



# DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

2021 External Civil Rights Training

Section 2 of the External Civil Rights Manual

Presenter: Amy Conklin – DBE Program Administrator

# PROMPT PAY MECHANISM – CERTIFICATION & COMPLIANCE SYSTEM (CCS)

- SP can be found in federal aid proposals or online at <https://www.dot.nd.gov/divisions/civilrights/dbeprogram.htm>
- Applies to ALL subcontractors and suppliers, not just DBEs
- NDDOT Spec Book states primes must pay subs/suppliers that have provided work/supplies on the project within 20 days of receiving a progress payment

# DBE PARTICIPATION REVIEW – RACE/GENDER NEUTRAL

North Dakota Department of Transportation, Civil Rights Division  
SFN 13743b (Rev. 10-2014)

GOAL: 0.00%  
ACHIEVED: 0.00%

BID OPENING FEBRUARY 5, 2021		VENDOR ID 6546	
APPARENT LOW BIDDER HANSON'S EXCAVATING INC.		LOW BID \$345,343.10	
JOB NUMBER 12	PCN(\$) 22269	PROJECT NUMBER(\$) SRC-TAC-0053(076)	
WORK TO BE COMPLETED BIKEWAY/WALKWAY		LOCATION TIOGA SIGNAL ROAD SIDEWALK	

## Primary Bidder/Prime Contractor

	Vendor Name	Cert	Inc in Goal	\$ Total	\$ Self Perf	\$ For Credit	Actions
	Hanson's Excavating, Inc	No	No	\$380,766	\$168,815 44.34%	-	<a href="#">View</a>

## Subcontractors

	Subcontractor Name	Sub Tier	Cert	Inc in Goal	Type	\$ Commit	\$ Self Perf	\$ For Credit	Actions
	3-D Specialties	1	No	No	Sub	\$4,817 1.26%	\$4,817 1.26%	-	<a href="#">View</a>
	Bechtold Paving, Inc.	1	No	No	Sub	\$71,200 18.70%	\$71,200 18.70%	-	<a href="#">View</a>
	Dallmann Services Company	1		 DBE	Sub 100%	\$6,736 1.77%	\$6,736 1.77%	\$6,736 1.77%	<a href="#">View</a>
	Ferguson Waterworks (North Dakota)	1	No	No	Reg. Dealer	\$1,360 0.36%	\$1,360 0.36%	-	<a href="#">View</a>
	Forterra (North Dakota)	1	No	No	Manufacturer	\$13,004 3.42%	\$13,004 3.42%	-	<a href="#">View</a>
	Premier Landscaping - Bapz Inc.	1	No	No	Sub	\$16,879 4.43%	\$16,879 4.43%	-	<a href="#">View</a>
	Ruach Resources	1	No	No	Reg. Dealer	\$17,080 4.49%	\$17,080 4.49%	-	<a href="#">View</a>
	Stein Construction	1	No	No	Sub	\$80,426 21.12%	\$80,426 21.12%	-	<a href="#">View</a>
	TrueNorth Steel, Inc.	1	No	No	Manufacturer	\$450 0.12%	\$450 0.12%	-	<a href="#">View</a>

## Goal & Waiver Summary

Goal Type	Goal	Plan	Status	\$ to Reach Goal	Waiver Status
Overall Goal	0.00%	1.77%	1.77% above goal		
DBE	0.00%	1.77%	1.77% above goal		

# COMMERCIALLY USEFUL FUNCTION (CUF) FORMS

## DBE PERFORMANCE - COMMERCIALLY USEFUL FUNCTION CERTIFICATION

North Dakota Department of Transportation, Civil Rights  
SFN 60597 (5-2018)

**PRIME CONTRACTOR:** Complete this CUF review with the DBE(s) on your project and submit to the Project Engineer with SFN 5682 - Contractor's Request to Sublet. CUF's need to be completed for DBE suppliers & manufactures as well even if no Request to Sublet Form is submitted. By signing this form, the prime contractor certifies that the DBE contractor is performing a commercially useful function as outlined in 49 CFR § 26.55(c)1.

**PROJECT ENGINEER:** Do not approve the prime's request to sublet without having this SFN 60597 signed by the Prime and DBE. Upload the completed form to CARS upon receipt. Any forms that are received by Civil Rights or Construction Services will be disposed of, they must be uploaded to CARS by the PE. If the project engineer determines there is cause to question whether the DBE is performing a CUF, contact the ADE immediately.

PCN		Project Number			County	
Prime Contractor				DBE Firm		
Contact Person				Contact Person		
Title				Title		
Address		City	State	ZIP Code	Address	
I hereby affirm that this DBE will perform a commercially useful function on this project. The DBE agreed that they are:				I hereby affirm that I will perform a commercially useful function on this project and will be:		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Responsible for execution of the work or delivery of supplies procured for the contract <input type="checkbox"/> Performing, managing, and supervising the work involved or delivery of the supplies procured for the contract <input type="checkbox"/> Responsible (with respect to materials and supplies used on the project) for negotiating price, determining quality and quantity, ordering the material, and/or installing and paying for the material <input type="checkbox"/> Claiming appropriate participation credit considering the work being subcontracted, industry practices, and the amount we are paying the DBE <input type="checkbox"/> Not an extra participant in this transaction, contract, procurement, or project through which funds are passed in order to obtain the appearance of DBE participation <input type="checkbox"/> Performing or exercising responsibility for at least 30 percent of the total dollar amount of the DBE participation with its own work force				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Responsible for execution of the work or delivery of supplies for the contract <input type="checkbox"/> Performing, managing, and supervising the work involved or delivery of the supplies procured for the contract <input type="checkbox"/> Responsible (with respect to materials and supplies used on the project) for negotiating price, determining quality and quantity, ordering the material, and/or installing and paying for the material <input type="checkbox"/> Claiming appropriate participation credit considering the work being subcontracted, industry practices, and the amount that I am being paid <input type="checkbox"/> An active participant in this transaction, contract, procurement, or project and not an extra participant through which funds are passed in order to obtain the appearance of DBE participation <input type="checkbox"/> Performing or exercising responsibility for at least 30 percent of the total dollar amount of the DBE participation with my own work force		
For DBE Trucking Firms also complete the following in addition to the previous check boxes. The DBE has agreed that they will:				For DBE Trucking firms also complete the following in addition to the previous check boxes. I affirm that I will:		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Manage and supervise the entire trucking operation for which it is responsible on this project <input type="checkbox"/> Owns and operates at least one fully licensed, insured, and operational truck being used on this project <input type="checkbox"/> Owns, insures, and operates its trucks using DBE employed drivers				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Manage and supervise the entire trucking operation for which I am responsible on this project <input type="checkbox"/> Own and operate at least one fully licensed, insured, and operational truck being used on this project <input type="checkbox"/> Own, insure, and operate my trucks using drivers that I employ		
Signature		Date		Signature		Date

### DBE INTENDED AMOUNTS, SPEC & CODE NUMBERS AND WORK DESCRIPTION AS INDICATED ON FORM C

	Spec & Code #	Work Description	Approx. Quantity	Unit Costs	Amount
X					
ADD EXPENSE					
					Total:

- FHWA Audit
- Quarterly Spot Checks
- Issues with DBE performance
- BOTH forms must be submitted and uploaded to CARS
- New form coming soon

# REPLACEMENT APPROVAL REQUEST FORM

## REPLACEMENT APPROVAL REQUEST

North Dakota Department of Transportation, Civil Rights  
SFN 60595 (5-2019)

### STEP 1

**INSTRUCTIONS:** Complete and submit immediately to Project Engineer when any change, replacement, substitution, or additional work is identified. All sections must be completed. No work may commence until this form is approved by the Project Engineer and Civil Rights Division. No payment will be made for any replacement or additional work which commenced prior to Civil Rights Division's written approval of this request.

Prime Contractor or Subcontractor		NDDOT Bid Opening Date			
Project Engineer		District			
Project Location		Project Number	PCN		
Date Project Engineer was Notified	Explain if Notice was not Given				
<b>Status of Intended Project Goal:</b> Identify the DBEs currently on the project and the status of the intended DBE participation achievement.					
	DBE Firm	Original Intended Amount	Amount Paid to Date	New Intended Amount	Participation Loss or Gain
X					
Add DBE Firm					

# DBE WEEKLY TRUCKING REPORT

## DBE WEEKLY TRUCKING REPORT

North Dakota Department of Transportation, Civil Rights  
SFN 60781 (9-2019)

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DBE Firm <input type="text"/>	Prime Contractor <input type="text"/>	PCN <input type="text"/>
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**DBE Instructions:** DBE must track **trucking** daily. Summarize and submit weekly to the project engineer on the Monday following the work completed. Include additional sheets if necessary. See DBE Special Provisions for calculating trucking using the 1 for 1 ration.

**Project Engineer Instructions:** Review sheet for accuracy. If any discrepancies are found, please contact DBE and request edits if applicable. Once form is complete and accurate, upload to CARS/FileNet as part of the project file.

Date	Company Name	Operator Name	Company Truck #	Material Hauled	Check One		
					DBE Owned	Non-DBE Match	Non-DBE
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# 2021-2023 DBE TRIENNIAL GOAL & CURRENT STATUS

# QUESTIONS?

- ▶ Amy Conklin, DBE Program Administrator
  - ▶ NDDOT Civil Rights
  - ▶ [aconklin@nd.gov](mailto:aconklin@nd.gov)
  - ▶ 701-328-3116