



Disadvantaged Business Enterprise (DBE) Program



DBE Program: Objectives



- **Before** Work Begins
- Activities **During** Construction
- Forms Required **After** Contract Acceptance



DBE Program: Before Work Begins



- Read DBE provisions of contract (Exh. 12-G)
- Review DBE Commitment Form (Exh. 15-G)
- Approve Subcontracting Request (Exh. 16-B)



DBE Program: Before Work Begins

Required Federal-Aid Contract Language

(Handout Pgs. 1-5)

EXHIBIT 12-G REQUIRED FEDERAL-AID CONTRACT LANGUAGE (For Local Assistance Construction Projects)

The following language must be incorporated into all Local Assistance Federal-aid construction contracts. The following language, with minor edits, was taken from the 2010 Caltrans Standard Specifications, Revised Standard Specifications issued by Caltrans Office Engineer, and the Code of Federal Regulations.

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LAPM Exhibit 12-G
Section 5-1.13B DBEs, CTSS



DBE Program: Before Work Begins

LAPM Exhibit 15-G Construction Contract DBE Commitment Form

(Handout Pgs. 6-7)



California Unified Certification
Program

<https://dot.ca.gov/programs/business-and-economic-opportunity/dbe>

EXHIBIT 15-G CONSTRUCTION CONTRACT DBE COMMITMENT

1. Local Agency: _____ 2. Contract DBE Goal: _____
3. Project Description: _____
4. Project Location: _____
5. Bidder's Name: _____ 6. Prime Certified DBE: ☐ 7. Bid Amount: _____
8. Total Dollar Amount for ALL Subcontractors: _____ 9. Total Number of ALL Subcontractors: _____

10. Bid Item Number	11. Description of Work, Service, or Materials Supplied	12. DBE Certification Number	13. DBE Contact Information (Must be certified on the date bids are opened)	14. DBE Dollar Amount

Local Agency to Complete this Section upon Execution of Award

21. Local Agency Contract Number: _____
22. Federal-Aid Project Number: _____
23. Bid Opening Date: _____
24. Contract Award Date: _____
25. Award Amount: _____

Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.

26. Local Agency Representative's Signature _____ 27. Date _____
28. Local Agency Representative's Name _____ 29. Phone _____
30. Local Agency Representative's Title _____

15. TOTAL CLAIMED DBE PARTICIPATION

\$ 0.00
0 %

IMPORTANT: Identity of DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable with the names and items of the work in the "Subcontractor List" submitted with your bid. Written confirmation of each listed DBE is required.

16. Preparer's Signature _____ 17. Date _____
18. Preparer's Name _____ 19. Phone _____
20. Preparer's Title _____

DISTRIBUTION: 1. Original – Local Agency
2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract.
3. Include additional copy with award package.



DBE Program: Before Work Begins

LAPM Exhibit 15-G (Handout Pg. 8)

EXHIBIT 15-G CONSTRUCTION CONTRACT DBE COMMITMENT

1. Local Agency: City of Fox Canyon 2. Contract DBE Goal: 8%
3. Project Description: Traffic Calming
4. Project Location: Main St. at 5th Ave.
5. Bidder's Name: Digger Construction 6. Prime Certified DBE: ☐ 7. Bid Amount: \$204,620.00
8. Total Dollar Amount for ALL Subcontractors: \$103,479.50 9. Total Number of ALL Subcontractors: 3

10. Bid Item Number	11. Description of Work, Service, or Materials Supplied	12. DBE Certification Number	13. DBE Contact Information (Must be certified on the date bids are opened)	14. DBE Dollar Amount
3	Traffic Control, flagging C1201	37693	Safe Roads Construction 1234 Commercial Way, Pine Cone, CA 530/ 223-6789	\$16,425.00
10	Hydroseed, C2021	30736	Green Giant Landscapes 888 Bean Stalk Way, Greenfield, CA 805/ 427-4444	\$2,052.00

Local Agency to Complete this Section

21. Local Agency Contract Number: 04-SRL-LATS
22. Federal-Aid Project Number: BHLS-5309(004)
23. Bid Opening Date: 3/20/2015
24. Contract Award Date: 4/30/2015

Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.

25. Local Agency Representative's Signature: [Signature] 26. Date: 4/18/15
27. Local Agency Representative's Name: JED I. KNIGHT 28. Phone: 805 123-456
29. Local Agency Representative's Title: Sr. Project Manager

15. TOTAL CLAIMED DBE PARTICIPATION

\$18,477.00

9.03 %

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable with the names and items of the work in the "Subcontractor List" submitted with your bid. Written confirmation of each listed DBE is required.

16. Preparer's Signature: [Signature] 17. Date: 3/16/15
18. Preparer's Name: Joe Digger 19. Phone: 530/ 222-111
20. Preparer's Title: President

DISTRIBUTION: 1. Original - Local Agency
2. Copy - Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract. Include additional copy with award package.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.



DBE Program: Before Work Begins

Subcontracting Request, LAPM Exhibit 16-B (Handout Pg. 9)

CTSS Section 5-1.13, Subcontracting
Greenbook Section 2-3.3, Status of
Subcontractors
LAPM Section 16-7

EXHIBIT 16-B SUBCONTRACTING REQUEST

CONTRACTOR NAME Cheatum Construction				COUNTY S.L.O.		ROUTE	
BUSINESS ADDRESS 777 Lucky Drive				CONTRACT NUMBER 05-ORD-834			
CITY AND STATE Palm Dale, CA				ZIP CODE 92121		FEDERAL-AID PROJECT NUMBER ACNH-000C(380) E	
A. SUBCONTRACTOR (Name, Business Address, Phone)	B. BID ITEM NUMBER (S)	C. PERCENTAGE OF BID ITEM SUBCONTRACTED	D. SUB LISTED AT BID TIME		E. CERTIFIED DBE		F. DESCRIBE WORK WHEN LESS THAN 100% OF WORK IS SUBCONTRACTED
			Yes	No	Yes	No	G. DOLLAR AMOUNT BASED ON THE BID AMOUNT
Water Smart	2	100	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Prepare Uud Plan \$2,500.00
Blue Sky, LLC	4	100	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water Pollution Ctl \$495.00
East Pacific Serve U	9	100	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	QSP Inspection \$6,875.00
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

I certify that:

- The Standard Provisions for labor set forth in the contract apply to the subcontracted work.
- If applicable, Form FHWA- 1273 of the Special Provisions has been inserted in the subcontracts and should be incorporated in any lower-tier subcontract. Written contracts have been executed for the above noted subcontracted work.

Contractor's Signature Chris Bacon Date 3/8/2015

This section is to be completed by the resident engineer.

1. Total of bid items		\$	\$997,556
2. Contractor must perform with own forces (line 1 X contract req. %)	30	\$	\$299,266.91
3. Bid items previously subcontracted (taken from previously approved 16-B)		\$	\$121,181.35
4. Bid items subcontracted (this request)		\$	9,870
5. Total bid items subcontracted (line 3 plus 4)		\$	\$131,051.35
6. Balance of work contractor to perform (line 1 minus 5)		\$	

Approved
RESIDENT ENGINEER'S SIGNATURE Brody Lea DATE 3/11/2015

Copy Distribution : Original-Contractor Copy- Resident Engineer Copy- OBBO- smallbusinessadvocate@dopt.ca.gov or fax to (916) 324-1949



DBE Program: Activities During Construction



- Monitoring and Enforcement
 - Commercially Useful Function
 - Trucking
 - Prompt Payment
- Substitutions



DBE Program: Monitoring and Enforcement



Commercially Useful Function

A DBE performs a commercially useful function when it is responsible for execution of the work of the contract or a distinct element of the work...by actually performing, managing, and supervising the work involved.

49 CFR 26.55



DBE Program: Monitoring and Enforcement



Commercially Useful Function

A DBE subcontractor...

- Supervisor exclusively employed by the DBE
- Must perform 30% of the work with its own workforce
- Must not share employees with non-DBE (particularly the Prime.)

FHWA Tips for Evaluating a Commercially Useful Function:

<https://www.fhwa.dot.gov/federal-aidessentials/commusefunction.pdf>



DBE Program: Monitoring and Enforcement



Commercially Useful Function

A DBE supplier...

- maintains an inventory of supplies (some exceptions);
- negotiates the price, places the order (quantity), and pays the manufacturer; and
- sub takes possession of the supplies



DBE Program: Monitoring and Enforcement



Commercially Useful Function:

A DBE Trucking Company...

- must manage and supervise entire trucking operation.
- must own and operate **at least one truck**.
- must use DBE drivers or lease DBE trucks to receive full DBE credit.

LAPM Chapter 9-7, DBE Participation



DBE Program: Monitoring and Enforcement



Commercially Useful Function: Trucking

- Monitor the trucks to ensure enough DBE trucks are being used to meet the DBE commitment.
- Cross check load tickets with monthly trucking report.

Handout Pg. 12
Exhibit 16-Z1



DBE Program: Monthly Reports



Commercially Useful Function: Trucking

Before the 15th day of each month for the previous month's work, submit:

- Monthly DBE Trucking Verification form
- Monthly DBE Payment form

Part 1.d., Exh. 12-G, Required Federal-aid
Contract Language
2015 CTSS Section 5-1.13B, DBE

State of California-Department of Transportation

Exhibit 16-Z1 Monthly DBE Trucking Verification

Contract No.			Month			Year		
Truck Owner	DBE Cert No.	Company Name and Address	Truck No.	California Highway Patrol CA. No.	Commission of Amount Of Amount Paid*	Date Paid	Lease Arrangement (if applicable)	
					\$		Lease Agreement with NON-DBE with DBE	<input type="checkbox"/> <input type="checkbox"/>
					\$		Lease Agreement with NON-DBE with DBE	<input type="checkbox"/> <input type="checkbox"/>
					\$		Lease Agreement with NON-DBE with DBE	<input type="checkbox"/> <input type="checkbox"/>
					\$		Lease Agreement with NON-DBE with DBE	<input type="checkbox"/> <input type="checkbox"/>
					\$		Lease Agreement with NON-DBE with DBE	<input type="checkbox"/> <input type="checkbox"/>
					\$		Lease Agreement with NON-DBE with DBE	<input type="checkbox"/> <input type="checkbox"/>
					\$		Lease Agreement with NON-DBE with DBE	<input type="checkbox"/> <input type="checkbox"/>
					\$		Lease Agreement with NON-DBE with DBE	<input type="checkbox"/> <input type="checkbox"/>
					\$		Lease Agreement with NON-DBE with DBE	<input type="checkbox"/> <input type="checkbox"/>
Total Amount Paid					\$			

Prime Contractor	Business Address	Business Phone No.
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*Upon Request all Lease Agreements Shall be made available, in accordance with the special Provisions

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT

Contractor Representative Signature	Title	Date
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LAPM Exhibit 16-Z1

Monthly DBE Trucking Verification

(Handout Pgs. 10-11)

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
MONTHLY DBE/UDBE TRUCKING VERIFICATION
 CEM-2404F (REV 7/2012)

p.6

CONTRACT NO. <u>05-OT0007</u>			MONTH June		YEAR 2014			
Trucking Company or Owner Operator	DBE Cert. No. (if certified)	Company Name and Address Telephone Number	Truck No.	CA No.	Amount paid to DBE and UDBE Truckers	Amount paid to DBE and UDBE for lease arrangement with non-DBE	Date Paid	Transportation Arrangement (✓ all that apply)



State of California-Department of Transportation

Exhibit 16-Z1 Monthly DBE Trucking Verification

Contract No. <u>05-OT0007</u>			Month			Year	
Truck Owner	DBE Cert No.	Company Name and Address	Truck No.	California Highway Patrol CA. No.	Commission of Amount Of Amount Paid*	Date Paid	Lease Arrangement (if applicable)
Kritz Excavating	39134	Kritz Trucking, Pasa Robles		37215	\$ 10,555.50		Lease Agreement with NON-DBE <input type="checkbox"/> with DBE <input checked="" type="checkbox"/>
					\$		Lease Agreement with NON-DBE <input type="checkbox"/> with DBE <input type="checkbox"/>

Danielles Trucking

Aug 26 14 10:22a

PRIME CONTRACTOR Granite Construction <u>FW</u>		BUSINESS ADDRESS		BUSINESS PHONE NUMBER	
* Upon request all lease agreements must be made available, in accordance with the special provisions.					
I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT					
CONTRACTOR REPRESENTATIVE'S SIGNATURE 		TITLE Manager		DATE	

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**LAPM Exhibit 16-Z1
 Monthly DBE Trucking Verification
 (Handout Pg. 12)**



DBE Program: Monitoring and Enforcement



What if another firm is performing work that is supposed to be performed by a DBE?

- Notify prime ASA suspected
 - Verbally and in **writing**
- Document in daily report
- **Don't suspend work!**

CM Chapter 8-3, DBEs



DBE Program: Substitutions



- Contractor must in writing
 - Notify orig. DBE of intent to use other forces or material sources.
 - Provide the reason.
 - Provide 5 business days for DBE to protest being substituted.

**Part 1.d., Exh. 12-G, Required Federal-aid
Contract Language
2015 CTSS Section 5-1.13B(2), DBE**

<http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=85>



DBE Program: Substitutions



- Reasons:

DBE...

1. Fails/refuses to execute a written contract;
2. Fails to meet bond requirements;
3. Is not licensed;
4. Fails/refuses to perform the work;
5. Work is unsatisfactory and not in compliance;
6. Suspended or debarred;

**Part 1.d., Exh. 12-G, Required Federal-aid
Contract Language
2015 CTSS Section 5-1.13B(2), DBE**



DBE Program: Substitutions



- Reasons: (cont.)

DBE...

7. Becomes bankrupt/insolvent;
8. Voluntarily withdraws in writing;
9. Ineligible to receive credit for the type of work required;
10. Owner dies or becomes disabled;
11. Department determines other documented cause per 49 CFR 26.53.



DBE Program: Substitutions



Contractor's request must include:

- 1 or more of the reasons listed in the specs.
- Notices from you to the DBE regarding the request.
- Notices from the DBE to you regarding the request.

Part 1.d., Exh. 12-G, Required Federal-aid

Contract Language

2015 CTSS Section 5-1.13B(2), DBE

<http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=85>



DBE Program: Substitutions



- Approve DBE substitution only for specifically listed reasons
- Prime must replace DBE with another DBE or make adequate GFE
- Substitute DBE must perform at least the same dollar amount of work as the original DBE under the Contract to the extent needed to meet the DBE goal



DBE Program: Prompt Payment



- ***All subcontractors*** must be paid within 7 days.
 - Prime to Sub
 - Sub to Sub

Public Contract Code §10262.5



DBE Program: Prompt Payment



Attachment to LAPM Exhibit 9-B Prompt Payment of Withheld Funds to Subcontractors

Local Assistance Procedures Manual

EXHIBIT 9-B
Local Agency DBE Annual Submittal Form

(Attachment)

Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the local agency to ensure prompt and full payment of any retainage.

- ☐ Method 1: No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☐ Method 2: No retainage will be held by the agency from progress payments due to the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☐ Method 3: The agency shall hold retainage from the prime contractor and shall make prompt and

*The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted **including incremental acceptances of portions of the contract work** by the agency.*



DBE Program: After Contract Acceptance



**Upon completion of work,
Prime must submit ...**

“Final Report – Utilization of DBEs, First-Tier Subcontractors.” (Exh. 17-F)

Part 1.d., Exh. 12-G, Required Federal-aid
Contract Language
CTSS Section 5-1.13B(1), DBE



LAPM Exhibit 17-F

Final Report – Utilization of DBEs and First-Tier Subcontractors

Local Assistance Procedures Manual						Exhibit 17-F	
Final Report-Utilization of Disadvantaged Business Enterprises (DBE) and First-Tier Subcontractors							
EXHIBIT 17-F FINAL REPORT-UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES (DBE) AND FIRST-TIER SUBCONTRACTORS							
1. Local Agency Contract Number		2. Federal-Aid Project Number		3. Local Agency		4. Contract Completion Date	
5. Contractor/Consultant			6. Business Address			7. Final Contract Amount	
8. Contract Item Number	9. Description of Work, Service, or Materials Supplied	10. Company Name and Business Address	11. DBE Certification Number	12. Contract Payments		13. Date Work Completed	14. Date of Final Payment
				Non-DBE	DBE		
15. ORIGINAL DBE COMMITMENT AMOUNT \$				16. TOTAL			
<small>List all first-tier subcontractors/subconsultants and DBEs regardless of tier whether or not the firms were originally listed for goal credit. If actual DBE utilization (or item of work) was different than that approved at the time of award, provide comments on an additional page. List actual amount paid to each entity. If no subcontractors/subconsultants were used on the contract, indicate on the form.</small>							
I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT							
17. Contractor/Consultant Representative's Signature		18. Contractor/Consultant Representative's Name		19. Phone		20. Date	
I CERTIFY THAT THE CONTRACTING RECORDS AND ON-SITE PERFORMANCE OF THE DBE(S) HAS BEEN MONITORED							
21. Local Agency Representative's Signature		22. Local Agency Representative's Name		23. Phone		24. Date	
<small>DISTRIBUTION: Original – Local Agency, Copy – Caltrans District Local Assistance Engineer. Include with Final Report of Expenditures</small>							
<small>ADA NOTICE: For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233, Local Assistance Procedures Manual TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.</small>							

LAPM Exhibit 17-F

Final Report – Utilization of DBEs and First-Tier Subcontractors

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION					ADA Notice			
FINAL REPORT - UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES					For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.			
FIRST-TIER SUBCONTRACTORS					Lock Data on Form			
CEM-2402F (REV 9/2014)								
CONTRACT NUMBER	COUNTY	ROUTE	POST MILES	FEDERAL AID PROJECT NUMBER	ADMINISTERING AGENCY	CONTRACT COMPLETION DATE		
05-0T0004	Santa Barbara	154	R7.8 - R8.3	ACHSSTP-P154(021)E	Caltrans	09/25/2014		
PRIME CONTRACTOR			BUSINESS ADDRESS			ESTIMATED CONTRACT AMOUNT		
Granite Construction Company			2023 Preisker Ln, Unit B, Santa Maria, Ca. 93454			\$3,391,036.00		
ITEM NO.	DESCRIPTION OF WORK PERFORMED AND MATERIALS PROVIDED	COMPANY NAME AND BUSINESS ADDRESS	DBE CERT. NUMBER	CONTRACT PAYMENTS			DATE WORK COMPLETE	DATE OF FINAL PAYMENT
				NON-DBE	DBE	LOBE		
63, 64	Place AC Dike, Place Misc AC	AC Dike Co., 2788 Venture Dr, Lincoln Ca. 95648	219	\$	\$ 10,351.25	\$	8/18/2014	10/14/2014
66	Sawcutting	Austin Enterprise, P.O. Box 81925 Bakersfield, Ca. 93380	13602	\$	\$ 1,600.00	\$	5/16/2014	7/12/2014
62	Supply and deliver AC Oil	Dragon Material Transportation Inc., P. O. Box 27800, Fresno, Ca 93729-7800	37444	\$	\$ 175,970.51	\$	8/13/2014	8/29/2014
94	Supply and deliver diesel fuel	First Fuel Inc., 14 Bolivar St, Newport Beach, Ca. 92663	36185	\$	\$ 51,165.77	\$	9/10/2014	9/18/2014
1	Prepare Lead Compliance Plan	Global Environmental Network, Inc., P.O. Box 8098 Fountain Valley, Ca 92728	24765	\$	\$ 785.00	\$	12/2/2013	1/11/2014
17, 44-59	Landscape, irrigation, erosion control	KCI Environmental, Inc., PO Box 3307, San Luis Obispo, Ca. 93403		\$	105,131.00		9/23/2014	11/2/2014
2, 3, 7, 30, 33-35, 68-75, 86, 87	Signs, traffic control materials, portable flashing beacons, flagging	KRC Safety Co. Inc., P.O. Box 6356 Visalia, Ca. 93290	447	\$	\$ 130,189.35	\$	10/10/2014	11/2/2014
10, 36, 38, 39, 40, 43, 60, 62, 74, 78	Misc Trucking	Kritz Excavating and Trucking, Inc., 415 Volpi Ysaabel Rd, Paso Robles, Ca. 93446	39134	\$	\$ 60,528.50	\$	8/20/2014	9/18/2014
13	Prepare SWPPP	La Firma, 715 Ridge Road, Nipomo, CA. 93444	39322	\$	\$ 1,500.00	\$	1/2/2014	2/18/2014
36	Cold planing	Lindy's Cold Planing, 625 W. Mountain View, La Habra, Ca 90631	40089	\$	\$ 4,950.00	\$	8/10/2014	9/25/2014
12, 18, 19, 20, 42, 53, 73, 74, 76	Supply SWPPP materials, fabric, geogrid, pipe	Triumph Geo-Synthetics Inc., 1235 N Grove St, Anaheim, Ca 92806	9076	\$	\$ 13,533.18	\$	5/28/2014	7/12/2014
1, 3-5, 26-29, 88-90	Remove pavement markings, pavement markings, traffic control	Safety Striping Service, Inc., 6868 Avenue 305, Goshen, CA. 93227		\$	75,034.10		8/27/2014	11/2/2014
91-94	Lighting, Solar Beacons, and Mobilization	Underground Specialties Central Coast, PO Box 790, Templeton, CA. 93465		\$	198,433.67		9/23/2014	11/2/2014
TOTAL				\$	378,598.77	\$	450,573.57	\$

(Handout Pg. 15)



DBE Program: Reporting Final Payment



- Verify Form 17-F
 - Are reported payments consistent with...
 - DBE commitments (Form 15-G)?
 - Work performed?



DBE Program: Reporting Final Payment



*The Agency does not pay for work listed on the Local Agency Bidder DBE Commitment form (15-G), unless it is performed or supplied by the listed DBE or an **authorized** substitute.*

Part 1.d., Exh. 12-G, Required Federal-aid
Contract Language
CTSS Section 5-1.13B, DBE



DBE Program: Reporting Final Payment



- Due within 30 days of Contract Acceptance
- Withhold \$10,000 until form submitted (CTSS)

Part 1.d., Exh. 12-G, Required Federal-aid
Contract Language
CTSS Section 5-1.13B(1), DBE



DBE Program: Certification Status Change



If...

- DBE is *decertified*; or
- Non-DBE *becomes* certified

Then...

- Prime must complete *LAPM Exhibit 17-O, DBE Certification Status Change*

Part 1.d., Exh. 12-G, Required Federal-aid
Contract Language
CTSS Section 5-1.13B(2), DBE



LAPM Exhibit 17-O

DBE Certification Status Change

Local Assistance Procedures Manual

Exhibit 17-O
Disadvantaged Business Enterprises (DBE) Certification Status Change

EXHIBIT 17-O DISADVANTAGED BUSINESS ENTERPRISES (DBE) CERTIFICATION STATUS CHANGE

1. Local Agency Contract Number		2. Federal-Aid Project Number		3. Local Agency		4. Contract Completion Date	
5. Contractor/Consultant			6. Business Address			7. Final Contract Amount	
8. Contract Item Number	9. DBE Contact Information		10. DBE Certification Number	11. Amount Paid While Certified	12. Certification/Decertification Date (Letter Attached)	13. Comments	

If there were no changes in the DBE certification of subcontractors/subconsultants, indicate on the form.

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT							
14. Contractor/Consultant Representative's Signature		15. Contractor/Consultant Representative's Name		16. Phone		17. Date	
I CERTIFY THAT THE CONTRACTING RECORDS AND ON-SITE PERFORMANCE OF THE DBE(S) HAS BEEN MONITORED							
18. Local Agency Representative's Signature		19. Local Agency Representative's Name		20. Phone		21. Date	

DISTRIBUTION: Original – Local Agency, Copy – Caltrans District Local Assistance Engineer. Include with Final Report of Expenditures

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July 23, 2015

(Handout Pgs. 16-17)



DBE Program: Resources



- Caltrans Office of Business & Economic Opportunity (OBEO)
 - DBE Certification Manager, Curtis Williams
DBE.Certification@dot.ca.gov
916-324-1700



DBE Program: Resources



- Chapter 9, DBE, LAPM
- Section 8-3, DBE, CT Construction Manual
- FHWA FACT SHEET
<https://www.fhwa.dot.gov/resourcecenter/teams/civilrights/dbessfactsheet.pdf>
- FHWA Website
<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/official-questions-and-answers-qas-disadvantaged>
- CT Division of Local Assistance DBE Website
<https://dot.ca.gov/programs/business-and-economic-opportunity/supportive-services>



DBE: Quiz





DBE: Quiz



True or False

The best place for an RE to find out what work on the project must be performed by a DBE is Exhibit 15-G in the Award Package.



DBE: Quiz



True or False

The best place for an RE to find out what work on the project must be performed by a DBE is Exhibit 15-G in the Award Package.

True



DBE: Quiz





DBE: Quiz



Choose best answers...

The best time to discuss DBE requirements with the Contractor is ...

- a. At the Pre-job conference.**
- b. At the weekly meeting before work on DBE items begins.**
- c. When you need to withhold money for an illegal substitution.**
- d. Never, the Contractor should read the specs.**



DBE: Quiz



Choose the most correct answer.

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- b. At the weekly meeting before work on DBE items begins.**
- c. When you need to withhold money for an illegal substitution.**
- d. Never, the Contractor should read the specs.**



DBE Quiz





DBE: Quiz



Choose the most correct answer.

A DBE Trucking firm must:

- a. Own at least one truck used on the project.**
- b. Employ at least one driver used on the project.**
- c. Own and operate at least one truck used on the project.**



DBE: Quiz



Choose the most correct answer.

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- a. Own at least one truck used on the project.**
- b. Employ at least one driver used on the project.**
- c. Own and operate at least one truck used on the project.**



DBE Quiz





DBE: Quiz



Choose the most correct answer.

If the Prime performs work shown on the DBE Commitment Record (Exh. 15-G) to be performed by a DBE sub without prior written authorization for a substitution...

- a. Do not pay for the value of the work as determined by the subcontract between the prime and the sub.**
- b. Do not pay for the value of the work as determined by the contract bid prices.**
- c. It's Ok to pay for the work if the Prime explains that the subcontractor was not available the week they needed him.**



DBE: Quiz



Choose the most correct answer.

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- a. Do not pay for the value of the work as determined by the subcontract between the prime and the sub.**
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DBE Quiz





DBE: Quiz



Upon completion of the project withhold \$10,000...

- a. until Final Report of Utilization is submitted.**
- b. if contractor's Final Report of Utilization is not submitted within 30 days of project completion.**
- c. if you think you might run out of money.**



DBE: Quiz



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DBE Exercises

(Handout Pgs. 18-28)





DBE Exercise 1

You are the RE on a project and have been provided an award package that contains, among other things, the following documents:

Exhibit 12-B Bidders List of Subcontractor's (DBE and Non-DBE)

Exhibit 15-G Construction Contract DBE Commitment

Part 1. As required, the Contractor has submitted a Subcontractor Request form (Exhibit 16-B) for your approval. Decide as a group if you will approve it or return it for corrections. Be prepared to explain your decision.

*Make a determination for both Case A and Case B. You have 15 min. then we will discuss the answers. **Do not proceed to Part 2 yet.***

Part 2. At the end of the project, the Contractor submits Exhibit 17-F, Final Report – Utilization of DBEs and First-Tier Subcontractors. Using the same award package provided, work together to decide if the RE and Local Agency Representative should certify the submittal, return it for corrections, or take a penalty. Each group should be able to justify their action. If you determined a penalty, specify how much.

Make a determination for both Case 1 and Case 2. You have 15 min. then we will discuss the answers.



DBE Exercise 2

Group 1: DBE Utilization Form has ACME Traffic Control performing all the traffic control for the project. First day of work requiring traffic control, you notice that the flag people are wearing t-shirts and hard hats with the prime contractor's logos. Pilot control truck is painted with ACME Traffic Control colors and logo, however interior of truck is prime contractor's color.

- *What actions are you going to take to address the situation? Give timeframes (actual, not ASAP, etc.).*

Group 2: Review of ACME subcontractor's payrolls shows that they have an employee listed and paid as an apprentice. Assistant RE's diary has the employee listed as a laborer. No other information for the employee is on file.

- *What actions are you going to take to address the situation? Give timeframes (actual, not ASAP, etc.).*



DBE Exercise 2

Group3: Review of ACME Prime Contractor payroll's shows that they are paying their laborers for 6 hour work days. Assistant RE diaries have the laborers working 8 hour days.

- *What actions are you going to take to address the situation? Give timeframes (actual, not ASAP, etc.).*

Group 4: DBE Utilization Form has ACME Electrical Supplier supplying all the electrical wire for the project. ACME Prime Contractor submits a Notice of Materials to Be Used form to you listing ABC Electrical Supplier as the supplier for electrical wire.

- *What actions are you going to take to address the situation? Give timeframes (actual, not ASAP, etc.).*