B2GNOW: CERTIFICATION & COMPLIANCE SYSTEM (CCS) CONTRACTOR TRAINING

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WHEN IS IT REQUIRED?

Any NDDOT highway construction project that has federal funds

- Any NDDOT project proposal that contains the DBE Project Payment Reporting SP
- Not applicable on 100% state funded and ARPA funded projects (ARP prefix)
- Primes are required to submit a Utilization Plan (UP) listing all their subs and suppliers receiving payment on the project
- Subs must have applicable lower tiered subs identified under them and report those payments
- UP must still be submitted even if Prime is self-performing all the work
- Replaces old forms/process of Monthly DBE Project Payment SFN 60638 & DBE Participation Certification SFN 14268 (both no longer available)
- Acts as NDDOT’s prompt pay monitoring system for highway construction projects as required by FHWA
UTILIZATION PLAN (UP) PROCESS

What do I do when I have a UP due?

- UPs are sent to Primes after CRD has been notified the project is being awarded
  - This might be prior to when the Prime receives their award letter from Construction Services
  - System has functionality to identify which vendor account user should be sent UP
  - Prime has ability to change user assigned to UP

- Primes are notified via email that a UP has been created for them and have 14 days to complete and submit

- If any DBE information is found to be inaccurate once the UP has been submitted CRD will return the UP for revisions with a note as to what needs to be corrected
  - Most common reasons for returning UP are only DBE subs are listed, missing/inaccurate DBE participation and marking “no” for DBE being included in goal when a project is RGN

- Once a UP is approved it cannot be changed/altered until the project is “locked in” which may be up to a few months later dependent on what time of year the project was awarded

- Subs/suppliers can be added once the project has been locked in using the subs tab at the top of the contract
MONTHLY AUDITS/PAYMENT REPORTING

- Once the project is “locked in” and active within the system Primes (and subs with lower tiered subs) will be required to report payments every month
  - If no payment was made, zero must still be reported or it is considered incomplete
  - The system is always a month behind for reporting, so you would report your April payments once that audit month opens in the system on May 1st

- Every payment submitted through the system must be reviewed by the sub or supplier
  - New this year – non-DBE subs will also be required to do this, previously the system auto confirmed payments for them as it was initially intended for DBE Prompt Pay Monitoring only
  - Payment amount, date and other information must be either confirmed or a discrepancy must be opened if the sub or supplier disagree with what was reported

- Once a payment has been reported it cannot be altered. If a payment was reported in error, you must contact CRD via email or message within the system to have it manually adjusted.
  - Documentation is kept on file regarding when and why the change was made

- Contracts with incomplete audits (because a prime has not submitted payment info or a sub/supplier has not confirmed payment) or with open discrepancies cannot be closed within the system

- Audits can become locked within the system if they are not completed within 90 days – CRD must be contacted to grant a 2-week extended deadline for any audits that are locked
• If a sub or supplier does not populate as a vendor when filling out your UP send an email with the following information
  • Company Name, Contact Person, Contact Person's Email Address, Mailing Address & Company Phone

• DBE Trucking 1:1 Ratio – Currently the system is not set up to recognize non-DBE match trucks as DBE. We will be talking with the system administrators to get that corrected. For now, make sure non-DBE trucks used by DBE trucking firms are listed under them. This will decrease the amount of DBE participation overall on the project, but we will know it is because of system error and will make manual adjustments on our end until fixed.

• FHWA Audit of Prompt Pay Process may bring changes to oversight/contact in future for non-DBEs on projects

FHWA requires subs and suppliers that have completed work and submit an invoice to the Prime to be paid within 30 days of the progress payment made to the Prime by NDDOT. NDDOTs policy (found in the Standard Specifications Book Section 109.04 Progressive Payment – D) is 20 days & it applies to all tiers.

D. Prompt Payment.
Within 20 calendar days of receiving payment from the Department, pay subcontractors their portion of the payment less applicable retention, not to exceed 2 percent. If the Contractor does not make prompt payment, the subcontractor may notify the Engineer.

The Contractor may withhold payment to a subcontractor for just cause. If withholding payment from a subcontractor, immediately provide written notification to the subcontractor and the Engineer with the reasons for withholding the payment. If the Engineer determines the Contractor is withholding payment with just cause, interest will not accrue.

If the Engineer determines the Contractor is withholding payment without just cause, beginning on the 21st calendar day after the Contractor's receipt of payment from the Department interest will accrue for the subcontractor at the rate provided by NDCC 13-01.1-02. Additionally, the Department may withhold all payments to the Contractor until the Contractor properly pays the subcontractor and agrees to make all future payments to subcontractors as required by the contract.

The Department will apply these prompt payment procedures to all tiers of subcontracts, in accordance with 49 CFR 26.29.
TRAINING FOR USERS IS ALWAYS AVAILABLE ON THE CERTIFICATION AND COMPLIANCE LOGIN PAGE

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