Washington State Department of Transportation

FSBE/DBE Commercially Useful Function On-Site Review for Regular Dealer and Manufacturers

Purpose: This form serves as written certification that the elements of work performed by a Federal Small Business Enterprise (FSBE) or Disadvantaged Business Enterprise (DBE) contractor were monitored and evaluated according to the Commercially Useful Function and counting requirements of 49 Code of Federal Regulation Part 26.55. This form also contains data and questions to supplement monitoring of payments, termination of work, or changes in contract scope that may require prompt action to ensure final compliance.

This form is to be completed for each project, for each construction season, and for each primary scope of work. If the form is submitted with missing/incomplete information, it will be returned to the Project Engineer's Office for completion. **This form shall be sent to the Region Office of Equity and Civil Rights Compliance Specialist within 10 calendar days of completion.**

This form is to be completed based upon the reviewer's determination through observations and review of pertinent documents.

Section I: Project and Payment Data (To be completed by Project Engineer Office/Local Agency)

Contract Number	Prime Contractor	
Contract Name		
Approximate % of FSBE/DBE Work Complete		FSBE/DBE Goal %
FSBE/DBE Subcontact $ Amount	FSBE/DBE Commitment $ Amount	Region/Local Agency
FSBE/DBE Start Date	Total Payments to FSBE/DBE to Date	Federal Aid No.
FSBE/DBE Firm Name	FSBE/DBE Firm Owner	

FSBE/DBE Contract Type: ☐ Regular Dealer ☐ Manufacturer

Certification Type: ☐ Disadvantaged Business Enterprise (DBE) ☐ Federal Small Business Enterprise (FSBE)

Description of work to be performed by the FSBE/DBE:

Section II: Project Engineer Office/Local Agency Observations

FOR REGULAR DEALERS ONLY

1. If the material being supplied is a bulk item (i.e., aggregate, petroleum, etc.) did the FSBE/DBE use its own distribution equipment? If no, please explain below (and obtain a copy of any lease agreements: ☐ Yes ☐ No ☐ N/A

2. Has a copy of the materials invoice/purchase order and delivery ticket(s) been provided to the project office? If no, please explain:	☐ Yes	☐ No	☐ N/A
FOR MANUFACTURERS ONLY			
3. Is the manufacturing location considered part of the project site (Where the project construction will take place)?	☐ Yes	☐ No	☐ N/A
4. Did the product meet the project specifications? If no, please explain:	☐ Yes	☐ No	☐ N/A
FOR DISTRIBUTORS ONLY			
5.			
6.			
7.			
Project Office Personnel			
Project Office Representative: Printed Name _____ Signature _____ Date _____			

Section III: Office of Equity and Civil Rights Review and Evaluations

FOR REGULAR DEALERS ONLY			
1. Is the FSBE/DBE firm listed on the WSDOT Office of Equity and Civil Rights Regular Dealer List as an approved Regular Dealer specifically for this project? If no, please explain:	☐ Yes	☐ No	☐ N/A

2. Per the FSBE/DBE purchase order/invoice, indicate the project-specific product or material being supplied

Product/Material Name	Product/Material Quantity	Product/Material Costs

3. How is the product getting delivered to the project site? Please attach a copy of the delivery tickets.

4. If the product was shipped, who organized the shipping, who took possession of the products/materials, and who was invoiced for the shipping?

5. Are material invoices for FSBE/DBE related materials billed to the Prime Contractor from the FSBE/DBE Regular Dealer? Attach proof of payment from the Prime to the FSBE/DBE. If no, please explain below: ☐ Yes ☐ No ☐ N/A

FOR MANUFACTURERS ONLY

6. Is the FSBE/DBE certified by OMWBE, as noted with corresponding NAICS codes, for the work to be performed by the FSBE/DBE and specific products/materials to be provided for this project? ☐ Yes ☐ No ☐ N/A

7. List the FSBE/DBE Major equipment used to fabricate the product.

Make/Model/Year	Owned/Leased	Condition	Logo Markings
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

8. If the equipment is leased, is there a formal agreement identifying the terms and parties? Please attach a copy of the lease agreement. If no, please explain: ☐ Yes ☐ No ☐ N/A

9. Per the FSBE/DBE purchase order/invoice, indicate the project-specific product or material being supplied

Product/Material Name	Product/Material Quantity	Product/Material Costs

10. What type of manufacturing plant does the FSBE/DBE firm have?

11. Is the FSBE/DBE firm manufacturing the product at the plant or only supplying the product? ☐ Yes ☐ No ☐ N/A

12. If only supplying the product, where did the product originate? Please explain below:

13. Who and where did the FSBE/DBE firm purchase the material from to fabricate or significantly alter the material to create the product?

14. How is the product/material getting delivered to the project site? (attach copy of the delivery ticket)

15. If the product/material was shipped, who organized the shipping and who was invoiced for the shipping?

16. Are material invoices for FSBE/DBE related materials billed to the Prime Contractor from the FSBE/DBE Regular Dealer? Attach proof of payment from the Prime to the FSBE/DBE. If no, please explain below: ☐ Yes ☐ No ☐ N/A

17. Did the proof of payment for materials obtained from the PEO show that payment was made by the FSBE/DBE firm? If no, please explain below: ☐ Yes ☐ No ☐ N/A

FOR DISTRIBUTORS ONLY

18.

19.

20.

Section IV: Commercially Useful Function Determination

Office of Equity and Civil Rights Personnel

OECR Review performed by:

Printed Name _____ Signature _____ Date _____

Based on work observed and records reviewed, I have determined that the FSBE/DBE listed in Section 1 performed independently in accordance with the requirements of 49 CFR § 26.55 and any commitment by the prime to utilize the FSBE/DBE as a condition of award. ☐ Yes ☐ No ☐ N/A

OECR FSBE/DBE Compliance Manager:

Printed Name _____ Signature _____ Date _____

OECR Manager Signature (Required if CUF not met)

Printed Name _____ Signature _____ Date _____

Determination Comments:

Form Instructions

Section 1 – Project and Payment Data (to be completed by Project Engineer Office)

Fill in the information in the corresponding boxes.

Under FSBE/DBE Contract Type, select the box corresponding to the type of contract being performed by the FSBE/DBE. In addition, please provide the following if applicable.

1. List the dollar amount of any work committed to the FSBE/DBE firm that was not performed because of termination, partial termination, underrun, or substitution by another subcontractor or FSBE/DBE firm.

2. Indicate whether the prime followed the termination process and received written concurrence from OECR for any termination or reduction in work.

3. If OECR concurrence was not obtained, indicate if payment was withheld for the work item originally committed to the FSBE/DBE, but not performed by them.

4. For any underrun in commitment, the prime is required to submit good-faith effort documentation showing their efforts to obtain FSBE/DBE participation after contract award. Indicate whether any good-faith effort submission was approved.

Approximate % of FSBE/DBE Work Completed: Enter the percent completed for the overall contracted work completed up to the date of this onsite review. (On large design-build projects this may not be exact so use the best estimate in that case).

FSBE/DBE Goal %: Enter the FSBE/DBE Goal assigned to the project when awarded to the prime.

FSBE/DBE Invoice/Purchase Order $ Amount: Enter the total amount the prime committed to pay the FSBE/DBE for completed work.

FSBE/DBE Commitment $ Amount: Enter the contracted dollar amount the FSBE/DBE will receive for performing this work (This amount should be obtained from the FSBE/DBE Utilization Certification form or FSBE/DBE Bid Item Breakout).

Region/Local Agency: Enter the WSDOT region name or the municipality (local agency) responsible for this project.

FSBE/DBE Start Date: Enter the date the FSBE/DBE started working on its contracted scope of work.

Total Payment to FSBE/DBE to Date: Enter the value of the dollar amount that the FSBE/DBE has been paid for work completed so far, on the date this review is completed.

Section 2 – Project Engineer Office/Local Agency Observations and Interviews

To properly complete this form, attach the following documentation:

- Purchase Orders
- Invoices
- Delivery tickets
- Cancelled checks
- Inventory List

1. Select Yes or No. If no, explain why you think the FSBE/DBE did not use their own distribution equipment to supply the materials. It is important to note that items not typically kept in stock and regularly sold are considered brokered unless taken into possession and distributed by the FSBE/DBE; State should apply more scrutiny relative to the products for which the FSBE/DBE is certified.

2. Select Yes or No. Make sure the delivery ticket show where the products originate. If no, explain why the project office did not obtain a copy of the materials invoice/purchase order.

3. Is the manufacturer completing work on the project site? If yes, please explain.

4. This question is to ensure that product provided meets contract specifications. Select Yes or no. If no, please explain.

Section 3 – Office of Equity and Civil Rights Review and Evaluation

1. Did you check WSDOT'S Regular Dealer list to ensure the FSBE/DBE firm was approved as a Regular Dealer for this specific project?Here is the WSDOT OECR website link to locate the Regular Dealer list: http://www.wsdot.wa.gov/EqualOpportunity/default.htm

2. Provide list of equipment used to complete the FSBE/DBE work. From review of FSBE/DBE purchase order/invoice, please provide list, quantity and cost of any materials provided by the FSBE/DBE firm to the project.

3. Review Delivery of tickets and describe how the FSBE/DBE delivered the product/material to the project site.

4. Provide name of the individual responsible for shipping and company responsible for paying for the shipping

5. Did OECR obtain and review a formal agreement document between the prime and the FSBE/DBE? If no, please explain. Review and provide proof of payment

6. Did OECR ensure the manufacturer is certified and in the OMWBE Directory @ https://omwbe.diversitycompliance.com/

7. Provide Lease agreement and registrations to properly answer this question

8. Provide Lease agreement

9. Provide list of equipment used to complete the FSBE/DBE work. From review of FSBE/DBE purchase order/invoice, please provide List, quantity and cost of any materials provided by the FSBE/DBE firm to the project.

10. Provide a description of the manufacturer's plant.

11. Answer accordingly. Provide pictures if available.

12. For questions 12 through 16, provide any material invoices, delivery tickets, proof of payments and any other pertinent documentation.

13. OECR Review and Evaluation instructions for questions for Distributor Only.