e., interstate certification.*

**3. Where can I send my application?**

Transportation agencies in each state perform DBE and ACDBE certification functions. DOT’s website has a table of certifying agency contacts at <https://www.transportation.gov/DBEPOC>. Click on the link to access contact information for your state/territory and obtain details on how to submit your application.

**4. What happens after I apply?**

A transportation agency in your state that performs certification functions will contact you.

**5. Where can I find more information?**

Visit the USDOT website at <https://www.transportation.gov/DBE> for links to the DBE/ACDBE program rules and regulations (including those for interstate certification), answers to frequently asked questions, points of contact, and more.

SBA Small Business Size Standards matched to the North American Industry Classification System (NAICS): <http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>.

Under 49 CFR § 26.107, if, at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 CFR Parts [180](#) and [1200](#). No procurement Suspension and Debarment, take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 USC 1001, which prohibits false statements in federal programs



## INSTRUCTIONS

NOTE: All participating firms must be for-profit enterprises with current business operations. If your firm is not for profit, or is not conducting business, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

### Section 1: CERTIFICATION INFORMATION

#### A. Basic Contact Information

- (1) Enter the name and title of the person completing this application who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation (if any) or similar document.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website address, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm, if it is different from your firm's street address.

#### B. Prior/Other Certifications and Applications

Indicate whether your firm or any firms owned by the persons listed has ever been denied certification as a DBE/ACDBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

### Section 2: GENERAL INFORMATION

#### A. Business profile:

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in states' online directories of certified firms.
- (2) If you know the appropriate North American Industry Classification System (NAICS) code for the type(s) of work you identified in your business profile, enter the codes in the space provided.

- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation (if any) or similar document.
- (4) State the date each person became a firm owner. Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (5) Check the appropriate box that indicates whether your firm is "for profit." **If you checked "No," then you do NOT qualify for the DBE/ACDBE program** and should not complete this application. All participating firms must be for-profit enterprises. Provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (6) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. If you checked "Other," briefly explain in the space provided.
- (7) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment to your application.
- (8) Specify the firm's gross receipts for each of the **past five years**, as stated in your firm's filed federal tax returns. You must submit all portions of federal tax returns related to gross receipts and signature pages, as filed. If there is no federal tax return yet filed for the most recent taxable year, you may provide an income statement signed by a CPA who attests to its accuracy and completeness. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide documentation these firms' gross receipts also as described above. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

#### B. Relationships and Dealings with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these



other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Provide an explanation of any items shared with other firms in the space provided.

- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
- (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
  - (a) ever existed under different ownership, a different type of ownership, or a different name;
  - (b) existed as a subsidiary of any other firm;
  - (c) existed as a partnership in which one or more of the partners are/were other firms;
  - (d) owned any percentage of any other firm; and
  - (e) had any subsidiaries of its own.
  - (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

### Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

#### A. Identify the majority owner of the firm holding 51% or more ownership interest:

- (1) Enter the full name of the owner.
- (2) Enter the owner's title or position.
- (3) Give the owner's phone number.
- (4) Enter the owner's home (street) address.
- (5) Indicate the owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then the firm may not rely on this owner's social and economic disadvantaged status for DBE certification eligibility.
- (8) Enter the number of years this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, gift and/or other investment. Describe

how the owner acquired the business and attach documentation substantiating this investment.

- (11) List additional investments.

#### B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's function/title held in that business.
- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.  
(b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please explain this activity.
- (4) (a) Provide the personal net worth of the owner claiming social and economic disadvantage in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Complete this section and accompanying statement only for each owner claiming to be socially and economically disadvantaged.  
(b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to that person, the name of the company, the type of business, and whether that person owns or manages the company.

### Section 4: CONTROL

#### A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, group membership, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, group membership, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each such individual by name and, provide the name of the other business in which that individual is involved, and describe the





nature of that individual's role in the other business.

- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of the individual's relationship with that other firm.

**B. Duties of Owners, Officers, Directors, Managers and Key Personnel**

Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who are responsible for the functions listed for the firm. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

**C. Inventory: Indicate firm inventory in these categories:**

**(1) Equipment and Vehicles**

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

**(2) Office Space**

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

**(3) Storage Space**

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

**D. Does your firm rely on any other firm for management functions or employee payroll?**

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

**E. Financial / Banking Information**

State the name, city and state of your firm's bank. Identify the individuals authorized to sign checks on this account. Provide bank documentation that shows all individuals who are authorized to sign checks on the firm's behalf.

Bonding Information. State your firm's bonding limits both aggregate and project limits.

**F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.**

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm. Provide copies of signed loan agreements and security agreements

**G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:**

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

**H. Current licenses/permits held by any owner or employee of your firm.**

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and identify the state that issued the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

**I. Largest contracts completed by your firm in the past three years, if any.**

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

**J. Largest active jobs on which your firm is currently working.**

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the





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anticipated completion date, and the dollar value of the contract.

## **Section 5: AIRPORT CONCESSION (ACDBE) APPLICANTS**

Complete the entries in this section if you are applying for ACDBE certification. Indicate in Section A if you operate a concession at the airport, and/or supply a good or service to an airport concessionaire. Indicate in Section B whether the applicant firm owns or operates any off-airport locations, providing the type of business, lease information, address/location, and annual gross receipts generated. Provide similar information in section C for any airport concession locations the firm currently owns or operates. If the applicant firm has any affiliates, provide the requested information in Section D. Indicate whether the ACDBE firm is participating in any joint ventures, and if so, include the original and any amended joint venture agreements.

## **DECLARATION & SIGNATURE**

The Declaration of Eligibility must accompany your application. Carefully read the attached declaration in its entirety. Fill in the required information for each blank space, and sign and date the declaration.



*IF YOU ARE ALREADY CERTIFIED AS A DBE/ACDBE, YOU DO NOT HAVE TO COMPLETE THIS APPLICATION FOR OTHER STATES. REFER TO § 26.85 OF 49 CFR PART 26 FOR DETAILS ABOUT THE INTERSTATE CERTIFICATION PROCESS.*

## Section 1: CERTIFICATION INFORMATION

### A. Basic Contact Information:

My firm is applying for certification as \_\_\_\_\_ DBE \_\_\_ ACDBE

(1) Contact person's name and title:

\_\_\_\_\_

(2) Legal name of firm:

\_\_\_\_\_

(3) Phone #: \_\_\_\_\_ (4) Other Phone #: \_\_\_\_\_ (5) Fax#: \_\_\_\_\_

(6) E-mail: \_\_\_\_\_ (7) Firm Websites: \_\_\_\_\_

(8) Street address of firm (No P.O. Box): \_\_\_\_\_ City: \_\_\_\_\_ County/Parish: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(9) Mailing address of firm (No P.O. Box): \_\_\_\_\_ City: \_\_\_\_\_ County/Parish: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### B. Prior/Other Certifications and Applications

(10) Indicate whether the firm or any persons listed in this application have ever been:

(a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? \_\_\_ Yes \_\_\_ No

(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges

denied or restricted by any state or local agency, or federal entity? \_\_\_ Yes \_\_\_ No If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Section 2: GENERAL INFORMATION

**A. Business Profile:** (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional sheets if necessary. This description may be used in states' online databases and directories of certified firms.

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(2) NAICS Codes for this line of work include: \_\_\_\_\_

(3) This firm was established on: \_\_\_\_\_

(4) Is the firm "for profit"? \_\_\_ Yes Federal Tax ID# \_\_\_\_\_ **NO STOP! If the firm is NOT for-profit, then the firm does NOT qualify for this program and should not fill out this application.**



(5) Type of Legal Business Structure: (check all that apply):

- ☐ Sole Proprietorship  
☐ Limited Liability Partnership  
☐ Partnership  
☐ Corporation  
☐ Limited Liability Company  
☐ Other (describe): \_\_\_\_\_

(6) Number of employees: Full-time \_\_\_\_\_ Part-time \_\_\_\_\_ Seasonal \_\_\_\_\_ Total \_\_\_\_\_

(Provide a list of employees, their job titles, and dates of employment, to your application).

(7) Specify the firm's gross receipts for the last 5 years. (Submit complete copies of the firm's federal tax returns for each year. You may provide gross receipt information for the past 5 years. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns).

Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____

**B. Relationships and Dealings with Other Businesses**

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office or storage space, yard, warehouse, facilities, equipment, inventory, financing, office staff, and/or employees with any other business, organization, or entity? ☐ Yes ☐ No

If yes, explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Provide details about the shared items.

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(2) Has any other firm had an ownership interest in your firm at present or at any time in the past?

☐ Yes ☐ No If yes, explain: \_\_\_\_\_

(3) At present, or at any time in the past, has your firm:

(a) Ever existed under different ownership, a different type of ownership, or a different name? ☐ Yes ☐ No

(b) Existed as a subsidiary of any other firm? ☐ Yes ☐ No

(c) Existed as a partnership in which one or more of the partners are/were other firms? ☐ Yes ☐ No

(d) Owned any percentage of any other firm? ☐ Yes ☐ No

(e) Had any subsidiaries? ☐ Yes ☐ No

(f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts? ☐ Yes ☐ No

(If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).

**Section 3: MAJORITY OWNER INFORMATION**

A. Identify the owner of the firm **holding 51% or more** ownership interest in the firm.

(1) Full Name: \_\_\_\_\_

(2) Title: \_\_\_\_\_



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(3) Home Phone #: \_\_\_\_\_

(4) Home Address (Street and Number) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

(5) Gender: ☐ Male ☐ Female ☐ Other: \_\_\_\_\_

(6) Group membership (Check all that apply):

- ☐ Black American  
☐ Hispanic American  
☐ Asian-Pacific American  
☐ Native American  
☐ Subcontinent Asian American  
☐ Other: \_\_\_\_\_

(7) Residency Status:

- ☐ U.S. Citizen  
☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: \_\_\_\_\_

(9) Percentage owned: \_\_\_\_\_

(a) Class of stock owned (if applicable): \_\_\_\_\_

(b) Date acquired: \_\_\_\_\_

(10) Initial investment to acquire ownership in firm:

Type	Dollar Value
Cash	\$ _____
Real Estate	\$ _____
Equipment	\$ _____
Other	\$ _____

Describe how the majority owner acquired ownership of the firm:

- ☐ Started business myself  
☐ Received it as a gift from \_\_\_\_\_  
☐ Bought it from: \_\_\_\_\_  
☐ Inherited it from: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

*(Attach documentation substantiating your investment and method of acquisition)*

**B. Additional Owner Information**

(1) Describe familial relationship to other owners and employees: \_\_\_\_\_

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(2) Does this owner perform a management or supervisory function for any other business? ☐ Yes ☐ No

If yes, identify: Name of Business: \_\_\_\_\_ Function/Title: \_\_\_\_\_

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) ☐ Yes ☐ No

If yes, identify the name of the business, and the nature of the relationship, and the owner's function at the firm: \_\_\_\_\_

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(b) Does this owner work for any other firm, non-profit organization, or engage in any other activity more than 10 hours per week? ☐ Yes ☐ No If yes, identify this activity: \_\_\_\_\_

(4)(a) What is the Personal Net Worth (PNW) of this disadvantaged owner? \_\_\_\_\_

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No

(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, owners, directors, officers, managers, or employees own, manage, or have any association with another company? ☐ Yes ☐ No If yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): \_\_\_\_\_

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(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, owners, directors, officers, managers, or employees own, manage, or have any association with another company? ☐ Yes ☐ No If yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): \_\_\_\_\_

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### Section 4: CONTROL

A. Identify your firm's Officers and Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				

(3) Do any of the persons listed above perform a management or supervisory function for any other business?

☐ Yes ☐ No If yes, identify for each:

Person: \_\_\_\_\_ Title: \_\_\_\_\_

Business: \_\_\_\_\_ Function: \_\_\_\_\_

Person: \_\_\_\_\_ Title: \_\_\_\_\_

Business: \_\_\_\_\_ Function: \_\_\_\_\_

(4) Do any of the persons listed in Section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

☐ Yes ☐ No If Yes, identify for each:

(4) Do any of the persons listed in section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

☐ Yes ☐ No If Yes, identify for each:

Firm Name: \_\_\_\_\_ Person: \_\_\_\_\_

Nature of Business Relationship: \_\_\_\_\_

B. Duties of Owners, Officers, Directors, Managers, and Key Personnel

1. Complete for all owners who are responsible for the following functions: (*Attach separate sheets as needed*)



<b>A = Always</b> <b>F = Frequently</b>	<b>S = Seldom</b> <b>N = Never</b>	Majority Owner (51% or more)				Minority Owner (49% or less)			
		Name: _____ Title: _____ Percent Owned: _____				Name: _____ Title: _____ Percent Owned: _____			
Sets policy for company direction/scope of operations		A	F	S	N	A	F	S	N
Bidding and estimating		A	F	S	N	A	F	S	N
Major purchasing decisions		A	F	S	N	A	F	S	N
Marketing and sales		A	F	S	N	A	F	S	N
Supervises field operations		A	F	S	N	A	F	S	N
Attend bid opening and lettings		A	F	S	N	A	F	S	N
Perform office management (billing, accounts receivable/payable, etc.)		A	F	S	N	A	F	S	N
Hires and fires management staff		A	F	S	N	A	F	S	N
Hire and fire field staff or crew		A	F	S	N	A	F	S	N
Designates profits spending or investment		A	F	S	N	A	F	S	N
Obligates business by contract/credit		A	F	S	N	A	F	S	N
Purchase equipment		A	F	S	N	A	F	S	N
Signs business checks		A	F	S	N	A	F	S	N

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function: \_\_\_\_\_

Do any of the persons listed above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) If Yes, describe the nature of the business relationship: \_\_\_\_\_

C. Inventory: Indicate your firm's inventory in the following categories (Please attach additional sheets if needed):

### 1. Equipment and Vehicles

Make and Model	Current value	Owned or leased by firm or owner?	Used as collateral?	Where is item stored?

### 2. Office Space

Address (Street and Number) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Owned or Leased by Firm or Owner? ☐ Yes ☐ No (if yes, provide details): \_\_\_\_\_

Current Value of Property or Lease: \_\_\_\_\_

### 3. Storage Space (Provide signed lease agreements for the properties listed)

Address (Street and Number) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Owned or Leased by Firm or Owner? ☐ Yes ☐ No (if yes, provide details): \_\_\_\_\_

Current Value of Property or Lease: \_\_\_\_\_





D. Does your firm rely on any other firm for management functions or employee payroll? ☐ Yes ☐ No

E. Financial/Banking Information (Provide bank authorization and signature cards)

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_

The following individuals are authorized to sign checks on this account: \_\_\_\_\_

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_

The following individuals are authorized to sign checks on this account: \_\_\_\_\_

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_

The following individuals are authorized to sign checks on this account: \_\_\_\_\_

Bonding Information: If you have bonding capacity, identify the firm's bonding aggregate and project limits:

Aggregate limit \_\_\_\_\_ Project limit \_\_\_\_\_

F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether the owner or any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner. (Provide copies of signed loan agreements and security agreements).

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years (Attach additional sheets if needed):

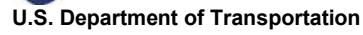
Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer

H. List current licenses/permits held by any owner and/or employee of your firm (e.g., contractor, engineer, architect, etc.)(Attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	State

I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract



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**J. List the three largest active jobs on which your firm is currently working:**

Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract

**Additional Information:**

[illegible]

**SECTION 5 - AIRPORT CONCESSION**

(ACDBE APPLICANTS ONLY)

**A. I am applying for ACDBE certification to: (check all that apply)**

\_\_\_\_\_ Operate a concession at an airport \_\_\_\_\_ Supply a good or service to an airport concessionaire

**B. Does the applicant firm own/operate any off-airport locations? \_\_ Yes \_\_ No (if yes, identify the following):**

Type of Business (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Lease Term (years)	Lease Start Date	Address / Location	Annual Gross Receipts Generated

**C. Does the applicant firm currently own/operate any airport concession locations? \_\_ Yes \_\_ No (If yes, supply the following information):**

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g., Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

**D. Does the applicant firm have any affiliates? \_\_ Yes \_\_ No If Yes, provide the following information concerning any locations owned/operated by affiliate firms.**

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g., Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

**E. Is the ACDBE applicant firm a participant in any joint ventures? \_\_ Yes \_\_ No If Yes, attach all original and any amended Joint Venture Agreements and any amendments to the agreements.**

**DECLARATION OF ELIGIBILITY**

This form must be signed by **EACH OWNER** upon whose disadvantaged status the firm relies for certification.

**A FALSE STATEMENT OR MATERIAL OMISSION MADE IN CONNECTION WITH THIS SUBMISSION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, DECERTIFICATION, OR SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE UNDER FEDERAL AND STATE LAW.**

I \_\_\_\_\_ (full name printed), declare under penalty of perjury that I am \_\_\_\_\_ (title) of the firm \_\_\_\_\_, all of the foregoing information and statements submitted for eligibility are true, correct, and complete to the best of my knowledge. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this material is for the purpose of inducing certification by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the material, and I authorize such agency to contact any entity named in certification material, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial or decertification.

If awarded a contract, subcontract, concession lease or sublease, as detailed in § 26.55, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency, on an ongoing basis, current, complete and accurate information regarding my firm's (1) commercially useful function (CUF) performed on the project or concession lease; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to notify the certifying agency of a material change in circumstances that affects my firm's eligibility within 30 days of its occurrence, explain the change fully, and include a duly executed Declaration of Eligibility (this form) with the notice.

I acknowledge and agree that any misrepresentations in certification materials or in records pertaining to a contract

or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or decertification; suspension and debarment; and for initiating action under federal and/or state law.

I declare that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise. In support of my application, I declare that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s): (Check all that apply):

- ☐ Women ☐ Black American ☐ Hispanic American  
☐ Native American ☐ Asian-Pacific American  
☐ Subcontinent Asian American  
☐ Other pursuant to 49 CFR § 26.67(d)

I declare that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further declare that my personal net worth does not exceed the DBE program's limit posted on <https://www.transportation.gov/DBEPNW>, and that I am economically disadvantaged because My ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

**PURSUANT TO 28 USC § 1746:**

**I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON \_\_\_\_\_**

**SIGNATURE \_\_\_\_\_**  
**(OWNER)**



## SUPPORTING DOCUMENTS CHECKLIST

### Required Documents for All Applicants

\_\_\_ Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm.

\_\_\_ Personal Net Worth Statement for each socially and economically disadvantaged owners who the applicant firm relies upon to satisfy the Regulation's 51% ownership requirement.

\_\_\_ Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner.

\_\_\_ Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 5 years, or the number of years in business, if fewer.

\_\_\_ Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks).

\_\_\_ Signed loan and security agreements, and bonding forms.

\_\_\_ List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.

\_\_\_ Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm.

\_\_\_ Licenses, license renewal forms, permits, and haul authority forms.

\_\_\_ Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases.

\_\_\_ Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years.

\_\_\_ DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertification's, if applicable; and any U.S. DOT decisions on these actions.

\_\_\_ Bank authorization and signatory cards.

\_\_\_ Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm.

\_\_\_ List of all employees, job titles, and dates of employment.

\_\_\_ Proof of warehouse/storage facility ownership or lease arrangements.

### Partnership or Joint Venture

\_\_\_ Original and any amended Partnership or Joint Venture Agreements.

### Corporation or LLC

\_\_\_ Official Certificate of Formation and current Operating/Shareholder Agreement, if any.

\_\_\_ Official Articles of Incorporation (signed by the state official).

\_\_\_ Both sides of all corporate stock certificates and your firm's stock transfer ledger.

\_\_\_ Minutes of stockholder, member, partner, and board of director's meetings, if any.

\_\_\_ Company by-laws and any amendments.

\_\_\_ Evidence of signature authority on the firm's bank accounts.

***Failure to provide any of these required documents that are applicable to your firm's application may result in denial of your application.***

### Optional Documents to Be Provided on Request

The certifying agency to which you are applying may require the submission of the following documents. If requested to provide any of these documents, you must supply them with your application or at the on-site visit. Failure to do so may result in denial of your application.

\_\_\_ Proof of citizenship or lawful permanent residence

\_\_\_ Insurance agreements for each truck owned or operated by your firm.

\_\_\_ Audited financial statements (if available)

\_\_\_ Trust agreements held by any owner claiming disadvantaged status.

### Suppliers

\_\_\_ List of product lines carried and list of distribution equipment owned and/or leased.



## DBE/ACDBE PNW Statement

### Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2105-0586. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information.

All responses to this collection of information are mandatory 49 CFR § § 26.67, 26.68; the nature and extent of confidentiality to be provided, if any (49 CFR §§ 23.35, 23.39, 26.83(d) and 26.109(b)). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, (your agency name and address), Washington, D.C. 20590.

### Privacy Act Statement (5 U.S.C. § 552a, as amended):

**AUTHORITY:** [42 U.S.C. 2000d et seq.](#), [§ 12101 et seq.](#), [42 U.S.C. 6101 et seq.](#); [29 U.S.C. 794, 749d](#); [49 U.S.C. 47113](#); [42 U.S.C. 12101](#); [49 CFR Part 23](#); [49 CFR Part 26](#), and [Executive Order 13160](#).

**PURPOSE(S):** DOT will use the information collected to respond to Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) inquiries and adjudicate appeals.

**ROUTINE USE(S):** In accordance with DOT's system of records notice, [DOT/ALL-24 Departmental Office of Civil Rights System, 76 FR 71108 \(Nov. 16, 2011\)](#), the information provided may be disclosed to the U. S. Department of Justice, including United States Attorney's Offices, or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation. A comprehensive list of routine uses can be found in DOT/ALL 24 and DOT's General Statement of Routine uses, 75 FR 82138 (Dec. 29, 2010). 77 FR 42796 (July 20, 2012), 84 FR 55222 (Oct. 15, 2019).

**DISCLOSURE:** Provision of the requested information is voluntary; however, failure to furnish the requested information may result in the denial of a DBE or ACDBE application and an inability of the Department to process an appeal or inquiry from any party.



## INSTRUCTIONS

An individual's personal net worth according to 49 C.F.R. Parts 23 and 26 includes assets and liabilities that she or he owns or is deemed to own without regard to community property or equitable distribution laws.

If the personal net worth of the majority owner(s) of the firm exceeds the PNW cap posted online at <https://www.Transportation.gov/DBEPNW>, as defined by 49 C.F.R. Parts 23 and 26, the firm is not eligible for DBE or ACDBE certification.

Provide all Worksheets. Provide documents to support each entry. If you have any questions about completing this form, contact the certifying agency.

### Assets

Report assets at their current fair market values as of the date of your PNW form. In cases of joint ownership, report only the value of your ownership unless Worksheet directs otherwise. Do not report the value of the applicant firm.

**Cash and Cash Equivalents:** Enter total from Worksheet 1.

**Investment Accounts and Individual Securities:** Enter total from Worksheet 2.

**Real Estate:** Enter total from Worksheet 3.

**Personal Property and Other Assets:** Enter total from Worksheet 4.

**Ownership in Other Businesses:** Enter total from Worksheet 5.

**Life Insurance:** Enter total from Worksheet 6.

**Amounts Owed to You:** Enter total from Worksheet 7.

**Assets Held in Trust:** Enter total from Worksheet 8.

**Transfers Within Preceding Two Years:** If you transferred assets worth at least \$20,000 in aggregate to related parties within the last two years, enter total from Worksheet 9. *Exclude transfers to applicant or DBE.*

Relatives include your spouse or domestic partner, children (whether biological, adopted, or stepchildren), siblings (including stepsiblings and those of the spouse or domestic partner), and parents (including stepparents and those of the spouse or domestic partner). Related entities include for-profit privately held companies of which any relative is an owner, officer, director, or equivalent; and family or other trusts of which you or any relative is grantor, trustee, or beneficiary, except when the transfer is irrevocable. See 49 C.F.R. 26.68(c)(7)-(9).

### Liabilities

Report current balances. Report only your own, direct liabilities. *Do not report* guarantees or other contingent liabilities. *Do not report* business debt, debt secured by retirement assets, or any amount you owe, directly or indirectly, to the applicant or DBE.

**Mortgages:** Enter total from Worksheet 10.

**Loans on Life Insurance:** Enter total from Worksheet 11.

**Other Liabilities:** Enter total from Worksheet 12.

### Other Information

Retirement Assets. Complete Worksheet 13 but *do not* enter value on PNW Statement.

Primary Residence. Complete Worksheet 14 but *do not* enter value on PNW Statement.

### Declaration

You must sign and date the statement.



**Personal Net Worth Statement**

As of \_\_\_\_\_

This form is used by all participants in the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) and Airport Concession DBE (ACDBE) Programs. Each individual owner of a firm applying to participate as a DBE or ACDBE, whose ownership and control are relied upon for DBE certification must complete this form. Each person signing this form authorizes the certifying agency to make inquiries as necessary to verify the accuracy of the statements made. The agency you apply to will use the information provided to determine whether an owner is economically disadvantaged as defined in the DBE program regulations 49 C.F.R. Parts 23 and 26. Return form to appropriate certifying agency, not U.S. DOT.

<b>Name</b>			
<b>Residence</b> (As reported to the IRS) Address, City, State, and Zip Code			
<b>Company's Legal Name</b>		<b>Phone:</b>	
<b>Marital Status:</b> Single <input type="radio"/> Married/Domestic Partnership <input type="radio"/>		<b>Business Phone:</b>	
<b>Assets</b>	(Omit Cents)	<b>Liabilities</b>	(Omit Cents)
1. Cash and Cash Equivalents (checking and savings accounts, CDs etc.) (Complete Worksheet 1)		10. Mortgages on Real Estate Other Than Primary Residence (Complete Worksheet 10)	
2. Investment Accounts and Individual Securities (Complete Worksheet 2)		11. Loans on Life Insurance (Complete Worksheet 11)	
3. Value of Your Ownership Interest in Real Estate, Excluding Primary Residence (Complete Worksheet 3)		12. Other Liabilities (Complete Worksheet 12)	
4. Personal Property and Other Assets (Complete Worksheet 4)			
5. Ownership in Other Businesses (Complete Worksheet 5)			
6. Life Insurance (Cash Surrender Value) (Complete Worksheet 6)			
7. Amounts Owed to You (Complete Worksheet 7)			
8. Assets Held in Trust (Complete Worksheet 8)			
9. Assets Transferred to Related Parties Within the Past Two Years (Complete Worksheet 9)			
<b>Total Assets:</b>		<b>Total Liabilities:</b>	

**Personal Net Worth:**



## Worksheets

**Worksheet 1—List Cash and Cash Equivalents (checking or savings accounts CDs etc.) (Attach additional sheets as necessary)**

Cash/Account	Balance

Total \_\_\_\_\_

**Worksheet 2—Investment Accounts and Individual Securities (e.g., Brokerage and Custodial accounts, stocks, bonds) (Full Value) (Attach additional sheets as necessary)**

Account or Security Name and Number	Value

Total \_\_\_\_\_

**Worksheet 3—Real Estate Other than Primary Residence (Attach additional sheets as necessary)**

	Property 1	Property 2	Property 3
Type of Property			
Address			
Date Acquired			
Purchase Price			
Present Market Value			
Source of Market Valuation			

Total \_\_\_\_\_

**Worksheet 4—Personal Property and Other Assets (Attach additional sheets as necessary)**

Type of Property or Asset	Is this asset insured?	Value
Vehicles (e.g., cars, trucks, recreational vehicles, motorcycles, boats, etc.) and titled in your name or of which you are the primary operator. (Itemize)		
Household Property (total value)		
Artwork (total value)		
Jewelry (total value)		
Other collectables (total value)		
Amounts owed to you (e.g., loans to others, including companies) (Itemize)		
Assets subject to the two-year transfer rule (see 49 CFR 26.68 (c)(7)-(9))		
Other (e.g., livestock, farm equipment, greenhouse)		

Total \_\_\_\_\_

**Worksheet 5—Ownership in Other Business Investments (excluding applicant firm) Sole Proprietorships, General Partners, Joint Ventures, Limited Liability Companies, Closely-held and Public Traded Corporations. (Attach additional sheets as necessary)**

	Business 1	Business 2	Business 3	Business 4
Business name				
Address				
Value				

Total \_\_\_\_\_

**Worksheet 6— Life Insurance (do not list term life insurance) (Attach additional sheets as necessary)**

Policy	Insurance Company	Cash Surrender Amount

Total \_\_\_\_\_

**Worksheet 7—Amounts Owed to You ( loans to other individuals and entities including applicant firm) (Attach additional sheets as necessary)**

Debtor	Description	Balance

Total \_\_\_\_\_

**Worksheet 8—Assets Held in Trust (Attach additional sheets as necessary)**

Trust Name	Description/Additional Information	Value

Total \_\_\_\_\_



**Worksheet 9— Assets Transferred to Related Parties Within the Past Two Years (Attach additional sheets as necessary)**

Asset	Description	Value

Total \_\_\_\_\_

**Worksheet 10—Mortgages on Real Estate Other Than Primary Residence (Itemize by loan, attaching additional sheets if necessary)**

	Property 1	Property 2	Property 3
Type of Property			
Address			
Name of all Mortgage Holders			
Loan Balance			

Total \_\_\_\_\_

**Worksheet 11— Loan on Life Insurance (do not list term life insurance) (Attach additional sheets as necessary)**

Policy	Insurance Company	Loan Amount

Total \_\_\_\_\_



**Worksheet 12—Other Liabilities (Attach additional sheets as necessary)**

Type of Debt	Creditor	Amount of Liability (Balance)
Loans on Motor Vehicles (itemize)		
Loans Secured by Property Other Than Real Estate or Vehicles		
Loans Secured by Property Other Than Real Estate or Vehicles		
Unpaid Taxes (fixed in amount and currently due)		
Any Other Amount, Not Reported Above, That You Currently Owe (itemize and describe)		

Total \_\_\_\_\_

**Worksheet 13—Retirement Accounts (Attach additional sheets as necessary)**

Account Name	Value

Total \_\_\_\_\_

**Worksheet 14--Primary Residence**

Address	
Date Acquired	
Purchase Price	
Market Value	
Source of Market Valuation	

## Declaration

I declare under penalty of perjury that the information provided in this personal net worth statement and supporting documents is complete, true and correct. I declare that no assets have been transferred to any beneficiary for less than fair market value in the last two years. I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application and this personal net worth statement, and I authorize such agency to contact any entity named in the application or this personal financial statement, including the names banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility. I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

\_\_\_\_\_  
Signature (DBE/ACDBE Owner)\_\_\_\_\_  
Date





OMB CONTROL NUMBER: 2105-0586

EXPIRATION DATE: 05/31/2027

**Paperwork Reduction Act Burden Statement**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2105-0586. Public reporting for this collection of information is estimated to be approximately 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information.

All responses to this collection of information are mandatory under 49 CFR §§ 23.39 and 26.83; the nature and extent of confidentiality to be provided, if any under 49 CFR §§ 26.83 and 26.109. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, (your agency name and address), Washington, D.C. 20590.

**Privacy Act Statement (5 U.S.C. § 552a, as amended):**

**AUTHORITY:** [42 U.S.C. 2000d et seq.](#), [§ 12101 et seq.](#), [42 U.S.C. 6101 et seq.](#); [29 U.S.C. 794, 749d](#); [49 U.S.C. 47113](#); [42 U.S.C. 12101](#); [49 CFR Part 23](#); [49 CFR Part 26](#), and [Executive Order 13160](#).

**PURPOSE(S):** DOT will use the information collected to respond to Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) inquiries and adjudicate appeals.

**ROUTINE USE(S):** In accordance with DOT's system of records notice, DOT/ALL-24 Departmental Office of Civil Rights System, 76 FR 71108 (Nov. 16, 2011), the information provided may be disclosed to the U. S. Department of Justice, including United States Attorney's Offices, or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation. A comprehensive list of routine uses can be found in DOT/ALL 24 and DOT's General Statement of Routine uses, 75 FR 82138 (Dec. 29, 2010). 77 FR 42796 (July 20, 2012), 84 FR 55222 (Oct. 15, 2019).

**DISCLOSURE:** Provision of the requested information is voluntary; however, failure to furnish the requested information may result in the denial of a DBE or ACDBE application and an inability of the Department to process an appeal or inquiry from any party.

**DECLARATION OF ELIGIBILITY**

This form must be signed by **EACH OWNER** upon whose disadvantaged status the firm relies for certification.

**A FALSE STATEMENT OR MATERIAL OMISSION MADE IN CONNECTION WITH THIS SUBMISSION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, DECERTIFICATION, OR SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE UNDER FEDERAL AND STATE LAW.**

I \_\_\_\_\_ (full name printed), declare under penalty of perjury that I am \_\_\_\_\_ (title) of the firm \_\_\_\_\_, all of the foregoing information and statements submitted for eligibility are true, correct, and complete to the best of my knowledge. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this material is for the purpose of inducing certification by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the material, and I authorize such agency to contact any entity named in certification material, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial or decertification.

If awarded a contract, subcontract, concession lease or sublease, as detailed in § 26.55, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency, on an ongoing basis, current, complete and accurate information regarding my firm's (1) commercially useful function (CUF) performed on the project or concession lease; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to notify the certifying agency of a material change in circumstances that affects my firm's eligibility within 30 days of its occurrence, explain the change fully, and include a duly executed Declaration of Eligibility (this form) with the notice.

I acknowledge and agree that any misrepresentations in certification materials or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or

decertification; suspension and debarment; and for initiating action under federal and/or state law.

I declare that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise. In support of my application, I declare that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s): (Check all that apply):

Women    Black American    Hispanic American  
Native American    Asian Pacific American  
Subcontinent Asian American  
Other pursuant to 49 CFR § 26.67(d)

I declare that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further declare that my personal net worth does not exceed the DBE program's limit posted on <https://www.transportation.gov/DBEPNW>, and that I am economically disadvantaged because My ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

**PURSUANT TO 28 USC § 1746:**

**I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON \_\_\_\_\_**

**SIGNATURE \_\_\_\_\_**  
**(OWNER)**

**Connecticut Department of Transportation**  
**Disadvantaged Business Enterprise Goal and Methodology Report - FHWA**  
**FFY 2025 – 2027**  
**July 25, 2024**

**Amount of Goal**

The State of Connecticut Department of Transportation's (CTDOT) overall goal for DBE Participation for the Federal Fiscal Years (FFY) October 1, 2024 through September 30, 2027 is **10.2%** of the Federal financial assistance CTDOT will expend on DOT-assisted contracts.

**Local Market Area**

In order to determine the appropriate market area for Connecticut, whether it is the borders of the State or whether CTDOT should also look at neighboring areas (such as NY, RI or MA) for available firms, the agency looked at the bid amounts of the Prime Contractors and the subcontract amounts for all DBE Contractors for the past three years and separated these figures according to the home-state of the Prime or DBE firm.

Based on the number of projects and the dollar value of projects awarded to Connecticut based firms there is not a need to expand CTDOT's Local Market Area beyond the borders of the State.

**FHWA Local Market Area – Prime Contractor Awards**

<b>State of Prime</b>	<b># of Projects</b>	<b>% of Projects</b>	<b>\$ Amount</b>	<b>% Dollars</b>
CA	1	0.80%	\$14,996,340.25	1.04%
CT	103	81.60%	\$807,091,554.40	55.78%
MA	4	2.40%	\$125,956,026.20	8.70%
NC	1	0.80%	\$1,891,381.50	0.13%
NJ	1	0.80%	\$55,255,000.00	3.82%
NY	14	10.40%	\$289,492,084.00	20.00%
PA	2	0.80%	\$1,710,401.00	0.12%
RI	3	2.40%	\$53,779,650.21	3.72%
NY/MA	1		\$96,688,000.00	6.68%
<b>TOTAL</b>	<b>125</b>		<b>\$1,446,860,437.56</b>	

**Bidders List Information**

<b>Bidder's State (all bidders)</b>	<b># of Bidders</b>	<b>% of Firms</b>
CT	699	77.04%
NY	51	5.51%
MA	129	14.13%
FL	1	0.11%
ME	3	0.33%
MI	1	0.11%

MN	5	0.55%
NJ	2	0.22%
PA	5	0.44%
RI	14	1.55%
NY/MA	1	
	911	

#### **FHWA Local Market Area – DBE Subcontractors**

<b>State of DBE</b>	<b># of Subcontracts</b>	<b>% of Firms</b>	<b>\$ Amount</b>	<b>\$ Percentage</b>
CT	213	81.9%	\$418,257,995.78	93.2%
NY	12	4.6%	\$16,478,400.10	3.7%
ME	2	0.8%	\$64,253.00	0.01%
NJ	4	1.5%	\$7,131,816.00	1.6%
RI	15	5.8%	\$3,510,875.85	0.8%
MA	14	5.4%	\$3,354,984.09	0.7%
<b>Total</b>	260		\$448,798,324.82	

#### **Methodology Used to Calculate Overall Goal**

##### **Step 1:**

The process for calculating the goal begins with a review of the bidders list to create a listing of available firms (universe), that are “ready, willing and able” to perform work on FHWA projects, and from this listing determine what percentage of the firms could participate as DBEs.

The information was provided by the Office of Contracts and the Office of Construction. Information was submitted for firms who either submitted bids or performed work on FHWA projects over the past three years. The Office of Contracts provided the bidder’s list of all bidders on FHWA funded projects over the past three years. The Office of Construction provided information relative to the subcontractor approvals (CLA-12 forms) that were submitted over the past three years. CTDOT also used the list of prequalified consultants that were eligible to receive work on FHWA projects over the past three years. After verifying all of the listed DBE firms were still certified, the agency now had the listings of “ready, willing, and able” firms that to calculate the availability of DBEs to meet the Department’s goals.

In order to accurately reflect the available firms for these projects, CTDOT reviewed the DBE directory to include firms that were ready, willing and able, but were unsuccessful in obtaining a subcontract during the past three years. The list was filtered to only include contractors, subcontractors and consultants who performed or were interested in performing work, were capable of performing work, or bid on FHWA projects. CTDOT then performed separate

calculations for the firms that could work on Construction Contracts from the firms who performed on Consultant Agreements. For the Construction Contracts, this would include Contractors (including subcontractors), Trucking firms, and Construction related Suppliers/Manufacturers. In order to ensure an accurate count, and to avoid double-counting, we counted the firms under the type of work they most frequently perform. For the Consultants, any firm that performed Consulting or Professional Services was included.

For each category, staff then identified which firms were certified as DBE and calculated the percentages.

#### **Number of “Ready, Willing, and Able” Firms and DBE Firms**

<b>Category</b>	<b># of Firms</b>	<b># of DBE Firms</b>
Contractors	981	70
Suppliers/Manufacturers	9	9
Trucking Firms	16	16
<b>Total</b>	<b>1,006</b>	<b>95</b>
Consultants	<b>115</b>	<b>20</b>

#### **Percentage Calculation:**

$95/1006 = 9.4\%$  DBE Firms for

**Construction**

$20/115 = 17.4\%$  DBE Firms for Consultant

#### **Weighting:**

CTDOT performed calculations to weight these firms based on their availability, to determine the most accurate predictions for these firms receiving work. Though each individual project will still be screened on an individual basis for DBE opportunities, it is important to determine the overall availability of DBE firms as part of the goal methodology. Due to the nature of their work, consultants and professional services were included with the Consultant Agreements and weighted separately.

In order to determine the availability, CTDOT utilized the Department’s Statewide Transportation Improvement Program (STIP) covering 2025-2027.

In addition to identifying projects that would likely be let during the next three fiscal years, only federally funded projects were included. The projects identified as having federal funding and by the total federal share were then identified as either being administered as a construction contract or as a consultant agreement. The projects were then designated according to whether they would require contractors or consultants, and then were identified by projects that traditionally did not provide any subcontracting opportunities.

Two categories for projects in the Construction phase for contracting work were used: Construction and Maintenance. Maintenance projects were identified as offering little to no subcontracting opportunities. This is due to the short duration of project and the availability of

subcontracting opportunities and the availability of DBE firms. While these projects were considered to not have subcontracting opportunities for the purpose of calculating the overall this does not limit the potential to still add DBE subcontracting opportunities to any and all future projects, should availability for DBE participation be determined at the time of setting the goal. These include the CHAMP Safety Service Patrol, routine maintenance repair work, pavement markings, electric vehicle supply equipment installation.

Once the projects were divided according to category, the percentage of the Federal Dollars would be going to each type of project were calculated to determine what percentage of future project dollars would be available for DBE subcontracting opportunities for the two primary types of DBE opportunities; DBE contractors/trucking/suppliers and the DBE consultants. This information is weighted separately by the availability of construction contracts versus consultant agreements.

### Calculations for Upcoming Projects for FFY 2025-2027:

#### Construction Contract/Consultant Agreement Breakdown

<b>Total Federal Dollars on all FHWA Projects</b>	\$1,999,066,409	
<b>Total Construction Contracts</b>	\$1,891,581,964	94.6%
<b>Total Consultant Agreements</b>	\$107,484,445	5.4%

#### Project Contract Calculations

<b>Total Construction Contracts</b>	\$1,891,581,964
<b>Maintenance Contracts</b>	\$157,115,681
<b>Construction Contracts</b>	$\$1,891,581,964 - \$157,115,681 =$ <b>\$1,734,466,283</b>
<b>Construction Contract Percentage</b>	$\$1,734,466,283 / \$1,999,066,409 = 86.8\%$

The percent of Federal Dollars available for all Construction Contracts with subcontracting opportunities is 86.8%.

The weighted percentage for Contractors/Suppliers/Manufacturers:  $86.8 \times .946 = 82.1\%$ .

In order to calculate the base figure FHWA DBE goal for the Department, CTDOT needed to prepare the weighted values for the DBE Percentages of Construction Contracts and Consultant Agreements, to provide a more accurate picture of available subcontracting opportunities for the DBE firms. To do this, the percentage of available DBE firms is multiplied by the percentage of total Federal Dollars available.

#### Consultant Agreement Calculations

<b>Total Consultant Agreements</b>	\$107,484,445
<b>PE Consultant Agreement Percentage</b>	$\$107,484,445 / \$1,999,066,409 = 5.4\%$

5.4% would be the percent of Federal Dollars available for PE Consultant Agreements with subcontracting opportunities.

**Overall DBE Goal = (Percent of Available Construction Contract DBE Contractors/Suppliers/Manufacturers x Percent of Federal Dollars for Construction/Supplier/Manufacture Firms on Contracts) + (Percent of Available Construction Contract DBE Trucking firms x Percent of Federal Dollars for Trucking firms on Contracts) + (Percent of Available Consultant Agreement DBE Firms x Percent of Federal Dollars for Consultant Agreements)**

**FHWA Base Figure DBE Goal Calculation**

<b>Percent of Available DBE Firms for Contractors/Suppliers/Manufacturers/Trucking</b>	9.4
<b>Percent of Federal Dollars for Contractors/Suppliers/Manufacturers on Construction Contracts</b>	82.1
<b>Percent of Available DBE Firms for Consultant Agreements</b>	17.4
<b>Percent of Federal Dollars for Consultant Agreements</b>	5.4
<b>FHWA Base Figure DBE Goal</b>	$(9.4 \times .821) + (17.4 \times .054)$ 7.7 + .9 = 8.6%

8.6% is the base figure for the FHWA DBE Goal.

**Step 2:**

After calculating the base figure for the DBE Goal, CTDOT examined evidence to determine if any adjustment was needed, in order to improve the precision of the goal, based on all other available evidence. FHWA recommended using a Disparity Study, in order to gain the best possible statistical study of the existence of discrimination in contracting, and the most accurate figures as to the ready, willing, and able DBE firms compared to the available opportunities and actual participation. However, as of the completion of this report, the state of Connecticut has not yet conducted a disparity study. Without a disparity study, examining figures provided by a census study, such as whether there has been an increase or decrease in minority population in CT, whether there has been an increase or decrease in minority owned businesses, etc. would be without the necessary context to determine whether these numbers reveal any evidence of discrimination or proof of being economically and socially disadvantaged. As a result, these numbers are likely to not provide relevant and reliable data needed for determining whether adjustments to CTDOT's goal are necessary. Therefore, CTDOT examined our goals and participation achievements for the past five years, to provide accurate and relevant data for determining whether the present goal is reasonable in light of the actual monetary payments to DBE Firms over the past five years.



**FHWA DBE Goals and Participation Achievement for FFY 2016-2020**

<b>FFY</b>	<b>DBE Goal %</b>	<b>Total DBE Participation</b>	<b>Total Prime Contract Dollar Value</b>	<b>DBE Participation Achieved %</b>
<b>FFY 2019</b>	12.1%	\$65,865,969	\$555,532,612	11.9%
<b>FFY 2020</b>	12.1%	\$55,903,897	\$424,286,684	13.2%
<b>FFY 2021</b>	12.1%	\$48,349,169	\$405,923,448	11.9%
<b>FFY 2022</b>	13.8%	\$76,145,384	\$637,907,604	11.9%
<b>FFY 2023</b>	13.8%	\$45,012,513	\$465,382,083	9.7%

Based on these figures (9.7, 11.9, 11.9, 11.9, 13.2) the median is 11.9%,CTDOT calculated the median to gather the most accurate figure for how CTDOT has performed in the past regarding the achievement of the DBE goals through DBE participation (both race neutral and race conscious).

The agency then looked at the previous race-conscious and race-neutral DBE goal achievement for the previous five federal fiscal years. The median was 11.9%; the difference of between the median participation percentage and the base goal was 3.5%. CTDOT believes that it is appropriate to factor in the past DBE participation as part of the goal setting process to better reflect the availability of ready, willing, and able DBE firms. The based calculation of 8.4% and the median goal of 11.9% are averaged to determine the adjusted DBE goal.  $(11.9 + 8.4)/2 = 10.2\%$ .

**10.2%** is the Overall FHWA DBE Goal that CTDOT is required to meet for the next three Fiscal Years.

**Breakout of Estimated Race-Neutral & Race Conscious Participation**

CTDOT will meet the maximum feasible portion of its overall goal through the use of race-neutral means to facilitate DBE participation. CTDOT uses the following race-neutral means to increase DBE Participation:

1. CDTDOT will continue to seek out small businesses, owned and controlled by minorities and females, which provide goods and services in areas traditionally underutilized.
2. CTDOT will offer open houses to these firms allowing them the opportunity to learn how the Department does business and about procurement availabilities. In addition, these open houses provide the opportunity to meet the various department personnel who have procurement responsibilities, as well as meet with prospective prime contractors for potential subcontracting opportunities.
3. CTDOT will continue to participate and market the DBE program at workshops and conferences targeted to small business enterprises.

4. CTDOT have developed a race neutral program to provide opportunities for small businesses, including those that are certified as DBEs, to participate on CTDOT projects. This program has been instituted as the Small Business Participation Program.

The following is a summary of the basis of our estimated break-out of race-neutral and race conscious DBE participation: In order to calculate what the race-neutral percentage should be we examined the race-neutral amount achieved on FHWA projects during the past five fiscal years. CTDOT took the total amount of dollars that went to DBE firms through race neutral means and divided it by the total amount of Federal Dollars. Since the overall goals have been the same throughout this period, this should give CTDOT a good indication of how much race neutral participation we are able to get utilizing the previously described methods, as well as the participation on Prime Contracts/Agreements by DBEs and the encouragement of additional DBE participation through the life of a project. The average total will equal the estimated race-neutral participation for the next three fiscal years.

#### **Breakout of Race Neutral/Race Conscious Participation Calculation**

<b>FFY 2019 Race-Neutral Dollars</b>	\$18,988,793
<b>FFY 2019 Total Dollars</b>	\$555,532,612
<b>FFY 2020 Race-Neutral Dollars</b>	\$22,131,047
<b>FFY 2020 Total Dollars</b>	\$424,286,684
<b>FFY 2021 Race-Neutral Dollars</b>	\$9,842,527
<b>FFY 2021 Total Dollars</b>	\$405,923,448
<b>FFY 2022 Race-Neutral Dollars</b>	\$19,484,366
<b>FFY2022 Total Dollars</b>	\$637,907,604
<b>FFY 2023 Race-Neutral</b>	\$21,746,251
<b>FFY Total Dollars</b>	\$465,382,083
<b>Total Race-Neutral Dollars</b>	$\$18,988,793 + \$22,131,047 + \$9,842,527 + \$19,484,366 + \$21,746,251 = \$91,192,984$
<b>Total Dollars</b>	$\$555,532,612 + \$424,286,684 + \$405,923,448 + \$637,907,604 + \$465,382,083 = \$2,489,032,431$
<b>Average Race-Neutral Participation</b>	$\$91,192,984 / \$2,489,032,431 = 3.7\%$
<b>FFY 2025 – 2027 Overall DBE Goal</b>	10.2%
<b>FFY 2025-2027 Race Conscious Calculation</b>	$10.2\% - 3.7\% = 6.5\%$

**Race Neutral Participation = 3.7%; Race Conscious Participation = 6.5%**

CTDOT will adjust the estimated break-out of race-neutral goals as needed over the course of the fiscal year to reflect the actual DBE participation. The agency will track and report the race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through the awarding of a federal-aid prime contract that a DBE obtains through the customary competitive procurement procedures; a DBE participating as a subcontractor on a federal-aid prime contract that does not carry a DBE goal; DBE participation as a subcontractor on a federal-

aid contract that has already exceeded its contract goal; and DBE participation through a subcontract from a prime contractor that did not consider the firm's DBE status in selecting the firm.

CTDOT will use contract goals to meet any portion of the overall goal that cannot be attained through using race-neutral means. Race-conscious contract goals are established in order that, over the period to which the overall goal applies, they will cumulatively result in meeting the portion of the overall goal that is not projected to be met through the use of race-neutral means.

CTDOT will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. The Department will not seek to assign a contract goal on every contract. Goals will be set to assure the Department meets its overall DBE goal and to augment the race-neutral goal achievement.

The agency will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

### **Consultation with Stakeholders**

Prior to submitting the goal to FHWA, CTDOT participated in two meetings where the DBE goal methodology was discussed. January 31, 2024- Minority Construction Council; January 25, 2024, DBE Orientation. The attendees included contractors, consultants, subcontractors, DBE firms, Minority/Female Organizations, Federal and State Agency Representatives, and other interested parties. The goals were also discussed at the CCIA meeting held on June 7, 2024. We also discussed the proposed goals at the Minority Construction Council's DBE/MBE Bootcamp, the event was held on July 24, 2024, and was targeted to small, minority and women owned businesses. The Department has consulted with minority and woman owned firms in addition to industry organizations and business groups regarding the Department's goal setting process.

During the workshops, the following areas were discussed:

- Race-neutral participation, how it is captured by CTDOT and how it affects the contract goals. CTDOT explained that it was working diligently to ensure race neutral participation was being fully counted on all projects. CTDOT will continue to track race-neutral participation throughout the fiscal year and will set contract goals based on whether race-neutral participation is meeting, exceeding, or falling behind the predicted figures.
- CTDOT explained that since the goals were contract requirements, each contract goal must be counted separately. CTDOT explained the pre-award good faith effort process, the requirements for meeting a Commercially Useful Function, and the requirements to modify pre-award commitments.
- CTDOT explained the triennial goal setting process and the process for setting specific project goals.

There were no questions or concerns regarding our specific methodology for calculating the goal, nor were there any suggestions for how we could improve or change our methodology for the future.

CTDOT will publish proposed goals on its website by August 1, 2024. Contact information was provided, so the public can reach out with questions, comments, or requests to see the full goal methodology. CTDOT have attached a copy of the notification. To date, we have received no comments regarding our notice, nor did we receive any requests to inspect our documents or the methodology for calculating our goals.

We will continue to monitor the specific projects, to ensure the nature of the projects and federal participation is not changing which would alter our calculations. We will also monitor the race neutral participation throughout the three years, to better evaluate the race conscious goals on specific projects and determine whether we need to increase or decrease them in order to meet our overall goal.

**Attachment 11: Pre-award DBE Review and Approval Forms****Date:****Subject: Pre-Award Commitment Review – Request for Approval/Denial****Prime Contractor:****Prime is a DBE:** Yes ☐ No ☐**Bid Opening Date:****Scheduled Award Date:****Contract Number:****Contract Amount:****Funding Source(s):****OJT Contract Requirement:** Yes ☐ No ☐**Contract Goal or Set Aside Requirement:** DBE ☐ SBE ☐**Required % and Dollar Amount:****Good Faith Effort (GFE) Application Submitted within the 5-day rule:** Yes ☐ No ☐

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<b>To:</b> Christopher Angelotti Division Chief Division of Construction Operations	<b>From:</b> Fiscal Administrative Officer Contracts Unit
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In accordance with the contract/bid provisions, the contractor has submitted the following subcontractors to meet the pre-award commitment requirements for this contract. The contractor's submission was received within five days of the bid opening date, as required.

Subcontractor	Race/Gender	Amount Nominated (\$)	Amount Credited (\$)
Total			

Please review and indicate your approval or denial by signing and checking the applicable box below. Please return this form to me at your earliest convenience. If denied, please indicate the reason(s). Note: The contractor has the right to submit a request for reconsideration (DBE Program only), which is a separate review and approval process.

**APPROVED** ☐**DENIED** ☐**Comments:**

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**Division Chief, Division of Construction Operations****Date:** \_\_\_\_\_

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**Director, Office of Equity (If GFE Application submitted)****Date:** \_\_\_\_\_

## Information/Instruction for Completion of CTDOT SBE or DBE Commitment Form rev. 8/2024

[Disadvantaged Business Enterprise \(ct.gov\)](https://portal.ct.gov/-/media/dot/documents/dcontracts/dbe-good-faith-effort-application-20-07-15.pdf)

**Step 1** - Identify all SBE/DBE firms that will be used and get pricing/quotation prior to bid opening. Complete the commitment form for each SBE/DBE firm being used for a SBE set-aside or DBE goal. Tab 2 will be the project information including, Prime contractor information, SBE/DBE Firm information, contract amount, SBE set-aside or DBE goal, etc. Tab 3 is the subcontractor item sheet in which all items subcontracted for SBE set-aside or DBE credit toward the DBE goal must be listed. Please be sure to use the excel format provided and DO NOT hand write on these forms – they are calculated and formulated for DBE goal counting requirements to avoid mathematical errors. For DBE submittals, please only use the one NAICS code that most closely matches the work being performed for that firm. For each SBE or DBE submittal, a new form must be used.

**\* Please note that Prime contractors who are also certified DBE firms may use themselves to meet the goal but will still need to complete this form. SBE Prime contractors are not allowed to use themselves when meeting the SBE set-aside. This work must still be set aside for another current SBE certified firm.**

**Step 2** – Complete the commitment form on the 2nd tab in its entirety including all backup documentation that is needed. For SBE submittals this will include the completed commitment form, SBE certificate and SBE Exhibit 3. For DBE submittals this will include the completed commitment form, DBE quote, and any explanations of partial items. You are required to submit enough to meet either the SBE set-aside or the DBE goal. Save this form as a PDF and submit to the Department within 5 days of bid opening along with the required attachments. If you fail to submit enough to meet or exceed the SBE set-aside or DBE goal, please move on to Step 3.

**Step 3** – After exhausting all efforts to secure DBE firms in order to meet the goal, if you still are not successful in doing so please refer to the DBE/GFE package link below and follow instructions on how to prepare a full and complete GFE. GFE packages are also due within the 5-day timeline from the bid opening and there will be no extensions given on filing these, should you not meet the goal.

<https://portal.ct.gov/-/media/dot/documents/dcontracts/dbe-good-faith-effort-application-20-07-15.pdf>

If you have any further questions or still require assistance please reach out to your contracts unit liaison.

**“Commercial Useful Function (CUF)”** A DBE performs a commercially useful function (CUF) when it is responsible for execution of the work of the contract and is carrying out its responsibilities by performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is performing, and the DBE credit claimed for its performance of the work, and other relevant factors. A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, you must examine similar transactions, particularly those in which DBEs do not participate.

### Firm Type Codes

**“S” Subcontracted or Partially Subcontracted Items** : It is important when subcontracting out a line item either partial or full to make sure that the DBE firm is meeting the commercial useful function (CUF) of that item in order to obtain full DBE credit. In the case of a partial item, please be sure it is designated for each item and that you provide a description or detail on who will be performing what work on the item and also who will be doing the other portion of the item, along with how the subcontractor is being paid for that item. CTDOT units of measure do not always translate to how the subcontractor is paid out. We will need to know how that partial item is being paid to the subcontractor regardless of how that item was bid. Please be sure to designate these subcontracted items as “S”.

**“P” Supply Items** : For supply items not provided by a manufacturer, the supplier is required to complete the regular dealer/distributor affirmation form. The supplier is required to complete and submit this form. This form will assist the contractor to determine the appropriate credit. If you are subcontracting a DBE firm for supply items, they are allowed 60% credit on that supply item if they meet the CUF as a regular dealer. New federal regulations have been put in place in regard to supply items and have added “distributor” as a new subset of DBE suppliers. (“PD” Firm Type Code) Distributors are permitted to drop-ship from manufacturers if the firm has a distributorship agreement or assumes all responsibility for the materials after point of origin, allowing 40% credit for the cost of materials. Packagers, brokers, manufacturers’ representatives, or other persons who arrange, facilitate, or expedite transactions are not regular dealers or suppliers. Please make sure you are using a “PS” to designate the supply item or a “PD” to designate supply/distributor. For items leased or rented please use code “L” under Firm Type Code instead of “P”

**\*\*** It is important to complete the regular dealer/distributor affirmation form in order to decide whether or not the subcontractor is truly a supplier and has a warehouse stocked with that item. For purposes of this section, a regular dealer is a firm that owns (or leases) and operates, a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in sufficient quantities, and regularly sold or leased to the public in the usual course of business. If the “DBE supplier” does not carry the item in stock nor do they have a warehouse where this item is transported from it is likely they will only be eligible for credit as a distributor in which that case they would only be eligible for 40% DBE credit. If the materials or supplies are purchased from a DBE distributor that neither maintains sufficient inventory nor uses its own distribution equipment for the products in question, count 40% of the cost of materials or supplies (including transportation costs). A DBE distributor is an established business that engages in the regular sale or lease of the items specified by the contract. A DBE distributor assumes responsibility for the items it purchases once they leave the point of origin (e.g., a manufacturer’s facility), making it liable for any loss or damage not covered by the carrier’s insurance. A DBE distributor performs a CUF when it demonstrates ownership of the items in question and assumes all risk for loss or damage during transportation, evidenced by the terms of the purchase order or a bill of lading (BOL) from a third party, indicating Free on Board (FOB) at the point of origin or similar terms that transfer responsibility of the items in question to the DBE distributor. If these conditions are met, DBE distributors may receive 40 percent for drop-shipped items. Terms that transfer liability to the distributor at the delivery destination (e.g., FOB destination), or deliveries made or arranged by the manufacturer or another seller do not satisfy this requirement. This is very important to make sure the distinction can be backed up. This requires Prime contractors to establish pre-award procedures to determine whether a DBE supplier submitted by the contractor/bidder as a regular dealer or distributor has demonstrated the ability and intent to perform as a regular dealer or distributor during the contract, allowing 60% or 40%, respectively, of the cost of materials to count toward goal. This will ensure preliminary counting determinations and contract goal attainment decisions are based on the DBE’s ability and intent to comply with the rule’s commercially useful function (CUF) requirements.

**\*\*\***For a DBE supplier that does not meet the CUF of a manufacturer, regular dealer, nor a distributor (e.g., packagers, brokers, manufacturer’s representatives, or others that arrange, facilitate or expedite transactions) the reasonable amount of fees and commissions charged, such as delivery charges; **do not count the cost of materials and supplies.”**

**“T” Trucking Items** : If you are submitting a DBE firm for credit in the trucking category, the DBE must be using their own trucks, materials and workforce to load/unload in order to obtain full credit for trucking. Any DBE trucking firm nominated must self-perform not less than 30% of their contract value. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals. The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract. The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract. The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE truck leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services. If the DBE is going to lease trucks they will have to provide a copy of the lease agreement and will have to specify if they are leasing a truck with or without an operator. Please be sure you are using “T” to designate this is a trucking item.

**Note for Trucking**: A DBE can supplement its fleet by leasing a truck(s) from an established equipment leasing business open to the general public. The lease must indicate that the DBE has exclusive use of and control over the truck. This requirement does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Otherwise, the DBE does not receive full credit for DBE participation. Leased trucks must display the name and identification number of the DBE. The DBE trucker must also hold the necessary, where appropriate, license, hauling permit, etc., as required by the CTDOT to transport material on public highways.

**“M” Manufactured Items:** For purposes of this, a manufacturer is a firm that owns (or leases) and operates a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications. Manufacturing includes blending or modifying raw materials or assembling components to create the product to meet contract specifications. When a DBE makes **minor modifications** to the materials, supplies, articles, or equipment, the DBE is not a manufacturer, they are considered a supplier. Minor modifications are additional changes to a manufactured product that are small in scope and add minimal value to the final product and not a manufacturer for goal attainment purposes. Manufacturer is allowed 100% DBE credit.

**“V” Services:** Services may consist of professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, material or supplies necessary for the performance of the contract. Additional services may include the delivery of materials and supplies required on a job site (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer of or a regular dealer in the materials and supplies, as well as the fees or commissions charged for providing any bonds or insurance specifically required for the performance of the Contract. Reasonable fees or commissions charged for providing a bona fide service will count towards the DBE/SBE credit for the project, provided that the fee or commission is determined by the Department of Transportation to be reasonable and consistent with fees customarily allowed for similar services.

**Broker:** A party acting as an agent for others in negotiating Contracts, Agreements, purchases, sales, etc., in return for a fee or commission. Brokering of work for DBE firms who have been listed by the Department as certified brokers is allowed. Credit for those firms shall be applied following the procedures in Non-Manufacturing or Non-Supplier DBE Credit Section. Brokering of work by DBEs who have been approved to perform subcontract work with their own workforce and equipment is not allowed and is a Contract violation. Firms involved in the brokering of work, whether they are DBEs and/or majority firms who engage in willful falsification, distortion, or misrepresentation with respect to any facts related to the project shall be referred to the U.S. DOT, Office of the Inspector General for prosecution under Title 18, U.S. Code, Part I, Chapter 47, Section 1020. If the Contractor elects to utilize a DBE Broker to satisfy a portion or the entire specified DBE goal, the Contractor must provide the DCO with a Request to Subcontract form (CLA-12), indicating the firm designation in accordance with the Subletting Requirements section of this specification.

**\*\*Brokering of work by a "Small Contractor" is not allowed and is a contract violation.**



CONNECTICUT DEPARTMENT OF TRANSPORTATION (CTDOT)

PRE-AWARD COMMITMENT APPROVAL REQUEST rev 8/2024

TO BE SUBMITTED WITHIN 5 DAYS OF BID OPENING

Only certified SBE/DBE firms and only for work which they have been certified for will be approved by CTDOT toward the set-aside or goal. Department's SBE/DBE directory is available on CTDOT's website. Entries only required in blue shaded areas. Areas not in blue are formulated from other pages.

CTDOT Project Number(s):

Project Description:

Submitted By (Prime):

Original Low Bid (\$):

FEIN No.:

SBE Set Aside/DBE

Dollar amount subcontracted to this firm (\$) \$ -

Dollar Amount Requested for Credit for this Firm (DBE) (\$): \$ - \*\*

\*\*Please be advised that by submitting this form you (the Prime) agree that the total Credited amount will be the amount of commitment and will be measured by the Commercially Useful Function (CUF) the Subcontractor performs.

Subcontractor:

NAICS Code(s) Associated With This Submission (DBE):

Address:

FEIN No.

DBE or SBE:

Is this DBE firm a 1st or 2nd tier subcontractor?

\* The CTDOT prefers 1st tier Subcontractors; however, credit for 2nd tier DBE firms will be approved provided this page is signed by both the Prime and the DBE firm, the 1st tier Subcontractor is identified, the extent of the 2nd tier work is clearly identified, and the Prime makes the assertion that regardless of its arrangement with the 1st tier Subcontractor, this DBE firm will be used and its replacemnt is subject to the conditions of the DBE specification and contract requirements.

DBE commitment forms must be submitted to the department no more than 5 days from bid opening in a complete and final manner. Revisions and/or re-submittals are not accepted past the 5-day mark. Along with the required DBE commitment forms, you must submit the DBE quotes and any backup information needed to make a determination on eligibility. In order to obtain DBE credit for work performed by a DBE firm the DBE firm must meet the Commercial Useful Function requirement (CUF).

\*\*\*\*Is this DBE Purchasing any Material or Leasing any Equipment from the Prime or any of the Prime's Affiliates?

☒ YES

☐ NO

If YES, state the amount and DO NOT include the amount in the amount toward the goal.

Amount: \$

Signature of Prime Contractor, Title

Date

Signature of Subcontractor, Title

Date

After this submittal is approved by the Department, any proposed changes to it must be submitted to the Department for approval.

Contract Items

Project Number:												Total Subcontracted	Total Credit Requested
Prime Contractor:												\$ -	\$ -
SBE/DBE Subcontractor:													
#	Contract Item Line #	Item ID #	Item Description	Firm Type Code	Partial Item? (Y/N)	Prime Unit of Measure	Prime Unit Price	Prime Quantity	Sub Unit of Measure	Sub Unit Price	Sub Quantity	Total Item Value Subcontracted	Total Credit Requested
1													
2													
3													
4													
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## Connecticut Department of Transportation Application for Pre-award Good Faith Effort Consideration

If you, the contractor, are unable to meet the Disadvantaged Business Enterprise (DBE) goal set forth in the project special provisions for which you have submitted a bid, you may request good faith effort consideration. This form should be completed and furnished to the Office of Contracts within five (5) calendar days of the bid opening.

You must show that you have taken all reasonable steps to achieve the DBE goal which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected in order to obtain sufficient DBE participation.

To determine whether you have demonstrated good faith efforts to reach the DBE goal on the project, the Office of Equity will consider documented evidence of good faith efforts to meet the goal. Evidence of good faith efforts include the following:

- The bidder has utilized the current CTDOT Directory of certified DBE firms.
- The bidder has selected specific portions of the work to be performed by DBEs sufficient to meet the DBE goal.
- The bidder has offered work in economically feasible units by breaking down subcontracts into smaller units to facilitate DBE participation.
- The bidder has reached out to DBE firms with offers to bid items of work that are eligible for DBE credit.
- The bidder has offered work normally performed by their own workforce.
- The bidder has followed-up with DBE firms to determine their intentions to submit bids.
- The bidder has provided interested DBEs with adequate information about the plans, and specifications and requirements of the project.
- The bidder has provided adequate time for DBEs to respond and submit bids.
- The bidder has negotiated in good faith with interested DBEs and did not reject DBEs as unqualified without sound business reasons based on a thorough investigation of their capabilities.
- The bidder has maintained the following records for each DBE firm contacted for subcontracting opportunities:
  - Name, address, telephone number, contact person, date(s) of contact and method of contact;
  - Copies of information provided by the bidder to the DBE; and
  - A statement of whether an agreement was reached, and if not, why, including any reasons for concluding that the DBE was unqualified to perform the job.

- Solicitations should include the following:

- Name and location of project
- Bid date
- Scope of work requested
- Locations where DBEs can review plans and specifications
- Date and time to submit quote
- Contact name for technical assistance
- Any special requirements

- [Guidance Concerning Good Faith Efforts](#) can be found in 49 CFR Part 26, Appendix A. All supporting documentation and evidence of good faith efforts must be clearly labeled and submitted with this application. All applicants must use this form and include the following:

- 1- Using the bid item list, identify the items performed in-house and items of work that can be subcontracted. 2- Based on the prices on your proposal provide the percentage of in-house work and work to be sublet for each item.
- 3- Indicate all steps taken to identify DBE firms to for subcontracting opportunities.
- 4- List all DBE firms solicited.
- 5- Attach copies of quotes of all DBEs who quoted but were not selected 6- Attach quotes from the non-DBEs selected to work quoted by DBEs.
- 7- Provide spreadsheet showing the prices of each item bid by DBEs and non-DBEs
- 8- All communications between you and the firms identified in Step 4 to show your solicitation and their responses.
- 9- Any information you deem necessary to document your efforts to obtain enough DBE participation to meet the project goal.

All applications must be delivered to the Office of Contracts to the attention of the Post-Bid Unit within five (5) calendar days of the bid opening. The Office of Equity will evaluate the low-bidder's GFE application; or the subsequent low-bidder's application in the event the identified low-bidder is ineligible for contract award to provide notification of the determination.

In cases where it is determined that the bidders GFE is inadequate, the apparent low bidder shall have three (3) business days from the date of notification to request in writing, an administrative reconsideration.

The request for the administrative reconsideration including any documentation as to why the decision should be overturned, must be made in writing to: Contracts Manager

Contracts Unit P. O. Box 317546  
Newington, CT 06131-7546

This reconsideration request will be forwarded to the Reconsideration Official and the requester will be contacted. The apparent low bidder will have an opportunity to present documentation or oral arguments concerning the issue of whether it made adequate Good Faith Efforts to meet the goal.

Within seven (7) days following the reconsideration meeting, the Reconsideration Officer will notify you of the decision. The decision is final and not appealable to USDOT. If the original decision is not overturned the bid will be rejected.

## Connecticut Department of Transportation

### Pre-award Good Faith Efforts

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Project Number: \_\_\_\_\_ Original Bid amount (\$): \_\_\_\_\_

Original DBE Goal (%): \_\_\_\_\_

Total DBE commitments obtained (attach the DBE Participation Approval Request):

\$\_\_\_\_\_ %\_\_\_\_\_

Use attachments if needed.

- 1- Using the items list, identify the item performed in-house and items available to be subcontracted.  
You may use a copy of the proposal item for this section as attachment.

Item number	Description	Item Bid Amount (\$)	performed in-house (Yes or No)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



- 2- Based on the prices on your proposal identify the percentage of work you intend to self-perform and work you plan to be sublet.

In-house Dollar amount: \$  
Amount for sublet: \$

In-house % of total bid: %  
Sublet % of total bid: %

For the following three (3) requirements, use attachments.

- 3- Indicate all steps taken to identify DBE firms to match the work to be sublet in step 2.
- 4- List all DBE firms identified and contacted, and include what work was offered.
- 5- All communications between you and the firms identified in Step 4 to show your solicitation and their responses. Include all emails and responses, phone logs with contact name and the date contacted, faxes, mail communications.
- 6- Include any information of a similar nature relevant to the application.

---

Signature

---

Date

---

Print Name

**STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION**

***Memorandum***

Attachment 13: DBE OOE & OOC Memo

**subject:** Disadvantaged Business Enterprise Office  
of Equity and Office of Construction Roles  
and Responsibilities (Rev. 8/2023)

**date:** September 27, 2023

**to:** Ms. Debra Goss, Manager  
Office of Contract Compliance  
Bureau of Finance and Administration

**from:** Christopher G. Angelotti, P.E.  
Division Chief  
Bureau of Engineering and Construction

DocuSigned by:  
John S. Dunham, P.E.  
3B468B5B71744B

This memorandum is intended to document certain roles and responsibilities agreed to by the Office of Equity (OOE) and Office of Construction, Division of Construction Operations (DCO) for current and future Disadvantaged Business Enterprise (DBE) project administration related actions.

The attached document entitled, Disadvantaged Business Enterprise (DBE) Office of Equity and Office of Construction Roles and Responsibilities (Rev. 8/2023), provides further detail related to the agreed roles and responsibilities.

The DCO will develop and communicate updated procedures to the appropriate Engineering and Construction Personnel in the near future based on this agreement.

If there are any questions related to this matter, please contact me by email at [Christopher.Angelotti@ct.gov](mailto:Christopher.Angelotti@ct.gov).

Attachments:

1. DBE OOE and OOC Roles Rev 202308

cc: Scott A. Hill – James A. Fallon – w/att.

John S. Dunham – Christopher G. Angelotti – Jennifer J. Sweeney – w/att.

Jackie M. Primeau – w/att.

DBE Roles OOE and OOC Memorandum



## Disadvantaged Business Enterprise (DBE) Office of Equity and Office of Construction Roles and Responsibilities (Rev. 8/2023)

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### Pre-Award Commitment:

- I. Division of Construction Operations (DCO) will review and approve Construction Contractor Pre-Award Commitments (PAC) for DOT and Municipality administered projects, except for those requiring a Good Faith Effort (GFE) review.
- II. The Office of Equity (OOE) will review the GFE documentation when the project goal is not met through pre-award DBE commitments.
- III. The Office of Equity will provide guidance to the Division of Construction Operations related to historical programmatic decisions.

### Post Award Processes:

- I. DCO will review and approve or deny requests for PAC modifications for Bureau of Engineering and Construction administered Construction Projects.
- II. Office of Construction (OOC) will monitor Commercial Useful Function (CUF) in accordance with the Construction Manual.

### Project Completion Processes:

- I. Based on review of the final verified payments to DBE subcontractors, if a Contractor fails to satisfy any item committed in the DBE Pre-Award Commitment (PAC) for a subcontractor or meet the project DBE Goal specified in the project bid documents, the Construction District administering the project or municipality through the Connecticut Department of Transportation's (CTDOT) District Office (District) will require the Contractor to submit justification and documentation as outlined below.
- II. The District/Municipality will require the Contractor to submit a detailed letter outlining PAC item shortfalls and project DBE Goal shortfalls. The letter must explain what PAC item shortfalls occurred and why specific item quantities were reduced or removed from the PAC. If the PAC for any item or project DBE Goal is revised, they must provide details of their conformance with the project specifications. In addition, the Contractor must detail and provide documentation of the Good Faith Efforts (GFE) performed relative to the PAC subcontractors and achieving the project DBE Goal.
  - 1) For each item(s) of the PAC work that were modified, (PAC item was reduced, eliminated, transferred) the Contractor must provide the following information to the District/Municipality:
    - a) A description of the subcontractor and item with the item number
    - b) The reason the modification (shortfall) occurred
    - c) The quantity reduced

## Disadvantaged Business Enterprise (DBE) Office of Equity and Office of Construction Roles and Responsibilities (Rev. 8/2023)

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- d) The dollar amount of the reduction
- e) Written documentation that they notified the DBE in writing of the proposed modification to the PAC prior to the change and allowed a period to reply.
- f) Written documentation that they requested pre-approval from CTDOT to modify the PAC (CRD15-1).
- g) Written approval from CTDOT approving the modification. If written approval of the modification was not obtained, the Contractor should provide documentation of efforts to obtain the approval and related GFEs.

Note: Items e, f, and g are required to be completed prior to the termination or reduction of work.

- 2) For a shortfall of the project DBE Goal, the Contractor must explain and provide documentation of GFEs as explained in the DBE specification and Code of Federal Regulations (CFR). For projects with Pre-Award GFE determinations, the Contractor must provide documentation of their Post-Award GFEs to meet the original project DBE Goal (identified in the bid documents).
  - a) Documentation that the Contractor took steps to provide additional work to DBEs as outlined in the DBE specification and CFR. The documentation should be in writing.

- III. The District will confirm the information submitted by the Contractor and draft an analysis, in accordance with the Office of Construction (OOC), Construction Manual, with the comments they feel are appropriately related to the details of the project. If additional information is necessary, the District will request it from the Contractor/Municipality while setting a timeframe in accordance with the requirements of the OOC, Construction Manual. Then, following the Contractor supplying the necessary information or the expiration of the timeframe(s) provided by the District for the Contractor to do so, the District will forward the shortfall packet to the OOC, Division of Construction Operations (DCO) Division Chief.
- IV. The DCO will review the information submitted to ensure the documentation necessary to determine if the Contractor conformed with the specification and if there were any extenuating circumstances is present. The DCO will request additional information from the District and Contractor when needed to support or provide the detail of the project conditions and level of conformance with the project specifications. If the DCO requests information from the District or Contractor, they shall provide a due date allowing 14 working days for the Contractor to respond.
- V. For DBE projects where the Contractor has met the project DBE goal, the DCO will review the documentation to determine if all PAC modifications were approved prior to the change with the DBE subcontractor. If all PAC modifications were approved the DCO Division Chief will provide a determination memorandum to the District.

## Disadvantaged Business Enterprise (DBE) Office of Equity and Office of Construction Roles and Responsibilities (Rev. 8/2023)

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- VI. For DBE projects that do not meet the conditions in V. above, the DCO will develop and forward a recommendation by memorandum (based on the project specifications and details) to the Office of Equity (OOE) for review, requesting a determination. Aside from the timeframes provided to the Contractor or District to produce information, the DCO will be allowed 14 calendar days to develop and provide the recommendation to the OOE or return the submission to the District requesting clarification or additional information.

The shortfall packet submitted to OOE should include the following documents and be organized as follows:

- a) The recommendation memorandum from the DCO;
- b) The Contractor's letter explaining the shortfall(s) and the justification for the shortfall(s) and/or GFEs with, at minimum, the required information listed above in II, for each shortfall and/or GFE and any associated CRD15-1 forms;
- c) The Final 88-1;
- d) PAC;
- e) Any CUF reviews conducted on the project;
- f) Links to copies of CLA-12 documents and subcontract agreements for DBE's listed on the 88-1 for DBE credit, but were not listed on the PAC (this includes any additional work that was not part of the PAC); and
- g) Documentation of GFE to meet the project's overall DBE Goal (if applicable)
- h) Any other documentation necessary to support the DCO recommendation.

- VII. The OOE will conduct a review of the DCO recommendation and supporting information to determine if the Contractor has documented conformance with the project's DBE specification. If OOE determines that additional information is needed, a request will be made by the Disadvantaged Business Enterprise Liaison Officer (DBELO) to the DCO Division Chief outlining what is required. The DCO will coordinate with the Contractor and District to obtain additional information. The DCO shall provide a date which the information is due from the Contractor/District such as to allow 14 calendar days for the Contractor to respond. If the Contractor has not responded within the timeframe allowed, the DCO will notify the OOE. Once all the documents are obtained or the time frame allocated to the Contractor to provide more information expires, the DBELO will make a determination within thirty (30) days or advise the DCO of any extenuating circumstances.

- VIII. If the DBELO determines that the Contractor has complied with the project specifications, the DBELO will provide the determination by memorandum to DCO for further action.

## Disadvantaged Business Enterprise (DBE) Office of Equity and Office of Construction Roles and Responsibilities (Rev. 8/2023)

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- IX. If the DBELO determines that the Contractor did not conform to the project specifications and a reduction of payment is warranted, the DBELO will provide written justification by memorandum of the reasons for the sanction to DCO for action.
- X. The DCO will review the determination and project information to see if there is any concern or disagreement, as well as to review payments made to the Contractor and payments already withheld. If the DCO identifies that a portion of payment that the DBELO recommended to be withheld from the Contractor was previously removed from the Contract by the CTDOT or the administering organization (such as Municipality) and not paid, the DCO may adjust the amount of monies not to be paid to the Contractor and coordinate with the DBELO to determine the final amount.
- XI. If the DCO concurs with the DBELO determination or determination with adjustment as noted above, the DCO will provide instruction to the District detailing the notification to the Contractor and any further action.
- XII. If the DCO does not agree with the DBELO determination, the DCO will contact the DBELO and request a meeting. The DBELO will convene a meeting with a panel consisting of the Construction Administrator, Organizational Development Director, and Legal Director. The purpose of the meeting is to present the points of view of the DCO and OOE and to discuss the merits of the reductions recommended that may apply. The panel shall submit a recommendation to the Commissioner for a final determination within thirty (30) days.
- 1) Nothing in the above determinations shall prevent the DBELO from discussing these matters with the Commissioner prior to the final determination.
  - 2) The Commissioner will make the final determination. Once the Commissioner's Office has made the final determination, a notice will be sent to the DCO Division Chief and the DBELO.
- XIII. Final determinations relative to shortfalls will be communicated by memorandum from the DCO Division Chief to the District Engineer of the administering District with a copy to the DBELO. The administering District will then notify the Contractor in writing of the final findings with a cc to the DCO Division Chief and the DBELO.

## Disadvantaged Business Enterprise (DBE) Office of Equity and Office of Construction Roles and Responsibilities (Rev. 8/2023)

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### Process if a Contractor Claim is filed:

- I. If a claim is filed at the end of a project prior to a shortfall determination by the CTDOT, the DCO will coordinate with the District and DBE Liaison Officer (DBELO) to process a determination for DBE projects or the DCO Division Chief for SBE projects. The determination will use the final Contract Value determined by the District, excluding any disputed Claim amounts.
- II. If the Claim is filed after the DBELO or DCO Division Chief have made a shortfall determination for the project and the claim is regarding the determination, the DCO Division Chief will coordinate the Claim resolution. This may involve any legal means contemplated in the contract or CGS 4-61. If the project does not proceed to litigation, the DCO Division Chief will prepare a recommendation to the Commissioner, or the Attorney General, depending on the situation. The recommended resolution will be based on the review of factors that the Claim presents.

Note: For alternative contracting projects such as Design-Build, and Construction Manager at Risk, the CTDOT is developing processes, however for this document any time PAC is used above, it should be replaced with Commitment, when dealing with Alternative Contracting Projects.

## Attachment 14: Monitoring of Prompt Payments CD-2024-2



Connecticut DOT

Bureau of Engineering and  
ConstructionNumber: CD-2024-2Date: October 24, 2024

## CONSTRUCTION DIRECTIVE

Signed by:

8416652994AE4C1

Construction Administrator

### Monitoring of Prompt Payments

In accordance with new Federal Acquisition Regulations (FAR 52.232-27 [52.232-27 Prompt Payment for Construction Contracts](#), [Acquisition.GOV](#)) and Connecticut state statutes, recipients of public funding on construction contracts must comply with the prompt payment standards and requirements set forth in the Regulations, which include the monitoring, reporting, and enforcement of payments made to contractors of all tiers.

As outlined in the special provisions for each contract, prime contractors shall record all payments made to subcontractors for work performed, and all subcontractors shall verify payments made to them by higher-tiered contractors within AASHTOWare Project (AWP). The contractual clauses related to these requirements can be found in Articles 1.03.04, 1.08.01, (or 1.20-1.03.04 and 1.20-1.08.01) and the contract special provisions.

For Connecticut Department of Transportation projects administered by the Office of Construction, the District Engineer shall designate staff to actively monitor prompt payment reporting to ensure that the requirements of the federal prompt payment regulations and state statutes are being met and enforced. The process that the designated district personnel shall employ to accomplish prompt payment monitoring and enforcement is detailed in the [AASHTOWare Project User Manual](#) section 5.3 using [Construction Power BI Reports \(sharepoint.com\)](#).

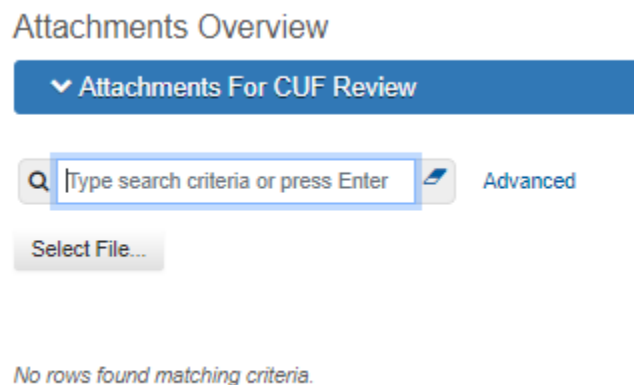
In addition, the districts shall continue to address any prompt payment complaints in accordance with the Construction Manual. If and when a prime contractor is found to be out of compliance with prompt payment requirements, the district shall notify the non-compliant contractor in writing, using the following templates: [1<sup>st</sup> Notice](#) [2<sup>nd</sup> Notice](#).

For municipally administered projects, the municipality is required to ensure that the requirements of Articles 1.03.04 and 1.08.01 (or 1.20-1.03.04 and 1.20-1.08.01) of the contract, as well as federal and state prompt payment requirements, are monitored and enforced.

Central Construction will spot check AWP for compliance.



- The following **Attachments Overview** screen will appear.

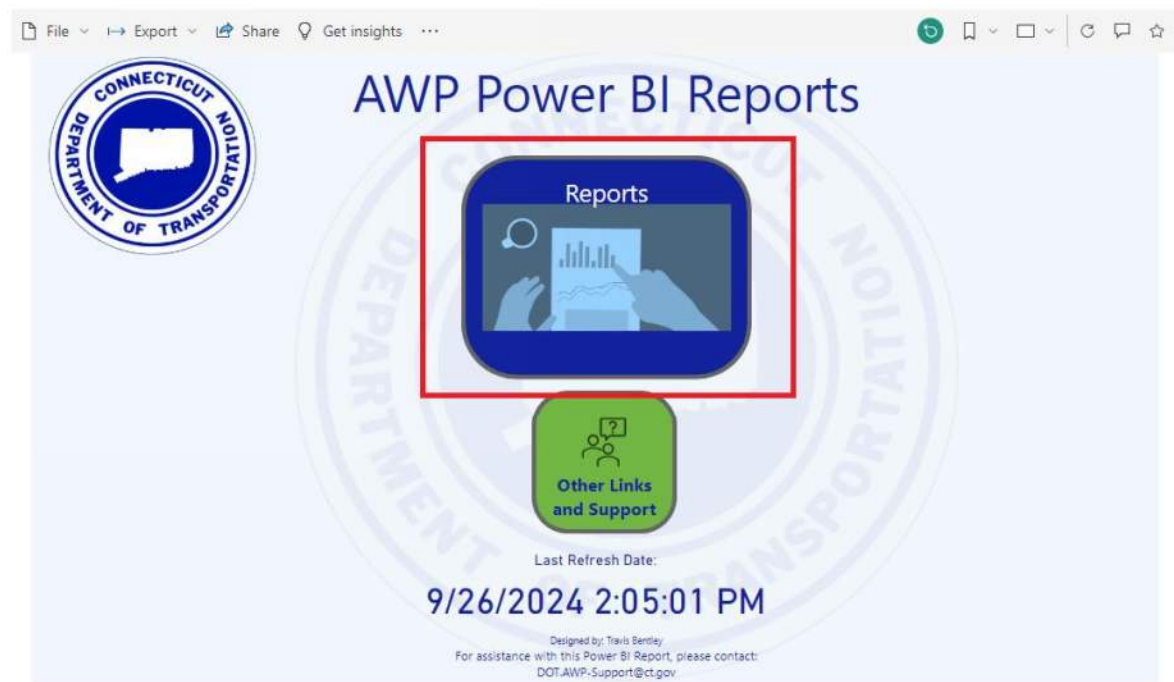


- Next, press the **Select File** button.
- Here you can select saved files to attach to this CUF Review.
- Any relevant documents should be attached (if applicable):
  - Subcontract Agreement
  - Purchase Orders
  - Shipping Tickets
  - Material Invoices
  - Cancelled Checks
  - Invoices
  - Lading Bills
  - DBE Quotes

### 5.3 Monitoring of Prompt Payments

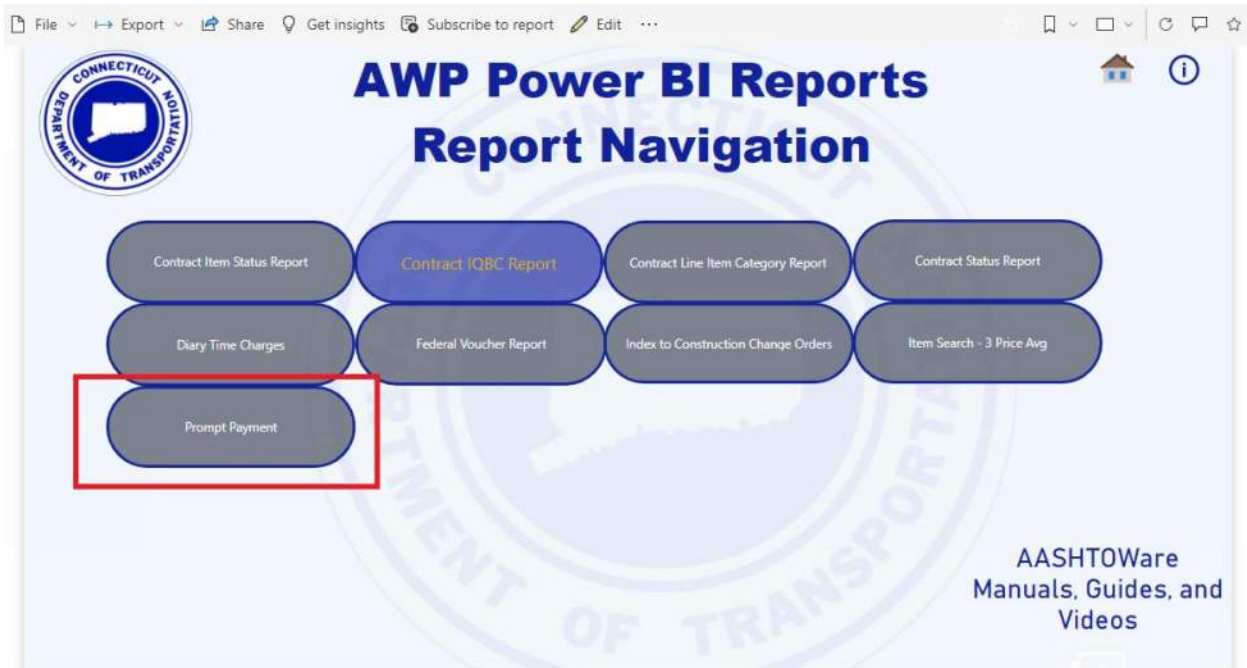
- To monitor Prime Contractor Prompt Payment, visit [Construction Power BI Reports \(sharepoint.com\)](https://www.constructionpowerbi.com/reports) and select reports:

## Construction Power BI Reports



- Select "Prompt Payment":





- Select the project you want to see payments on, and follow the prompts:

The screenshot shows the 'Prompt Payment Report' interface. The interface includes a sidebar with a list of project names, a main header for the report, and a table of payment estimate information by contract number.

**Prompt Payment Report**  
Connecticut Department of Transportation

Payment Estimate Information by Contract Number

Contract Number	Payment Estimates Estimate Number	Payment Estimates Accounting Received Date	Payment Estimates Transfer To Accounting Date	Payment Estimates Check Date	Payment Estimates Status
Report Generated: 9/26/2024					

Page: 1 of 1



date

«Contact»  
«Title»  
«Contractor»  
«Address»  
«PO\_Box»  
«City», «State» «Zip\_Code»  
«Contractor\_Contact\_Email\_Address»

Dear :

Subject: Prompt Payment  
Project No. «Contract\_ID»  
«FAP\_»  
«Town»City\_of»  
«RouteInterstate»  
«Description»

Under the terms of your Contract, you and your subcontractors are required to enter payment verification information into the AASHTOWare Construction Management System (AWP CMS). Based on the information found in that system the payments to the following Subcontractor(S) are not being made in 30 days or are not being entered into the AWP CMS as required:

1. <Subcontractor Name>
2. <Subcontractor Name>
3. <Subcontractor Name>
4. <Subcontractor Name>
5. ...

Section 1.03.04 of the Connecticut Department of Transportation Standard Specifications requires you to make payment to your subcontractors/suppliers within thirty days of payment to you by the CTDOT or provide the reasons for withholding payment prior to the expiration of 30 days from the payment by the CTDOT.

In accordance with the Special Provisions Section 1.05.25 of the Contract, which mandates the usage of the AWP CMS to record and verify payments, please review the status of your compliance with the Contract, provide documentation of payment to the subcontractor(s) and update the information in the AWP CMS, or provide the reasons for withholding payment to the subcontractor(s) and update the AWP CMS accordingly.

Please note that under the Contract with the CTDOT there are limited circumstances that would justify withholding of payment.

Your prompt attention to these issues is required. Please respond and update the information in the AWP CMS within ten (10) business days. Failure to act within the 10 days may result in administrative action by the CTDOT.

<<Street>>  
<<Town>>CT<<ZIP>>  
«DE\_Phone\_Number»

[CT.GOV/DOT](http://CT.GOV/DOT)



Respectfully,

«DE», P.E.  
District Engineer  
Bureau of Engineering  
and Construction

<<Street>>  
<<Town>>CT<<ZIP>>  
«DE\_Phone\_Number»

[CT.GOV/DOT](http://CT.GOV/DOT)

Addressee  
Project No. «Contract\_ID»  
Subject: Prompt Payment Complaint  
Date  
Page 3

bcc: DOT.ConstAdmin@ct.gov - Christopher G. Angelotti  
Jennifer Sweeney – Andrew Haelen - DOT.OOC.Subcontract@ct.gov  
DOT.ConstrOOC@ct.gov  
«DE» – «ADE» - «Supervising\_Engineer»  
«Project\_Engineer»  
«Chief\_Inspector»

Date

«Contact»  
«Title»  
«Contractor»  
«Address»  
«PO\_Box»  
«City», «State» «Zip\_Code»  
«Contractor\_Contact\_Email\_Address»

Dear :

Subject: Prompt Payment – Second Notice  
Project No.«Contract\_ID»  
«FAP\_»  
«TownCity\_of»  
«RouteInterstate»  
«Description»

In a letter dated (copy enclosed), you were advised of a prompt payment issue related the subject project.

Upon reviewing our records, we have discovered that we have not received a response and/or the AASHTOWare Construction Management System (AWP CMS) has not been updated as required.

Please review the letter noted above and provide this office your response within ten (10) business days from receipt of this letter. Failure to act within the 10 days may result in administrative action by the CTDOT, including but not limited to withholding of subsequent payment estimates.

Respectfully,

«DE», P.E.  
District Engineer  
Bureau of Engineering  
and Construction

Enclosure

cc: (Bonding Company, address, and Bond Number)

«Contact»  
Project No. «Contract\_ID»  
Subject: Prompt Payment Complaint – Second Notice  
Date  
Page 2

bcc: DOT.ConstAdmin@ct.gov –Christopher G. Angelotti w/enclosure  
Jennifer Sweeney – Andrew Haelen – DOT.OOC.Subcontract@ct.gov  
DOT.ConstrOOC@ct.gov  
«DE» - «ADE» - «Supervising\_Engineer»  
«Project\_Engineer»  
«Chief\_Inspector»

Attachment 17: Subcontractor Approval Request CLA-12

Revision May 2024

Connecticut Department of Transportation

CLA-12: Request to Sublet

Section 1: Project Information

CLA-12 Number:

Project Number:

District:

District Engineer:

Project Description:

Section 2: Prime Contractor

Prime Contractor:

Address:

FEIN #:

Contact Person:

Telephone:

Email

Section 3: Project Funding

Project Funding Source:

Section 4: Contract Details

Percent of Original Work that must be performed by the Prime Contractor:

Percent of Original Work that may be Sublet:

Original Contract Value:

Previous Original Items Sublet:

Original Items Value:

Change Order Items Value :

Total Items Value on this CLA-12:

Percentage of Original Work Sublet including this CLA-12:

Section 5: Subcontractor(s)

Anticipated Start Date:

Number of Subcontractor Tiers:

Contractor Pre-Award Commitment Check:

Section 6: Subcontract Checks and Inclusions

A. By signing the CLA-12 the Prime Contractor is confirming the following:

The Executed Subcontract/Purchase Order is included in this request to sublet

All Subcontractor's are not debarred from participating on State and Federal Projects

All Subcontracts/Purchase Order's incorporate the Affirmative Action Policy Statement, Title VI Contractor Assurance's, and Form FHWA-1273

All Subcontracts/Purchase Order's comply with the Prime Contract including but not limited to the specifications outlined in the CLA-12 instructions

All Subcontracts/Purchase Order's incorporate the following mandatory language directly above the signature lines

"By signing this document all parties certify that:

The Prime Contractor and Subcontractor agree they have not participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this project

They have been warned that knowingly and willfully providing false information is a violation of 18 USC Section 1001 (False Statements), punishable by fine or imprisonment, or both

The Prime Contractor and Subcontractor agree to comply with and be bound by all other terms of the Contract between the Prime Contractor and Department, and that in the event of a conflict between the language of the subcontract and Contract, the Contract supersedes.

In addition to the Prime Contractor oversight responsibilities, it is the responsibility of the Subcontractor to read and understand the Contract between the Prime Contractor and Department in order to remain in compliance with both state and Federal laws, regulations and guidelines as applicable

Nothing in this document shall imply any contractual relationship between the Subcontractor and the Department

This subcontract becomes recognized on this project upon the approval to sublet by the Department"

By signing this form, the Prime Contractor is submitting that the subcontract agreement is in full conformance with the Contract and requirements above, and also acknowledges that any CLA-12's submitted without the above requirements will be returned unapproved.

Prime Contractor:

Date

Approved for the State of CT by:

Comments for DOT use only:

Page 93 of 184

Return to Table of Contents

Reviewed by:

Entered in AWP on:

CLA-12 Submittal Tracking Sheet

Project Number: \_\_\_\_\_

Prime Contractor: \_\_\_\_\_

Original Contract Value: \_\_\_\_\_

Percent of Original Work performed by Prime Contractor: \_\_\_\_\_

Percent of Original Work that may be sublet: \_\_\_\_\_

CLA-12 Number	Subcontractor Name	Subcontractor Tier 1		Subcontractor Tier 2		Subcontractor Tier 3		Previously Subcontracted Dollar Value:
		Original	C.O.	Original	C.O.	Original	C.O.	
CLA-001								
CLA-002								
CLA-003								
CLA-004								
CLA-005								
CLA-006								
CLA-007								
CLA-008								
CLA-009								
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CLA-017								
CLA-018								
CLA-019								
CLA-020								
CLA-021								
CLA-022								
CLA-023								
CLA-024								
CLA-025								
CLA-026								
CLA-027								



Contract Items

Project Number: Prime Contractor:									Original Item Value		Change Order Item Value		Total Item Value	
									\$	-	\$	-	\$	-
									\$	-	\$	-	\$	-
#	Is this an Original/CO Item?	Contract Item Line #	Item ID #	Item Description	Special Provision? (Y/N)	PAC Item? (Y/N)	Partial Item? (Y/N)	Prime Unit of Measure	Prime Unit Price	Prime Quantity	Sub Unit of Measure	Sub Unit Price	Sub Quantity	Total Item Value Subcontracted
1														
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## **Request to Subcontract Form (CLA-12) Instructions**

### **General:**

The Connecticut Department of Transportation (CTDOT) Standard Specification for Roads, Bridges, Facilities, and Incidental Construction (Standard Specifications) Article 1.08.01 – “Transfer of Work or Contract” or Special Provisions, states requirements related to Contractor self-performance and transfer of work or subcontracting. The Contractor, and in the case of a Subcontractor further subletting work, shall not sublet, sell transfer, assign, or otherwise dispose of the Contract or any portion thereof, or of the work provided for therein, or of its right, title, or interest therein, to any individual or entity without the written consent of the Commissioner.

The CLA-12 is the form designated to request approval to sublet. It is not a form for requesting approval of Pre-Award Commitment Modifications. Pre-Award Commitment Modifications must be approved prior to submission of a related CLA-12 by use of the latest CRD15-1 form found on the CTDOT Website.

The Contractor is responsible for completing the CLA-12 form, including the required subcontract language and providing the attachments in accordance with the requirements provided on the CLA-12 form, in these instructions, and as required by the prime contract. To request and gain approval to sublet or subcontract, the Contractor is required to submit the CLA-12 and attachments, through the CTDOT COMPASS application. The CLA-12 and required information must be submitted far enough in advance of the work to allow for approval prior to the date the subcontractor will start work on the project. A minimum of 30 days should be allowed for review and approval. The CTDOT will only approve a maximum of 3 tiers of subcontracting.

The CLA-12 must indicate when a request is related to a Disadvantaged Business Enterprise (DBE) or Small Business Enterprise (SBE). CLA-12s are required for producers, manufacturers, truckers, and services when they are registered or certified as a DBE and/or SBE.

The CLA-12 must be completed accurately by the Prime Contractor to identify the unit prices and amounts of work subcontracted to each tier subcontractor by item for each project and sub-project. This information must reference the appropriate Project Number(s) and other information as indicated in the latest “Contract Line-Item Category Report” (which will reflect the contract line items as of the latest approved change order) or other report to ensure the unit prices and amounts for each item are consistent with the Contract as amended. To assist with this, a “Contract Line-Item Category Report” or other report showing the latest line item unit prices and amounts, will be provided to the Contractor upon a request to the CTDOT District Project Engineer.

The CLA-12 is updated regularly due to Federal and State mandates, as well as needed enhancements and CTDOT requirements related to project administration. The latest version of the CLA-12 form will be accepted. Any CLA-12 submittal that does not use the current form may be returned unprocessed.

The Contractor must follow the CLA-12 Form Specific Instructions to complete the CLA-12 form as intended.

## CLA-12 Form Specific Instructions

This form was designed in Microsoft Office 365; it is recommended to download a copy to your computer and use Microsoft Excel to complete the form.

### CLA-12 Tab

#### **Section 1: Project Information**

In the space provided enter:

1. CLA-12 Number – use the drop-down menu to select the next number corresponding to the number of CLA-12's that have been submitted for the subject project
2. Project Number – Must be entered in the following format, **0000-0000**
3. District – use the drop-down menu to select the corresponding District Number of the Project
4. District Engineer – will auto populate after selecting the corresponding District Number of the Project
5. Project Description

#### **Section 2: Prime Contractor**

In the space provided enter:

1. Prime Contractor's name
2. Prime Contractor's address
3. Prime Contractor's [Federal Employer Identification Number \(FEIN\)](#) – This is a unique nine-digit identification number
4. Prime Contractor's Contact Person name – The contact person is the person that is designated in case of follow-up questions from CTDOT
5. Prime Contractor's Contact Person's telephone number
6. Prime Contractor's Contract Person's email address

#### **Section 3: Project Funding**

1. Project Funding Source:
  - a. Select **Federal**, from the drop-down menu if there is any amount of federal funds
    - i. If federal is selected a box will appear. Enter the Federal Aid # in that box.
  - b. Select **State**, from the drop-down menu

#### **Section 4: Contract Details**

In the space provided enter:

1. Percent of Original Work that must be performed by the Prime Contractor: refer to Article 1.08.01 of the Contract (enter as a decimal).
2. Percent of Original of Work that may be Sublet- This will auto populate based on the entry in the percent of original work that must be performed by the Prime Contractor noted above.

3. Original Contract Value – This is the Contract dollar value at award. This value does not change.
4. Previous Original Items Sublet – This is the summation of all previously (not including this CLA-12) sublet original contract items up to the original quantities and dollar values. The only time this dollar value will be 0 (zero) is on the first CLA-12 (CLA-001).
  - a. The original contract items are the items stated in the contract at award and up to the original quantity and value. Quantities exceeding the original quantity for original items or items added after award are considered change order items that are not to be included in the summation of Previous Original Items Sublet.

The following spaces will auto calculate based on values entered by the Prime Contractor on the Contract Items Tab (sheet) outlined in like named instructions later in this document:

5. Original Items Value – This is the Subcontractor’s dollar value for all original items (on this CLA-12)
6. Change Order Items Value – This is the Subcontractor’s dollar value for all change order items (on this CLA-12)
7. Total Items Value on this CLA-12 – This is the Subcontractor’s total dollar value of original and change order items on this CLA-12
8. Percentage of Original Work Sublet including this CLA-12 – This percentage is calculated by taking the summation of previous original items sublet dollar value, adding it to the original items value (on this CLA-12), and then dividing it by the original contract value and multiply by 100. This percentage will auto calculate after the number of subcontractor tiers is selected and the contract items are entered on the contract items sheet.

## **Section 5: Subcontractor(s)**

**For projects having Federal Funding follow the instructions identified as 5A and 6A to complete Sections 5 and 6 of the CLA-12 form.**

**For projects having only State Funding follow the instructions identified as 5B and 6B to complete Sections 5 and 6 of the CLA-12 form.**

## **Section 5A Federal: Subcontractor(s)**

1. Enter the anticipated start date for the lowest tier subcontractor on this CLA-12
2. Use the drop-down menu to select the Number of Subcontractor Tiers (maximum of 3)
3. For each subcontractor tier enter in the space provided or select the appropriate answer from the drop-down menu
  - a. Subcontractor’s Name
  - b. Address
  - c. FEIN #
  - d. “Is this Subcontractor a certified [Disadvantaged Business Enterprise](#) (DBE)?”
  - e. “Is this Subcontractor part of the Pre-Award Commitment (PAC)?”
  - f. “Is this work of this Subcontractor being proposed as a Good Faith Effort (GFE)?”
    - i. If **yes** is selected, the description of services have been verified in the [DBE Directory](#) and a Commercial Useful Function (CUF) review will be performed -

By selecting yes, *The Contractor is stating that they have verified: For DBE that the subcontractor and tiers below the subcontractor are certified in the work by reviewing the DBE Directory or and descriptions. And the DBE subcontractor will perform a CUF complying with the federal regulations.* If there any questions, contact DCO Subcontracting Group at [DOT.OOC.Subcontract@ct.gov](mailto:DOT.OOC.Subcontract@ct.gov)

4. Contractor Pre-Award Commitment Check
  - a. Select the most appropriate answer from the drop-down menu
    - i. The request to sublet is for a PAC Subcontractor and is identical to the CTDOT approved PAC.
    - ii. This request to sublet is for a PAC Subcontractor and includes all items and quantities. In addition, there are other items and/or quantities exceeding the CTDOT approved PAC items and quantities.
    - iii. This request to sublet is for a PAC Subcontractor and does reduce PAC items, but a PAC Modification (PACMOD) has been approved by CTDOT for this work.
    - iv. This request to sublet is not for a PAC Subcontractor and does not revise work committed to any PAC Subcontractor.
    - v. This request to sublet is not for a PAC Subcontractor, but does revise PAC work, however, a PAC Modification (PACMOD) was previously approved by CTDOT for the work.

#### **Section 5B State: Subcontractor(s)**

1. Enter the anticipated start date for the lowest tier subcontractor on this CLA-12
2. Use the drop-down menu to select the Number of Subcontractor Tiers (maximum of 3)
3. For each subcontractor tier enter in the space provided or select the appropriate answer from the drop-down menu
  - a. Subcontractor's Name
  - b. Address
  - c. FEIN #
  - d. "Is this Subcontractor a certified [Small Business Enterprise](#) (SBE)?"
  - e. "Is this Subcontractor part of the Pre-Award Commitment (PAC)?"
  - f. "Is this work of this Subcontractor being proposed as a Good Faith Effort (GFE)?"
    - i. By selecting yes, *The Contractor is stating that they have verified that the subcontractor is listed in the [Small/Minority Directory](#) as an SBE/MBE (see the SBE Specification for more information) and that the subcontractor will perform a CUF (to perform a CUF such that the work counts for SBE credit, the SBE must self-perform the amount of work required by the state statute for SBE and cannot further sublet to non-SBEs more than the amount of work allowed by the state statute for SBE. If there are any questions, contact DCO Subcontracting Group at [DOT.OOC.Subcontract@ct.gov](mailto:DOT.OOC.Subcontract@ct.gov)*
4. Contractor Pre-Award Commitment Check
  - a. Select the most appropriate answer from the drop-down menu
    - i. The request to sublet is for a PAC Subcontractor and is identical to the CTDOT approved PAC
    - ii. This request to sublet is for a PAC Subcontractor and includes all items and quantities. In addition, there are other items and/or quantities exceeding the CTDOT approved PAC items and quantities.

- iii. This request to sublet is for a PAC Subcontractor and does reduce PAC items, but a PAC Modification (PACMOD) has been approved by CTDOT for this work.
- iv. This request to sublet is not for a PAC Subcontractor and does not revise work committed to any PAC Subcontractor.
- v. This request to sublet is not for a PAC Subcontractor, but does revise PAC work, however, a PAC Modification (PACMOD) was previously approved by CTDOT for the work.

## **Section 6A Federal: Subcontract Checks and Inclusions**

1. Section A: The Prime Contractor is required to ensure that:
  - a. The Executed Subcontract/Purchase Order is included into this request to sublet
  - b. The Subcontractor is not listed as debarred on [CT Department of Labor Debarment](#) and [Federally Debarred](#) (SAM.gov)
  - c. All Subcontracts/Purchase Orders physically incorporate the following:
    - i. The [Subcontractor Affirmative Action Policy Statement](#) for each tier if the contract exceeds \$10,000.00
    - ii. The [Title VI](#) – Contractor Assurance
    - iii. The [Form 1273](#) (FHWA Projects Only)
  - d. All Subcontracts/Purchase Order's comply with the Prime Contract. The "Sample Subcontract Language" at the end of this document explains in detail, identified required subcontract language and inclusions (see page 9). Following the date set by the CTDOT in the notice to Contractor, CLA-12s submitted with subcontracts that do not comply will be returned, as stated on the CLA-12 form.
  - e. All Subcontracts/Purchase Order's incorporate the mandatory language detailed on the CLA-12 form. The mandatory statements are to be written in the subcontract directly above the signature lines of the subcontract for all subcontractor tiers.

## **Section 6B State: Subcontract Checks and Inclusions**

1. Section A: The Prime Contractor is required to ensure that:
  - a. The Executed Subcontract/Purchase Order is included into this request to sublet
  - b. The Subcontractor is not listed as debarred on [CT Department of Labor Debarment](#)
  - c. All Subcontracts/Purchase Order's physically incorporate the following:
    - i. The [Subcontractor Affirmative Action Policy Statement](#) for each tier if the contract exceeds \$10,000.00
  - d. All Subcontracts/Purchase Order's comply with the Prime Contract. The "Sample Subcontract Language" at the end of this document explains in detail, identified required subcontract language and inclusions (see page 9). Following the date set by the CTDOT in the notice to Contractor, CLA-12s submitted with subcontracts that do not comply will be returned, as stated on the CLA-12 form.
  - e. All Subcontracts/Purchase Order's incorporate the mandatory language detailed on the CLA-12 form. The mandatory statements are to be written in the subcontract directly above the signature lines of the subcontract for all subcontractor tiers.

## Contract Items Tab

The following spaces will auto populate based on entries made on the CLA-12 Tab and according to the instructions below:

1. Project Number
2. Prime Contractor Name
3. Tier # Subcontractor Name
4. Original Item Value – This is the Subcontractor’s dollar value for all original items (on this CLA-12)
5. Change Order Item Value – This is the Subcontractor’s dollar value for all change order items (on this CLA-12)
6. Total Item Value – This is the Subcontractor’s total dollar value of original and change order items on this CLA-12

To enter Contract Item information, select the appropriate answer from the drop-down menu or enter in the information requested as instructed below:

1. For the box in the column titled, “Is this an Original/CO Item?”
  - a. Use the drop-down menu to select either: Original or CO
2. For the box in the column titled, “Contract Item Line #” Enter the Contract Line Item as stated in the Contract Line-Item Category Report
3. For the box in the column titled, “Item ID #”- Enter the Item ID # stated in the Contract Line-Item Category Report
4. For the box in the column titled, “Item Description” – Enter the Item Description stated in the Contract Line-Item Category Report
5. For the box in the column titled, “Special Provision?” – Select yes or no
6. For the box in the column titled, “PAC Item?” – Select yes or no
7. For the box in the column titled, “Is this a Partial Item?” Select yes if the subcontractor is only being sublet part of the item total, or no, if the subcontractor is being sublet the entire item total.
  - a. If yes is selected, subcontracted items of work must be clearly defined in terms of quantity, price, and unit of measure in addition an explanation of who will perform the remainder of the partial item must be identified. If the Subcontractor is a DBE, a reminder that the NAICS codes have been verified and a Commercial Useful Function (CUF) review will be performed.
8. For the box in the column titled, “Prime Unit of Measure – Enter the Prime Unit of measure Identified as the Unit price the CTDOT is paying the Prime Contractor as stated in the Contract Line-Item Category Report
9. For the box in the column titled, “Prime Unit of Price” – Enter the Prime Unit Price Identified as the Unit price the CTDOT is paying the Prime Contractor as stated in the Contract Line-Item Category Report
10. Prime Quantity – For the box in the column titled, “Prime Quantity” – Enter the Prime Quantity Identified as the Unit price the CTDOT is paying the Prime Contractor as stated in the Contract Line-Item Category Report

\* If you are entering items that have the same “Contract Item Line #” and “Item ID #” **do not enter** “Prime Unit Price” and “Prime Quantity” on any line following the first line of the item. Refer to the example below.

\* Note: “Item # 0975004 – Mobilization & Project Closeout” can **NOT** be sublet per Section 9.75.01 of Form 818 Standard Specifications. Mobilization may be sublet to the Contract Item Line # that it pertains to. However, the CTDOT will pay in accordance with the applicable Contract item specification. See example below for the correct way to sublet Mobilization.

Project Number: 0000-0000								Original Item Value		Change Order Item Value		Total Item Value	
Prime Contractor: ABC Paving								\$	540,000.00	\$	-	\$	540,000.00
Tier 1 Subcontractor: XYZ Electrical								\$	11,100.00	\$	-	\$	11,100.00

#	Is this an Original/CO Item?	Contract Item Line #	Item ID #	Item Description	Special Provision? (Y/N)	PAC Item? (Y/N)	Partial Item? (Y/N)	Prime Unit of Measure	Prime Unit Price	Prime Quantity	Sub Unit of Measure	Sub Unit Price	Sub Quantity	Total Item Value Subcontracted
1	Original	0350	1202999	Drilled Shaft Traffic Structure Foundation	No	No	Yes	Each	\$ 45,000.00000	12	Days	\$ 4,800.00000	2	\$ 9,600.00
2	Original	0350	1202999	Mobilization	No	No	Yes	Each			Each	\$ 750.00000	2	\$ 1,500.00

11. Subcontractor Unit of Measure
12. Subcontractor Unit Price
13. Subcontractor Quantity
14. Total Item Value Subcontracted – auto calculates based on Subcontractor’s unit price, and quantity

### CLA-12 Tracking Sheet Tab (optional)

The CLA-12 tracking sheet may be utilized by Prime Contractors to track CLA-12 submittals and the dollar value of subcontracted contract items.

### Submitting The CLA-12 Through COMPASS

Once the CLA-12 form is completed and the attachments are assembled as instructed above and on the CLA-12 form the Contractor must submit the CLA-12 through COMPASS in accordance with the [COMPASS Contractor’s User Manual and the instructions below](#):

1. The CLA-12 and attachments must be assembled into one pdf document.
2. The file naming convention for the CLA-12 and attachments PDF to be used is: Project Number Submittal Description Abbreviated Subcontractor Name, as shown below using a maximum of 50 characters counting spaces:

***Example: 0000-0000 CLA-12 ABC Paving***

3. The CLA-12 PDF should be composed of the following in the following order:
  - a. CLA-12 (Tab from CLA-12 excel form)
  - b. Contract Items (Tab from CLA-12 excel form)
  - c. CLA-12 Tracking Sheet (optional Tab from CLA-12 excel form)
  - d. Executed Subcontract/PO
4. The submittal type to be used in COMPASS is **CLA-12**
5. The submittal naming convention is: Submittal Description Abbreviated Subcontractor Name as shown below using a maximum of 50 characters counting spaces:



***Example: CLA-12 ABC Paving***

6. If the CLA-12 submittal is returned to the contractor as revise and resubmit, the contractor must follow the instruction in the [COMPASS Contractor's User Manual](#) Section 2.5.2 Revise and Resubmit and Section 2.5.3 Revising and Replacing a File

## *Sample Subcontract Language*

The following Sample Subcontract Language is based on the CTDOT Standard Specifications, related special provisions, and alternative contracting contracts as noted. It is intended as an aid in conformance with the requirements. Contractors should conduct their own due diligence to verify the language required in each CTDOT Contract as they are issued.

### 1.03.04 and 1.20-1.03.04 and DB 1.03.04 (similarly in CMAR and CMGC contracts)

In conformance with Section 49-41a of the Connecticut General Statutes, as revised, the Contractor shall:

1. Within 30 days after any given Contract payment to the Contractor by the State, pay any amounts due any subcontractor, whether for labor performed or materials furnished, when charges for such labor or materials have been included in a payment estimate paid by the State; and
2. Include in each of its subcontracts a provision requiring each subcontractor to pay any amounts due any of its subcontractors on the Project, whether for labor performed or materials furnished, within 30 days after such subcontractor receives a payment from the Contractor which encompasses labor or materials furnished by such subcontractor for the Project.

If the Contractor believes that it has a valid reason for withholding payment for particular work or materials from a subcontractor or supplier, then the Contractor, within 30 days of receiving payment from the State for that work or materials, shall notify the subcontractor or supplier and CTDOT of its reasons for withholding payment.

### Notice to Contractor – Mandated Use of AASHTOWare Project Construction Management Software

This NTC details the required use of AASHTOWare Project by Prime Contractors and Subcontractors related to Payrolls, Payment Verifications, and related requirements. The referenced specifications are required to be included in all subcontracts.

### 1.03.07 – Insurance

The sub-articles of 1.03.07 and **1.20-1.03.07** require certain insurances for the Prime Contractor and subcontractors. Although there is not specific statement of requiring inclusion of specific language in all subcontracts the CTDOT Contract provision applies requirements to the Prime Contractor and subcontractors, therefore it is recommended that the Prime Contractor address these as outlined in the CTDOT Contract and as appropriate in the subcontracts.

Design-Build, Construction Manager at Risk, and Construction Manager General Contractor will contain similar requirements although the Contract organization may use a different numbering system.

### 1.05.12 Payrolls

(Contracts as of late 2022) 1.05.12 and 1.20-1.05.12 require language found in the version of the standard specification as supplemented by the special provision in the CTDOT contract be included in subcontracts.

Design-Build, Construction Manager at Risk, and Construction Manager General Contractor will contain similar requirements, although the Contract organization may use a different numbering system.

### 1.05.25 Use of AASHTOWare Project® Software

(Contracts as of late 2022) 1.05.25 and 1.20-1.05.25 require language found in the version of the standard specification as supplemented by the special provision in the CTDOT contract be included in subcontracts.

### Affirmative Action Policy Statement

The Affirmative Action Policy Statement provided by (link from the CLA-12 form) is required to be included in all subcontracts exceeding \$10,000.00.

### Title VI

The Title VI Contractor Assurances The affirmative action policy statement (provided link from the CLA-12 form) is required to be included in all subcontracts for federal aid projects.

### Form 1273

The FHWA Form 1273 provided by (link from the CLA-12 form), “Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).”

### 1.08.01 Transfer of Work

The Contractor shall include the following alternative dispute resolution clause in all of its project subcontracts:

*"For any dispute arising out of the agreement between the Contractor and a subcontractor, including claims of late payment or non-payment, which cannot be settled within 60 days of the subcontractor submitting a written claim to the Contractor, either party may bring the dispute before an alternative dispute resolution entity for resolution. If the parties do not agree upon a particular dispute resolution entity for that purpose, the dispute shall be resolved under the auspices and construction arbitration rules of the American Arbitration Association, or under the rules of any other alternative dispute resolution entity approved by the Department either generally or for the specific dispute. The Department may not be made a party to formal arbitration regarding such a dispute. These rights and restrictions may not be waived, and if these provisions are not included in the Contractor's subcontracts for the Project, these provisions shall nonetheless be read into them."*

*Article 1.08.01 also states that, "The Contractor shall pay the subcontractor for work performed within 30 days after the Contractor receives payment for the work performed by the subcontractor."*

*"Withholding retainage by the Contractor, subcontractor or lower tier subcontractors is not allowed."*

*... "Payment for work that has been performed by a subcontractor does not eliminate the Contractor's responsibilities for all the work as defined in 1.07.12, "Contractor's Responsibility for Work."*

*"Payment for work that has been performed by a subcontractor also does not release the subcontractor from its responsibility for maintenance and other periods of subcontractor responsibility specified for the subcontractor's items of work. Failure of a subcontractor to meet its maintenance, warranty or defective work responsibilities may result in administrative action on future Department contracts. For any dispute regarding prompt payment, the alternate dispute resolution provisions of this article shall apply."*

*"The above requirements are also applicable to all sub-tier subcontractors and the above provisions shall be made a part of all subcontract agreements."*

*The Contractor should ensure that the language noted above is in the subcontracts and that conflicting language is not present in order to comply with the CTDOT Contract.*

*Note: Design-Build, Construction Manager at Risk, and Construction Manager General Contractor will contain similar requirements although the Contract organization may use a different numbering system.*

### Required Acknowledgements

As stated on the CLA-12 Form, the following is to be included just above the signature lines of each subcontract:

By signing this document all parties certify that:

1. The Prime Contractor and Subcontractor agree they have not participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this project.
2. They have been warned that knowingly and willfully providing false information is a violation of 18 USC Section 1001 (False Statements), punishable by fine or imprisonment, or both.
3. The Prime Contractor and Subcontractor agree to comply with and be bound by all other terms of the Contract between the Prime Contractor and Department, and that in the event of a conflict between the language of the subcontract and Contract, the Contract supersedes.
4. In addition to the Prime Contractor oversight responsibilities, it is the responsibility of the Subcontractor to read and understand the Contract between the Prime Contractor and Department in order to remain in compliance with both state and Federal laws, regulations and guidelines as applicable.
5. Nothing in this document shall imply any contractual relationship between the Subcontractor and the Department.
6. This subcontract becomes recognized on this project upon the approval to sublet by the Department.

### General Note:

*Design-Build, Construction Manager at Risk, and Construction Manager General Contractor will contain similar requirements although the Contract organization may use a different numbering system. The Contractor if involved with one of those project types should ensure compliance with the specifications of the Contract.*

# Attachment 18: Subconsultant Payment Log

Connecticut Department of Transportation Subconsultant Payment Log Year: _____											
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">                         Prime Consultant: _____                          FEIN: _____                          Contact Person: _____                          Telephone: _____                     </div> <div style="width: 45%;">                         ConnDOT Project No. _____                          Federal Aid Project No. _____                            ConnDOT Administrating Unit: _____                          ConnDOT Project Engineer: _____                     </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;">                         Subconsultant: _____                          FEIN: _____                     </div> <div style="width: 45%;">                         DBE <input type="checkbox"/>                          SBE <input type="checkbox"/> </div> </div>											
Line No.	Subconsultant's Invoice to Prime			Prime's Invoice to State			Payment Information				Remarks
	(1) Subconsultant Invoice No.	(2) Date Submitted to Prime	(3) Invoice Amount	(4) Included on Prime's Invoice No.	(5) Invoice Date	(6) Subconsultant Amount Submitted	(7) Date Prime Received Payment From State	(8) Date Prime Paid Subconsultant	(9) Amount of Payment to Subconsultant	(10) Check No.	
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<u>Date Sumitted to ConnDOT:</u> <div style="display: flex; justify-content: space-between;"> <div>January _____</div> <div>April _____</div> <div>July _____</div> <div>October _____</div> </div>	<u>Prime Consultant Signature and Date:</u> <div style="display: flex; justify-content: space-between;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>	<u>Date of Subconsultant Receipt:</u> <div style="display: flex; justify-content: space-between;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>	<u>Subconsultant Signature and Date:</u> <div style="display: flex; justify-content: space-between;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>
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Connecticut Department of Transportation  
Instructions for Subconsultant Payment Log

Prime consultant to complete one Subconsultant Payment Log for each subconsultant assigned to the project per calendar year.

The log will be submitted quarterly (January, April, July and October) to the ConnDOT Project Engineer. Each subsequent quarter, the form will be updated and submitted as indicated below.

Prior to submission to ConnDOT, the log will be signed by the prime consultant and forwarded to the subconsultant for review.

The subconsultant will sign and date the form indicating the date they received the form from the prime and then return the form to the prime.

The log must be received by the administrating ConnDOT unit (i.e.: Consultant Design, Construction, etc.) by the 15th of the respective month. The log should include both the prime and subconsultant signatures for that quarter.

The prime consultant's portion of the payment log must be completed and up to date through the quarter that is being submitted.

The subconsultant portion should also be completed and up to date for the current quarter, however it will be acceptable to be no more than one quarter behind.

If there are any comments or conflicts between the information provided from the prime and subconsultant, fill in the remarks column. If extra space is required, the information should be included on an additional piece of paper and be attached to the log.

## Attachment 19: Bi-Monthly Report on DBE Participation 88-1

**BI-MONTHLY DBE PARTICIPATING REPORT****FORM 88-1**

Contract No.: \_\_\_\_\_ FAP/FTA/FAA No.: \_\_\_\_\_

Prime Contractor: \_\_\_\_\_ Vendor ID: \_\_\_\_\_

Completion Date: \_\_\_\_\_ Award Date: \_\_\_\_\_  
(Original)

Original Contract Value: \_\_\_\_\_ Revised Contract Value: \_\_\_\_\_

Specified Goal: 0.00% Type (check one): Interim ☐ Final ☐

DBE Firms Approved to Work on Contract		
Name of Firm	Pre-Award Assigned Value of Work	Verified Value of Work Performed

<b>Totals</b>		
<b>Percent of Original Contract Value</b>		
<b>Percent of Revised Contract Value</b>		<b>#DIV/0!</b>

<b><u>FOR DCO USE</u></b>	
Race conscience:	_____
Race neutral:	_____

The Last Submittal was Received on: Pre-Award



CONTRACT NO. 0000-0000  
Subcontractor

Item No.	Description	Bid Quantity	Preaward Quantity	Unit	Unit Price	Preaward Amount	Net Change Order	Quantity Paid to Prime	Quantity Invoiced by DBE	Amount Invoiced by DBE

\$0.00

\$0.00

Attachment 20: CUF Directive CD-2024-4



Connecticut DOT

Number: CD-2024-4

Bureau of Engineering and Construction

Date: December 18, 2025

## CONSTRUCTION DIRECTIVE

Signed by:

*Dominic D. LaRosa, P.E.*

Construction Administrator

### Monitoring of Commercial Useful Function (CUF)

In accordance with the Code of Federal Regulations Title 49 CFR Part 26.55, all recipients of federal funding on construction contracts must comply with the CUF requirements set forth in the Regulations, which includes the monitoring, reporting, and enforcement of CUF for all Disadvantaged Business Enterprise contractors, of all tiers, within 60 days of first being on-site/performing work.

In order to comply with this requirement for all Connecticut Department of Transportation (CTDOT) administered projects, Inspection Staff shall monitor CUF using the procedure detailed in the latest version of the Connecticut Department of Transportation, Bureau of Engineering and Construction, Office of Construction, [AASHTOWare Project User Manual Version 3.0](#), Section 5.2.1 found in the Division of Construction Operations Manuals, Guides, and Videos SharePoint folder. This requirement is effective immediately for all FTA funded projects and, effective April 1, 2025, for all FHWA funded projects.

The Division of Construction Operations will provide training to District staff upon request for FTA funded projects, and over the 2024-2025 winter period for FHWA funded projects.

For municipally administered projects, the municipality is required to ensure CUF conformance as detailed in Title 49 CFR Part 26.55.

Central Construction will monitor for compliance quarterly.

### **4.3 Draft directions for Commercial Useful Function (CUF) Review**

**Instructions:** Use this guide to fill out your CUF reviews. CUF reviews are required to be performed for every DBE subcontractor on every contract within 60 days of them being on-site/performing work. All sections with an asterisk must be completed and all others shall be completed to the best of your knowledge/ability.

In order to complete a CUF review, the inspector on-site must set up a meeting with the Prime Contractor and the DBE(s) Superintendent/Foreman of the DBE subcontractor that the CUF Review pertains to. This meeting can be held with the Prime and DBE either together or separate, as it will depend on the project schedule and availability of both and the preference of the inspector.

Be sure to have a copy of the Pre-Award Commitment (PAC), approved CLA-12, and a Daily Work Report (DWR), that lists the DBE Subcontractor as a Contractor on-site, while performing your CUF Review. It is important to understand the items that are being performed and what the Prime is committing to the subcontractor. The PAC will also provide insight as to the firm type code for each item on the PAC. The firm type codes are as follows:

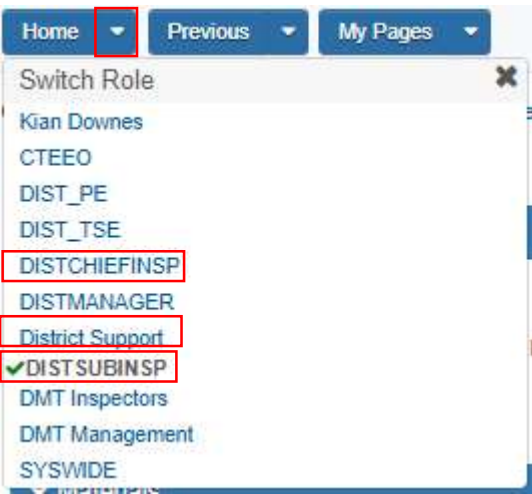
- “S” Subcontracted or Partially Subcontracted Items
- “P” Distributer Items (40% Credit and will be ‘PD’ on the revised PAC Form).
- “P” Supply Items (60% Credit and will be ‘PS’ on the revised PAC Form).
- “T” Trucking Items
- “M” Manufactured Items
- “V” Services
- “L” Leased Items

Note: While DBEs are occasionally awarded prime contracts, DBEs primarily work as subcontractors for the prime. Subcontractors typically perform specific contract items and provide their own labor and materials. To determine whether a DBE subcontractor is performing a CUF, five (5) distinct operations must be considered: management, workforce, equipment, materials, and performance. These areas must be evaluated to make a CUF determination, and situations need to be reviewed on a case-by-case basis.

Follow the steps provided below as a step-by-step guide to completing a CUF Review:

- Select your Role by clicking on the “Action Carrot” to the right of the “Home” button:
  - The following roles have the authority to perform a CUF Review:
    - DISTSUBINSP

- DISTCHIEFINSP
- District Support
- All other roles can only view a CUF Review.



- From the Dashboard under Civil Rights & Labor Tab, select **Compliance**.



- From the Compliance Overview screen, select **CUF**.

## Compliance Overview

A screenshot of the 'Compliance Overview' section. It features a blue header bar with a dropdown arrow and the text 'Compliance Overview'. Below this, a list of menu items is displayed: 'Labor', 'CUF', 'EEO', 'Payroll Management', 'Field Interview', and 'Findings'. The 'CUF' item is highlighted with a red rectangular box.

- Select **Add** to create a new CUF review.

A screenshot of the 'Compliance Overview' form. It shows a blue header bar with a dropdown arrow and the text 'Compliance Overview'. Below this, there are several input fields: 'Labor', 'CUF', 'EEO', and 'Payroll Management'. To the right of these fields is a search bar with the placeholder text 'Type search criteria or press Enter' and a magnifying glass icon. Below the search bar is an 'Advanced' link and a 'Showing 3 of 3' indicator. At the bottom right, there is a red rectangular box containing the text 'Add'.

- Fill out the **Add CUF Review** fields to the best of your knowledge. Any field with an asterisk (\*) must always be entered:
  - **CUF Review ID** – Enter according to the following format:
    - 0000-0000 DBE Vendor
  - **Contract ID** – Type in contract the CUF Review is being performed on.
  - **DBE Vendor ID** – Select the DBE subcontractor the CUF review is being performed on.
  - **Review Date** – Select date the CUF review took place.
  - **Observation Reviewer** – This should automatically populate, but if not, select the name of inspector performing the CUF review.
  - **Review Work Type** – Select the classification type for the DBE subcontractor.
    - Subcontractor
    - Hauler
    - Supplier
    - Manufacturer
    - Professional Services
  - **DBE Start Work Date** – Select the DBE subcontractors start date.

- **DBE Projected End Work Date** - Select the DBE subcontractors projected end date.
- **Desk Audit** – Check box if this is a desk audit CUF Review. Desk Audits are done by the Division of Construction Operations, and inspectors will not need to check this box.
- **Comments** – Enter any necessary comments.
- Select **Save** to continue the review and prompt the next sections of the review to appear.

- The following screen will appear with the information you entered and the project information in AWP's system.
- Upon completion of the review, a DCO representative will come back to this section to make a selection for the **Determination** section, which will be one of the following:
  - Compliant
  - Non-Compliant
  - Partial Compliant

- Fill out the **Observations** fields to the best of your knowledge. Leave cells blank if you are unsure.
  - **Contract Inspector** – Enter the name of the Contract Inspector.
  - **Contract Inspector Interviewed?** – Select an option:
    - Yes
    - No

- N/A
- **Scope of Work** – Enter a description in the comment box of the Scope of Work that the DBE Subcontractor is performing. (Example: Electrical, Paving, Site work)
- **Subcontract Matches DBE Commitment? (Subcontract can be found in CLA-12)**
  - Select an option:
    - Yes
    - No
    - N/A
- **Changes in the Contract Scope?** – Select an option:
  - Yes
  - No
  - N/A
- **On-Site Representative Name** - Enter the name of the On-Site Representative for the DBE Subcontractor.
- **On-Site Representative Title** - Enter the title of the On-Site Representative for the DBE Subcontractor.
- **Who does the on-site representative report to?** – Enter the name of the person the On-Site Representative reports to (if applicable).
- **Prior Employer** – Enter their prior employer (if applicable).
- **Employment Duration** – Enter their employment duration.
- **Who hires/fires and makes major decisions?** – Enter the name of the person who hires/fires and makes decisions.
- **DBE Owner** – Enter the name of the DBE Owner.
- **Has the DBE Owner been present on the job site?** – Select an option:
  - Yes
  - No
  - N/A
- **How often has the DBE Owner been on site?** – Enter the most accurate description as to how often the DBE Owner appears on site.

Note: Observations/Management Element of Analysis are extremely important to highlight the CTDOT's point of contact with the DBE Subcontractor in case any CUF issues arise throughout the duration of the project. The DBE must manage the work that has been contracted to its firm. Management includes, but is not limited to scheduling work operations, ordering equipment and materials, preparing, and submitting certified payrolls, and hiring and firing employees. Any changes in the scope reducing PAC work to the DBE should be discussed with DCO and a PACMOD should be completed.

The DBE owner must supervise daily operations, either personally, or with a full time, skilled and knowledgeable superintendent/foreman employed by and paid wages by the DBE. The superintendent/foreman must be present on the job site and under the DBE owner's direct supervision. The DBE owner must make all operational and managerial decisions for the firm. Mere performance of administrative duties is not considered supervision of daily operations.

**Observations**

DBE Start Work Date\*  
01/01/2024

DBE Projected End Work Date  
12/31/2024

Contract Inspector  
Begin typing to search or press Enter

Contract Inspector Interviewed?  
N/A

Scope of Work

Subcontract Matches DBE Commitment?  
N/A

Changes in the Contract Scope?  
N/A

On-Site Representative Name

On-Site Representative Title

Who does the on-site representative report to?

Prior Employer

Employment Duration

Who hires/fires and makes major decisions?

DBE Owner

Has the DBE Owner been present on the job site?  
N/A

How often has the DBE Owner been on site?

- Fill out the **Management Element of Analysis** fields to the best of your knowledge. Leave cells blank if you are unsure.
  - **Is DBE responsible for execution of all work activities?** – Select an option:
    - Yes
    - No
    - N/A
  - **Name and Location of Payroll Preparer** – Enter the name and location of the payroll preparer.
  - **Management Analysis Comments** – Enter any necessary comments.

**Management Element of Analysis**

Is DBE responsible for execution of all work activities?  
N/A

Name and Location of Payroll Preparer

Management Analysis Comments

- Fill out the **Performance Element of Analysis** fields to the best of your knowledge. Leave cells blank if you are unsure.
  - **Adjustments made when DBE subcontracts to non-DBE?** – Select an option:
    - Yes
    - No
    - N/A
  - **Disallowed Amount** – Enter the Disallowed amount.
  - **Disallowed Comments** – Enter any necessary comments.
  - **Did DBE perform at least 30% of its subcontract?** – Select an option:
    - Yes
    - No
    - N/A
  - **Prime made Good Faith Effort to replace disallowed value of work?** – Select an option:
    - Yes
    - No
    - N/A
  - **Performance Analysis Comments** – Enter any necessary comments.



Note: All work must be performed with a workforce the DBE controls, with a minimum of 30% of the work to be performed by the DBE's regular employees, or those hired by the DBE for the project from a source, such as a labor union. The DBE, in all instances, must have direct supervision over all their employees.

In the event the DBE is not performing work in accordance with the PAC, CLA-12, and requirements noted above, reach out to the DCO immediately for further guidance.

- Fill out the **Workforce Element of Analysis** fields to the best of your knowledge. Leave cells blank if you are unsure.
  - **Employees on DBE Payroll?** – Select an option:
    - Yes
    - No
    - N/A
  - **DBE Only Payer?** – Select an option:
    - Yes
    - No
    - N/A
  - **DBE Payroll Employee Count Consistent?** – Select an option:
    - Yes
    - No
    - N/A
  - **Are the DBE's employees working on a distinct element of work, independently and without assistance of other participating contractors?** – Select an option:
    - Yes
    - No
    - N/A
  - **Workforce Analysis Comments** – Enter any necessary comments.

Note: The DBE must be responsible for payroll and labor compliance requirements for all employees performing on the contract and is expected to prepare and finance the payrolls. Direct or indirect payments by any other contractor are not allowed.

- Fill out the **Equipment Element of Analysis** fields to the best of your knowledge. Leave cells blank if you are unsure.

- **Does DBE use own equipment?** – Select an option:
  - Yes
  - No
  - N/A
- **Were ownership documents verified?** – Select an option:
  - Yes
  - No
  - N/A
- **Equipment Leased/Borrowed Comments** – Enter any necessary comments.

Note: A DBE may lease specialized equipment from a contractor, excluding the prime, if it is consistent with normal industry practices and at rates competitive for the area. The lease must specify the terms of the agreement. The lease must be for a short period of time and involve a specialized piece of equipment to be used at the job site. The lease may include an operator for the equipment who remains on the lessor's payroll if this is a generally acceptable practice within the industry. The operation of the equipment must be subject to the full control of the DBE. The DBE is expected to provide the operator for non-specialized equipment and is responsible for all payroll and labor compliance requirements. A separate lease agreement is required. All lease agreements should be approved by the CTDOT prior to the DBE starting the work.

- Fill out the **Materials Element of Analysis** fields to the best of your knowledge. Leave cells blank if you are unsure.
  - **Did DBE purchase materials from the prime or one of its affiliates?** – Select an option:
    - Yes
    - No
    - N/A
  - **Were materials billed to the DBE vendor?** – Select an option:
    - Yes
    - No
    - N/A
  - **Was proof of payment for materials and supplies obtained?** – Select an option:
    - Yes
    - No
    - N/A
  - **Was an approved joint check used?** – Select an option:
    - Yes
    - No
    - N/A
  - **Did DBE present joint check to the manufacturer/supplier?** – Select an option:
    - Yes

- No
- N/A
- **Were material shipping documents addressed to the DBE?** – Select an option:
  - Yes
  - No
  - N/A
- **Materials Analysis Comments** – Enter any necessary comments.

Note: For a DBE contractor (furnish and install) to receive credit for supplying materials, the DBE must perform the following four functions: (1) negotiate price; (2) determine quality and quantity; (3) order the materials; and (4) pay for the material itself (with the exception of instances where a dual check is approved by the DCO). If the DBE does not perform all these functions, it has not performed a CUF with respect to obtaining the materials, and the cost of the materials may not be counted toward the DBE goal. Invoices for the material should show the payor as the DBE. In some instances, a joint check may be used with prior approval of the manager of DCO.

For the next sections, only fill out the area that correlates with the work type for the DBE that is being reviewed. The firm type codes are as follows:

- “S” Subcontracted or Partially Subcontracted Items
- “P” Distributer Items (40% Credit and will be ‘PD’ on the revised PAC Form).
- “P” Supply Items (60% Credit and will be ‘PS’ on the revised PAC Form).
- “T” Trucking Items
- “M” Manufactured Items
- “V” Services
- “L” Leased Items

### Subcontractor section

- Fill out the **Subcontractor Review** fields to the best of your knowledge. Leave cells blank if you are unsure.
  - **Is the DBE performing, managing, and supervising all elements of work?** – Select an option:
    - Yes
    - No
    - N/A

- **Subcontract Agreement Reviewed** – Check box if subcontract agreement was reviewed.
- **Commitment Information Reviewed** – Check box if commitment information was reviewed.
- **DBE Quotes Reviewed** – Check box if the DBE Quotes were reviewed.
- **Payrolls Reviewed** – Check box if the Payrolls were reviewed.
- **Subcontractor Comments** – Enter any necessary comments.

Note: A subcontractor will be firm type “S” on the PAC.

## Trucking Section

- Fill out the **Hauler Review** fields to the best of your knowledge. Leave cells blank if you are unsure.
  - **Brief Description of the on-site controls used to identify DBE and non-DBE haulers to track the value of their participation** – Give a brief description.
  - **Does DBE vendor own and operate at least one truck?** – Select an option:
    - Yes
    - No
    - N/A
  - **Does your agency allow hauling credit for non-DBE haulers?** – Select an option (Answer No for this question):
    - Yes
    - No
    - N/A
  - **Were all DBE trucks, owned and leased, controlled by DBE or lower-tier DBE?** – Select an option:
    - Yes
    - No
    - N/A
  - **Does the leased truck display name and cert number of the DBE firm?** – Select an option:
    - Yes
    - No
    - N/A
  - **Non-DBE hauler’s participation adjusted to allow only fees and commissions?** – Select an option (Select N/A for this question):
    - Yes

- No
- N/A
- **Does it appear the DBE commitment will be met?** – Select an option:
  - Yes
  - No
  - N/A
- **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 services?** – Select an option:
  - Yes
  - No
  - N/A
- **Subcontract Agreement Reviewed** – Check box if subcontract agreement was reviewed.
- **Shipping Tickets Reviewed** – Check box if shipping tickets were reviewed.
- **Invoices Reviewed** – Check box if invoices were reviewed.
- **Lading Bills Reviewed** – Check box if lading bills were reviewed.
- **Hauler Comments** – Enter any necessary comments.

Note: To be certified in the DBE program as a trucking firm, the DBE is required to own and operate at least one fully licensed, insured, and operational truck used on the contract. To perform a CUF, a DBE must also be responsible for the management and supervision of the entire trucking operation or a specified portion of the trucking operation to which it has been committed. There cannot be a contrived arrangement for the purpose of meeting a DBE goal.

A DBE can supplement its fleet by leasing a truck(s) from an established equipment leasing business open to the general public. The lease must indicate that the DBE has exclusive use of and control over the truck. This requirement does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Otherwise, the DBE does not receive full credit for DBE participation.

Leased trucks must display the name and identification number of the DBE. The DBE trucker must also hold the necessary, where appropriate, license, hauling permit, etc., as required by the State to transport material on public highways.

Note: Note: A hauler (trucker) will be firm type “T” on the PAC.

Hauler Review	
Brief description of the on-site controls used to identify DBE and non-DBE haulers to track the value of their participation	
<input type="text"/>	
Does DBE vendor own and operate at least one truck? *	Subcontract Agreement Reviewed
FAA <input type="text"/>	<input type="checkbox"/>
Does your agency allow hauling credit for non-DBE haulers? *	Shipping Tickets Reviewed
FAA <input type="text"/>	<input type="checkbox"/>
Were all DBE trucks, owned and leased, controlled by DBE or leasee (see DBE)? *	Invoices Reviewed
FAA <input type="text"/>	<input type="checkbox"/>
Does the leased truck display name and cert number of the DBE firm? *	Lading Bills Reviewed
FAA <input type="text"/>	<input type="checkbox"/>
Non-DBE hauler's participation adjusted to allow only fees and commissions? *	
FAA <input type="text"/>	
Does it appear the DBE commitment will be met? *	
FAA <input type="text"/>	
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 services? *	
FAA <input type="text"/>	
Hauler Comments	
<input type="text"/>	

## Supplier/Distributor Section

- Fill out the **Supplier/Distributor Review** fields to the best of your knowledge. Leave cells blank if you are unsure.

Note: If the DBE is identified as a “Distributor”, instead of a “Supplier”, in the PAC, please make sure to state that in the **Supplier Comments** section.

- **Does supplier have warehouse with products to sell to the public?** – Select an option:
  - Yes
  - No
  - N/A
- **Supplier of bulk items (e.g. aggregate)?** – Select an option:
  - Yes
  - No
  - N/A
- **Does supplier own distribution equipment with operator?** – Select an option:
  - Yes
  - No
  - N/A
- **Does the DBE firm have supplier NAICS code for the product?** – Select an option:
  - Yes
  - No
  - N/A
- **Does supplier drop-ship any products for this contract?** – Select an option:
  - Yes
  - No
  - N/A
- **Purchase Order Reviewed** – Check box if purchase order was reviewed.
- **Shipping Tickets Reviewed** – Check box if shipping tickets were reviewed.
- **Material Invoices Reviewed** – Check box if material invoices were reviewed.
- **Cancelled Checks Reviewed** – Check box if cancelled checks were reviewed.
- **Supplier/Distributor Comments** – Enter any necessary comments or Distributer comments if applicable.

Note: In order for a firm to operate as a regular **supplier**, it must perform CUF, and must also comply with other requirements applicable to regular suppliers. It must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. In addition, a regular supplier is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business, except as noted below.

It is important to make a distinction between a regular supplier and a firm that supplies a product on an ad hoc basis in relation to a particular contract or contractor. A regular supplier has a regular trade with a variety of customers. One of the key considerations of being a regular, established supplier is the presence of an inventory of materials and/or supplies. A regular supplier assumes the actual and contractual responsibility for the provision of the material and/or supplies.

A firm may be a regular supplier in bulk items such as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of a regular supplier's own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.

If a DBE meets the requirements of a regular supplier, it may count 60% of the cost of the materials, if reasonable, toward the contract goal. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular suppliers.

Note: The Final Rule adds “**distributor**” as a new subset of DBE suppliers.

A DBE distributor is an established business that engages in the regular sale or lease of the items specified by the contract. The new distributor definition limits the credit that can be obtained for many drop-shipped goods to 40%, so long as the DBE distributor assumes all risk for loss or damage during transportation, evinced by the terms of the purchase order or a bill of lading (BOL) from a third party, indicating Free on Board (FOB) at the point of origin or similar terms that transfer responsibility of the items to the DBE distributor.

Where a distributor “drop ships” materials without assuming risk or does not operate in accordance with its distributorship agreement, credit is limited to fees or commissions.

For bids submitted after the effective date of the rule, recipients must examine whether materials or supplies are purchased from a DBE distributor which neither maintains sufficient inventory nor uses its own distribution equipment for the products under examination. In such event, 40 percent of the cost of materials or supplies (including transportation costs) can be counted.

If a subcontractor is determined to be a distributor from the criteria above, make it clear in the “Supplier Comments” section. If you find that the subcontractor is listed on the PAC as a Supplier but does not meet the requirements and may be a Distributer contact the DCO for guidance.

Note: A supplier will be firm type “PS” on the PAC (60% credit) and distributor will also be firm type “PD” on the PAC, but only 40% credit will be allowed.

## Manufacturer Section

- Fill out the **Manufacturer Review** fields to the best of your knowledge. Leave cells blank if you are unsure.
  - **Did the prime purchase the materials directly from the DBE Manufacturer?** – Select an option:

- Yes
- No
- N/A
- **Does DBE operate factory to produce materials to contract specifications?** – Select an option:
  - Yes
  - No
  - N/A
- **Does DBE alter product to contract specifications?** – Select an option:
  - Yes
  - No
  - N/A
- **Purchase Order Reviewed** – Check box if purchase order was reviewed.
- **Material Invoices Reviewed** – Check box if material invoices were reviewed.
- **Cancelled Checks Reviewed** – Check box if any cancelled checks were reviewed.
- **Manufacturer Comments** – Enter any necessary comments.

Note: A manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications. Examples of such items could be a concrete ready mix plant, a crushing operation, or a steel or concrete fabricating plant.

Note: A manufacturer will be a firm type “M” on the PAC.

## Professional Service Section

- Fill out the **Professional Services/Broker Review** fields to the best of your knowledge. Leave cells blank if you are unsure.
  - **Was work limited to that of an extra participant?** – Select an option:
    - Yes
    - No
    - N/A
  - **Subcontract Agreement Reviewed** – Check box if subcontract agreement was reviewed.
  - **Professional Services Comments** – Enter any necessary comments.

Professional Services/Broker Notes: A firm with the role of a Professional Services /Broker or transaction expeditor cannot receive DBE credit beyond the fee or commission it receives for its services and no part of the cost of the goods, count toward DBE goals. Examples of this is brokering contaminated material disposal sites.



Note: Services will be firm type "V" on the PAC.

- Fill out the **Determination** fields below.
  - If the determination has been made that the DBE is performing CUF, then proceed with filling out the bottom determination section.
  - If the DBE is not performing a CUF, please reach out to the DCO for further guidance and discuss during the next progress meeting.

- Upon completion, press the **Save** button at the top of the screen, then press the **Action Carrot** to the right of it.
- Next select **Attachments** from the drop down.

- The following **Attachments Overview** screen will appear.

- Next, press the **Select File** button.
- Here you can select saved files to attach to this CUF Review.

- Any relevant documents should be attached (if applicable):
  - Subcontract Agreement
  - Purchase Orders
  - Shipping Tickets
  - Material Invoices
  - Cancelled Checks
  - Invoices
  - Lading Bills
  - DBE Quotes

## **Commercial Useful Function (CUF) Review**

**Instructions:** Use this template in the field to fill out your CUF reviews. Use this as a tool/guide to ask the necessary questions to the subcontractor in the field. The answers recorded on this document must still be transferred and entered into AWP.

### **General**

- **Contract ID:**
  
- **DBE Vendor:**
  
- **Review Date:**
  
- **Observation Reviewer:**
  
- **Review Work Type – Circle one:**
  - Subcontractor
  - Hauler
  - Supplier
  - Manufacturer
  - Professional Services
  
- **DBE Start Work Date:**
  
- **DBE Projected End Work Date:**
  
- **Comments:**

**Observations:**

- **Contract Inspector:**
  
- **Contract Inspector Interviewed?** – Circle an option:
  - Yes
  - No
  - N/A
- **Scope of Work Description:**
  
- **Subcontract Matches DBE Commitment? (Subcontract can be found in CLA-12):** Circle an option:
  - Yes
  - No
  - N/A
- **Changes in the Contract Scope?** – Circle an option:
  - Yes
  - No
  - N/A
- **On-Site Representative Name:**
  
- **On-Site Representative Title:**
  
- **Who does the on-site representative report to?**
  
- **Prior Employer:**
  
- **Employment Duration:**
  
- **Who hires/fires and makes major decisions?**
  
- **DBE Owner:**

- **Has the DBE Owner been present on the job site? – Circle an option:**
  - Yes
  - No
  - N/A
- **How often has the DBE Owner been on site?**

### **Management Element of Analysis**

- **Is DBE responsible for execution of all work activities? – Circle an option:**
  - Yes
  - No
  - N/A
- **Name and Location of Payroll Preparer:**
  
- **Management Analysis Comments:**

### **Performance Element of Analysis**

- **Adjustments made when DBE subcontracts to non-DBE? – Circle an option:**
  - Yes
  - No
  - N/A
- **Disallowed Amount:**
  
- **Disallowed Comments:**
  
- **Did DBE perform at least 30% of its subcontract? – Circle an option:**
  - Yes
  - No
  - N/A

- **Prime made Good Faith Effort to replace disallowed value of work?** – Circle an option:
  - Yes
  - No
  - N/A
- **Performance Analysis Comments:**

### **Workforce Element of Analysis**

- **Employees on DBE Payroll?** – Circle an option:
  - Yes
  - No
  - N/A
- **DBE Only Payer?** – Circle an option:
  - Yes
  - No
  - N/A
- **DBE Payroll Employee Count Consistent?** – Circle an option:
  - Yes
  - No
  - N/A
- **Are the DBE's employees working on a distinct element of work, independently and without assistance of other participating contactors?** – Circle an option:
  - Yes
  - No
  - N/A
- **Workforce Analysis Comments:**

### **Equipment Element of Analysis**

- **Does DBE use own equipment?** – Circle an option:
  - Yes
  - No
  - N/A

- **Were ownership documents verified?** – Circle an option:
  - Yes
  - No
  - N/A
- **Equipment Leased/Borrowed Comments:**

### **Materials Element of Analysis**

- **Did DBE purchase materials from the prime or one of its affiliates?** – Circle an option:
  - Yes
  - No
  - N/A
- **Were materials billed to the DBE vendor?** – Circle an option:
  - Yes
  - No
  - N/A
- **Was proof of payment for materials and supplies obtained?** – Circle an option:
  - Yes
  - No
  - N/A
- **Was an approved joint check used?** – Circle an option:
  - Yes
  - No
  - N/A
- **Did DBE present joint check to the manufacturer/supplier?** – Circle an option:
  - Yes
  - No
  - N/A
- **Were material shipping documents addressed to the DBE?** – Circle an option:
  - Yes
  - No
  - N/A
- **Materials Analysis Comments:**

**For the next sections, only fill out the area that correlates with the work type for the DBE that is being reviewed. The firm type codes are as follows:**

- “S” Subcontracted or Partially Subcontracted Items
- “P” Distributer Items (40% Credit and will be ‘PD’ on the revised PAC Form).
- “P” Supply Items (60% Credit and will be ‘PS’ on the revised PAC Form).
- “T” Trucking Items
- “M” Manufactured Items
- “V” Services
- “L” Leased Items

### **Subcontractor Review**

- **Is the DBE performing, managing, and supervising all elements of work?** – Circle an option:
  - Yes
  - No
  - N/A
- **Subcontract Agreement Reviewed (Y/N):**
- **Commitment Information Reviewed (Y/N):**
- **DBE Quotes Reviewed (Y/N):**
- **Payrolls Reviewed (Y/N):**
- **Subcontractor Comments:**

### **Hauler Review**

- **Brief Description of the on-site controls used to identify DBE and non-DBE haulers to track the value of their participation:**
  
- **Does DBE vendor own and operate at least one truck?** – Circle an option:
  - Yes
  - No
  - N/A



- **Does your agency allow hauling credit for non-DBE haulers? – Circle an option (Answer No for this question):**
  - Yes
  - No
  - N/A
- **Were all DBE trucks, owned and leased, controlled by DBE or lower-tier DBE? – Circle an option:**
  - Yes
  - No
  - N/A
- **Does the leased truck display name and cert number of the DBE firm? – Circle an option:**
  - Yes
  - No
  - N/A
- **Non-DBE hauler's participation adjusted to allow only fees and commissions? – Circle an option (Select N/A for this question):**
  - Yes
  - No
  - N/A
- **Does it appear the DBE commitment will be met? – Circle an option:**
  - Yes
  - No
  - N/A
- **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 services? – Circle an option:**
  - Yes
  - No
  - N/A
- **Subcontract Agreement Reviewed (Y/N):**
- **Shipping Tickets Reviewed (Y/N):**
- **Invoices Reviewed (Y/N):**
- **Lading Bills Reviewed (Y/N):**
- **Hauler Comments (Y/N):**

### **Supplier/Distributor Review**

- **Does supplier have warehouse with products to sell to the public?** – Circle an option:
  - Yes
  - No
  - N/A
- **Supplier of bulk items (e.g. aggregate)?** – Circle an option:
  - Yes
  - No
  - N/A
- **Does supplier own distribution equipment with operator?** – Circle an option:
  - Yes
  - No
  - N/A
- **Does the DBE firm have supplier NAICS code for the product?** – Circle an option:
  - Yes
  - No
  - N/A
- **Does supplier drop-ship any products for this contract?** – Circle an option:
  - Yes
  - No
  - N/A
- **Purchase Order Reviewed (Y/N):**
- **Shipping Tickets Reviewed (Y/N):**
- **Material Invoices Reviewed (Y/N):**
- **Cancelled Checks Reviewed (Y/N):**
- **Supplier/Distributor Comments:**

### **Manufacturer Review**

- **Did the prime purchase the materials directly from the DBE Manufacturer?** – Circle an option:
  - Yes
  - No
  - N/A

- **Does DBE operate factory to produce materials to contract specifications?** – Circle an option:
  - Yes
  - No
  - N/A
- **Does DBE alter product to contract specifications?** – Circle an option:
  - Yes
  - No
  - N/A
- **Purchase Order Reviewed (Y/N):**
- **Material Invoices Reviewed (Y/N):**
- **Cancelled Checks Reviewed (Y/N):**
- **Manufacturer Comments:**

### **Professional Service Section**

- **Was work limited to that of an extra participant?** – Circle an option:
  - Yes
  - No
  - N/A
- **Subcontract Agreement Reviewed (Y/N):**
- **Professional Services Comments (Y/N):**



Connecticut DOT

Number: ED-2016-4

Office of Engineering

Date: July 14, 2016

## ENGINEERING DIRECTIVE

A handwritten signature in black ink, appearing to read "Scott A. Hill".

Scott A. Hill, P.E.  
2016.07.14  
11:31:53-04'00'

Engineering Administrator

### DBE Participation in Engineering Agreements

This directive provides an overview of Disadvantaged Business Enterprise (DBE) participation in federally-assisted consultant agreements managed by the Office of Engineering and identifies the requirement for approval and process associated with reducing or eliminating DBE participation in these agreements.

#### Background

Under federal regulations (49 CFR 26.53) prime contractors (including consulting engineers) may not terminate an approved DBE firm working on a federally-assisted contract for convenience. The regulations [49 CFR 26.53(f)] further require that prime consultants notify the affected DBE in writing of the intended termination and/or substitution. The terminated/reduced DBE is allowed five days to respond to the prime.

#### Terminology

The following terms and associated definitions are used:

**DBE Goal:** The value of work to be performed by DBEs, expressed as a percentage of the total for the agreement or assignment. A single goal is usually set for project-specific agreements. For task-based agreements, goals are generally set for specific assignments.

**DBE Commitment:** A portion of a negotiated agreement or assignment amount subcontracted to DBE(s), expressed as dollars. In context, it may refer to either the amount of an individual DBE's subcontract or the total amount of all DBE subcontracts under a single agreement or assignment.

**Prime Consultant:** The entity holding an agreement with the State/Department.

#### Overview of DBE Participation in Engineering Agreements

The Department encourages DBE participation in various contract programs, including design-related services. DBE goals are set by the DBE Screening Committee. Consultants responding to solicitations identify proposed DBE participation. After a consultant is selected and the agreement or assignment is negotiated, the level of participation by DBE subconsultant(s) is determined and documented on the DBE Certification Form. The total value (i.e., subcontract

dollar amount) of all DBE subcontracts is the initial (pre-award or pre-assignment) DBE Commitment. When expressed as a percent, the DBE Commitment should meet the goal. If it does not, the consultant must demonstrate a Good Faith Effort.

As work progresses, changes may occur that affect the scope and/or amount of work. The following situations are examples of how agreement changes can impact DBE goal attainment:

- A subconsultant was a certified DBE when the agreement was initiated, but its certification is terminated after the agreement was signed while work was being performed. Work that is under subcontract prior to certification termination but performed after termination is creditable toward the goal. However, work added to a subcontract after termination of DBE status is *not* creditable toward the goal but such work may be considered if a demonstration of Good Faith Effort is required.
- A subcontract was executed with a certified DBE but the work covered by the subcontract was terminated prior to completion. Regardless of the reason for termination, only the value of the work performed prior to termination is creditable toward the goal.
- The prime consultant's scope of services is expanded resulting in a higher agreement amount, but DBE participation is not increased. Even if all the initial DBE commitments are met, the prime may not have met the DBE requirements. A determination of final DBE goal attainment is based on DBE participation as a percent of total (final) agreement cost.

After work is complete, as part of the closeout process, the actual level of DBE participation is determined by audit. If the goal(s) was/were not achieved or other DBE irregularities are found, the prime consultant may be subject to administrative remedies. To avoid falling short of the goal at the end of an agreement, prime consultants must proactively manage DBE participation. When work is added to an agreement or assignment, the prime should provide DBE firms with appropriate opportunities for participation. Further, if the commitment to an individual DBE subconsultant is reduced or terminated, the prime consultant should seek offsetting opportunities, either for a newly-added DBE firm or one already under subcontract.

Several of the documents and processes used to facilitate management and monitoring of DBE participation are identified and discussed below:

#### **DBE Attachment, Consultant Agreements**

This multi-page document is an element of all Department-administered federally-funded consultant agreements. It establishes DBE requirements, including the agreement-specific goal, if applicable. The DBE Agreement Attachment is currently being updated to state certain requirements more explicitly.

#### **DBE Certification Form**

This form is initiated by the Department's Agreements/Negotiations unit for each DBE subcontract and includes project identification, prime and DBE consultant information, subcontract dollar value, the DBE's North American Industry Classification System

(NAICS) code(s) and scope (i.e., brief description of assignment). Both the prime consultant and DBE subconsultant are required to certify the accuracy of the information. The submitted certification is reviewed by lead Engineering unit for reasonableness and by the Office of Contract Compliance, which verifies that the subcontracted DBE is eligible to receive DBE credit for work under the NAICS code(s) identified on the DBE Certification Form. The DBE Certification Form is provided as an attachment to this directive.

**Subconsultant Usage and Payment Report**

This form is completed by the prime consultant in support of each invoice submitted to the Department. It identifies all subconsultant contracts and classifications (e.g., status as DBE). The information in the form is sufficient to determine the current DBE commitment and payments. The form template is currently stored in the DOTSHARE/Engineering Standard Forms/Highways-Guide folder.

**Subconsultant Payment Log**

This form is completed by the prime consultant for each subconsultant on a quarterly basis, reviewed and signed by the subconsultant before being submitted to the Department unit administering the agreement. The form template is currently stored in the DOTSHARE/Engineering Standard Forms/Highways-Guide folder.

**Request to Reduce or Eliminate Design-Related Work Assigned to DBEs**

The form and associated approval process are being promulgated by this directive. Their use is mandatory whenever a prime consultant intends to reduce or terminate a prior DBE commitment, whether it is an original (pre-award, pre-assignment) or subsequent commitment. As further explained in the next section, reduction/termination of any individual DBE commitment requires Department approval. The form is provided as an attachment to this directive. A Word version of the form will initially be available in the DOTSHARE/Engineering Standard Forms/Highways-Guide folder.

**Reductions and Elimination of Commitments to DBEs**

Reducing or eliminating any commitment to a DBE under a consultant agreement requires Department approval. The purpose of the Department's review is to help consultants meet DBE goals. A secondary purpose is to undertake and document measures demonstrating a Good Faith Effort by the consultant in the unavoidable event of an eventual (i.e., at conclusion of agreement) shortfall.

The "Request to Reduce or Eliminate Design-Related Work Assigned to Disadvantaged Business Enterprises (DBE)" form (attached) shall be used for all requests. Some requests will require supporting explanations and information, which should be descriptively titled and appended. The following instructions clarify certain terms, requested information and considerations involved in processing requests. The instructions are not comprehensive (i.e., they do not cover every item) since the form itself is sufficiently clear to elicit most of the requested information.

### **Section 1, General Information**

The DBE Goal is a percent and does not change over the life of the agreement or assignment. The DBE Commitment is the total amount of DBE subcontracts under the agreement. It reflects approved post-award changes, if any, but does not include any proposed changes.

### **Section 2, DBE Participation Being Eliminated or Reduced**

Provide the name of the DBE consulting firm that was approved to participate in the agreement and for whose assignment the prime consultant is now requesting approval to eliminate or reduce.

Describe the work that the DBE was intended to perform but is now being eliminated or reduced. Examples include: prepare Structure Type Studies, conduct hydraulic analyses, perform crash analyses, design urban drainage systems, perform traffic simulation.

State the reasons work assigned to the DBE is now being eliminated or reduced. Examples: Change in scope eliminated/reduced the required studies; DBE is unable to perform the work.

Provide the amount (dollars) and percentage (of the original agreement or assignment, at execution) of the DBE's subcontract work.

The response to the Yes/No question is critical. The prime consultant should answer "Yes" when anticipating the contract DBE goal will be met, including the effects of the reduction/elimination for which approval is being requested and other DBE adjustments previously approved or submitted for approval concurrent to this request (i.e., substitute DBE, increasing the participation level of existing DBE subconsultants). The prime consultant should answer "No" when anticipating the contract DBE goal will not be met.

### **Section 3, Substitution/Mitigation**

The prime consultant should use each row to indicate DBE subconsultants that are being provided additional participation (i.e., new assignments). The DBEs may be "existing" (i.e., already have subcontracts for this agreement or "newly-added" (did not previously have a subcontract for this agreement). Indicate the type of work being added and value of the new/added subcontract. If additional rows are needed, state "See Attachment" in the first row and do not include any substantive information (DBE Firm Name, etc.) on the form.

### **Section 4, DBE Notification and Impact of Proposed Change(s)**

A DBE subconsultant whose contract is being reduced or terminated must be notified. The DBE is allowed five days to object to the termination, in writing, and to provide reasons for the objection. To comply with the notification requirement, the prime consultant must indicate "Yes" and provide the associated documentation (notice and objection, if any). A "No" response and/or lack of documentation is cause for disapproval.

Information under three scenarios is requested. The “original agreement or assignment” is historical data and documented at the time of the original consultant agreement or assignment. The two columns under the “DBE Participation” heading (amount, percent) refer to total agreement or assignment participation, not any specific DBE. The second-row scenario (“With reduction/eliminated noted in Section 2”) is the level of DBE participation resulting from the requested reduction/elimination without any proposed substitution. The third-row scenario (“With reduction/eliminated noted in Section 3”) is the level of DBE participation resulting from the requested reduction/elimination and any proposed substitution.

#### **Section 5, Certifications of Released DBE and Prime Consultants**

This section provides for signatures by the affected DBE and prime consultant acknowledging the elimination or reduction in participation and related information. The signatories for the affected DBE and prime consultant must have the requisite authority to bind the respective entity (i.e., individuals that can sign agreement/contracts). Titles and dates are also required.

#### **Section 6, Review and Action Taken**

The division chief administering the consultant contract is responsible for approving or disapproving requests. When the “Yes” response is checked in Section 2, no further action is needed. When the “No” response is checked in Section 2 and the Engineering division intends to approve a request, prior concurrence from the Office of Contract Compliance is required.

The Office of Contract Compliance may be consulted on DBE topic, regardless of the need for concurrence on a DBE reduction or elimination request.

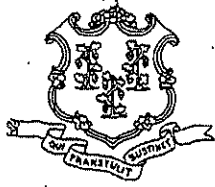
The Department unit administering the contract is responsible for reviewing the accuracy of information provided and for retaining records of requests and dispositions.

#### **Attachments:**

- DBE Certification Form

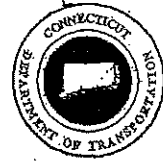
- Request to Reduce or Eliminate Design-Related Work Assigned to Disadvantaged Business Enterprises (DBE)





# STATE OF CONNECTICUT

## DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546  
NEWINGTON, CONNECTICUT 06131-7546

### Disadvantage Business Enterprises as Subcontractors for Federal and/or State Funded Projects

Project Description & Number: \_\_\_\_\_

DBE's North American Industry Classification System (NAICS) code(s): \_\_\_\_\_

#### PRIME CONSULTANT

Firm Name: \_\_\_\_\_

Street: \_\_\_\_\_

City/State: \_\_\_\_\_

#### DBE CONSULTANT

Firm Name: \_\_\_\_\_

Street: \_\_\_\_\_

City/State: \_\_\_\_\_

The following is a description of the project functions the above DBE will perform on the subject project which represents a total dollar amount of \$ \_\_\_\_\_

The contractor is required, should there be a change in the originally named DBE's to submit documentation to the initiating unit to substantiate and justify the change, i.e. documentation to provide a basis for the change for review and approval by the CONNDOT officials prior to the implementation of the change. The contractor must demonstrate that the originally named DBE is unable to perform in conformity to specifications, unwilling to perform, is in default of its agreement, is overextended on other jobs, etc.

We, the below signed, do hereby certify and concur with the above stated conditions.

#### PRIME CONSULTANT

Name: \_\_\_\_\_

Signature

Date: \_\_\_\_\_ Name Typed: \_\_\_\_\_

Title: \_\_\_\_\_

#### DBE CONSULTANT

Name: \_\_\_\_\_

Signature

Date: \_\_\_\_\_ Name Typed: \_\_\_\_\_

Title: \_\_\_\_\_



## Request to Reduce or Eliminate Design-Related Work Assigned to Disadvantaged Business Enterprises (DBE)

Section 1 - General Information				
State Project Number(s):		DBE Goal	%	DBE Commitment \$
Prime Consultant Firm Name:		Name of Contact Person:		
Contact's Phone:		Contact's Email:		
Section 2 - DBE Participation Being Eliminated or Reduced				
DBE firm being eliminated or reduced:				
Assigned work being eliminated/reduced:				
Value of DBE firm's approved commitment:		Value of DBE firm's work performed to date:		
\$		\$		
Reason work/tasks being eliminated/reduced from this DBE:				
Will the DBE goal be met if this change is approved?				
<input type="checkbox"/> Yes, the goal will be met with existing participation or by increasing DBE utilization. Complete Section 3 if applicable.				
<input type="checkbox"/> No, the goal will not be met. Complete Section 3 if applicable. Attach an explanation of why the goal will not be met. [Note: At the conclusion of the contract, documentation of a Good Faith Effort will be required.]				
Section 3 - Substitution/Mitigation				
Identify work, not previously assigned to a DBE, now being assigned to a DBE firm(s).				
DBE Firm Name	Assignment/Tasks	Value (\$)		
Section 4 - DBE Notification and Impact of Proposed Change(s)				
Was DBE firm given 5 days' notice? (provide documentation)  <input type="checkbox"/> Yes <input type="checkbox"/> No	Scenario	DBE Participation		
		\$	%	
	Original agreement or assignment (at execution)			
	With reduction/elimination noted in Section 2			
	With substitution/mitigation noted in Section 3			
Section 5 - Certifications of Released DBE and Prime Consultants				
By signing this form we certify that the DBE firm is releasing previously-committed (pre-award or subsequent) work				
Authorized DBE signer:		Title:	Date:	
Authorized Prime signer:		Title:	Date:	
Section 6 - Review and Action Taken (CTDOT Use only)				
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved (Explanation attached)				
* By:		Title:	Date:	
* Concur:		Title:	Date:	

\* Action (approval/disapproval) is by division chief. Concurrence by Office of Contract Compliance is required when DBE goal will not be met ("No" is checked in Section 2)



# REQUEST TO MODIFY DISADVANTAGED BUSINESS ENTERPRISE PRE-AWARD COMMITMENT

Form CRD15-1

*This form is to be used to request to Pre-Approval of Disadvantaged Business Enterprise (DBE) Pre-Award Commitment Modifications. In addition documentation of certain actions are required. The form is to be submitted through COMPASS. Please refer to the guide document for completing the CRD15-1 for more detailed guidance.*

## Section 1 - General

Project #:	Prime Contractor:	
Contact Person:	Email:	Phone:
Advertised DBE Goal:	(%)	

## Section 2 - Modifications

**Name of PAC DBE Sub to be terminated or items of work revised:**

**Reason for Modification:**

*(Attach supporting documentation when available)*

Has the DBE Subcontractor been given a 5-day constructive notice?	Yes	No
Has the DBE Subcontractor responded to the 5-day constructive notice?	Yes	No
If No, explain		

DBE Subcontractor Pre-Award Commitment (\$):	Current DBE Subcontractor Commitment (\$)	Revised DBE Subcontractor Commitment (\$)
--	---	---

See the guide document for the CRD15-1 to complete page 2 of this form before proceeding to Section 3.

## Section 3 - Good Faith Effort (GFE)

Revised estimated DBE participation percentage (estimated final) that meets Commercial Useful Function:	(%)
Does this change impact your ability to satisfy the project DBE goal? If yes, GFE must be completed.	
GFE:	
Additional explanation of GFE:	

See the guide document for the (CRD15-1) for additional instruction related to GFE's and required documentation.

## Section 4 - Release of Work

**By signing and forwarding this document through COMPASS, the Prime Contractor is requesting approval of a PACMOD and asserting that they have complied with the Contract and CFR Requirements**

Prime Contractor Authorized Signature:	Title: Print Name:	Date:
DBE Subcontractor Authorized Signature:	Title: Print Name:	Date:

## Section 5 - CTDOT Concurrence/Approval and Comments

DCO Authorized Signature:
Remarks:

## Section 2 - Modifications

[illegible]

**Total Modification Value (\$):**

[illegible]

<b>Total Value of GFE(\$)</b> (listed above):
---



- 1) Has your company's EEO policy, affirmative action policy and grievance procedures been brought to the attention of the employees on this project?  
How? \_\_\_\_\_ When? \_\_\_\_\_
- 2) How many minorities have been employed on this project? \_\_\_\_\_  
How many are currently employed? \_\_\_\_\_
- 3) Is the minority employee-hour utilization of 6.9% per craft being met?  
Yes \_\_\_\_ No \_\_\_\_ (if no, explain) \_\_\_\_\_
- 4) How many females have been employed on this project? \_\_\_\_\_  
How many are currently employed? \_\_\_\_\_
- 5) Is the female employee-hour utilization of 6.9% per craft being met?  
Yes \_\_\_\_ No \_\_\_\_ (if no, explain) \_\_\_\_\_
- 6) List recruitment sources utilized to staff this project (Attach copies of documentation)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 7) Are the materials listed below posted where the project personnel can review them?  
EEO Posters \_\_\_\_\_ EEO/Affirmative Action Policy \_\_\_\_\_  
Wage Schedule \_\_\_\_\_ Grievance Procedures \_\_\_\_\_ Union Notice \_\_\_\_\_
- 8) Has each job opening been listed with Connecticut State Job Service as required by Executive Order 17?  
Yes \_\_\_\_ No \_\_\_\_ (if no, explain) \_\_\_\_\_
- 9) Has the required number of the On-the-Job Training (OJT) hours been provided by you and/or your subcontractors?  
Yes \_\_\_\_ No \_\_\_\_ (if no, explain)  
N/A to the Contract  X
- 10) Have you discussed with your subcontractors their EEO/Affirmative Action contract obligations? Yes \_\_\_\_ No \_\_\_\_ (if no, explain) \_\_\_\_\_
- 11) Are your subcontractors being paid within 30 days after you receive payment?  
Yes \_\_\_\_ No \_\_\_\_ (if no, explain) \_\_\_\_\_
- 12) Have you and your subcontractors received Davis Bacon Apprentice Certification from the Department of Labor for apprentices working on this project?  
Yes \_\_\_\_ No \_\_\_\_ (if no, explain) \_\_\_\_\_
- 13) Has the applicable DBE goal or SBE set-aside been met and/or does it appear that it will be met?  
Yes \_\_\_\_ No \_\_\_\_ (if no, explain) \_\_\_\_\_

Packet A Information

ENTER HERE

Contract #

Prime Contractor

Review Period Start

Review Period End

Trainee Hours Required

D/SBE Goal

Remove references to programs that  
don't apply on last sheet (D, S, M, W BE)



## INSTRUCTIONS:

The attached forms are to be completed and submitted by the Prime Contractor to the reviewer as requested.

These forms must be completed thoroughly; if you do not have any activity in a particular area, please write "no activity" on that form.

PACKET "A" is for Prime Contractor Data and should be completed by the Prime Contractor.

PACKET "B" is for Subcontractor Data (a packet must be completed for each subcontractor who performed work during this review period).

## PACKET "A"

### PRIME CONTRACTOR DATA

- A. Employment Data: Report all hours worked by craftspersons during the specific report period. The "Minority Percent of Total Work Hours" must be calculated and the number of craftspersons needs to be entered in the "Total Employment" columns for all employees and minority employees.
- B. The next three sheets pertain to:
1. New Hires: A craftsperson working for a Contractor for the first time or craftsperson referred from a Union or Hiring Hall in response to a request by the Contractor.
  2. Rehires: A rehire is a craftsperson who worked for the Contractor the previous construction season and is recalled for work by the same Contractor when that same contract commences in the next construction season.
  3. Transfers: A transfer is a craftsperson who works for the Contractor and who moves from contract to contract working for the same Contractor.

## EMPLOYMENT DATA

INSTRUCTIONS: FOR CONTRACT

0

, COMPLETE THE EMPLOYMENT STATISTICS FOR THE PERIOD COVERING

0

THROUGH

0

CONTRACTOR'S NAME:

0

WORK HOURS OF EMPLOYMENT															TOTAL EMPLOYMENT			
OCCUPATION	UNION LOCAL MEMBER	CLASSIFICATION	TOTAL EMPLOYEES HOURS		BLACK HOURS		HISPANIC HOURS		AMER. INDIAN HOURS		ASIAN HOURS		MINORITY % OF TOTAL WORK HOURS		ALL EMPLOYEES		MINORITY EMPLOYEES	
			M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OPERATING ENGINEERS		Craftworker																
		Apprentice																
		Trainee																
DOCKBUILDERS		Craftworker																
		Apprentice																
		Trainee																
IRONWORKERS		Craftworker																
		Apprentice																
		Trainee																
CARPENTERS		Craftworker																
		Apprentice																
		Trainee																
ELECTRICIANS		Craftworker																
		Apprentice																
		Trainee																
TRUCK DRIVERS		Craftworker																
		Trainee																
MASONS		Craftworker																
		Trainee																
LABORERS (SKILLED)		Craftworker																
		Trainee																
LABORERS (UNSKILLED)		Craftworker																
		Trainee																
FOREMAN		Craftworker																
		Trainee																
CLERICAL		Craftworker																
		Trainee																
SUPERVISORS		Craftworker																
		Trainee																
OFFICIALS		Craftworker																
		Trainee																
OTHERS		Craftworker																
		Trainee																
EMPLOYMENT TOTALS				0	0	0	0	0	0	0	0	0	0.00%		0	0	0	0

MINORITY EMPLOYMENT SUMMARY		BLACK		HISPANIC		AMER. INDIAN		ASIANS	
		M	F	M	F	M	F	M	F
TOTAL NUMBER OF CRAFTWORKERS									
TOTAL NUMBER OF APPRENTICES									
TOTAL NUMBER OF TRAINEES									
TOTAL EMPLOYEES		0	0	0	0	0	0	0	0

PREPARED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

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NEW HIRES FOR CONTRACT NO. 0

Packet A

NAME	ADDRESS	OCCUPATION	DATE OF HIRE	UNION MEMBER	MALE	FEMALE	RACE (Black, Hispanic, White, American Indian, Asian)	HIRING SOURCE

### Packet A

### Packet A

## Packet A

[illegible]

## ON THE JOB TRAINEES (OJT)

Please provide the following information for trainees on Contract # 0  
(Only trainees approved by the Division of Contract Compliance will be eligible to fulfill the OJT training requirement on this project)

The total number of hours required for this contract is 0

Packet A

Trainee Name	Craft	Total Hours Completed	Hours to be Completed	<u>A</u> ctive/ <u>I</u> nactive or <u>T</u> erminated	Training Completed (yes or no)

## DBE PARTICIPATION

Please list firms being utilized to satisfy the DBE goal of 0.00%  
on Contract # 0

Packet A

SUBCONTRACTOR OR SUPPLIER	DBE	PERCENT CONTRACTED	SUBCONTRACTOR AGREEMENT VALUE	\$ PAID TO DATE

Are your subcontractors being paid within 30 days after you receive payment? Yes \_\_\_\_\_ No \_\_\_\_\_ (if no, explain)

The total DBE percentage of the original contract completed to date is \_\_\_\_\_.

**Comments:**



**Packet B Information**

**ENTER HERE**

**Contract #**

**Review Period Start**

**Review Period End**

## PACKET "B"

### SUBCONTRACTOR DATA

**(A packet must be completed for each subcontractor)**

- A. Employment Data: Report all hours worked by craftspersons during the specific report period. The "Minority Percent of Total Work Hours" must be calculated and the number of craftspersons needs to be entered in the "Total Employment" columns for all employees and minority employees.
- B. The next three sheets pertain to:
1. New Hires: A craftsperson working for a Contractor for the first time or craftsperson referred from a Union or Hiring Hall in response to a request by the Contractor.
  2. Rehires: A rehire is a craftsperson who worked for the Contractor the previous construction season and is recalled for work by the same Contractor when that same contract commences in the next construction season.
  3. Transfers: A transfer is a craftsperson who works for the Contractor and who moves from contract to contract working for the same Contractor.

## EMPLOYMENT DATA

INSTRUCTIONS: FOR CONTRACT

0

, COMPLETE THE EMPLOYMENT STATISTICS FOR THE PERIOD COVERING

0

THROUGH

0

SUBCONTRACTOR'S NAME: \_\_\_\_\_

WORK HOURS OF EMPLOYMENT															TOTAL EMPLOYMENT			
OCCUPATION	UNION LOCAL MEMBER	CLASSIFICATION	TOTAL EMPLOYEES HOURS		BLACK HOURS		HISPANIC HOURS		AMER. INDIAN HOURS		ASIAN	HOURS	MINORITY % OF TOTAL WORK HOURS		ALL EMPLOYEES		MINORITY EMPLOYEES	
			M	F	M	F	M	F	M	F			M	F	M	F	M	F
OPERATING ENGINEERS		Craftworker																
		Apprentice																
		Trainee																
DOCKBUILDERS		Craftworker																
		Apprentice																
		Trainee																
IRONWORKERS		Craftworker																
		Apprentice																
		Trainee																
CARPENTERS		Craftworker																
		Apprentice																
		Trainee																
ELECTRICIANS		Craftworker																
		Apprentice																
		Trainee																
TRUCK DRIVERS		Craftworker																
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MASONS		Craftworker																
		Trainee																
LABORERS (SKILLED)		Craftworker																
		Trainee																
LABORERS (UNSKILLED)		Craftworker																
		Trainee																
FOREMAN		Craftworker																
		Trainee																
CLERICAL		Craftworker																
		Trainee																
SUPERVISORS		Craftworker																
		Trainee																
OFFICIALS		Craftworker																
		Trainee																
OTHERS		Craftworker																
		Trainee																
EMPLOYMENT TOTALS			0	0	0	0	0	0	0	0	0	0	0.00%	0.00%	0	0	0	0

MINORITY EMPLOYMENT SUMMARY			BLACK		HISPANIC		AMER. INDIAN		ASIANS	
	M	F	M	F	M	F	M	F	M	F
TOTAL NUMBER OF CRAFTWORKERS										
TOTAL NUMBER OF APPRENTICES										
TOTAL NUMBER OF TRAINEES										
TOTAL EMPLOYEES	0	0	0	0	0	0	0	0	0	0

PREPARED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

NEW HIRES FOR CONTRACT NO. 0

Subcontractor's Name: \_\_\_\_\_

[illegible]

**TRANSFERS FOR CONTRACT NO. 0**

Subcontractor's Name: \_\_\_\_\_

[illegible]

**REQUIRES FOR CONTRACT NO. 0**

Subcontractor's Name: \_\_\_\_\_

[illegible]



Date

President/CEO

ABC Construction Company

Address

RE: Project #

FAP:

Project Description:

Dear (Insert Name),

The Connecticut State Department of Transportation is required to conduct Equal Opportunity Compliance Reviews. Reviews are conducted to ensure contractor compliance with the State and Federal Equal Opportunity regulations and contract provisions.

To comply with the Department's commitment to monitor contractor compliance, a Compliance Review will be conducted for this project.

The review will include a desk audit and a site visit. The desk audit will include an examination of the information submitted and any additional information requested. Once the desk audit is completed you will be contacted to schedule a site visit.

You will find two packets attached: **Packet A** to be completed by the Prime Contractor, and **Packet B** to be completed by each of your subcontractors. The forms included in the packet must be completed thoroughly and accurately. If you did not have any activity in a particular area, please write "no activity" on that form. A listing of recruitment sources utilized to staff the project should be provided. Please review your subcontractor's packets to ensure they are also complete.

If your firm has had an EO compliance review conducted by another government agency in the 12 months prior to the scheduled review, please provide a copy of the determination letter.

Please submit the completed packets by XXXXXX. Packets should be submitted by email fully completed and together as a packet to [Jamie.lamarco@ct.gov](mailto:Jamie.lamarco@ct.gov).

Sincerely,

*Jamie LaMarco*

Jamie LaMarco  
Contract Compliance Manager

Attachments: Project Compliance\_Review Packet A (Excel Document)  
Project Compliance\_Review Packet B (Excel Document)

2800 Berlin Turnpike  
P.O. Box 317546  
Newington, CT 06131-7546  
860-594-2000

[CT.GOV/DOT](http://CT.GOV/DOT)

## PRIME CONTRACTOR DATA

PROJECT NUMBER:

REVIEW PERIOD START DATE:

REVIEW PERIOD END DATE:

TRIANEE HOURS REQUIRED:

DBE/SBE GOAL:

## CONTRACT COMPLIANCE REVIEW INSTRUCTIONS

This letter is being provided to assist you and your subcontractors in preparing the attached packages required for a Contract Compliance Review. This review shall report on the prime contractor's activities, including all their subcontractors, from the specified review period identified.

The contract was awarded to you on DATE. You were ordered to start work on DATE and the original completion date is DATE. This review will cover the period of DATE through DATE.

Before a review can be performed, the following procedures and documents need to be completed:

1. This review will be held approximately four (4) weeks from the receipt of this letter. Once the desk audit is complete you will be contacted to schedule a site visit.
2. The contractor is responsible for filling out Packet "A". These forms must be completed thoroughly and accurately. If you did not have any activity in a particular area, please write "no activity" on that form. A **listing of recruitment sources** utilized to staff the project should be provided by both the prime and the subcontractors. As the Prime contractor you are required to list and notify each of your subcontractors who performed work on your project during the specified review period.

Included in the Contractor's Packet "A" are the following excel tabs in Packet "A".

- A. **Employment Data:** Report all hours worked by craftpersons during the specific reporting period. The "Minority Percent of Total Work Hours" must be calculated and the number of craftpersons (headcount) needs to be entered in the "Total Employment" columns for all employees and minority employees.
- B. The next three sheets pertain to:
  1. **New Hires** – A craftperson working for a contractor for the first time or craftsperson referred from a Union or Hiring Hall in response to a request by the contractor.
  2. **Rehires** – A rehire is a craftsperson who worked for the contractor the previous construction season and is recalled for work by the same contractor when that same contract commences in the next construction season.



3. **Transfers** – A transfer is a craftsperson who works for the contractor and who moves from contract to contract working for the same contractor.

**Note:** The total number of employees shown on the Employment Data sheet must be equal to the total number of employees shown on the above three sheets.

- C. **OJT** – Provide information on trainees approved by the Division of Contract Compliance. List all OJT trainees on the project working for the prime and subcontractors.
- D. **DBE/SBE Participation:** List all Subcontractors or Suppliers, DBE or SBE, WBE or MBE, Percent Contracted out, Subcontract or Agreement Value, Monies Paid to Date, and the total DBE/SBE percentage of the original contract completed during this review period.
- E. **Employment Data** – Whole company

**You must attach the following with your Packet A submission:**

1. Copies of all current bargaining agreements
2. Sample copy of purchase orders and subcontracts containing the EEO clause
3. Provide a list of any allegations of discrimination filed against your firm.
  - a. Please include a statement of the status of any action taken pertaining to employment practices by the Equal Employment Opportunity Commission (EEOC) or other Federal, State, or local agency regarding discrimination complaints or any actions taken against you
4. Describe what type of training has been provided to your employees.
5. Provide documentation of outreach efforts to recruit and hire minorities and women. Please include any job fairs held or attended and/or other engagement targeted to reach minority and female candidates (copies of letters, emails, job postings, ads, etc.).

The Contractor must forward Packet “B” to all their subcontractors performing the work on the contract. The packet must be completed thoroughly and accurately. If no activity was performed during a particular review period, please write “no activity” on that form. **The contractor should review the submittals for completeness and accuracy prior to submitting to the CTDOT.**

If you are unable to obtain a completed Packet “B” from a subcontractor, you must provide documentation that efforts were made to obtain this information. It is advised that the subcontractor be notified that failure to fill out this package may result in suspension of their Affirmative Action Plan or other consequences.

The following excel forms are included in the Subcontractor’s Packet “B”.

- A. **Employment Data:** Report all hours worked by craftpersons during the specific reporting period. The “Minority Percent of Total Work Hours” must be calculated and the number of craftpersons (headcount) needs to be entered in the “Total Employment” columns for all employees and minority employees.
- B. The next three sheets pertain to:
  1. **New Hires**
  2. **Rehires**
  3. **Transfers**

**Note:** The total number of employees shown on the Employment Data sheet must be equal to the total number of employees shown on the above three sheets.

**You must attach the following with your Packet “B” submission:**

1. Copies of all current bargaining agreements
2. Sample copy of letterhead, fax sheet or invoice(s) containing the EEO clause
3. Provide a list of any allegations of discrimination filed against your firm.
  - a. Please include a statement of the status of any action taken pertaining to employment practices by the Equal Employment Opportunity Commission (EEOC)
  - b. or other Federal, State, or local agency regarding discrimination complaints or any actions taken against you.
4. Describe what type of training has been provided to your employees.
5. Provide documentation of outreach efforts to recruit and hire minorities and women. Please include any job fairs held or attended and/or other engagement targeted to reach minority and female candidates (copies of letters, emails, job postings, ads, etc.).

Packets “A” and “B” should be submitted to the CTDOT for review prior to the onsite meeting. The contractor will be asked to address all discrepancies. Any errors found on the Compliance Review forms are to be corrected and resubmitted to the CTDOT within two (2) weeks. Any questions regarding this review or the procedures should be directed to [Jamie.lamarco@ct.gov](mailto:Jamie.lamarco@ct.gov).

Packet A Information

ENTER HERE

Project #

Prime Contractor

Review Period Start

Review Period End

Trainee Hours Required

D/SBE Goal

Remove references to programs that  
don't apply on last sheet (D, S, M, W BE)

## INSTRUCTIONS:

The attached forms are to be completed and submitted by the Prime Contractor to the reviewer as requested.

These forms must be completed thoroughly; if you do not have any activity in a particular area, please write "no activity" on that form.

PACKET "A" is for Prime Contractor Data and should be completed by the Prime Contractor.

PACKET "B" is for Subcontractor Data (a packet must be completed for each subcontractor who performed work during this review period).

## PACKET "A"

### PRIME CONTRACTOR DATA

- A. Employment Data: Report all hours worked by craftspersons during the specific report period. The "Minority Percent of Total Work Hours" must be calculated and the number of craftspersons needs to be entered in the "Total Employment" columns for all employees and minority employees.
- B. The next three sheets pertain to:
1. New Hires: A craftsperson working for a Contractor for the first time or craftsperson referred from a Union or Hiring Hall in response to a request by the Contractor.
  2. Rehires: A rehire is a craftsperson who worked for the Contractor the previous construction season and is recalled for work by the same Contractor when that same contract commences in the next construction season.
  3. Transfers: A transfer is a craftsperson who works for the Contractor and who moves from contract to contract working for the same Contractor.

EMPLOYMENT DATA

INSTRUCTIONS: FOR PROJECT 0, COMPLETE THE EMPLOYMENT STATISTICS FOR THE PERIOD COVERING 0 THROUGH

CONTRACTOR'S NAME: 0

WORK HOURS OF EMPLOYMENT (List total hours worked for review period)															TOTAL EMPLOYMENT (He		
OCCUPATION	UNION LOCAL MEMBER	CLASSIFICATION	TOTAL EMPLOYEE HOURS		BLACK HOURS		HISPANIC HOURS		AMER. INDIAN HOURS		ASIAN HOURS		FEMALE % OF TOTAL WORK HRS	MINORITY % OF TOTAL WORK HRS	ALL EMPLOYEES		MINORITY E
			M	F	M	F	M	F	M	F	M	F	F	ALL (M&F)	M	F	M
OPERATING ENGINEERS		Craftworker												#DIV/0!			
		Apprentice												#DIV/0!			
		Trainee												#DIV/0!			
DOCKBUILDERS		Craftworker												#DIV/0!			
		Apprentice												#DIV/0!			
		Trainee												#DIV/0!			
IRONWORKERS		Craftworker												#DIV/0!			
		Apprentice												#DIV/0!			
		Trainee												#DIV/0!			
CARPENTERS		Craftworker												#DIV/0!			
		Apprentice												#DIV/0!			
		Trainee												#DIV/0!			
ELECTRICIANS		Craftworker												#DIV/0!			
		Apprentice												#DIV/0!			
		Trainee												#DIV/0!			
TRUCK DRIVERS		Craftworker												#DIV/0!			
		Trainee												#DIV/0!			
MASONS		Craftworker												#DIV/0!			
		Trainee												#DIV/0!			
LABORERS (SKILLED)		Craftworker												#DIV/0!			
		Trainee												#DIV/0!			
LABORERS (UNSKILLED)		Craftworker												#DIV/0!			
		Trainee												#DIV/0!			
FOREMAN		Craftworker												#DIV/0!			
		Trainee												#DIV/0!			
CLERICAL		Craftworker												#DIV/0!			
		Trainee												#DIV/0!			
SUPERVISORS		Craftworker												#DIV/0!			
		Trainee												#DIV/0!			
OFFICIALS		Craftworker												#DIV/0!			
		Trainee												#DIV/0!			
OTHERS		Craftworker												#DIV/0!			
		Trainee												#DIV/0!			
EMPLOYMENT TOTALS			0	0	0	0	0	0	0	0	0	0	#DIV/0!	#DIV/0!	0	0	0

TOTAL EMPLOYEE HOURS INCLUDES WHITE HOURS

PREPARED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

NEW HIRES FOR PROJECTT NO. 0

Packet A

NAME	ADDRESS	OCCUPATION	DATE OF HIRE	UNION MEMBER	MALE	FEMALE	RACE (Black, Hispanic, White, American Indian, Asian)	HIRING SOURCE

## Packet A

## Packet A



### Packet A

Page 175 of 184  
[Return to Table of Contents](#)

## ON THE JOB TRAINEES (OJT)

Please provide the following information for trainees on Project # 0  
(Only trainees approved by the Division of Contract Compliance will be eligible to fulfill the OJT training requirement on this project)

The total number of hours required for this contract is 0

Packet A

Trainee Name	Craft	Total Hours Completed	Hours to be Completed	<u>A</u> ctive/ <u>I</u> nactive or <u>T</u> erminated	Training Completed (yes or no)

## DBE PARTICIPATION

Please list firms being utilized to satisfy the DBE goal of 0.00%  
on Contract # 0

Packet A

SUBCONTRACTOR OR SUPPLIER	DBE	PERCENT CONTRACTED	SUBCONTRACTOR AGREEMENT VALUE	\$ PAID TO DATE

Are your subcontractors being paid within 30 days after you receive payment? Yes \_\_\_\_\_ No \_\_\_\_\_ (if no, explain)

The total DBE percentage of the original contract completed to date is \_\_\_\_\_.

**Comments:**

EMPLOYMENT DATA

INSTRUCTIONS: FOR PROJECT 0, COMPLETE THE EMPLOYMENT STATISTICS FOR THE PERIOD COVERING 0 THROUGH  
 CONTRACTOR'S NAME: 0

WORK HOURS OF EMPLOYMENT (List total hours worked for review period for entire company)															TOTAL EMPLOYMENT (Headcount)			
OCCUPATION	UNION LOCAL MEMBER	CLASSIFICATION	TOTAL EMPLOYEE HOURS		BLACK HOURS		HISPANIC HOURS		AMER. INDIAN HOURS		ASIAN HOURS		FEMALE % OF TOTAL WORK HRS	MINORITY % OF TOTAL WORK HRS	ALL EMPLOYEES		MINORITY EMPLOYEES	
			M	F	M	F	M	F	M	F	M	F	F	ALL (M&F)	M	F	M	F
OPERATING ENGINEERS		Craftworker												#DIV/0!				
		Apprentice												#DIV/0!				
		Trainee												#DIV/0!				
DOCKBUILDERS		Craftworker												#DIV/0!				
		Apprentice												#DIV/0!				
		Trainee												#DIV/0!				
IRONWORKERS		Craftworker												#DIV/0!				
		Apprentice												#DIV/0!				
		Trainee												#DIV/0!				
CARPENTERS		Craftworker												#DIV/0!				
		Apprentice												#DIV/0!				
		Trainee												#DIV/0!				
ELECTRICIANS		Craftworker												#DIV/0!				
		Apprentice												#DIV/0!				
		Trainee												#DIV/0!				
TRUCK DRIVERS		Craftworker												#DIV/0!				
		Trainee												#DIV/0!				
MASONS		Craftworker												#DIV/0!				
		Trainee												#DIV/0!				
LABORERS (SKILLED)		Craftworker												#DIV/0!				
		Trainee												#DIV/0!				
LABORERS (UNSKILLED)		Craftworker												#DIV/0!				
		Trainee												#DIV/0!				
FOREMAN		Craftworker												#DIV/0!				
		Trainee												#DIV/0!				
CLERICAL		Craftworker												#DIV/0!				
		Trainee												#DIV/0!				
SUPERVISORS		Craftworker												#DIV/0!				
		Trainee												#DIV/0!				
OFFICIALS		Craftworker												#DIV/0!				
		Trainee												#DIV/0!				
OTHERS		Craftworker												#DIV/0!				
		Trainee												#DIV/0!				
EMPLOYMENT TOTALS			0	0	0	0	0	0	0	0	0	0	#DIV/0!	#DIV/0!	0	0	0	0
TOTAL EMPLOYEE HOURS INCLUDES WHITE HOURS																		

PREPARED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**Packet B Information**

ENTER HERE
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**Project #**

**Review Period Start**

**Review Period End**

## PACKET "B"

### SUBCONTRACTOR DATA

**(A packet must be completed for each subcontractor)**

- A. Employment Data: Report all hours worked by craftspersons during the specific report period. The "Minority Percent of Total Work Hours" must be calculated and the number of craftspersons needs to be entered in the "Total Employment" columns for all employees and minority employees.
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  3. Transfers: A transfer is a craftsperson who works for the Contractor and who moves from contract to contract working for the same Contractor.

EMPLOYMENT DATA

INSTRUCTIONS: FOR PROJECT 0, COMPLETE THE EMPLOYMENT STATISTICS FOR THE PERIOD COVERING 0 THROUGH

CONTRACTOR'S NAME: 0

WORK HOURS OF EMPLOYMENT															TOTAL EMPLOYMENT HEADCOUNT				
OCCUPATION	UNION LOCAL MEMBER	CLASSIFICATION	TOTAL EMPLOYEE HOURS		BLACK HOURS		HISPANIC HOURS		AMER. INDIAN HOURS		ASIAN HOURS		FEMALE % OF TOTAL WORK HRS	MINORITY % OF TOTAL WORK HRS	ALL EMPLOYEES		MINORITY EMPLOYEES		
			M	F	M	F	M	F	M	F	M	F	F	ALL (M&F)	M	F	M	F	
OPERATING ENGINEERS		Craftworker												#DIV/0!					
		Apprentice												#DIV/0!					
		Trainee												#DIV/0!					
DOCKBUILDERS		Craftworker												#DIV/0!					
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		Trainee												#DIV/0!					
SUPERVISORS		Craftworker												#DIV/0!					
		Trainee												#DIV/0!					
OFFICIALS		Craftworker												#DIV/0!					
		Trainee												#DIV/0!					
OTHERS		Craftworker												#DIV/0!					
		Trainee												#DIV/0!					
EMPLOYMENT TOTALS			0	0	0	0	0	0	0	0	0	0	0	#DIV/0!	#DIV/0!	0	0	0	0
TOTAL EMPLOYEE HOURS INCLUDES WHITE HOURS																			

PREPARED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

NEW HIRES FOR PROJECT NO. 0

Subcontractor's Name:

NAME	ADDRESS	OCCUPATION	DATE OF HIRE	UNION MEMBER	MALE	FEMALE	RACE (Black, Hispanic, White, American Indian, Asian)	HIRING SOURCE



# TRANSFERS FOR PROJECT NO. 0

Subcontractor's Name:

NAME	ADDRESS	OCCUPATION	TRANSFERRED FROM PROJECT	DATE OF TRANSFER	UNION MEMBER	MALE	FEMALE	RACE (Black, Hispanic, White, American Indian, Asian)	ORIGINAL DATE OF HIRE

**REQUIRES FOR PROJECT NO. 0**

Subcontractor's Name:

[illegible]