



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

**MEMORANDUM**

DATE: September 1, 2021

TO: Division Engineers  
Division Construction Engineers  
District Engineers  
Resident Engineers

FROM: E. Boyd Tharrington, PE  
State Construction Engineer

DocuSigned by:  
*E. Boyd Tharrington, PE*  
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SUBJECT: DBE Commercially Useful Function (CUF) Requirements

The purpose of this memo is to provide guidance with regards to the Department's oversight and monitoring responsibilities of Disadvantage Business Enterprises (DBE) Participation. Specifically, under Title 49 Code of Federal Regulations Part 26 (49 CFR 26), the Department must comply with the requirement that we monitor work performed by all DBEs on every contract on which DBE participation is claimed – both race conscious (for contract goals) and race neutral (for the Department's overall goal).

**REQUIREMENTS**

The new DBE Program Guidance regarding Commercially Useful Function (CUF) went into effect on August 22, 2018. The Department is required to implement the following measures: 1) develop a *monitoring process* to ensure that program participants follow 49 CFR 26; 2) confirm that the monitoring process ensures that the work subcontracted to a DBE is *performed by the DBE*; and 3) confirm that the monitoring process includes a *written certification* that the Department has reviewed contracting records and monitored work sites for this purpose.

***This written certification is separate from the Department's standard Daily Inspectors' Reports and Daily Trucking Reports completed for each firm working on the project.***

**IMPLEMENTATION**

The following requirements will apply to all DBE firms (committed and non-committed) on federal and state contracts advertised on or after **October 1, 2021**. For active contracts, the requirements will apply to all DBE firms that still have remaining work on the projects.

- ◆ North Carolina Department of Information Technology (NCDIT) has updated the online DBE CUF (Commercially Useful Function) Assessment Form that is located in each construction team site on SharePoint.

- ◆ The DBE CUF Assessment Form serves as the Department’s written certification that the elements of the work performed by the DBE firm were monitored for compliance with the CUF requirements.
- ◆ Field Staff will conduct DBE CUF Assessments on all DBE/MBE/WBE firms. The CUF assessment should be done **once during the early stages** of contract performance to provide sufficient time for corrective action. However, field staff should continue to monitor and document the DBE firm’s performance in the Daily Inspectors’ Report or Daily Trucking Report while the DBE is active on the project.
- ◆ Commercially Useful Function (CUF) Requirement: A DBE performs a “commercially useful function” when it is responsible for the execution of the contract by carrying out its responsibilities by performing, managing, and supervising the work involved. To make a CUF determination, several areas must be evaluated: management, workforce, equipment, materials, and performance.
- ◆ The DBE CUF Assessment questions and amount of DBE participation credit will vary based on the DBE firm’s scope of work on the project. The four types of DBE participation include: 1) DBE Subcontractor (100% DBE Credit; 2) DBE Hauler/Trucker (1:1 DBE to Non-DBE Ratio); 3) DBE Supplier/Regular Dealer (60% of DBE Invoice Amount); and 4) DBE Manufacturer (100% of DBE Invoice Amount).
- ◆ Field Staff will review the scope of work subcontracted to the DBE based on the Subcontract Approval Form (SAF) and record onsite observations on the DBE CUF Assessment Form. Subsequently, Field Staff will make a CUF determination based on a review of all relevant documentation (invoices, hauling tickets, equipment, labor, etc.) and onsite observations.
- ◆ Non-Compliant Determinations. If it appears that the DBE is not in compliance with the CUF requirements, Field Staff will contact and forward the DBE CUF Assessment Form to the Contract Administrator/Resident Engineer and the Area Construction Engineer in the Construction Unit. Upon further discussions with the Division Construction Engineer and State Construction Engineer, non-compliant findings may also be forwarded to the DBE Compliance and Certification Unit and/or the Office of Inspector General.
- ◆ Each question **MUST** be answered, and the DBE CUF Assessment Form is not a substitute for Daily Inspectors’ Reports or Daily Trucking Reports.

Linked below is the training presentation on how to complete the DBE CUF Assessment Form on SharePoint via iPad (using SharePlus) and computer (directly in SharePoint).

Go to our [Connect website](#), then click on **Construction Webinar**

Should you have any questions, please contact Delacy Bradsher (dvbradsher@ncdot.gov) or Michelle Gaddy (mhgaddy@ncdot.gov) in the Construction Unit.

**Attachment(s):**

NCDOT PowerPoint Presentation on DBE CUF Assessment Form for Project Inspectors August 2021  
 Instructions for iPad and Browser Users Guide 2019 (DBE CUF Assessment Form) Prepared by NCDIT

Go to our [Connect website](#), then click on **Construction Webinar**

The screenshot shows the 'Connect NCDOT BUSINESS PARTNER RESOURCES' website. The navigation menu includes 'Doing Business', 'Bidding & Letting', 'Projects', 'Resources', and 'Local Governments'. The 'Projects' menu is expanded to show 'Planning', 'Construction', 'Research', 'Roadway Design', 'Work Zone', 'Contracts', 'Toolkit', 'Bike & Pedestrian', and 'Proj'. The 'Construction' sub-menu is highlighted, and a red circle with a green arrow points to the 'Construction Webinar' link. Below the navigation, the page title is 'Meetings and Professional Development' with a description: 'Workshop presentations and committee meeting agendas and minutes.' A breadcrumb trail reads: 'Connect NCDOT > Projects > Construction > Meetings and Professional Development'. A secondary navigation bar contains links for 'Construction Training', 'Construction Webinar', 'Construction Workshops', and 'Committee Meetings'. A list of webinar titles is displayed below, including '2021 FHWA 1391 - Electronic Submission Webinar.aspx', '2021 CEI Guidelines Webinar - June 30', '2021 CEI Guidelines Webinar Powerpoint - June 30.pdf', '2021 DBE CUF Assessment.aspx', and '2020 May Webinar - Using Trimble Business Center to evaluate Contractor 3d model.aspx'.

Connect NCDOT  
BUSINESS PARTNER RESOURCES

Home

Doing Business Bidding & Letting **Projects** Resources Local Governments Search...

Planning **Construction** Research Roadway Design Work Zone Contracts Toolkit Bike & Pedestrian Proj

## Meetings and Professional Development

Workshop presentations and committee meeting agendas and minutes.

Connect NCDOT > Projects > Construction > Meetings and Professional Development

[Construction Training](#) **Construction Webinar** [Construction Workshops](#) [Committee Meetings](#)

- [2021 FHWA 1391 - Electronic Submission Webinar.aspx](#)
- [2021 CEI Guidelines Webinar - June 30](#)
- [2021 CEI Guidelines Webinar Powerpoint - June 30.pdf](#)
- [2021 DBE CUF Assessment.aspx](#)
- [2020 May Webinar - Using Trimble Business Center to evaluate Contractor 3d model.aspx](#)

# DBE CUF ASSESSMENT GUIDE FOR IPAD AND BROWSER USERS

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Instructions and Form Created by NCDIT 2019

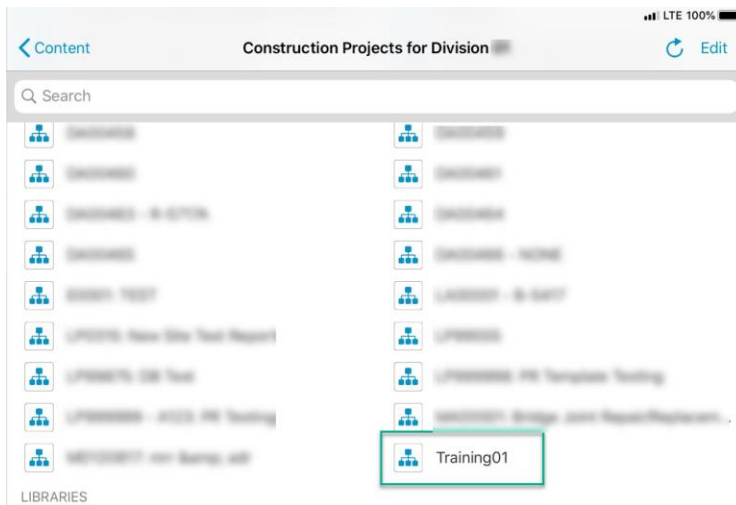
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## How to enter the DBE CUF Assessment on iPad (using SharePlus)

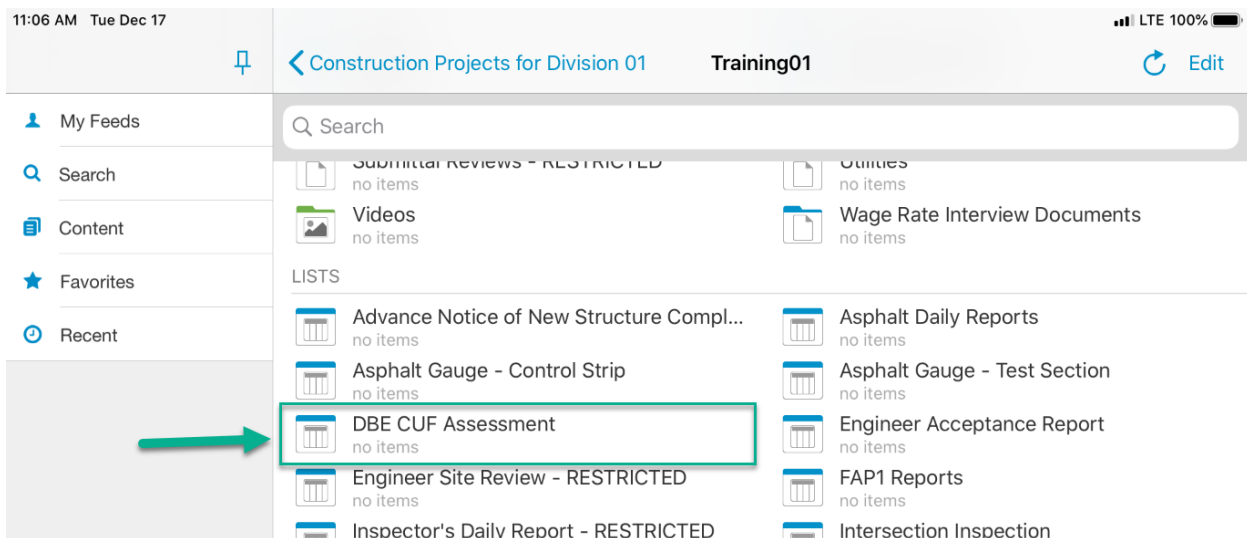
To access the DBE CUF Assessment on SharePlus:

Select the project you are working on.

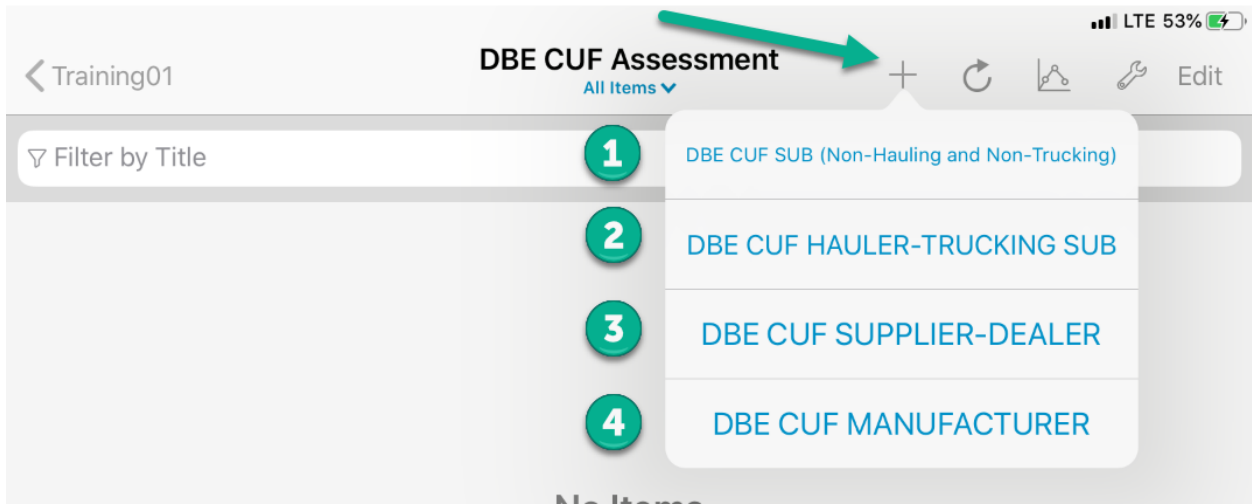


**SCROLL** to the Lists section

**TAP** "DBE CUF Assessment"



TAP the “+” at the top of the page and select the role of the DBE firm so that the appropriate questions are returned



In this scenario, we will TAP the second choice, “DBE CUF Hauler-Trucking Sub”

The screenshot shows the 'New DBE CUF HAULER-TRUCKING SUB' form. At the top, there are 'Cancel', 'New DBE CUF HAULER-TRUCKING SUB', 'Save as Draft', and 'Save' buttons. Below the title bar is a header section with a calendar icon and the text 'DBE CUF HAULER-TRUCKING SUB'. Underneath is an 'ATTACHMENTS' section with a '+ Add' button. The main part of the form is labeled 'PROPERTIES' and contains several fields:

Contract No.	Training01
Division	01
Prime_Contractor	
DBE_Subcontractor	
DBE Owner/Supervisor	DBE Owner/Supervisor
DBE Start Date	DBE Start Date
NCDOT Reviewer	NCDOT Reviewer
NCDOT Reviewer Title	NCDOT Reviewer Title
Review Date	Review Date

At the bottom right of the form, there is a blue arrow icon.

Some questions may be longer than can display on the form. **TAP** the “i” to display the entire question

Cancel **New DBE CUF HAULER-TRUCKING SUB** Save as Draft Save

Is there a DBE Truckin... Is there a DBE Trucking Plan on File in SharePoint? ⓘ

Does the DBE firm ow... Does the DBE firm own at least one dump-type truck licensed by NC D... ⓘ

Does the DBE NAME a... Does the DBE NAME appear on the trucks that it owns? ⓘ

Are there signs display... Are there signs displayed on the dashboard of the trucks leased to the DBE firm? ⓘ

How many trucks are... How many trucks are owned and operated by the DBE firm? (ON THIS... ⓘ

### Wrong questions for Assessment on iPad (using SharePlus)

If you accidentally chose the wrong role for the DBE firm, you can save your entry and then go back into the record and change the content type.

To do this,

**TAP** the entry to change:

Training01 **DBE CUF Assessment** All Items ▾ + ↻ 📊 ⚙️ Edit

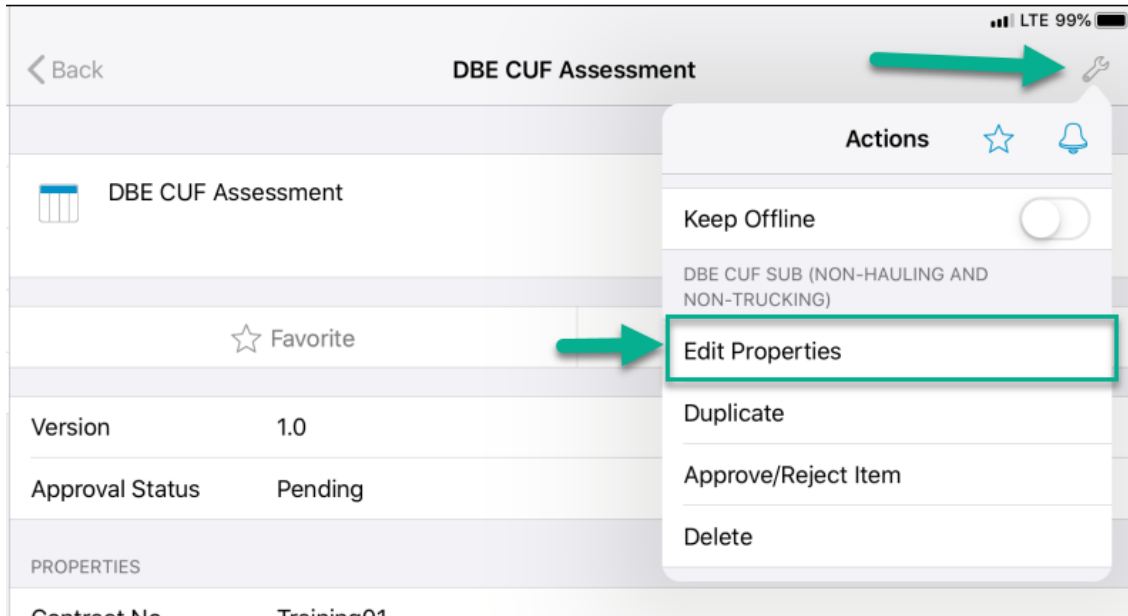
Filter by Title

DBE CUF Assessment

Attachments:  
NCDOT Reviewer:

Review Date:  
Approval Status: Pending

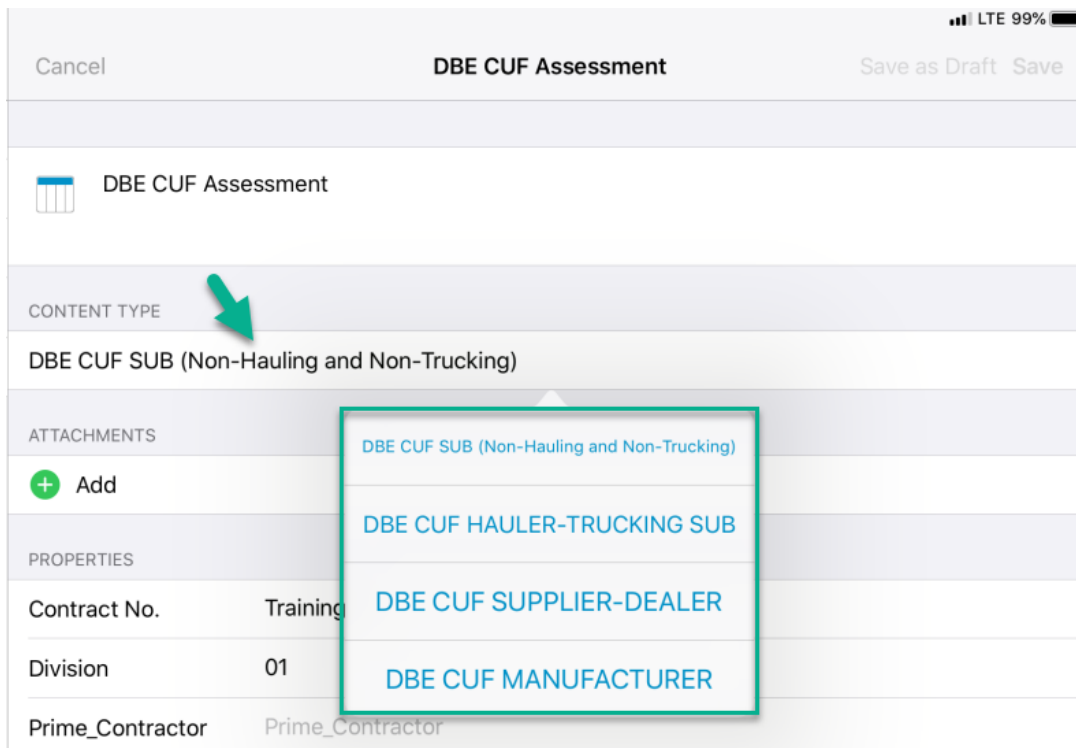
TAP the wrench in the top right corner and then TAP "Edit Properties"



TAP the current content type, in our example, **DBE CUF SUB (Non-Hauling and Non-Trucking)**

TAP on the correct role for the DBE firm. This should match the "FIRM IS PERFORMING ASA:" field

The correct questions for the role should now display.

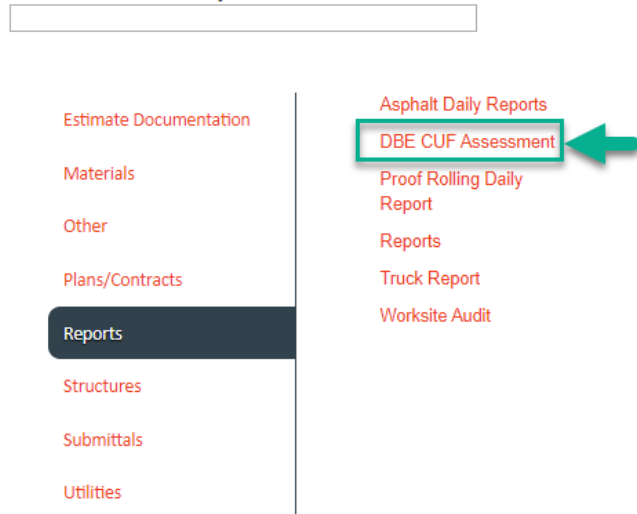




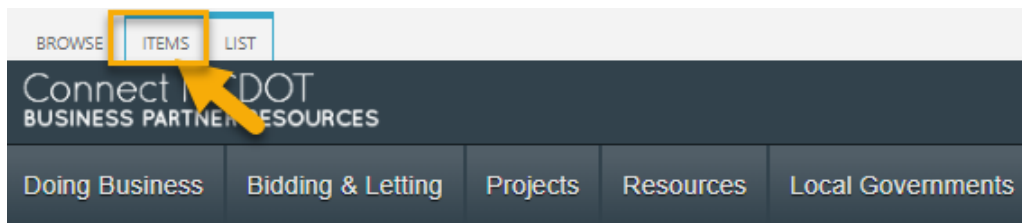
## How to enter DBE CUF Assessment on Computer (directly in SharePoint)

On the computer, **CLICK “Reports”** and **CLICK “DBE CUF Assessment”**

Find a List or Library



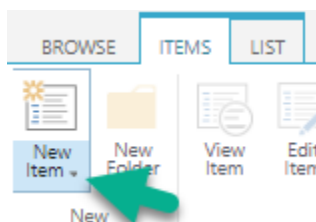
To add a new entry, go to the top menu on the page. **CLICK “ITEMS”**



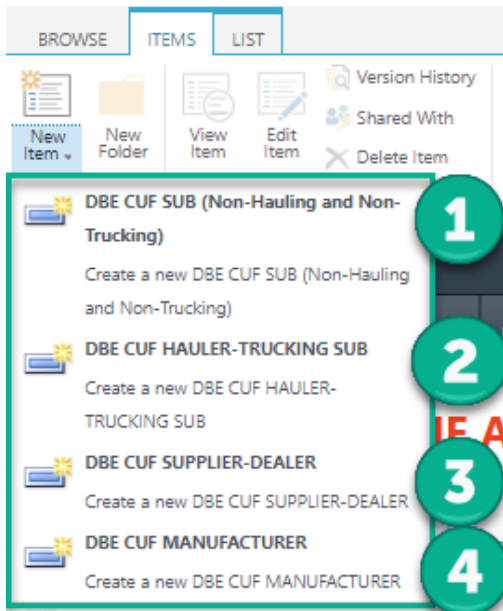
### Training01 ▸ DBE CUF Assessment

Reports : This list includes documentation of the commercially useful

**HOVER** your cursor on the word “New Item” so that the background turns blue, then **CLICK “New Item”** so that a drop-down menu is displayed



**CLICK** the role of the DBE firm so that the appropriate questions are returned



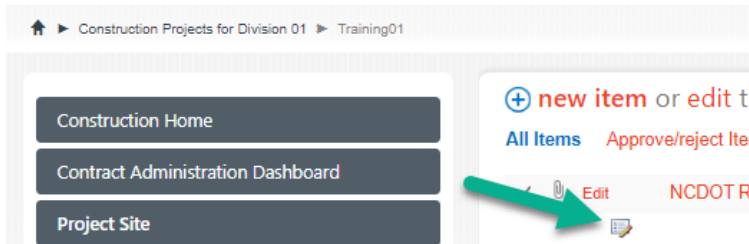
Wrong questions for Assessment on Computer (directly in SharePoint)

If you accidentally chose the wrong role for the DBE firm, you can save your entry and then go back into the record to change the content type.

To do this, **CLICK** the edit icon on the record you wish to change.

### Training01 ▶ DBE CUF Assessment

Reports : This list includes documentation of the commercially us



Then in the Content Type field, use the drop-down to change the role that the DBE is performing as. This should match the "FIRM IS PERFORMING ASA:" field. The correct questions should now display.

