



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

**DBE MBE WBE REPLACEMENT REQUEST FORM**         PARTIAL         FULL

The North Carolina Department of Transportation (NCDOT) is committed to the participation of Disadvantaged, Minority and Woman Business Enterprises (DBE/MBE/WBE) in contracting opportunities in accordance with 49 Code of Federal Regulations (CFR).

In accordance with the Special Provisions, the Contractor shall not terminate a committed DBE/MBE/WBE subcontractor for convenience or perform the work with its own forces or those of an affiliate. Reasonable methods to resolve performance disputes must be applied. The contractor shall follow the attached Instructions for Submittal of Replacement. Replacement of a DBE/MBE/WBE without written approval from NCDOT is a violation of contract provisions and may result in the Contractor being disqualified from bidding for a period of up to 6 months.

**Contract Number:** \_\_\_\_\_

**DBE/MBE/WBE being replaced:** \_\_\_\_\_

**Explanation for Replacement:** \_\_\_\_\_

\_\_\_\_\_

**Subcontract Amount:** \_\_\_\_\_

**Amount of Subcontract Remaining:** \_\_\_\_\_

**Line Items:** \_\_\_\_\_

If a committed DBE/MBE/WBE subcontractor is terminated for good cause as specified in the Special Provisions the Contractor will make a good faith effort to find another DBE/MBE/WBE subcontractor to substitute for the terminated DBE/MBE/WBE. These good faith efforts shall be directed at finding another DBE/MBE/WBE to perform at least the same amount of work under the contract as DBE/MBE/WBE that was terminated, to the extent needed to meet the contract goal established for the project.

**Replacement DBE/MBE/WBE:** \_\_\_\_\_

**Replacement NON-DBE Firm:** \_\_\_\_\_

**Amount of Subcontract:** \_\_\_\_\_ **Line Items:** \_\_\_\_\_

**Committed DBE/MBE/WBE Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

By signing this document, the Contractor, DBE/MBE/WBE and the NCDOT Contract Administrator acknowledges that the **5 business days** to respond was given, and concurs with the process of replacing the named DBE/MBE/WBE subcontractor.

\_\_\_\_\_  
**Original DBE/MBE/WBE Signature** **Date**

\_\_\_\_\_  
**Prime Contractor Signature** **Date**

\_\_\_\_\_  
**NCDOT Contract Administrator** **Date**

**Upon Completion Send to: State Construction Engineer  
State Contractor Utilization Engineer**

## INSTRUCTIONS FOR SUBMITTAL OF DBE/MBE/WBE REPLACEMENT REQUEST FORM

IN ADDITION TO SUBMITTING THIS FORM, THE CONTRACT ADMINISTRATOR MUST ENSURE THAT THE STEPS BELOW ARE FOLLOWED:

1. Prior to starting the replacement process, the Contractor is responsible for coordinating with the DBE/MBE/WBE subcontractor to see if they are willing and able to perform the work as indicated in their contract. If the contractor notices a reoccurring issue with a DBE/MBE/WBE subcontractor, they are to notify the Contract Administrator and keep them abreast of the issues. The Contract Administrator will notify the Construction Unit to determine whether the DBE/MBE/WBE firm would benefit from supportive services provided by the Business Opportunity and Workforce Development Unit in the Office of Civil Rights. (Link to [BOWDSupportiveServicesFieldForm](#))
2. If the DBE/MBE/WBE subcontractor cannot perform the work or if the Contractor shows good cause for replacement, the Contract Administrator will coordinate with the Construction Unit to begin the replacement process. The Construction Unit will coordinate with other sections, to include the State Contractor Utilization Engineer, as appropriate.  
*(Examples of good cause include: DBE fails or refuses to execute a written contract; DBE fails or refuses to perform the work of its subcontract consistent with normal industry standards; DBE fails to meet reasonable, nondiscriminatory bond requirements; DBE becomes bankrupt, insolvent, or exhibits credit unworthiness; DBE is ineligible to work because of suspension and debarment proceedings; DBE voluntarily withdraws from the project and provides written notice; DBE is ineligible to receive DBE credit for the type of work required; DBE owner dies or becomes disabled and is unable to complete its work; or other documented good cause that compels termination. Good cause does not exist where failure or refusal to perform the work of the subcontract results from bad faith or discriminatory action of the prime contractor.)*
3. Before requesting NCDOT's consent for the proposed termination and/or substitution of a DBE, the Contractor shall give written notice by certified mail and email of the proposal, including the reason(s) for termination and/or substitution, to the DBE/MBE/WBE with a copy to the Engineer. The DBE/MBE/WBE shall be given five (5) business days to respond unless it is reduced by public necessity (e.g. safety). The five-day notice period shall begin on the next business day after written notice is provided to the DBE subcontractor. Upon receipt, the Construction Unit will email a copy of the Notice of Intent to Request Termination and/or Substitution to the State Contractor Utilization Engineer and other units to include [DBE@ncdot.gov](mailto:DBE@ncdot.gov), [BOWD@ncdot.gov](mailto:BOWD@ncdot.gov), and [TitleVI@ncdot.gov](mailto:TitleVI@ncdot.gov).
4. After the notice period the Contract Administrator will ensure that the Contractor has submitted all supporting documentation for the DBE/MBE/WBE replacement. Letters, emails or any other correspondence between the Contractor, the DBE/MBE/WBE subcontractor, and the Contract Administrator will be considered supporting documentation. This documentation must provide valid reason(s) for replacement as well as the opportunity to correct the issue. Contractors cannot replace for convenience or perform the work with its own forces or those of an affiliate.
5. Upon receipt of a disputed response from the DBE subcontractor, the Department will conduct a meeting with the Contractor and DBE subcontractor before making a final determination regarding the replacement.
6. If the Contractor is given approval by the Contract Administrator to replace a DBE/MBE/WBE subcontractor, the Contractor will submit all documentation of a Good Faith Effort (phone logs, emails, and any other documentation) to the Contract Administrator. The Contract Administrator will coordinate with the Construction Unit to review the documentation. The Construction Unit will coordinate with other sections, to include the State Contractor Utilization Engineer, as appropriate. The Contractor must make a Good Faith Effort to replace a DBE, MBE or WBE with the same certification type based on funding source. Per the Special Provisions, the Contractor may utilize additional DBE(s) submitted at time of bid to cover the same amount of work as the DBE/MBE/WBE that was terminated.
7. Signature lines on form: The form should contain the signature of the original DBE/MBE/WBE subcontractor being replaced. However, if this is not possible (e.g., the DBE/MBE/WBE does not sign the form), then documentation supporting the decision and acknowledgement of the reasons for replacement of the DBE/MBE/WBE subcontractor should be attached. The form shall also be signed by the replacement DBE/MBE/WBE to show their participation on the project as a committed DBE/MBE/WBE subcontractor.
8. A file copy of the replacement documentation and completed form should be sent to the State Construction Engineer and State Contractor Utilization Engineer in the Office of Civil Rights.