



## **NORTH CAROLINA** Department of Transportation



# 2021 Contract Administration Workshops

Jamille Robbins

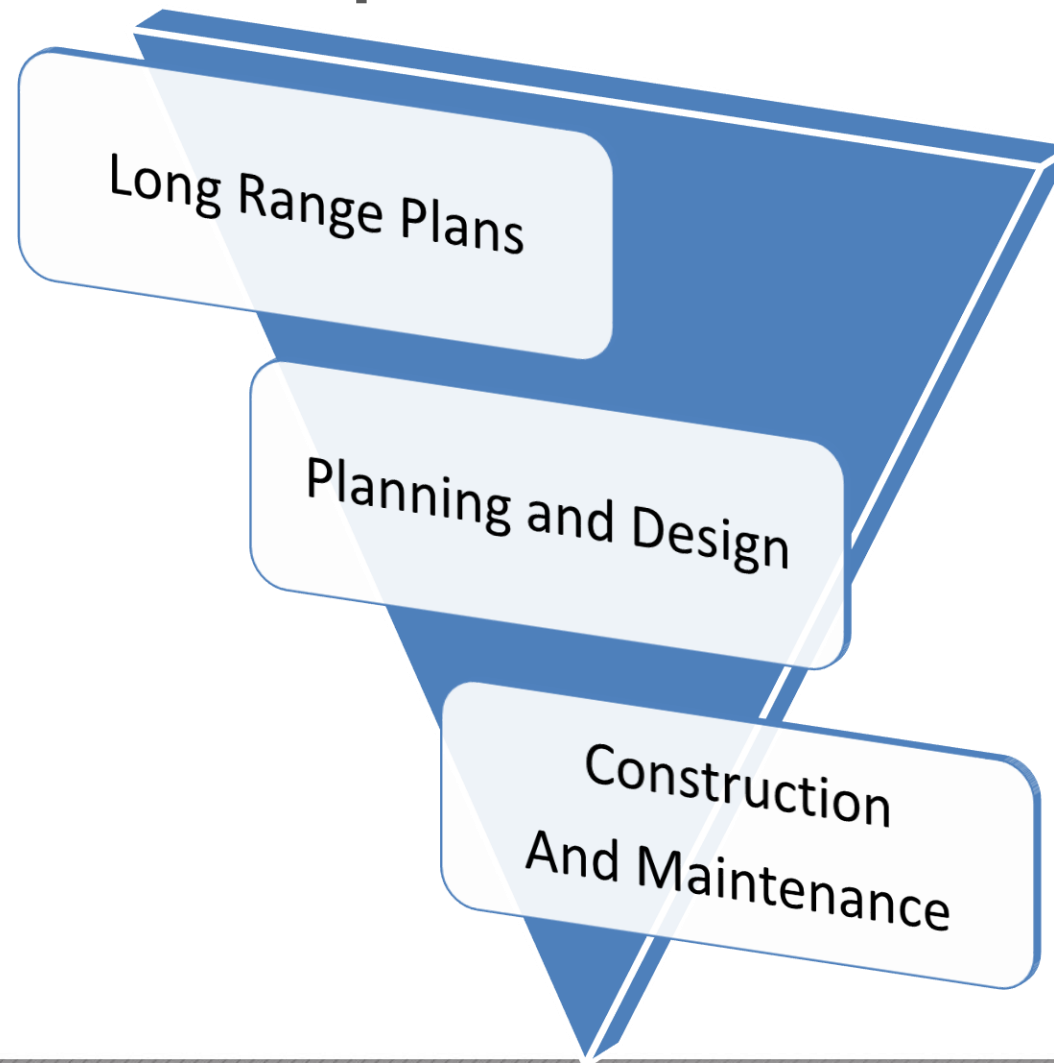
June 14, 2021

# Why is Inclusive Public Involvement Important

- Is a Fundamental component of effective transportation planning and project development
- Is an Opportunity for a voice
- Is a critical source of information for NCDOT



# Public involvement occurs at all stages of the transportation lifecycle



# Most Everyone in NCDOT Does Some Kind of Public Involvement/Outreach

- Phone calls
- Emails
- Public Meetings/Hearings
- Small-group Meetings
- Local Citizen's Advisory Groups
- Meetings With Individual Property Owners
- Town Council Meetings
- Encounters During Maintenance Work

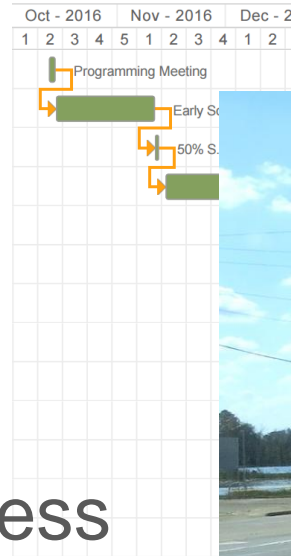
# When does Public Involvement occur?

- Required in federal and state laws, rules, and regulations that guide our processes
- Times where we prescribe the need for additional public outreach or are asked for information about a project on which we are working
- Whenever the public just reaches out to us...



# PI During Construction, Operations & Maintenance

- Key Issues
  - Schedules
  - Detours
  - Closures
  - Changes to Property Access
  - Travel Times



# Communications During Construction, Operations & Maintenance



North Carolina Department of Transportation

Published by Aaron Schoonmaker [?] · May 28 at 2:36 PM · ⚙

Summer is just around the corner, and Governor Roy Cooper is easing



Vision Zero: Booze It Lose It

00:16

The News & Observer



## U.S. 70 Improvements in James City



County: Craven  
Status: In Development  
STIP Number: U-5713, R-5777AB

Estimated Cost: \$227.56 million  
Start Date: 2021  
Completion Date: 2023

Projects
U.S. 70 Improvements in James City
Project Highlights
Project FAQs
Project History
Project Maps
Project Documents
Project Videos
Photos & Videos
Public Meetings
News Releases
Property Owner Resources
Contact

These videos will help you understand the project design, construction and operation. They are now live >> <http://www.ncdot.gov/projects/70improvementsjamescity>

Tag Photo Add Comment Edit



The Charlotte Observer

# Inclusive Public Involvement

## Title VI of the Civil Rights Act of 1964

Title VI protects people from discrimination (*intentional or unintentional*) in any NCDOT programs or activities on the basis of:

- Race, Color, National Origin *(Title VI)*
- Sex *(Federal-aid Highway Act of 1973)*
- Disability *(Section 504 of the Rehabilitation Act of 1973)*
- Age *(Age Discrimination Act of 1975)*
- EO 12898 *(Environmental Justice: minority/low-income)*
- EO 13166 *(Limited English Proficiency)*



# Inclusive Public Involvement Environmental Justice (EJ)

## Executive Order 12898

### **Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**

Each Federal agency shall make achieving environmental justice part of its mission

- ✧ *identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations*

# Limited English Proficiency (LEP)

## Executive Order 13166

### **Improving Access to Services for Persons with Limited English Proficiency**

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP."

These individuals may be entitled language assistance with respect to a particular type of service, benefit, or encounter.

# Right to Language Access

- Statement
  - Those who do not speak English, or have a limited ability to read, speak or understand English, may receive interpretive services upon request prior to the meeting by calling 1-800-481-6494.
  - Aquellas personas no hablan inglés, o tienen limitaciones para leer, hablar o entender inglés, podrían recibir servicios de interpretación si los solicitan antes de la reunión llamando al 1-800-481-6494.

# Potential Solutions

- The Commitment Tracker
  - Launching Summer 2021
- Better Communication between:
  - NEPA Project Managers and Resident Engineers
  - NEPA Project Managers and Contract Standards & Development
  - All NCDOT personnel



# Takeaways

- How can you be aware?
  - *Know the community*
- How to communicate?
  - *Fairly and clearly for all (differs by location/demographic)*
- Best Practices
  - Your PICSViz Group and Communications is here to help you navigate the process



## PUBLIC INVOLVEMENT

A few of the things we do for you.....

- Meeting Venue Procurement and Logistics
- Calendar Scheduling/Invitations
- Mailing List Generation and Verification
- Project Meeting and Hearing Map Review
- Postcard/Newsletter/Handout Design and Review
- Newspaper Advertisements / Radio Ads
- DMV – Motor Vehicle Network Advertising
- Public Meeting Website Posting

*With NCDOT Communications Office*

- Press Release Coordination
- Project Webpage Coordination
- Postcard/Newsletter/Handout Review
- Social Media Coordination -Geofencing / Geotargeting
- Video and Voiceover Production

Additional things we *can* do for you.....

- Specialized Outreach To Traditionally Underserved Populations
- Language Assistance
- Interpretive Services
- PublicInput and Metroquest Websites and Surveys







# PI 101 Toolkit



## Residents Guide to Transportation

The N.C. Department of Transportation's Guide to Transportation Decision Making in Your Community



## Elected Officials Guide to Transportation

NCDOT's Guide to Transportation Decision Making in Your Community



Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina

Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina





**NORTH CAROLINA**  
Department of Transportation



# Contract Admin Topics – Resident Engineer Training

Michelle Gaddy, PE

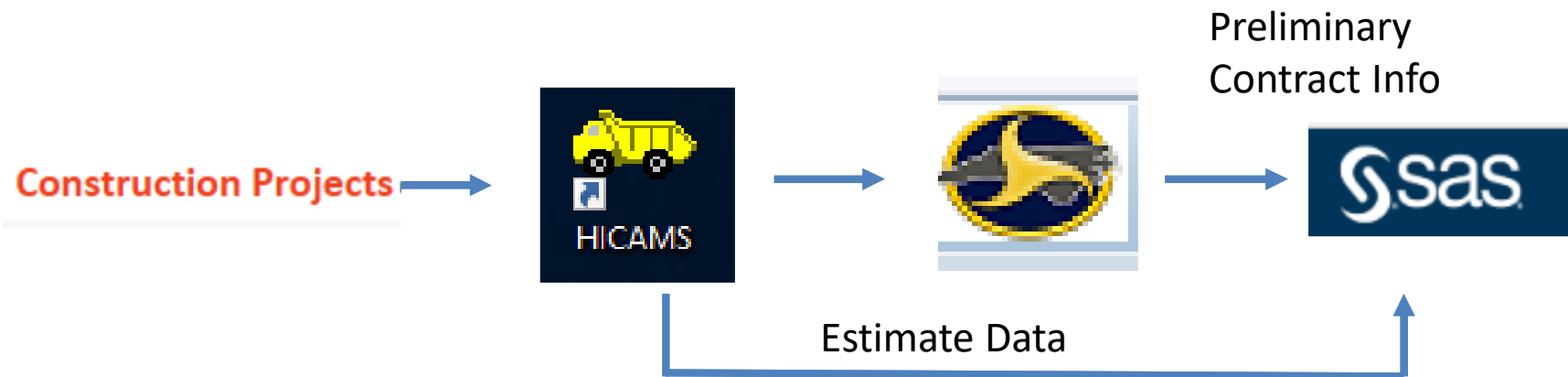
June 14, 2021

# Topics of Discussion

- Estimate Information
- Subcontract Approvals (SAFs)
- How to find past webinars
- FHWA 1391 New Process
- Subcontract Payment Tracking
- Project Closeout
- Compliance Reviews
- CUF Reviews



# Data Flowchart



Estimate information starts in Team Sites on Sharepoint. Upon approval there, pay records are sent to HICAMS. The estimate is generated in HICAMS. Upon approval by RE office and CCU, the estimate is sent to SAP for payment.

Preliminary data for a contract is sent to SAS from SAP to plan for future year forecasting. Once a project has begun, estimate data is sent from HICAMS to SAS to track current projections.

# Why is this important



SAS has been tasked with assisting NCDOT to track financial forecasting for this year, next year, and even up to 10 years in the future. This helps to ensure financial stability for the future.

This includes evaluating NCDOT annual funding sources, preliminary engineering costs, actual costs to construct (construction, ROW, utility relocation, CEI costs), etc.

Common for auditing agencies to have access to this information



# Estimate Information

18	04/19/2005	04/30/2005	\$96,223.92 Paid
17	03/01/2005	04/18/2005	\$462,268.83 Paid

General				Escrow	Totals	Line Items	WBS	Item Details	Prepayments	Pay Factors	Damages	Open Issues	Completion	History
---------	--	--	--	--------	--------	------------	-----	--------------	-------------	-------------	---------	-------------	------------	---------

**Contractor on Estimate:** S. T. WOOTEN CORPORATION

**Type:** Partial

<b>Percent Complete:</b>	79.91 %	<b>Current Days Used:</b>	49
<b>% Complete by Progress Chart:</b>	45.00 %	<b>Previous Days Used:</b>	365
<b>Overrun/Underrun to Date:</b>	\$35,662.02	<b>Days Used to Date:</b>	414
<b>% Overrun/Underrun to Date:</b>	0.14 %	<b>Completion Date:</b>	06/01/2006
<b>Total Retainage to Date:</b>	\$0.00	<b>Revised Completion Date:</b>	06/28/2006
<b>Less Amount Previously Retained:</b>	\$0.00	<b>Estimated Completion Date:</b>	06/01/2006
<b>Current Retainage:</b>	\$0.00	<b>Supplemental Amount:</b>	\$283,055.56
		<b>Retainage Percent:</b>	0.00 %

**Comment:**

Information included in estimates has become more and more important as NCDOT is constantly reviewing the current and future financial picture. It is critical to have accurate information entered for every project.

# Estimate Information

18	04/19/2005	04/30/2005	\$96,223.92 Paid
17	03/01/2005	04/18/2005	\$462,268.83 Paid

General				Escrow	Totals	Line Items	WBS	Item Details	Prepayments	Pay Factors	Damages	Open Issues	Completion	History
---------	--	--	--	--------	--------	------------	-----	--------------	-------------	-------------	---------	-------------	------------	---------

Contractor on Estimate: S. T. WOOTEN CORPORATION

Type: Partial	Current Days Used: 49
Percent Complete: 79.91 %	Previous Days Used: 365
% Complete by Progress Chart: 45.00 %	Days Used to Date: 414
Overrun/Underrun to Date: \$35,662.02	Completion Date: 06/01/2006
% Overrun/Underrun to Date: 0.14 %	Revised Completion Date: 06/28/2006
Total Retainage to Date: \$0.00	Estimated Completion Date: 06/01/2006
Less Amount Previously Retained: \$0.00	Supplemental Amount: \$283,055.56
Current Retainage: \$0.00	Retainage Percent: 0.00 %

Comment:

Interrupt Approve Reject Forward

## Critical Information:

- Accurate Quantities
- Overrun/Underrun to Date
- Estimated Completion Date
- Liquidated Damage Information/Comments
- SA approved and claims approved in timely manner

# Accurate Completion Date

Estimate	Remarks	From	Thru	Amount	Status
46		12/01/2020	01/31/2021	\$21,527.35	Paid
45		11/01/2020	11/30/2020	\$33,917.57	Paid

General Escrow Totals Line Items WBS Item Details Prepayments Pay Factors Damages Open Issues **Completion** History

Type: Partial

Percent Complete:	99.89 %	Current Days Used:	62
% Complete by Progress Chart:	100.00 %	Previous Days Used:	1709
Overrun/Underrun to Date:	\$4,600,000.00	Days Used to Date:	1771
% Overrun/Underrun to Date:	69.68 %	Completion Date:	04/30/2018
Total Retainage to Date:	\$0.00	Revised Completion Date:	05/03/2018
Less Amount Previously Retained:	\$0.00	Estimated Completion Date:	05/03/2018
Current Retainage:	\$0.00	Supplemental Amount:	\$3,689,365.44
		Retainage Percent:	0.00 %

Comment: No damages to be held at this time contractor has claim in for time thanks

- Estimated completion date is 05/03/2018 but the estimate runs from 12/01/20 thru 01/31/21.
- The estimated completion date should reflect the date you believe the project will be complete, even if it exceeds current approved contract time. If a time extension is expected, you can provide an explanation for LDs.
- Accurate ICT completion dates should be entered as well.

# Accurate Overrun/Underrun to Date

Estimate	Remarks	From	Thru	Amount	Status
4		04/16/2021	05/15/2021	\$864,395.43	Paid
3		03/16/2021	04/15/2021	\$607,678.62	Paid

General

Escrow

Totals

Line Items

WBS

Item Details

Prepayments

Pay Factors

Damages

Open Issues

Completion

History

Type: Partial

Current Days Used: 30

Percent Complete: 13.47 %

Previous Days Used: 289

% Complete by Progress Chart: 22.00 %

Days Used to Date: 319

Overrun/Underrun to Date: \$0.00

Completion Date: 11/11/2024

% Overrun/Underrun to Date: 0.00 %

Revised Completion Date: 12/15/2025

Total Retainage to Date: \$0.00

Estimated Completion Date: 12/15/2025

Less Amount Previously Retained: \$0.00

Supplemental Amount: \$2,019,137.52

Current Retainage: \$0.00

Retainage Percent: 0.00 %

Comment:

- Overrun to date = \$0 but \$2M in SA have been executed.
- Overrun is the amount over the original contract amount.
- Overrun information should take into consideration any line code overrun/underruns, SA execution that will be constructed, claims paid, force accounts, adjustment to contract line items (fuel/ac included)
- This information is used to help track overages on contracts.



# Tracking Overruns



- Accurately tracking overruns can be done by creating a spreadsheet with all line items. Update the spreadsheet each month as an estimate is generated
- Sharepoint team is developing an overrun report that will assist with tracking overruns on line codes. Will still have to take into account adjustments
- Do not use the Contract Overrun/Underrun Computation standard report in HICAMS

# Liquidated Damages

Contract Time	Contract Adj	Description	Liquidated Damages Rate	Substantial Compl Rate	Rate Uom	Comment
00	SA37	OVERALL CONTRACT TIME	\$500.00		Per Day	Do not withhold ALD's due to storm and utility relocation time
01		SUBSTANTIAL COMPLETION	\$10,000.00		Per Day	Do not withhold ALD's due to storm and utility relocation time
02		CONTRACTOR SHALL NOT CLOSE A LANE OF TRAFFIC ON	\$1,000.00		Per Hour	

<b>Total Liquidated Damages</b>		<b>Liquidated Damages</b>		<b>Availability Date:</b> 08/29/2011	
Anticipated:	\$1,566,000.00	Anticipated:	\$340,000.00	Calendar Days:	1625
Apparent:	\$1,126,000.00	Apparent:	\$340,000.00	Completion Date:	02/08/2016
Assessed To Date:	\$4,000.00	Assessed To Date:	\$0.00	Substantial Completion Date:	
Previously Assessed:	\$4,000.00	Previously Assessed:	\$0.00	Revised Calendar Days:	2977
Currently Assessed:	\$0.00	Currently Assessed:	\$0.00	Revised Completion Date:	10/22/2019
Waived:	\$0.00	Waived:	\$0.00	Anticipated Revised Completion Date:	
				Winter Weather Days:	
				Pro Rata Days:	
<b>Estimate</b>	Do not withhold ALD's due to storm and utility relocation time extensions that are under review. RE Office is reviewing Open Issues and does not intend to process all as PAR's for a credit due to the very unique materials on this project.			<b>Estimated Completion Date:</b>	09/01/2021
<b>Contract</b>				<b>Work Completion Date:</b>	
<b>Time</b>					
<b>Comment</b>					

Review liquidated damages for each estimate. The breakdown of HICAMS calculations for each contract time should be reviewed. On the damages tab, the middle section and right hand side of the screen reflect the ICT you have selected. The left side is always a total of all contract ICTs. Each ICT could have its own estimated completion date

Include comments for any LDs that are apparent or anticipated.

# Liquidated Damages

Cont Time	Cont Adj	Description	Liquidated Damages Rate	Substantial Compl Rate	Rate Uom	Comment
00	SA37	OVERALL CONTRACT TIME	\$500.00		Per Day	Do not withhld ALD's due to storm and utility relocation time
01		SUBSTANTIAL COMPLETION	\$10,000.00		Per Day	Do not withhld ALD's due to storm and utility relocation time
02		CONTRACTOR SHALL NOT CLOSE A LANE OF TRAFFIC ON M	\$1,000.00		Per Hour	

<b>Total Liquidated Damages</b>		<b>Liquidated Damages</b>		<b>Availability Date:</b>	
Anticipated:	\$1,566,000.00	Anticipated:	\$4,000.00	Calendar Days:	
Apparent:	\$1,126,000.00	Apparent:	\$4,000.00	Completion Date:	
Assessed To Date:	\$4,000.00	Assessed To Date:	\$4,000.00	Substantial Completion Date:	
Previously Assessed:	\$4,000.00	Previously Assessed:	\$4,000.00	Revised Calendar Days:	
Currently Assessed:	\$0.00	Currently Assessed:	\$0.00	Revised Completion Date:	
Waived:	\$0.00	Waived:	\$0.00	Anticipated Revised Completion Date:	
				Winter Weather Days:	
				Pro Rata Days:	
				Estimated Completion Date: 00/00/0000	
				Work Completion Date:	

Estimate	
Contract	
Time	
Comment	

Any ICT that is “event driven” or only assesses LDs when an ICT is violated, should be entered in the contract times window. This can be lane closure restrictions, loop violations, or any ICT that is defined by multiple instances. You will note there is no completion date information for these ICTs. If you need any assistance with setting up ICTs, contact CCU

# Estimate Data



- Provide best guess information. Projects are constantly changing so what may be correct one month may have changed by the next month
- As project progresses and line item work is completed, take a look at underruns
- Make sure you are capturing all adjustments – these add up to a considerable monetary value

# Subcontract Approval Form (SAF)

- All subcontractors who perform work on NCDOT projects should be prequalified:
  - Prequalified Bidder – a firm who is authorized to bid on centrally let projects (greater than \$5 or specialty projects)
  - PO Prime Contractor – a firm who is authorized to bid on Division let projects (less than \$5M)
  - Subcontractor – a firm who is authorized to perform work as a subcontractor
- Subcontractor should be approved to perform the work they are subcontracted for – check the work codes
- A couple of exceptions for requiring SAF – brokered haulers, suppliers, and manufacturers

[illegible]



# How to Check Work Codes

## Vendor – Sister Program to HICAMS



<b>Firm Name:</b> <span style="border: 1px solid black; padding: 2px;">CRUIZ BROTHERS CONCRETE, INC.</span>			<b>New</b>
<b>Primary Contractor Type:</b> <span style="border: 1px solid black; padding: 2px;">Subcontractor</span>		<b>Other Type:</b> <span style="border: 1px solid black; padding: 2px;">Road &amp; Street Construction</span>	
<b>Vendor ID:</b> 11572			
<a href="#">ESS</a>	<a href="#">Owner</a>	<a href="#">Work Codes</a>	<a href="#">NAICS Codes</a>
<a href="#">Offer</a>		<a href="#">Certification</a>	<a href="#">History</a>

Code	Select Code	Workcode Description
000846	<input checked="" type="checkbox"/>	Curb and Gutter/Shoulder Berm Gutter
000825	<input checked="" type="checkbox"/>	Incidental Concrete Construction
000840	<input checked="" type="checkbox"/>	Minor Drainage Structures (Drop Inlets, Catch Basins, etc.)
000848	<input checked="" type="checkbox"/>	Sidewalk, Driveways, and Wheelchair Ramps
000520	<input type="checkbox"/>	Aggregate Base Course
008020	<input type="checkbox"/>	Airport Asphalt Paving
008110	<input type="checkbox"/>	Airport Clearing
008010	<input type="checkbox"/>	Airport Concrete Paving
008070	<input type="checkbox"/>	Airport Electronics and Navigation Aids
008130	<input type="checkbox"/>	Airport Fuel Farms
008080	<input type="checkbox"/>	Airport Hangars
008120	<input type="checkbox"/>	Airport Lighting
008100	<input type="checkbox"/>	Airport Markings
008050	<input type="checkbox"/>	Airport Safety and Security - Equipment
008040	<input type="checkbox"/>	Airport Safety and Security - Facilities
008030	<input type="checkbox"/>	Airport Safety and Security - Fencing
008060	<input type="checkbox"/>	Airport Signage

## Directory of Firms Prequalified Bidders, PO Prime Contractors, and Subcontractors

[Connect NCDOT](#)  
[BUSINESS PARTNER RESOURCES](#)

[Home](#)
[Help](#)
[Site Map](#)

[Doing Business](#)
[Bidding & Letting](#)
[Projects](#)
[Resources](#)
[Local Governments](#)

[Prequalify](#)
[Small Business](#)
[Consultants](#)
[Directory of Firms](#)
[Trucking](#)
[Fleet & Material Mgmt](#)
[DMV](#)
[Public Trans](#)
[Purchasing](#)
[ROW](#)
[Tumpline](#)

## Directory of Firms

Complete listing of certified and prequalified firms.

[Doing Business](#)
[Directory of Firms](#)
[Prequalified Bidders, PO Prime Contractors, & Subcontractors](#)
[Results](#)
[Detail](#)

<b>Company Name:</b>	CRUZ BROTHERS CONCRETE, INC.
<b>Mailing Address:</b>	1572 PAYNE ROAD LOT 75 GRAHAM, NC 27253
<b>Home County &amp; Division:</b>	ALAMANCE DIVISION 07
<b>Contact Name:</b>	GAYLE CRUZ
<b>Phone:</b>	<a href="tel:336-376-0787">336-376-0787</a>
<b>Fax:</b>	<a href="tel:336-376-1115">336-376-1115</a>
<b>Email:</b>	<a href="mailto:GCRUZ@CRUZBROS.COM">GCRUZ@CRUZBROS.COM</a>
<b>Reporting Number:</b>	49550
<b>HICAMS Vendor Number:</b>	11572
<b>Type of Firm: (for DBE only)</b>	Road & Street Construction
<b>Certifications:</b>	DBE, MBE
<b>Prequalification Status:</b>	Subcontractor
<b>Construction Work Codes: (for Prequalified Contractors only)</b>	000825 - INCIDENTAL CONCRETE CONSTRUCTION 000840 - MINOR DRAINAGE STRUCTURES (DROP INLETS, CATCH BASINS, ETC) 000846 - CURB AND GUTTER/SHOULDER BERM GUTTER 000848 - SIDEWALK, DRIVEWAYS, AND WHEELCHAIR RAMPS
<b>SBE Work Codes:</b>	
<b>Consulting Disciplines:</b>	
<b>NAICS Codes: (DBE and SP5F only)</b>	237310 - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION 238110 - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS
<b>Desired Work Locations:</b>	ALAMANCE    DAVIDSON    JOHNSTON    RANDOLPH

### Start Your Directory Search

- [Certified Firms](#)
- [Prequalified Bidders, PO Prime Contractors, & Subcontractors](#)
- [Prequalified Consultants](#)
- [Firm Name](#)
- [NCDOT Work Code](#)
- [NAICS Code](#)
- [Help](#)

### Download Vendor Listings

- [DBE Directory](#)
- [SBE Directory](#)
- [Prequalified Bidders, PO Prime Contractors, & Subcontractors](#)
- [Prequalified Consultants](#)

#### Contact Form

For questions & feedback about this area of Connect NCDOT, contact Contractual Services.

# Subcontract Approval Form (SAF)

Line Code Number	Item Description	Portion (●)	Partial (◆)	Sub or 2nd Tier	Quantity	UOM	CP *	DBE/MBE/WBE Unit Price	DBE/MBE/WBE Sublet Amount	Subcontract Unit Price	Total Subcontract Amount
Indicates a Portion of Work (●)		Indicates a Partial Item (◆)				DBE/MBE/WBE Amount				Subcontract Amt.	

- Subcontract Unit Price – the “value” of the work as compared to the contract unit price bid for the project.
- If a sub is going to perform the entire scope of the work associated with the line item – the price should reflect the contract unit price, regardless of what they are being paid.
- If they are performing a partial, the price should reflect what percentage of the work they are performing
- If they are performing a portion, the price should reflect the contract unit price. The price is the same regardless of the quantity of work performed.
- All subcontracts that involve a line item must be less than or equal to contract unit bid price
- If you have multiple subs performing work on the same line item, the total sum of subcontract unit prices can not exceed the contract unit price

# Subcontract Approval Form (SAF)



- If the prime bids \$0.01 per unit of measure, then the subcontracts executed for this line item may not exceed \$0.01
- NCDOT realizes the cost of performing the work most likely is not \$0.01 but that is the contractual value of work.
- This may result in the DBE value far exceeding the overall value of an SAF

# Subcontract Approval Form (SAF)

Line Code Number	Item Description	Portion (●)	Partial (●)	Sub or 2nd Tier	Quantity	UOM	CP *	DBE/MBE/WBE Unit Price	DBE/MBE/WBE Sublet Amount	Subcontract Unit Price	Total Subcontract Amount
Indicates a Portion of Work (●)				Indicates a Partial Item (◆)				DBE/MBE/WBE Amount		Subcontract Amt.	

- DBE Unit Price should be what the DBE is paid at the line item level
- Can be more or less than the contract unit price.
- Should match price shown in the actual subcontract agreement if the unit of measure is the same
- If sub is paid in a different unit of measure than what the contract shows, the converted price should be reflected in the SAF
- DBE price and quantities for commitments should equal or be greater than commitment made during the bidding process. These can be found in the back of the contract.

# What's a partial?

- Subcontractor performs part of the work associated with a line item.
- Ask yourself - Is the contractor only doing part of the work needed to complete the line item?
- The SAF should include what aspect of the work is being performed
- Common partials are tying steel, hauling, etc.
- Delineated by diamond symbol (◆).





# What's a portion?

- Subcontractor performs all of the work associated with a line item but only a portion of the quantity
- Ask yourself – Is the sub performing all of the contract quantity?
- Delineated by circle symbol (●).



# What's a converted price?

- Denoted by \* in the CP column
- Used when the sub is paid in a different unit of measure than what NCDOT pays the prime contractor
- Can be on any line item but is most commonly used for hauling – stone, asphalt or excavated material.
- For example – haulers are generally paid by the hour; NCDOT will pay by ton or cy

## Example

LC #5 Asphalt Concrete Surface Course, Type S9.5B

Bid Quantity: 710 tons

Bid Price: \$50 / ton

Amount Bid: \$35,500.00

Sub will haul for \$60 / hour and is going to haul  
15 hours

Total \$900 / 710 tons = converted price of  
\$1.2676 / ton

- [illegible]

# FHWA 1273 and Title VI Requirements

<b>SUBCONTRACT CERTIFICATION</b> (applies only to Federal projects)	
The Contractor / Subcontractor certifies that the subcontract is in writing and that FHWA 1273, "Required Contract Provisions," and Title VI and Nondiscrimination Assurances have been included in the subcontract / 2 <sup>nd</sup> tier subcontract in its entirety.	
<b>SUBCONTRACT CERTIFICATION</b> (applies only to State projects)	
The Contractor / Subcontractor certifies that the subcontract is in writing and Title VI and Nondiscrimination Assurances have been included in the subcontract/2 <sup>nd</sup> tier subcontract in its entirety.	
Contractor	APPROVED:

- When the SAF is signed, the prime and sub are attesting that FHWA 1273 (for federal projects) and Title VI and Nondiscrimination Assurances (for state and federal projects) have been physically incorporated into the language of the subcontract agreement
- Resident Engineers offices should request the actual subcontract agreement for a minimum of 2 but at least 10% of SAFs (includes 2<sup>nd</sup> tier) to verify that FHWA 1273 and Title VI language is incorporated



# FHWA 1273 Contract Provisions

FHWA-1273 -- Revised May 1, 2012

## REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety; Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

### ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

### I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

### II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27, and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

# Title VI Posters and Contract Language

- Post NCDOT's Notice of Nondiscrimination and Contractors' own Equal Employment (EEO) Policy on all jobsite and field office boards for **FEDERAL-AID** and **STATE-FUNDED** projects
- **STATE-FUNDED** Projects: Physically **incorporate** (not attach) the Title VI and Nondiscrimination Assurances into all tier level subcontracts
- **FEDERAL-AID** Projects: Physically **incorporate** (not attach) the Title VI and Nondiscrimination Assurances **AND** the FHWA-1273 "Required Contract Provisions", in its entirety, into all tier level subcontracts

## TITLE VI AND NONDISCRIMINATION

The provisions of this section related to United States Department of Transportation (US DOT) Order 1050.2A, Title 49 Code of Federal Regulations (CFR) part 21, 23 United States Code (U.S.C.) 140 and 23 CFR part 200 (or 49 CFR 303, 49 U.S.C. 5332 or 49 U.S.C. 47123) are applicable to all North Carolina Department of Transportation (NCDOT) contracts and to all related subcontracts, material supply, engineering, architectural and other service contracts, regardless of dollar amount. Any Federal provision that is specifically required not specifically set forth is hereby incorporated by reference.

### NCDOT Title VI Assurance (1050.2A, Appendices A & E)

i. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

(4) **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

(a) withholding payments to the contractor under the contract until the contractor complies; and/or  
(b) cancelling, terminating, or suspending a contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in

every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

ii. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

### Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and

# Title VI Poster (Notice of Nondiscrimination)



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

**NOTICE OF NONDISCRIMINATION AND ACCESSIBILITY RIGHTS**

In accordance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities, the North Carolina Department of Transportation (NCDOT) will not exclude from participation in, deny the benefits of, or subject to discrimination any person, based on race, color, national origin, Limited English Proficiency, income-level, sex, age, or disability (or religion, where applicable), under any NCDOT-funded programs or activities.

If you feel you have been discriminated against by NCDOT or its business partners, you may file a complaint. For information on filing a complaint or NCDOT's nondiscrimination obligations, please contact:

NCDOT Office of Civil Rights  
Title VI Nondiscrimination Program  
1511 Mail Service Center  
Raleigh, NC 27699  
1-800-522-0453  
[TitleVI@ncdot.gov](mailto:TitleVI@ncdot.gov)

You may also visit <https://www.ncdot.gov/programs/titleVI/>.

Anyone with a hearing or speech impairment may contact Relay NC by dialing 711 or 1-877-735-8200.

**ATTENTION:** If you speak a language other than English, qualified interpreters or information written in other languages are available, free of charge, by calling 1-800-481-6494.

**ATENCIÓN:** si usted habla otro idioma que no sea inglés, puede solicitar, sin costo, los servicios de intérpretes calificados o información escrita en otros idiomas llamando al 1-800-481-6494.

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
OFFICE OF CIVIL RIGHTS  
1511 MAIL SERVICE CENTER  
RALEIGH, NORTH CAROLINA 27699-1511

Telephone: (919) 508-1808  
Fax: (919) 508-1814 / (919) 508-1818  
Customer Service: 1-877-368-4968  
Website: [www.ncdot.gov](http://www.ncdot.gov)

Location:  
104 FAYETTEVILLE STREET  
RALEIGH, NORTH CAROLINA 27601



ESTADO DE CAROLINA DEL NORTE  
DEPARTAMENTO DE TRANSPORTE

ROY COOPER  
GOBERNADOR

JAMES H. TROGDON, III  
SECRETARIO

**NOTIFICACIÓN ANTIDISCRIMINATORIA Y DERECHOS DE ACCESIBILIDAD**

En cumplimiento con el Título VI del Acta de los Derechos Civiles de 1964 y otras autoridades antidiscriminatorias, el Departamento de Transporte de Carolina del Norte (NCDOT) no excluirá de participar, negará beneficios o discriminará a ninguna persona con base en su raza, color, origen nacional, limitación para hablar o entender inglés, nivel de ingresos, sexo, edad o discapacidad (o su religión, cuando así aplique), de cualquier programa o actividad financiada por el NCDOT.

Si usted siente que ha sido discriminado por el NCDOT o sus proveedores, puede presentar una queja. Para obtener información sobre cómo presentar una queja o sobre las obligaciones antidiscriminatorias del NCDOT, favor de contactar a la:

Oficina de Derechos Civiles del NCDOT  
Programa Antidiscriminatorio del Título VI  
1511 Mail Service Center  
Raleigh, NC 27699  
1-800-522-0453  
[TitleVI@ncdot.gov](mailto:TitleVI@ncdot.gov)

También puede visitar <https://www.ncdot.gov/programs/titleVI/>.

Cualquier persona con un impedimento auditivo o del habla puede contactar al servicio Relay NC marcando 711 o 1-877-735-8200.

**ATENCIÓN:** si usted habla otro idioma que no sea inglés, puede solicitar, sin costo, los servicios de intérpretes calificados o información escrita en otros idiomas llamando al 1-800-481-6494.

Dirección física:  
NC DEPARTMENT OF TRANSPORTATION  
OFFICE OF CIVIL RIGHTS  
1511 MAIL SERVICE CENTER  
RALEIGH, NORTH CAROLINA 27699-1511

Telephone: (919) 508-1808  
Fax: (919) 508-1814 / (919) 508-1818  
Servicio al Cliente: 1-877-368-4968  
Website: [www.ncdot.gov](http://www.ncdot.gov)

Edificación:  
104 FAYETTEVILLE STREET  
RALEIGH, NORTH CAROLINA 27601

# NCDOT Title VI Compliance Checklist

**NCDOT Title VI Compliance Checklist**

**Subcontracts** (Check funding source)

Review 10 percent or a minimum of two (2) certified actual subcontracts to confirm the incorporation of Title IV and Nondiscrimination language and FHWA 1273 as required.

☐ **State Funded Contracts** - requires the inclusion of the NCDOT's Title VI and Nondiscrimination language in the subcontract agreement.

☐ **Federal-Aid Contracts** - requires the inclusion of the FHWA 1273, and NCDOT's Title VI and Nondiscrimination language in the subcontract agreement.

Name of Subcontractor: \_\_\_\_\_

I have reviewed and confirm that all required documents are included in the subcontract agreement:  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

Name of Subcontractor: \_\_\_\_\_

I have reviewed and confirm that all required documents are included in the subcontract agreement:  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

Name of Subcontractor: \_\_\_\_\_

I have reviewed and confirm that all required documents are included in the subcontract agreement:  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

Name of Subcontractor: \_\_\_\_\_

I have reviewed and confirm that all required documents are included in the subcontract agreement:  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

- RE offices should complete compliance checklist to verify that FHWA 1273 and Title VI language is included in subcontracts.
- Minimum of 2 but at least 10% of total subcontracts received



# Threshold Checks



- Prime contractor is required to perform a minimum of 40% of the work associated with the contract.
- You can deduct items designated as specialty items that are performed by a subcontractor and items sublet to DBEs up to the value of the commitments. This is referred to as the % by Prime Check
- In addition, the prime contractor shall perform at least 35% of the difference between total bid amount and value of specialty items sublet – referred to as the threshold check

# Threshold Checks

## Sublet Percentages

### FOR USE BY NCDOT PERSONNEL (for non HiCAMS contracts)

The following is the process used to calculate the Sublet Percentages after the approval of each subcontract. The fields will not populate, this process should be hand calculated.

✓ (1) Total Original Contract Amount	_____	✓ (5) Difference $\{1-(2+3)\}$	_____
✓ (2) Specialty Items Sublet	_____	✓ (6) Percent by Prime $\{(1-4)/5\}$	_____
✓ (3) Non-spec. Items Sublet to DBE/MBE/WBE	_____	✓ (7) Threshold Check $\{(1-4)/(1-2)\}$	_____
✓ (4) Total Sublet (Grand Total)	_____		

- HICAMS will perform these calculations for you – check after approval of each SAF. Click on Totals button in HICAMS Subcontract

**Totals**

Original Contract Amount: \$10,900,447.15

#### -Current Subcontract and All Valid Previous Subcontract Totals

Subcontract: 1 Through Subcontract: 21

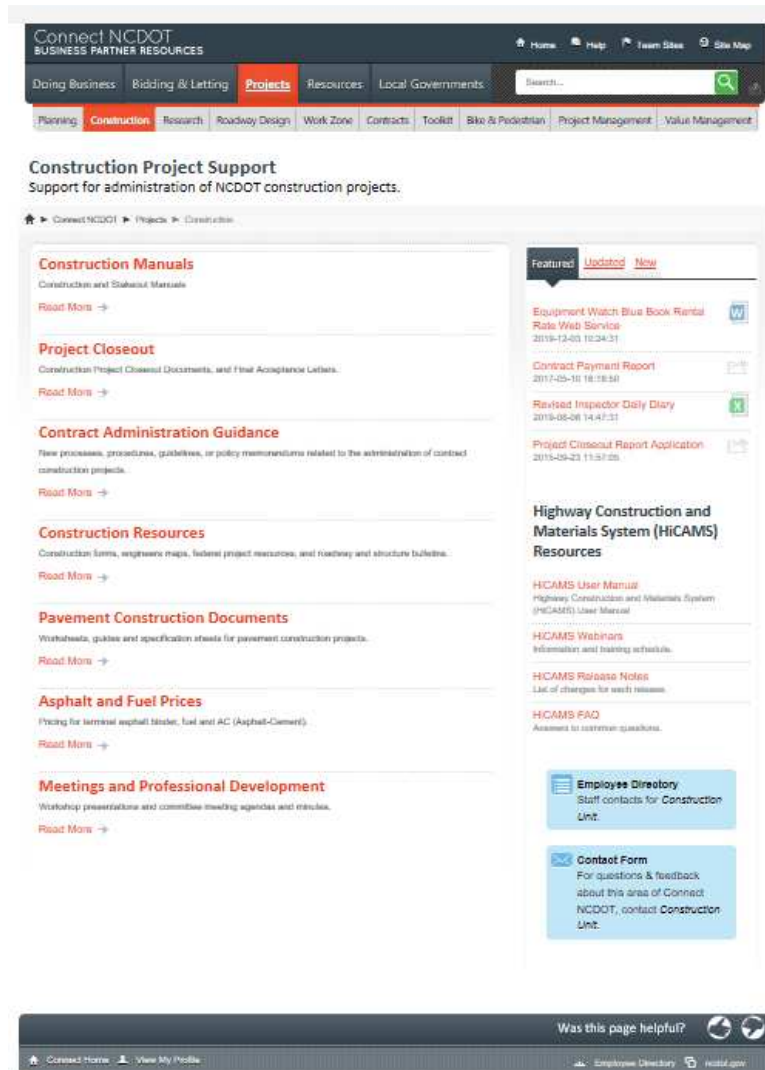
Total Specialty Items Sublet:	\$1,086,399.65	Percent by Prime:	90.2%
Non-Spec. Items Sublet to DBE:	\$1,049,114.98	Threshold Check:	80.5%
Total Subcontracted:	\$2,998,589.20	DBE% / Amount:	10.7% / \$1,161,868.72
Difference:	\$8,764,932.52		

#### -Current Subcontract Totals

Subcontract: 21 DELTA CONTRACTING INC

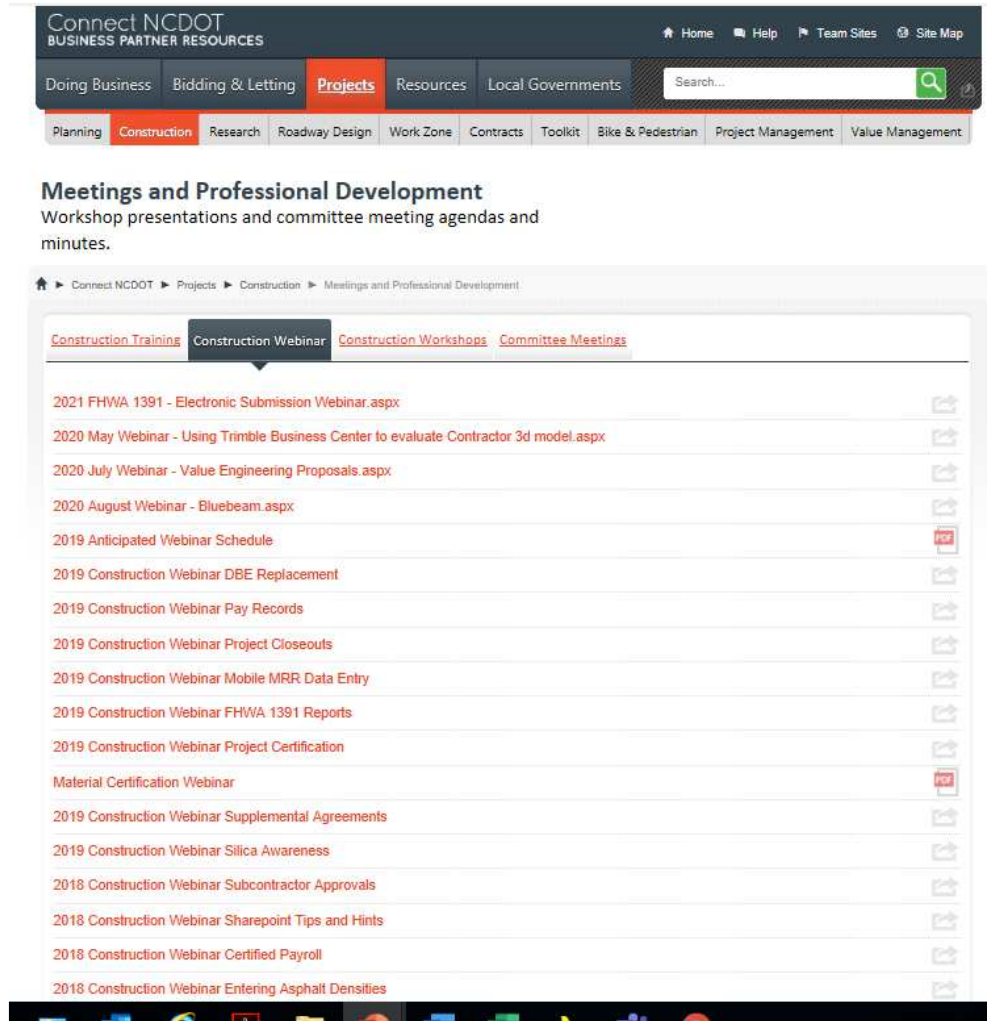
Subcontract Amount:	\$2,500.00
Specialty Amount:	\$0.00
Non-Spec. Amount to DBE:	\$0.00

# Webinars



- Previous training sessions, including webinars and workshops can be found on the Connect website
- Great tools for new staff to understand policies and procedures
- Projects – Construction – Meetings and Professional Development

# Webinars



- Click on Construction Webinar to see what is available
- Webinars include:
  - Subcontracts
  - Certified Payrolls
  - Bluebeam
  - DBE Replacements
  - Project Closeout
  - Supplemental Agreements
  - Asphalt Densities
  - 3D Modeling
  - Sharepoint
  - And more.....
- If there are other topics that need to be covered, please let CCU know.

# FHWA 1391 – New Process

- New electronic submittal process this year
- Asking all contractors to submit electronically.
- Contractors will log the system with a unique password and enter their FHWA 1391 data. These passwords will be sent out late June/early July
- Prime contractors will need to approve subcontractors prior to approval by NCDOT
- RE offices will approve and track completion electronically
- Instructions for contractors on how to access system, complete forms, approve subcontractors, etc. will be sent with the letters in late June. These should be included with letters you send to contractors
- Instructions for approval of FHWA 1391s will be sent in late June



# Why a New Process

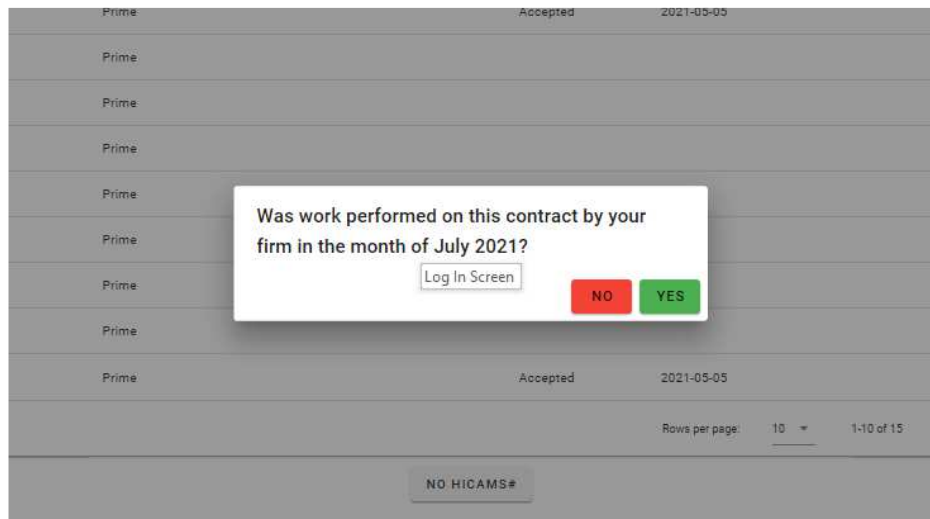
- Electronic monitoring process for primes and NCDOT
- Quicker submittal timeframe
- Easier approval process for NCDOT
- Easier compilation of statewide FHWA 1392 report

# Summary Page – Contractor View

FHWA 1391 COMPLETION PRIME REVIEW					
HIDE INSTRUCTIONS					
To complete the FHWA 1391 form click on the appropriate Contract Number. It takes about an hour for our webpage to update and when it does you will see today's date in the Completion Date column and be able to view/edit this form if needed. Once the Prime approves/rejects your 1391 you will receive an email notification and the status column will be updated accordingly. You will receive another email notification when the Resident Engineer's office approves/rejects your 1391 form.					
Contract # ↑	Contract Type	Completion Date	Status ↑	Status Date	Status Reason
<a href="#">C203474</a>	Prime				
<a href="#">Training01</a>	Prime				
<a href="#">Training02</a>	Prime				
<a href="#">Training03</a>	Prime				
<a href="#">Training04</a>	Prime				
<a href="#">Training05</a>	Prime				
<a href="#">Training06</a>	Prime				
<a href="#">Training07</a>	Prime				
<a href="#">Training08</a>	Prime				
<a href="#">Training09</a>	Prime				
Rows per page: 10 1-10 of 15					
NO HICAMS#					

- When a contractor logs in, they will see all of the contracts for which they are prime or subcontractor on.
- You will see Contract Number, prime or subcontractor status on project, when the form was approved by the RE, Status, the date submitted, and any comments provided by the reviewer.
- 10 Rows per page (Bottom right will allow you to show more than 10 or show all. You can go to next page to view more projects.

# Completing a Form for Contractors



The screenshot shows a web interface with a table of contract records. A modal dialog box is centered on the screen, asking: "Was work performed on this contract by your firm in the month of July 2021?". The dialog includes a "Log In Screen" button, a red "NO" button, and a green "YES" button. The background table has columns for "Prime", "Accepted", and "2021-05-05". At the bottom of the table, there is a "Rows per page: 10" dropdown and a "1-10 of 15" indicator. A "NO HICAMS#" button is located at the bottom center of the page.

Once you click on a contract number, you will be prompted with the question – Was work performed on this contract by your firm in the month of July 2021?

If your firm was not active on the project during the month of July 2021 – Click on No.

If the firm worked at any point during the month of July – Click Yes

# Completing if Work Was Performed for Contractors

TABLE A															TABLE B			
Job Categories	Black or African American		Hispanic or Latino		American Indian or Alaskan Native		Asian		Native Hawaiian or Other Pacific Islander		Two or More Races		White		Apprentices		On-the-Job Trainees	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Officials (Managers)																		
Supervisors																		
Foremen/Women																		
Clerical																		
Equipment Operators																		
Mechanics																		
Truck Drivers																		
Iron Workers/Welders																		
Carpenters																		
Cement Masons																		
Electricians																		
Pipe Fitters/Plumbers																		
Painters																		
Laborers, Semi-skilled																		
Laborers/Unskilled																		
Totals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Job Categories	Black or African American		Hispanic or Latino		American Indian or Alaskan Native		Asian		Native Hawaiian or Other Pacific Islander		Two or More Races		White	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Apprentices														
On-the-Job Trainees														

[PREVIOUS](#)
[NEXT](#)

Form comes up with ability to enter number of employees for each ethnic and gender category for each work classification. Ability to add Apprentices and On the Job Trainees that are in an approved program as well. Totals will automatically update

# Completing if Work was Performed for Contractors

At the top, you will see your company's name, whether they are prime or sub on this project, project number, Value of the work (based on contract value or approved subcontract value) and project location

At the bottom, you will see the name of the individual who is preparing and certifying the information and the data submitted.

Verify that the information you have entered is correct and accurate and then click on the checkbox to confirm. If you need to change this information click on 'Return to 1391'.

FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT									
North Carolina Department of Transportation 1391 (05/20)									
CONTRACTOR TYPE: Prime		COMPANY NAME, CITY, STATE: The Prime Inc, Raleigh, NC		PROJECT NUMBER: Training03		DOLLAR AMOUNT OF ALL CONTRACT(s): \$45000		PROJECT LOCATION: New Hanover	
IS NO WORK PERFORMED BY YOUR COMPANY OR FEDERAL-AID CONTRACTS DURING THE LAST FULL PAY PERIOD WORKED IN JULY, 2021?								No	
This collection of information is required by law and regulation 23 U.S.C. 140a and 23 CFR Part 230. The OMB control number for this collection is 2125-0019 expiring in August, 2021									
WORKFORCE ON FEDERAL-AID AND CONSTRUCTION SITE(s) DURING THE LAST FULL PAY PERIOD WORKED IN JULY, 2021									
TABLE A								TABLE B	

On-the-Job Trainees	0	0	0	0															
---------------------	---	---	---	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**PREPARED BY:**  
 Michelle Gaddy Operations Engineer

**DATE:**  
 05/05/2021

**REVIEWED BY:**

**DATE:**

☐ I certify that the information I am providing in this 1391 is accurate.

[RETURN TO 1391](#)
[SAVE REPORT AS PDF](#)
[SUBMIT](#)



# Certify the Form for Contractors

On-the-Job Trainees	0	0	0	0																				
PREPARED BY: Michelle C. Operations Engineer										DATE: 05/05/2021					REVIEWED BY:					DATE:				
<input type="checkbox"/> I certify that the information I am providing in this 1391 is accurate.																								
RETURN TO 1391					SAVE REPORT AS PDF					SUBMIT														

If all information is correct, the form can be submitted. **Prior to submitting, you must click on the certification statement.** If you click submit without certifying the information, you will receive a message that states “The site says Please certify the information before submitting the form”

You may download a copy of the report for your own files by clicking on Save Report as PDF.

At any point, you can click Return to 1391 to start over the form. The information is not saved if you choose this option.

# FWHA 1391 Review – RE staff

The screenshot displays the NCDOT Contract Administration Dashboard. On the left is a sidebar with navigation links: Home, My Construction (with sub-links for Contract Administration, M&T Dashboard, SMU Dashboard, Inspector News, My Construction Projects, and DBE GFE Review), Tools (with sub-links for HiCAMS Contract, Import Failures, Manage Project, Contacts, and Management Reports), Resources (with sub-links for Biological Surveys, Bridge Plans, Construction Archive, Construction Manual, Construction Resources, Division Letting List, and Signal Plans), Processing Requests (with sub-link for Pay Records Requests), and Help (with sub-links for Construction Help and Help Videos). The main content area is titled 'CONTRACT ADMINISTRATION DASHBOARD' and includes a user profile for 'Training02' (HiCAMS Resident Engineer: Nikitha Sudhini). Below the profile are two columns of buttons: 'Most Popular' (containing FAP-1 Reports, FHWA 1391 Reports, and FHWA 1392 Annual Report), 'Contract Administration', 'Progress Reporting', 'M&T Reports', 'Federal Reports', and 'Project Structures'. A 'Show/Hide [-]' button is located at the top left of the main content area.

To access FHWA 1391 Reports – Go to Contract Administration Dashboard

Under Federal Reports – Click on FHWA 1391 Reports

# FWHA 1391 Review – RE staff

5 different headings:

Most Popular  
Progress Reporting  
Federal Reports

Contract Administration  
M&T Reports  
Project Structures

Single Project

FWHA 1391 Reports

Awaiting RE Decision Awaiting Prime Decision Awaiting Contractor Completion RE Approved RE Rejected

FWHA 1391 Contract Report for Training02

Save Changes

View Report	Contractor	Contractor Type	Digital Report	No Work	RE Decision	Decided By	Remarks
<a href="#">View Report</a>	<b>Ericas Emulsion</b>	Subcontractor	Yes	<input type="checkbox"/>	Pei		
<a href="#">View Report</a>	<b>Gregs Grading</b>	Subcontractor	Yes	<input type="checkbox"/>	Pei		
<a href="#">View Report</a>	<b>Hanks Hauling</b>	Subcontractor	Yes	<input type="checkbox"/>	Pei		

- Awaiting RE Decision – RE office needs to review and either approve or reject
- Awaiting Prime Decision – subcontractor FHWA that is awaiting prime approval
- Awaiting Contractor completion – contractor (prime or sub) hasn't submitted form
- RE approved – list of contractors approved by RE office
- RE rejected – list of contractors rejected by RE office

# Awaiting RE Decision – RE Review

Most Popular

Progress Reporting

Federal Reports

Contract Administration

M&T Reports

Project Structures

Single ☐ Project

FHWA 1391 Reports

Awaiting RE Decision

Awaiting Prime Decision

Awaiting Contractor Completion

RE Approved

RE Rejected

FHWA 1391 Contract Report for Training02

Save Changes

View Report	Contractor	Contractor Type	Digital Report	No Work	RE Decision	Decided By	Remarks
<a href="#">View Report</a>	<b>Ericas Emulsion</b>	Subcontractor	Yes	<input type="checkbox"/>	Pei ▾		
<a href="#">View Report</a>	<b>Gregs Grading</b>	Subcontractor	Yes	<input type="checkbox"/>	Pei ▾		
<a href="#">View Report</a>	<b>Hanks Hauling</b>	Subcontractor	Yes	<input type="checkbox"/>	Pei ▾		

## Fields:

- View Report – allows you to review the FHWA 1391
- Contractor – name of the contractor
- Contractor Type – Prime or Subcontractor
- Digital Report – was the report electronically submitted
- No Work – No Work Submittal
- RE decision – RE can approve or reject
- Decided by – When approved, the approvers name will populate this field
- Remarks – Any comments the approver wants to add

# Awaiting RE Decision – RE Review

FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT																							
1. Contractor Type: Subcontractor				2. Contractor, Prepared By: Daniel Walker admin								3. PROJECT NUMBER: Training08						4. DOLLAR AMOUNT OF CONTRACT: \$150,000					
JOB CATEGORIES	TOTAL EMPLOYED		TOTAL RACIAL / ETHNIC MINORITY		BLACK or AFRICAN AMERICAN		HISPANIC or LATINO		AMERICAN INDIAN or ALASKA NATIVE		ASIAN		NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER		TWO OR MORE RACES		WHITE		APPRENTICES		ON THE JOB TRAINEES		
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
OFFICIALS	5	0	5	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
SUPERVISORS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
FOREMEN/WOMEN	0	5	0	5	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
CLERICAL	5	0	5	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
EQUIPMENT OPERATORS	0	5	0	5	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
MECHANICS	5	0	5	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	
TRUCK DRIVERS	0	5	0	5	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	
IRON WORKERS/ WELDERS	5	0	5	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	
CARPENTERS	0	5	0	5	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	
CEMENT MASONS	5	0	5	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	
ELECTRICIANS	0	5	0	5	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	5	
PIPE FITTERS/ PLUMBERS	5	0	5	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	5	0	
PAINTERS	0	5	0	5	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0	5	0	0	
LABORERS-SEMI-SKILLED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
LABORERS-UNSKILLED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL	30	30	30	20	5	5	5	5	5	5	5	5	5	5	5	5	0	0	0	5	5	5	
TABLE C (Table B data by racial status)																							
APPRENTICES	25	0	20	0	5	0	5	0	0	0	5	0	0	0	5	0	5	0					
OJT TRAINEES	0	25	0	20	0	5	0	5	0	0	0	5	0	0	0	5	0	5					

Click on View Report and the report will be report will be available for your review.



# Awaiting RE Decision – RE Review

View Report	Contractor	Contractor Type	Digital Report	No Work	RE Decision	Decided By	Remarks
<a href="#">View Report</a>	<b>Ericas Emulsion</b>	Subcontractor	Yes	<input type="checkbox"/>	<div>Pei ▾</div> <div>           Pending  <b>Approve</b>            Reject         </div>		
<a href="#">View Report</a>	<b>Gregs Grading</b>	Subcontractor	Yes	<input type="checkbox"/>	<div>Pei ▾</div>		

FHWA 1391 Contract Report for Training02

[Save Changes](#)

View Report	Contractor	Contractor Type	Digital Report	No Work	RE Decision	Decided By	Remarks
<a href="#">View Report</a>	<b>Hanks Hauling</b>	Subcontractor	Yes	<input type="checkbox"/>	<div>A ▾</div>	Michelle H. Gaddy   Jun 10, 2021   Approved	Report is approved

After the report has been reviewed, the RE can approve the report or reject it. If you have questions and don't want to reject it, you can leave the report as pending.

Once you choose, accept or reject, the Decided by field will populate with the reviewers name. Add in any remarks needed.

Click on Save Changes – the report will then shift to either the RE approved or RE rejected menu. **You must click on save changes before you leave the screen**

# Awaiting RE Decision – RE Review

Awaiting RE Decision

Awaiting Prime Decision

Awaiting Contractor Completion

RE Approved

RE Rejected

## FHWA 1391 Contract Report for Training02

View Report	Contractor	Contractor Type	Digital Report	No Work	RE Decision	Decided By	Remarks
<a href="#">View Report</a>	Ericas Emulsion	Subcontractor	Yes	<input type="checkbox"/>	Ap	Michelle H. Gaddy   Jun 10, 2021   Approved	

Awaiting RE Decision

Awaiting Prime Decision

Awaiting Contractor Completion

RE Approved

RE Rejected

## FHWA 1391 Contract Report for Training02

View Report	Contractor	Contractor Type	Digital Report	No Work	RE Decision	Decided By	Remarks
<a href="#">View Report</a>	Gregs Grading	Subcontractor	Yes	<input type="checkbox"/>	Re	Michelle H. Gaddy   Jun 10, 2021   Rejected	Report not correct

# Awaiting Prime Decision – RE Review

Awaiting RE Decision Awaiting Prime Decision Awaiting Contractor Completion RE Approved RE Rejected

**FHWA 1391 Contract Report for Training03**

View Report	Contractor	Contractor Type	Digital Report	No Work
<a href="#">View Report</a>	Petunias Paving	Subcontractor	Yes	<input type="checkbox"/>

Reports that are awaiting prime decision can't be approved by NCDOT office. You can view the reports. You should remind the prime contractor to go and review any reports that are awaiting their approval.

# Awaiting Prime Decision – RE Review

Awaiting RE Decision

Awaiting Prime Decision

Awaiting Contractor Completion

RE Approved

RE Rejected

**FHWA 1391 Contract Report for Training03**

Contractor	Contractor Type
Tinas Traffic Control	Prime
Cynthia Contractor	Subcontractor
Ericas Emulsion	Subcontractor

Reports that are awaiting contractor completion have not been completed by the Prime/Sub. You should remind the prime contractor that these reports need to be submitted.

# Who is required to submit

- A contractor is active if they have begun work and have work remaining on the project as of July 1, 2021
- The prime is active once any contractor has set foot on the project. For example, if equipment has been mobilized, work zone signage has been installed, or if work is ongoing.
  - If the entire project has been accepted prior to July 1, 2021, the project is not required to submit (Not just ICT#1, all work except for PVE)
  - If work was complete but not accepted prior to July 1, 2021, the contractor is still required to submit, even if is a “NO WORK” submittal.
  - If the “Work Start Date” for the project is August 1, 2021 or beyond, the project is not required to submit.
- A sub is considered active if they have mobilized to the project at least once and have work remaining on the project.
  - If you have approved a subcontract but they have not mobilized to the project as of July 1, 2021, a subcontractor is not required to submit since work has not begun yet.
  - If the sub has completed all work on the project as of July 1, 2021, they are not required to submit.



# Submittal Deadlines

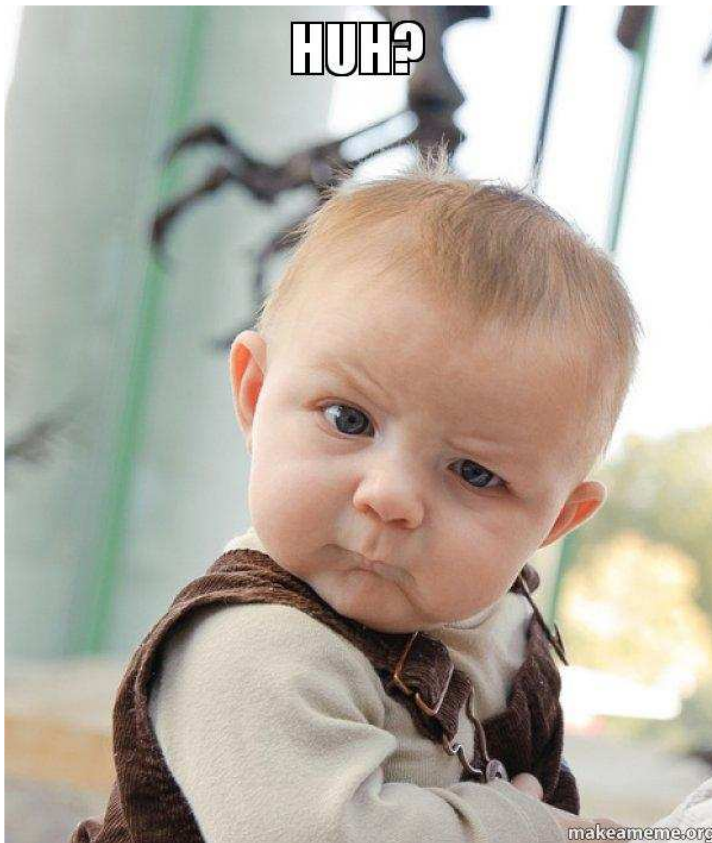
- All forms are to be submitted to NCDOT by mid-August.
- Resident Engineering staff will approve the submittals and advise if there are any missing forms or any concerns about those that have been submitted.
- Federal Requirement – NCDOT will withhold payment of estimates if these forms have not been provided in timely manner

# Subcontractor Payment Tracking

The screenshot displays the NCDOT (North Carolina Department of Transportation) website's Subcontractor Payment Tracking interface. The header features the NCDOT logo and tagline, along with navigation links for About, Careers, Contact, News, and a search bar. A secondary navigation bar includes links for Doing Business, Maps & Publications, Programs, Projects & Studies, and Travel Information. The left sidebar is titled 'Payment Tracking' and lists options: Enter Payment, View Pending Payments, View Change Needed Payments, View Accepted Payments, and Contact Information. The main content area, titled 'Payment Tracking > Payments', contains five buttons: Enter Payment, View Pending Payments, View Change Needed Payments (34 need changes), View Accepted Payments, and Contact Information. The footer includes copyright information for 2007 and links to NCDOT Home and NC.gov.

Are you approving payments on a regular basis? A review of payment tracking should be performed monthly to ensure that primes are submitting DBE payments?

# Why is this important



NCDOT has to report DBE utilization to federal entities, legislature reports, and other reports

The only means of tracking actual utilization is the work performed by DBEs on projects. This provides a picture of over/underruns, supplemental agreement work, and other costs that may not always get captured in subcontracts

# Reviewing Payments

- Log into Payment Tracking system using RE login
- Pending payments will have a status of “Pending” .
- The top part of the report will show a summary of subcontractor payments and how the payments reported compare to HICAMS subcontractor information
- Payments should be reviewed and accepted. Click Change Needed if they don't appear accurate. Tell the contractor if you do this



THIS IS  
HOW WE  
DO IT

# Reviewing Payments

CONTRACTORS	PAYMENT TRACKING	HICAMS REPORT	DIFFERENCE	10 Percent (- or +)
	\$2,025,065.66	\$1,536,312.16	\$488,753.50	24.14%
AUSTIN TRUCKING LLC	\$1,821,675.59	\$1,324,051.97	\$497,623.62	27.32%
SEAL BROTHERS CONTRACTING LLC	\$56,024.93	\$53,094.07	\$2,930.86	5.23%
TRAFFIC CONTROL SAFETY SERVICES, INC.	\$58,139.62	\$58,467.47	(\$327.85)	-0.56%
BULLINGTON CONSTRUCTION INC	\$25,074.62	\$23,250.50	\$1,824.12	7.27%
ISLAND PAVEMENT CUTTING CO INC	\$52,893.40	\$52,712.03	\$181.37	0.34%
HIATT & MASON ENTERPRISES INC	\$11,257.50	\$24,736.12	(\$13,478.62)	-119.73%

- Payment Tracking – summary of how much has been reported
- HICAMS Report – what HICAMS believes the sub should be paid based on approved subcontract. This may vary if you have a converted price, have portions, or if the sub didn't perform subcontracted work for some reason
- Difference shows the difference between payment tracking and HICAMS
- The last column shows % difference – those that are more than 10% are shown in red
- If subcontractors aren't performing work as subcontracted, you should request a revised subcontract agreement
- You should inquire with the contractor if you notice that a sub should have been paid and they haven't. If a prime is not paying a sub and doesn't have a reasonable explanation, prompt payment actions should be taken.



## Subcontractor Payment Tracking

- Prime Contractor must enter payments monthly for all DBE Firms, regardless if they are committed or not (Optional for Non-DBE Firms)
- Prime Contractor is the only one authorized to enter payments for the project
- No CUF  $\neq$  No DBE Participation Credit towards the Overall DBE Contract Goal
- Capture Payments to 2<sup>nd</sup> Tier DBE Firms– Need Documentation from 1<sup>st</sup> Tier Non-DBE Subcontractors to enter payments for 2<sup>nd</sup> Tier DBE Firms
- DBE Suppliers/Manufacturers – Must Submit Copy of DBE Invoice with prices to Verify for CUF Assessment (60% of Supplier Invoice)
- Monitor DBE payment entries to ensure contract committed line items (Quantities & Unit Prices) are met – not just the overall subcontract amount
- Meeting DBE Goals is a Contractual Requirement and Committed DBE Firms (listed in the back of the contract) must be utilized on the project

# Project Closeout Steps



How do we get this process completed quicker?

## Steps

- RE Review of Final Estimate
- Division Check of Final Estimate
- Notification to Contractor – includes all quantities and LD
- Contractor advises if they are in agreement with FE. Provides Issues to discuss if needed
- Closeout Conference Held
- If closeout successful, contractor sends in final estimate documents

# Time to Closeout Out Projects

Year	Time Notify C Projects	Time Close C Projects	Time Notify D Projects	Time Close D Projects
2017	156.35	169.14	124.64	120.93
2018	194.29	146.03	138.28	112.89
2019	142.63	121.11	132.41	102.62
2020	96.89	94.84	126.44	85.28
<b>Average</b>	<b>147.54</b>	<b>132.78</b>	<b>130.44</b>	<b>105.43</b>

Year – Year the project was accepted

Time to Notify – number of days to notify the contractor of final quantities

Time to Closeout – number of days after notification it takes to pay final estimate

Goal is to notify contractor within 60 days for major contracts; 45 days for minor contracts

# What can we do

- Start final estimate process earlier – don't wait until final acceptance. Review pay records during PVE period
- Talk to contractor about quantity discrepancies throughout life of project. If a sub is complete, ask the prime to have them verify their quantities.
- Check time components before sending final quantities – check each ICT for accuracy - make sure prorata has been calculated correctly, verify winter weather days for each ICT, verify completion dates to ensure accuracy
- Check in with contractor after final quantities have been sent – don't wait for them to contact you.

# End of the Year estimates

- Last day for RE to send a FINAL estimate this year – June 24, 2021 at noon
- Last day for RE to send a PARTIAL estimate – June 28, 2021 end of the day
- We may in touch with some offices with Garvee funding to request an additional estimate this month



# CUF Reviews

- CUF – Commercially Useful Function
- New DBE Program Guidance was issued in 2018
- NCDOT must certify it has monitored work sites for DBE Compliance
- NCDOT must DOCUMENT, DATE and SIGN the DBE CUF Onsite Review
- CUF Reviews Must be Conducted on ALL DBE FIRMS AND ALL CONTRACTS
- **Monitoring Requirements:**
  - Field Staff (Inspectors) Must Review the DBEs Scope of Work
  - Assurance DBE performs work with its own forces
  - Observations recorded in logbook (i.e., SharePoint)
  - Electronic Signature to meet the “Written Certification” Mandate
  - Must be a SPECIFIC Section in SharePoint for CUF Reviews ONLY
  - Must monitor a DBE’s participation in the early stages of a contract
  - Conduct a DBE CUF Review for each committed & noncommitted
- SharePoint: Process to Complete the CUF Onsite Review Checklist


# COMMERCIALLY USEFUL FUNCTION (CUF)

Per 49 CFR 26.55 A DBE performs a “commercially useful function” (CUF) when it is responsible for execution of the work of the contract by actually carrying out its responsibilities by **actually performing, managing, and supervising the work involved**... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. This form is for the purposes of reviewing DBEs for compliance with the CUF requirements for DBE participation credit.

# CUF MONITORING

- Field staff will perform CUF reviews on DBE subcontractors and Material Suppliers.
- The review should be conducted when the DBE first begins work. Monitor for compliance should also continue through the course of the project.
- **4 TYPES OF DBE Participation:**
  - **SUBCONTRACTOR** [100 Percent or Less]
  - **TRUCKING/HAULING** [50/50 RULE – DBEs Must Exceed Non-DBEs]
  - **SUPPLIERS/REGULAR DEALERS** [60 PERCENT of DBE Invoice]
  - **MANUFACTURERS** [100 Percent of DBE Invoice]
- **5 Distinct Operations are Considered:**
  - 1-Management, 2-Equipment, 3-Materials, 4-Workforce, 5-Performance

# DBE CUF Review for INSPECTORS



**North Carolina Department of Transportation**  
**Commercially Useful Function (CUF)**  
**PROJECT SITE REVIEW**

Per 49 CFR 26.55 A DBE performs a "commercially useful function" (CUF) when it is responsible for execution of the work of the contract by actually carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. This form is for the purposes of reviewing DBEs for compliance with the CUF requirements for DBE participation credit.

Field staff will perform CUF reviews on DBE subcontractors and Material Suppliers. The review should be conducted when the DBE first begins work. Monitor for compliance should also continue through the course of the project.

Project No.: Division: Prime Contractor: DBE Owner/Supervisor: DBE Start Date: DBE Firm Name:	NCDOT Reviewer: Reviewer's Title: Review Date: DBE Anticipated Completion Date:
--	--

Provide a brief description of the DBE's scope of work:

	Yes	No
<b>Supervision:</b> Does the DBE have a supervisor on the project? If no, who assigns the DBEs employees work? Does the supervisor work exclusively for the DBE? If not, who does he/she work for? Who does the supervisor report to?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<b>Performance:</b> Does the DBE have employees on the job to perform the work? Does the DBE employees work only for the DBE? Is the DBE working without assistance from the prime contractor or another subcontractor?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>Materials:</b> Does the DBE name appear on all invoices, haul tickets, and/or bills of lading? Does the DBE arrange for the delivery of materials? If joint checks will be used, has the Division office approved the use?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>Hauling:</b> Does the DBE hauling firm own or lease their trucks? (if so obtain verification of ownership or lease documents in the name of the DBE). Does the DBE employee drive the trucks owned by the company? (if lease trucks include operators, is this indicated in the agreement). Does a review of the haul tickets or trucking plan indicate the hauling operation is being performed by the DBE?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>Determination of CUF?</b> Does it appear that the DBE is performing a CUF? If the DBE is not performing a CUF, contact the Resident Engineer.	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**

Reviewer Signature \_\_\_\_\_

R. E. Signature \_\_\_\_\_

# DBE CUF Review in SharePoint

## Questions asked

Prime\_Contractor

DBE\_Subcontractor

DBE Owner/Supervisor

DBE Start Date

NCDOT Reviewer

NCDOT Reviewer Title

Review Date

Is the DBE firm subcontracted to perform 100% of the line items on the Subcontractor Approval Form? CHECK ALL THAT APPLY: (SEE SUBCONTRACT APPROVAL FORM (SAF))

☐ PARTIAL  
☐ PORTION  
☐ INSTALLATION ONLY (NO MATERIALS)  
☐ FURNISH MATERIALS and INSTALLATION

Is the DBE firm subcontracted to perform 100% of the line items on the Subcontractor Approval Form? CHECK ALL THAT APPLY: (SEE SUBCONTRACT APPROVAL FORM (SAF))

FIRM IS PERFORMING AS A:

DBE Scope of Work Description

[Click for help about adding basic HTML formatting.](#)

Is the DBE Supervisor on the Project? ☐ Yes  
☐ No  
☐ N/A

If Not, Who Assigns DBE's Work?

Does the supervisor work exclusively for the DBE? ☐ Yes  
☐ No  
☐ N/A

Does the supervisor work exclusively for the DBE?

If not, Who does he/she work for?

- Prime Contractor
- DBE Subcontractor
- Owner of DBE Sub
- DBE Start Date
- NCDOT Reviewer's name
- NCDOT Reviewer's title
- Review Date
- Partial/Portion/Installation Only/Furnish Materials and Installation based on SAF
- Firms Role – DBE Sub, Hauler, Supplier, or Manufacturer
- DBE Scope of Work
- Is DBE Supervisor on site?
- If not, who is overseeing work?
- Does supervisor work for DBE?
- If not, who else do they work for?



# DBE CUF Review in SharePoint

## Questions asked

ncdot.gov/site/construction/Division/Div01/Training/Lists/DBE%20Project%20Assessment/newform.aspx?source=https%3A%2F%2F

Does the DBE have employees on the job to perform the work? ☐ Yes  
☐ No  
☐ N/A  
Does the DBE have employees on the job to perform the work?

Do the DBE employees work ONLY for the DBE subcontractor? ☐ Yes  
☐ No  
☐ N/A

Is the DBE working without assistance from the PRIME or ANOTHER SUBCONTRACTOR? ☐ Yes  
☐ No  
☐ N/A  
Is the DBE working without assistance from the PRIME or ANOTHER SUBCONTRACTOR?

Does the DBE name appear on all INVOICES, TICKETS, and/or BILLS OF LADING? ☐ Yes  
☐ No  
☐ N/A  
Does the DBE name appear on all INVOICES, TICKETS, and/or BILLS OF LADING?

Does the DBE arrange for the delivery of materials? ☐ Yes  
☐ No  
☐ N/A  
Does the DBE arrange for the delivery of materials?

Is there a JOINT CHECK AGREEMENT? ☐ Yes  
☐ No  
☐ N/A

If so, has the Division Office approved the use of the Joint Check Agreement? ☐ Yes  
☐ No  
☐ N/A  
If so, has the Division Office approved the use of the Joint Check Agreement?

Does the DBE OWN and OPERATE the equipment used for the execution of the work? ☐ Yes  
☐ No  
☐ N/A  
Does the DBE OWN and OPERATE the equipment used for the execution of the work?

Did the DBE lease any equipment? ☐ Yes  
☐ No  
☐ N/A

If so, is there a LEASE AGREEMENT on File? ☐ Yes  
☐ No  
☐ N/A

Does this review indicate that the work is being performed by the DBE? ☐ Yes  
☐ No  
☐ N/A  
Does this review indicate that the work is being performed by the DBE?

Does DBE have employees on job site  
Do DBE employees work only for DBE?  
Is DBE working without help from prime?  
Does DBE name appear on invoices, tickets, and bill of lading?  
Does DBE arrange for delivery of materials?  
Are Joint Checks used?  
Is so, have joint checks been approved by NCDOT?  
Does DBE hauler own and operate their own equipment?  
Do they lease any equipment?  
If so, is there a lease agreement on file?

# DBE CUF Review in SharePoint

☐ No  
☐ N/A

If so, is there a LEASE AGREEMENT on File? ☐ Yes  
☐ No  
☐ N/A

Does this review indicate that the work is being performed by the DBE? ☐ Yes  
☐ No  
☐ N/A

Does this review indicate that the work is being performed by the DBE?

Does it appear that the DBE is performing a Commercially Useful Function (CUF)? If not, please contact your Resident Engineer and Area Construction Engineer. ☐ Yes  
☐ No  
☐ N/A

Does it appear that the DBE is performing a Commercially Useful Function (CUF)? If not, please contact your Resident Engineer and Area Construction Engineer.

Comments

A summary of this resource

Title \* DBE CUF Assessment

Save Cancel

## Questions asked

- Does the review indicate that the work is being performed by DBE?
- Does it appear that the DBE is performing a CUF?
- Any additional comments can be provided

# CUF Follow-up Action ITEMS

- In order for a prime contractor to receive DBE credit, the DBE must perform a CUF (Commercially Useful Function).
- Identifying a RED Flag does not automatically mean there is a CUF violation. However, red flags should be documented and reported.
- Project Inspectors should report all CUF violations to the Resident Engineer (Contract Administrator)
- Resident Engineer will collaborate with the Area Construction Engineers to address CUF violations with the prime contractors. Firms that do not appear to be bona fide DBE firms or evidence of Fraud will be reported to the DBE Certification Unit and Office of Inspector General.
- Determine how much DBE Participation Credit should be Disallowed.

# Other Reminders

- Make sure you upload signed supplemental agreements to SAP when you click Contractor Concurrence – This can cause issues with estimates
- Remember the Resident Engineer is the contract administrator and is responsible for all aspects of the contract
- DBE Trucking Plans must be submitted prior to work beginning.
- DBE Summary form should be completed based on payments entered in the tracking system; not on HICAMS standard reports

# Questions???

