

MoDOT Disadvantaged Business Enterprise (DBE) Job-Site Review

Rev.11-2-12

Commercially Useful Function (CUF) Determination

(Must Be Completed By MoDOT Inspector or RE Only)

Contract ID:	Job No.	Prime Contractor:
DBE Contractor:	DBE Subcontract Approval Date:	
DBE Start Date:	Estimated DBE Completion Date:	
Description of recent type of work observed: <input type="checkbox"/>		
*IF NO IS CHECKED IN ANY OF THE BOXES--CONTACT ECR		
DBE Representative:	DBE Representative reports to:	
DBE is performing as:	<input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor <input type="checkbox"/> 2nd Tier Subcontractor <input type="checkbox"/> Manufacturer <input type="checkbox"/> Supplier <input type="checkbox"/> Broker <input type="checkbox"/> Trucker	

PERFORMANCE

1. Does the DBE have its own employees on the job to perform the work? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
2. Does the DBE own the equipment being utilized to perform its work? A. Are the DBE's markings/emblems on the equipment? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
3. Is the DBE self performing the subcontract defined task for a specific item of work (distinct element) on the contract? A. Does the DBE performed 100% of their work? B. Does the DBE schedule work, material deliveries and other actions required for prosecution of the work?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
4. Is the operator of the equipment a DBE employee?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
5. Does the DBE maintain it's own payroll?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
6. Does the DBE hauling firm own and/or lease their trucks? <i>(review ownership/vehicle registration and/or lease documents to verify)</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
7. Is the driver employed by the DBE Hauling Firm? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
8. Do the haul tickets and/or bills of lading associated with the project confirm that hauling is being performed by the DBE? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
9. If the DBE has any materials drop shipped to the project site, was the invoice addressed to the DBE? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

MANUFACTURES OR SUPPLIER

10. Does the DBE's name appear on all applicable invoices, haul tickets, and/or bills of lading? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
11. Does the DBE furnish and install the materials? A. Did the DBE deliver material to the site with their own and/or leased trucks? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
12. Does the DBE have an established storage facility and inventory? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

SUPERVISION

13. Is the DBE providing supervision of it employees and their work? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
14. Is the supervisor a full-time employee of the DBE If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

COMMERCIALLY USEFUL FUNCTION DETERMINATION

15. Does the DBE contractor appear to have control over methods of work on its contract items? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
16. Is the DBE an independent business, executing a distinct element of work, performing, managing, and supervising the work? If NO, explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

***QUESTIONS IN COMPLETING CUF FORM CONTACT ECR @ (573) 526-2978**

DBE Contractor Representative:	Title:
Signature Please Print	Date:
INSPECTOR	Title:
Signature Please Print	Date:
RE	Title:
Signature Please Print	Date:

GUIDANCE FOR COMPLETING THE CUF FORM

The guidance below is included to assist you in determining whether or not a Disadvantaged Business Enterprise (DBE) is performing a Commercially Useful Function (CUF) as required under Section 26.55 of Title 49 Code of Federal Regulations Part 26 (Part 26). If it is determined that a DBE is not performing a CUF on some or all of the work subcontracted to them, the prime contractor will lose DBE credit. A CUF form ***must be completed for all DBEs performing on any federally funded project***, regardless if they are being used to meet the DBE project goal. Every time a DBE performs a new or different function on the project, a new CUF form should be completed.

DBE PERFORMANCE CLARIFICATION

Prime Contractor—Chief contractor who has a contract with the owner of a project or job, and has the full responsibility for its completion. A prime contractor undertakes to perform a complete contract, and may employ (and manage) one or more subcontractors to carry out specific parts of the contract

Subcontractor & Furnish and Install—Subcontractor is a person who is awarded a portion of an existing contract by a principal or general contractor--***receives 100% for type of work performed.***

2nd Tier Subcontractor—The second-tier contractor is hired by the first-tier contractor to perform specific tasks—***MoDOT would allow for hauling and material supply only—received percentage of work performed on the project.***

Manufacturer—is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, suppliers, articles or equipment required under the contract and of the general contractor described by the specifications—***100% of work counts towards DBE Goal.***

Supplier— A regular dealer (Supplier) is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials supplies, articles, or equipment of general character described by the specifications and required under contract are bought, kept in stock and are regularly sold or leased to the public in the usual course of business. The firm must be in the business that regularly engages, as its principal business and under its own name, in purchase and sale or lease of products in question—***60% of work counts towards DBE goal.***

Broker—When a firm is neither a manufacturer nor a regular dealer (***They are packers, brokers, and manufactures representatives***) then you can only receives fees and commission that's earned.

Bulk Supplier- A DBE Firm 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 where it keeps such items in stock, if the DBE both owns and operates distribution equipment for the products it sells and provides for the contract work.

Examples of a few common incidences:

PERFORMANCE/ RED FLAGS

- Employee(s) working for both the Prime and the DBE
- Equipment used by DBE belongs to the Prime Contractor
- Equipment used by DBE belongs to another contractor with no formal lease agreement
- Equipment signs and markings cover another contractor's identity

MATERIAL SUPPLIERS OR REGULAR DEALER/ RED FLAGS

- Invoices do not indicate that DBE is the customer
- A Prime Contractor's employee is listed as the contact person on invoices
- Materials are ordered, billed to, and/or paid, by the Prime Contractor
- Materials for DBE credited work are delivered by the Prime Contractor

SUPERVISION/ RED FLAGS

- Prime Contractor or another subcontractor is performing the DBE's work
- The DBE's employees are being supervised by the Prime Contractor or another subcontractor
- The DBE provides little or no supervision of work
- The DBE supervisor is not a full-time employee of the DBE

Please note that it does not cover every potential CUF issue. Whenever you are unsure of whether a DBE is performing a CUF, contact MoDOT External Civil Rights Division