

2022 Standard Specifications California Department of Transportation

5-1.13C Disabled Veteran Business Enterprises

Section 5-1.13C applies to a non-federal-aid contract.

Use each DVBE as shown on the Certified DVBE Summary form unless you receive authorization from the Department for a substitution. The substitute must be another DVBE, unless DVBEs are not available. The substitute must perform the work originally stated. Any authorization for a substitute is contingent upon the Department of General Services' approval of the substitute.

The requirement that DVBEs be certified by the bid opening date does not apply to DVBE substitutions after Contract award.

The Department authorizes substitutions for any of the reasons provided in 2 CA Code of Regs § 1896.73.

Include in your substitution request:

1. Copy of the written notice issued to the DVBE with proof of delivery
2. Copy of the DVBE's response to the notice
3. Name and certification number of the listed DVBE and the proposed substitute

If a DVBE substitute is not available, requests for substitutions of a listed DVBE must include:

1. Contact with the DVBE advocate from the Department and the Department of Veteran Affairs
2. Search results from the Department of General Services' website of available DVBEs
3. Communication with a DVBE community organization nearest the job site, if applicable
4. Documented communication with DVBEs describing the work to be performed, the percentage of the total bid, the corresponding dollar amount, and the responses to the communication

The Department forwards your substitution request to the Department of General Services. The Department of General Services issues a notice of approval or denial. The Department provides you this notice.

If you fail to use a listed DVBE without an authorized substitution request, the Department issues a penalty of up to 10 percent of the dollar amount of the work of the listed DVBE.

Maintain records of subcontracts made with DVBEs. Include in the records:

1. Name and business address of each business
2. Total amount paid to each business

For the purpose of determining compliance with Pub Cont Code § 10115 et seq.:

1. Upon work completion, complete and submit Final Report - Utilization of Disabled Veteran Business Enterprises (DVBE) State Funded Projects Only form.
2. Upon reasonable notice and during normal business hours, permit access to its premises for the purposes of:
 - 2.1. Interviewing employees.
 - 2.2. Inspecting and copying books, records, accounts and other material that may be relevant to a matter under investigation.