

ROADWAY BULLETIN

NCDOT CONSTRUCTION UNIT



Volume 4 / Issue 2

Summer 2024

CUF ASSESSMENTS

Ensuring Commercially Useful Function (CUF) Compliance for DBE Contractors

Introduction

The purpose of this bulletin topic is to provide essential guidelines for staff responsible for reviewing Disadvantaged Business Enterprises (DBE) working on construction contracts to ensure they are performing a Commercially Useful Function (CUF) on contracts. The procedures outlined below are crucial for compliance with federal and state regulations aimed at promoting genuine participation of DBEs in contracts. CUF compliance requirements apply to all DBE firms (committed and non-committed) on federal and state contracts. As it relates to CUF compliance, "DBE" refers to all disadvantaged enterprises: DBE, WBE, & MBE.

Key Requirements for CUF Compliance

- **Definition of CUF:**
 - A DBE performs a CUF when it is responsible for the execution, management, and supervision of the work outlined in the contract.
 - Responsibilities include performing the work, managing and supervising work on the project, and handling procurement and payment for materials.
- **Non-Compliant Roles:**
 - A DBE does not perform a CUF if it acts merely as a pass-through entity ("extra participant") to create the appearance of participation without executing substantial work.
 - If a DBE is determined to be an "extra participant," a review will be conducted, and the DBE may need to present evidence of their function.

Specific Criteria for DBEs

- **Subcontractors:**
 - DBE subcontractors must be responsible for their portion of the work and manage their own workforce, equipment, and materials independently.
 - The DBE must be involved in actual performance, management, and supervision of the work.
- **Trucking/Hauling Companies:**
 - Must manage and supervise their trucking operations.

In This Issue:

1. **CUF Assessments**
2. **Updated Seed Inspection Policy**
3. **Timely Entry of Asphalt Densities**

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Email:

[Brian Skeens and Liam Shannon](#)

- Own and operate at least one fully licensed and insured truck.
- May lease additional trucks from other DBEs (full credit) or non-DBEs (limited credit based on DBE-owned truck operations).
- **Materials and Supplies (Regular Dealer or Distributer):**
 - 100% credit for materials obtained from a DBE manufacturer.
 - 60% credit for materials purchased from a DBE regular dealer.
 - 40% credit for materials purchased from a DBE distributor.

Implementation Steps

- **Assessment and Monitoring:**
 - Field staff will use the DBE CUF Assessment Form available on SharePoint for each contract to document compliance.
 - A CUF assessment shall be completed on every DBE performing work or supplying materials on any NCDOT contract.
 - Assessments should be conducted early in the project to allow time for corrective action if needed. However, CUF assessments can and should be completed on an active contract regardless of the age of the contract.
 - After CUF assessments are performed, there should be continuous monitoring and documentation through Inspector's Daily Reports or Daily Trucking Reports while the DBE is active on the project.
- **CUF Assessment Form:**
 - The form serves as the Department's written certification of CUF compliance.
 - Specific questions on the form will vary based on the DBE's role [subcontractor, trucker/hauler, supplier (manufacturer, regular dealer, or distributor)].
 - If unsure of the answer to any question, contact the Resident Engineer (or your Area Construction Engineer).
- **Non-Compliance Handling:**
 - Field staff must report non-compliant findings to the Contract Administrator/Resident Engineer and Area Construction Engineer.
 - Further review and action may involve the DBE Compliance and Certification Unit or the Office of Inspector General.

Action Required

*****WE NEED 100% COMPLETION OF CUF REVIEWS PER CONTRACT. A CUF ASSESSMENT SHALL BE PERFORMED ON ALL DBE SUBCONTRACTORS, TRUCKING COMPANIES, AND MATERIAL MANUFACTURERS/SUPPLIERS.*****

Adhering to these guidelines ensures the integrity of DBE participation in contracts and compliance with federal and state regulations. Consistent and accurate monitoring, documentation, and assessment are crucial for maintaining the credibility and effectiveness of the Department's DBE program.

Tools and Resources

- **Link to 2021 Memorandum on CUF Requirements:**
 - [DBE Commercially Useful Function \(CUF\) Requirements](#)
- **Link to training presentation:**
 - [2021 DBE CUF Assessment Presentation](#)

UPDATED SEED INSPECTION POLICY

Subject: New Procedures for Field and Grass Seed Compliance (See Visual Aid on Next Page)

Policy Overview:

- **Reason for Change:** Due to a 20% employee shortage and new mandates prioritizing crop seed, the NC Department of Agriculture and Consumer Services (NCDA&CS) has requested a revision of seed inspection procedures.

Key Changes:

- **Discontinuation of Physical Tags/Stickers:** NCDA&CS will no longer attach physical tags or stickers to seed lots. Compliance must now be verified online through the Materials and Tests (M&T) Approved Products List (APL) website.
- **Online Verification:**
 - **APL Website:** NCDOT Project Inspectors must verify seed lot compliance on the APL website: [APL Seed List](#).
 - **Criteria:** Seed lots listed as “Meets Specifications” should be used on NCDOT projects. Do not use seed lots shown as anything other than “Meets Specifications”.
 - **Expiration Check:** Always check the expiration date of the seed lot. Expired seed is not allowed for use.
- **Transitional Details:**
 - **Existing Stickers/Tags:** Seed lots with existing tags or stickers are still acceptable for use if the seed lot has not expired but the tags/stickers will phase out over time.

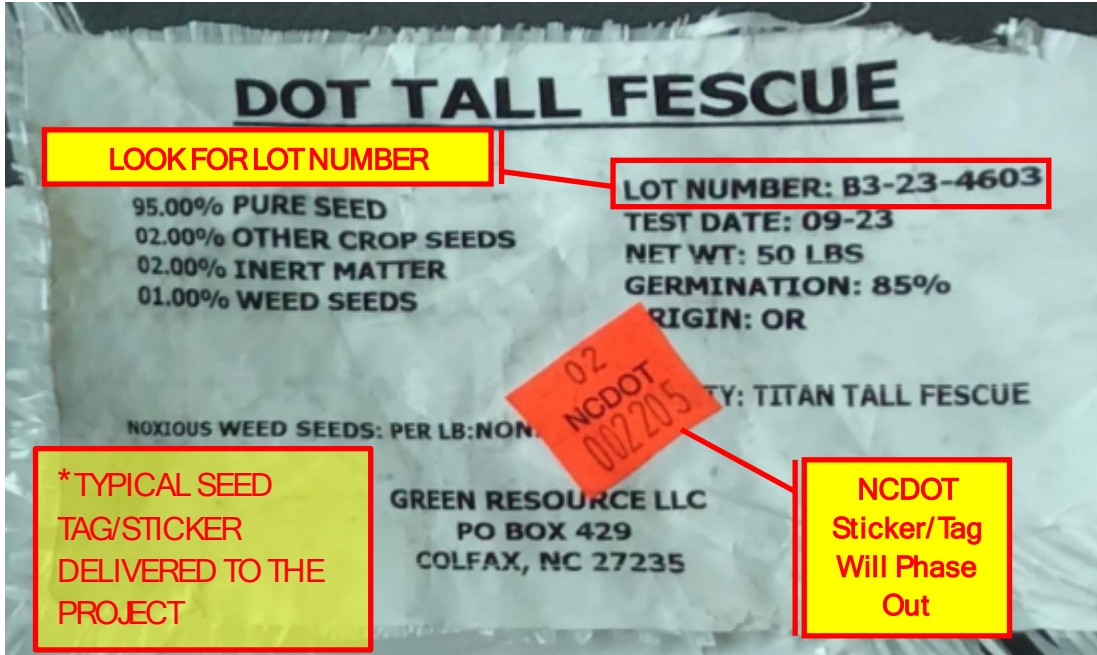
Procedures:

- **Step-by-Step Process:**
 - **Locate Seed Lot Number:** Use the lot number on the seed bag.
 - **Access APL Website:** Go to the [APL Seed List](#).
 - **Enter Lot Number:** Enter the lot number in the search field and review the results.
 - **Confirm Compliance:** Ensure the seed lot is marked “Meets Specifications.”
 - **Check Expiration:** Verify the seed is within its valid date.

Action Required: Ensure compliance with the new verification procedures. Familiarize yourself with the online tools and processes for checking seed lot compliance.

For Questions or Assistance: Contact your Area Construction Engineer (ACE).

Please refer to the following graphic for a visual guide on the new verification process. This graphic contains a photo of a typical seed tag/sticker with lot number and illustrates the new steps for verifying seed compliance and checking the expiration date. Use it as a reference for the new process.



Business » [Seeds](https://apps.ncdot.gov/vendor/approvedproducts/Seed.aspx)

<https://apps.ncdot.gov/vendor/approvedproducts/Seed.aspx>

DOT Certification Number:
 Lab Number:
 Seed Kind:
 Seed Supplier:
 Lot Number:
 Expiration Date (mm/dd/yyyy):
 Seed Status:

ENTER LOT NUMBER IN APPROPRIATE FIELD, CLICK SEARCH, AND RESULTS WILL POPULATE BELOW

DOT Certification Number	Seed Kind	Seed Supplier	Lab Number	Lot Number	Test Stage	Expiration Date	Seed Status	Increased Seed Percent
02-002205	TALL FESCUE	GREEN RESOURCE - COLFAX	665474	B3-23-4603	Final Report	1/1/2025	Meets Specifications	0

This link opens Seed Details page.

Seed Details

DOT Certification Number: 02-002205
 Lab Number: 665474
 Seed Kind: TALL FESCUE
 Varieties: TITAN
 Seed Supplier: GREEN RESOURCE - COLFAX
 Lot Number: B3-23-4603
 Test Stage: Final Report
 Expiration Date: 1/1/2025
 Seed Status: Meets Specifications

Number of Bags: 840
 Weight per Bag (lbs.): 50
 Quantity (lbs.): 42000
 Germ Test Date: 10/16/2023
 Restricted Noxious Weed (lbs.): 0
 TZ: 93
 Purity: 99.3
 Inert Matter: 0.7
 Other Crop: 0
 Weed Seed: 0
 Pure Live Seed: 92.35
 Germ: 93
 Hard Seed / Dormant Seed: 0
 Total Germ: 93
 Increased Seed Percent: 0
 Comments:

CHECK EXPIRATION DATE OF SEED EXPIRED SEED SHALL NOT BE USED ON NCDOT PROJECTS.

CHECK SEED STATUS ONLY SEED SHOWN AS "MEETS SPECIFICATIONS" SHALL BE USED ON NCDOT PROJECTS.

TIMELY ENTRY OF ASPHALT DENSITIES

As asphalt paving season is in full swing, it is crucial to **enter all asphalt density reports into HiCAMS within five (5) working days**. Timely data entry ensures that any asphalt placed out of specification is promptly recognized and addressed before subsequent pavement layers are applied. This practice not only maintains project quality but also gives contractors a fair opportunity to correct issues.

Key Points:

- **Attach asphalt density reports** to the Asphalt Daily Report for the same operation.
- **Review** all Price Adjustment Recommendations (PAR) for asphalt mix out of specification with your Area Construction Engineer (ACE).

Your cooperation is essential for the Department’s success and compliance.

This is a reminder that the Construction Manual is an evolving document. The manual is regularly updated so please ensure you always reference the most up-to-date version available online. Any previously printed editions may have outdated information. The latest version is accessible on the [Construction Manual](#) main webpage. Updates and major revisions are clearly noted there as well.

State Construction Engineer			
<u>Troy Brooks</u>			
Eastern Region		Western Region	
ASCE	<u>Liam Shannon</u>	ASCE	<u>Brian Skeens</u>
SBCE	<u>Aaron Earwood</u>	RBCE	<u>Aaron Griffith</u>
Division	ACE	Division	ACE
1 & 2	<u>Randy Hall</u>	7 & 9	<u>Marcus Kiser</u>
3 & 4	<u>David Candela</u>	10	<u>Christopher Fine</u>
5	Vacant	11 & 12	<u>Mark Biggerstaff</u>
6 & 8	<u>John Partin</u>	13 & 14	<u>Aaron Powell</u>